

operator at the time, after the shooting had ensued at the rank, he managed to run away and as he was running away towards the direction of William Nicol Road, he recognised two gentlemen approaching him from the front - one of them known to him, the owner of a tuck shop in Diepsloot, a place where he was residing at the time. Realising that the said person was a member of BTA, he thought it necessary to change direction and immediately thereafter, the two male persons fired shots at him. The witness said the following in that connection:

*"I could make out was still shooting at me while I was foiling, I stopped rolling and he still tried to shoot. As he pulled the trigger the gun did not go off... I lifted my head and looked up to them and saw them now running towards where their motor vehicles were stationary. "*

109.

The witness ultimately managed to get assistance from people in the surroundings and was taken to Johannesburg Hospital. At the hospital the witness was approached by the police officers from the Heidelberg Taxi violence component who sought to obtain a statement from him.

The witness refused to admit that he was a taxi owner. He further refused to give them a statement regarding the incident. The witness stated the following in that connection:

*"I had no trust in these Heidelberg Police because previously when they would arrive there when an incident has happened and a person would say that I had seen so and so was involved in this and the police would say you are lying, that person is at home so I have no trust in them that is why I did not want to tell them that I am one of the taxi owners there. The reason is that I was afraid if I tell them they would go and tell the same people who was shooting at me because in the first instance where these police officers told a witness that he was lying when he informed them about a person who was involved in the shooting was the very same person who was shooting at me on that day. That is the reason why I did not trust these Heidelberg police . . . He was telling the police that certain people, and mentioned them, the police said to him:*

*"You are lying, because that person is not here. He is at*

*home in Natal' . . . . It was impossible for them to can know (sic) that a Diepsloot resident is not in Diepsloot at the time, he is in Natal, whereas . . . was also a Diepsloot resident who knew what was happening in Diepsloot . . . . "*

The witness went further to state as follows, on the issue about him not having confidence in the South African Police Services:

*"At that stage I already had no trust in the Felice whatsoever because we were several times attacked at our homes, at the taxi ranks, and in some instances one would go to the police station and report the matter. Several matters were reported to the Police but nobody was arrested . . . Sometimes we would be attacked in the presence of the Police, makes tatements, give evidence but nothing would happen and nothing would be done by the Police . . . so how would you trust a person who would not accept what you are telling him when he was not present . . . The reason for that is . . . some of the Police . . . were members of .,. Bryanston Taxi Association although I cannot remember their names . . . We reported several*

*matters to the Randburg Police Station and nothing was done about those matters that we reported there. ”*

110.

The witness went further to give to the Commission the name of a police officer who was at the time, also a member of the BTA. To that end the following was stated:

*“I know that he was a member of Bryanston Taxi Association. What I do not know is whether the motor vehicle is registered in his name as the member but personally I knew him as a staunch member of Bryanston. I don’t know whether when this ruling came about that the Police must not own taxis whether he registered his motor vehicle in somebody else’s name but he was a well-known member of Bryanston. ”*

During the shoot-out a certain Mr Kgampe, who was subsequently murdered, was injured and a certain Mr Maimane, who was the executive committee member of DTA at the time was fatally shot.

The witness went further to testify about a further shoot-out that took place at the same taxi rank, as follows:

*“... On that day the same situation happened again that was at the taxi rank, Bryans tan members motor vehicles came in droves there and parked again in this loading area . . . After my arrival there at about three the Bryanston chairperson arrived and ordered all the Bryanston vehicles to be pulled out of the area . . . After some moments I was not looking in the direction when I suddenly heard gunshots going off and those gunshots sounded from big guns . . . and I could see flames of shots flying over these motor vehicles towards the direction of the stream where the people were running to . . . .”*

During that shooting incident the then chairperson of DTA, Mr Kgopa, was killed. After the killing of Mr Kgopa that taxi rank apparently ceased operations.

112.

The Commission also had the benefit of hearing further evidence on the BTA and DTA conflict. One of the witnesses was the Executive Committee Member of Diepsloot SANCO and subsequent thereto became the secretary of DTA during the period under review.

113.

After the death of Mr Kgopa, Mr Nathaniel Mahlatse was appointed chairperson of DTA. Mr Mahlatse was also killed after his appointment as the chairperson of DTA. The following are the circumstances under which Mr Mahlatse was killed:

*"Mr Mahlatse was killed in his house whilst he was watching TV, sitting on a chair. In Diepsloot I was at my home, I hear some noise of a gun. While I was surprised what about this gun, the brother-in-law of Mr Mahlatse came to me and said my brother-in-law has been shot. When I arrived at Mr Mahlatse 's place I find Mr Mahlatse*

*sitting on a chair and already dead by that time. Approximately it was 10 to 15 minutes after I heard the noise of the gun. When I asked the wife of Mr Mahlatse she said to me there were two guys wearing the same jacket, they were just passing on the gate. After that actually in 30 minutes time Mr Mahlatse was not there at his house and those guys were just going down in the same street where Mr Mahlatse was staying and when Mr Mahlatse get in and sit on a chair after maybe 5 minutes or 2 minutes he gets inside his home then there was a knock at the door. When the daughter of Mr Mahlatse opened the door the guys started to shoot and they shot straight to Mr Mahlatse and Mr Mahlatse was sitting on a chair watching TV... ”*

114.

After the death of Mr Mahlatse a certain Mr James Kgampe was appointed the chairperson of DTA. This chairperson was also, unfortunately, visited by a killing upon himself after his appointment as such. The following was the evidence on the point:

*"... then the fourth one again, it was Mr James Kgampe which James was being appointed as a chairperson after Mr Mahlatshe passed away. . . . It was Monday of Tuesday. I was at school at . . . Diepsloot and they were having a meeting with SANCO, and other political organisations. We had some similar shoot again and when we go outside we hear people crying and then we went straight to there was a spaza shop we call it Malieka 's shop . . . From the spaza shop of Malieka to James Kgampe 's house, . . . to find James Kgampe lying on his car... They said no there were another 3 guys, they called James by the names James, James and James came out of his shack, and opened the gate for them ,.. . There were 2 BMS's parked there . . . Those guys started to shoot. "*

115.

Over and above the successive killings upon the chairpersons of DTA there has also been committed incidents of arsons on DTA membership's property. One such example is the arson committed upon Mr Mahlangu's

employer's motor vehicle, a minibus bearing registration letters and numbers KKR 228 T. Upon investigation by the witness Mr Mahlangu's driver, it emerged that same has been set alight by members of BTA.

116,

The Commission heard evidence of a further witness who is a resident of Diepsloot and who is an independent witness and an eye witness to a shooting incident at a certain Mamelodi, a resident of Diepsloot at the time, in what appears to be a taxi related feud.

117.

As a result of the wave of violence that had plagued the area the DTA was forced to disband. To that end a witness stated as follows:

*"... After James Kgampe passed away, all the members of the Diepsloot Taxi Association had disappeared from Diepsloot and it is where I ended about the Taxi Association so I do not know what happened after that. Of course after James Kgampe passed away we have sat down and said*

*look guys, all the chairpersons are killed so nothing can we do so these people have power over us. ”*

118.

**THE FINDINGS ON THE CAUSES OF THE VIOLENCE:**

Having heard and analysed the evidence led in relation to this specific conflict, the Commission finds:

That the cause of the taxi violence in this area are the following:

- 118.1        The absence of regulatory mechanisms in relation to the routes.
  
- 118.2        The undermining of the taxi operator’s right to freedom of association resulting in some members of certain associations seeking to force some other members emerging from different associations to forcefully join them.
  
- 118.3        The poor image of and the lack of confidence in the South

**African Police Services.**

**119.**

**THE SOWETO INVESTIGATIONS:**

**During the course of the investigations the Commission identified the following conflicts in Soweto:**

**119.1 Meadowlands, Dube North (MDN) and Deep Meadow Taxi Association.**

**119.2 The conflict between MDN and Baragwanath.**

**120.**

**THE MDN AND DEEP MEADOW CONFLICT:**

**According to the evidence heard the taxi violence in Soweto started in the early 90's. The conflict between these two associations appear to be about the routes. The MDN used to operate on the following routes:**

Meadowlands to the North having as their point A Meadowlands and as their point B, Park Station in Johannesburg. MDN further engaged in short distance operations around Meadowlands, Dobsonville, Dube and Baragwanath. The following routes are, *inter alia*, the routes that formed the subject matter of the conflict between the two associations:

120.1 Modise.

120.2 Mzimhlope Hospital.

120.3 Sanders Road and Vincent and Hill Road.

121.

Initially the two associations operated jointly on the afore referred to routes until Deep Meadow members decided to stop the operations of MDN on the said routes. The *modus operandi* adopted by the Deep Meadow operators in seeking to bring to a stop the operations by the MDN membership initially by way of blockading the routes in question, stopping the MDN motor vehicles and then assaulting the drivers of the motor vehicle concerned with sjamboks. If at the time of stopping the

motor vehicles there were passengers in the said motor vehicles, they would then be offloaded and loaded in a Deep Meadow member operated motor vehicle. As time went by, Deep Meadow operators changed their *modus operandi* to that of shooting at the MDN drivers, driving the motor vehicles found on the routes in contention. The evidence on the point is as follows:

*“initially that would be done by owners themselves but lately now a hit squad, hitmen are being used to do that, . . . When these people observed that the sjamboking does not work because we continue operating on those routes they then decided to hire these hitmen because they knew that with a barrel of a gun one would not stand and these people were hired and they started their job . . . After the hitmen were hired we indeed stopped operating on those routes because one of our members’ driver, Mr Thabo Buthelezi’s driver was shot at Modise ’s rank and he died instantly on the scene. ”*

122.

A meeting was held where the general membership of MDN was told that they should now go back into operation on those routes out of which they had been chased by Deep Meadow. Upon MDN's return to those routes, a fight ensued between the membership of both the afore referred to associations.

*“Yes all of these people that I have made mention of had used fire-arms, had shot at people as Zikipe Buthelezi carried out the shooting at Modise where I was stationery loading people. There were MDN owners who were standing at the nearby corner to see Deep Meadow owners who were stationery there looking for our cars not to use the route that they have stopped us from using. That is where I saw Zikipe shooting at those people and one of the owners there died.”*

123.

The Commission enquired if this move cost the MDN membership any money and the following was the response:

*“ Yes it did cost us money . . . After these people were hired this amount was raised to R50, 00 per week. Per week each car... Yes we were told . . . that as we can see that the operations is in the fighting and these people are being hired to help out so the money collection of R 15,00 will be raised to R50, 00 so that these people can only get paid and after the conflict or the violence we will again be called and be told that the money has been reduced again. ”*

124.

THE MDN AND BARA-MEADOW CONFLICT:

During around the same time as there was a conflict between MDN and Deep Meadow yet another conflict was in existence between MDN and

Bara-Meadow. Many people lost their lives in the course of that conflict.

The people who lost their lives in the conflict are, amongst others, Mr Moretile and Mr Kanye who had, according to the evidence, been killed by the hitmen from MDN. Also a certain Boy Mashalo was killed in the course of this conflict.

125.

There was, subsequent to the assassination of the aforementioned people a prosecution of certain of the MDN contract assassins who were acquitted.

126.

What led to the arrest of the MDN contract assassins despite their so-called "connection" with the police, was that an officer other than Mr Smit, in the name of officer Mbotho was charged with the investigation of this matter. The said officer Mbotho, made enemies for himself quickly within the Protea Taxi Violence Component as he carried out his investigation properly and went to the extent of opposing a bail application brought by the suspects. It was as a result thereof that he

made enemies for himself within the Protea Taxi Violence Components and was subsequently moved from Protea to Umonde. A further reason that brought about the prosecution of the MDN contractor assassins was that certain members of MDN who were opposed to hit squad activities within the MDN approached the Heidelberg Taxi Violence Component and sought their intervention in the resolution of this situation within the MDN.

See: Record p 2096.

127.

The witness went further to testify as follows:

*“My ‘plea, I have got only one plea, that we are really encountering problems with these people. There were R50, 00 that were being collected from our vehicles after these people were released from jail. They would say that they paid legal fees so they want those monies to an extent that we actually approached Safe Life and complained there. Then those R50, 00’s have stopped. But no w these people*

*are pursuing that if the Government can deal with these people . . . If the drive has not got money they collect from the passengers in the vehicle and that frustrates the passengers and the drivers. If the driver refuses to give them money they assault him . . .”*

128.

This is how the witness rounded off his evidence.

129.

**THE WATA AND DORJOLTA CONFLICT:**

Evidence was heard in relation to this conflict.

130.

WATA stands for Witwatersrand African Taxi Association when on the other hand DO RJOLTA stands for Dobsonville Roodepoort Johannesburg Leyato Taxi Association. In February 1997 a fighting ensued between

these two organisations. DORJOLTA was at the time of the conflict an affiliate of an organisation called Top 6, when WATA was not affiliated to any mother body at the time.

131.

Let it be said at this stage that the witnesses were found to be very unsophisticated and untutored persons to the extent that they could not be of great assistance to the Commission in so far as giving the Commission the precise details pertaining to the dates and the various scenes of crime to which reference was made during the course of the evidence.

132.

According to the evidence, on a certain day in February 1996 WATA had a plan to go out and attack DORJOLTA's membership at Mpetwa Road in Soweto. According to the witness nobody was killed during the said attack but many people sustained injuries.

133.

According to evidence, DORJOLTA operates on twenty four routes with it's a point being in Dobsonville. All the routes operated on by his association have been duly registered with the Registrar. He went on to testify on what he called the first incident of violence that his association found itself involved during August to October 1991. During that period, DORJOLTA entered into negotiations with their mother body at the time, called Region Three, so as to be afforded the right to operate in Johannesburg as they were at the time only operating in Roodepoort. Subsequent to the said negotiations DORJOLTA was indeed granted a route to Johannesburg. It was furthermore allocated ranking facilities in Johannesburg. WATA and MDN formed part of Region 3 but were opposed to the idea of DO RJOLTA being granted operational rights in Johannesburg.

134.

Region 3 was constituted by the chairpersons of all the taxi associations in Soweto. It was a body seized with the allocation of routes and ranking

facilities within Soweto and Johannesburg. After following the ordinary process, DORJOLTA was granted operational rights and ranking facilities in Johannesburg. Immediately subsequent to DORJOLTA commencing its operations on the new routes as allocated, their drivers suffered intimidation in the hands of the WATA membership. The WATA objection was founded on the following:

*“ The objection was because some of our commuters used to walk over to the area of WATA, used to walk over to the area of MDN as they are our neighboring association. Now seeing that we were being given a route to town they are normal going to get that passengers they even had a question to the region, as we are giving these people a route to town whereas we know their town is Roodepoort to Magaliesberg whatever it is . ..”*

135.

The evidence on the intimidation was as follows:

*“... Through their process they agreed but after they started*

*this WA TA started to, you know to intimidate our drivers. That you are not supposed to go to Johannesburg. This problem started at T-junction in Dobsonville Ext 3 . . . . While we were standing at the T-junction one squad car from WA TA arrived, it was driven by a person known to us whom i do not know the proper name . . . . When he arrived there he greet us from there. He just went to his squad car and talked through the two- way radio . . . . Within 10 to 15 minutes 6 private cars arrived with men inside being all alighted from their cars . . . . Another person known to me . . . . came to me . . . . and did they tell you your driver did not tell you we don 't want you here at the T-junction this is our area . . ."*

*See:* Record p 2123.

136.

Immediately subsequent to this event Mr Mabada and the other members of DORJOLTA decided that they should hold a meeting on **the** Sunday at 6pm and discuss how they would start work on the subsequent Monday

morning.

137.

The witness went further to state as follows:

*“Unfortunately we went to the office. We stayed there until half past 9 . . . now knowing what is going on because two gentlemen, Mr Sandile Ntholo and Mr Mabubane who were our chief squad members . . . were never there . . . they never arrived on that day and they were going to be the main speakers on that meeting. We dispersed . . . very worried not knowing what had happened. From there we got a message that about 6 the previous night which was on Sunday, somebody saw our squad car entering this Dobsonville hostel. We started having a suspicion that something might have happened . . . We went to the Police and reported this thing and requesting the permission of getting into the hostel to go and look for this squad car, because now we are having this information that somebody saw the squad car entering the hostel. By that time*

*because there was no any peace . . . the Police refused. After enter the hostel they said it is very dangerous you cannot go into the hostel as there is a hostility between the community and the hostel. While we were there busy arguing at the Police one of our members came running that they saw a smoke right inside the mealieveld. It is on a route to the squatter camp to Doringkop . . . When we arrived there we found that it is our squad car. It was burnt from the front seat to the back. It was completely ashes. You could simply see inside that there are people being burnt. They were burnt right inside the boot . . . Police. How did they identify them is because Sandile Ntholo had that big hair always. He liked the big hair . . . Magobane was a man who likes . . . He always shaves clean . . . The numberplate was still there . . . Ashes were separated by a spade. They put a spade in between. Push one side. They take in a plastic bag . . . From there there was no more any peace between us and WA TA.*

*The very week we suspected that there is a celebration inside the hostel because WA TA's cars kept on going in and*

*out. When they go out they always hoot. This is where we had a suspicion that our people might have been murdered by WATA... From that day we stopped our members to go to extension 3 anymore . . . For that reason it seems to us we gave WATA more courage or more powers to take over route after route, route after route from us. ”*

**See:** Record pp 2125-2127.

**138.**

Not only did WATA take over the routes operated on by DORJOLTA, but it also took over the ranking facilities. The following ranking facilities were taken over by WATA from DORJOLTA:

- 138.1        The Ndingilizi taxi rank.
  
- 138.2        The Lea Glen taxi rank.
  
- 138.3        Ekwezi Station taxi rank.

139.

On the taking over of the Ndingilizi taxi rank the following was stated by the witness:

*“ You know our people were assaulted nearly every day, even my treasury. He went to Ndingilizi to investigate Mr Zednisi who was assaulted by the very people. He wanted to enquire why are you people stopping our cars, he was assaulted there. Now everybody was afraid to approach those people. ”*

140.

The witness had the following to say on the taking over of the Lea Glen taxi rank:

*“... I do not remember exactly which date did they come to Lea Glen but I was present when they came there. They came with cars there escorted by private cars of which they*

*just came. It was the first day for them to come to Lea  
Glen . . .*

141.

A further taxi rank, namely Ekwezi Station was also taken over by WATA. The evidence on the point was as follows:

*“We even moved out from Ekwezi Station, we opened a what you call just an informal rank outside of Msodo which is used to be a Post Office who even to the Government including the very Mashitile which was the MEC by then to go and show him here is the rank that we have just opened because of being burnt into Ekwezi.”*

142.

**THE IN-FIGHTING WITHIN WATA:**

According to the evidence presented before the Commission, many lives were lost as a result of the in-fighting within the association. How it all

stated is that in the 80's, the witness could not give us the exact date, some R1,00 collections were made from each motor vehicle operating within WATA.

143.

The one faction was under the leadership of the late Roy Zikalala and the other faction under the leadership of a certain Joe Radebe. Roy Zikalala who is presently deceased, came up with the idea of the collection of R1,00 from each motor vehicle. These monies as collected would be used to hire contract assassins.

144.

The evidence went further to show that during 1996, at a filling station whose name is unknown to the witnesses, but at which the WATA operators would meet on a day-to-day basis, a 30 minute long shoot-out ensued. During the shoot-out 2 people were fatally shot.

See: Record pp 1878-1880.

**FINDINGS ON THE CAUSES OF THE VIOLENCE:**

Having heard the evidence referred to hereinabove and having perused all the dockets and the written submissions submitted for consideration to the Commission, the Commission finds as follows regarding the causes of the taxi violence in Soweto:

**145.1**        **The power struggle within some associations, eg WATA, the in-fighting between Joe Radebe and Roy Zikalala and further the power struggle between Mr Mtambo and Mr Makunga, within Bara City.**

**See:**            Record **pp 2040-2044.**

**See also:**      Record **p 1880.**

**145.2**        **The elimination of evidence with the purpose of defeating the ends of justice, for example, the Zikalala killing which was motivated by the fact that he had been an eye witness**

to the assassination of a certain Khoza.

145.3 The engagement of contract assassins to eliminate people perceived either as not towing the line or operating from a rival group in respect of which there is a tug of war relating to routes and/or taxi ranks.

145.4 Monies collected from the motor vehicles operating within certain associations to finance the engagement of contract assassins.

145.5 A lack of a monitoring system on an ongoing basis with a view to ensuring that motor vehicles' operations stick to their allocated and registered routes.

145.6 Police complicity, for example, activities in relation to the furnishing of documentation to suspects for financial gain, and a further example appears on p 2209 of the record where the following was written on the docket: "*Klaer gee nie samewerking nie*" when the witness testified that at no stage did the officer co-operate with them when they

sought to follow the matter up.

146.

**THE JOHANNESBURG CITY CENTRE INVESTIGATIONS:**

The following conflicts were identified in the course of the investigations in Johannesburg City Centre:

146.1 Johannesburg Eastern Cape Long Distance Taxi Association (JECLDTA) and Bara-Cape Long Distance Taxi Association (JBCLDTA).

146.2 Qua-Qua Long Distance Taxi Association (QUHLDTA); and

146.3 Johannesburg Minibus Taxi Association.

147.

**THE JBCLDTA (SABTA) AND JECLDTA (SALLDTA) CONFLICT:**

JBCLDTA is an affiliate of SABTA, and JECLDTA, an affiliate of SALLDTA. According to the evidence the members of JECLDTA, with which JBCLDTA had a conflict were previously the members of JBCLDTA. This conflict turned on ranks and routes. A certain Jackson Ludidi, a member of SALLDTA died as a result of this conflict. On the other hand a certain Somuntu Mqweba, a member of JBCLDTA was attacked on numerous occasions by members of SALLDTA with a view to eliminating him.

148.

**QUALDTA AND JHB MINIBUS TAXI ASSOCIATION:**

QUALDTA operates long distances along the routes Johannesburg to Harrismith. Both QUALDTA and Johannesburg Minibus Taxi Association operate from Johannesburg. Johannesburg Minibus Taxi Association

decided to encroach into the territory of QUALDTA. This conduct was found to be intolerable as QUALDTA conveys people from Johannesburg to Qua-Qua.

**149.**

As a result of the conflict that arose surrounding the routes, the following people, being members of QUALDTA were killed, namely.

**149.1** Thabo Mahlangu.

**149.2** Sara Ndaba (who was a passenger in a taxi).

**150.**

At the time of the shooting upon the deceased persons referred to above, the members of Johannesburg Minibus Taxi Association, responsible for the shooting were in the company of a friend of theirs at the time of the attack. The said friend, disapproving their conduct, immediately proceeded to the Police Station after the shoot-out and reported the event. The investigating officer in the matter was an Inspector of the

Heidelberg Taxi Violence Unit. The said inspector Labuschagne was given all the details pertaining to how the shoot-out was executed and the persons responsible therefor.

151.

Two weeks subsequent to the information having been given to the police the said person was murdered. Members of QUALDTA continued to be attacked and as a result the following were also killed:

151.1 Robert Mngomezulu killed on 21 February 1996 in Orange Farm.

151.2 Riebeeck Sotetse killed in Johannesburg, Wanderers Street on 25 March 1996.

151.3 Motsamai Lobasi killed on 21 July 1996 in King George in Johannesburg.

151.4 Mike Tsekiso killed on 12 July 1996 in Jewels Street in Johannesburg.

**9** 1.5 Koos Mofokeng injured on 12 July 1999 in Jewels Street.

151.6 Junky Zumo injured on 4 August 1996.

152.

All the aforementioned murders and attempted murders remain unresolved.

153.

**THE FINDINGS REGARDING THE CAUSES OF THE CONFLICT:**

The Commission finds the following to be the causes:

The conflict surrounding the routes, taking place outside Gauteng Province for example in the Free State Province of Qua-Qua spilling over into Gauteng, Johannesburg it being the terminal point, exacerbating the taxi violence problem that the Gauteng Province is already experiencing. In other words, a lack of proper regulatory measures and framework in

er provinces leads to Gauteng Province suffering the consequences thereof by way of people fighting and/or warring within its territory.

154.

**ORANGE FARM INVESTIGATIONS:**

The Commission has identified, in this area, a conflict between Lekang Kathata Taxi Association and Imizamoyethu Taxi Association.

155.

During the period under review there was a conflict within the Orange Farm between the afore referred to taxi associations. The following people lost their lives during the course of this conflict:

155.1 Shadrack Yende, who was killed on the Golden Highway on 8 August 1991 and whose body was subsequent thereto found beheaded.

155.2 George Digashu who was also killed on 8 August 1991, at

the time when they were searching for Shadrack Yende who had been hijacked by the members of Imizamoyethu Taxi Association. During the said search of Yende, George Digashu, in the company of a certain Sydwele Tshabalala and Meshack Magomezulu were attacked where Sydwele Tshabalala and Meshack Magomezulu survived. The people responsible for the said attack, are the following:

156.

Jimmy Maselele who was shot in his driveway at the time when he had been in hiding and had just gone home to see if his family was still well.

157.

As a result of the attacks upon the LekangKaThata Taxi Association membership, the remaining membership went into hiding. During the time when the said membership had gone into hiding, a certain Jimmy Nhlapo was kidnapped and kept hostage by Imizamoyethu Taxi Association members, and was instructed to point out to them all those people who were in hiding at the time.

158.

**THE FINDINGS ON THE CAUSES OF THE VIOLENCE:**

**The Commission finds the absence of a proper regulatory framework in relation to the taxi ranks and the absence of the monitoring systems in relation to the operations on specific routes as the cause of this violence in as much as it opened up the system to abuse those who sought to take the law into their own hands and monopolize the industry.**

159.

**All the efforts by the Commission to get Imizamoyeto to come to the Commission and put their side of the story before it were unsuccessful in as much as they decided to exercise their right to remain silent.**

●  
**CHAPTER 5**

**THE EASTERN GAUTENG INVESTIGATION**

160.

The Commission has had occasion to hear evidence from numerous witnesses in this region. The following conflicts have, amongst others, been identified in this region in the course of the investigation:

160.1 Khatlehong People Taxi Association (KAPTA); and

160.2 Greater Germiston Taxi Association (GGTA);

160.3 VosloorusBoksburg Taxi Association (VBTA); and

160.4 Faraday Taxi Association (FTA).

The Commission has had occasion to hear the evidence of a certain July Andreas Mabuza who is the present chairperson of Khatlehong People Taxi Association (KAPTA). According to the evidence KAPTA presently operates on 32 routes and it has within its wings about 1 900 motor vehicles operating. According to the evidence KAPTA was formed pursuant to a Resolution adopted by the Khatlehong community at a time when there had been a conflict, in 1990, between Khatlehong Taxi Organisation (KHATO) and the Germiston and District Taxi Association (G&DTA). These two organisations were at the time engaged in a fight over routes and the ranks. In the course thereof many innocent people and children died. There were more or less forty (40) people, drivers, owners and commuters that were killed and about fifty two (52) houses were demolished during the course of that fight. In February 1990 the community of Khatlehong decided to boycott the taxis for a period of three (3) months. After the said boycott, in May, the community took a Resolution to the effect that the two (2) taxi associations that were engaged in the fight at the time, KHATO and G & DTA be disbanded and that only one taxi association be formed in the name of Khatlehong

People Taxi Association (KPTA). This is where KAPTA derived its name.

Starting from the period up to 1992, the taxi industry in Germiston operated smoothly and undividedly. The political violence that had plagued the country in 1992, especially in the Khatlehong area, had the affect on the taxi industry, as the taxis were being targeted and passengers were being threatened by a certain group which had aligned itself with a certain political organisation. In and around May 1993 many people were murdered at, amongst others, the following spots:

161.1 Morena bridge.

161.2 Lesobo Street.

161.3 Shegoso Street.

161.4 Neoni Park rank.

161.5 Wadeville.

162.

At a place known as Hokaai in Wadeville about twenty six people were shot down by unknown people who later split from KAPTA. During the same year another massacre took place at Morena and along Black Reef Road. About six people died in that same attack. Prior to this massacre, KAPTA Executive Committee received a warning from its drivers. Immediately subsequent to the KAPTA Executive Committee receiving the said warning, the police at Khatlehong were by a certain KAPTA member known as Mr Ngwenyama. This report was given to Captain van Zyl at Khatlehong Police Station but no action was taken by the Police to avoid the massacre.

163.

In May 1994 the KAPTA Executive Committee came to the realisation that there was a group of KAPTA members who could not enter Khatlehong township because of some political ideologies. The Association decided to allow that group to operate between Wadeville and Germiston temporarily until the no-go areas would have been cleared

in Katlehong. After the no-go areas had been cleared, they were invited  
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“ to come and commence operations within Katlehong. That was the time  
when there was now another group within KAPTA which called itself  
KAPTA B. The community of Greater Germiston was shocked to learn  
that a new Taxi Association had been formed against the spirit of the  
1990 Resolution referred to hereinabove. KAPTA B then decided to call  
itself Greater Germiston Taxi Association (GGTA). This was the  
beginning of the taxi violence that engulfed the area during the period  
1995 and 1996,

164.

Subsequent to the January 1996 incident, at Leondale KAPTA members  
were attacked by Vosloorus Boksburg Taxi Association (VBTA) members  
who operated the Johannesburg and Germiston routes. According to the  
evidence a red Kombi belonging to the Police was escorting the attackers  
at Spruitview and Leondale.

165.

In 1997 the violence started between KAPTA and Faraday Taxi

Association (FTA). The bone of contention was the fact that FTA did not want KAPTA to operate in Khatlehong South of Johannesburg. Two executive members, one patrol, one owner was allegedly shot at by FTA members. Dede and Mangana Batho were FTA members, involved in the shooting. FTA and KAPTA were apparently fighting over ranking facilities at Natalspruit taxi rank. The KAPTA drivers were, during the course of this conflict, chased out of the Natalspruit taxi rank. As a result thereof, KAPTA deployed its patrol team for purposes of guarding the ranking facilities the thinking being that the KAPTA drivers would then be able to operate as normal. One morning, early in the morning in winter, whilst the member of the patrol team of KAPTA were warning themselves around the fire, a police Casspir no 38 driven by police officers drove past them and its occupants fired shots towards the fire and eleven of the KAPTA members who had gathered around the fire, sustained injuries. One of them is now confined to a wheelchair.

166.

There has, furthermore been a recent conflict between KAPTA and GGTA on 25 March 1999 which occurred in Rondebelt a new development in Leondale. The residents of Rondebelt requested GGTA

to render a public transportation service in the area but GGTA turned the request down on the basis that their roads were untarred. Subsequent thereto, the said residents approached KAPTA because KAPTA had been servicing them whilst still at Mandela informal settlement. KAPTA agreed to the request and immediately thereafter commenced with the rendering of the service in that area. On 25 March 1999 GGTA invaded the area. All KAPTA taxis found in the area were chased out of Rondebelt. The public order police (POP) were called to the scene and decided to disperse all that were present there saying that the following day all the stakeholders should congregate there with the hope of being able to resolve the situation. What happened the following day, on 26 March 1999, is that a shoot-out ensued and a certain Linda Masondo of GGTA was spotted amongst the people who were shooting at KAPTA people. Nobody died but a certain Ngonyama, a member of KAPTA, sustained serious injuries.

167.

**FINDINGS ON THE CAUSES OF VIOLENCE:**

The Commission finds the cause of the afore-referred to conflicts and

killings to have been:



**167.1        The routes (lack of monitoring systems).**

**167.2        The taxi ranks (complete lack of regulation).**

**167.3        Political violence.**

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**CHAPTER 6**

**RECOMMENDATIONS:**

168.

Having considered the evidence presented before the Commission, and having arrived at the findings herein contained, the Commission recommends the following:

- 168.1 That there be a special monitoring task team set up by the Department of Transport and Public Works (“the Department”) to monitor the operations conducted on the various routes on an ongoing basis, with a view to ensuring that all the operators and/or associations operate within their registered and/or allocated routes. It is recommended further that this measure be implemented in consultation with the Office of the Registrar. In the event of an operator being found not operating on his or her allocated route, such operator should be dealt with in accordance with the law.

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168.2

That there be stricter control and regulation in relation to the ranks. The fact that operators acquire and/or discover ranks for themselves without Government intervention is one of the major sources of conflict resulting in the need on the part of the so-called discoverers to put measures in place to protect the said discovery. It is recommended that the government should regulate same, by way of, for example, creating a legislative framework in terms whereof, those that “discover” a rank should immediately draw the fact of that discovery to the Department of Transport and Public Works (“the Department”) which would in turn conduct its own study to satisfy itself on the viability of same and further on whether the registration of same would be in the public interest and thereafter make the decision whether or not to register same. It is recommended further that to the creation of the legislature framework referred to above, that democratically established committees reporting, from time to time, to the MEC for Transport and Public Works on the general activities taking place at the rank be set up. This would serve the purpose of keeping

the Department abreast with the activities on the ground. It would be preferable for local government to be involved in the process due to its proximity to the situation.

168.3 That appropriate measures be put in place for the regulation and control of the manner in, the purpose for and the frequency at which sums of money are collected from taxi operators. Such measure should, for example, include accounting for all the money collected during a specified period. It is further recommended that a financial audit of all the books of the Associations be carried out for the period 1994 to date with a view to establishing how much money has been collected by the various taxi associations and further the purpose for which the said funds had been employed. In the event it being found, at the completion of the said financial audit, that certain income earned was never declared with the South African Revenue Services and/or its predecessors in title, same should immediately be brought to its attention. This may assist to eradicate the taxi violence as the evidence show that these funds are employed in the engagement of contract assassins.

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16a.4

That, as there is overwhelming evidence proving police complicity, collusion and/or corruption, and further, the commission of criminal offenses including those of defeating the ends of justice and the unlawful use of Government property in the cause of the taxi violence, . it is recommended that a review of all the dockets relating to the taxi violence committed in Gauteng, from 1994 to date be conducted by the National Directorate of Prosecution. It is recommended that the setting up of a special task team be set up, in collaboration with the National Directorate of Prosecutions, to re-open the investigations in relation to unresolved deaths and attempted deaths related to taxi violence, and in respect of those cases where a prosecution and subsequent conviction could be achieved, same should be conducted with a view to restoring confidence in the entire criminal justice system in the Gauteng Province.

168.5

That regard being had to what has been stated above, an internal investigation be conducted at Rietgat Police Station, Soshanguve Police Station, Phutanong Police Station and

further, at the three (3) taxi violence components in Gauteng with a view to discovering if some of the police officers there employed, were involved in acts of corruption and criminal activity referred to above. In the event of the internal investigation proving corruption and/or the commission of a criminal offence by the said officers, appropriate action should be taken against the Police officers implicated.

168.6 That the performance of the three taxi violence components be reviewed and evaluated with the view to determining its efficiency, efficacy and continued need, alternatively to have it restructured to meet the purpose of its establishment.

168.7 That a plan be developed to ensure an effective and coherent co-ordination of the Police Stations, the Taxi Violence Units, the Provincial Department of Transport and Public Works and the National Department of Transport and Public Works so as to avoid a situation of abdication of responsibility arising. This plan **would assist in dealing with,**