

being mentioned to the Commission in the course of its investigation in relation to the people behind the incidents. This leaves the Commission with the impression that the police investigations were inadequately conducted. Our own investigations yielded the names of perpetrators and witnesses who can identify the said perpetrators.

47.

Prior to the assassination upon Menoe on 6 January 1996, Menoe received a tip-off to the effect that CUTA had sought hit-men to carry out his assassination. Menoe then approached a colleague and requested him to accompany him to Rustenburg for purposes of investigating this allegation. At a meeting with their informer, they were told that the hit-man who was to kill Menoe was very dangerous and that Menoe would not escape. Indeed, Menoe was subsequently assassinated.

48.

48.1 Another matter which we consider to be instructive on this point, is the Molwelang murder case. Molwelang was also

murdered on 3 October 1995 at the taxi rank. **The Commission received co-operation from the eye-witnesses to the event, who also identified certain people as having hacked Mr Molwelang with a panga prior to his death.**

48.2 **There is a further eye-witness who has also gave an account of what occurred on 3 October 1995 that lead to the death of Mr Molwelang. She was, however, never approached by the police at any stage whatsoever to offer a statement.**

48.3 **Despite the presence of an eyewitness' statement in the docket, the magistrate who conducted the inquest found that his death cannot be held to be attributable to the commission of an of fence.**

49.

THE GKTA AND KJBTS DISPUTE:

The Greater Krugersdorp Taxi Association ("GKTA") was formed out of

The amalgamation of *inter alia*, the following:

- 49.1 Leiparkvlei Taxi Fleet;
- 49.2 Leroba Taxi Union;
- 49.3 Lusaka Taxi Services; and
- 49.4 Menseville Krugersdorp Taxi Services.

50.

The amalgamation was formed so as to avoid a multiplicity of small associations and consequently, a multiplicity of problems. The idea was that all problems that may be found to be in existence be dealt with under the same body.

51.

BACKGROUND TO THE DISPUTE:

From the evidence it appears that GKTA tasked one of its members to look at and investigate the viability of the route from Leratong to Johannesburg. The said member discovered the route to be lucrative. GKTA members felt entitled to the use of the route as it was discovered by the member pursuant to an instruction from them. In using the route, some members of GKTA were shot at the Kagiso Taxi Rank.

52.

The intervention by the Western Gauteng Regional Services Council appears to have curbed the violence to a large extent.

53.

INHLANGANO/KOPANO TAXI ASSOCIATION:

This association was formed on 14 June 1998 by the amalgamation of the following taxi associations:

53.1 Vereeniging Sebokeng Taxi Association (VSTA),

53.2 Vaal National Taxi Association (VNTA),

53.3 Federated Taxi Association (FTA),

53.4 Orange Vaal Taxi Association (OVTA),

53.5 Vaal West Taxi Association (VWTA).

54.

GENERAL FINDINGS ON THE WESTERN GAUTENG INVESTIGATIONS:

The Commission finds -

- 54.1** **The self regulation of the taxi industry as being the major cause of the violence in this region. The said self regulation has resulted in a state of disunity resulting in the breakaway alluded to hereinabove.**
- 54.2** **The conflict of interest, which comes into existence when thirteen persons are elected as office bearers in the associations, between the office bearers' personal interest (financial), on the one hand and on the other hand the association in the public interest, as having been the further causes thereof.**
- 54.3** **The contents of sub-paragraphs 1 and 2 hereof as creating an environment for the greedy, through violence, to seek to**

gain some form of monopoly in the industry, hence the war around routes and taxi ranks.

54.4 **That, after the manifestation of the violence under the circumstances set out in sub-paragraph 3 above the following would then come into place:**

54.4.1 **The intimidation and the elimination of potential witnesses, resulting in some of them not co-operating with the State agencies, for example the SAPS, in seeking to address the problem.**

54.4.2 **On the basis of what is stated herein above, the sheer ineptitude on the part of the SAPS already dealt with above.**

CHAPTER 3

THE PRETORIA REGION INVESTIGATION:

The Commissioners were able to hear oral evidence from numerous witnesses testifying:

55.1 In their personal capacities;

55.2 In their representative capacities as office-bearers of certain taxi associations;

55.3 In their aforereferred to two capacities; and

55.4 As members of the SAPS.

Regard has also been had to:

- 56.1** **The written submissions submitted to the Commission relating to the investigations in this region; and**

- 56.2** **The audio-visual tapes furnished to the Commission by the Department of Transport and Public Works.**

57.

The following associations were identified as having been involved in the taxi violence that had plagued the area during the period under review:

- 57.1** **Soshanguve Taxi Owners' Association ("SOTOA") affiliated under South African Local and Long Distance Taxi Association ("SALLDTA");**

- 57.2** **Soshanguve Local and Long Distance Taxi Association ("SOLLDTA") affiliated under Federated Local and Long Distance Taxi Association ("FELLDTA");**

- 57.3** **Ga-Rankuwa United Taxi Association ("GUTA FELLDTA")**

● affiliated under Federated Local and Long Distance Taxi Association; ("FELLDTA") and

57.4 Ga-Rankuwa Taxi Association ("GUTA SALLDTA") affiliated under SALLDTA.

58.

Having listened to the evidence and further having analysed same, the Commission came to the conclusion that the conflict that was in existence was in effect between the so-called mother bodies, namely FELLDTA and SALLDTA to which the smaller associations had been affiliated. The reason for the foregoing conclusion will become apparent herein below when a detailed analysis of the evidence heard, received and analysed is made. We shall consequently deal with the Pretoria conflict under the heading "SALLDTA" and "FELLDTA".

THE SALLDTA AND FELLDTA CONFLICT:

Prior to 1996 SALLDTA and FELLDTA were apparently operating side-by-side, in Soshanguve, concentrating mainly on the long-distance side of operations. The two associations were working peacefully together. There was a further association in the name of SOTOA which had apparently been established in the 1980's and was mainly seized with short distance operations, within Soshanguve. The relationship between SOTOA, FELLDTA and SALLDTA was at all times a pleasant one. Those taxi owners belonging to either FELLDTA or SALLDTA, who sought to take part in the short-distance operations would do so by way of joining SOTOA and for as long as they complied with the rules and regulations of SOTOA, they would operate peacefully. It made no difference whether such operators were affiliated, on the long-distance operations, to SALLDTA or FELLDTA.

60.

According to the evidence there was generally an orderly and peaceful climate prevailing prior to 1996, despite the absence of Government regulation of the taxi industry.

61.

Prior to 1996 SOTOA was the only short-distance operations association in Soshanguve. The present membership of SOTOA which is currently affiliated under SALLDTA, is made up of members of SOTOA who either remained with same after some members broke away therefrom or who were forced into joining same, for reasons set out hereinbelow. At that stage SOTOA was not affiliated to any of the so-called mother bodies as it was deemed unnecessary, due to the peaceful state of affairs that prevailed. The afore-referred to peaceful state of affairs came to an abrupt end when it was discovered that certain taxi operators from the North-West Province had invaded the Soshanguve area and sought to operate therein.

62.

Realising that SOTOA was divided, the group that was opposed to being associated with SALLDTA and further, to the invasion of their territory by North-West operators, convened a gathering **where it was decided that in view of the fact that they were under attack, they needed an affiliation to a mother body.** The reason why it was sought to have an affiliation to a mother body, was protection.

63.

Lethlabile Taxi Organisation ("LTO") is one of the so-called "mother bodies" carrying out operations mainly within the North-West Province.

64.

LTO was accordingly approached by a delegation of disgruntled SOTOA members and an agreement was reached between the group of members of SOTOA and LTO, that they will be affiliated thereto. Pursuant to the agreement LTO came into Rietgat Taxi Rank, situated in Soshanguve, and

sought to affix its stickers on the motor vehicles concerned with short-distance operations within Soshanguve. After the departure of LTO, subsequent upon the pasting the said stickers, FELLDTA and SALLDTA immediately came into the taxi rank and removed the said stickers, stating that they do not want LTO introduced into Soshanguve. They held the view that they are the only “mother bodies” operating in Soshanguve and will therefore not allow the introduction of a further “mother body” into the area.

65.

Prior to the decease of Mr Sony Mabena whose death signalled the beginning of a taxi war in this region, and the invasion of Soshanguve by North-West operators, an occurrence which exacerbated the conflict in the area, SALLDTA had, through the agency of its employees, on numerous occasions, collected sums of R50,00 and R30,00 from all the motor vehicles in the rank. This occurrence was found to be unsatisfactory by the general membership of SOTOA, as it had not been preceded by any form of consultation and no reason was furnished for the said collection,

The following evidence was heard on the point:

"...: Why did you then leave SOTOA for SOLLDTA ?

.... What made us leave SOTOA to form SOLLDTA is that initially SOTOA was a neutral association not being affiliated to any federal structure and what happened is now the executive of SOTOA decided to go and affiliate to SALLDTA without informing all the members of SO TOA and as time went on, we noticed that SALLDTA people where the ones who were now at times blockading the taxi rank, demanding R50, 00 from each car that entered the taxi rank which was not in our liking. . .."

67.

The evidence goes further to say:

“On Friday the R50,00 collectors were back at the rank and there were now more than the previous occasion and they were in possession of pick handles. If I am not mistaken, they arrived there in 11 sedan motor vehicles and all those vehicles were parked on that platform we call Wonderpark were we usually hold meetings. . . . They were on all corners of the rank. Two people at each corner and one was in possession of this pick handle and one with a big firearm and another one with a book collecting the R50, 00. . . .”

“....: On Monday we saw the same eleven vehicles which were there on Friday, but now there were among those vehicles other vehicles, squad cars from another organisation named MA WITA. There could be about 20 to 25 cars which entered the rank and parked on the

Collection of sums of money amounting to R50,00 and R30,00 at the taxi ranks militated against taxi operators exercising their election in favour of SALLDTA. Let it be said that North West operators were according to the evidence, introduced into the area by SALLDTA. Consequently most operators elected the FELLDTA stickers, which occurrence infuriated SALLDTA. The implications of choosing a particular sticker were that the said taxi operator becomes affiliated to chosen mother bodies. All operators had to choose between the aforesaid two organisations. No taxi operator could operate within the taxi rank without either sticker affixed to their motor vehicles.

70.

Immediately subsequent thereto, SALLDTA through it's agents, came into the rank in possession of SALLDTA stickers and indiscriminately caused same to be affixed on the motor vehicles present in the rank at the time. Those operators opposed to being members of SALLDTA pulled out of the rank, and congregated at a place called Mashamayite. At that stage there had been an instruction by SALLDTA to the effect that a motor vehicle not bearing the said sticker would not be allowed to enter, remain and/or load in the rank. Those that insisted upon remaining in the rank

Without the sticker, had their motor vehicles damaged. This was the beginning of the taxi war that engulfed the whole Soshanguve during the period under review.

71.

Subsequent thereto, a meeting was convened at Odi Military Base, the purpose of which was to discuss operation Thiba and the registration process as a whole. In that meeting, a senior member of SOTOA who was also aligned to SALLDTA stated that there shall be no two organisations in Soshanguve. He went further to state that the people who call themselves SOLLDTA members will all have to come and join SOTOA, which had affiliated under SALLDTA.

Let it be said at this stage that an association known as SOLLDTA was subsequently formed by those who had broken away from SOTOA. SOLLDTA had itself affiliated to a federal structure known as FELLDTA.

72.

On their way back home after the meeting, Mr Molefe, and some

SOLDDTA members were attacked by unknown persons armed with AK-47 rifles. To that end the witness stated as follows:

"I saw two firearm barrels appearing from both the left side windows from the front and the back window of the Toyota Sprinter and those barrels started firing. Then my car moved forward and as I was now almost parallel with them, the fire increased . . . I could see the flames passing in front of me through the driver's window. Then one of the bullets struck Mr Barrels, the secretary of SOLDDTA. It ripped flesh from his shoulder through the window. After Mr Barrels was struck, I could see blood on the windscreen and pieces of flesh, and when I looked at this Sprinter I could see that the second person with the firearm on the rear window, his firearm had stuck and he was busy knocking it against the window of the motor vehicle. . ."

73.

Due to the fact of the refusal by some SOLDDTA members to affix to their motor vehicles the SALDDTA stickers, they were chased out of the

rank. Those operators proceeded to a place called Mashamayite, where they would congregate and strategise as to what their next move should be. Those members of SOLLDTA congregated there for a period of about three days with some of them going into the rank and complying with the orders that they should affix SALLDTA stickers on their motor vehicles. They did so merely for purposes of being allowed to carry on with their operations and continuing to earn an income, their right to freedom of association was completely undermined. While still at Mashamayite, the SOTOA group was attacked with AK47's. A certain John Mosimbogane, who is now deceased, was among the people who fired shots at them from an Opel Monza whilst at Mashamayite. Realising that they were being attacked whilst at Mashamayite, the SOLLDTA operators decided to call the public order police (POP). They called them and requested them to escort them to a place known as Boikhutso. That is a place that they used to call "Shell House",

74.

The two mother bodies entered into negotiations where it was ultimately decided that the SOLLDTA members could go back to operations. When the SOLLDTA operators went back to operations, a further shooting

a sued at the Rietgat Taxi Rank, resulting in the death of two SOLLDTA members. It is worth noting that the Rietgat Police Station is about 20 to 30 metres away from the Rietgat Taxi Rank. The shootings took place that fact regardless.

75.

75.1 Whilst at Shell House, a charcoal brown Cressida entered the Shell House. The said Cressida belonged to members of SOTOA affiliated to SALLDTA. When same entered the Shell House, the occupants thereof started shooting. That was apparently not the only car that had gone to Shell House. There were other cars behind this Cressida, amongst them a Nissan 1 -tonner, blue in colour, which also belonged to FELLDTA. What had occurred here, is that SALLDTA members realising that the SOLLDTA (FELLDTA) members had moved from Mashamayite, tracked them down to Shell House, where they sought to continue attacking them.

75.2 Whilst the SOLLDTA members were at Shell House, an

platforms which ferry people to town . . . one had no chance of pulling the vehicle out without paying the R50, 00 . . .

...: Yes on that day ma 'am I did pay that R50, 00. I was one of the people who used to dodge when the R50, 00 were collected, pull my car out and go and park it at . . . On that day I had no alternative but to pay. ”

68.

After the aforementioned removal of LTO stickers from the motor vehicles in the taxi rank by both SALLDTA and FE LLDTA, the motor vehicle owners were approached by both these two associations with their respective stickers, and were invited to elect which of the two stickers the owners wanted affixed to their motor vehicles.

69.

The fact of the invasion of Soshanguve by North-West operators and the

anonymous caller called to inform them that a meeting was being held by SOTOA members at the Rietgat Police Station and that a decision had been taken that they be attacked at 12:00 midnight, on that day, After SOLLDTA received that information, a meeting was convened where it was decided that they should leave "Shell House" for Hammanskraal to seek refuge. They left Shell House in a convoy and went into Hammanskraal, where they decided that they should go into the nearest police station and seek refuge there. They ended up being housed at Temba Police Station. According to evidence, there were about 628 vehicles in all parked in Temba Police Station premises.

76.

Whilst at Temba Police Station they, through their federal structure, FELLDTA, engaged in a series of negotiations with SALLDTA and the Department of Transport with a view to resuming operations.

77.

After having left Shell House for Temba Police Station, the SOLLDTA membership made an attempt to establish whether indeed the attack, in respect of which they had been warned, was executed. It is on that basis that certain of the members went to Shell House to investigate the fact. When they arrived there, they observed the marks of big tyres, which resembled the marks of police caspirs at Shell House. That confirmed the information received through the anonymous caller.

78.

Subsequent to the meeting between FELLDTA, SALLDTA and Department of Transport, the SOLLDTA membership, within the Temba Police Station, were attacked yet again, The evidence on the point is as follows:

“On the Sunday during our stay there, we were attacked at the Temba Police Station by a red Camry that I knew belonged to Mr Nkanbule, who was a former sergeant or

cap tain in the police services. and a grey Jetta which belonged to SOTOA. It was their patrol car. We were shot at, but fortunately nobody was injured, as all the people were inside this old building which was the police station which was not in use anymore and only the vehicles were damaged. Most of the windows were cracked and bodies were damaged...”.

79.

Subsequent thereto, a verbal agreement was reached to the effect that SOLLDTA could resume operations in Rietgat. It was on a Friday. The day following the Friday, being a Saturday, the SOTOA membership left Temba Police Station and the police from the North West Province escorted them up to Shell House. The witness stated as follows in that connection:

“The following day Saturday, we were escorted from Temba Police Station by its police who escorted us up to Shell House. We suggested they during our being given over to the police of Soshanguve that the POP must also be

present. Because we were not trusting the Soshanguve Police and the Soshanguve Police told us that they have already contacted POP, it is on it's way and the other police at the Rietgat Taxi Rank. We drove to the taxi rank in the escort of the Soshanguve Police. We entered the rank . .."

80.

Upon their arrival at the taxi rank, a shootout ensued yet again. A certain Mr Malapane was fatally shot on that particular day, by a R5 rifle.

81.

After the shooting upon Mr Malapane, the SOLLDTA membership decided to return to Temba Police Station, It is at this stage that the homes of the SOLLDTA people were being raided and attacks were being mounted at their respective homes. Some of the members were approached in their houses and politely advised to join SOTOA. Some of the members, under duress, agreed and stickers would then be put on their cars and they would then go back into operation. Some of the members just fled Soshanguve. Some went to Temba, where the LTO assisted them with

operations, in Kwa-Ndebele and some in Petersburg. These people were on the run, mainly because they sought to exercise their right to freedom of association.

82.

A workshop was arranged by the Department of Transport and Public Works in Cape Town, where certain agreements were entered into. The SOLLDTA membership attended the said workshop and as a result of the agreements reached in Cape Town, they are now back in operation. The current state of affairs is that, in as much as the taxi violence has subsided, members of SOLLDTA are continuing to be shot at individually en route their various destinations.

83.

THE ROLE OF THE SOUTH AFRICAN POLICE SERVICES (“SAPS”]
WITHIN THE CONTEXT OF TAXI VIOLENCE IN SOSHANGUVE:

There is a general complaint about the ineptitude of the police in this region.

When dealing with one of the shooting incidents that took place in 1996 in Soshanguve, the witness had the following to say on the point:

"...: What role did the police officers from Rietgat Police Station play during this 40-minute long shootout?"

...: They did nothing . . .

...: Do you have any idea why the Rietgat Police Station-based police officers did not act . . .

...: At that stage I did not know why, but of late I happen to know why they side with the other group.

...: What is the reason?

...: The reason is that most of the police from this Police Station, Soshanguve Police Station,

Rietgat Police Station and Phutanong Police Station, police in those police stations were owning taxis, but now because the Government did not allow them to be taxi operators, so the Government said it will investigate whether police, teachers are involved in the taxi industry. So these police officers would make a change of ownership of their own vehicles and the vehicles would be registered on another person's name. But the income made by that vehicle would go to the said officer, which is a police officer. "

84.

The evidence goes further to show that Government property would be utilised to execute the attacks when the violence and/or shootouts had erupted.

"...: I have got a date of certain incident, it is the 15th of July 1997. When we were attacked at

the rank by a police caspir. We saw the caspir parked when it drove off from Rietgat Police Station there were people who had climbed into that caspir. We were shot at from the caspir when the POP arrived there, we asked them to open the caspir, because we suspect that there were SO TOA members in the caspir. But the police that were in the caspir refused, there was a long argument before the back of the caspir was opened. As we said we suspected the people of the members of SO TOA were in the caspir. Captain Smith of the Public Order Policing is the person who gave orders that the police officers of Rietgat who were in the caspir should open the back of the caspir and when they ultimately opened it, Mr Amos Mahlangu climbed into the caspir and I warned him not to get deep into the caspir. I was standing at the door, the open door of the caspir and I could see that some of the people inside the caspir are not police

officers, because they were wearing copper hats and we asked that these people must put their copper hats off, so as we can identify them. We could see that five people in that caspir were not police officers. ”

85.

This evidence was corroborated by the evidence of a SOLLDTA member, who stated as follows:

“I had no trust in the police because when we were fighting with SOLLDTA, SALLDTA chasing us away from the rank at a place called Mashamayite, where an officer and another officer whom I can recognise when seeing him again, came there and that officer said to us if you don ‘t join SO TOA, let them kill you... ”

86.

The witness went on to state as follows:

"I remember of an incident where a police officer was driving a caspir and inside that caspir certain taxi owners were there in police uniform. They were shooting us . . . it was the time when the violence was rough in Soshanguve. I cannot recall dates. We were rescued by the POP there, because we called them, informed them that we were being shot by police in the caspir and the POP are the ones who stopped the caspir, opened the back of it and we climbed into that caspir to look inside and Paul Molefe said to me I must not get deep into the caspir, because 1 will be kidnapped. "

.... *Were they all clad in police uniform?*

....: *Yes, police uniform and bullet-proof vests . .."*

87.

The witness went further to testify that the police station in Soshanguve hires out their armaments. He stated as follows:

"We know that, because those rifles are being hired out to them by the police . . . yes, some of the police do tell us about these things because there is an incident where a male police officer was shot and killed by a woman police officer. They were fighting over a share of this fire, this weapon-hiring . . . there are people who are members of SOTOA against their will and they do tell us about what is taking place. "

88.

The evidence goes further to show that, not only did the police lease out Government property with a view to assisting SOTOA in launching its attack, they also participated in the said attacks upon FELLDTA members.

The following was stated by the witness:

"...: Now you said also that you were . . . on the day when the late Malapane (sic) was shot at, he was shot at by a Rietgat Police Officer. Why do you say they were also involved in the

shooting?

...: We could see these police officers in possession of R5 rifles, pointing them in our direction. ”

89.

The Commission has also heard evidence from a Sergeant, stationed at Soshanguve since 1991, serving in the Crime Intelligence Unit. He also shares the view that the police, in their investigations, display a great measure of ineptitude. His evidence pertained also to the Taxi Violence Unit of Pretoria. He stated as follows:

“One time on a day our informer went to the Taxi Violence Unit with information. The information that this informer were given to the Taxi Violence Unit was so sensitive that he was sure that it would be of help to the community because the people that he was going to mention they were going to be arrested. On his arrival at the Taxi Violence Unit office which was situated in Church Street in Pretoria,

he was surprised when he found the members having a braai there, drinking cans, playing snooker and enjoying themselves. He asked for the Unit's Head and he was told to wait for some time. The Head of the unit will arrive in no time. He did not wait for long when the Head arrived, he was surprised when the Head of the unit approached him and asked him if he is the one who was looking for him . . . and the informer was further surprised when this Head was aggressive when talking to him, he was arrogant. He, the Head, asked him what his name was. When the informer noticed this aggressive approach of the Head, he gave him false names. Before the informer divulged any information to this Head, there is something that the Head has uttered which I will quote: "Look each and every Monday the Unit members receive cash money in boxes. That is cash notes and there is no way in which I can deal with the situation. The remaining cases that I have got has got no witnesses, all killed. The last witness who was killed is Mr Zakaria Tayi. If you want to be the witness, you will be the only witness. "

90.

The evidence further shows that the officers seized with the investigation of certain dockets leak information to the suspects as to who their potential witnesses are, resulting in the potential witnesses being killed.

The following was stated:

"...: But what I want to know is had people, potential witnesses or witnesses been killed prior to refusal by those potential witnesses to give written statements ?

....: Yes.

.... Which people are those?

.... There is one investigating officer, a Sergeant Khoza... he was approached by unknown people at his home, but according to what they were saying, he could make out that they

were from the taxi industry. They came there with respect and they sat down with him and they said to him we are asking you to withdraw that case that you are handling . . . he was investigating a case against SO TOA hit men. He told him that after he withdrew the case they will give him a sum of money . . . he said they will bring him a briefcase full of money . . . and he refused their offer and said . . . he does not want money . . . if my recollection serves me well, this happened just the day before he was to appear and testify in Court. And the folio wing morning when he was delivering his colleagues, when he was to deliver the last one, he was fatally shot in the service vehicle. ”

91.

The witness went further to testify about the circumstances surrounding the death of a certain Zakaria Tayi, who was also a significant witness

in an impending matter, He stated the following:

“Zakaria Tayi was one of the witnesses in the case . . . he had vital information and his testimony was such that those people, the taxi people were going to be convicted . . . the community was dissatisfied, because they would complain that whenever a person gives his name and address to the Taxi Violence Unit people, they will in turn take it to the organisation. And those people’s lives will be in danger, so they had no trust in the Taxi Violence Unit people . . . what dissatisfied us is that whenever one would enquire from those Taxi Violence Unit people about the progress in the investigation of Khosa ’s death, they will tell you that that is none of your business . . . as far as J know, it is my experience the investigating officer is the only person who knows who his witnesses are and he is the only person who can protect his witnesses from being exposed to the suspects . . .”

The witness went further to state as follows:

"Tayi had vital information as he was an eyewitness in a shooting incident when hit men were killing people. What he did was to take information to the police and mention those hit men's names and from the police he is even prepared to go and testify against them in a court of law. ... I think that is the reason of him being killed, because the police were aware that he has got vital information and they, and then they went to tell the suspects that so-and-so is very dangerous and they have to eliminate him . . . the suspects, one of them is Mainline. I think the other one is Totsetsi. I'm not sure those are the two. "

FINDINGS ON THE SOSHANGUVE TAXI VIOLENCE INVESTIGATIONS:

The Commission finds the following to be the causes of taxi violence in this area:

- 93.1 The absence of monitoring systems relating to routes leading to people taking the law into their own hands;
- 93.2 The absence of regulatory mechanisms in relation to the taxi ranks resulting in the greedy and the violent seeking to monopolise the use thereof.
- 93.3 Ownership of taxis, and membership to some taxi associations, by members of the SAPS leading to a conflict of interest situation;
- 93.4 Police complicity, ineptitude and inefficacy founded upon their having a financial interest in the taxi industry, as set

● out above.

93.5 Forceful collection of sums of money from taxi operators in respect of which there is no accountability, resulting in the said collections being effected for personal gain for the SAPS armaments and for bribery purposes.

93.6 The undermining of the taxi operator's right to freedom of association inasmuch as they are being coerced into joining certain organisations, because the more members an association has, the more lucrative its business becomes.

94.

THE MAMELODI CONFLICT:

The Commission has had evidence under oath, and has obtained written submissions from numerous witnesses in Mamelodi. The following conflict were identified in Mamelodi, namely a conflict between MALLTA and MATA.

95.

BACKGROUND TO THE DISPUTE:

Initially there was only one taxi association operating within Mamelodi in the name of Mamelodi Taxi Association ("MATA").

96.

Mamelodi Local and Long Distance Taxi Association ("M MALLTA") was also a taxi association operating from Mamelodi but it consists only of long distance operations, on the routes, Mamelodi to Kwandebele and Mamelodi to Petersburg. The conflict began as a result of MALLDTA seeking to operate on the local routes which were initially the exclusive terrain of MATA.

97.

According to the evidence Mamelodi has been quite until the violence started in 1998 and the violence did not endure for long.

98.

It appears from the evidence that the violence started because MALLTA, which was at the time seized with long distance operations, for example, extending from Denneboom to Groblersdal, started collecting money from the taxis belonging to another taxi association which was seized with short distance operations in the name of Mamelodi Tshwane Taxi Association ("M MATTA"). The evidence on the point was as follows:

“ This quarrel started because of the MALDTA that they are taking the money from our taxis all over the place in town and they are operating in Mamelodi. After they come back from long distance, they want to operate local and we did not say nothing to them. . . . They are taking the money from our taxis and we just keep quiet because in Mamelodi, it was no war really. It was no war but those people they forced to have a war because they call us . . . women. ”

99.

What happened subsequent to MALTA encroaching into the territory of MATTA, by way of operating in their local operations, the members of MATTA started being shot at. A meeting was convened by the leadership of MATTA with MALTA with a view to resolving this problem and it was in that meeting resolved that each association should stick to its route, in other words suggesting that MALLTA should revert to long distance operations and should stop intruding in the short distance operations. That resolution regardless, the members of MALTA continued operating in the short distance route.

100.

The Mamelodi community then decided to enter the fray especially the community's school kids. They took it upon themselves to resolve the Taxi Association's conflict. They intervened and they chased away MALTA from the loading zone of MATTA in Denneboom whereafter MALTA left that loading zone for a place that was situated about 700 m away from the MALTA loading zone called Mochaeneng. Unfortunately

the relocation of MALTA did not endure for long as MALTA returned to the Denneboom loading zone of MATTA. In coming back to the taxi rank situated in Denneboom many motor vehicles were set alight including a motor vehicle of a certain Mr Mosimanyane Simon Kekana.

101.

FINDINGS ON THE CAUSES:

The Commission finds the causes of taxi violence in Mamelodi to have been -

101.1 **The routes, and lack of monitoring systems regarding same;**

101.2 **The lack of regulation regarding taxi ranks.**

CHAPTER 4

THE JOHANNESBURG INVESTIGATION:

102.

THE RANDBURG CONFLICT:

The Commission has, within the Randburg area, identified a dispute between Bryanston Taxi Association ("BTA") and Diepnooit Taxi Association ("DTA").

103.

BACKGROUND TO THE DISPUTE:

Since 1960, the BTA has been the one operating in the northern suburbs of Johannesburg. The operations were, at the time, carried out by way of Sedan motor vehicles of the likes of Valiant motor vehicles. A peaceful state of affairs prevailed until an informal settlement was

● established in the name of Zewenfontein in the northern suburbs of Johannesburg. When the informal settlement of Zewenfontein was established, the residents of Zewenfontein, due to, *inter alia*, the unemployment rate in the country, decided to establish their own taxi association which was initially called ZamaZama. Its name was later on changed from ZamaZama to Diepnoot Taxi Association. Diepnoot Taxi Association was a small taxi association with a membership of 20. It was servicing an informal settlement with more or less 4800 stands. In forming DTA, the residence of Zewenfontein, which later on resettled at another informal settlement area named Diepsloot, held the view that the BTA should not operate in Diepsloot for the following reasons:

- 103.1 Before their resettlement in Zewenfontein, BTA operators used to convey the residents who were, at the time, resident in Zewenfontein, and would not drive into Zewenfontein but would drop them off at a place which is approximately five kilometres away from Zewenfontein, thereby causing the residents an inconvenience in as much as they had to walk a distance of approximately 5 km into the informal settlement; and

103.2 That as far as the residents were concerned, it made perfect sense that the residents of Zewenfontein should be the ones conducting the public transportation business within the informal settlement.

104.

The BTA operators on the other hand were not of the same view. They held the view that no new taxi association should be formed in the northern suburbs as they had been in operation in that area since 1960. In support of the view DTA would state that at the time of DTA's commencement with its operations in 1960, neither Zewenfontein informal settlement area nor the Diepsloot informal settlement area were in existence. It therefore makes no sense for the DTA to aver that they had an entitlement, dating back to 1960, to operate in an area that was not in existence at the time of DTA's coming into existence. The Diepsloot residents pursuant to what they believed to be to their entitlement to establish the public transportation business within the area in which they are resident, established DTA and indeed carried out operations conveying and/or ferrying the Diepsloot residents to, *inters/ia*,

• burways and Randburg.

105.

When BTA realised that the DTA was fully operational it suggested that the DTA operators should rather join them and operate under its auspices. The DTA was not amenable to the proposal and suggested that they only operate parallel with each other as opposed to them becoming a part of BTA. What seemed to be a complicating factor was the fact that BTA was an affiliate of Letlhabile Taxi Association (“L TO”) when on the other hand DTA had itself affiliated under the Federation of Local and Long Distance Taxi Associations (FELLDTA).

106.

The aforesketched state of affairs and set of circumstances led to the violence that consumed to the area during the period 1996 up to 1997. Furthermore, it appears from the evidence that BTA was of the view that BTA was operating on its routes, namely Randburg to Zewenfontein and/or Diepsloot and back. What seems to be the exact position is that BTA sought to extend its operations to the newly discovered routes

which only came into existence with the coming to existence of both informal settlements referred to hereinabove. There does not seem to have been any form of encroachment by DTA into the BTA operated routes.

107.

According to the evidence, the first incident of taxi violence resulting in the death of a taxi operator in the area took place in 1996 at the taxi rank situated near the Fourways Mall in Fourways, Randburg.

108.

According to the evidence, some male persons unknown to DTA operators, came to the taxi rank which is situated in Randburg along Witkoppen Road near Fourways Mall. Subsequent thereto, several shots were fired towards the taxi operators from DTA. The person who was shooting was a certain man known to the DTA operators. These people shot randomly towards the DTA operators who had congregated at the rank awaiting their turn to load passengers in their respective motor vehicles. According to the evidence of a witness, who was a DTA