

Perspectives

on KwaZulu-Natal

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Assassins of Richmond politician convicted

The conclusion of a second trial in the Pietermaritzburg High Court in March brought to seven the number of men convicted for offences relating to the murder of United Democratic Movement secretary general Sifiso Nkabinde.

The politician was shot dead in the main street of Richmond on January 23, 1999. His death brought to an end a spate of killings that had tormented the midlands town of Richmond and its rural surroundings from May 1997. Nkabinde, a member of the KwaZulu-Natal legislature, was expelled from the African National Congress (ANC) in April 1997. A month later, Rodney van der Byl, one of four councillors (and one of two ANC members) who did not resign from the Richmond council in support of Nkabinde was gunned down outside his home. The renewed fighting was a return to the lives of fear that had been experienced by Richmond residents who survived the territory attacks between the ANC, then led by Nkabinde, and the Inkatha Freedom Party from 1991 until about 1993. By then Nkabinde had won control of much of the area, but fighting continued in the form of power struggles within Nkabinde's fold. When the man who emerged as Richmond's warlord was finally expelled from the ANC on the grounds that he had worked for the police, many believed that the party found a reason to rid themselves of a maverick.

Five months after his expulsion, Nkabinde was arrested. His trial on 16 counts of murder and two of incitement to murder began in the Pietermaritzburg High Court on February 9, 1998. The murder counts included killings that were committed in 1993 and 1997. Nkabinde was not charged with personally carrying out any of the attacks, but he was alleged by the state to have been the mastermind behind them. These were allegations that the prosecution could not prove and on April 30, 1998 after spending eight months in prison, Nkabinde was acquitted.

But in the eyes of many Richmond residents, Nkabinde was still regarded as the man behind the violence. This is evident even in the comments of Andrew Ragavaloo who was mayor of Richmond during the height of the violence and until the local government elections in December. After the first convictions were handed down, Ragavaloo called for a special amnesty for the five men found guilty. He said that the community of Richmond had been rid of the senseless killings and the initiator of the violence in the area. "What is needed now is an urgent special amnesty hearing in view of the extraordinary circumstances. Martyrs they are and because of them we live on."

The first trial of men charged with murdering Nkabinde came to an end in October last

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year, after the first evidence was heard in March. The first arrests were made in August 1998. Former Richmond councillor Joel Mkhize (39), Siphwe Shabane (26), a former bodyguard of the Richmond ANC mayor, former soldier Lincoln Mbikwane (25) and current member of the army Sandile Dlamini (23) were convicted of the murder. Mbikwane and Dlamini were sentenced to life imprisonment. Mkhize was handed down a 30-year prison sentence, which included five years for being in possession of an unlicensed gun and ammunition at the time of his arrest. Shabane was sentenced to 25 years for the murder. Also convicted during the first phase trial was VIP protection unit policeman Anil Jelal who was found guilty of being an accessory after the fact to the murder and for being in the unlawful possession of machine guns. Two men - Richmond traffic officer and mayoral bodyguard Joseph Ngcongco and taxi driver Siphwe Ngcobo - were acquitted during the same trial.

The judge in that case, Mr Justice Vuka Tshabalala described Councillor Mkhize as an instigator of the conspiracy who "actively participated" in the planning of the murder. Shabane was involved in the early planning of the assassination and was custodian of the murder weapons for a week before the attack. Jelal played an important role, according to Judge Tshabalala, in acquiring transport to remove the assassins from Richmond and appeared to have been aware that Nkabinde was to be assassinated.

The second phase trial saw the conviction of Dennis Mbanjwa, a former usher in the Pietermaritzburg High Court who stood as an ANC candidate for the Richmond council in 1997, but was unsuccessful. His co-accused Khombumthakathi Mbanjwa, an inyanga (traditional healer), was also convicted on the main charge of murder. Both men were found guilty on two counts of attempted murder and one of conspiracy to commit murder. Dennis Mbanjwa was involved in the early plot to kill Nkabinde, but later withdrew. He subsequently assisted the killers to evade the police and helped them in their efforts to obtain a reward for the assassination. Judge Achmat Jappie rejected Dennis Mbanjwa's defence that he had acted under duress and feared for his life should he not go along with the plans. Khombumthakathi Mbanjwa provided R2000 for the killers to get a stolen vehicle to use in carrying out the assassination and provided umuthi (traditional medicine) to the killers before and after the murder. Dennis Mbanjwa was sentenced to seven years in prison, while Inyanga Mbanjwa was given a five-year prison sentence which was suspended for five years.

In both trials the State relied primarily on the evidence of accomplice witnesses, all of whom were granted indemnity at the conclusion of the trials for testifying frankly and honestly. Bruce Mhlongo, in particular, played the most significant role in the murder. Mhlongo has no criminal convictions, but actively participated in a bank robbery in Pietermaritzburg in which two people were killed in 1996. He testified as a state witness in that case in 1998. In regard to the Nkabinde murder, Mhlongo said that a man known as Bongani Magoso had approached him to commit the murder. Magoso has since died and Mhlongo was charged with the murder, but according to Mhlongo, the charges were provisionally withdrawn when he turned state witness after his arrest in connection with the politician's assassination. Since deciding to testify for the Scorpions special investigative unit, Mhlongo has been kept in the witness protection programme. His role in the assassination of Nkabinde was so important that it is quite possible that the murder would not have been carried out without his involvement. He recruited the assassins, co-ordinated the plan, organised the theft of rifles used in the killing and was a key role-player in the theft of a vehicle used to transport the assassins and himself to the murder scene. A second key witness used by the state was Sandile Nzimande who

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drove the vehicle that carried Mhlongo and the two triggermen to the murder scene. Other accomplice witnesses who testified for the state were Lulu Thompson, who provided accommodation to the assassins and police sergeant Andre Naiken who drove the killers out of Richmond after the attack.

Mhlongo claimed that he carried out the murder for a R200 000 reward that he never received. Although it was not made clear to the court whether the money was in fact available, Mhlongo told the court that he was told by ANC councillor and accused Joel Mkhize that the money would be produced by "the leaders". He said that a man referred to only as "Ntinga" also assured him that R200 000 would be given to the killers of Nkabinde. This is believed to be a reference to Sphiwo Abel Ntinga who was the chairman of the Richmond ANC branch until the middle of last year. Ntinga moved out of Richmond after a run-in with Nkabinde in 1994. Although Scorpions investigators told the Pietermaritzburg High Court during the first trial that Ntinga would be part of the second phase trial, the former chairman has not been arrested or tried for Nkabinde's murder.

The state witnesses also claimed that attempts were made to get payment from the deputy leader of the ANC in KwaZulu-Natal, health minister Zweli Mkhize. Nzimande said that he, Mhlongo, Joel Mkhize and Dennis Mbanjwa went to Zweli Mkhize's house to ask about the reward money. Although he was called to the court to testify in the second trial, Zweli Mkhize instead submitted to the court a statement denying that he had ever been involved in the conspiracy to murder Nkabinde. The minister admitted, however, that ANC supporters in Richmond became very angry after five ANC supporters, including two newly elected Richmond councillors were massacred in July 1997. "They believed that Nkabinde was behind the killings. From this point on the political tension in the area was extreme and violence in Richmond increased," Zweli Mkhize wrote. He said that ANC supporters, particularly the youth, wanted to respond to the killings with more violence. "Requests were made to me and other leaders for arms in order that the members could fight back. They wanted to target Nkabinde specifically. Many persons came to me and requested weapons so that they could attack Nkabinde. At the time such requests were so frequent that I cannot recall the persons who made them."

Zweli Mkhize said that he did not take the outbursts seriously. "My response, like that of other leaders who accompanied (me), was to attempt to calm the youth down and to encourage them to support the police in order that the perpetrators of the violence could be arrested. A standard comment that I recall using at the time was to the effect that I would not become involved in any criminal activities." Zweli Mkhize said that Dennis Mbanjwa, Sphiwe Shabane and Councillor Mkhize approached him at his home several days after the murder of Nkabinde. "These three asked me if I could assist them with money so that they could assist the people who had killed Nkabinde. They said that they were themselves not involved in the murder, nor did they mention who was. They did not provide any details of the incident, all they said was so vague that I did not believe them. I was annoyed by their request and refused it." The minister said that he was informed that Mhlongo subsequently approached his private secretary and his wife to request money. He reported the matter to his lawyers.

The sole mandate of the Scorpions, which investigated the murder of Nkabinde, is no longer political violence as was the case previously (see [Perspectives on KwaZulu-Natal Volume One Number One](#)). According to the KwaZulu-Natal head of the unit, Shamila Batohi, cases currently before courts would be completed before the unit moved on to

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other priorities. It is likely then that the file on Nkabinde's assassination will be closed and no further arrests should be expected. It remains to be seen whether police investigators will continue to probe any other murders that have been committed in the Richmond area for the past 10 years.

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