

Perspectives

on KwaZulu-Natal

Volume One - Number One - March 2001

The Taxi Commission of Inquiry: Cleaning up the taxi industry in KwaZulu-Natal

"Jazini Ntuli would never part from his firearms. In fact, he would have three on his body every day, and the larger ones in his vehicle."

"You mean, the larger ones, like rifles or sub-machine guns, that type of thing?"

"Shotgun. There was a shotgun, a Victor, it takes 30 rounds."

It sounds like a movie script. In fact, the words were spoken at KwaZulu-Natal's taxi commission of inquiry. Taxi driver Siphso Zwane was describing a day in 1994 when the taxi association to which he belonged decided to take revenge. The opposition, Zwane told the commission, hardly had a chance because they would have had far fewer guns. In addition to Ntuli having seven firearms, some other members of Zwane's association had three or four weapons each. Driving in convoy - "there were even vehicles hired from Budget" - Zwane and about 70 association members set off like a Zulu impi to the Kranskop area. Their intention was blatantly to shoot members of the Maphumulo Taxi Association who had prevented members of Zwane's association from travelling through the area. The region had become so much of a "no go" zone that taxi boss Bernard "Big Ben" Ntuli was forced to fly in by helicopter.

Six people, all from the Maphumulo association, were shot dead during the ensuing attack. Zwane's group escaped unscathed. "It may be luck, but the other thing is that there were too many of us, so no one could do anything to us. We were very well armed," he said. Describing their modus operandi, Zwane said: "When we met with these people that would be pointed out, the boys or hit men that had been hired, that were in these vehicles, would then turn around and chase after the vehicle belonging to the person who had been pointed out, and there they would get rid of him, or kill him or shoot at him."

**Terms of Reference:
Commission of Inquiry into Taxi
Violence**

To examine and report to the Premier of
KwaZulu-Natal on:

(a) the various incidents of taxi violence
which is engulfing the Province of
KwaZulu-Natal

(b) whether there is any improper conduct
by any member of the South African Police

Asked whether he enjoyed committing the murders, Zwane replied: "To tell the truth, this did not make me happy because these people I had no problems with. I had not had any disagreement with them and I didn't even know them for that matter. It made me feel bad and, in fact, I had to, or I did this because I had to do it, so that I could get my wages, or pay, at the end of it. I was asked to do things and that's how I would get my money. Otherwise my children didn't get food, they were hungry."

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

Service which has directly or indirectly fanned or perpetuated taxi violence

(c) any malpractice or abuses of authority or position by any person in the registration of taxis or the determination of taxi routes

(d) any person in the service of the State who has directly or indirectly frustrated or hindered the prosecution of any person or persons allegedly engaged directly or indirectly in the fanning of taxi violence

(e) whether there is any person, persons or group of persons within or outside any taxi association which directly or indirectly is responsible for the employment of "hit-squads" engaged in the perpetration of violence in the taxi industry

(f) any act or omission that in any way suggests any criminal liability by any person who is in the employment of the KwaZulu-Natal Provincial Government

(g) any malpractice or abuse of authority or position by any person in the employment of the KwaZulu-Natal Provincial Government

(h) the circumstances which have led to the non-prosecution of an alleged taxi violence perpetrator or perpetrators

(i) the identity of stolen vehicles whose subsequent registration and licensing have been fraudulently done by certain officials

(j) whether the enforcement of traffic regulations has in any way contributed to the instability in the taxi industry, and

(k) any other related matter or matters.

Provincial Gazette of KwaZulu-Natal, May 19, 2000

The taxi commission has heard such evidence of cold-blooded murders executed only for personal gain, seen accusatory fingers pointed in every direction and heard stories of fear and mistrust since it started to hold hearings around the province last year. Summing up in their interim report released in February, the commissioners stated: "An appalling scenario emerged, where the tragic loss of so many commuters, association members, their supporters, family and their officials, was described in horrific detail. There was little doubt that these Mafia-like activities were carried out by hit men."

But the end result of the commission, provincial transport minister S'bu Ndebele hopes, will be a peaceful minibus taxi industry.

"We are determined to cleanse the taxi industry of criminal elements, including those officials within the Department of Transport and other government departments who are part and parcel of the network of bribery, corruption and protection. The lives of thousands of commuters who rely on public transport every day cannot be held to ransom any longer," he says.

Ndebele first announced the formation of the judicial commission - dubbed "the Truth and Reconciliation Commission of the taxi industry" - in November 1999, a few weeks after the

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

fatal shooting of 11 people at an Empangeni taxi rank. The commission was eventually promulgated in May last year and commission head retired judge Mr Justice Gerald Alexander and commissioners John Wills, Comfort Ngidi and Sandile Kuboni began to hold hearings in various centres around KwaZulu-Natal in September.

A massive industry in South Africa, the minibus taxi business operates much like a bus service which stops at various stations or ranks while travelling to and from destinations. Nationally about 20 000 owners and 200 000 employees are responsible for the daily transportation of between six and 11 million people. These commuters spend about R12 million in fares every year. Forming a notable part of the national industry, KwaZulu-Natal has about 17 percent of the national taxi fleet ranks with 19 860 registered taxis administered through 287 registered taxi associations.

But the actual figure is far higher because a large number of taxis, some estimates are as high as 13 000, operate illegally. A lack of government regulation dating back to the 1980s encouraged the industry to regulate itself. The market on some routes was flooded and the power and money involved in the taxi industry were reasons for war both within and between taxi associations. The governmental body that is currently in place to process applications for routes, the Road Transportation Board, sits four times a week and suffers from severe financial constraints. With its backlog of about 13 000 applications, one can hardly expect taxi operators not to become weary of waiting for their applications to be processed and instead to operate illegally.

The top leadership positions and the most lucrative routes - particularly long distance trips such as from Durban to Johannesburg, Swaziland and Nongoma - are regarded as well worth fighting for. So when taxi bosses felt that competitors were encroaching on their turf, it was time to "clean up" the route, in the words of Sithole to the commission. This was done "by killing".

It was such a "clean-up" that motivated Zwane, in the company of Sithole, to head for the Maphumulo road between Stanger, on the coast north of Durban, and the inland town of Kranskop, in an area populated by large numbers of migrant workers employed in Gauteng. Describing the brutal attack Sithole said: "Perhaps we reached Kranskop after having killed six people in daylight." When asked whether the victims had an interest in the taxi industry, Sithole was unsure. "I think they were owners. But the one of them who was killed next to Mvoti High School, I think, was an ambulance driver. I don't know whether he was having kombis (the minibuses used as taxis)." How were these people killed? "Some were stopped. Some were killed by this strategy known as drive-by shootings," Sithole told the commission.

It comes as no surprise that Sithole has gained a reputation as one of the most feared men in KwaZulu-Natal. Somewhat unexpectedly, he told the commission that he too has experienced fear. "At Durban station (taxi rank) one's life is like a fly". How much more afraid must be the commuters who travel daily in the taxis run by Sithole and his fellow taxi lords?

Testimony given by the likes of Sithole and Zwane is shedding light on a conflict that is certainly not new in KwaZulu-Natal. In 1994 much of the taxi violence in the province appeared to be an extension of political violence between the African National Congress and the Inkatha Freedom Party, according to Anthony Minnaar and Sam Pretorius in *Crime and Conflict* magazine (Autumn 1995). "In many incidents people were transported by taxi to attack political rivals at taxi ranks, or taxis were used as 'chase-cars' or for

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

roadblocks to ambush political leaders. Competition for routes and passengers was also a factor in certain areas although political rivalries exacerbated these tensions. This characterised attacks on taxis by rival organisations during April 1994 in the Nongoma/Ulundi area. The conflict became politicised when some owners aligned themselves with African National Congress or Inkatha Freedom Party structures," they wrote.

While taxi conflict continues to plague the Nongoma area, the taxi commission found in its early hearings that at the centre of most of the taxi violence throughout KwaZulu-Natal are two Durban associations: the Durban Taxi Owners' Association, with Sithole at the helm, and the rival Durban Long Distance Taxi Association (DLDTA), headed by the Gcaba family and Langalakhe Buthelezi.

Ironically, Sithole, a schoolteacher, was introduced to the taxi industry by Siphamandla Gcaba in about 1992. The Gcaba family members were well-connected taxi operators, but they answered to the Durban and District Taxi Association boss "Big Ben" Ntuli. There are conflicting accounts of whether dissent spread in the taxi clan before or after the murder of Simon Gcaba near the Durban Station rank in 1996. According to one version, Sithole sided with Ntuli against the Gcaba faction prior to Gcaba's assassination. Ntuli was implicated in the murder, but he subsequently died of malaria.

It is generally agreed that after Gcaba's murder the remaining family members disappeared for some time from the rank. When they attempted at a later stage to return, they were refused entry. At that time, Langalakhe Buthelezi was operating under Ntuli and alongside Sithole. He recalled before the commission how vehicles belonging to the Gcaba family were forced to leave the rank when the drivers attempted to gain entry. The Gcabas were subsequently allowed to return in 1997 and they took over control of the Durban rank and association. When a disagreement quickly broke out between Sithole and the Gcaba faction, Sithole split away to start his own association.

Buthelezi told the commission about numerous incidents of violence that occurred after the split. "Drivers would be stripped of cash. Passengers would be shot at whilst in the vehicles and drivers would be assaulted as well. There were many things that would happen, things that were unacceptable."

Numerous attempts have been made over the years to bring peace to the warring associations. Agreements have been signed, but none has achieved lasting peace.

As a result of the conflict taxi associations pay sums of money in an attempt to buy their own security. When the Sithole/Gcaba factions first separated the DLDTA employed a security company to offer protection to commuters at a cost of R250 000 a month. Buthelezi said that at the time of giving evidence to the commission, his association had hired a firm charging R69 000 a month to provide security. A taxi association operating locally in the rural Kranskop area is paying R30 000 a month for the security of its office bearers. This money is obtained each month from the taxi owners and it is only a percentage of the costs that they are required to pay to the associations to which they belong. The commission heard that it costs at least R10 000 - some estimates go up to R30 000 - to join an association while the monthly fees vary. And in times of conflict, taxi owners are ordered to pay up for hit men employed to eliminate the opposition. The commission heard that in Harding 10 association members were each required to pay

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

R1 000 for this purpose.

Adding to the difficulties of reconciling the two groups, or at least preventing further bloodshed, are allegations of the involvement of the police and other government officials in a variety of activities in the taxi industry. These range from owning minibus taxis to being employed as hit men. Sithole told the commission that when he first joined the Durban and Districts Taxi Association, Simon Gcaba was in charge of "public relations". Sithole said: "We were requested to contribute a sum of monies. With that money collected, he used to buy some either drinks, meat, I mean presents. He used to visit each and every police station."

While only part of the way through their work, the commission of inquiry's interim report details recommendations that could go some way to reducing, if not eliminating, the carnage. One answer that is, in the words of the report, "so engagingly simple", is in relation to the problem of taxis not being identifiable. "Let every taxi carry on its front, its sides and back, a prominent and permanent inscription that shows the association to which it belongs. Let it be painted in the distinctive colours that will be assigned to that association. Let it show on a large roundel, both at front and rear, the individual number allotted by the association to that driver. Let there be affixed to the windscreen of every taxi a far more legible sticker than presently in use, which notice will spell out, unmistakably, the taxi's permitted route and authorised ranks. Let the taxi also display a distinctive mark, conceivably a stripe along its length, to indicate its provincial origin." The commissioners say that in this way motorists and pedestrians, as well as authorities and law enforcement associations, will be able to identify drivers and their associations.

The interim report recommends that a hotline be established to enable victims to report any transgressions by taxis and that fares be standardised so that "the commuter should no longer be subject to the arbitrary whim of the taxi associations". It suggests that taxi ranks be controlled by independent municipal officials, rather than by the managers employed by associations "with their attendant bias", as is currently the case. The commission advises that court procedures in which perpetrators of taxi violence are involved need to be fast-tracked. "Delays have enabled potential state witnesses to be bribed to change their statement and to be intimidated from giving evidence for fear of their lives and those of their families. And it has been only too often the experience that such witnesses have been murdered before the trial." The commission recommends that all relevant taxi violence crimes be reported to the Director of Public Prosecutions in order for priority to be given to their prosecution and for progress on their investigations to be monitored. Regarding law enforcement, the commission states: "It has been disturbing to hear of how many cases involving taxi violence have either been inadequately investigated, surprisingly withdrawn or stifled because of illicit involvement by the police officers concerned."

One aspect that has been lacking in the commission hearings to date is a contribution from commuters. Addressing this, the interim report states that the commission aims to assist in the formation of commuter associations with help from companies, such as tyre manufacturers and petrol companies, that have substantial financial interests in the taxi industry. The report states: "It is common knowledge with what contempt commuters are often treated when they have the temerity to complain about the way the taxi is being driven."

Receiving the commission's recommendations in February, KwaZulu-Natal premier Lionel

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

Mtshali promised to spare no cost in ensuring their implementation. "It takes political will and the political will is there. These recommendations will definitely be implemented and the province is quite prepared to spend all available resources to end this scourge."

Such measures can go a long way to reducing the loss of life due to taxi-related violence, but far more difficult to eradicate is the fundamental characteristic that the commissioners have found in all likelihood lies behind many of the hit murders ordered by taxi operators: "Greed - and a ferocious greed at that."

- Thula Sithole is currently facing charges in the Pietermaritzburg High Court relating to the murder of the chairman of the Greytown Taxi Association, Ambrose Khehla Masikane, in February 1997, and the murder of Mavukela Bhakadeza Dumakude, of the Keate's Drift Taxi Association, in March 1998. Judgement is expected to be handed down on March 19.

Perspectives on KwaZulu-Natal is published by Profile KwaZulu-Natal cc. All rights reserved. No editorial material published in *Perspectives on KwaZulu-Natal* may be reproduced in any form without prior written permission from, and acknowledgement to, the publishers.

Perspectives on KwaZulu-Natal is proofread by Absolute Proof (www.absoluteproof.co.za)

Profile KwaZulu-Natal cc, PO Box 1297, Hillcrest 3650, KwaZulu-Natal, South Africa
Phone & Fax +27 (0) 31 765 4208, Email info@profilekzn.co.za,
Website www.profilekzn.co.za

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in *Perspectives on KwaZulu-Natal* may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002