

REF: A15

ENQUIRY: Adv A R Ackermann SC

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SPECIAL LITIGATION UNIT

26 June 2006

MEMORANDUM

To: Dr S Ramaite SC

From: A R Ackermann SC

Subject: THE STATE v

(1) MTHETHELEDI ZEPHANIA MNCUBE

(2) MZONDELELI EUELID NONDULA

(3) JABULANI SYDNEY MBULI

Case files:

(1) Messina MR 67/12/85: Murder of 2 SAP members

(2) Messina MR 57/11/85: Landmine explosion

(3) Messina MR 58/11/85: Landmine explosion

(4) Messina MR 67/11/85: Landmine explosion

(5) Messina MR 65/11/85: Landmine explosion

(6) Messina MR 66/11/85: Landmine explosion

(7) Messina MR 34/12/85: Landmine explosion

(8) Messina MR 41/12/85: Landmine explosion

(9) Messina MR 21/02/86: Landmine explosion

(10) Alldays MR 10/10/86: Landmine rendered safe

(11) Alldays MR 11/10/86: Landmine rendered safe

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## 1. BRIEF DESCRIPTION OF OFFENCES

The investigation relates to 8 landmine explosions that occurred in the Messina area, 2 landmines that were rendered safe in the Alldays area, as well as the escape of a suspect during which two police officers were shot dead.

The following landmine incidents are relevant:

(1) A landmine explosion on 26 November 1985 at Weipe, Messina district, under a private vehicle, resulting in the death of EDWARD MELUBA and the injury of ELIJA MAKGAMATA. (Messina MR 57/11/85)

(2) A landmine explosion on 26 November 1985 in the Messina area which damaged the private vehicle of GERT DE VILLIERS. (Messina MR 58/11/85)

(3) A landmine explosion on 27 November 1985 at Weipe, Messina district, during which a private tractor was damaged and which caused the death of GLABI PHILEMON NCUBE. (Messina MR 67/11/85)

(4) A landmine explosion on 27 November 1985 on the farm Bergen-on-Zoom, near Messina, under a military (SADF) vehicle, which caused injuries to Lt PRINSLOO and a passenger.

(5) A landmine explosion under a SAP Casspir on 27 November 1985 on the farm Overvlakte in the Messina district, during which Constable P MOTAUNG was injured. (Messina MR 66/11/85)

(6) A landmine explosion on 12 December 1985 under a military (SADF) vehicle on the farm Berg-on-Zoom during which two persons, FOURIE and P MAPOTELE, were injured. (Messina MR 34/12/85)

(7) A landmine explosion on 15 December 1985 at Soutpansberg, Messina, which resulted in the deaths of 6 persons and injuries to 5 others. All the victims were members of the DE NYSSCHEN and VAN ECK families travelling in a private bakkie. (Messina MR 41/12/85)

(8) A landmine explosion under a private vehicle on 12 February 1986 on the farm Overvlakte, Messina, during which WILLEM DU PLESSIS JANSE VAN RENSBURG was injured. (Messina MR 21/2/86)

(9) On 8 October 1986, two separately placed landmines on the farm Samaria, Pondrift, Alldays were detected and rendered safe. (Alldays MR 10/10/86 and 11/10/86)

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The investigation further relates to an armed attack on 26 December 1986 on a SADF patrol during which 3 ANC members were shot dead and one (MNCUBE) was arrested. MNCUBE later managed to escape by shooting and killing two SAP members, namely ALOFF GERBER and Sgt NEL. (Messina MR 67/12/86)

The first two persons mentioned above (MNCUBE and NONDULA) were later arrested and prosecuted, convicted and sentenced for all the aforementioned offences, while the third person (MBULI) was never arrested.

## 2. AMNESTY

Amnesty was granted on 16 March 2001 to all the above-mentioned persons for all offences related to the said explosions. The first-mentioned (MNCUBE) also received amnesty for the murder of the two SAP members.

## 3. REMARKS

The ANC approved the use of landmines in the Messina border area and instructions in this regard were issued to members through the command structure of Umkhonto we Sizwe (MK). (Amnesty decision of the aforementioned persons).


According to evidence given, the aforementioned persons were under the command of a certain MANCHECK, who issued instructions and reported to MK commanders. MANCHECK is deceased and there is no evidence regarding his link with the MK high command.

All the other ANC members (foot soldiers) involved in these offences are deceased.

#### 4. DECISION

In respect of the so-called "foot soldiers", no further investigation is necessary. In respect of the ANC leadership who issued instructions for the landmine campaign and who did not receive amnesty, a decision must still be taken at an appropriate time after all relevant parties have been consulted.

The above is a difficult decision.



Adv A R Ackermann S C  
SPESIALE DIREKTEUR  
/tp

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**SPECIAL LITIGATION UNIT /  
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

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**MEMORANDUM**

**AAN** : Dr S Ramaite S C

**VAN** : A R Ackermann S C

**ONDERWERP** : **DIE STAAT teen**

- (1) MTHETHELEDI ZEPHANIA MNCUBE
- (2) MZONDELELI EUELID NONDULA
- (3) JABULANI SYDNEY MBULI

**Saakdossiere :**

- (1) Messina MR 67/12/85 : Moord van 2 SAP lede
  - (2) Messina MR 57/11/85 : Landmynontploffing
  - (3) Messina MR 58/11/85 : Landmynontploffing
  - (4) Messina MR 67/11/85 : Landmynontploffing
  - (5) Messina MR 65/11/85 : Landmynontploffing
  - (6) Messina MR 66/11/85 : Landmynontploffing
  - (7) Messina MR 34/12/85 : Landmynontploffing
  - (8) Messina MR 41/12/85 : Landmynontploffing
  - (9) Messina MR 21/02/86 : Landmynontploffing
  - (10) Alldays MR 10/10/86 : Landmyn onskadelik gestel
  - (11) Alldays MR 11/10/86 : Landmyn onskadelike gestel
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## 1. KORT BESKRYWING VAN MISDAAD

Die ondersoek het betrekking op 8 landmyn ontploffings wat in die Messina omgewing plaasgevind het, 2 landmyne wat in die Alldays omgewing onskadelik gestel is asook die ontsnapping van 'n verdagte waartydens twee polisiebeamptes doodgeskiet is.

Die volgende landmynvoorvalle het betrekking :

- (1) 'n Landmynontploffing op 26 November 1985 by Weipe, Messina distrik, onder 'n privaat voertuig wat die dood van **EDWARD MELUBA** en die besering van **ELIJA MAKGAMATA** tot gevolg gehad het. (Messina MR 57/11/85)
- (2) 'n Landmynontploffing op 26 November 1985 in Messina omgewing wat die privaat voertuig van **GERT DE VILLIERS** beskadig het. (Messina MR 58/11/85).
- (3) 'n Landmynontploffing op 27 November 1985 by Weipe, Messina distrik, waartydens 'n privaat trekker beskadig is en wat die dood van **GLABI PHILEMON NCUBE** gehad het. (Messina MR 67/11/85).
- (4) 'n Landmynontploffing op 27 November 1985 op die plaas Bergen-on-Zoom, naby Messina, onder 'n militêre (SAW) voertuig wat die besering van Lt **PRINSLOO** en 'n passasier veroorsaak het.
- (5) 'n Landmynontploffing onder 'n SAP Casspir op 27 November 1985 op die plaas Overvlakte in Messina distrik, waartydens Konst **P MOTAUNG** beseer is. (Messina MR 66/11/85).
- (6) 'n Landmynontploffing op 12 Desember 1985 onder 'n militêre (SAW) voertuig op die plaas Berg-on-Zoom waartydens twee persone, **FOURIE** en **P MAPOTELE** beseer is. (Messina MR 34/12/85).
- (7) 'n Landmynontploffing op 15 Desember 1985 te Soutpansberg, Messina wat die dood van 6 persone en die besering van 5 ander persone tot gevolg gehad het. Al die slagoffers was lede van die **DE NYSSCHEN** en **VAN ECK** gesinne wat met 'n privaat bakkie gereis het. (Messina MR 41/12/85).
- (8) 'n Landmynontploffing onder 'n privaat voertuig op 12 Februarie 1986 op die plaas Overvlakte, Messina waartydens **WILLEM DU PLESSIS JANSE VAN RENSBURG** beseer is. (Messina MR 21/2/86).
- (9) Op 8 Oktober 1986 is twee afsonderlik gestelde landmyn op die plaas Samaria, Pondrift, Alldays opgespoor en onskadelik gestel. (Alldays MR 10/10/86 en 11/10/86).

Die ondersoek het verder op 'n gewapende aanval op 26 Desember 1986 op 'n SAW patroolie betrekking waartydens 3 ANC-lede doodgeskiet en een (MNCUBE) gearresteer is. MNCUBE het later daarin geslaag om te ontsnap deur twee SAP-lede nl ALOFF GERBER en Sers NEL dood te skiet. (Messina MR 67/12/86).

Eersgenoemde twee persone hierbo (MNCUBE en NONDULA) is later gearresteer en is weens al die gemelde misdade vervolg, skuldig bevind en gevonniss, terwyl die derde persoons (MBULI) nooit gearresteer was nie.

## 2. AMNESTIE

Amnestie is op 16 Maart 2001 aan al die bogenoemde persone verleen vir alle misdade wat met gemelde ontploffings verband hou. Eersgenoemde (MNCULBE) het ook amnestie vir die moord van die twee SAP lede ontvang.

## 3. OPMERKING

Die ANC het die gebruik van landmyne in die Messina grensgebied goedgekeur en opdragte in die verband is deur die bevelstruktuur van Umkhonto we Sizwe (MK) aan lede gegee. (Amnestie uitspraak van vermeldes).

Volgens getuieenis gelewer was die vermeldes onder bevel van ene MANCHECK wat opdragte gegee en aan MK gesagvoerders verslag moes doen. MANCHECK is oorlede en daar is geen getuieenis oor sy skakeling met die MK oppergesag nie.

Al die ander ANC-lede (voetsoldate) wat by hierdie misdade betrokke was is oorlede:

## 4. BESLISSING

Ten opsigte van die sogenaamde voetsoldate is geen verdere ondersoek nodig nie. Ten aansien van die ANC leieskap wat die opdragte vir die landmynveldtog gegee het en nie amnestie ontvang het nie, moet 'n besluit tegelegener tyd nog geneem word nadat al die relevante partye gesprek is.

Bovermelde is 'n moeilike besluit.

Adv A R Ackermann S C  
SPESIALE DIREKTEUR

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