

DRAFT: Report of the NWC on the Death of Comrade Thami Zulu.

In November 1989, Comrade Mzwakhe Ngwenya, also known as Thami Zulu, a former Commander of the Umkhonto weSizwe, died at the University Teaching Hospital in Lusaka, Zambia.

Owing to the circumstances surrounding his death, the National Working Committee appointed a Commission of Inquiry comprising:

- (i) Comrade Albie Sachs.
- (ii) Comrade Z.N. Jobodwana.
- (iii) Comrade Tim Maseko.
- (iv) Comrade Isaac Makopo.

with the following terms of reference:

- (a) To inquire into the circumstances of the death of Comrade Thami Zulu.
- (b) To investigate all aspects of his detention.
- (c) To examine and give findings whether there was sufficient evidence to justify his detention; and whether there was sufficient evidence on which Thami Zulu could be arraigned on suspicion that he was an enemy agent.

After exhaustive inquiries, during which the Commission received the fullest cooperation of the Security organs and other Departments of the ANC, the Commission completed its work on 16th March 1990.

The Commission found that between 1983 until 1988 Umkhonto weSizwe units operating in the region of which Comrade Thami Zulu was commander suffered extremely high casualties, culminating in June 1988 when nine combatants were ambushed and killed in two separate incidents that occurred a few days apart inside South Africa. Subsequent information obtained by the ANC indicates that some were the victims of the Hit Squads of the Pretoria regime.

As a result of this track record and the latter events, the entire command structure was withdrawn and intensive investigations instituted. During the course of these inquiries it was uncovered that two of the leading personnel in command structure were in fact agents in the employ of the enemy.

The Commission found that there was considerable circumstantial evidence consistent with Comrade Thami Zulu being an enemy agent though there was no direct, clear or tangible proof that he had at any time collaborated with the enemy. There were, in the Commission's opinion, reasonable grounds for his initial detention, if only to assist the security organ with its investigations. These

investigations, in fact, established no proof of the allegations made against Comrade Thami Zulu.

The Commission found that Comrade Thami Zulu's detention had not exceeded a period of six weeks before his death. For the greater part of the duration of investigations he had been placed under house arrest, in circumstances and under conditions that are standard for other officers and combatants of Umkhonto weSizwe. During this time he was allowed opportunities to meet with his wife and his parents.

The Commission found absolutely no evidence that Comrade Thami Zulu had at any time during his detention been subjected to undue pressures - psychological or physical. The Commission's findings are unequivocal that there is no evidence of torture or any other form of maltreatment.

The Commission expressed itself as satisfied, beyond doubt, that Comrade Thami Zulu's condition deteriorated as a result of illness. The dramatic loss of weight that he suffered in the weeks preceding his death was also as a result of disease and not a policy of starvation. It was established through medical evidence that the immediate cause of death was poison, ingested with alcohol. The Commission could make no finding as to who was responsible for administering this poison.

The National Working Committee has received and accepted the report of the Commission and wishes to make public its findings by notice of this statement.

The National Working Committee, together with the membership of the ANC, inside and Outside South Africa, mourns the tragic death of Comrade Thami Zulu, a combatant of our People's Army who, before these unfortunate incidents, had a distinguished career in Umkhonto weSizwe and the ANC.

Lastly, the National Working Committee expresses its thanks to the four Commissioners for their painstaking work and the expedition with which they completed their tasks.

(Placed before the NWC, Lusaka, Zambia on 31st May, 1990)