

13/02/14

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE INEFFICIENCY
IN KHAYELITSHA AND A BREAKDOWN IN RELATIONS BETWEEN THE
COMMUNITY AND THE POLICE IN KHAYELITSHA

AFFIDAVIT

MT

I, M T the undersigned, state under oath in IsiXhosa, immediately translated into English, that I am an adult male with ID No: date of birth 1, .. years old, residing at :
I am employed at with cellular phone number
do hereby state that:

1. On 20 January 2013 at about seven o'clock in the evening I was in Ilitha Park when I received a message requesting me to call my cousin back. I called and rushed back home where my cousin told me that X might be the person who had been killed at : Harare on Saturday night, 19 January 2013.
2. I then hurried to Harare police station to report that the person who was killed at section might be X , my cousin. I enquired if a case docket had been opened. The officials checked their books and found the case. They then told me to come back to the police station on Monday 21 January 2013.
3. On 21 January 2013 I went to clock in and out of work and headed straight to Harare police station where I met up with the Investigating officer in my deceased cousin's case, Detective D.....
4. When I got to his office, he arbitrarily said that he was in a hurry to go to court before nine o'clock and asked why I was there. I told him that I was there to see him in connection with case no 379/01/13.
5. He responded in a very harsh tone, I quote "what about the case and what do you want to know." I then told him that as the deceased's family we need to know the details and circumstances that led to the deceased's death .
6. He said, "that lightie was caught with his body halfway through a window of a house breaking in, and was moered." He further said that there were three accused persons -

m-t.

a woman, man and son, who are the owners of the house and the ones who caught the deceased in the act. He also mentioned that the whole community joined in beating up the deceased to death.

7. I then asked when the accused would appear in court because as the deceased's family we want legal advice. He told me that I would be wasting money as the deceased was caught in the act. I informed him that it is for the court to decide not him telling me that. We argued as I felt that he was not treating us with the respect that we deserved as a bereaved, grieving family. Detective D is a police official in the public service and I believe that he should be neutral and sympathetic towards us, but instead he appeared to be biased. He even said that he is the one who has influence on granting the accused bail pending trial.
8. When Detective D realised that I was aware of my rights, he calmed down and started to give me the details of the court case. He stated that the three accused would be appearing in court 1 on 22 January 2013 for first appearance on a charge of murder, and on 24 January 2013 for bail application. He also stated that the deceased's body was held at Tygerberg Forensic Mortuary where the family must go and identify the body.
9. I then left the police station and proceeded to Tygerberg where I positively identified the deceased's body as that of X. This is the stage when I called my uncle, E. T., the deceased's father informing him to come back from the Eastern Cape due to the death of his son. My uncle later also confirmed the identity of X's body at Tygerberg.
10. It is crucial to mention that we have not heard from Detective D since the 21 January 2013. The last time I saw him was when the accused appeared for the bail application where he did not even speak to me or any other members of my family. The accused were granted bail and the court remanded the case to 26 March 2013.
11. I had mentioned to Detective D during our argument that the family is not keen to incur the costs of a funeral for death that was caused by the accused. I was at least expecting Detective D to mediate between the accused and the deceased's family regarding payment of funeral costs, requesting that the accused's family pay the funeral costs. I believed that it would have been risky for us to approach the accused directly. Detective D did not do so, and I feel that he has failed us. However we have now gone past this stage. By stating this, I do not condone what the accused did because no one has a right to take another person's life. However, the

accused should have at least relieved the financial burden from the deceased's family for the funeral expenses.

12. My family has experienced traumatic stress since X's death, especially the deceased's father who is elderly, suffering from ill-health and is unemployed. The emotional stress increased and became worse when we, as family of the deceased, saw the photographs of the deceased in the newspaper article. Nobody deserves to be killed the way my cousin was brutally killed.
13. X, my deceased cousin was a young man in his early 20's. He was born here in Cape Town in 1988 and grew up in Eastern Cape from 1990 until 2005. He loved school but as a result of his father's financial circumstances, he couldn't further his studies beyond grade 10. He loved glamour and a flashy lifestyle as a result he ended up engaging in criminal activities to support his lifestyle. He also suffered from drug addiction.
14. As the deceased's family, we now expect the justice system to prevail but we feel that we are not getting any assistance from the police. We would like to see justice done in our courts.
15. We would like the Commission of inquiry to assist the deceased's family regarding the legalities around X's death and to help us get to the bottom of the negative treatment our community receive from the police. Their negative attitude towards us has left a bad feeling in our family towards the police and the community feels in a similar way.

"I swear that the contents of this statement are true so help me God."

I know and understand the contents of this statement.

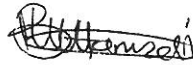
I have no objection to taking the prescribed oath.

I consider the prescribed oath as binding on my conscience.

.....
Signature of deponent

I certify that the abovementioned was taken by me in IsiXhosa and immediately translated into English, and that the deponent has acknowledged that he knows and understands the contents of this statement.

I certify that regulations contained in GN R1258 have been complied with. This statement was sworn before me and the deponent's signature was placed thereon in my presence on 22 FEBRUARY 2013 at CAPE TOWN.



.....
Commissioner of oaths
Busisiwe Mthamzeli
Advocate of the High Court
Velocity House
2nd Floor
30 Keerom Street
Cape Town
8001
Tel: 021 424 0751