

AFFIDAVIT

I, the undersigned

declare under oath as follows:

1. I am an adult female, resident at _____, Khayelitsha.
2. The facts herein fall within my personal knowledge, unless the context indicates otherwise, and are true and correct.
3. I am 30 years old. I am single and live in an RDP house with my mother, two brothers and my daughter. In our home, we have water, electricity and toilet facilities.
4. My daughter is seven years old and is currently in Grade 1. She is dependent on my family. I matriculated in 2002 and am currently working for the _____, who I do community advocacy work for.

M.M. 

5. On 3 September 2011, during the day I attended a one year old's birthday party very close to my house. By around 20:00, the party had turned into an adult's party – there was music playing and approximately 40 people were present.
6. At around 02:00, uNinini (a neighbour of mine who was also at the party) heard a rumour that something had happened at the nearby bus stop to either my younger brother Andisiwe or [redacted] is a person in the community who was known as a thief and small-time gangster. She said we should go to the bus stop to see what had happened and to look for Andisiwe.
7. A friend of mine (Olwethu) came with uNinini and me on our journey to the bus stop. As we got to the road leading to the bus stop, shooting broke out and so we ran home.
8. When we arrived home we knocked on the door of Andisiwe – his girlfriend answered, saying that he wasn't there and she didn't know where he was. We also knocked on the door of my older brother Thuso, so that he could come help look for Andisiwe.
9. During this period, [redacted] arrived at the front of our house. At this point we realised that whatever happened at the bus stop must have happened to my brother and not to [redacted] told us that Andisiwe was dead and that his body was at the bus stop.
10. We then went with [redacted] and other members of the community to the bus stop. There was no one there but [redacted] pointed us to a grassy area behind the bus stop, where we found Andisiwe – he had been stabbed and was dead.

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11. We asked [redacted] how he knew that Andisiwe was there, as there was no blood around and he was lying in thick grass. [redacted] said he had just gone to buy some drugs and had come across Andisiwe's body while walking. He said that he did not see Andisiwe get stabbed and he knew nothing about how it happened. We kept asking [redacted] why he would have walked to exactly where Andisiwe was lying – there did not seem like any good reason for him to go there.
12. At this point we called the police. [redacted] ran away when we did this. There was now a crowd of community members gathered. At first the police did not come. We had recently met a policewoman – [redacted] – who had run a workshop for Free Gender. She had told us to call her if they ever needed help getting police to come to their assistance. Only after we called her did the cops come to the scene of the crime.
13. When the police arrived, they parked quite a distance from the crowd and refused to come to Andisiwe's body. They said that the crowd must come to them. When the crowd of people did not do so, the police started shouting at the crowd, telling them they would leave if the people there did not come to them. We were not sure why they were shouting at us like this. We told them that they should be coming to us – to see the body – and only then did they ask what had happened.
14. The police then came to see Andisiwe's body. They took statements from me and Thuso. We told them about [redacted] and how he had taken us straight to Andisiwe – the police then wanted to speak to [redacted]. We went with them to [redacted] house but he was not home. When the police had finished taking our statements, they said that we should tell them if we found out about [redacted]



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whereabouts, but that they would continue with their investigation in the mean time. Detective Sergeant _____ gave us the case number _____. The body was only collected after 07:00.

15. _____ came to our house two days later and spoke to Thuso who told him that he should go to the police, as they wanted to speak to him. He went to the police station and was released on the same day. The police brought him to our house that day, telling us that there was no case against him. The police were never in contact with my family after this.
16. Our family has never been back to the police to enquire about the investigation. Our community's experience with the police in Khayelitsha is that most of the time they do not respond to serious cases, unless it can personally benefit them in some way (for example, when there are corruption cases). So I have not made further enquiries with them about my brother's case.
17. When police do respond to cases, it is common for them to put the suspect in the van and then drive them to another section of Khayelitsha and release them. People in the community often see people who have been recently arrested by the police walking around again a couple of hours later. Sometimes the detectives are themselves friends with people accused of being criminals and they will themselves tip them off that the police are coming to their home.

I certify that:

1. The Deponent acknowledged to me that:
 - 1.1 He knows and understands the contents of this declaration;
 - 1.2 He has no objection to taking the prescribed oath;
 - 1.3 He considers the prescribed oath to be binding on her conscience.
2. The Deponent thereafter uttered the words, "I swear that the contents of this declaration are true, so help me God".

The Deponent signed this declaration in my presence at CAPE TOWN on this ^{8th} day of ~~OCTOBER~~ 2012.



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