

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

Yoliswa Dwane

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COMMISSIONER: Good morning everybody we are going to start this morning with your witness Ms Dwane, Ms Mayosi. Is she going to testify in English or isiXhosa?

MS MAYOSI: The witness has asked me to ask her the questions in English she will answer in isiXhosa so I think she probably then prefers to be sworn in in isiXhosa.

COMMISSIONER: Good and secondly just to confirm that Ms Dwane is aware that this is a public proceeding and that her name may be made public.

MS MAYOSI: She is aware she has no objection.

COMMISSIONER: No objection to that good thank you very much. Advocate Pikoli would you mind?

YOLISWA DWANE (sworn states)

EXAMINATION BY MS MAYOSI

MS MAYOSI: Thank you Ms Dwane so you will then answer in English as well, English appears to have won the day. Ms Dwane you made a statement for this Commission in November 2013 is that correct?

MS DWANE: Yes.

MS MAYOSI: Do you still confirm that you are bound by the contents of that statement?

MS DWANE: Yes.

MS MAYOSI: The statement you made it was made both in your personal capacity but also as a representative of equal education as the complainant organisation is that correct?

MS DWANE: Yes.

MS MAYOSI: So the statement was not obtained from you by the evidence leaders of the Commission is that right?

MS DWANE: Yes, yes.

MS MAYOSI: You live in Site B in Khayelitsha correct?

MS DWANE: Yes.

MS MAYOSI: How long have you lived in Khayelitsha?

MS DWANE: I've lived in Site B TT Section since 1999, December 1999 I was coming from the Eastern Cape Dimbaza Township. I moved into that area mainly because my mother used to live there and also I was looking for further education opportunities at that particular time. So I have been staying there since 1999 up until today, during that period I've spent some years at UCT.

MS MAYOSI: Describe for the Commission the kind of dwelling that you live in is it

an informal settlement and so on?

MS DWANE: It's an informal settlement.

MS MAYOSI: How do you access water and sanitation?

MS DWANE: When I arrived at the TT Section there was a communal type we did not have electricity at that point and also we did not have access to toilets so we had to cross the street and go to the W Section that is where we were asking for the use or access to toilets at that point. In the middle of, after five years or so government gave the citizens in that area electricity so the whole area now has electricity. I think two years ago or a year ago they were also given access to toilets, those are communal toilets that are now recently cleaned by cleaners that are paid by government and those toilets we are currently sharing with 225 families.

MS MAYOSI: And water?

MS DWANE: We still use the communal tap.

MS MAYOSI: How far are the toilet and water facilities from your home?

MS DWANE: They are close it probably takes about two minutes to fetch water in the tap and it is also the same distance with the access to toilets, communal toilets.

MS MAYOSI: What is the lighting like, the external lights in the area?

MS DWANE: Well there was a searchlight, the big pole but it was not in use for a long time so after a campaign for lighting last year so that they changed the bulbs and now that light is now operational.

MS MAYOSI: Alright, whose campaign was that for lighting last year?

MS DWANE: It was mainly SJC campaign that we joined in and we wrote to, we wrote in the newspapers we got some of our members to write some articles so Doron Isaacs wrote some articles on the (indistinct) newspaper and also in the Cape Times. So that campaign, and we also did a social media campaign where we were pressing on the Premier to actually hold her accountable for the lights that are not switched on in our communities.

MS MAYOSI: So it was as a result of that campaign you say that you then began to have fully functional lights in the area?

MS DWANE: Yes in that area, there are still other areas where there isn't lighting or proper lighting in the streets.

MS MAYOSI: Alright, you co-founded Equal Education as an organisation correct?

MS DWANE: Yes.

MS MAYOSI: Equal Education's offices are based in Khayelitsha is that right?

MS DWANE: Yes we founded Equal Education in the beginning of 2007 and the main objective of Equal Education is to transform the education system of this country. Many of us will know that the majority of the working class children, mainly black and coloured children of this country, do not have access to quality schooling and equality within our schooling system and that results or impacts on their learning. Things like school infrastructure do impact on their learning and those are the issues that Equal Education has actually campaigned for.

MS MAYOSI: You're the head of Policy Communication and Research at Equal Education is that right?

MS DWANE: Yes.

MS MAYOSI: What does that role entail?

MS DWANE: It mainly entails this group of people within that department understanding policy, law, understanding education research and also inform our members about the inequalities that exist but also the main objective of that unit within Equal Education is to inform the organisation and inform our campaigns so that our campaigns are evidence-based.

MS MAYOSI: Was Equal Education a party to the initial complaint to the Premier in November 2012?

MS DWANE: Yes.

MS MAYOSI: That is the complaint that ultimately led to the establishment of this Commission.

MS DWANE: Yes.

MS MAYOSI: Was it also a party to the subsequent complaint in March 2012?

MS DWANE: Yes.

MS MAYOSI: Alright, tell the Commission briefly why Equal Education decided to campaign for the establishment of this Commission?

MS DWANE: The first, in the first place we decided to join this campaign firstly to stand in solidarity with people like Zolisa Nonkonyane and we were in solidarity with TAC in some of their campaigns where they wanted justice for Zolisa. There was another victim as well that was killed, a lesbian girl who was killed mainly because she was a lesbian and we had been involved in these campaigns even before the establishment of Equal Education and SJC. When Equal Education began its work in 2008 we also joined in the campaign around xenophobia and then also continued our work and our partnership with SJC. Therefore for us it was, the first reason was that we have to stand in solidarity with those who have been in a way not received justice and also when issues of policing are raised within Khayelitsha we think that it is in our interest as well because the majority of our members do reside in Khayelitsha. We have 20 branches, we operate in 20 high schools in Khayelitsha and therefore it is in our interest to actually take up that kind of campaign. The third reason for us to be part of this campaign was mainly because we also had similar cases, we had stories to tell where we have actually approached the Site B police station for example to help us but we have not received any feedback. Therefore we also thought that this is something that is important that would not only help these few organisations but will also give an opportunity for members of Khayelitsha community to actually speak up.

MS MAYOSI: In your statement that you made to the Commission you really dealt with three areas broadly. You discussed the issue of gang violence in schools; you discussed to a lesser extent the role of alcohol and drugs to that problem; then you also thirdly talk about your personal experiences and the experiences of your colleagues around crime. I want to take these topics sequentially looking first at the issue of gang violence that you talk about in your statement. In relation to this issue you say that various gangs operate in Khayelitsha and that these gangs are territorial is that right?

MS DWANE: Yes.

MS MAYOSI: Now are you able to identify the areas where gangs are rife versus those areas that are relatively gang-free if there are such areas in Khayelitsha?

MS DWANE: I don't believe that there are areas that are gang-free *per se* but what we have seen in the past few years is that sometimes the fights will start in Harare or in Makhaza and later the next month they will move to Site B, I mean move to Site B and Khayelitsha and then will move to Site C and then the cycle continues but there wasn't a point where certain areas were not affected. What we have seen in the past few years whereas the groups that started very small they have grown in size and this is what worries us that instead of seeing a movement where these gangs are either silenced or not operational instead they are growing and their strength is actually expanding. I can identify a few areas, there are about four big gangs that operate here in Khayelitsha, the Russians, the Vurahs, Italians and Vatos. Vatos are mainly from Khayelitsha and Kuyasa; Italians are in Site B and Site C; Vurahs are in Harare and there's Russians. Vurahs and Italians have some kind of an alliance that they don't fight with each other but Vatos and Italians are always fighting with each other, at the same time in Harare Vurahs and Vatos are at war. So I believe that they are easily identifiable especially at this point where they are fighting in big numbers. They are easily identifiable because there are spots where or hotspots where they actually conduct their business where they actually fight on a daily basis. I have provided that information, some of that information in my affidavit.

MS MAYOSI: We'll get to those hotspots in a moment, for now just about these gangs that you've identified by name and the areas that you say they operate in, has Equal Education or yourself personally made any efforts to bring this information to the attention of the SAPS in Khayelitsha?

MS DWANE: We have not written formally to the police but we know some of the efforts that have been done by SJC because we are in contact with them. Secondly what we have done as Equal Education we have written to the MEC Donald Grant, the MEC of Education in the Western Cape to ask him to intervene and also to give us an opportunity to have a discussion with him as to what ideas or what can be done to try and stop these gangs from operating. We did not get any reply or response from the MEC the only thing that we've heard about is an announcement made by the MEC for deploying policemen in certain schools in Khayelitsha but we have not seen those policemen being stationed permanently in those schools so it was, in our view, a once-off event. We also know that some of the schools like for example Masiyile High School when they had trouble managing the gangs and the fights because some of the fights will also happen, they mainly happen before school on the kids' way to school as well as when they're going home. Sometimes they do fight inside the schools so the principal of Masiyile approached the taxi drivers to come and resolve the issue of gang violence. What the taxi drivers were doing they had their lists so they were getting some of the students to identify who were gang members within that particular school. What happened afterwards is that they were beating up those kids with sjamboks, rubber sjamboks but we don't believe that is actually the correct approach because firstly there isn't a way of knowing exactly whether or not some of the kids were definitely involved in the gang violence. Some of the kids were actually beaten up and did not come back to school after that beating up because they thought that if they do come back to school they will still be beaten up by the taxi drivers.

MS MAYOSI: Now you say that are known and identifiable do you know of what steps SAPS have taken to act against gang members or perpetrators of gang violence?

MS DWANE: What I have seen is that the police will drive in, will come with their van when they are called and they will disperse the kids but at that point when they see the police coming already they have thrown away their weapons or in some instances the kids that would carry the weapons are the 10 year olds and because they know that the 10 year olds won't be arrested then after that the police don't actually go and search those groups. The groups don't actually run away they just disperse a little bit, they are still in the vicinity and then come back, after a few seconds they come back and start the fight all over again. But if you can just think of Masiyile and the open space near MegaGro and the station this is where they have their fights on a daily basis. It is actually five, it's almost a five minute walk away from the police station in Site B and for me I think it's easily identifiable and those fights they carry on for about four hours after school.

COMMISSIONER: Could I just interrupt for a second would it be possible for Ms Dwane to point out on a map where we're talking about it's quite useful to get a – right behind you there there's a map I don't know if you'll be able to work out, site B police station should be marked.

MS MAYOSI: Did you find it Ms Dwane?

COMMISSIONER: What might be useful Ms Mayosi is that after Ms Dwane has given evidence if you could mark on a map...(intervention)

MS MAYOSI: Yes.

COMMISSIONER: And then submit it in so that all of us could see because it will be an interesting issue to raise with station commissioners when we have their evidence.

MS MAYOSI: Alright.

COMMISSIONER: What I'm just saying Ms Dwane if we get a map for you afterwards you could discuss it with your counsel and you could submit it and we could then put that to station commissioners because I'm sure counsel for the SAPS would also like to have that.

MS MAYOSI: Yes we'll do that Madam Chair.

COMMISSIONER: Thank you.

MS MAYOSI: You were saying Ms Dwane that one of the spots where these fights break out is close to Harare police station, no Site B station.

MS DWANE: Yes.

MS MAYOSI: From your knowledge what is the state of police patrols in these areas during in particular the times that you say when the kids go to school and when the kids come back from school?

MS DWANE: It's almost non-existent and as I said earlier when the police are called they will come, disperse the kids and then move away again. But in most instances those kids they fight on a daily basis without any interruption and I believe that if there was more patrolling and if the police were actually on those spots on a daily basis at least just after school as well as in the morning when the kids are going to school and the critical areas are actually closer to the boundaries. So for kids who are coming from Site B who are going to Masiyile just

on that main road on the bridge if they are closer to that boundary from Site B mall or Site B centre to that boundary where you move to Masiyile because Masiyile is on the other side of Khayelitsha in order for kids from Site B and Site C to get into Masiyile they have to go through – the main entrance is actually on the side of Khayelitsha. So they have to cross the boundary to access the school so if the police will actually be present, be visible during those hours early in the morning between 7 and 8 o'clock in the morning and also help after school patrol with the learners when they're going to school I think that will disrupt the gang fights that are happening after school.

MS MAYOSI: You also say in your statement that the police themselves seem to be afraid of the gangs and they do nothing to try and arrest them why do you say this, why do you say the police seem to be afraid of the gangs?

MS DWANE: For me it's mainly because of the tactics that they're using and also for someone who knows, the police station that is very close by to where the incidents are happening on a daily basis surely the police would know if it was properly, I mean if there was good crime intelligence within those police stations they would know what is happening in the community because those fights are not hidden from anyone.

MS MAYOSI: The tactic that you've mentioned is that they merely appear and drive by is that correct?

MS DWANE: Yes and leave.

MS MAYOSI: Do they sometimes get out and engage with the young men who are doing the fighting or try and disarm them to your knowledge?

MS DWANE: No.

MS MAYOSI: You've then identified and listed certain areas I think it's the areas you referred to earlier or you alluded to earlier where you say gangs that attract and attack schoolchildren concentrate their activities in those areas, can you mention what those areas are for the Commission?

MS DWANE: Okay at Makhaya Park closer to Esangweni High School, under the bridge in Site B near Masiyile, MegaGro and the railway line, on the bridge at Kuyasa, the open space closer to Thembelihle High School, opposite Sizimisele High School at Makhaya this is where the Makhaya and Makhaza gangs fight, at Green Point Park, Green Point in Site B yes that's all.

MS MAYOSI: Has Equal Education or any of the complainant organisations to your knowledge interacted with SAPS at all regarding the appropriate response in these areas, in these hotspots if I may call them that?

MS DWANE: No, what we have done as Equal Education we have contacted the Western Cape Department of Education. As I explained earlier we contacted the MEC Donald Grant, we also contacted our partners SJC to try and mediate and get the police involved but to my knowledge they have not succeeded. I have also called Monde Mqulwana who is the ward counsellor at BM Section. I contacted him because we knew him as our comrade who used to be part of COSATU and we knew that he was quite active and well known within the communities in Site B. So Mqulwana said to me he's coming to the office and he assured me that we will have the meeting because at that point we were really under pressure because we were seeing what was going on around Khayelitsha. Our national council has

actually told us that we should understand what the situation is in relation to gangs, why do these kids join gangs and also in a way get an understanding which kids will be part of the gangs, whether it's boys or girls. What we found is actually both, girls who are involved with gang members will also have their own sub-group where they will call themselves for example Italian Girls and there would be fights amongst girls. We saw that this phenomenon of gangsterism is actually quite different from what we have seen in the Cape Flats. Many people would know that gangs in Mannenberg for example and in Mitchell's Plain and Bonteheuwel they are organised around drugs or organised crime whereas these ones are really about identity, a sense of belonging and dressing up. These fights actually are about claiming their space and their identity within these communities and also trying to show off that they are actually more powerful than the other groups which is very different from what we've seen or read about.

MS MAYOSI: What in your view should SAPS be doing to combat, prevent, investigate this growing problem?

MS DWANE: I think the first thing is that the police need to be more visible in our communities they need to patrol more especially these hotspots. Secondly I'm not aware and I'm not sure if there is good training of the police around issues like this gangsterism, how to manage a group of young people. To tell you the truth when these fights happen there would be about 100 people fighting at the same time so I don't know if they do know how to actually manage those kind of fights, how do you arrest a group of 70 kids for example. Also I believe that they also need to have some effort together with communities, get communities involved in identifying these gangs but also then try to come with strategies to actually combat this kind of gangsterism. I believe if there's a concerted effort we could actually get rid of some of these gangs.

MS MAYOSI: You also say then in your statement that there have been numerous reports of murders in some of the schools in Khayelitsha and stabbings at various schools can you list those for the Commission?

MS DWANE: Towards the beginning of October, towards the end of September/beginning of October these were a few incidents that happened in the schools around Khayelitsha. There are actually some more that happened even before. There were two Masiyile High School boys that were killed in a gang fight, one boy from Bulumko High School was stabbed outside his school. Two boys who had dropped out were stabbed by Bulumko High School boys and in Luhlaza where a Luhlaza boy was killed in the begging of the third term last year. Also a girl from Luhlaza who is not involved in any gang was stabbed in her face by a group of girls who stabbed her mainly because she is involved with a boy who was part of a rival gang so she was stabbed because of that. If her boyfriend is part of a gang it is assumed that automatically she is part of the gang as well, of the same gang and that's why then some kids will be victims of crime or such fights or stabbings because of their association with gang members.

MS MAYOSI: To your knowledge did any arrests or prosecutions result from any of these incidents that you've mentioned?

MS DWANE: No I don't know.

MS MAYOSI: Do you know what steps SAPS took to improve security or try and

secure these schools where incidents such as this took place?

MS DWANE: The schools are still in the same condition that they were before these incidents. I just passed Luhlaza High School there are no police around in that school or there is no patrolling happened around that school.

MS MAYOSI: Tell the Commission about the alcohol problem and how it contributes to the safety and security issues of learners in Khayelitsha.

MS DWANE: Alcohol is mainly used by many people for fun or for them to enjoy themselves, although I'm not a drinker I will not put a judgment on whether or not people should drink but where it's a problem is when there are illegal taverns all over the place in Khayelitsha especially where I reside. The police are not actually closing down those illegal taverns. What happens is that young, any person can actually go and buy alcohol and they've got access to those taverns and it is in taverns where young people are killed or get into fights and those incidents have nothing to do with gangs. For me I think alcohol does contribute to violence and I think if we can get information from the hospitals here in Khayelitsha they would tell you how many incidents that are reported of stabbings and killings during weekends. Apart from alcohol there is also another substance that I believe is also I think destroying the lives of young people which is mainly tik. Tik was not the famous drug or a drug that was being used here in Khayelitsha before, we knew that in the former coloured areas tik was actually – I think it began to be used in the Western Cape in many of the former coloured areas and now has moved to Khayelitsha where there are people who are actually selling drugs especially tik here in the township. The effect of this drug is that young people don't sleep at night they roam around hyperactive and this is where then they stab people or they try to rob people. So I think it actually has an impact on the robberies in the mornings as well as at night.

MS MAYOSI: What should the police do, again what is SAPS' role in addressing those problems?

MS DWANE: I think they need to work with communities to identify firstly drug lords or those who are selling drugs within the communities but where after they have done so they need to arrest the people who are selling drugs and also bring them to book. If there isn't any finalisation of a court case or there isn't a sense that justice is being done then people become discouraged to go and report crimes like that, people who are dealing with drugs. I know as an example where someone whom we know sells drugs around my vicinity was taken away for a few hours by the police after community members called the police. After a few hours he came back and he was laughing to say oh those people will think that they are bright trying to report me they are the ones that are going to be like sorry. That happens on a daily basis that we believe that we don't, we can't trust the police and give them information and the same perpetrators come back to our community and terrorise us instead.

MS MAYOSI: You also mention in your statement various incidents where either yourself or your colleagues at Equal Education were victims of crime. Let's turn to those incidents now starting with the time when you were walking in Mbangiso Drive can you tell the Commission what occurred and what was the response of SAPS to that incident?

MS DWANE: I was in, okay we were in my house, in my house we have a studio, a recording studio where we mainly give access to young people mainly boys, young boys to come and record, sometimes young girls as well to record music. So they will stay up till late in my house so after the recordings then we went at about 10, 11 o'clock so we were walking towards his house...(isiXhosa spoken)

MS MAYOSI: Ms Dwane the Commissioner and other people don't understand isiXhosa they are not wearing their gear because of your initial undertaking to stick to English.

MS DWANE: Oh yes alright, oh okay.

MS MAYOSI: Thank you.

MS DWANE: There were three of us coming from my house and we were accompanying Lubabalo Bhozo, he lives in Y Section so it's quite nearby my house. So we are in T T Section, adjacent to our section is W Section, next to W section is Y Section it is only divided by a small tiny street. So we walked him home and it was three of us, four of us including him Lubabalo Bhozo. So we got into his street closer to Mangaliso Primary School so on our way back or on our way before he got into his street we saw a group of young men sitting in the street. So we didn't mind them and also they were known to Lubabalo so he knew some of these boys so we didn't take note of them, we didn't worry about them. So when he got into his street and we came back to where we were coming from immediately those boys rushed to us, and there were about nine to 12 of them rushing to us, and some of them they had pangas and knives and because they outnumbered us and the two us me and Luvo did not try to fight but Pat tried to fight with some of them. Then it was going to be a difficult fight so what they did is they took the phones from us because both of us, all three of us had cell phones with us. So they managed to take cell phones from me and Luvo but Pat, because he fought, then they let him loose and then they ran away after that. So what we did after that event we called the police, we called 10111 to get the police to come so we waited for them and we told them they will find us near the Andile Msizi Hall in the same street. So the police came, a police van came with two policemen and he asked us about the incident, we told him about the entire incident what had happened and we told him that actually there is someone who knows some of these boys who can identify them. We gave him the name and the address of Lubabalo. So he went to Lubabalo's house on the same day, same night, he went to Lubabalo's house to ask about whether or not he knew the boys so Lubabalo told the policeman that actually knows some of the boys and he can identify them. Instead the policeman asked him are you really, really sure that you can identify them and he said yes I can identify them I'm sure, the police said to him well okay we'll come back tomorrow. So the policemen went away and he never came back so up until this day he never came back and for me we didn't actually go back to the police to call them back to ask them why didn't they pitch because we thought by the time he was asking Lubabalo if he was really, really sure if he could identify those young men for me it felt like he didn't actually want to go and arrest those young men, instead he just disappeared.

MS MAYOSI: Have you enquired since then from SAPS?

MS DWANE: No.

MS MAYOSI: First of all from which police station was that?

MS DWANE: Site B.

MS MAYOSI: Right, why have you not enquired about whether they're investigating it?

MS DWANE: Because I don't believe that they are going to do anything about it and I think that they were just paying lip service even at that point of just coming just to show face and then leave afterwards. Because I was so angry at that point that the police did not actually take time to actually fulfil the promise that they made then I thought well let me just leave it.

MS MAYOSI: But the question you will get is how is SAPS supposed to help you if you don't follow up with SAPS.

MS DWANE: I believe that if I made the phone call to SAPS and they came, they took my cell phone number and promised me that they will come back I believe that any serious organisation if someone promised you that they will come back then they should come back. I don't know why I should then take 10 other steps to just get the police to do their job.

MS MAYOSI: You also mentioned two incidents of theft at Equal Education's offices in Khayelitsha were those two incidents reported to the police?

MS DWANE: Yes, yes those incidents the first time of robbery in our offices a young man who was at our offices was tied into a chair and the computers were stolen on that day so when he called some of the boys that, we had a room in our office where we open for a few young people to stay there so that they can keep an eye on the place. So those boys they were visiting, he was visiting some of the two boys that lived there. So we called the police, we opened a case we got the case number in both instances, so in the first case the computers were stolen, the boy was tied into the chair. The boy is still around in Khayelitsha he's also our member and he gave the statement but there was never any follow up as to what had, whether the investigators had any findings or whether they've dropped the case so that we don't know. Similarly to the second case where our kitchen appliances were stolen in our office at night, at that time there wasn't anyone at the office so we reported, when we got into the office we reported the case and we also went to the police to take a statement but we never knew what happened to the case, whether the case was resolved or not.

MS MAYOSI: Was a case number allocated even to the second incident?

MS DWANE: Yes.

MS MAYOSI: Did the police arrive to perhaps take pictures and conduct investigations on site?

MS DWANE: They came, the police came to take statements not the pictures.

MS MAYOSI: Do you know if there were any efforts to find fingerprints?

MS DWANE: I don't know.

MS MAYOSI: Alright. The theft of the (indistinct) equipment was that incident reported to the police and again do you know how it was resolved?

MS DWANE: Lu was an international student from America visiting South Africa and they were building a program for us that we called Amazwi Ethu today meaning "our voices". This program is about training students or learners from Khayelitsha and we have about five students who are actually trained in filming and also doing

documentaries and they have been doing those documentaries for now, this is their second year. Lu was part of the team that came from America to start that initial project with us so she was carrying her filming equipment, her laptop with her coming to the office at EE in Washington Square, Capital Drive. So on her way closer to the office two young men approached her and tried to grab her bag so they took the bag and tried to run away with it and Lu she also chased them trying to get her stuff from them. We saw her through the window so the whole staff ran after them as well. At the same time some of the people who were at the office called the police so that they can help us chase these young men. When the police got to us already by that point we have already identified one of the two young men and Phumza identified this young man because she knew him from her street in Site B. Phumza used to live in Site B and now lives in Delft so for a long time she stayed in Site C and knew this boy very well because she was, because this boy was her neighbour. Phumza took us to his home and told his sister that we caught your brother grabbing Lu's bag and now he ran away in this direction. She said to us she has given up on her brother because he has been doing the same things and he doesn't stop his criminal activities. She wanted him to be arrested so the police came and we took the police to his home and identified him by his name where he stayed. The police said well okay they will come back the next day when he is around to pick him up so that was the end of the story that we've heard from the police.

MS MAYOSI: Was a case number allocated?

MS DWANE: No we don't know if it was allocated or not but the police were there with us and they said they will come back and pick up the boy that we identified.

MS MAYOSI: The police were from which police station?

MS DWANE: Site B.

MS MAYOSI: Right, you say that in reality unless something really serious happens in Khayelitsha – how you put it you say that “the reality is that outside of a major incident like a march or a killing or robbery police presence is nonexistent in Khayelitsha” can you explain to the Commission why you say that?

MS DWANE: I am saying that it is nonexistent because we rarely see the police patrolling in our areas and in some cases we see the police doing underhanded business in our areas. For example, across the road where I live you will see the police patrolling, they will patrol once late at about 9 o'clock instead of just passing and checking if things are okay they will come into the Somali shop, come in there grab some food like bread and cold drink and just get out of the shop without paying. That makes me like wonder, it shocked me when I saw it once but then I saw it again and again and again where the police just come into a shop, in a Somali shop they don't do that with Xhosa owners but they do that with Somalis. They come and take, grab bread and cold drink and just get out so we see them doing things like that. In overall after that they get into their van they just drive away and they don't actually communicate with the community members. We don't know what the police are up to, we know that these community patrols that are happening at night that I would never be involved in because I've seen how those people beat people, they beat children and young men up at night so I would not get myself involved in forums like that.

MS MAYOSI: You express a view in your statement that the lack of police presence is what leads to many incidents of community members resorting to vigilantism, is that what happened after the murder of Mzukayise Botho?

MS DWANE: There's a sense that that might have happened because what happened with Mzu's death he was stabbed during the day when everyone can see in the street, during the day and he was there to go and meet his girlfriend but by the time he went to meet his girlfriend someone else was inside, another boyfriend was inside meeting the same girlfriend so he stood outside. Whilst he was standing outside her house the boyfriend came rushing to him with a knife and stabbed him to death at that moment. That boy was doing Grade 11, Mzu was doing Grade 11 at that point he was still a teenager and he was also our member at Equal Education. What happened is that Mzu died immediately after the stabbings and...(intervention)

MS MAYOSI: Were the police called, were the police informed of that incident?

MS DWANE: I don't think so and I don't know if they were called and what happened is that immediately after a few, I think a few hours after Mzu had died we heard that on the following day that this person who stabbed him his body was found in the street behind Mzu's family's street and no one knew what had happened to him. The only story that was told is that a taxi came in and took this boy who stabbed Mzu and after that they didn't know what had happened to him. The next day they found his body lying in that street.

MS MAYOSI: Was anyone arrested for the murder?

MS DWANE: No, initially after the police discovered this boy's body lying on the street they arrested Mzu's sister and after a while they've actually released her and that was the end.

MS MAYOSI: Now Ms Dwane you've identified a number of problems, a number of issues that learners are going through and residents in Khayelitsha are experiencing as far as safety and security is concerned. What recommendations if this Commission finds that your complaints are valid or legitimate what recommendations would you wish to see the Commission make to improve the situation in Khayelitsha?

MS DWANE: I would think firstly regular patrolling and more visibility of the police would help especially in hotspots where it is well known that gang fights are happening. But also we think that there must be a plan or rather there must be an effort by different stakeholders including the SAPS to think about how we can make sure that our schools are safe. I believe that that will include, those stakeholders will include the Department of Education, Social Development as well as the police and key community structures and ordinary members of communities should actually begin also a dialogue around how we can make sure that our young people are safe, not only safe in schools or on their way to schools and coming back from school, but also in their own homes, in the streets, making sure that we close down taverns and areas that pose a risk for young people to their security and safety. I believe that cameras need to be installed in a few hotspots including areas around schools. I also believe that the police need to be trained mainly, especially trained to deal with gang violence and violence that happens at home as well.

COMMISSIONER: Are you done Ms Mayosi?

MS MAYOSI: I have no further questions Madam Chair.

NO FURTHER QUESTIONS BY MS MAYOSI

COMMISSIONER: Thanks Ms Mayosi. Mr Arendse we allocated you 30 minutes for this witness and again we do have your questions, there are some areas where she's covered new terrain so please go ahead.

CROSS-EXAMINATION BY MR ARENDSE

MR ARENDSE: Thank you Madam Chair. Ms Dwane good morning.

MS DWANE: Morning.

MR ARENDSE: We heard the evidence of two school principals, Mr Mjonondwana who is the principal of Zola Senior Secondary at Site C and Mr Madoda Mahlutshana who is the principal at Chris Hani, do you know them or of them or do you know these schools?

MS DWANE: I know the principal of Chris Hani and I know the school Joe Slovo.

MR ARENDSE: Okay.

MS DWANE: Joe Slovo I knew the principal called Mr Parker who was the principal of Joe Slovo.

MR ARENDSE: Have you interacted with Mr Mjonondwana or Mr Mahlutshana at all?

MS DWANE: The Chris Hani principal, you didn't pronounce it right but the principal of Chris Hani I have interacted with the principal of Chris Hani and I've interacted with Mr Parker of Joe Slovo.

MR ARENDSE: Okay, I stand corrected by just in summary both the principals of Zola Senior Secondary and of Chris Hani spoke of their interaction with the CPFs in the area and with the school safety committees established at their schools, are you aware of that or were you aware of that?

MS DWANE: Okay when you said Zola I thought you said Slovo.

MR ARENDSE: No I said Zola Senior Secondary.

MS DWANE: Okay I know of Zola High School but I have not interacted, I've met the principal of Zola I've gone to meetings with him.

MR ARENDSE: So my question just was were you aware or are you aware of their interaction with CPFs in the area and their work with school safety committees, they've established safety committees at these schools the express purpose being to deal with the school gang violence that takes place at the schools.

MR SIDAKI: Madam Chair, just a point of correction I think it was the principal of Chris Hani Mr Mahlutshana who had a working relationship with the CPF in his area but certainly not Mr Mjonondwana.

COMMISSIONER: I think that is correct, Mr Arendse I think it was very much the principal of Chris Hani who talked about this and also said that, if I recall his evidence correctly, that he didn't have a very severe problem with gangs in his school but he knows that there are other schools that do.

MR ARENDSE: I did say I stand correct so I've been corrected.

COMMISSIONER: You confused the witness but please go ahead.

MR ARENDSE: I did record though that as far as Zola Senior Secondary was concerned and Mr Mjonondwana's evidence was that gang violence had been reduced I don't know if Mr Sidaki's notes also record that or if I should be

corrected. Anyway ma'am if I may just rephrase that in respect of the Chris Hani Senior Secondary School and Mr Mahluthshana's evidence he spoke about his interaction with CPFs and their interaction with the school safety committees. My question was were you aware of that or are you aware of that?

MS DWANE: No I'm not aware of the CPF and whatever testing there is, I know that Chris Hani had Bambanani security volunteers at the school.

MR ARENDSE: When would that have been ma'am?

MS DWANE: 2011 and 2012.

MR ARENDSE: I understood just on that Madam Commissioner on Bambanani that that had been done away with or is it still the same, Bambanani are really the community volunteers.

MS DWANE: Yes community volunteers.

MR ARENDSE: They work with the police.

MS DWANE: They are no longer there, not Bambanani but certain schools will appoint security guards or what they call caretakers to be at school to be sitting at the gate to check who is coming in.

MR ARENDSE: Has that been effective?

MS DWANE: Hmm?

MR ARENDSE: Has that been effective?

MS DWANE: No not a caretaker, a caretaker has no security training it is an ordinary person who can just check what is going on around the school but further than that he can't do anything if a fight erupts. I think from what the principal of Chris Hani has said it might be correct to say that within the school area, within the school yard the gang fights do not occur or it has been decreased but immediately when the kids get out of the school and reach the open field this is where they fight. So I would actually like to hear if he is making an assertion that during those times in the mornings when the kids are coming to school and when they're going home they are free of those fights.

MR ARENDSE: But I think to be fair he spoke about the situation within his own precinct, within his own school.

MS DWANE: Yes.

MR ARENDSE: Did you – when I talk about you, you obviously represent an important community organisation but have you interacted at all with the school principals generally. They have a forum the school principals' forum where they meet from time to time where the issues that you've highlighted in your evidence where these could be raised and could be addressed, discussed?

MS DWANE: We have attended a few meetings with KDF and beyond having the structure sitting there I don't know what they could do themselves as the principals. What I have seen with individual principals they have taken different measures and some of the principals as I've indicated before have actually called the taxi drivers to come to school to discipline the kids and some have taken a different route. So I don't know what that structure *per se* would do because what we have done as Equal Education in our efforts to involve we've actually written to the Department of Education and even the Department of Education had not had any concrete response to the crisis.

MR ARENDSE: Well I'm speaking just from memory and it's anecdotal so I don't

even know what, it's always a bad thing for a cross-examiner to ask a question to which you don't know the answer but I read that the Western Cape Education Department rolled out I think it was during last year 2013 if not 2012 a school safety plan because the issue of violence at schools as you also alluded to in your evidence in other disadvantaged areas, so called coloured townships, it's as violent if not more violent, there's a plan rolled out by the WCED, search and seizure measures and so on, can you comment on that?

MS DWANE: Okay even before gangs erupted in Khayelitsha there was what they called a safety schools' program within the Department of Education and I can tell you that program is almost non-existent. It is not being implemented and even whatever plan that they say they've got no one has seen that plan and we have not seen that plan being implemented in our communities. As I said earlier the MEC announced that he will actually send the police to do search and seizure within the schools in Khayelitsha and that was a once-off event and nothing actually happened afterwards. I would actually be happy to see or hear the MEC tell us what he has done to implement that plan because I think what is needed really is actual implementation, action, and we want to see the police, the Department coming to us. What we have seen is that the MEC and the Premier have actually given resources to Mannenberg schools not Khayelitsha schools.

MR ARENDSE: So there's some element of discrimination there.

MS DWANE: No I wouldn't say an element of discrimination I would say that it might be a little bit of politicking...(intervention)

MR ARENDSE: Political discrimination.

MS DWANE: A little bit of politicking because even with Mannenberg that intervention has not been followed through to a point where the gang violence in Mannenberg is really contained.

MR ARENDSE: Okay I've just asked you...(intervention)

MS DWANE: So I believe that press statements that are being made by politicians on TV or on newspapers they don't become a lived reality at the end so that safety plan that the MEC talked about we have not seen its implementation on the ground.

MR ARENDSE: But you agree with me that is also what you read and heard and saw on TV and in the newspapers?

MS DWANE: We've read about the safety plan...(intervention)

MR ARENDSE: I don't represent the Western Cape Education Department I don't know hon Commissioners to what extent DOCS can take up this issue but I suppose they could be advised that this was raised as an issue and maybe they can make a written submission, the WCED.

COMMISSIONER: I think there are issues around school safety that are going to be addressed in the DOCS evidence next week.

MR ARENDSE: Ms Dwane then just hon Commissioners we have I think yesterday or today, I think yesterday we've posed quite a number of questions to Mr Sefale in relation to his paper on gangs should we perhaps reserve questions on that for him?

COMMISSIONER: Yes it's actually Ms Sefale and we have actually considered your questions this morning and allocated an amount of 40 minutes which I'm sure

Ms Dissel will be telling you in due course.

MR ARENDSE: Thank you very much.

COMMISSIONER: In fact both the next witness and witnesses tomorrow will be addressing this important issue of gangs.

MR ARENDSE: Thank you. I just wanted to then ask you one question on that Ms Dwane, your evidence is that the phenomenon of gangsterism here in Khayelitsha is somewhat different to that of the Cape Flats and what distinguishes that is that it seems to be formed here around issues of identity and a sense of belonging, was that your evidence did I recall it correctly?

MS DWANE: Yes.

MR ARENDSE: Now given that that's the case how do you propose the police to deal with these issues, issues of identity and a sense of belonging in terms of addressing the gang violence issue or gangsterism or even eradicating it?

MS DWANE: I believe that the first step where I think the police have a role to play is where violence occurs or happens their role is to make sure that violence or that crime is prevented because no one is allowed to just fight or attack anyone freely in this country. The police then have a role to make sure that criminal act is prevented so that if it occurs, if someone dies in these gang fights then the police have a role to play to make sure that whoever or the gang members are actually arrested. If it's kids they need to be sent to rehabilitation or a program needs to be, a restorative justice program needs to be formulated and I think this is where the Department of, sorry the police as well as the Department of Corrective Services as well as Social Development will come in to even think about a plan to think about how can we bring in restorative justice or an alternative in trying to resolve this. Where adults are involved then those need to be arrested and the police at least they need to their job by being visible, patrol, arrest those who need to be arrested. If it's teenagers, 10 year olds they need to be rehabilitated but something needs to be done. Apart from the police other social issues that lead to kids being part of gangs those need to be resolved through the involvement of other government departments as well as the community.

MR ARENDSE: Thank you Ms Dwane. Hon Commissioners the only remaining written questions related to some details and some particulars that are referred to. Perhaps we can deal with it with my colleague and not through the evidence.

COMMISSIONER: Things like CAS numbers and the like.

MR ARENDSE: Yes.

COMMISSIONER: Ms Mayosi would you be in a position to provide those where you have them and otherwise just dates, we could do a check through occurrence books we've got the occurrence books we should be able to look through the occurrence books if we have dates.

MS MAYOSI: We have no difficulty with that Madam Chair.

COMMISSIONER: Thank you.

MR ARENDSE: Thank you then I've got no further questions, thank you Ms Dwane.

MS DWANE: Thank you.

NO FURTHER QUESTIONS BY MR ARENDSE

COMMISSIONER: Mr Sidaki do you have any questions for this witness?

MR SIDAKI: I have nothing Madam Chair, thank you.

NO QUESTIONS BY MR SIDAKI

MR PIKOLI: Thanks Ms Dwane, mine is not a question I'm just seeking clarity in my own mind about what you said in your oral testimony which is not in your written statement. When you were addressing the question of alcohol and drug abuse I heard you to be saying that there's a problem of illegal shebeens or taverns that are operating in the township and that the police are not closing them down in terms of law enforcement. Secondly you mentioned at least one incident where members of the community actually reported a suspected drug dealer within the community, the police did come took him away and the next day or the same day he was back and laughing at the people who had actually – did I hear you saying that as a result of this the people are now reluctant to report crime to the police?

MS DWANE: Yes.

MR PIKOLI: Is that what you said?

MS DWANE: Yes.

MR PIKOLI: If that is so did that then inform your conclusion in paragraph 59 of your written statement where you say that:

“Equal Education accordingly prays that this Commission of Enquiry will seriously consider the testimony of the people of Khayelitsha and will make recommendations aimed at restoring the relationship of trust between the community and the police and that will ensure that effective policing occurs in Khayelitsha”

MS DWANE: Yes, yes.

MR PIKOLI: Thanks

COMMISSIONER: Thank you very much Ms Dwane for your testimony this morning, for being available to the Commission and for the important work that Equal Education does in Khayelitsha. You may now stand down, thank you.

MS DWANE: Thank you.

WITNESS IS EXCUSED