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I, the undersigned

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declare under oath as follows:

1. I am an adult female, resident at [REDACTED]
2. The facts herein fall within my personal knowledge, unless the context indicates otherwise, and are true and correct.
3. I wanted to get protection from my ex-boyfriend who was coming into my current boyfriend's house, and forcing me to have sex with him. Whenever I refused to do so he would hit me. I was suffering from sexual and physical abuse by him and required protection against such abuse.
4. I approached the Khayelitsha Site B police station about the matter and they instructed me to consult the Khayelitsha Magistrate court. I cannot remember the date when I approached the police station.
5. I consulted with a female police office. She explained to me that this is a matter that should be dealt with by the court. She did not inform me of my right to open a criminal case against the perpetrator. They did not advise of my rights, and neither

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did they take my statement. They did not inform me of availability of support services within the area.

6. I do not reside with the perpetrator but he comes to my house occasionally and it is at such occasions that I would be a victim of the abuse. I consulted the police at the Khayelitsha Site B station on or about July 2012 on a Saturday morning. I was advised to consult the Khayelitsha Magistrate court on Monday morning.
7. I followed the instructions of the police. I was assisted by the clerk of the Domestic Violence court to complete the application for a protection order. The interim protection order was granted and I was instructed to go to the Khayelitsha Site B police station to follow up as to whether the protection order was served on the perpetrator. I was informed that the police would serve the interim protection order to the perpetrator and that I should go home.
8. I went home that night but I was not sure whether the order had been served on the perpetrator. I thus remained in fear of the perpetrator coming and abusing me in the house. After a week of obtaining the interim protection order I decided to go back to the police station to follow up, and establish whether the order had been served.
9. I approached a female officer. She acknowledged my query and thereafter transferred me to another office. They started looking for my protection order form. They relied on the copy which I produced to them to locate the form. After a few minutes it was discovered that the form was lost and could not be located. In the same office, another male officer then asked for my copy and made a photocopy of my form.

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10. I came to realize that if I had not come to follow up in this matter, I would still be unsafe because the perpetrator had not been served with the interim protection order granted by the court a week earlier.
  
11. Thereafter I was told to accompany two male police officers to the police van where they instructed me to provide them with directions to the perpetrator's house. When we got to the house, the police officers found the perpetrator. They made enquiry as to whether he knew who I was and he agreed that he knew who I was. Thereafter they handed him with the interim protection order and I left with the officers.
  
12. The perpetrator did on several occasions violate the terms of the interim protection order but because I did not know that I had the right to report him to the police for him to get arrested I did not report the matter. I was never informed that I could do this by the police or the court.
  
13. On the 21<sup>st</sup> December 2012 at about 8pm I was walking on the street near my house going back home. The perpetrator approached me took me by my hand and forced me to go with him to his house. When we arrived in his house he forced me to take off my clothes and he raped me.
  
14. I reported the rape to the police in Khayelitsha site B on the 22<sup>nd</sup> December 2012. I was assisted by the police. The investigating officer took my statement. He did not however provide me with a copy of the statement made in relation to the rape.

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15. On the 3<sup>rd</sup> of January 2013 the perpetrator was arrested.
16. Upon reporting the matter in addition to completing the statement and assisting me to go to the doctor, the police gave me a referral to the Rape Crisis Centre, for me to access support services.
17. They did not give me an information sheet relating to my right to Post Exposure Prophylaxis to prevent me from contracting HIV.
18. The perpetrator is still currently in custody in Polsmoore prison. The trial is set down to be heard on the 26<sup>th</sup> November 2013 in Khayelitsha Magistrate court.

  
N. Q.

I certify that:

1. The Deponent acknowledged to me that:
  - 1.1 She knows and understands the contents of this declaration;
  - 1.2 She has no objection to taking the prescribed oath;
  - 1.3 She 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 14<sup>th</sup> day of *November* 2013.

*SM*

*Sandie MacDonald*

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**COMMISSIONER OF OATHS**

**Sandie MacDonald**  
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Practising Attorney

*11/23*