

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

AFFIDAVIT

I, _____, the undersigned, state under oath in English that I am an adult male, with ID No: _____, date of birth _____, _____ years old, residing at _____ Khayelitsha, Cell: _____, do hereby state that:

1. My two cellphones were stolen around the 10th of August 2012. The phones are a Blackberry Curve 8520, and a small Nokia phone. They were stolen during the day from my room at the _____ where I live. I live at this place where we hold prayers and also sleep. I share a room with two other men.
2. I was at home that day. Between 09h00 and 09h40 I left the room to go to the toilet which is outside, about 30 meters away. When I came back, the door was not locked, and the two men were still sleeping in the room. I discovered that the cell phones were not there.
3. I told the other men that the phones had disappeared. I called the neighbours, and we tried to look for the phones, and we could not find them. No one saw anybody take the phones.

4. I suspected that it might be the suspect. The suspect is someone who comes around to the hostel sometimes asking for food.
5. I called Vodacom to blacklist the phone and then went to Khayelitsha Police station at Site B to report the theft of both phones. They took my statement and gave me a case number (CAS: [REDACTED]). At that time I mentioned who I thought the suspect was, but the police told me that because the guy has not been caught red handed with the phones, or had not admitted that he stole the phones, they could not do anything. They did not go out and speak to the suspect.
6. I left the police station. Last week on the 2nd of October 2012, at about 5pm, I received a call from one of my neighbours from the [REDACTED] to say that they had caught the suspect who had stolen two prayer mats from the community. When they caught the suspect he admitted to stealing my two phones. I then called the Vodacom emergency number, which is also used to call the police. I spoke to someone from the Khayelitsha police station. I spoke to a man called [REDACTED] who said he would send the police to my room. We had the suspect there, and we waited until about 7pm for the police, but they never arrived. Then one of the members of the [REDACTED] called one of the police who they know is on patrol. The patrol police arrived, stopping outside the road. We

brought the suspect to them, and together we took the suspect to the Khayelitsha police station.

7. The police who were on duty at the station, the suspect, and myself took the suspect to the place where he sold the two phones at a person's house in Site B. The person at the house gave the police the Blackberry. I recognised it as my phone and checked the registration number of the phone to make sure it was mine. The Nokia was not there. The suspect said that he had given this phone to someone else.

8. The police took the Blackberry and then gave it to me. We went back to the police station. I realised that the sim card and memory card were missing from the phone, and the 'organiser' (which prevents the radiation from the phone) was also missing. I told the police that I want to proceed with the case against the suspect.

9. I ended up having an argument with the police. They didn't want me to proceed with the case. They just wanted to hand me back the phone and make me drop the charges against the suspect. They asked me what more I wanted, since I already had the phone. The police said that if I wanted to proceed with the charges, then I wouldn't get the phone back. Initially, I said that I would not proceed with the charges, but once I discovered that there were

parts of the phone missing, I decided to proceed with the case.

Then I was told to hand the phone back to the police, which I did.

10. The police told me to go home, and the suspect remained with them. The police had advised me that they would go with the suspect to recover the prayer mats from my community home. But when I went to the community the next day, I asked whether the police had come regarding the stolen mats, and I was told that the police never arrived. I went back to the police. The police said that they had never made such a promise, and told me that because the mats are not my property that I shouldn't be concerned about them.

11. To this date, the mats have not been recovered, even though the suspect knows where he took the mats. The mats are valued at R100 – R200 each.

12. The investigator phoned me during last week and told me the suspect would appear in court on the 5th of October, but I didn't need to be there. She didn't tell me why I shouldn't be there, and I thought it was not necessary for me to be there. The investigator said she would call me if there was a need for me to be contacted, but I have not heard from her again. I don't know if the suspect is still in custody or whether he is out on bail.

13. My concern is that when I initially reported the case, the police told me that they could not do anything. I am also concerned that

when we called to the police at the police station to come and collect the suspect from the community home, they did not arrived,^{s.B} until we called the police who were on patrol. I am concerned that the police were not interested in recovering the second stolen phone or the stolen prayer mats. It seems to me that the police wanted to reduce their work load.

14.If I don't get my phone back, then I am unable to assess the real damage that my phone suffered.

15.I am worried that the police were not happy with the way that I handled the case, and because I insisted on pursuing criminal charges against the suspect, that they intend to make me suffer by not giving me back my phone.

"I swear/truly affirm 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 English/.....
and immediately translated into English, and that the deponent has
acknowledged that he/she knows and understands the contents of this
statement. I certify that regulations contained in GN R1258 have been
complied with. This statement was sworn/affirmed before me and the
deponent's signature was placed thereon in my presence on
09 October 2012 (date) at..... HARARE.....(place)

R. Mthanzeli
.....
Commissioner of oath
B. MTHANZELI
ADVOCATE OF THE HIGH COURT
CHAMBERS
40 QUEEN VICTORIA STREET
C/O B. WHARTON
CAPE TOWN.