

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

AFFIDAVIT

V.S.M.

I, V[redacted] S[redacted] M[redacted], the undersigned, state under oath in IsiXhosa, immediately translated into English, that I am an adult female, with ID No: [redacted] date of birth [redacted], 52 years old, residing at [redacted], KHAYELITSHA. cell: [redacted], employed as a domestic worker

do hereby state that:

1. On 28 October 2007, my husband and I were awoken up by other ladies saying that they urgently came to fetch us and then we all went together to my cousin's place. When arrived there we found out that my cousin's shack had been burn with 4 people which included 3 children inside. The police and fire fighters had already surrounded the place as a crime scene and instructed that no one should go in. My husband went into the crime scene where the 4 burnt to char bodies were lying and I could also see everything from where I was standing.

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2. Later that evening the police told my husband and I that they received information that my cousin's boyfriend had set fire on the shack using petrol and locked the shack from outside using barbed wire so that no body escapes.
3. The following morning I received information that the perpetrator M. M. had surrendered himself to the Harare police station and confessed that he is the one who had set the shack on fire. He was then arrested under CAS NO: [redacted]/2007 and appeared in court and the case was remanded with the accused in custody for purposes of transferring the case to the Regional court.
4. On the day of his next appearance, Thursday 21 February 2008, the court refused to remand the case further because the case docket was missing. The magistrate then released the accused and said that the docket is missing and the case will resume as soon as the docket is found. This is how the accused got off the case.
5. It is crucial to mention that the accused is related to one of the police officials at Harare police station.

6. The community received information that the accused's mother had been asking around for a loan on behalf of the accused for travelling to Johannesburg in order to evade his trial, even before the case was thrown out of court.
7. The following day Friday 22 February 2008, after the case had been thrown out of court, the accused was seen with a travel bag and the community later received information that he had travelled to Johannesburg to live with his aunt. The community was very furious, gathered in a "form of a toyi toyi" and marched to the accused's house demanding to see him but no body came out. The community then started throwing stones at the accused's house damaging the house.
8. Later that evening the police came to my sister's house and arrested 6 of my family members who were present in the house including a 2 months old baby who's father died in the shack fire. They were incarcerated the whole weekend for alleged malicious injury to property and appeared the next Monday in court. The court released all of them on free bail.

9. On the very same Monday my cousin and I went to see the Investigating Officer, Detective S' [redacted] at Harare police station about the missing docket. Detective S' [redacted] went with us to Khayelitsha court in order to enquire about the missing case docket. We all went to the SAPS court docket custodian and Detective S' [redacted] found the case docket that was missing the previous Thursday in the SAPS court docket custodian's office.
10. We then informed Detective S' [redacted] that the accused has left to Johannesburg. Detective S' [redacted] then sent Harare police officials to the accused's house. When the police arrived at the accused's house they asked the accused's mother about the accused's whereabouts and she said she doesn't know where the accused was. They then arrested her and took her to Harare police station for questioning. I don't know the outcome of such a case but the accused's mother was released and came back to her house the following day.
11. Later in year 2008, I went to Harare police station to enquire whether the police had re-arrested the accused seeing that the docket was no longer missing. I was shocked to discover that Detective S' [redacted] had

left Harare police station and that the case had been allocated to a different Investigating Officer who never bothered to give any feedback to us as the deceased's family.

12. I then gave the accused's photo to the current Investigating Officer requesting him to load the photo into the wanted person's police file. He in turn asked me where there accused was, I told him that the accused is in Johannesburg.

13. To my surprise the current Investigating Officer told me to go and investigate where exactly in Johannesburg the accused resides because Johannesburg is a big City. This made me loose hope because how can a police Investigating Officer tell me, an aggrieved lay person, to go and do his job.

14. My whole family is still traumatised by the death of the fire victims, the accused did not only kill the fire victims but my whole family, older sister died of shock, my older brother is still sick since the fire and my husband died of heart attack.

15. I am still traumatised and its even worse that a known perpetrator was never brought into justice to face punishment due to police inefficiency here in Khayelitsha.
16. I would like the Commission to do an intense investigation on the police inefficiency in Khayelitsha and enforce measures to make sure that perpetrators of crime are brought into justice to face the consequences of their actions.
17. My family and I will only be relieved when we see that justice is done, including punishing the officials who recklessly caused the missing of the case docket. We will remain saddened as long as the accused is still out there.
18. The Khayelitsha community at large do not entrust their lives into the police because they are corrupt and inefficient.
19. As a member of the community of Khayelitsha I am not aware that there is an Independent Police Investigation Directorate. This

directorates is not visible here in Khayelitsha and have never made the community aware of its works.

20. The government department responsible for police investigations must follow up on all cases lodged in each and every police station in order to ensure feedback and efficiency of each and every police official.

“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.

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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 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 before me and the deponent's signature was placed thereon in my presence on 02 NOVEMBER 2012 at KHAYELITSHA.

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Commissioner of oath
BUSISIWE MTHAMAZELI
ADVOCATE OF THE HIGH COURT OF SA
40 QUEEN VICTORIA STREET
CAPE TOWN
CHAMBERS
C/O B. WHARTON