

SUBMISSION TO THE KHAYELITSHA COMMISSION OF ENQUIRY

I, the undersigned, ZM

do hereby state under oath in English that:

1. I am a single adult male currently unemployed and residing at
Mandela Park, Khayelitsha, Cape Town.

2. The contents of this affidavit are within my personal knowledge, unless I indicate to the contrary or the contrary appears from the context. Where they are not so within my personal knowledge, I verily believe them to be true. Where I make legal submissions I do so on the advice of my legal representative which advice I believe to be correct.

3. I have been living at the aforementioned address for the past twenty three years. The house is a family house and was owned by my late grandmother. I now live with my uncle and cousins.

[Handwritten signature]

4. I had also, at some stage, between 2009 to 2013, stayed at Mandela Park, Khayelitsha, where I was running an informal sheeben (not licensed) and selling liquor take –aways.

5. On the night of December 2012 to the early hours of the morning on 2013 at about 11h50 to 00h55, I was inside my shebeen, with more than 15 customers. I had closed for the night.

6. While at the shebeen there was a group of people making noise outside and knocked at the door. Six unknown African young men demanded to buy alcohol. I told them I cannot open and sell them alcohol as I said to them earlier I had closed for the night.

7. They insisted and forced their entry into the house, by forcefully pushing the front door. When they got inside they randomly stabbed some of my customers, and wanted to take my liquor and money.

8. I and some of the customers inside the sheeben retaliated by throwing beer bottles and physically fighting with the six young men to ward off the on-going attack.

9. Observers shouted for help and heard they tried calling the Police by calling the Police numbers.

10. When we eventually managed to overpower and successfully ward off the

attacks from these six young men, one of them, who was at that time stabbed already by beer bottles, was apprehended by a crowd.

11. The crowd was made up by some of the customers who were inside the sheeben at the time of the attack and by neighbors who came when they were alarmed by the robbery.
12. The suspect that was apprehended was terribly assaulted by the crowd, stones threw at him, stabbed by beer bottles, beaten by fists and sticks. He was left lying in the street, and later we learned that he was dead.
13. On January 2013 I was arrested and charged by the police for the murder of the suspect, under Harare CAS ./13. My four co- accused who its said they participated in the killing of the suspect were arrested and charged for the same murder on the January 2013.
14. On January 2013 in Khayelitsha Court 1, Case No: ./2013, we were granted bail of R500.00 (five hundred rand) each.
13. The case was on the court roll for 5 months, postponed several times for further investigation.
14. On June 2013 the case against us was withdrawn, due to incomplete investigation.

“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 2013/11/29.(date) at Khayelitsha.....(place)

[Handwritten Signature]
.....
Commissioner of oath

CITY OF CAPE TOWN
METRO POLICE
29 NOV 2013
METRO POLICE
STAD KAAPSTAD

CERTIFIED / TRUE COPY OF THE ORIGINAL DOCUMENT. THERE IS NO INDICATION THAT THE ORIGINAL HAS BEEN AMENDED BY AN UNAUTHORISED PERSON.
SIGNED: *[Signature]* 10026534
DATE: 29/11/2013 PLACE: Khayelitsha
COMMISSIONER OF OATHS
METRO POLICE SERVICES
P.O. BOX 7688, ROGGEBAAI 8012