
SUPPLEMENTARY AFFIDAVIT

I, the undersigned

JOEL BREGMAN

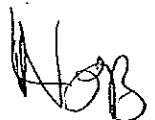
affirm and state as follows:

1. I am an adult male resident at Unit 1, 7 Haytor Road, Green Point, Cape Town. My Identity Number is 8411255056088.
2. I am currently employed full time at the Social Justice Coalition ("SJC") at SHAWCO Centre, K2, G323 Mongezi Road, Khayelitsha, Cape Town. My current position is Policy, Communications & Research Manager and I have been working at the SJC for three years.
3. I have previously submitted an affidavit to the Commission of Inquiry ("the Commission") in or around August 2012. This affidavit is in File G, pages 6 – 27 according to the Commission's Index of documents. This affidavit serves to supplement my 2012 affidavit.
4. The facts herein fall within my personal knowledge, unless the context indicates otherwise, and are true and correct.


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INCIDENT

5. On the morning of 15 November 2013 I met with Mr Mandla Majola at the Khayelitsha office of the Treatment Action Campaign ("TAC") for the purposes of having an affidavit he had deposed commissioned.
6. Mr Majola is currently the coordinator of the Khayelitsha office of the TAC – a partner organisation of the SJC and a co-complainant in the original complaint that led to the establishment of the Khayelitsha Commission of Inquiry to investigate policing in Khayelitsha.
7. I have been responsible for assisting some persons with the commissioning of their affidavits to be submitted to the Commission of Inquiry. Mr Majola is one of these persons. The commissioning of affidavits and subsequent submission to the Commission has been an ongoing process for the past year.
8. The closest place that we know of to have a document commissioned is the Site B police station. We walked from the offices of the TAC to Site B police station and went to the community service centre to ask for assistance.
9. Mr Majola had at this stage not yet signed his affidavit, but he had a full typed out copy.
10. At the community service centre desk we first spoke to a female officer. Mr Majola spoke to her in Xhosa, explaining that he required assistance in having his affidavit commissioned.
11. The officer began paging through the affidavit. When it emerged that the affidavit was related to the Commission of Inquiry she expressed uncertainty that she could commission the affidavit.
12. At this stage it seemed to me that the reason for her reluctance was purely because of the content of the affidavit. She did not categorically state that



she would not commission the affidavit, but it was clear that there was a lack of clarity over what process to follow.


13. The officer asked her colleague and she too was uncertain of what course to follow. Mr Majola and I explained that the police have a duty to commission the affidavit, but the two officers did not want to and instead led us to other police officers in the newer part of the police station. Unfortunately I cannot recall the names of these two officers.
14. There we spoke to two or three more senior officers, all female. Unfortunately I cannot remember the names of these officers, but I can identify at least one of these officers. Mr Majola and I explained the situation as we had to the two original officers we had spoken with.
15. They told us that they could not commission the affidavit. The reason they gave was that officers who had previously commissioned affidavits related to the Commission had "got in trouble" for doing so. The officers made it clear to us that they had been instructed to act with sensitivity around matters related to the Commission
16. They mentioned another officer (whose name I cannot recall) who had been designated to deal with all matters related to the Commission at Site B police station. One of the officers telephoned this person in their office, and we were then taken by the original two officers to this new officer's office.
17. When we arrived at this new officer's office he/she was not there. Instead Mr Majola and I spoke to a male officer, . We explained the situation and asked if he would be able to commission the affidavit.
18. He told us that in order for him to commission the affidavit, he had to read each word of the document and verify that what was contained in the document was the truth. He also said that it was problematic that we were asking a Khayelitsha police officer to commission an affidavit containing information about policing and police in Khayelitsha.

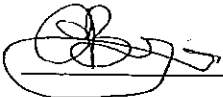
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19. Mr Majola explained to him that he had previously had an affidavit commissioned at Cape Town Central police station and that the officer there had not read the content before putting him under oath and commissioning the document. Further, Mr Majola and I know that it is not a requirement for a document to be read by the commissioner and made this clear to Officer
20. Officer replied that Site B was, "a provincial station" and that if we had had luck in town we should return there. It seemed to me that he was implying that Site B police station was a professional station and followed all the rules and regulations and that the officer at Cape Town Central Station had erred in commissioning Mr Majola's affidavit.
21. Mr Majola and I then returned to the newer section of the police station and spoke to Captain , Communication Officer at Site B police station. I know Captain from previous interactions.
22. Once again Mr Majola and I explained the situation to the Captain. She expressed concern that we had been refused service by so many officers at the police station. She immediately agreed to assist us.
23. Mr Majola had not yet signed his affidavit. The Captain asked him to do so and he initialled each page and signed the final page in full. She then put Mr Majola under oath and she then initialled the document on each page.
24. When she saw that the Declaration on the final page had minor errors ('she' instead of 'he'), she crossed out the incorrect word and replaced it with the correct one. She asked Mr Majola to acknowledge the changes with his initial. Captain then signed the affidavit, and in doing so the document was commissioned. We thanked her and left.
25. The entire process took approximately one hour. We interacted with approximately 6 different officers. Apart from Captain , the actions and comments made by the other officers seem to be indicative of a

fundamental misunderstanding of the process and requirements of commissioning a document, and the related responsibilities of a Commissioner of Oaths.

26. Following this incident I consulted with one of the SJC's lawyers for the Commission who explained the procedure for the commissioning of documents under oath with reference to the provisions of the Justices of the Peace and Commissioner of Oaths Act 16 of 1963 and its regulations. It became evident that the police had been in the wrong in their refusal to assist us and for the reasons which they gave.
27. To my mind the only reasons that the police could have offered for refusing to commission the affidavit was if the contents related directly to the police officer who was doing the commissioning, or if they had a reasonable suspicion that the deponent was making false claims in the affidavit.
28. Without the knowledge and insurances made by Mr Majola and myself we would have left the police station empty handed. I say this not to sound arrogant but to stress the point that in my experience people are sometimes turned away or given incorrect information by police working at community service centres in Khayelitsha police stations.
29. On Wednesday 27 November I returned to Site B police station to assist Mr [redacted] in having his affidavit commissioned. We went to Captain [redacted]'s office but she was not there.
30. Walking back towards the exit, an officer asked if he could assist us. We explained that we needed an affidavit commissioned. He agreed to assist us and he proceeded to commission the affidavit. His name is Warrant Officer





JOEL BREGMAN

I certify that the deponent appeared before me on 29th day of November 2013 at Cape Town.
He stated that he knows and understands the contents of the above affidavit, which was signed
and sworn to in my presence in accordance with the requirements of Regulation R1428 dated
16 November 1984, as amended.



COMMISSIONER OF OATHS

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