

# OUR EVIDENCE FOR THE COMMISSION



A collection of community affidavits submitted to the  
O'Regan-Pikoli Commission of Inquiry into policing in Khayelitsha



# A BRIEF INTRODUCTION TO KHAYELITSHA

Khayelitsha is located in the Cape Flats, approximately 35 kilometres outside Cape Town. It was established in 1983 when black residents of KTC, Crossroads, Nyanga, and Gugulethu were forcibly relocated under apartheid. Designed to accommodate 30 000 people, Khayelitsha is now home to approximately 750 000 people, making it one of the largest townships in South Africa.

It is predominantly made up of informal settlements, with the majority of residents living in shacks. About 60% of people living in Khayelitsha are 35 years old or younger. Many residents — even households — live on wages of less than R 3 500 per month. Service delivery is seriously lacking. Most residents don't have access to the most basic of necessities, such as toilets, running water, and refuse collection. It has a high rate of poverty, unemployment, and an extremely high rate of crime. Many members of the Khayelitsha community have been murdered, assaulted, raped, and suffered grievous bodily harm; many have lost faith in the police's ability to protect them. Rampant corruption, criminality, crippling inefficiency, poor investigative skills, brutal and oppressive use of force, a lack of a visible police presence, and dysfunctional community policing forums (CPFs) have all contributed to this loss of faith.



# THE COMMISSION OF INQUIRY

The Treatment Action Campaign (TAC), Free Gender, Triangle Project, Social Justice Coalition (SJC) and Ndifuna Ukwazi (NU) lodged a formal request with the Premier of the Western Cape in November 2011. They asked Premier Zille to appoint a Commission of Inquiry into Khayelitsha Policing. The Commission's mandate is to investigate the community's allegations that police stations in Khayelitsha are inefficient, and claims that the relations between the community and the police has broken down.

The Commission is headed by former Justice Kate O'Regan (one of the first judges on South Africa's Constitutional Court) and Advocate Vusi Pikoli (former director of the National Prosecuting Authority). Both are well respected for their integrity.

The Commission has the power to serve summons on members of the police and any member of the public to come and give evidence. The Commission will collect evidence from the public and the police about crime in Khayelitsha. It will then compile a report with recommendations and hand that to the National Minister of Police.

These affidavits are a vital part of the evidence for the Commission. Over the course of the past two years, members of several NGOs, under the banner of the Campaign for Safe Communities, have worked hard to gather affidavits about local crime and policing from residents all over Khayelitsha.

This document collects only a few of the many affidavits gathered for the Commission. These affidavits were selected because they most explicitly demonstrate issues of crime and the inherent problems of the criminal justice system in Khayelitsha.

Names have been abbreviated, and some of the details have been changed for the sake of the people's privacy and safety. Some of the affidavits have been edited to make them easier to read.

# A BREAK DOWN IN RELATIONS

**T.G.**

I have been a resident of Khayelitsha since 1998. I live with my wife and five children, aged between 1 and 22 years of age. There is no area lighting, poor sanitation, and no tarred roads in our community. I feel unsafe walking around at night and fear for the safety of my family. I have called the police during the night asking for help and it took them more than four hours to arrive.

Late one night in July 2009, I was at home with my children and my wife when a group of community members arrived at my house. They threw stones and broke the windows, and said they would kill me. The men accused me of being a spy for the police. They stood there, discussing the best way to kill me. One man said he would shoot me, while another said that the best way would be to burn me. They stayed outside my house until six in the morning.

Once the men had left, I went to the Harare Police Station to report the matter to the police. It was 6:20 in the morning when I arrived at the station. I spoke to a policewoman.

I wanted to open a case of intimidation against the men who had been outside my house and threatened my life. Instead the policewoman instructed me to return to the community, and report the matter to the community leaders.

I did as she told me and consulted with the community leaders. They told me that they could not solve a matter involving threats of shooting and gangs. A few days later, the community leaders gave me a letter to give to the Station Commander at Harare Police Station that laid out what they had told me — that such an issue had to be handled by the police.

I then returned to the police station and opened a case. Again, I interacted with the same policewoman. I received a case number via SMS shortly after opening the case.

A few days after I opened the case, I saw police arrest one of the men. I went to Harare Police Station for an update about my case and they told me to go to the Khayelitsha Magistrates' Court. I went to the court the same day and was looking for the man's name on the court roll for that day. I could not find

his name on the court roll for that day, or any roll. I was then shocked when I saw him outside the court. I was not told that he was going to be released or that he had applied for or been given bail.

About two days later I went back to the station. The policewoman I spoke to before was no longer there. I was referred to the detective on my case, who told me that she didn't know what I wanted. Her body language and demeanour showed me that she was not interested in my case. I found her lack of interest strange because she herself had requested the case.

Having not heard from the police, later in August 2009 I went once more to the station, and told a police officer there that I was unhappy about the way I had been treated by the police. I felt badly treated because I had not been getting updates about my case from the police. The detective from before arrived and asked whether I was opening a case against her. She said that if the court had released the suspect there was nothing she could do. She told me to leave unless I wanted to "see something bad". I felt intimidated so I left.

Since then, I have heard nothing from the police or the prosecutors, and have given up hope that my case will be resolved.

**“Because of my experience with the police I have lost faith that they actually care about solving cases and helping people.”**

**— T.G.**

# VIGILANTISM

## U.Z.

I am a 19-year-old woman living in Makhaza, Khayelitsha. I have frequently been the victim of crime in Khayelitsha. I have been robbed three times and my house has been broken into twice. I have never gone to the police to report any of these crimes nor have I ever filed a police report because I have no faith in the police.

The second time I was a victim of crime was in 2009 when I was in grade 9. I was at school; my sister was at work so there was no one at home. I came home from school and about 50 community members were beating up three men. I think someone else called the police and the police took three suspects away. My understanding is that other neighbours were looking for people who had also robbed or broken into their houses. My understanding is that they were going to take our TV, cell phones and money, but they didn't because my neighbour saw them when they were leaving.

There was no punishment for any of the community members and the police never asked me for a statement. I think my neighbour may have given a statement, but I'm not sure. The housebreakers came back to the community the following day. I had seen them around before. I often see these same people around the neighbourhood. The reputation of the police in my community is that they will arrest criminals when a mob of community members are beating them, but will release them back into the community the following day without filing cases against them. I was never asked whether I wanted to file a report or not, and nor was my sister.

I haven't reported any incidents of crime because people I know have opened a case and nothing has happened. The police do not investigate cases and when they do arrest someone they release them without pursuing cases against them.

I see mobs beating people approximately twice a month. I think they should be beaten because they deserve it. I feel this way because there is no other way that criminals are punished for their wrongdoing in Khayelitsha.



## T.B.

I am a 40-year-old male resident of BM Section, Khayelitsha. The submissions in this affidavit are made on the basis of my personal experience with vigilantism, both as a resident of Khayelitsha and as the brother of a victim of a vigilante execution. In September 2012, my younger brother was beaten and burned to death on Lansdowne Road after he and two friends were caught trying to steal from a man's house.

They broke into his house to steal his belonging while he was out. The man came home and he caught them in the act. He managed to call upon the community members for help. The two men my brother was with had lived in Khayelitsha for a long time and knew how to escape from the area, but my brother was new to the area, so did not know how to get away. He ran in the wrong direction and had to turn around. Many members of the community were waiting for him when he came back. They grabbed him and dragged him back to the house he had been trying to rob, where he was brutally beaten. While he was being beaten, my brother begged for his life. The crowd didn't listen. They dragged him to Lansdowne Road, poured petrol on him, and burned him to death.

The next day I didn't hear anything from him. In September, I was in Cape Town when I received a call from one of the residents of BM Section, who told me that he had witnessed my brother's killing.

When I returned from Cape Town, I went to Site B Police Station. I told them that I had heard my brother had been killed and asked if they knew anything about it. The police told me that they had received a body, and had sent it to the mortuary in Tygerberg. They showed me an image of the body to see if I could identify him, but I could not, so I had to travel to the mortuary.

At Tygerberg, I was taken to identify my brother's body. I came with two other people, and when they saw his body they ran away. His face was beaten so badly that I couldn't even recognize him. His body was burned from neck to torso. I only knew it was him because I noticed a scar on his hand from childhood, and because I had given him the tracksuit pants he was wearing. I didn't cry when my father died or when my mother died, but to see how horribly my brother died did make me cry.

When I came back from Tygerberg I went back to Site B Police Station. The police said they had opened a case and asked for contact numbers from my brother-in-law and me. They told me they had arrested some people in connection with the murder, and would call to let me know more details and update me. That was on Tuesday, 4 September 2012. The police never came to interview my neighbour or me.

I am still waiting for that call. I still don't know who killed my brother. The police never let me know anything about who they arrested. Because of the

prevalence of vigilantism, his murderers could be anyone, even one of my neighbours.

## S.Z.

I am an adult male resident of Green Point, Khayelitsha. My mother was a domestic worker and the breadwinner in our family. In 2002 my mother left Cape Town to return to the Eastern Cape, her traditional home where she married a man who is not my father. I have five siblings and I am the second oldest.

I never met my father. I grew up in Khayelitsha, playing soccer in the bushes. In the summer we would go to the beach on Baden Powell Drive. I was aware of small crimes. The first time I saw serious crime was during 2005–2007 when people in the community burnt criminals because of theft. On one occasion a man was burnt to death when people poured burnt plastic over him. If I can remember correctly the police just watched.

In 2006, on my way to school, I was robbed of electricity money. We had to cross the bush at the carwash near I Section to go to school. No one walked to school alone because there would be a 100% chance that the gangs would take you down. If we walked in groups they wouldn't try to rob us, only harass us. If they came to rob us and we were in a group, we could run in different directions and the gangsters would not be able to catch all of us. I never saw either the Metro police or SAPS patrolling.

Our street was protected by older people in the community and even some gang members who did not attack people on our street.

As children we weren't safe because we had to share toilets in the informal settlement and people had to go to the bushes to relieve themselves. Our house only had two rooms, and at night the women used buckets to relieve themselves in the room. The men had to go outside. Someone who is not a Black person cannot understand how painful this is, and this is what later led me to struggle for decent sanitation and dignity.

In 2004 we moved to an RDP house in Greenpoint where we have our own toilet outside. The RDP house is small and contains only two rooms but we can build other rooms. I built a shack in the yard where I sleep. At that time in 2004, my oldest sister was looking after us.

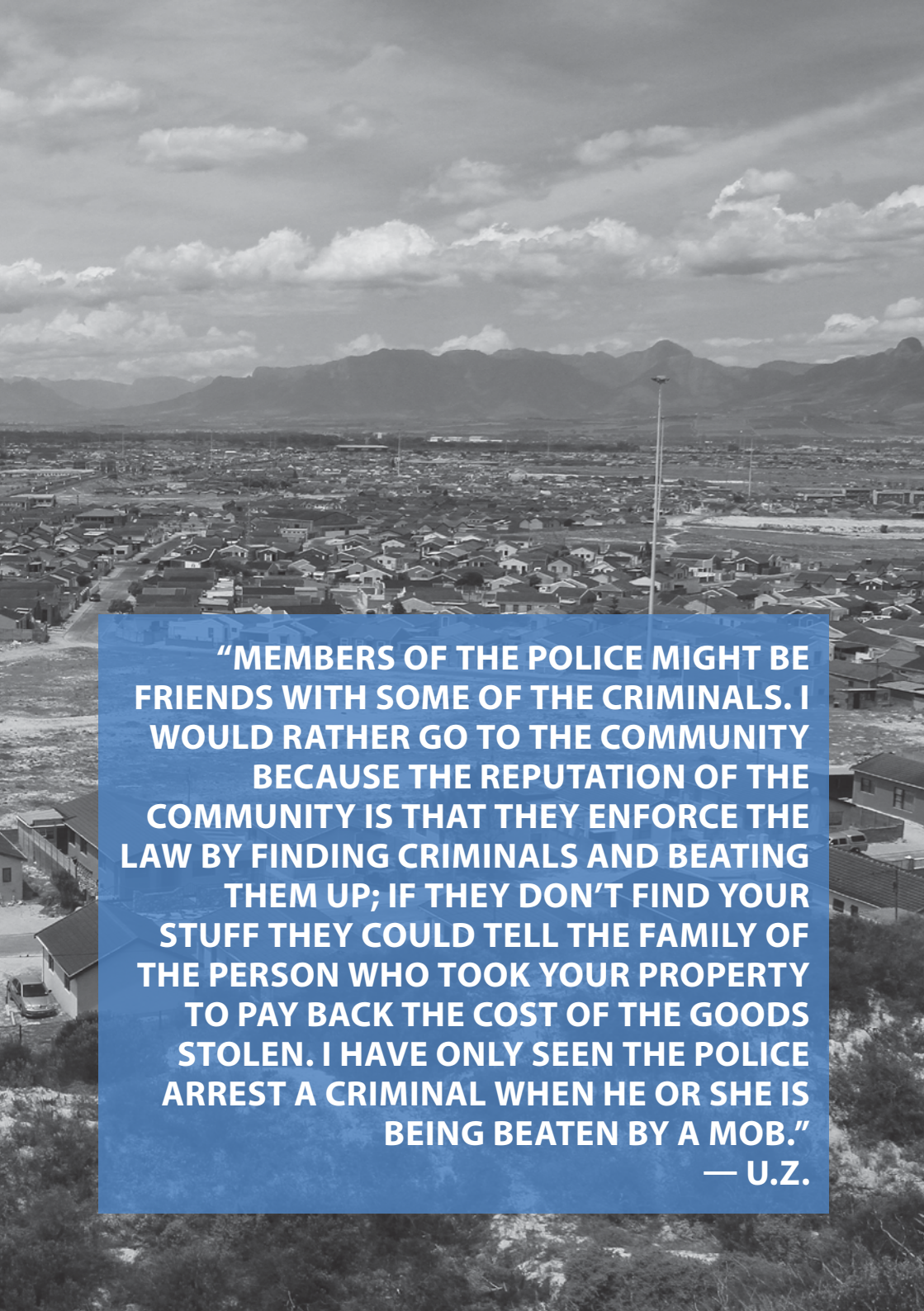
But in 2008, she found work in Hermanus. I took over as head of the household and started looking after my brothers because my mother passed away in 2003. We do not know the cause of her death. After June 2010, my sister could no longer support us, so from then on I had to get grants for my brothers. I was never trained to be a parent but I took responsibility and remembered how my mother and sister looked after us.

We never felt completely safe. You could not go out at night unless you were in a group of friends.

In 2008, during the xenophobic violence, a few of us followed community members into a Somali shop after a bakkie drove into its wall to attack them. My friends and I grabbed some rice and meliemeal. I took it home to my oldest my sister, who gave me a hiding and made me give it back. A few days later, a neighbour who lived near us came to recruit me for the Social Justice Coalition (SJC).

In September 2012 I had another experience of crime. After I had visited my girlfriend, I went through the house into the shack at the back. There were three guys with a knife. They took my wallet with my bus ticket, R52 and my bank card, as well as my watch and my shoes. I did not go to the police. My personal experience of the police and the courts as a resident of Khayelitsha shows that one cannot get justice from them.





**“MEMBERS OF THE POLICE MIGHT BE FRIENDS WITH SOME OF THE CRIMINALS. I WOULD RATHER GO TO THE COMMUNITY BECAUSE THE REPUTATION OF THE COMMUNITY IS THAT THEY ENFORCE THE LAW BY FINDING CRIMINALS AND BEATING THEM UP; IF THEY DON'T FIND YOUR STUFF THEY COULD TELL THE FAMILY OF THE PERSON WHO TOOK YOUR PROPERTY TO PAY BACK THE COST OF THE GOODS STOLEN. I HAVE ONLY SEEN THE POLICE ARREST A CRIMINAL WHEN HE OR SHE IS BEING BEATEN BY A MOB.”**

**— U.Z.**

# POLICE BRUTALITY AND CORRUPTION

**S.M.**

I am a 19-year-old woman living in Site C, Khayelitsha. I work as a volunteer at the Social Justice Coalition.

Having grown up in Khayelitsha I have witnessed to so many crimes, I have lost count. In August 2012, I was a witness to extreme police brutality. Hearing shouting out on the road outside my house, I went outside to see the police beating one of my neighbours, who they believed to be a member of a gang. There were six policemen who arrived in three vans. They dragged him out of his house, punching and kicking him. Then they dragged his pregnant girlfriend out of the house. She was entirely naked and they were punching and kicking her, too. Eventually they took both of them away.

**M.M.**

I am an adult man and I live alone in RR Section in Khayelitsha, in a shack. I do not have electricity and I get water from the taps next to the road. I do not have a toilet and there are no lights in my street.

In August 2012 there was much toyi-toyiing in Khayelitsha. People who were burning tyres were chased by police officers. The police officers were looking for them and they ran into the street next to mine where people were walking. I was standing in front of my house, hiding inside my yard. People were running and hiding and then the police ran in front of my house, firing their guns. They shot me in my back. I didn't fall down because I was leaning against my house. The police took me away in a huge car. I tried to fight but I couldn't. I had no energy.

The police car stopped at the traffic lights approaching Site C road. By that time I was vomiting and sweating inside the car. After they turned at the traffic lights they took me out of the car and left me next to the road. Community members came and took me to other police officers. Those police



officers called an ambulance, which took me to Tygerberg Hospital. When I woke up in Tygerberg I was asked many questions. I stayed in hospital for a week. I couldn't speak; I could only drink water. The police kept on coming to check on me. A police officer advised me to open a case once I was discharged from hospital.

In September, lawyers from a law firm came to visit me. They said that they would work for me, but nothing further happened. I never opened the case.

## **J.G.**

I am a 39-year-old man currently residing in Site B, Khayelitsha. One day in September 2010, on my way back from work at about 6:00 in the evening, I went past TR Section. I had just got off a bus when I saw a truck burning. Police arrived and opened fire with rubber bullets and teargas, shooting at innocent people, some of whom were coming from work and were just passing by. The elderly were also victims of this police conduct.

On another day the next week I was at home when I heard a loud noise from outside. I went to investigate. The police were tear-gassing randomly.

## **M.M.D.**

I am adult man living Zolani Park, Khayelitsha, Cape Town. I have five children, but they do not live with me full time. They mostly live with their mother.

In May I was returning from the shops after having done grocery shopping. When I walked past a tavern I saw a friend of mine inside and went in to say hello. I found that there were a lot of people I knew so I sat down and ordered a drink and we chatted for a while.

All of a sudden a woman started shouting at my friend and started hitting him, asking for money that he apparently owed her. I tried to stop her by telling her that I will pay what he owes, so I paid. Instead the woman told her daughter to close the door and continued hitting my friend.

I tried to sneak out but her daughter saw me and broke an empty bottle over my head. In the confusion my friend and I managed to run out of the tavern. As we were walking away and discussing what had just happened, a mob of people appeared behind us. They started hitting us, saying we must give back the money they thought we had stolen (R 4 000). I tried to explain what had happened but they refused to listen. My friend managed to run away but I had been beaten so badly I could not stand up.

I was then dragged back to the tavern where the woman was shouting about the money I had supposedly stolen and she told the mob that they should kill

me. I tried to explain but they would not listen. The mob instead closed the door and continued hitting me, helped by the tavern owner and his family.

The police arrived and instead also began asking me where the money was and started hitting me as well. I was then arrested, but because I could not stand I was dragged and thrown into the back of the police van.

When I arrived at the Site B Police Station, I was kneeling on the ground because I could not stand from my injuries and, because the mob had been kicking me, I could not breathe properly. One of the people who was helping at the police station said that I was faking it and that there was nothing wrong with me.

The police did not take my particulars; they just sent me to the waiting cell where I had to sit on the concrete floor with my injuries. I was sent to another cell at the back with a lot of other people who had been arrested. This cell was full and I had to sit on the cement bunker with no blankets.

The following day, on a new shift, one of the officers organised a police van to take me to the Day Hospital. When we arrived at the clinic, a nurse told them my injuries were too severe and I should be taken to Khayelitsha Hospital. Instead of taking me to hospital the officers took me back to the police station and put me in a waiting cell. While I was inside the cell officers kept coming in and out, threatening me, asking me how I could have robbed an old woman. I was not given food the entire time I was in the cell.

The next day a police officer instructed another to take me to Khayelitsha Hospital. It was there that I first found out that I had been charged with “business robbery”; it was never explained to me what the charge meant.

I was treated at Khayelitsha Hospital. The doctors found that my jaw was swollen; I also had abrasions on my knees, pain in my chest area, tender abrasions on my neck, and a deviated nasal cartilage. I spent the whole day at the hospital. I was handcuffed and chained most of the time; I had an officer with me the entire time. I was still not given food and had to take medication on an empty stomach.

Afterwards, I was discharged and taken back to Site B Police Station. I was only taken to court to appear on Wednesday, after I had been arrested on the Saturday. When I appeared in court I was given free bail and told to appear in early July.

When I went for my first appearance my co-accused (my friend from the tavern) was not there, so the case was postponed. When I left, I found out that my friend had been killed, so I went to inform my state lawyer the following day.

The second time I appeared my case was postponed again because the docket could not be located. At my fifth appearance, in October, the case was withdrawn. When I asked why, the prosecutor could not give me a clear reason.



**N.N.**

I am an adult woman living in Khayelitsha. In July 2012, I was at my cousin's brother's house, where he sells alcohol. He was so drunk that he was unconscious, so I was selling the alcohol on his behalf. At about 3 o'clock in the afternoon, the police arrived looking for my cousin's brother. Soon they discovered him, still unconscious, in another room in the house. It was the same room in which we keep the proceeds of the sale of the beer, and my cell phone was charging.

After the police had left, I found out that the cash and the cell phone were both missing. Suspecting that it was the police who stole the items, we took down the registration number of the police car. But I do not have the registration number of the police car anymore.

The same day when I went to report the matter to the police, I was told that I could not lay a complaint. The policeman on duty said that because we had not ourselves witnessed the theft, they could not help us.

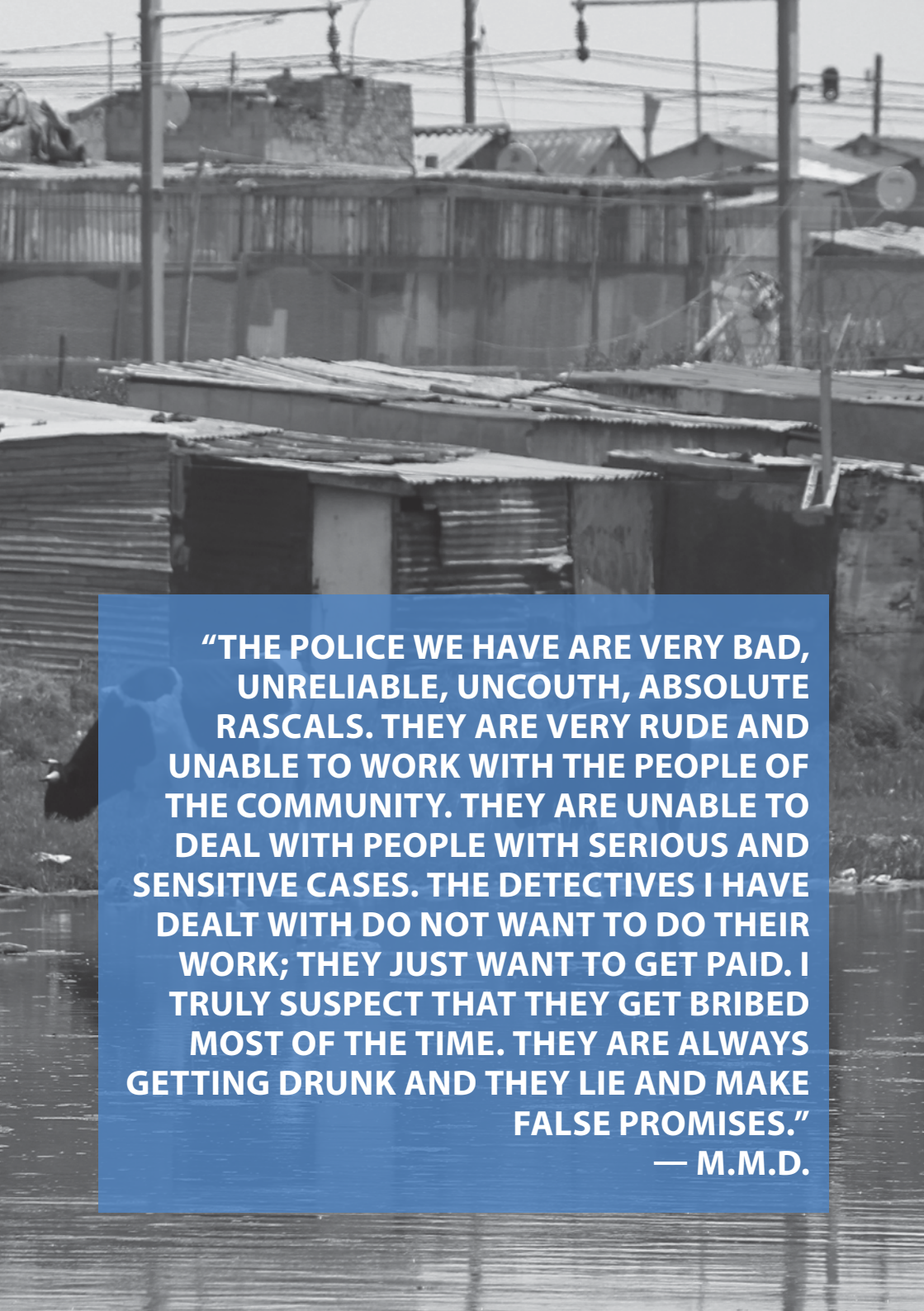
**“The police have treated me very badly. They have never helped me. They just hurt me in my own house.”**

**— M.M.**

**“I think the police do not care about the community. They are just there to get paid at the end of the month. I do not think they care about their duties as police officers.”**

**— N.N.**





**“THE POLICE WE HAVE ARE VERY BAD, UNRELIABLE, UNCOUTH, ABSOLUTE RASCALS. THEY ARE VERY RUDE AND UNABLE TO WORK WITH THE PEOPLE OF THE COMMUNITY. THEY ARE UNABLE TO DEAL WITH PEOPLE WITH SERIOUS AND SENSITIVE CASES. THE DETECTIVES I HAVE DEALT WITH DO NOT WANT TO DO THEIR WORK; THEY JUST WANT TO GET PAID. I TRULY SUSPECT THAT THEY GET BRIBED MOST OF THE TIME. THEY ARE ALWAYS GETTING DRUNK AND THEY LIE AND MAKE FALSE PROMISES.”**

**— M.M.D.**

# NEGLIGENCE AND INEFFICIENCY

**N.N.**

I am an adult woman living in Khayelitsha. In March 2009, my younger brother phoned to tell me that my niece had been hit by a police car in Cape Town. My niece, our older brother's daughter, was nine years old at the time. By the time I arrived home, the body had already been removed by the police.

The following day, the police arrived at my home to ask whether my brother's wife and I would be willing to give statements. I agreed, but pointed out that neither of us were eyewitnesses to the event. He said I should give a statement of what I know, I gave him a statement and took him to an eyewitness who lives in the area. The police officer took a statement from this eyewitness.

At the trial, I was told to be a state witness, and my brother's wife and I as well as the eyewitness were summoned to court. When faced with the man who killed my niece, my brother's wife and I became very emotional and began to cry in court. As a result, the magistrate postponed the matter. The second time the case went to trial, I pointed out to the magistrate that I was not able to give any testimony as I had in fact not witnessed the event. The magistrate agreed, and withdrew my name and my brother's wife's name from the witness list.

I have not heard what has happened in that prosecution since. My brother and his family have also not been informed of any developments in the case of his daughter. In 2011 my brother and his wife left Cape Town to live in the Eastern Cape. When they left that seems to have been the end of it.

**T.F.**

I am a 30-year-old man resident of BM Section, Site B, Khayelitsha. In July 2012 I heard my neighbours, a married couple, fighting. When it sounded like it was becoming violent at 8 o'clock, I called the police.

The police arrived at my house an hour later. By that stage the woman was at my house. She explained the situation to the two policemen. They told us

that because nobody was dead, there was nothing they could do about the situation. I challenged the police, asking them why they couldn't do anything when the situation between the married couple had become so violent.

The police still refused to act, and left my house. I followed them outside and tried to take down their vehicle's registration number. As I was attempting to do so, the police told me to get inside their vehicle. They said that I needed to come with them to the police station in order to give a statement.

When we arrived at the Site B Police Station, the same policemen sent me to a cell, where I was to spend the night. At 6 o'clock the following morning, another policeman released me, but told me that I had been charged with public drunkenness.

He handed me a written notice to appear in court, which indicated that I should pay a R50 admission of guilt fine. I have not paid the fine, and do not intend to, as I was not drunk in public.

Later on the same day that I was released, I went to the police station to complain about my treatment. The policeman there asked me what kind of case they should open. I thought this was a stupid question, as they were supposed to know the answer to that. Eventually, another policewoman at the station offered that it should be a case of "false arrest". She told me to come back the following day. I took no further action, however, as I was too frustrated with the police by that stage.

The married couple continue to fight. About two or three weeks ago, the man beat his wife so badly that her leg was broken. When I heard them fighting again a few nights later, I again called the police. The same policemen that arrested me before arrived at the scene. They said to me that they wished I would stop bothering them about my neighbours. I explained that I had to call them as the woman was in danger and her leg was already broken. It was clear from their attitude that they did not care about the matter or about the woman's safety.

## L.M.

I am an adult man. I have one child who is three years old. I live in Site C, Khayelitsha. One evening in September 2012, at 8 o'clock, two men came into my house and asked for a girl, but I did not know her name. I was with my wife and my two brothers. I answered that I do not know the person they were looking for and they left my house.

Not much time passed before they came back and asked me about the same person. When we told them to get out they did not listen, so my brother and I grabbed them. When we took them outside, we saw a third man standing

in the yard. When he saw us, he left the yard. The man I had grabbed then escaped, and called the third man who was standing outside the yard.

The third man came in and asked what was happening, and why they are being beaten up. My brother answered and said it was because they were refusing to leave our home. The third man said they would come back and then all three of them went away. Because they had said they would return, I took my wife to my brother's home in Site C.

When I came back from Site C, my neighbour told me there had been a break-in at my house. The window, door and burglar bars were all broken. Many of our appliances, twelve trays of chicken and 30 dozen eggs were all taken.

When I walked out of the house I saw a police van. I stopped it and explained what had happened in my house, about my window being broken and my possessions being stolen. They told me they were not on duty, but they were wearing their uniforms. They just told me to go to Site B Police Station to open a case.

Then other police officers, who had been called by my neighbour, arrived. These police officers did not do anything or check the damage that had happened, they just asked for a serial number for the TV and DVD. I said I do not have those numbers, and they simply left....

## **K.G.**

I am an adult woman. I have three children and we live in Site C, Khayelitsha. In February 2009, one of my daughters was coming back from school when the taxi drivers were causing chaos. She was walking with other school children in the road opposite the taxi rank. There were police and taxi drivers in the street. Taxi owners were burning business cars coming to Site C, police officers were firing rubber bullets and one of the rubber bullets hit my daughter in her right eye.

A school child phoned me, saying my daughter had been shot. My daughter was taken to a clinic. I got to the clinic when she was already inside. They had bandaged my daughter, saying they will take her to Groote Schuur Hospital. I went with her to the hospital.

The Station Commander for Site B said that the police had been allowed to fire their guns at the time my daughter was hit, but advised us to open a case. In April I went to Site B Police Station to open the case and met the detective handling the case.

After a month, my husband (my daughter's father) went to the police station to see the detective and ask what was happening with the case because they had been quiet. The detective said he could not go ahead with the



investigation because there were many police officers at the time the incident was happening. There was SAPS, Metro and other groups, and so they would not be able to trace where the bullet was coming from.

The detective and my husband got into an argument and so my husband asked to speak with his manager. The manager said the same thing as the detective. He also advised us to get a lawyer, but I didn't have money to hire a lawyer.

My husband went to see the Independent Complaints Directorate [now the Independent Police Inspectorate Division], but they also said the same thing as the detective and his manager. We then got a lawyer who said he would do the job but still he was not communicating with us. We saw that nothing was happening with the unpaid lawyer and so we stopped seeing him.

My father went to the Public Protector's office in town. When he got there he heard the case was closed, and we were told that the case was approaching its deadline. The Public Protector called the Site B Police Station to ask why the case was closed, and why no one had told us anything about it. The Public Protector told the Site B Police Station to give them the docket because the case was now in their hands. The Public Protector reopened the case. My husband met with someone from the Public Protector, who advised him to make a civil claim. The case is now in the lawyer's hands, and the last time I heard from the lawyer the case had gone to court.

We hired another lawyer, who discovered that the police that were involved in the incident that day were Metro police.

**“What I am really sure of is that police officers do not care. I don't know if they are protecting their jobs, because they were the ones shooting that day. My daughter is now sick. Ever since the day she lost her eye she suffers from unbearable headaches, and I don't have money to take her to specialists. She cannot go back to school. What happened to her changed her; she is not the same.”**  
— K.G.

## **S.M.**

I am a 17-year-old boy from Site C, Khayelitsha. I live with my mother, my older brother and my older sister's three children. We live in a shack.

In July 2012 I was coming from a shop. Two men stopped their car on the road that I use when going home. They got out of the car and ran after me and caught me. They slapped me with their hands, and one of them took out a knife and stabbed me in my stomach. Another man friend punched me, and I fell down. I got up and ran to the home of someone I know. This person went to my mother to tell her what was happening. The father of the man who had stabbed me then arrived and said I must be taken out from my friend's place. I don't know what he wanted. Then my mother arrived with a car and they took me to hospital.

When I was discharged from hospital I went with my mother to the police station to open a case. I gave them my information and they opened a case. The man who stabbed me got arrested, but he just got out the next day. My mother has been following the case, but I am not aware of any progress.

## **S.G.**

I am an adult man living in Site C, Khayelitsha. In September, at about 2 o'clock in the afternoon, my 17-year-old son and two of his friends were attacked by a gang of about 15 people carrying pangas, axes and other weapons. They were about 10 metres from our home. I was standing approximately 20 metres away and could see the attack taking place. My son and his two friends managed to run away. My son knew some of the attackers.

On the same day I opened a case regarding the gang fight at Site B Police Station. As my son knew where one of the culprits lived, the police constable said he would come to our home so that we could take him to the culprit's home. However, the police did not come. No arrests have been made, and as far as I am aware, no further action has been taken on the case whatsoever.

## **N.C.M.**

I am an adult woman resident of Inkanini, Makhaza, Khayelitsha. In March 2012, I was the victim of an assault. A woman started an argument with me, which ended in her hitting me over the head with a plank. I was admitted to the emergency ward that night due to my head injury, and was kept there until the following day.



I completed a J88 form, which I took to the Harare Police Station when I was released from hospital the following day. On arrival, I was told by the police that I needed my ID book, and that I should come back when I had it.

On the Friday, I returned to the police station. There I discovered that the woman who assaulted me had been arrested for an hour or two, but then released. When I asked the police why she had been released, I was told that they could not arrest her because she had a child who was only two years old. The station commander apparently didn't allow mothers to be put in the cells.

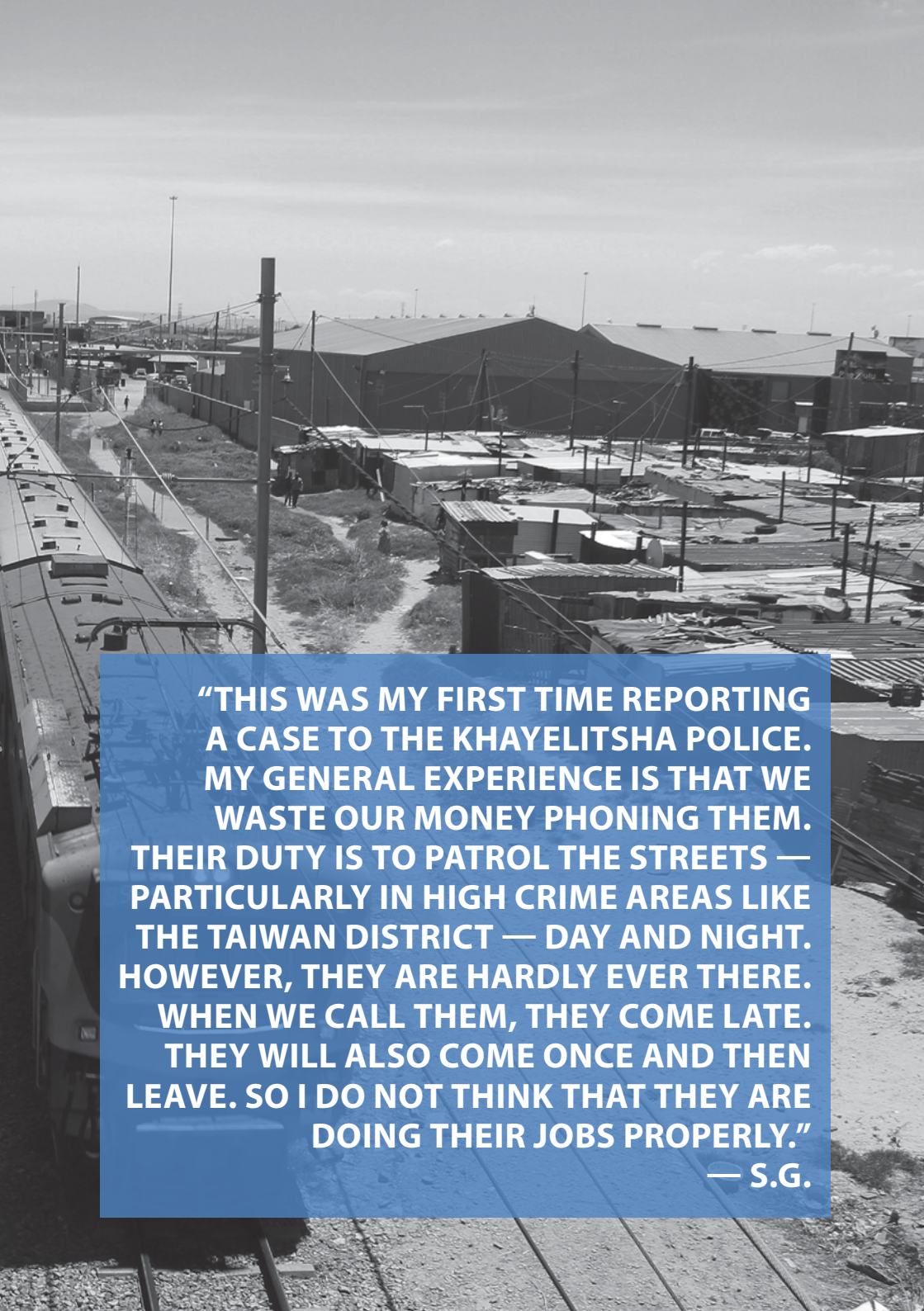
The investigator called me and said that I must find a witness to the assault. I did as told, and found a person who would provide a statement to the police. From that point on, I did not hear anything from the investigator. They did not take statement from the witness that I provided.

I tried to call them, to ask when they would interview the witness, but the detective was not available. I have not heard from the police since and have not pursued the matter myself.

**“I do not think it helps to go to the police. The police officers do not help us. They only listen to certain individuals and they do not help everyone in the community.”**

**— S.M.**





**“THIS WAS MY FIRST TIME REPORTING  
A CASE TO THE KHAYELITSHA POLICE.  
MY GENERAL EXPERIENCE IS THAT WE  
WASTE OUR MONEY PHONING THEM.  
THEIR DUTY IS TO PATROL THE STREETS —  
PARTICULARLY IN HIGH CRIME AREAS LIKE  
THE TAIWAN DISTRICT — DAY AND NIGHT.  
HOWEVER, THEY ARE HARDLY EVER THERE.  
WHEN WE CALL THEM, THEY COME LATE.  
THEY WILL ALSO COME ONCE AND THEN  
LEAVE. SO I DO NOT THINK THAT THEY ARE  
DOING THEIR JOBS PROPERLY.”**

**— S.G.**

# GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS

## U.S.

I am an adult woman who lives in Ndlovini Section, Khayelitsha. In September 2011 my children were playing outside my house. Suddenly, my son came running into the house crying, saying that a man had taken my daughter away. I ran outside looking for her, but she was gone. I then called the street committee to come with a loudhailer.

The community called the police, who sent a van to my house. We could see the police van in the distance, but they were diverted by a robbery at a shop nearby. My neighbours went to the police and told them they urgently needed to come to my house to help find my daughter. I was told that they would soon send another van. My husband then called the police again, and they again said they would send a van.

After about three hours, the police finally arrived. When they got to my house they told me to go look inside the cupboards and check whether she was hiding inside. I knew that she wasn't, and that she had been taken away. The police left soon afterwards, saying they would return with dogs.

At this point, some other women from the community went to look for my child. We looked for her the whole night. Only at the 11 o'clock the next morning did we find her. She was in the bushes. She had been raped, and then murdered. Her polo neck had been pulled over her face.

## A.T.

I am an adult woman who lives in Green Point, Khayelitsha, Cape Town. In June 2012, my three-year-old daughter was raped.

At 2 o'clock in the afternoon, I took her to the Khayelitsha Hospital. While I was waiting at the hospital, two policemen, who had been called by the trauma nurses, arrived. They told me that the case was "bigger than them", so they were not able to take a statement for me. They also said that they first

needed to go to the scene of the crime. After they told me this they left the hospital and I never came across them again.

While we were at the hospital, my neighbour phoned the Sector Commander of the Site B Police Station. He told her that he was off duty. My neighbour then called the Community Service Centre, who asked for our home address. But they never arrived at my home and they did not make any further investigations. I never heard anything from the Community Service Centre again.

At 7 o'clock that night, my child and I were sent to the Red Cross Children's Hospital. No police came to take a statement from me.

In June 2012, while I was still at the hospital, the investigating officer arrived after having been called by a social worker at the hospital. He took my statement. A case was opened.

Two weeks later, the investigating officer asked me to take him to the scene of the crime. There we found the t-shirt of the person I suspect of having raped my child. I only know him as one of the people around my community but he lives in Site B. I also told the investigating officer about two witnesses who could identify the suspect. At the time, the investigating officer took a statement from one of those witnesses. The investigating officer also took the statement from a child.

Some community members went to the house of the man I suspected of raping my daughter, but he ran from them before even enquiring as to why they were looking for him. He ran straight to the Site B Police Station. He turned himself in and was arrested on that day, but he was released two days later. The investigating officer told me that he was released because the man's height did not meet the witness's description of the suspect. This confused me, because we had given the investigating officer the man's shirt (which community members had confirmed was indeed that of the suspect). I had also given the investigating officer two witnesses, and told him that I had a third witness. But the investigating officer never interviewed the third witness, and did not explain why he did not take the third witness's statement. Instead, he said that he had another suspect who he thought had committed the crime.

Soon after that, I noticed the suspect following me. Feeling scared, I went to Site B Police Station to report the incident. But the investigating officer told me that the suspect wasn't following me. He told me that he had told the man not to come near me or my house, and refused to take the matter further. After I spoke to the investigating officer, I continued to see the same man often walk past my house. So I sent my daughter to the Eastern Cape, fearing for her safety.

I have not heard from the police or the prosecution since.

## B.N.

I am a 16-year-old girl and I have lived in Makhaza my whole life. In November 2010, I was raped by a man at gunpoint in an open space. The man who raped me lives in the same area as me. I was not the only one he raped; a number of my friends were raped too. There was a second man who raped some of my friends that day in the same incident. In total there are seven of us who were raped.

My friends and I opened a rape case at Harare Police Station against the two men the day after the incident. The investigator assigned to our case was a woman from the Family Violence, Child Protection & Sexual Offences Unit.

The following day, the two men were arrested.

At the time I was a Grade 8 student. I dropped out of school in 2011. I felt ashamed and was having emotional problems as a result of the rape. I could no longer cope with the workload. Nevertheless, I still felt safe at the time. I knew that my attacker was in jail.

All of this changed in February 2012, however. I can't remember the exact date, but at some point that month I learned that both suspects had been granted bail. In early March, a friend of mine who was also a victim of rape by the two men, told me that she had seen both suspects in Makhaza.

This made me feel confused and scared, so I called Angy Peters at the Social Justice Coalition. Angy had been involved in the case, supporting us from the very beginning. I trust her more than the police officer handling our case.

Angy arrived with a taxi to collect me and the other victims. She told us that she had called the police, but that she was not sure whether they would arrive. We felt scared and we were hiding, so Angy took us to the Harare Police Station.

It was 7 o'clock in the evening when we arrived at the police station. At the police station, Angy spoke to a policeman. Angy explained our situation to the policeman, and told him that we were scared. He told Angy that there was nothing that the police could do about the suspects being in the same area as us.

At this point Angy asked to be put in touch with the person in charge at the police station. The police asked her to leave, but she refused. After an hour Angy was finally sent to the person in charge. After another hour, she returned and told us that the police would help us to find a place of safety. Angy and the police then took us to Thutuzela, where they left us. Although we were able to stay overnight, the conditions of the establishment meant that we had to find somewhere else to go.

Soon thereafter, with Angy's help, the suspects were rearrested in March 2012 for breaking their bail conditions. We found out from Angy that one of



the conditions of their arrest was that they not come near Makhaza. However, they were in the area and were therefore rearrested.

But in April 2012 they were released again.

## **X.X.**

I am an adult woman with two children, a 12-year-old boy and a 4-year-old girl. I live with my children in Khayelitsha. Late one night in July 2012, at about 2:30 in the morning, my daughter cried out. When I asked her what was wrong, she said it was painful “underneath”. When I heard this I was shocked and so I shouted for people to come. My neighbours arrived and tried to find out what had happened to the child. She told them that a man we knew had put his finger inside her. The child was crying and didn’t want to be examined.

My neighbour, who is a member of Social Justice Coalition (SJC), called Lingeletu Police Station. The police did not come for a long time, even though we kept on calling. Eventually they arrived at 04:30 in the morning. The police took my child and me to a clinic. The child was given counselling and saw a doctor. The doctor confirmed that my child had not been raped.

A detective constable then came and took statements. My daughter explained that a man had put his finger “underneath her”. The detective said that the case would be opened, and gave us a case number. The detective took us home and said that if we were to see the man we should give call him. We did see the man my daughter told us about, so we called the Constable, but he never came. Then the community members decided to take justice into their own hands. We couldn’t stop community members from hitting the man. Someone then called the detective constable again, this time to tell him what was happening to the suspect. The constable never came. Someone then called my neighbour from the SJC and he arrived immediately.

Before calling my neighbour, we called the Lingeletu Police station at 2 o’clock in the afternoon. By 4 o’clock they had still not come. The police finally arrived and took the suspect away. The suspect had been trying to escape. He was crying, regretting what he had done. He admitted that he had been to my place, but he said that he was innocent.

The constable has never told me anything about the progress of the case. All I received was a text saying that the police were still investigating. I was never called, nor did I go to court, but in August 2012 I heard that the suspect had been given bail. In September I heard that the suspect had been to my neighbour’s place. We have been told nothing by the police regarding the investigation. We still do not know what’s happening with the case.







**“THE CONSTABLE HAS NEVER TOLD ME ANYTHING ABOUT THE PROGRESS OF THE CASE. ALL I RECEIVED WAS A TEXT SAYING THAT THE POLICE WERE STILL INVESTIGATING.... WE HAVE BEEN TOLD NOTHING BY THE POLICE REGARDING THE INVESTIGATION. WE STILL DO NOT KNOW WHAT’S HAPPENING WITH THE CASE.”**

**— X.X.**

## T.N.

I am an adult female resident of Green Point Khayelitsha, Cape Town. I was born in Cape Town, and have lived in Khayelitsha all of my life. Growing up I lived in Site B with my grandmother and my cousins. I have lived in formal housing and informal settlements. I have lived where there are streets and minimal street lighting at night.

In December 2009, I was working at a restaurant in Green Point in the city. The restaurant arranged taxis that would drop us off near our home when we worked at night. I was still living in Site B on night shift and returned home at 02:00 in the morning. The taxi dropped me about 10 minutes walk away from my home. As I approached my home, I noticed that there were two men lurking in the shadows. One turned out to be the ex-boyfriend of my best friend. My friend's ex-boyfriend was clearly drunk and angry and he was with a friend.

Her ex-boyfriend tried to force me to fetch her from her home. I refused and then he assaulted me. He knocked me unconscious and later I was taken to Site B Day Hospital. According to my cousin, who witnessed it, my friend's ex-boyfriend hit me on my head with an unopened bottle of beer.

The day after I went to the Site B Police Station to open a case. I gave my statement and immediately after I provided my statement I was taken by the police in a van to go and search for the man who assaulted me. We couldn't find him.

A few days after that, I saw the man at a tavern in M Section, Site B. I called the police and they came and arrested him. When he was in custody I was asked to do an identity parade and I identified him. I had known him for many years from school.

Later I received a summons telling me that he would be appearing in court the following Monday and I should attend. When I was at the court, the man was not in court and a warrant was issued for his arrest. While the court was in process the prosecutor informed the court that the man who assaulted me had other pending cases against him, including murder. It became obvious to me that he was out on bail for my case as well. The police never informed me that he had received bail and had been released.

In January 2010 I moved to Greenpoint, Khayelitsha, because I heard rumours that the man who assaulted me, and who lived in L Section right next to me, had said he would "deal with me", so I moved for my safety.

Since the court date when my friend's ex-boyfriend did not come for his appearance, I have not heard from the police or the court. I did lose my phone at one point but police have my home address to contact me.

I co-operated with the police in tracking down the suspect; my cousin witnessed the crime; he received bail without me being informed despite

the violent nature of the assault; he failed to turn up for his hearing when I was present to give evidence; the prosecutor informed the court that he had previous convictions including murder, yet the police failed to arrest and bring him to court again.

Later in 2010, another friend informed me that the man who assaulted me had tracked down her family (who had moved away from Khayelitsha) because he wanted her to be his girlfriend. She and her family had lived in fear of him and when he found them he murdered her brother and sister. He was again arrested.

Early in 2011 I saw him out again. Apparently he was out on bail. As far as I know he is still out in the community. He is known by many to be a criminal and apparently has many cases against him. There are witnesses to his crimes but people are scared of him and upset with the way he is always released on bail.

As a result of this personal experience and tragedy for my friend and her family, I have lost faith in the police and criminal justice system. Early in this case the police were good but somewhere along the way, something went wrong and it appeared as if the police protected the suspect, instead of his victims.

**“Both suspects are currently staying in Makhaza. When the suspects see us, they taunt us. They dance and swear at us. Although I reported their behaviour, nothing is ever done. My friends and I all live in fear. I feel that the law is not working for us. I wish I could leave Makhaza, but I have nowhere else to go.”**  
— B.N.

Choose the low price champion.

SHOPRITE  
Sea Point

SHOPRITE  
LOWER PRICES YOU CAN TRUST







**“THIS EXPERIENCE HAS LEFT ME FEELING  
THAT THE POLICE DON’T CARE ABOUT THE  
PEOPLE WHO STAY IN KHAYELITSHA.”**

**— U.S.**

# VIOLENCE AGAINST GAYS, LESBIANS, AND TRANSGENDER MEN

## L.P.

On a public holiday in December 2010, my friends and I were having a sit-in to celebrate the public holiday, at Greenpoint in Khayelitsha. The next day my friend went to the shop to buy breakfast. I do not remember when the conflict started or where; all I remember is that I was lying in bed when I heard voices outside — the sound of men swearing at my friend, and her swearing back at them.

One of the men said, “You lesbians are too forward. You deserve to be raped.” My friend responded by asking him what being a lesbian or her sexuality had to do with him. As she was walking toward the front door of the house, he grabbed her and pulled her back.

I was still lying in bed and did not know what do. It was the first time I had been to the house and I also did not know the owner of the house, who had stepped out for a few minutes.

I was not alone in the room, and I asked the other person where the owner of the house was. I knew she needed to be there to stop the fight, as I could sense that it was going to get out of hand and affect us all.

I got up and went to the bathroom outside. When I walked out of the bathroom, I saw that the owner of the house had arrived. I asked her why she did not get the man out of her yard, because he had no right to be there and no right to hit and swear at my friend.

The man had slapped my friend; I asked him what was wrong with him, as he was acting like it was the first time he had seen lesbians. Behind him was a crowd of other men and people supporting him. I also told him that he could see he was dealing with a woman, who does not have the physical strength to fight with him. After I said this, people in the crowd responded by asking who was talking, and that she deserves to be beaten as well.

In the meanwhile, the man was kicking my friend and then, finally, he punched her; she fell on the pavement and fainted. I rushed to my friend to try and revive her, but she would not wake up. I shouted to other women in the house to bring water.

While all this was going on, I sensed that these men had always had a problem with the owner of the house, but had been unable to act on it until now.

I told them that the woman lives in the neighbourhood, and asked why they felt she could not have visitors. I was saying this while trying to wake up my friend.

I noticed an old woman standing by the door of her house, a few metres away. I also asked the man who had hit my friend, how he would feel if my friend had been his sister; I asked him what he had gained from hitting her. While this argument was going on, the old woman had walked back into her house and her son came out soon after, walking towards us. The man who had hit my friend now held me by my shirt — it was bunched in his fist around my neck. The man, who was walking toward us, came and kicked me in the face and I fell.

The only thing I remember before falling was telling the man who had me by my shirt, that he would not hit me, because he would not know what he was hitting me for. And that is when the other one came. The crowd was getting rowdy now, the men saying, “Manzise!” — stab her.

At this point, women I knew to be lesbians started arriving. Some had received phone calls telling them that we were being beaten; others had just come to check up on us after the previous night’s festivities. Another older woman, this time standing in the crowd, was asking the men to stop hitting us. I am not sure if the old woman, who had gone into her house earlier, had gone in to ask her son to come out and stop the fight or if she was one of the people that hate us.

When I was down on the ground, both men started hitting me — the one who had kicked me in the face and the one who had punched my friend.

The owner of the house tried to stop them from hitting me further, and that is when the man who had kicked me in the face took out a knife and stabbed her under the eye.

The same man, who had stabbed the woman, started hitting her. And the one who had held me by my shirt was kicking me around my head, as I had my arms over my face after I fell from the kick.

While all this was happening, I heard guys in the background whistling and shouting and showing condoms, saying nasty things about us being lesbians and deserving to be raped.

When it all ended, the woman who had been standing by her door came to us and said that she had woken up her son to come out and help us. She did not know that he would join in on the mob and start physically assaulting us.

After that, the three of us, and a few other women, went into the house. Not long after, the man who had hit my friend came back, looking for his cell phone, and started up again with the threats and violence.

We called the police, but they did not arrive. I then suggested that we walk to the station, when the other women said they should go home. I was worried that the men would come back to the woman's house and hurt her. What upset me the most was to find out that the man who had stabbed the woman and kicked me in the face — his girlfriend had been with us, celebrating the night before, and was there with us again on the morning when this incident took place. She did not try and stop him when he was doing all of this.

When we arrived at Noqubela Police Station in Site B, we went to the crime office. When we told the police what had happened and that we wanted to open a case, they asked us why we were like this; meaning, why we are lesbians, and why we dress the way we do. The officer we were talking to called another, who called another; all asking the same thing — why we were like this. I asked them if it mattered why we are lesbians, when we were there to open a case. They then asked why we fought back. I got the feeling that they did not know what they were doing. I felt like my suggestion of going to the police station was a bad idea. I felt so stupid after all those questions.

We received a form from them, which we were told should be filled out by a doctor. We then went to the Site B hospital, where we spent the rest of the day and night.

The next day we went back to the police station with the filled forms. Still it seemed the police did not know what to do. They opened one docket (for the woman who owned the house, who had been stabbed), and made my friend and I witnesses. How could they make us witnesses, when we had also been assaulted?

After a docket was opened, we were told that we would receive an SMS with a case number. This took time. We were also told that since we were the victims, we would have to help the police catch the perpetrators. How could we, as victims, help the police do their job, especially since we had provided the name and address of one of the perpetrators?

It took months to catch these men. Even then, we would call the police, telling them we had spotted the people who attacked us, but sometimes the police wouldn't come. Other times, we would go to the police station, asking that a police van be made available to be driven to the whereabouts of the perpetrators, but we would be told that all the vans are out and none available. We would wait at the station for hours.



A week or so after we opened the case, the woman's house was broken into.

After a few weeks, one of the men who had assaulted us was seen in a tavern. He was bragging about what he had done, without being explicit about what he had done to whom. We called the police, but they did not arrive. We then decided to walk to the police station and came back to the tavern with the police. The perpetrator was taken to the police station, where he was charged with common assault. However, he was released from custody. We were told that we would be SMSed the date for the court case, but this never happened. We had to make numerous follow-ups. The woman ended up moving from Greenpoint to Town Two.

We were also searching for the second man who had assaulted us. We were told that he had moved back into the neighbourhood. We went to the police, who then said we must get in contact with the person in charge of the case. We told them that we had the case number, and that we had been told to assist the police in any way we could; but now that we were trying to do that, we were told to get in touch with someone who was not even at the station on the day.

In the end, we were provided with a bakkie and two police officers to escort us to the second man's house. The two officers were busy talking on their cell phones on the drive to the house. Once we reached it, they both stepped out to have separate conversations on their phones. The perpetrator walked out of the house that used to belong to the woman where we had the party. He was half dressed. He told the police that he was going inside to wear a vest, and he walked into a house we assumed was his (next door to the house he came out from). At the end of it all, the police left without arresting him. We asked why he was not arrested, but we did not get an answer.

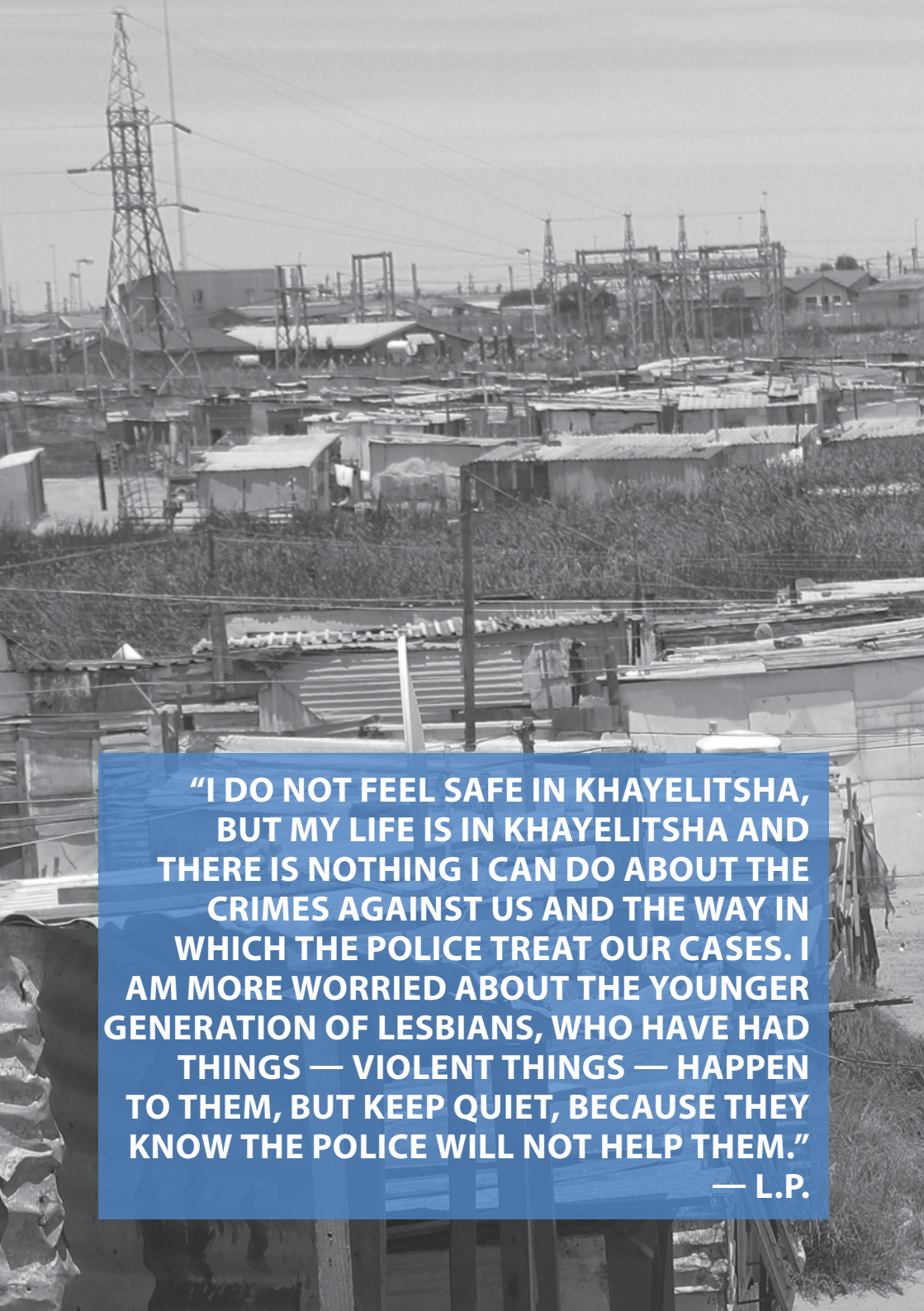
We went to the police station again, a few days after the abovementioned incident. We were told that we could assist the police by conducting research about the second man who had assaulted us, and find out where he works and so on. We found out where he worked in Cape Town. We told the police this.

In the end we went to the court hearing for the man who had been arrested at the tavern and later released. The court kept sending us back to the police station to fix the docket, which they had done incorrectly. The question arose during the case about why there was only one docket, when there should be three.

At the end of the trial, the man was only fined R 800.00 for common assault, while the other one was out and walking free. While trying to find out what was going on with the pursuit of the second perpetrator, the officer in charge of our case would take out his stress on us. He would yell at us and disrespectfully answer his phone while he was meeting with us. We gave up

on trying to get the second perpetrator arrested, because of the lack of will and support from the police. Even my friend ended up moving to the Eastern Cape.

I do not feel safe in Khayelitsha, but my life is in Khayelitsha and there is nothing I can do about the crimes against us and the way in which the police treat our cases. I am more worried about the younger generation of lesbians, who have had things — violent things — happen to them, but keep quiet, because they know the police will not help them. I am not worried about my own case anymore.



**"I DO NOT FEEL SAFE IN KHAYELITSHA,  
BUT MY LIFE IS IN KHAYELITSHA AND  
THERE IS NOTHING I CAN DO ABOUT THE  
CRIMES AGAINST US AND THE WAY IN  
WHICH THE POLICE TREAT OUR CASES. I  
AM MORE WORRIED ABOUT THE YOUNGER  
GENERATION OF LESBIANS, WHO HAVE HAD  
THINGS — VIOLENT THINGS — HAPPEN  
TO THEM, BUT KEEP QUIET, BECAUSE THEY  
KNOW THE POLICE WILL NOT HELP THEM."**

**— L.P.**

# COMMUNITY POLICING FORUMS AND CORRUPTION

**Z.M.**

I am an adult woman living in Site C, Khayelitsha. I am currently unemployed. I first became involved in the Community Policing sub-forum in June 2009. I asked to join the neighbourhood watch because I wanted to fight crime in my area.

When you want to join the community policing forum, you go to the committee and tell them you want to fight crime. You give them your name and surname and why you want to join. For me, I want to be involved in fighting crime. Then they send you for training at Chrysalis Academy in Tokai for a month. I think it's sponsored by the Department of Safety. In 2012 the CPF under Site B Police Station elected me to be the Secretary of my sub-forum. I think it is because I am experienced and committed to fighting crime.

There are six sub-forums in Site B and the CPF is the mother body. Each sub-forum committee has about seven members, sometimes more. My sub-forum is a neighbourhood watch. We are the eyes of the police. We can't be a sub-forum without the police. We cannot do it on our own. In every meeting the police must be involved because we are fighting crime all together.

Our sub-forum does a lot of work. We invite stakeholders like other committees or SANCO to come and discuss problems with crime. Sometimes we meet the CPF at Site B or other sub-forums and the station commander and sector manager. Then we discuss a way forward — what we must do and what must be done.

We have this challenge of gang fights. So sometimes we organise street games to keep them busy and away from crime. Usually we do that when school is closed because that is when the problem happens. When they are away from school they get into fights. We try to involve parents but it's difficult because they don't want to be involved because they protect their children. But we are trying our best.

We also go on patrols around the area by foot. When we patrol we are about ten sub-forum members and five policemen. We wear reflective jackets and

carry torches. When we patrol, we start at 8pm and finish at about 11pm. If it's a weekend or especially month-end, then people are drunk and it's busy so we can finish at 1am. We don't carry weapons, but the police carry their guns because we need to feel safe. Sometimes we also patrol the malls in Khayelitsha during the day.

Also we have projects on domestic violence. We are going door-to-door and we talk to the victims and encourage them if they need some counselling. And we organise that with our sector commander. Always, we check how they are doing to see if the perpetrator is abusing them. We know the victims.

Our relationship with the CPF is not right. Sometimes they say we must do our own projects but it's not right. We do that but we need their support as our mother body. But there is no support. Sometimes we do the job that is supposed to be done by the CPF. I don't feel the CPF is doing their job. We are doing the job of the CPF as the sub-forum. They are lazy. They are the mother body when it suits them. But when we need them the most they are not there for us. Each and every week there should be a meeting with us and the sector commander and the sub-forums. But that is not happening because they don't understand.

Like if there are ex-convicts out on parole. You know the service comes and discusses that and gives the list of people. For example, in sector two there will be twenty people who are out on parole. So the CPF must visit them to see how they are doing and then how the community is handling them as ex-cons. But CPF doesn't do that. It's us as the sub-forum who visit and make them feel welcome always. We want them to be involved when we do things.

But the CPF doesn't care about those things. People here don't understand what the CPF does. They just understand the sub-forum. We need the CPF to come and address the people when we are doing these things and explain to them how the CPF, the sub-forum and the police work together.

During the festive season, we used to have this project. We are volunteers but the Department of Safety sometimes gives us some project where we can get an incentive. It's only for the neighbourhood watches. But at this time the CPF wants to be involved because it's money now. And then we argue with them because we are the ones working hard. We are the ones patrolling the streets during the day and checking the robberies. If we see someone with a gun we call the police and they come and rescue us.

They take this thing of crime fighting and they politicise it. That's a problem. If someone is a chairperson they get involved in other things outside the CPF. Then when we need them they are not there. When you are a crime fighter, you don't want to get involved in the politics because you are going to lose what you are doing.

Let's say I am a crime fighter and I get involved in things that are happening in this area; I'm going to lose focus on fighting crime. Let's say there is a

project. Then I have to work with the people that I usually work with, the people who were trained. The CPF don't do that. They take people like their family because they want money. It's not about money, it's about fighting crime. They use the CPF to canvas for the ANC. They use the CPF to offer jobs if people vote for them. This thing is not from the ANC; it's from the department. It's not a party thing; it's about crime. It's a government thing. Normally it's for free, it's a volunteer thing. We only get incentives at Easter or the festive season.

The CPF member must be somebody who is honest and neutral. You can't take a shebeen owner to be a member of the CPF. You can't take somebody who is busy with other things. You have to take people who are willing to work with the CPF.

If you are political, you don't have time to focus on the crime and listen to people because you just want to impress your party. It's all about that. You stop talking about the real crime and you lose focus. We have to be careful with information. The sector commander briefs us with crime statistics. You can't just go tell anyone. But if you are a political member you use that information to make it seem like the police are working because of you. They use the information for political things. It's not political; we are just fighting crime.

When we are volunteering they say they can't help because it's dangerous. We are doing this for free for a very long time.

When the CPF has a meeting, the station commander is always there. They want to hear the challenges we are experiencing. Whenever there is a station commander, there have to be resolutions and strategies taken to try and address crime in our areas. Sometimes if we have a meeting and discuss a problem and we want to know what has been done, we struggle to meet with the station commander. Sometimes the communication is not good between the CPF and the police. They have their own office but they don't have a phone to call the station commander. If they call the station commander, he says they must make an appointment.

The station commander is doing good after the previous commander. He gave me his number and said that I can call him.. I first call the sector commander and if I can't get hold of him I can call the station commander. If the sector manager goes on leave, he gives us the number of his replacement. But now he is acting as the chairperson of the cluster and another man is doing his job for six months until they find a chairperson and then he is going to come back.

When we have to meet and discuss something, the sector commander has to come and talk to me to inform me but people think we are spying on the community. Most of the time the community doesn't like us, especially criminals.





ON ALL  
SALE ITEMS

FINAL



But some people are interested in what we are doing. Let's say someone's child got involved in drugs, we are doing our part in that. I can call my sector manager. He comes to fetch the guy for a drug test. Most people are OK with what we are doing because the people station is so far away. Most people have my number because our sector manager is a white guy so some can't talk to him and then I can call him and speak to him and tell him the problem and immediately he can come and help with whatever. The support from the sector commander is very good. He is working very hard. Because Site C is a headache. Guns. Drugs. Everything. But you know he is trying.

The police are not working hand-in-hand with the CPF. The police are working hand-in-hand with the sub-forums; it's the sector commander and us, the sub-forum. We discuss. At the CPF we only go and discuss what we have already discussed with the sector commander.

I want to be honest. I have a problem with police who are my colour [black] because they are corrupt. I prefer white policemen. There are some black police who are doing their job but most of them are corrupt. They put our lives in the neighbourhood watch in danger because they get involved with the criminals. You can see a policeman there at the shebeen. They find a gun there and then they give the gun to the owner because they can get money.

You know there is a lot of dagga here in Taiwan but they don't arrest the owner of the dagga. They just say, "Give me R1000" and then they can take their bags. If it's a white policeman and they have to arrest someone, then they arrest them. I always told the station commander about that and the sector manager that I don't trust the police any more. They make me sick.

There was another incident. I know this guy from the police station. They know where I am staying. They just come and say hi and that they are looking for dagga. I was honest and tell them where they can find it. You know what they do. They told the owner of the dagga that I told them. These guys are from the Eastern Cape. They are called the amaPondo and they came and shouted at me. Now I can't tell anyone about anything now. Those police found a lot of bags of dagga. I don't know why they told them they got the information from me. They didn't arrest them, they just take those bags. They need money. I think they are corrupt. They leave so that I don't see and then they call the criminals and ask for money for the dagga. From that day, I don't tell any police who is selling drugs unless it is my sector commander and then he can do that in his own time so that there is no information coming from me and I am safe. I feel safe because I can call my sector manager.

So some police are working hard like the station commander and our sector manager. Some are good. Some are not. It's not all of them but most are corrupt. The policeman can come from wherever he stays and have a drink with the skollies from around Site C because he wants to be friends with the

skollies. If he takes Tik, then he sells it. That is the reason why you can't call the police station and report that something is happening in your area.

If a policeman is working hard, then people talk to the CPF and ask them to tell the station commander to take the policeman and move him to a different area. Sometimes it can work like that. Say there is a shebeen owner. In the festive season the police take alcohol away. Then some people are not happy about that, so when they have a friend in the CPF they call and the CPF arranges so that they don't take the alcohol away. When there is an operation, the CPF doesn't get informed any more. The police don't tell the CPF because they are going to call their friends and warn them.

# GANG VIOLENCE IN SCHOOLS

## S.Z. CONTINUED

School gang violence happens from time to time in Khayelitsha. Around 2011, a new outbreak of school gang violence happened. At this stage my brothers were not involved in the gangs, and explained to me what was happening at school. Some of the learners in the gangs would use traditional medicine called “Amakhubalo,” which they said would protect them from the other gangs when they fought. The gang youth had pangas, knives and stones and would mainly fight outside of school. My brothers and other friends feared going to school.

Before the end of 2011, my brothers joined the gangs and I lost control of them. The principal at the Secondary School where they went to school called me in because my brothers had gone from good students to bad students. He complained that they came late and left early. They would swear at teachers and threaten other learners. He said that unless they changed, he would have to suspend them.

I decided to go and see social workers at E Section. One of the social workers asked me to bring my brothers to meet them. One of my brothers just laughed but I managed to convince the other one to speak to the social worker. He told the social worker that he would leave the gang if he could get protection because the gang does not allow members to leave. The social worker said that we should consider going to the police. My brother feared going to the police but went onto Radio Zibonele, the Khayelitsha community radio station. My brother explained why he wanted to leave the gang and asked other youth to also leave and return to their studies.

Soon afterwards, on a Friday in July 2012, I was with my friends and I received a surprise call from my brother. He was hiding at a friend’s house but he said that the gang had decided to surround our house looking for him, my other brother, and our nephew, who came to stay with us in January 2012.

I went to my home where I saw about 50 young gang members from the gang outside our house. The community members called the police. A police patrol van eventually came and the gang dispersed. No one was arrested.

The next day our street crime forum (of which I am a member) called a community meeting. A police officer from SAPS was present. There were only men at the meeting and some proposed that we arm ourselves, fight the gangs and drive them out because they were only children. Those of us who were members of the SJC said that we should not take the law into our own hands but help the police do their job. I asked the police officer to meet the next day.

When we met with the police officer, I was very disappointed. My brothers had decided to go on the radio to say that they would leave the gang and ask other young learners to also leave the gangs, but the police would not give protection to them. Instead they said there was nothing they could do. The police officer said parents must help and wished me good luck.

I then decided to send my brothers to the Eastern Cape to my mother's traditional home, even though there was no one to look after them. My brothers knew it was for their own protection, even though they were very angry at me for sending them away. I miss them very much and I send them money. My sister also sends them some money.

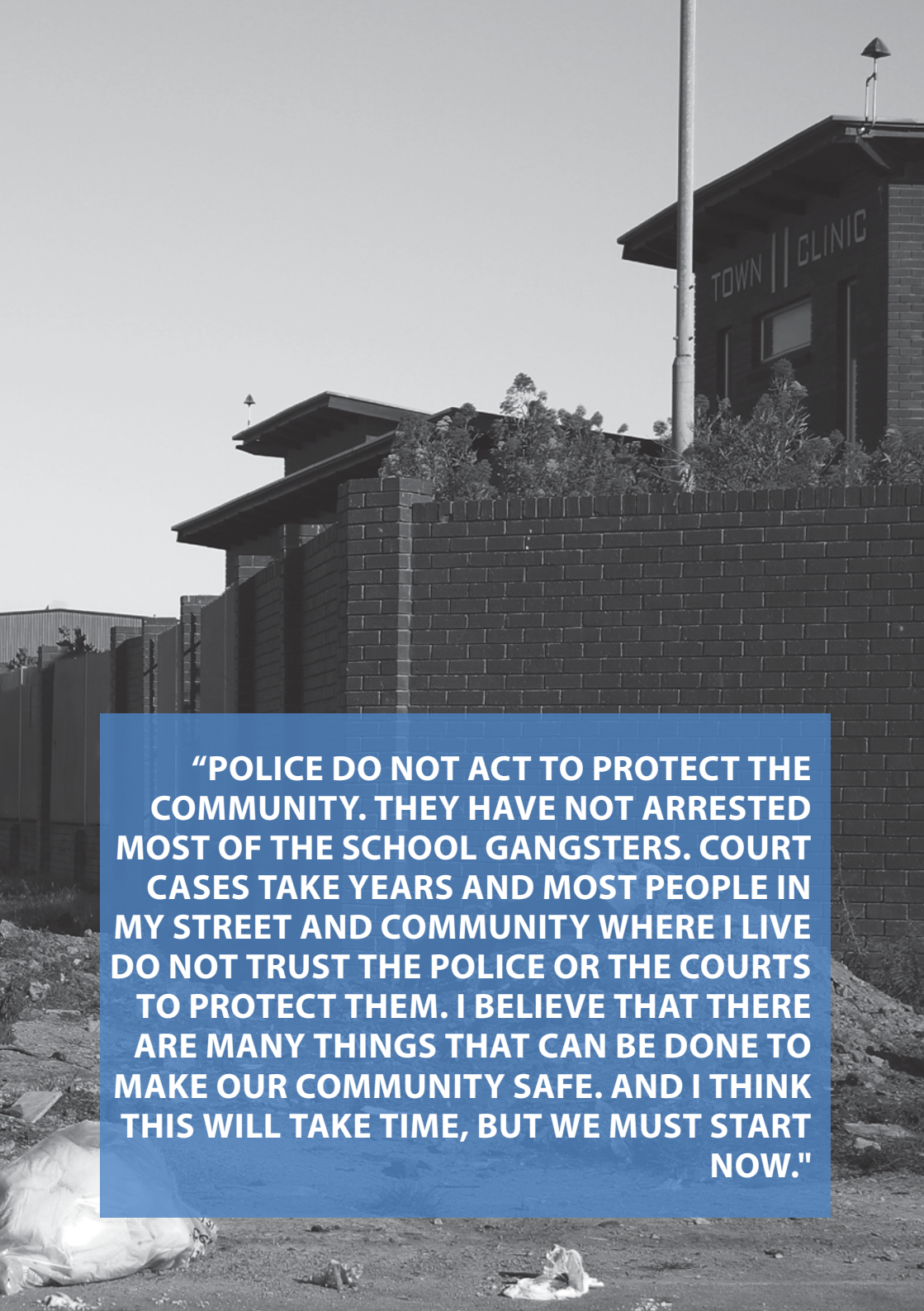
My brothers and many other learners join gangs because of peer pressure. They also join gangs for protection because even if you are not a member of a gang, and you enter a rival gang's territory they will assume you are from the gang in your area. They will then attack you.



FALL  
8  
13

CALTEX





**"POLICE DO NOT ACT TO PROTECT THE COMMUNITY. THEY HAVE NOT ARRESTED MOST OF THE SCHOOL GANGSTERS. COURT CASES TAKE YEARS AND MOST PEOPLE IN MY STREET AND COMMUNITY WHERE I LIVE DO NOT TRUST THE POLICE OR THE COURTS TO PROTECT THEM. I BELIEVE THAT THERE ARE MANY THINGS THAT CAN BE DONE TO MAKE OUR COMMUNITY SAFE. AND I THINK THIS WILL TAKE TIME, BUT WE MUST START NOW."**

## T.N. CONTINUED

I currently work at the Social Justice Coalition (SJC) as a community advocate. I started volunteering for the SJC in 2008 and was later employed by the organisation in 2011. As a teenager and young adult my life has been one of activism with two Khayelitsha based organisations: the Treatment Action Campaign (TAC) and the SJC. I can honestly say that I have interacted with hundreds if not thousands of people across all the major settlements in Khayelitsha. I was a member of the Treatment Action Campaign (TAC) from 2002 until 2008. I currently work at the Social Justice Coalition (SJC) as a community advocate. I started volunteering for the SJC in 2008 and was later employed by the SJC after I finished school.

I grew up surrounded by crime. As a girl I played soccer with boys on an empty space where they had created a soccer field, and got into trouble with family members because they feared violent crime.

When I started high school, there was significant gang fighting between the Izinyoka and D12 gangs near my school and in our community. Both gangs controlled different territories. Therefore, when students walked through different territories to school they would have to walk in large groups or run to school and some people were attacked. No extra-curricular activity was available. The D12 gang were rumoured to have links with the police and a community organised neighbourhood watch.

When I attended Grade 9 in 2007, there was serious violence in the school. Gangsters would enter the school through the fencing and attack learners. Many different people were stabbed.

Eight learners in my school were killed in that year. One of my classmates was stabbed to death in our class. We were locked in the class and the ambulance arrived too late. We were sent home for the day but received no trauma counselling. Teachers and learners lived in fear and panic that year. I cannot understand to this day how I passed that year because it was almost impossible to concentrate on my studies. I can say that this is true for most of my fellow learners.

Sadly, the police did very little to prevent the violence, or combat gang fights when they happened inside or outside schools, or investigate how the gangs were structured and who operated them, or apprehend the culprits. The community could not understand why the gang violence was taking place on this scale and neither could learners who did not participate in gangs.

The school principal was chased away by the community who suspected that she might have used witchcraft to bewitch the learners who were gangsters and a cleansing ceremony was organised at the school. This appeared to help for a while but violence started increasing among learners. In 2009, another learner was stabbed to death.



I would argue that gang violence in schools is the result of several factors. First, young people have very little that keeps them busy after school with no activities. Second, violence and crime is part of the community's daily experience and young people feel safer in groups. Criminals are effective but the police and courts are not effective. They do not patrol visibly and mostly only chase gangsters without attempting to arrest or charge them.





# VIOLENT CRIME

## P.W.M.

I am a 38-year-old man residing in RR Section in Site B, Khayelitsha. I currently work as a Community Support Officer in the Campaign Department of the Social Justice Coalition and also am involved with a number of other projects. I am responsible for taking testimonies from members of the Khayelitsha community relating to their experiences with the police, courts, and the National Prosecuting Authority, along with general issues of safety, crime, and violence. Over the past two years I have taken over 100 testimonies relating to these issues.

In November 2013, two comrades and I travelled to Makhaza to speak with B.X. B.X. is unemployed and had been living with her boyfriend in an informal settlement.

B.X.'s boyfriend was brutally murdered by three men in October 2013. His bloody shirt was still in a corner of the room as the three of us entered B.X.'s living room. The subject matter is too traumatic and recent for B.X. to depose, but her story is one that needs to be heard.

Several weeks ago, though it was not clear exactly when, B.X.'s boyfriend broke a man's arm. One day in October, at around 4 o'clock in the morning, the brother of the man whose arm had been broken and two of his friends came to B.X.'s home. In order to force her boyfriend to come out, the three men hacked at the house's power box. When B.X.'s boyfriend came out to find out what was happening, he got into an argument with the perpetrators. B.X. heard the men screaming at her boyfriend, threatening to kill him. The three men eventually left.

Later that morning, B.X.'s boyfriend went to Harare Police Station to open a case and report that his life was in danger. When he returned home from the police station, the three men were waiting for him. While B.X. was inside the house, the three men disemboweled her boyfriend with a knife and cut off his cheeks. They left his body on display in front of his home.

The perpetrators were arrested the same day, but the three men were released less than a week later. They are presently in the Makhaza/Zwelindinga/

Nkanini area, and have been threatening to return to B.X.'s home to murder her and her two neighbours. I managed to arrange for B.X. to see a trauma counsellor the next day.

After several days of trying to get in touch with the case's investigating officer, I managed to speak with him on the phone. I wanted to know how three men who clearly were guilty of murder could be released after less than a week. The investigating officer nonchalantly admitted that the reason the men had been released was because he had not shown up in court to present evidence. There was no case against them without evidence, so the three men were let loose. I have not been able to reach the investigating officer since this conversation.

B.X. is currently in constant fear for her life. I am currently trying to find a safe house for her to move to. Though she was initially reluctant to leave her home, she phoned me to say she was willing to move. Though I didn't pry, I can only assume that the threats have continued.

B.X.'s struggle is faced by many people who live in Khayelitsha. Many cases are thrown out and criminals are released for similar reasons. B.X. saw no justice served, and has ended up paying the price for the negligence of the man investigating her boyfriend's murder. Like B.X., most people in Khayelitsha live in constant fear of crime and violence, and have little faith in the ability of the criminal justice system or law enforcement to protect them. Unless drastic changes take place, this will continue to be the norm.

**“Police are failing to communicate with victims and families about developments in their cases, failing to follow up on leads, and failing to arrest suspects who break their bail conditions. A number of police officers are extremely rude and unreceptive. These issues speak to the failure of SAPS management to ensure that officers on the ground are given adequate support and that professionalism is instilled across all levels of the Police Service.”**  
— P.W.M

## T.N. CONTINUED

In October 2010 I was with a friend at a tavern in H Section, Khayelitsha. After a few minutes waiting at the counter to buy a drink, we saw seven or eight people all holding guns — we immediately thought it was the police shutting down the tavern. We decided to leave but before we could leave the men started opening fire on the people inside the tavern.

My friend died on the scene — she was shot three times. I was shot six times all on my right-hand side. About six or seven other people were shot. The men who shot people weren't there to rob because they didn't steal anything.

There were so many bullets fired and one of the criminals actually died because his partners had shot and killed him. The police got the dead one's phone. I have heard rumours that the police obtained a lot of evidence as a result of the phone.

I was taken to the GF Jooste Hospital in Manenberg and was in a coma for four days. Two bullets are still in my body, two passed through and two were removed. I was in hospital for two months.

At the end of 2010, the police came to my house asking if I recognised or could remember any of the suspects. They showed me a photo album of people and I could identify two of the suspects. They asked me if I would testify and I said I would. It was obvious that a case had been opened but the police did not give me any more information regarding the case that had been open.

Around this time the MEC for Community Safety also came to my house and told me how sorry he was and that this was a priority crime and they were putting their best efforts into it. The MEC promised that he would arrange counselling for me, and return to see how I was doing. He never did. I felt as if he was using this encounter as a photo opportunity.

About two weeks after the MEC came to me, I was visited by two policemen at my home. They recommended to me that it was best that I not be involved in a case against the suspects for my own safety. They said they were dangerous men and if I continued to be a witness I might be in further danger. However, they did not say anything about the progress of the case or if they would continue with the investigation.

I felt at the time that it was best for my safety and my family's safety to drop it, but at the same time, I felt this was a terrible injustice. I wanted justice for me, my friend and for all the other people who had suffered and the police did not give me the option of doing that. If they had offered protection and a way in which to pursue this safely I would have done so.

Last year, in an effort to try and do something about what had happen I went to GF Jooste Hospital in Nyanga to have a look at my patient file so I

could try to take legal action but there is absolutely no trace of my stay in the hospital. My patient file seems to have disappeared.

Since the day the police told me I should not have been a witness I have not heard anything relating to my case from the police, I know nothing about the progress, if any, of the case.

It is as if we have no police services in Khayelitsha. I lost all hope in them a long time ago. For example, my friend need not have died on that day. When she was shot she bled out but the ambulance and police took too long to get there even though the police station is not far from where we were.



JANUARY 2014

PUBLISHED BY



WITH SUPPORT FROM



HEINRICH  
BÖLL  
STIFTUNG



Photography: Shae Herrmann



