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I, the undersigned

SAIDI CHIYESA

do hereby make oath and state that:

BACKGROUND

1. I am a 34-year-old unemployed male, born on 20 July 1975, currently residing at the Central Methodist Mission, Johannesburg (the "Church") situated at Pritchard Street, Johannesburg.
2. Except where the context indicates otherwise, the facts stated in this affidavit are within my personal knowledge and, to the best of my knowledge and belief, are both true and correct.
3. I am originally from Harare, Zimbabwe. There, I attended school from Grade 1 to Form 2, and went to the Speciss College in Harare to learn cutting and designing materials. I worked as a tailor at Masasa, a clothing company.

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4. I left work in 2007 because of the economic situation in Zimbabwe. The value of money was changing every day. I could no longer use my income to support anyone; my wages only covered my transport costs to work, with nothing left over for food. I began working from home.
5. At the beginning of 2009 I had run out of money and could no longer buy food, so I decided to go to South Africa. The political problems were a factor too: I had been beaten in the elections in June 2008, and have since been harassed by members of ZANU-PF for being a member of the opposition MDC.
6. I arrived in Messina on 5 June 2009 and received an asylum-seeker's permit, valid for six months. I lost this when the police seized my belongings during the arrest. Now that I have lost my papers I am scared to move around. I also lost my employment references as a designer and a tailor.
7. For survival I do piece jobs. At the Rand market I unload trucks and am paid day-to-day. I have a wife and one child, age nine, who stayed in Zimbabwe, and I send them my earnings. Sometimes, however, I cannot get work for a week. I am looking for a proper job as a designer or tailor, but with all of my references now gone, I do not know what to

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do. If I get a job I will leave the Church, but until then I cannot leave because I have nowhere else to go.

8. At the church there is a programme to train as a security guard and I volunteered to put my name down. In the meantime, I am looking for a job. When I get my job I will leave the church. I stay at the church because of the accommodation problem. I have no relatives in South Africa so I stay at the church.
9. A friend told me about the Church. I sometimes sleep and wash there, and can occasionally get food. When I stay there I sleep outside with about 200 other people.
10. At the church I sleep outside, with hundreds of other people. I had two blankets but they were lost when the police arrested us.

3 JULY 2009 ARRESTS

11. On the night of Friday, 3 July 2009 I was asleep on the pavement of Pritchard Street, near the Church, when I was woken up by the police. I checked the time on my phone, which was later lost, and saw it was about 10:00 p.m. I saw about 30 police wearing the Metro Police uniform. Some of them came up to us, removed our blankets, and said:

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"Wake up, wake up." Then they said: "Sit where you were sleeping."

We sat for about ten minutes. I was not assaulted then.

12. The police then said: "Let's go to the High Court." We went and sat down, and stayed on the steps for about 20 minutes waiting for the police vans to arrive. The police beat people, but I was not one of the ones beaten.
13. As I was getting in one of the vans, a policeman told me to leave my bag because the van was overloaded. I said my clothes and things were in the bag but he told me to leave it. A different policemen prodded me with an electric shocking device to force me to get inside. The shock caused pain in my chest. I do not know how many people were in my van but it was overloaded, and we sat in there like rats.
14. When we stopped, and as I was getting out, my body began to hurt from being so squashed in the van. The police had forced us inside and the van was so full that they struggled to close the door on us. The ones closest to the door were pushed further inside to make the doors close. There was not enough room to breathe properly and I thought some people may have died if we had to travel any further.

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15. The police did not say what we were being arrested for or where we were being taken. Those who refused to do as they said were beaten. I went with them, not knowing where I was going, because I did not want to be beaten. The police were talking in Zulu, which I do not understand.

AT THE POLICE STATION

16. I was taken to Johannesburg Central Police Station, which others told me was called John Vorster, (the "Police Station"). I think we left the van at about 11:00 p.m. The police put us in a room and started calling us one by one while they wrote some dockets. They were forcing us to sign documents for "loitering." Some people were sprayed in the face for refusing to sign. I signed the paper and gave it to a policeman and received something like a receipt, which said I had been "loitering". I did not read it. We were not told we had the right to a lawyer, and we were not given time to read the form we were signing. We were then put in cells.
17. The cell was a bad place. We slept with hunger. I only got two slices of bread each morning and two slices at night. This is not sufficient food for four days. We were kept in the cells until Monday afternoon.

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18. We were given mats and blankets. There was a toilet, but no wash basin. There were about 40 older and younger men in the same cell with me.

EFFECT OF THE 3 JULY 2009 ARRESTS

19. After the arrest I had chest pains from the shock I had received. That machine acted like electricity. You should not touch electricity.
20. I later went to the Médecins Sans Frontières (MSF) clinic and was given some tablets for my chest and for coughing. I do not have any problems now.
21. I lost my bag during the arrest when the police shocked me and forced me to leave it. It contained R1000 in cash, some toiletries, a towel, a pair of All Stars tennis shoes, my cell phone, some clothes and two blankets. The bag also contained my asylum seeker permit and all of my tailoring references.
22. I have never been arrested before, and I have not experienced any harassment since then.

David

DEPONENT

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V. G. D.

THUS DONE AND SWORN TO BEFORE ME at JOHANNESBURG on this the 3
day of ^{September} 2009 by the deponent who acknowledges that she/he knows and
understands the contents of this affidavit and has no objection to taking the
prescribed oath and regards same as binding on his/her conscience.

C. N. P. [Signature]
COMMISSIONER OF OATHS

ROLOM NICOLAS PHITENS
40 FLOOR, BRAM FISCHER HOUSE
70 LESLIE STREET, JOHANNESBURG 2001
COMMISSIONER OF OATHS EX OFFICIO
PRACTISING ATTORNEY
REPUBLIC OF SOUTH AFRICA

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