

STATEMENT - Umlazi CAS 197/10/2013

Name: Gcinithemba Matshwele Nyathi

ID NO: 860315

6403 084

Gender: Male

Employment:

Unemployed

Address: Silver City, Umlazi

Contact number:

071 099 8645

1. My name is Gcinithemba Mtshwele Nyathi and I am the complainant in this case.
2. I am a victim of intimidation, conspiracy to murder, assault GBH, and attempted murder.
3. I am a member of the Abahlali baseMjondolo Shackdwellers' Movement of South Africa.
4. On Monday 7 October 2013, our members were at the Umlazi Magistrate court to support three of our members who were unlawfully arrested for protesting on Friday 4 October 2013.
5. At about 9 o' clock, a police officer told us that the SAPS was going to shoot two of us. He was trying to intimidate us. He said he was warning us that they will kill two of our members.
6. We were waiting outside the court where our members were protesting as is their constitutional right and democratic right. Then between 11 and 12 o' clock, Emmanuel Magcaba came to take 10 of us to the court where our 3 comrades were going to appear for their bail.
7. We walked to the entrance of the court. Suddenly twoFidelity officers pushed all of us backwards where police officers were. Then they pushed Amanda Ndabeni and I

more inside the entrance section and they then closed the burglar guards and the roller door.

8. We were trapped inside and very frightened. One person shot at me while a security guard was grabbing my shirt. The security guard was shot on his hand and the bullet entered my chest.

9. An SAPS officer and the security (Khumalo) pulled me to the floor. Another SAPS officer put black hand cuffs on me. Khumalo, and other SAPS officers beat me with their fist and their boots while I was shot, and bleeding, and on the floor.

10. I asked them why they shot me. One of them swore at me "fuck off" . Then one of them pulled me up. They surrounded me so nobody could see me and took photos and videos of me.

11. Captain Ndlovu was talking to the SAPS and security guards. I wanted to hear what they were saying about me but they pushed me away. I waited very long for medical attention.

12. Then the ambulance came and put a drip for me. They cut my shirt and put a bandage on my chest. It was so painful and I was really suffering. I felt like I was going to fall unconscious.

13. One of the paramedics asked me what happened. I could not tell them because I was in severe pain. This is the first time in my life I was shot and I was shocked at what happened to us.

14. Two police officers followed the ambulance to Umshiyeni. In the hospital I asked the SAPS why they shot me. One of them said they will shoot me again and kill me in the Hospital.

15. The nurses took me to the short stay ward. They did not give an injection or pain tablets the whole night. The one SAPS officer took the hand cuff from my hand and put

it on my leg and the bed. I could not sleep the whole night with the pains I had and I was disappointed in their treatment.

16. In the morning the nurses gave me tablets. Two SAPS officers came, they took the hand cuffs off me. They did not want to let the nurse to give me any more treatment. They rushed me to the Umlazi SAPS station where they were taking my finger prints even though I am not a criminal.

17. An SAPS officer gave me a document called a notice of rights in terms of the Constitution. It said I was being detained for public violence and attempted murder. They filled in my names for me and made me sign the notice of their false accusations against me.

18. One officer asked how the security guard got shot. The other SAPS officer took me to the police cells. Another SAPS officer took me to the charge office and they took photos of me.

19. One SAPS officer said one of AbM members shot the security and me; and that I am all alone without any AbM members there. I told them that my comrades would never shoot me.

20. After taking photos they rushed me to court. It was between 9 and 10 am. They put me into an office. A maninside asked me if I want a free lawyer. I told them I have my own lawyer. They said they waiting for the lawyer but they never phoned to tell her I was in the court.

21. The officers took me to a waiting room. I asked them who gave them permission to shoot me. One of them (Ndwandwe the constable) said they get "tenders" to kill people and that he killed three people with the same gun that he had on him - that they also tried to kill me with.

22. An officer took me to the cells, where I waited 35 minutes. I then went inside the court where my attorney Shabnam [Palesa] Mohamed was representing me for a bail

application. The charges according to the prosecutor were different charges from the charges on the notice.

23. I got my free bail and then I had to go to Umshiyeni hospital again because of the pain. We looked at the hospital records which said I left the hospital in the morning with a family relative. This was not true because I was taken from the hospital in the morning by those SAPS officers.

24. The doctor checked my wound because it was very painful. I got medication and went home. At about midnight, the SAPS came to Silver City. There were 4 males and 1 female whispering. They talked to each other and to my neighbours and left. We have information that SAPS has spies as girlfriends in Silver City and gives them food hampers. This is how they spy on us and against us.

25. The bullet is still in my body as I do not trust the police, the hospitals, and even the court to protect my rights and to keep me safe from further intimidation, bodily harm, and even murder.

26. The false case against me [194/10] has been in the media. The public are aware of intimidation, unlawful arrests, assault, and murder of our poor over many years. They want updates on our case [197/10] for what was done to me by our brothers in our police service.

27. We want this case investigated and perpetrators of crimes against me and us to be charged and convicted for their terrorist activities against poor shackdwellers who just want homes.

1. I know and understand the contents of this statement
2. The swear that that contents of this statement are true
3. I consider the oath to be binding on my conscience

SIGNED AND DATED AT DURBAN THIS DAY OF FEBRUARY 2014

SIGNED:

COMMISSIONED: