

# Affidavits

*(A resource for community advice offices and community-based paralegals brought to you by NADCAO Brought to you by NADCAO, from the Paralegal Manual published by the Education and Training Unit and the Black Sash.)*

An affidavit is a written statement which you swear is the truth. Another name for an affidavit is a sworn statement. You sign this statement (with your name, or X if you cannot write) in front of someone called a Commissioner of Oaths. A Commissioner of Oaths can be a magistrate, postmaster, a bank manager, lawyer, members of the South African Police Services (SAPS), and certain priests and social workers.

For example, when you need to prove something (like your age in order to get a pension) and you do not have any written proof that what you are saying is true, then you can put this information in an affidavit.

Usually the same information that is used for an ordinary statement will be used in an affidavit. All that happens is that a lawyer or paralegal will turn the statement into an affidavit by adding some formal words at the beginning and at the end of the statement.

## **How to draw up an affidavit**

1. I \_\_\_\_\_ (name of person )  
**do hereby make oath and say:**
2. **I am an adult** \_\_\_\_\_  
(male/female)  
**and I live**  
**at** \_\_\_\_\_ (address)
3. **I am** \_\_\_\_\_  
(married /single)(unemployed/employed at...)

The statement .....(fill in what you say is true)

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**DEPONENT**

(the person making the statement is the deponent and must sign here but only in front of the Commissioner of Oaths) (then the Commissioner of Oaths fills this next part in:)

THUS SIGNED AND SWORN TO at \_\_\_\_\_ . This day of \_\_\_\_\_ 2002 the Deponent having acknowledged:

1. That he/she has no objection to taking the oath;

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2. He/she deems the oath binding on his/her conscience;
3. He/she understands the contents of this Affidavit and stated that same was all true and correct and uttered the words 'So help me God'.

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### **COMMISSIONER OF OATHS**

(Commissioner of Oaths signs here after raising the deponent to swear with your hand in the air that you are telling the truth; the name and address of the Commissioner will be given here, and the office held by the Commissioner, e.g. postmaster)

### ***Example of an affidavit***

#### **AFFIDAVIT**

1. I, Benjamin Ngwane, do hereby make oath and say:
2. I am an adult male and I live at Hostel number 52 Indwe Street, Langa, Cape Town.
3. I am unmarried. I am presently unemployed.
4. On Monday, 26 September 2002, at about 8 p.m. I was walking on my way home after visiting a friend. I was walking alone on the pavement past Kentucky Fried Chicken going in the direction of Hostel 52.
5. A group of men crossed the road and came towards me. I recognised one of them. His name is Patrick Xegwana. He lives in Pele street.
6. The group stopped me and Patrick Xegwana grabbed me by my shirt and asked me where I was going.
7. I tried to answer that I was going home but before I could finish, Patrick Xegwana slapped me on my left cheek with his left hand.
8. One of the other men then assaulted me by punching me in the stomach and kicking me where I lay on the ground. He was wearing a dark blue overall which was very torn. He was also wearing glasses. I recognised this man's face although I do not know his name. I don't know where he lives. He was about 30 years old. I would recognise him if I saw him again.
9. I think there were five men altogether. I do not know the names of any of them except for Patrick Xegwana but I recognised all of their faces. I would recognise them if I saw them again.
10. They were all crowding around me while I was lying on the floor being assaulted by the man in the blue overall. One of the men had a gun and was poking it in my side. I was very scared and I didn't say anything to them. They did not say why they were assaulting me. They only told me that I must not come near their area again.
11. Everything happened so quickly. The last thing I recall is a hard blow on my head.
12. I was dizzy at the time and can only remember being picked up. I was looking around to see where the men were but they were gone. One of the

people helping me was a man called Vuyani. He telephoned the Langa Day Hospital for an ambulance to come and fetch me. I stayed there until the ambulance arrived and took me to hospital.

13. At hospital I was treated for two broken ribs, severe bruises all over my body, and my eye was bleeding. I had to stay in hospital for 3 days. My hospital card number is 5489. I was treated by Dr Wyngaard.
14. I do not know if there were any witnesses to the assault on me. I do not know if Vuyani witnessed the whole assault on me.
15. I do not know why I was assaulted by the group.

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BENJAMIN NGWANE

THUS SIGNED AND SWORN TO at LANGA. This day of 30th September 2009 the Deponent having acknowledged:

1. That he/she has no objection to taking the oath;
2. He/she deems the oath binding on his/her conscience;
3. He/she understands the contents of this Affidavit and stated that same was all true and correct and uttered the words 'So help me God'.

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COMMISSIONER OF OATHS