

In the Magistrate's Court for the district of Gert Sibande held at *Breyten/ Ermelo

*Breyten/ Ermelo _____ CID# CAS number: _____

*Ermelo/ _____; _____ # Inquiry number: _____

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Section 29(1)(a) of the Cybercrimes Act, 2020 (as amended) (the CcA)**

I the undersigned, _____, (full names of deponent) hereby declare:

1 I am *a/ an _____ (rank) in the South African Police Service, stationed at _____ (place). My persal number is _____ . I am *the investigating officer/ _____ in _____ (place) *Inquiry/ CAS no. _____.

I have reasonable grounds for believing that *an article/ articles which *is/ are defined as *data/ a computer program/ computer programs/ a computer data storage medium/ a computer data storage mediums/ a computer system/ a computer systems, or any combination thereof, namely – _____

- ☐ *is/ are, *concerned with/ connected with the *commission/ suspected commission of –; or
- ☐ *is/ are on reasonable grounds believed to be *concerned with/ connected with the *commission/ suspected commission of –; or
- ☐ may afford evidence of the *commission/ suspected commission of –; or
- ☐ is intended to be used or is, on reasonable grounds believed to be intended to be used in the *commission/ suspected commission of –
- ☐ an offence in terms of Part I and Part II of Chapter 2 of the Cybercrimes Act, 2020 namely:
- ☐ contravening section _____ of the Cybercrimes Act, 2020 (_____; *and/ or _____
- ☐ contravening section _____ of the Cybercrimes Act, 2020 (_____; *and/ or _____
- ☐ contravening section _____ of the Cybercrimes Act, 2020 (_____; or _____
- ☐ any other offence in terms of the law of the Republic namely:
- ☐ Contravening section _____ of the _____ (_____); *and/ or _____
- ☐ _____

Abbreviations: CID = Crime Investigation Department; CIG = Crime Intelligence Gathering; FCS = Family Violence, Child Protection and Sexual Offences Unit; DPCI = Directorate for Priority Crime Investigation; PCSI = Priority Crime Specialised Investigation; DFI = Digital Forensic Investigation; STES = Stock Theft and Endangered Species Unit

*Delete whichever is not applicable

☐ Mark the appropriate block with a ✓

☐ _____

_____; or

☐ an offence in a foreign State that is substantially similar to an offence contemplated in Part I or Part II of Chapter 2 of the Cybercrimes Act, 2020 or another offence recognized in the Republic namely _____

_____;

_____; and

☐ that the said **article is/ articles are* within the area of jurisdiction of Ermelo Court –; or

☐ that the said –

☐ *article is being used/ is involved/ has been used/ was involved* in the commission of an offence within the area of jurisdiction of Ermelo Court –

☐ *articles are being used/ are involved/ have been used/ were involved* in the commission of an offence within the area of jurisdiction of Ermelo Court –

namely at or upon premises situated at _____
_____;

☐ that the said –

☐ *article is being used/ is involved/ has been used/ was involved* in the commission of an offence within the Republic, and it is unsure within which area of jurisdiction the said *article is being used/ is involved/ has been used/ was involved* in the commission of an offence; or

☐ *articles are being used/ are involved/ have been used/ were involved* in the commission of an offence within the Republic, and it is unsure within which area of jurisdiction the said *articles are being used/ are involved/ have been used/ were involved* in the commission of an offence

2 The grounds upon which my belief is founded are _____

3 I hereby request the honourable Magistrate to issue a search warrant in respect of the above-mentioned premises **and/ or *person/ persons*.

☐ Mark the appropriate block with a ✓

*Delete whichever is not applicable

4 I request the court to assign the following police official(s) to execute the search warrant:

a. **Rank:** _____; **Persal No.:** _____;
Surname: _____;
Full names: _____;
Cell number: _____; **Name of *Station/ Unit/ Division:** _____.

**... and to make an order that the police officials mentioned in the list marked annexure _____ to assist in executing the search warrant.*

5 This statement is true to the best of my knowledge and believe. I made this statement knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated in it anything which I knew to be false or which I did not believe to be true.

OATH/ AFFIRMATION

I, the undersigned commissioner of oaths, hereby certify that before taking the oath or administering the affirmation:

- the deponent identified **himself/ herself* to me;
- the deponent confirmed that **he/ she* is not unwilling to take an oath or to make an affirmation; and
- that I asked the deponent the following questions and noted **his/ her* answers in **his/ her* presence:

1. Do you know and understand the contents of this declaration? **Answer:** _____
2. Do you have any objection to taking the prescribed oath? **Answer:** _____
3. Do you consider the oath to be binding on your conscience? **Answer:** _____

***Oath:**

***Affirmation:**

The deponent is caused to utter the following words:

"I swear that the contents of this declaration are true, so help me God."

Dated at _____ this _____ day of _____ 20 _____

The deponent is caused to utter the following words:

"I truly affirm that the contents of this declaration are true."

Dated at _____ this _____ day of _____ 20 _____

Deponent _____

Certificate by the commissioner of oaths:

I certify that the deponent has acknowledged that **he/ she* knows and understands the contents of this declaration which was sworn to before me and the deponent's **signature/ mark* was placed thereon in my presence. The deponent uttered the following words "I swear that the contents of this declaration are true, so help me God."

Commissioned before me at _____

Deponent _____

Certificate by the commissioner of oaths:

I certify that the deponent has acknowledged that **he/ she* knows and understands the contents of this declaration which was affirmed before me and the deponent's **signature/ mark* was placed thereon in my presence. The deponent uttered the following words "I truly affirm that the contents of this declaration are true."

 Commissioner of Oaths

_____/_____/20_____
 Date

Full names: _____

Designation: _____ **Ex Officio Republic of South Africa**

Area for which appointed: _____

Physical/ Business address: _____

☐ Mark the appropriate block with a ✓

*Delete whichever is not applicable