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**AFFIDAVIT: YULIA TROFIMENKO**

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I, the undersigned,

**YULIA TROFIMENKO**

do hereby make oath and state as follows :-

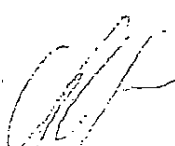

**INTRODUCTION**

1.

The facts herein contained are, unless the contrary appears from the context hereof, within my own knowledge and are in every respect true and correct. Wherever in this Affidavit submissions on the law are made, unless otherwise indicated, such submissions are made on the basis of advice given to me by my lawyer. Mr Gary Eisenberg of Eisenberg & Associates ("Eisenberg"). I verily believe such advice to be correct.

2.

The purpose of deposing to this Affidavit is to demonstrate to the satisfaction of the Director-General of the Department of Home Affairs that I was unable to apply for a lawful status for reasons beyond my control in satisfaction of Immigration Regulation 26(1)(a) (published on 27 June 2005 in *Government Gazette* no. 27725) ("Regulations").

   
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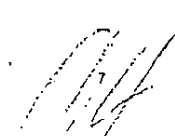
I understand and concede for these purposes without prejudice to myself that I am an "illegal foreigner" within the meaning given to this phrase in section 1(1) of the Immigration Act of 2002, as amended ("the Act"), in that I am a foreigner who is in the Republic of South Africa in contravention of the Act.

4.

I also understand and concede that I must depart South Africa unless I am authorised by the Director-General in the prescribed manner to remain in South Africa pending my application for a status and in this regard I refer to section 32(1) of the Act, read with Regulation 26(1) thereof. I am an "illegal foreigner" who has neither been arrested for the purpose of deportation nor have I been ordered to depart South Africa and I wish to apply for a lawful status, at least at this time, in terms of section 11(1)(i) of the Act.

5.

It has taken me a long and uncomfortable time to realise that I have nothing to gain at this stage, nor to lose, by telling my story as it has been since I arrived in this country. I have been encouraged to tell this story by my best friend in Cape Town, Fareez Basadien and by my Immigration Lawyer, Gary Eisenberg. After a great deal of coaxing from Mr Eisenberg, I realised that it is in the interest of the Government of the Republic of South Africa to understand the facts of my "journey" since first landing in Cape Town just over three years ago. I now believe with all my heart that by deposing to this Affidavit I will assist the Department of Home Affairs in uncovering certain facts about my immigration status and the manner in which I believe I obtained it and hope that a full investigation and a prosecution will arise from this Affidavit.

  
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**CONTEXTUAL FACTS**

6.

I was born on 5 June 1987 in the city of Vladivostok, Russian Federation. I am a Russian citizen and am in possession of a Russian passport (No: 624525501). My parents divorced when I was two years old and I lived with my grandmother until I was fourteen years of age in a small village (Shmakafka) some five hours drive from Vladivostok. At fourteen years of age I moved back to my mother's house in Vladivostok and at sixteen was sent off to college for two years to study business management.

7.

In May 2005, when I was eighteen years of age, I returned to my grandmother's village for my summer vacation prior to my third college year of "practical". It was there that I met an old friend, accompanied by a woman by the name of "Svetlana Finashina" ("Svetlana"), representing herself to be a "talent agent". I understand that Svetlana's mobile telephone number is 0079 2555 0260, that her home telephone number is 0074 2 3249 6061. My diary indicates that her physical residential address is Vladivostok, 1 – 81 Krigina Street. I have attempted here to transliterate notes from the Russian language into English and I am not certain whether my English spelling is precise.

8.

Svetlana asked me whether I would like to travel to Cape Town for a year to dance at an "exotic club" there. Svetlana explained to me that I would have to dance "topless" but that was all. I had seen photographs of Cape Town and video images on television, so I had some idea of what Cape Town looked like. However, up until then I had never travelled outside of Russia in my life so I was

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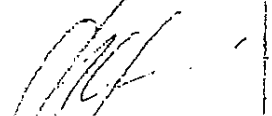
excited at the prospect. I have never been shy of my body and having been advised from the very start from Svetlana that I would have to dance topless (very far away from my home town in a foreign country) did not disturb me very much. I understood that I could earn "good money" which I would save over the year use to and establish myself in Russia thereafter. I had been born into a poor household, and was excited by the prospect of enriching my life instead of slaving away in some small shop in Vladivostok or its suburbs. Svetlana described the Cape Town club as a large, luxurious place where there would be other girls from Russia and elsewhere with whom I would socialise and that the experience would be entirely enjoyable. Of course, I was at first hesitant but thought I would see how things go and take one step at a time.

#### MY SOUTH AFRICAN JOURNEY

9.

Svetlana had taken photographs of me (fully clothed) and said she was going to send them to the club and come back to me with an answer. After approximately three weeks Svetlana called me and advised me that my "application" had been accepted and that it was now a question of acquiring a passport document for myself and applying for a tourist visa at the South African Embassy in Moscow. My very first Russian passport was issued to me on 30 August 2005 and immediately thereafter an application was made via Svetlana at the South African Embassy in Moscow for a tourist visa which was issued to me on 23 September 2005 entitling me to visit South Africa for tourism purposes for 25 days from my date of entry. I attach hereto as annexure "YT1" a copy of the title page of my Russian passport document confirming these facts. I also attach hereto as annexure "YT2" the visitor visa endorsed into my passport, which also confirms that I entered South Africa on 28 September 2005 for the first time.



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10.

I should make note that all of this while I could not read or understand English and therefore did not understand the contents of the documents Svetlana showed to me — I am not certain whether they were part of my visa application or not.

11.

Svetlana assisted me in opening up a bank account and she placed US\$1000.00 into the account for purposes of demonstrating to the South African Embassy in Moscow that I had sufficient funds to sustain myself in South Africa during my visit there.

12.

I also make note of the fact that my objective in visiting South Africa for 25 days (as a first step) would allow me to return to Russia if I did not feel comfortable in my "job" at the club in Cape Town. I had a return ticket with me and therefore this gave me some comfort in understanding that I had the means to return to Russia within a relatively short period of time.

13.

As soon as my visa was issued I was then driven to the airport in Vladivostok, flew to Moscow (where I stayed for one day), then to London and from London to Cape Town. I was collected from Cape Town International Airport by a lady by the name of "Irina". I now understand that Svetlana and Irina acted as agents in Russia and South Africa, respectively for Mr Yuri Ulianitski ("Yuri"), scouting for and securing girls like myself for those purposes which I will describe herein below. Irina's South African mobile number is 082 775 0484.

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14.

I should also mention that I did not fly from Vladivostok to Cape Town alone, but was accompanied by another girl by the name of "Angelika" whom I understand has returned to Russia (as far as I know her cellular telephone number is 0079 924 6968 509).

15.

Irina drove us to a large house situated at 147 Anam Road, Table View, Cape Town. I, together with Angelika, were shown our rooms, a kitchen and a bathroom and were told to "wash up and relax a little". Both Angelika and I were a little nervous since we did not know what to expect at that stage but we did as Irina suggested.

#### YURI ULIANITSKI: MY LIFE IN CAPE TOWN

16.

After a few hours, a large, imposing man walked into the passage way of our section of the house and introduced himself as "Yuri Ulianitski", and he was accompanied by Irina. I was immediately asked to sign a set of documents and Yuri indicated to me that these were for work permit application purposes. Yuri took my and Angelika's original passport documents saying that he was going to give them to his "lawyer". Yuri left Angelika and I with R400.00 (to buy some food).

17.

Towards evening on the same day, although Angelika and I were both exhausted, a man by the name of Emmanuel (who told us he was from the

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Democratic Republic of Congo) collected us and said he was instructed to take us to the "club" where we were to work. This club, called "The Castle", is situated in Castle Street, Cape Town. When Angelika and I arrived, the place looked very dilapidated – it was dirty, the furniture was old, soiled, and seemed completely out of place. The "club", if I could call it that, smelled of cigarette smoke and beer and was cold. I was now a little perturbed by what was in store for me. We were then taken back to our house by Emmanuel and he told us that he would collect us the following day.

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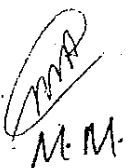
At approximately 6:00pm the following day Emmanuel collected Angelika and I and took us to The Castle. Yuri was waiting there for us and told us that we could dance on the stage if we liked but that we would have to take our clients "upstairs", where there were six small rooms and that this was to be our "main work".

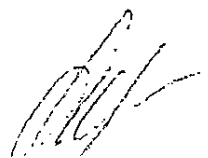
19.

I cannot precisely recall how I felt exactly at that stage since I did not know how to react to Yuri who spoke to us very directly, and without any hesitation. I suddenly became frightened but Angelika clamed me down as she had worked before in the "exotic entertainment" industry in Japan. I had never been in such a position before and my objective in coming to Cape Town from Russia was to dance topless in a luxurious club, nothing more nor less than this.

20.

Angelika told me to drink a little wine so I would feel more relaxed and get "into the mood". I started drinking a bottle of wine and after a little while Angelika and

  
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I began dancing on the small stage in the club. After some hours the club started filling up. Yuri told Angelika and I to take two coloured gentlemen up the winding staircase to two small rooms where we each had to "perform for them".

21.

I did not understand what I had to do and Angelika whispered to me that I needed to relax and "go with the flow". I took my "customer" to one of the rooms (windowless) where there was a bed, a small table and a shower. I was still topless and the man took off his shirt and lay down on the bed. I began massaging his back and hoped that this would be the end of it. The man started touching and kissing me and as the minutes passed, he had completely undressed, reached for a condom on the side table of the bed and I knew at that moment that this was not what I had bargained for. The man had sex with me, but he was not rough or at all rude or hurtful in any way. I closed my eyes, and allowed him to use my body. I cannot now explain exactly how I felt since I now believe I was in some form of shock.

22.

When it was all over the man had a shower and went downstairs, and then I took a shower and began crying not knowing what to do, not believing what sort of position I was in. Although the man wore a condom I did not want to think of what the next few hours, days, weeks or months would bring me if I continued this way. After my shower I went downstairs and sat down on a couch deciding what I would do next. I was frightened and did not want to talk to anyone, or explain how I felt to Yuri. At approximately 3:00am Emmanuel collected us and took us home.

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23.

Each day repeated itself in the same way until approximately three or four days later I fell ill with a vaginal infection. I visited a gynaecologist that Yuri had referred me to and I was told that I had contracted the infection from my customers, or from the towels that I was using in the club (which I understand were treated with some kind of disinfectant or bleach).

24.

In about January 2006 I could no longer function properly. Yuri admitted me at the Milnerton Medi Clinic for a laser treatment procedure to remove growths that had formed on my genitals. Approximately five weeks later I had another operation since the first procedure had failed. I couldn't move and felt terribly ill for approximately three weeks thereafter. Yuri then approached me and told me to go back to work at the club otherwise he would force me to live in The Castle and not to move out from there. Yuri reminded me that I had signed a work contract with him for one year. This must have been one of those documents I signed when I first arrived without knowing exactly what I was getting myself into. I was frightened of Yuri since he was not only imposing by his character, but also threatening in the way he spoke to me and the way he treated the other girls.

25.

I had no choice but to return to work. Angelika and I repeated our nightly "routines" until more girls began arriving through the same set of agents (Svetlana and Irina). To my knowledge four of these girls ran away after Yuri threatened them with "hidings or worse". After one year I calculated that from my earnings a total of R35,000.00, was deducted from my wages by Yuri to pay for my air tickets, visa fees, hotel stay in Moscow en route to Cape Town, and for work permit application purposes. I was astounded to understand how much

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Yuri had taken from me but since I had no passport, no permit to show to any authority, like the police. I had nowhere to turn and nowhere to run. I was frightened of Yuri and was trapped in his clutches and had no clear solutions of what to do.

26.

Another Russian girl by the name of "Valeria" (South African cell number: 076-089-0048) arrived at The Castle, as far as I recall, at the end of 2005. I remember that she had once asked Yuri for the return of her passport and after a few months of waiting and not having it returned to her she told Yuri that she would simply stop working until she received her passport back. I also recall that she received her passport back eventually from Mr Rod Maxwell (to whom I shall return later on herein below) but because of her disagreement with Yuri over her passport Yuri physically injured her while she was sitting at the bar at The Castle. I must admit that I was not at the club when this happened, but everyone was talking about it and I also understand that she reported the incident to the Department of Home Affairs which advised her to go to seek help elsewhere since they could not assist her.

27.

I should make note of the way in which I earned my money. The club would charge R200.00 for a lap dance which was mine to keep. For our "main" source of income (from sex) Yuri charged each customer R700.00 per hour. I understand that Svetlana and Irina earned R100.00 from each hour, the club R300.00 and I took R300.00 per hour. This seemed to apply to all the girls working there. I hasten to add that I was never paid any money by Yuri from any of the credit card transactions, and I later learned that Yuri had taken all of this money away from me to "set off" my "debts" to him.

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28.

The early hours of Tuesday 29 May 2007 we heard news that Yuri was shot dead in Milnerton on the way back from his birthday party. I together with seven other girls from Russia found ourselves without passport documents and alone.

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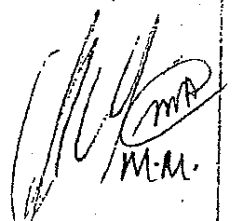
The only person we could turn to was a man called "Mark Lifman", a person who we understood knew Yuri very well. Mr Lifman, whom we came to know during our time working at the Castle Club was always kind to us, spoke nicely to us and treated us gently. We therefore had no apprehensions in approaching Mr Lifman for assistance in obtaining our passports.

30.

Approximately two to three weeks after Yuri's death Mr Lifman brought our passports back to us and on our enquiry, we understood that these passports were held by a man by the name of "Rod Maxwell" from an "immigration agency" called "SA Migration International" which is situated at the entrance to the Cape Town Regional Office of the Department of Home Affairs at 56 Barrack Street, Cape Town.

31.

I now understand that the "lawyer" that Yuri had originally referred to was indeed Mr Rod Maxwell, as others had also heard his name and understood that Mr Maxwell handled their affairs also through Yuri.



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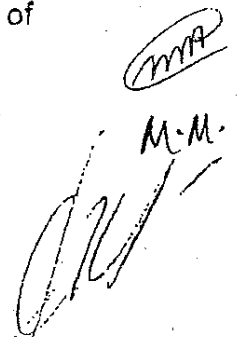
When I opened my passport I noticed two endorsements in my passport that I did not recognise before. The one being a temporary residence permit issued in Randfontein on 8 November 2005 which reads "*Inter-company transfer. To take up employ. With Corp CB 701 CC (only)*". I have no idea what this permit is for nor do I recognise the name "Corp CB 701 CC". I note that this permit expired on 7 November 2006. I attach hereto as annexure "YT3" a copy of such permit as it has been endorsed on page 18 of my passport document.

33.

The second endorsement I noticed is a visitor's visa, handwritten, which indicates that it was issued at Moscow on 19 April 2007 and that it expired on 18 July 2007. It says that I am "*to be admitted for period of 60 days for holiday purposes. Must hold onward return ticket*". I also notice that on page 18 of my passport (attached hereto annexure "YT3") there is a square departure stamp endorsed therein which purports to indicate that I left South Africa on 24 February 2007. On page 16 of my passport I note a round entry stamp dated 2 May 2007. These endorsements, in total, make absolutely no sense to me since after arriving in South Africa on 28 September 2005 I have never departed South Africa. I attach hereto as annexure "YT4" a copy of the visitor's visa endorsed into my passport.

34.

The manner in which I found Mr Gary Eisenberg of Eisenberg & Associates, my attorney of current record, to deal with my affairs is itself of note. At the time of Yuri's death my ability to speak and understand English was much better. I could hold a reasonably good conversation in English by that stage and obviously understand everything that I have stated in this Affidavit. I was

  
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introduced in the first place to Elsa van Loggerenberg of Global Migration SA by another person who had worked for Yuri. On 20 June 2007 I met with Ms van Loggerenberg at her offices situated on the 13<sup>th</sup> Floor of the LG Building, 1 Thibault Square, Cape Town and was asked to pay an amount of R3,500.00 as a deposit for obtaining a work permit. I attach hereto as annexure "YT5" a cash receipt I received from Ms van Loggerenberg for the amount of R3,500.00. I explained my circumstances, showed Ms van Loggerenberg my passport and she said she could help me. I received a letter the same day from a person called "Eldorette Isaacson" and I attach a copy of this letter hereto as annexure "YT6" which was sent to my friend Fareez at his e-mail address. I was then invited to Global's office and was told that I would have to leave the country right away since I did not have legal status in South Africa. At least this is what I understood from them.

35.

At that stage I felt desperate since now that Yuri was dead, I had my passport in my hand, no legal status in South Africa, had just paid an amount of R3,500.00 of funds that were fast disappearing to Ms van Loggerenberg for absolutely nothing, and now would have to leave South Africa.

36.

I turned to my friend Elena Chernikova, who was one of the Russian girls with me at The Castle (cell no: 076-245-8806). She said that she would introduce me to "Gary Eisenberg". Elena took me to Café Bravo in Greenpoint – I do not recall the exact date but there I was lead to believe that the gentleman I was meeting was indeed "Gary Eisenberg". He said he could help me and I gave him a copy of my passport document. He first said that he would check the Home Affairs computer system to see if my visa and details were in the computer system, and then he would come back to me. This person left the following cell numbers with

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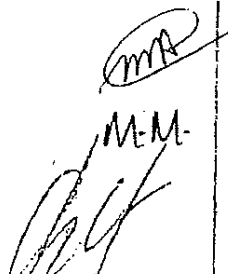
me: 082-787-1036 and 082-780-5865. I received feedback from this "Gary Eisenberg" some while later to tell me that the details of my last visa (as attached hereto as annexure "YT4") was not in the Home Affairs computer system but that he would help me anyway to get a work permit. I then gave this person my original passport document so that he could help me.

37.

At the end of March 2008 I became extremely concerned that this man who I thought was "Gary Eisenberg" had not returned my passport to me and I felt in exactly the same position I was in while Yuri was alive. I called Mr Mark Lifman and told him about the situation and whether he could assist me in having my passport returned to me. I understand that both Mr Lifman and another acquaintance of his made telephonic enquiries independently with the real Gary Eisenberg requesting the return of my passport. Between Mr Lifman, his friend, and real Gary Eisenberg, of Eisenberg & Associates, it was established that the person I was introduced to as "Gary Eisenberg" at Café Bravo was in fact a man called "Gary Jackson". I had never met or contacted the real Gary Eisenberg before and now believed that I had been hoodwinked and completely misled.

38.

I established that the contact cell number of Mr Gary Eisenberg, the immigration lawyer, is 083 303 3600 and in fact had nothing to do with me or my case prior to me establishing contact with him in early April 2008. Mr Jackson had then returned my passport through the intervention of my friends and then I formally engaged the services of Gary Eisenberg on 16 April 2008. Mr Eisenberg assisted me in preparing this Affidavit and explained the consequences of my actions to me.



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39.

Mr Eisenberg advised that I make note of section 29(1)(f) of the Act which states that a foreigner is a "prohibited person" if she is "found in possession of a fraudulent residence permit, passport or identification document." I have never been found to be in possession of any fraudulent residence permit but I am, voluntarily, deposing to this Affidavit in order to demonstrate to you that there was never any intention of mine to pervert the truth or in any way to make any misrepresentation to the Government of this country. As a matter of law and fact I am not a prohibited person and cannot be deemed to be under the circumstances.


40.

After my ordeal in this country I want nothing more than to salvage my dignity as a human being, to rebuild my confidence and to obtain a legal status in this country before deciding what to do next. I am therefore applying for a three-month visitor permit so that I can bring some order into my life.

  
\_\_\_\_\_  
YULIA TROFIMENKO

I certify that:

1. the deponent has acknowledged that:
  - 1.1 she knows and understands the contents of this declaration;

  
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by

- 1.2 she has no objection to taking the prescribed oath;
- 1.3 she considers the prescribed oath to be binding on her conscience.
2. the deponent thereafter utter the words "I swear that the contents of this declaration are true, so help me God".
3. the deponent signed this declaration in my presence at the address set out hereunder on this 7<sup>th</sup> day of JUNE 2008.

  
\_\_\_\_\_  
COMMISSIONER OF OATHS

HOWARD RUBENSTEIN  
COMMISSIONER OF OATHS  
PRACTISING ATTORNEY - RSA  
MANSONS INC.  
SUITE 2309, 23RD FLOOR ABSA CENTRE  
RIEBECK STREET, CAPE TOWN, 8000



N.M.

