



iBandla koweZindlu

News from the Church Land Programme



KZN Abahlali: Stories from the ground

On the morning of Friday 28th September shackdwellers from Durban, Pinetown, Pietermaritzburg and rural areas of KwaZulu-Natal marched to the eThekweni municipal offices in Sydenham to protest against forced removals, human rights violations, eviction from their settlements and the demolition of their shacks. The march complied with the Gatherings Act, and the participants were disciplined and well within the permission that had been given by the authorities. Permission had been given for the event to continue until 1.00 pm.

The protesters refused to leave until Mayor Obed Mlaba received their memorandum – something

that had been arranged with his office – and held a prayer meeting. Present at the march were a number of church leaders, who were leading the prayer. Then, without warning at about 12.15 pm, police armed with a water cannon, rubber bullets, batons and teargas, started to violently disperse the crowd, even though the crowd had not been provocative to the police or unruly. Several people, including children and the elderly, were injured and 14 people were arrested for allegedly “violating the Gatherings Act” and “public violence.” Much later that night they were released on R500 bail each. The 14 people appeared in court on 2 October and the case was remanded for further police investigation. The next court date is 13 November.

The Gatherings Act

The Constitution states in Section 17 that “Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.” The Regulation of Gatherings Act No 205 of 1993 (“Gatherings Act”) gives effect to this fundamental right. Section 5 (1) of the Regulation of Gatherings Act only permits the prohibition of a gathering (or march, in this instance) if there is a “...threat that a proposed gathering will result in serious disruption of vehicular or pedestrian traffic, injury to participants in the gathering or other persons, or extensive damage to property, and that the Police and the traffic officers in question will not be able to contain this threat...”

Silencing the Right to Speak is Taking Away our Citizenship

by S’bu Zikode of Abahlali baseMjondolo

Not only as a leader of the Movement of *Abahlali*, but also as an ordinary South African citizen, as a parent, as a father and mostly a human being I am extremely hurt. My heart is torn apart when in my own country, in a broad daylight like on Friday the 28 September 2007, it is made so clear that the poor are not citizens. When they try to sweep us out of the cities it is clear that we are not citizens. When they beat us to stop us speaking it is clear that we are not citizens.

It is of a great concern that thousands of *Abahlali baseMjondolo* members have marched peacefully to the eThekweni municipal Mayor Obed Mlaba and have been received with such violence. We marched to demand no power, no position no fame, nothing from his family. We only marched for the Right to life of the shack dwellers, the farm dwellers and thousands of forgotten citizens of this country in the name of democracy, in the name of a better life for all.

... it is enough that many of us are born and die in shack fires in jondolos, that we die through various diseases associated with unhygienic conditions from the poisonous air we breathe in the jondolos, that we live and die with TB and HIV/AIDS as the research confirms that the shack settlements have the highest infection of the virus. People die because of crime, floods and storms; they die while trying to find toilets in the night. We are seeing no future for our children except for the children of those in authority like Mayor Mlaba. Some of us die while trying to speak truth to power, as we get shot while marching.

After the shooting I had received a call from the Municipality saying that a representative is on his way to receive the memorandum... [so] we had no other choice but to face the remaining police and I read the memorandum loudly to Mr. Mzi Magubane who described himself as a senior Manager from the Dept. of Housing in eThekweni Municipality...



So *Bahlali* your message was sent with another dishonest man with a history of lies.

Today we have to take care of our comrades who for no reasons were imprisoned; today we have to look for money to pay bail and lawyers to represent them in court for nothing. Today like other days we have to run around doctors and

hospitals to try and support the shot and hurt comrades. Today like any other day we have stood together and planned an alternative, as we shall not allow any forces to force us silent. So as long as *Amandla* belongs to us we shall not fear. As long as democracy is used to further the political scores of the minority and as long as there is great inequality in our society *Abahlali* will stand together for the dawn of true democracy where everyone matters.

As challenges increase every day for the Movement one is for us to seek for justice to take its course. I will soon be writing to the Amnesty International for a wide range of legal support on this dirty behaviour of SAPS. But all of this will not compromise any demands. We will make a follow up and engage the city in a progressive manner that seeks to see a remarkable social change for all. Our city and our country still need true leaders that do not run away from their responsibility like Mlaba. We need leaders that will act, as servants of the public and not expect to be masters over the public like eThekweni Mayor Obed Mlaba.

Contact Abahlali baseMjondolo:

c/o Mr S’bu Zikode,
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Have Your Say

What is your story about your housing rights that have been violated? We want to hear from you. If you or your community would like to tell us your story or send us your comments, you may write to us at: *iBandla nomHlaba*, Church Land Programme, Suite 23 Postnet, Private Bag X9005, Pietermaritzburg, 3200. Tel: 033-264-4380



Local Struggle turns International

Groups of shackdwellers and rights organisations from other countries have expressed their outrage at the police behaviour, and support for those who were marching. The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland. They wrote to the city and housing authorities:

“COHRE wishes to express its deep concern at the persistent antagonistic attitude and repressive actions of the authorities towards the legitimate grievances of shack dwellers in the eThekweni Municipality, which are currently being articulated through various organisations, including the shack dwellers’ movement, Abahlali baseMjondolo. These organisations’ attempts at engagement have been, and continue to be, met with unjust and counterproductive responses from city officials and the South African Police Service (SAPS).

According to reliable sources on the scene, including a number of church leaders, the march was legal and peaceful, and no warning was given to disperse before the police attacked...

COHRE urges the eThekweni Municipality to become more attentive to shack dwellers’ concerns and demands, and for the Municipality to encourage, instead of repress, a democratic process of consultation and cooperation to address land and housing issues in eThekweni.

We respectfully suggest that the eThekweni Municipality should urgently meet with community representatives and organisations to discuss the issues at stake and proposals for practical alternatives to current Municipal policies.

Furthermore, COHRE urgently requests the eThekweni Municipality to declare a moratorium on evictions in order to allow calm to return to this situation.

Lastly we urge the eThekweni Municipality to urgently formulate and implement a comprehensive policy to address the dire shortage of adequate housing and to ensure that no persons are made homeless by Municipal policies and actions.”

Others showing international support include groups from Italy, Zimbabwe, Turkey and DRC.



Marriette Kikine was Abused, Arrested and Accused.

Q: Why were you marching?

A: I was marching for my rights to be heard.

Q: Were you assaulted by the police?

A: Yes, I was shot with rubber bullets and arrested too.

Q: Did you hear any warning to disperse?

A: No, they did not give us any warning, instead they just poured water on us and then tried to arrest us.

Q: Do you see yourself marching again?

A: Yes, because I haven’t received my rights to housing, water and electricity as yet.

Q: Do you see any difference in the attitude of the police between those in the apartheid era and those in this democracy?

A: No, in fact it is worse now than in the apartheid era, to be brutalised and abused by the police.

Stand in Solidarity for our Rights at the Court Hearing

Come and support the fourteen Abahlali who were unfairly arrested and charged:

Tuesday 13th November 2007

08h30

Durban Central Magistrates Court, Somtsetu Road, Durban

What Church Leaders are Saying

Sent to the media on 4 October 2007

We are appalled and deeply disturbed by the unprovoked violent and aggressive action of the SAPS at the public gathering organised by *Abahlali baseMjondolo* held in Sydenham, Durban on 28 September. In good conscience, we cannot remain silent in the face of the SAPS’s flagrant disregard of our country’s legal provision for our hard won right to express dissent, let alone their sheer disrespect of our common humanity as children of God.

As leaders in various churches and ecumenical organisations, most of us were present in the march organised by *Abahlali*, joining with them in their call for an end to the ongoing eviction and exclusion of the poor, and the destruction of their homes. The march was extremely well prepared, with the city officials being given ample notice, and arrangements having been made with the SAPS. The march was conducted in a disciplined manner, with the clear and stated intention being to deliver a memorandum of demands to the Mayor of Durban.

Whilst the marchers were waiting for the Mayor to arrive to receive the memorandum, the SAPS chose to attack the people assembled at the agreed upon venue. We wish to state clearly as eyewitnesses, that prior to this attack by the police:

- no participant of the march threatened any violence, or threw, or threatened to throw, stones or sticks or any objects at the police, or any members of the public ;
- no orders were given by the police calling for the dispersal of the people assembled, nor were any instructions or warnings given by the police; and
- no “warning shots” or anything of that nature were given by the police.

What we did experience, was a completely unprovoked violent attack by the SAPS on people gathered to submit their demands to the Mayor. This thuggery is deeply disturbing, and even more so as it was led by senior officers of the SAPS. Instead of protecting members of society, the SAPS violated and betrayed their trust. We cannot allow such behaviour to go unchecked, and expect the leadership of the SAPS to be held accountable for such despicable behaviour.

It was with shock that we then learned of the audacity of the SAPS in charging fourteen participants of the march with “violating the Gatherings Act” and with “public violence”. The only public violence experienced in Sydenham on 28 September was that inflicted by the SAPS. The attack of the SAPS on these residents leaves us outraged. In the face of this violent attack by the SAPS, and in keeping with our vocation as church, we will continue to stand alongside the poor as they struggle for the recognition of their own humanity and dignity. We cannot be silent whilst our brothers and sisters suffer such brutal injustice.

“In Truth I tell you, in so far as you did this to one of the least of my brothers and sisters of mine, you did it to me...” (Matthew 25:40).

This statement is made by the following church leaders: Bishop Purity Malinga (Methodist Church of Southern Africa); Bishop Rubin Phillip (Anglican Church of Southern Africa); Rev. Dlamini; Rev. Mavuso; Rev. Mtetwa; Rev. Ndlazi (United Congregational Church of Southern Africa); Brother Fillipo Mondini (Comboni Mission); KwaZulu-Natal Christian Council; and Church Land Programme.