

STOP Illegal Evictions!: The eThekweni Municipality of Durban, South Africa, has illegally evicted hundreds of shack dwellers

STOP this! In the name of our shared humanity, our dignity, and our decency, STOP this!

Evictions and demolitions, especially at this time, are an attack on all of us.

STOP assaulting us. STOP destroying our homes. STOP evicting us.

A public and unreserved apology from the mayor of eThekweni for what has happened, and an unambiguous commitment never to do it again, would be something positive.

Fines and real consequences for all the bosses, managers, leaders, and others who have led, authorised, or condoned, these inhumane acts, would be something positive.

Support for, and solidarity, with the people affected and the shack-dweller movement, Abahlali baseMjondolo, is also needed.

It's up to all of us to call for this to STOP now – and especially up to all of you who read this report.

The eThekweni Municipality in Durban has instructed illegal and violent mass evictions of shack dwellers.

This has left hundreds of vulnerable South Africans without any access to shelter in [Azania settlements](#) in Cato Manor, [eKhenana](#) in Cato Crest and the [Ekuphumeleleni occupation](#) in Marianhill. A CLP worker visited all three settlements. Other settlements that have been targeted are [Burnwood in Clare Estate](#), [Zamokuhle in Shallcross](#), [Mhlasini in Verulam](#) and [S'fiso Ngcobo in Hillcrest](#).

These evictions have been occurring during the coronavirus lockdown — despite a [moratorium on evictions](#) issued by the Minister of Justice and Correctional Services, Ronald Lamola.

In one instance, on the [21st and 22nd of April](#), Calvin and Family Security violently attacked the eKhenana settlement in Cato Cresto by firing live ammunition at unarmed people, destroying homes, stealing possessions as well as subjecting residents to abuse. This is following [an interdict](#) that the 109 families in eKhenana successfully secured in February 2019 from the Durban High Court against the illegal evictions occurring.

Despite this violation of the interdict, the [High Court of Durban](#) has accepted the argument from eThekweni Municipality that these are not evictions but the demolitions of new and unoccupied shacks. However, these shacks have been occupied since the illegal demolitions that occurred in February 2019.

Since the lockdown began, there have been a total of 18 illegal evictions in Azania, eKhenana and Ekuphumeleleni settlements. Approximately 900 people have been affected including multiple physical injuries.

The [Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights](#) enshrined the right to adequate housing as well as protection from forced evictions. In mid-May of this year, the United Nation Habitat set out a policy [statement](#) on evictions and relocation during Covid-19 urging "Member States and governments at all levels to stop all relocations and evictions at this time."

The [2018 World Bank report](#) deemed South Africa as the most unequal country in the world.

This split in wealth still largely falls along racial lines. The measures put in place to limit the spread of coronavirus have highlighted and [exacerbated](#) these existing inequalities. Many shack dwellers and other citizens [don't have the resources](#) to effectively socially distance and stay at home. Data collected by [StatsSA in 2016](#) indicated that only 44,4% of South Africans have access to water inside their homes.

The eThekweni Anti-Land Invasion Unit is responsible for issuing orders for these evictions and multiple players have been contracted by the municipality in assisting with the demolitions. This includes the private security company called [Calvin and Family Security Services](#), the [South African National Defence Force](#) (SANDF), [Durban Metro Police](#) and the [South African Police Service](#) (SAPS).

The only member of the Anti-Land Invasion Unit who agreed to comment on the situation was Inkosi Luthuli. He denies evicting any occupants. "We did demolishments in eKhenana maybe two months ago. We were issued with a court interdict that says people must not continue building because it's a settlement that's already there. So people were taking advantage," Luthuli commented.

However, he was unable to offer any details on the interdict including when it was issued. He says that his supervisor, Richard Blade, has a paper trail of evidence including photographs. Richard is off sick and unable to present send a copy of the interdict or photographs.

One security personnel from Calvin and Security called Sujith (he offered no last name), aggressively demanded written authority that proved we had the right to ask about the evictions occurring before hanging up.

"The men in blue, carrying axes, came inside and demanded that I leave. I was woken up by the noise and, as some had axes, I began packing my belongings and watched as they broke down my home piece by piece," Sipho Sithole told a [New Frame journalist](#). Sithole resided in Ekuphumeleleni and rebuilt his shack three times since 27 March 2020.

After an attack on Azania settlement, 29 women [were arrested](#) for contravening the lockdown regulations by sleeping on the open ground after their shacks had been demolished. Those left homeless are also at greater risk of being attacked, raped or stolen from.

[Professor Bernhard Gaede](#), the Head of Department for Family Medicine at the University of KwaZulu-Natal (UKZN), says that evictions and demolitions imposed on top of this have "a compound effect". He explains that "the chronic exposure of violence, both by state organs and within the community creates a particularly harsh context for people who are living in poverty and whose daily actions of survival are routinely de-legitimized and de-humanized."

Legally speaking, even without the Justice Minister's moratorium, eviction and demolition are unlawful without a court order under the Prevention of Illegal Eviction and Unlawful Occupation Land Act 19 of 1998. In other words, the Municipality and Calvin Security are acting unlawfully unconstitutionally by performing these evictions and demolitions.

With the authorities ignoring these crimes against humanity, we are appealing for international pressure on the South African government to end the illegal evictions and the unlawful use of violence on the citizens of these settlements. *[end executive summary]*