

STOP ILLEGAL EVICTIIONS!

**A research report into the eviction of shack-dwellers
in eThekwinini during the Covid-19 crisis**

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Church Land Programme

EXECUTIVE SUMMARY: 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]

STOP ILLEGAL EVICTIONS!

A research report into the eviction of shack-dwellers in eThekwinini during the Covid-19 crisis

What is happening?

The eThekwinini Municipality in Durban has ordered 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, among other settlements.

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](#). This is egregiously inhumane and utterly shameful. Illegal evictions in many of these settlements, conducted without court orders, have been occurring for [over a decade](#), as recorded by the South African shack dwellers' movement Abahlali baseMjondolo.

For the purposes of compiling this report and verifying the information we recount here about the illegal evictions and demolitions, the Church Land Programme (CLP) has supplemented desk-top research with our own interviews and on-the-ground fact-checking. For the latter, a CLP worker who is accredited through the South African Human Rights Commission and able to travel despite lockdown regulations, has visited all affected settlements. He has spoken with people directly affected by the traumatic events we detail below and gathered extensive photographic evidence. These show the injuries, assaults, intimidation, raids, demolitions of homes and the destruction of people's building materials — resulting from the illegal demolitions we recount in this report.

eThekwinini Municipality's Anti-Land Invasion Unit has continued these evictions during the lockdown despite the moratorium on evictions and absence of a court order. This has included violent attacks by Calvin and Family Security (a private security company contracted in for the task, and sometimes referred to simply as Calvin Security), the South African Police Service, and reportedly also the South African National Defense Force (SANDF) which has been deployed to assist with the lockdown.

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 eThekwinini 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. [Video footage](#) of Azania settlement shows occupied shacks being demolished and their furniture being removed.



Illustration 1: mother and child in their home at Azania settlement before eviction.

This is just one example. Since the lockdown began, there have been a total of 18 illegal evictions in Azania, eKhenana and Ekuphumeleleni settlements over a period of two months. Approximately 900 people have been affected including multiple physical injuries including wounds from live ammunition, pellet guns and panga attacks.

The ongoing evictions have also garnered the attention of some international activists. This includes a [written solidarity statement](#) titled “Solidarity with South African Shack-Dwellers” from the writers Arundhati Roy, Naomi Klein, Noam Chomsky, Vijay Prashad and Yanis Varoufakis. In addition to this, the Pan Africanism Today Secretariat has issued a [protest letter](#) that has been endorsed by Peoples’ Organisations and other movements around the world.

Broader context

The [Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights](#) has enshrined the right to adequate housing as well as protection from forced evictions. The demolitions occurring in various eThekweni settlements are not only a direct violation of these rights but they also place significant health risks for the residents in the context of coronavirus. In mid-May of this year, the United Nations 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 United Nations Habitat also stipulated that in exceptional circumstances where relocations or evictions are unavoidable — they must be conducted according to international human rights regulations and relevant national laws — while providing the maximum possible protections to ensure the health and safety of those affected.

Overall, such evictions should be proportional and planned through an impact assessment and community consultations. No evictions or relocations should be carried out during Covid-19 that are justified by planned physical development or land repossession as this would risk the residents and entire population to the virus. Evictions should also promote general welfare with evidence of this outcome such as relocations that are aimed at preventing the spread of the virus.



Illustration 2: Domestic life and work at Azania

The United Nations Habitat also urges all levels of government to take immediate and drastic measures to secure adequate housing for all citizens and provide for the basic needs of vulnerable communities including food, water, sanitation and hygiene essentials and healthcare.

The targeted demolitions and evictions in the settlements listed below contravenes all of the citizens' rights and recommendations outlined by the United Nations by leaving those affected homeless and vulnerable to the virus.

The [2018 World Bank report](#) deemed South Africa as the most unequal country in the world. It is estimated that the wealthiest 10% owned 70% of the country's assets in 2015. 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. The lockdown measures work under the assumption that everyone has access to a home, running water and an income that can be generated from home. However, many shack dwellers and other citizens [don't have the resources](#) to effectively socially distance and stay at home. Most of the South African poor live in overcrowded and poor settlements without access to running water or toilets inside. Data collected by [StatsSA in 2016](#) indicated that only 44,4% of South Africans have access to water inside their homes.

With an official (and demonstrably optimistic) [unemployment rate of 29,1% in 2019](#) — which has risen since and is [expected to reach 50%](#) as the economy plummets in the aftermath of Covid-19 — many South Africans rely on casual work to generate some form of an income.

The South African government has introduced a [social relief of distress grant](#), which is essentially the country's first unemployment grant for those eligible to work, of R350 (approximately \$20) a month. This amount [falls below](#) the food poverty line and cannot satisfy the nutritional requirements of an individual. Also, [as of 27 May 2020](#), only nine people have received the grants of the up to 15 million people who are qualified to receive them.

Despite the vast structural and economic inequalities present, the eThekweni municipality has been responsible for [multiple illegal evictions](#) during the coronavirus lockdown. The evictions directly impact the poorest and most vulnerable.

Who is involved and affected?

The eThekweni Anti-Land Invasion Unit is responsible for issuing orders for these evictions. However, 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).

SANDF, Metro Police and SAPS are government services that are taking orders from the Anti-Land Invasion Unit. According to Inkosi Luthuli, of the Anti-Land Invasion Unit, Calvin Security is contracted by the municipality to demolish only unoccupied shacks. However, the [recorded evictions and demolitions](#) have been of forced removals and demolitions of occupied homes.



Illustration 3: Municipal security, police, and army forces gather to attack Azania

The owner of Calvin Security, Calvin Mathibele, and the former mayor of eThekweni municipality have a history of alleged involvement in illicit payments and agreements (see below). This may account for why Mathibele's security company has been so heavily involved in the forced evictions on behalf of the municipality.

In [July 2018](#), it was alleged that Durban's former Mayor, Zandile Gumede was involved in demanding backhanded payments from contractors that shared work on a R650-million construction project. This included Calvin Mathibele — who owns a separate company called Calvin and Families Property and Development. In August 2018, Calvin Mathibele claimed he paid R100,000 to Gumede to get a stake in the tender for the multi-million rand construction projects. However, Mathibele says he refused to pay out a further R150,000 and he publicly spoke out about Gumede asking for money. [A court order interdict](#) issued in late 2018 prohibited Mathibele from making defamatory statements against Gumede. While Gumede denied ever being involved in corrupt backhanded arrangements, she is [currently facing charges](#) for separate fraud and corruption involving hundreds of millions of rands to influence tenders at Durban Solid Waste (DSW).

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 are not conducting evictions. We are protecting the land," he said before saying that the only demolitions occurring are those that have been newly constructed. Luthuli admitted to conducting demolitions in eKhenana but claims these were done only to recently built shacks that were unoccupied.

"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.



Illustration 4: Home being demolished at Azania settlement

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. When questioned about [the arrest](#) of those evicted for contravening the lockdown by being on the street — Luthuli claimed to have no knowledge of this.

Luthuli said that Calvin Security is contracted by the municipality as their service providers to conduct the demolitions of unoccupied homes.

It was difficult to get into direct contact with anyone from Calvin Security for comment. One security personnel 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.

Similarly to Luthuli, the Municipality Spokesperson called Msawakhe Mayisela [denies](#) that any evictions are occurring illegally. “The information I have is that the structures that were brought down are structures that were being constructed and not occupied,” Mayisela said on [702](#).

However, according to multiple media reports, statements from Abahlali baseMjondolo and the testimonies of people whose homes have been demolished that we spoke with directly, these have been forced evictions from occupied homes that have involved violence and brutality.



Illustration 5: Material from demolished homes is burnt in Azania

The settlements targeted include Azania in Cato Manor, eKhenana in Cato Crest and Ekuphumeleleni in Marianhill. These are all discussed in detail below. Other settlements that have been targeted are [Burnwood in Clare Estate](#), [Zamokuhle in Shallcross](#), [Mhlasini in Verulam](#) and [S'fiso Ngcobo in Hillcrest](#).

As reported to [New Frame](#), Sipho Sithole who is 48 and residing in Ekuphumeleleni, has had to rebuild his shack three times since 27 March 2020. Currently, he is living with a neighbour.

“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. I have given up rebuilding because it has proven futile. They are now coming here every second day. I am out of building material and resources,” Sithole said to the [New Frame journalist](#).



After an attack on Azania settlement, 29 women [were arrested](#) for contravening the lockdown regulations as they slept 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.

Illustration 6: Residents have suffered terrible physical injuries too.

Health implications

[Professor Bernhard Gaede](#), the Head of Department for Family Medicine at the University of KwaZulu-Natal (UKZN), has written an authoritative opinion on the health impacts of the evictions during Covid-19. See Annexure 1.

Gaede offers a general overview on the situation of poor people living shack settlements during lockdown for Covid-19 while considering the perspective of personal, domestic, community and public health.

In this overview, Gaede makes it clear that the government's regulations for physical distancing and hygiene that have been introduced in a top-down and prescriptive manner are effectively impossible to meet. The living conditions for shack dwellers usually include high population densities, limited sanitation facilities, a lack of clean water, limited resources to dispose solid waste, high pollution levels and cramped spaces. This makes it impossible for many shack dwellers to adhere to social distance guidelines or use adequate hygiene practices. Since there has been no participatory interventions on the ground level that allowed grassroots organisations or citizens to explore solutions – no alternative planning or arrangements have been introduced for the lockdown period.

Under these circumstances, Professor Gaede 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. The process of eviction and demolition of the structure one is occupying has a profoundly negative impact on the daily struggles to survive.”

Gaede further explained why these evictions oppose the intention of limiting, containing and reducing the impact of coronavirus. Not only are the evicted left more vulnerable but they are also more mobile as they no longer have a home and in this way more likely to be exposed or expose others to the virus. “A disruption such as an eviction would dramatically contribute to the spread of the pandemic, if infected individuals were to be involved,” Gaede wrote.

The health impacts of such evictions are significant.



“An eviction has a profoundly negative impact on stress levels, emotional and mental well-being and social coherence. The destruction of one’s property, loss of funding, the need for additional expenses for alternative accommodation, the cost of additional transport etc. all contribute to a context of already excessively stressed household capacity to survive, as outlined above,”

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Illustration 7: More injuries sustained by residents

Gaede explained. “The use of force – at times excessive force – that have characterized some evictions taking place during the lockdown as reported in the media, leaves physical injuries but also severe psychological trauma and scars. This is further compounded by the concern and anxiety that the individual would have for other members of the household or family that have also been evicted and also have suffered violence during the eviction, anxiety about securing the tenure the fate of the belongings, however meagre they may have been.”

Gaede concludes that these evictions occurring during a pandemic are unjustifiable from the human rights health perspective on a personal, social and public health level.



Illustration 9: the aftermath



Illustration 10: the aftermath

Legal details

Sibusiso Innocent Zikode, the President of Abahlali baseMjondoli wrote a detailed affidavit on behalf of the Azania settlement and Ekuphumeleleni settlement following the illegal evictions.

The affidavit defends 16 applicants from Ekuphumeleleni settlement and 60 applicants from Azania settlement. The respondents of the affidavit include Mxolisi Kaunda, the Executive Mayor of eThekweni Municipality; Sipho Nzuza, the Municipal Mayor of eThekweni Municipality (he is currently suspended for alleged fraud related to a DSW tender); eThekweni Metropolitan Municipality as a body; Calvin and Family Security Services; the MEC for the Kwazulu-Natal Department of Human Settlement; the Minister for the National Department of Human Settlements; the Minister of Justice and Correctional Services and the Minister of Co-operative Governance and Traditional Affairs.

Zikode highlights the following sections of the Constitution which detail the occupants' rights:

Section 26(3) of the Constitution states that "no one may be evicted from their home or have their home demolished, without an order of court made after considering all the relevant circumstances".

Section 8(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act states that no person may evict an unlawful occupier without the authority of a court order from a competent court.

Section 9 of the Constitution entitles the applicants to equally benefit from and be protected by the regulations for the national lockdown in order to prevent infection and promote disease control;

Section 10 promotes the right to dignity in cases where vulnerable groups are to be rendered homeless and exposed to criminal sanctions for not following the lockdown protocol;

Section 28 of the Constitution guarantees every child's right to shelter.

Section 7(2) of the Constitution enjoins the state to "respect, protect, promote and fulfil the rights in the Bill of Rights".

The affidavit also details the attacks on these settlements during the lockdown period.

On the first day of lockdown, 27 March 2020, nine vehicles with "Calvin Security" markings arrived at Ekuphumeleleni Settlement. The security guards were not accompanied by a sheriff, did not exhibit a court order and didn't claim to be acting on behalf of a court order. They demolished eight homes, marked 17 homes with the date "27/03/20" while marking a further ten with "X". A further series of demolitions occurred at Ekuphumeleni and Azania Settlement. In one instance, any community member who questioned or stood in the way of the demolition was shot at with pellet guns. Multiple injuries were sustained during these demolitions.

The applicants' legal representatives — the Socio-Economic Rights Institute (SERI) who have provided critical support for Abahlali — sent a letter to the Municipality on 28 March 2020. The legal representatives also sent photographs showing that the officers demolished occupied homes. The Head of Legal and Compliance Services for the Municipality — Malusi Mhlongo — responded on 30 March 2020. He justified the demolitions by saying they were only affected on new, incomplete and unoccupied structures in an event of unlawful land occupation. The Municipality's response, on 2 April 2020, was to a similar effect. They also wrote an undertaking not to evict any people without a court order while in the same breath saying they will pursue demolitions. Under the Constitution and PIE Act, this is essentially the same thing.

The Municipality is not considering its limitations during the national state of disaster that South Africa is under.

People who are out of their homes and not self-isolating are liable for sanctioning. This includes the deployment of the South African National Defence Force and South African Police Service to apply criminal sanctions to those not complying with lockdown regulations.

The Minister of Justice's directive published on 26 March 2020 stated that all evictions were suspended. Yet, the eThekweni Municipality still ordered demolitions on the settlements.

Even without this directive, eviction and demolition is 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 have been acting unconstitutionally by performing these evictions and demolitions.

If the Municipality and Calvin Security Services meaningfully engaged with the communities, it would be clear that the shacks were occupied. It is also a duty of the Municipality to provide housing and prevent homelessness. Instead, these illegal evictions break Section 26(3) of the Constitution as there is no court order as well as there being a moratorium in place suspending any evictions during the lockdown period. This meant exposing the evicted to coronavirus and potential legal harm as they contravened the lockdown.

In the affidavit, Zikode also requested that the Municipality pay for constitutional damages and personal legal costs for the applicants.

Details of the settlements

(based on data collected by CLP when visiting the settlements, as well as statements from Abahlali baseMjondolo)

Azania Settlement

Azania settlement in Cato Manor is in African National Congress (ANC)-held Ward 29, under Counsellor Mveli Mthembu. The area was first occupied on the 26th of February 2019 with 450 households. This number was periodically reduced due to pressure from the city and private security firms acting on their behalf. Currently, all that is left is vacant land and the ruins of building material and furniture.

There have been 11 demolitions since the coronavirus lockdown began. Those carrying out the evictions and demolitions also deliberately destroyed people's building material and furniture. They later burnt it and all that's left on the site are some mattresses and clothes. Over 300 people have been affected during these demolitions including two people who were shot with live ammunition, and three with tear-gas canisters on 31 March 2020. Namile Nkwalo was shot on the upper arm and Nangomso Jono was shot on the arm and the neck. Her arm is now paralysed. Nangomso was due for an operation on the neck because of the bullet's position. They were both treated at Albert Luthuli Hospital. Three other people were injured during the demolitions. All five of those injured possess medical certificates.

The affected people who have lost their homes include three newborn babies, one three-month-old baby, a four-year-old child, six pregnant women, an elderly woman called Zodwa Miya with diabetes and high blood pressure, and a disabled 59-year-old man called Hawukelwa Ngongoma who has visual and hearing impairments.

This case went to court and the residents of Azania settlement lost the case. According to the residents, Calvin and Family Security Services would first strip the houses and remove its furniture and any signs of occupancy. They would then take photographs to prove that the building is unoccupied and incomplete before demolishing the buildings. These photographs were used to help win the court case.

During the 11 demolitions that occurred during the lockdown, approximately 60 homes occupied by roughly three people each, were destroyed each time.

On 31 March 2020, it was carried out by Calvin Security and Anti-Land Invasion Unit.

On 5 April 2020, it was carried out by Calvin Security, Anti-Land Invasion Unit and SANDF.

On 9 April 2020, it was carried out by Calvin Security, Anti-Land Invasion Unit, SANDF and SAPS.

On 17 April 2020, it was carried out by Calvin Security, Anti-Land Invasion Unit, SANDF and SAPS.

On 22 April 2020, it was carried out by Calvin Security and Anti-Land Invasion Unit.

On 3 May 2020, it was carried out by Calvin Security, Anti-Land Invasion Unit, and SAPS.

On 8 May 2020, it was carried out by Calvin Security, Anti-Land Invasion Unit and SAPS.

On 12 May 2020, it was carried out by Calvin Security and Anti-Land Invasion Unit.

On 18 May 2020, it was carried out by Calvin Security and Anti-Land Invasion Unit.

On 25 May 2020, it was carried out by Calvin Security, Coastal Security and Anti-Land Invasion Unit.

The residents mentioned they had never seen Coastal Security before this incident. These security guards were wearing a red uniform with the words "Coastal Security" listed on.

Prior to lockdown, there had been eight occasions of demolitions between 26 February 2019 and 26 February 2020:

450 households were demolished on 26 February 2019.

380 households were demolished on 10 May 2019.

250 households were demolished on 2 August 2019.

160 households were demolished on 28 October 2019.

120 households were demolished on 30 December 2019.

120 households were demolished 3 January 2020.

94 households were demolished on 28 January 2020.

75 households were demolished on 26 February 2020.

eKhenana Settlement

This settlement is based in Cato Crest in the ANC Ward 101 under Counsellor Muzimuni Ngiba. The residents first occupied this settlement in early May 2018 with an initial three households. Between June and September 2018, the settlement grew with a further 73 households. There are currently 109 households.

There have been 29 demolitions since the residents first occupied the area. This includes four attempted demolitions since lockdown began with three unsuccessful and one successful.

On 15 April 2020, 13 occupied houses were demolished which had approximately five people per household. The building material was destroyed or removed from the site. This was carried out by Calvin and Family Security Services, the Metro Anti-Land Invasion Unit and another unknown private security company. Those affected in the demolitions include two disabled teenagers born in 2005 and 2004 as well as 15 toddlers who are still dependent on their mothers for milk.

On 24 of April 2020, eKhenana settlement won an interdict in court against the municipality's illegal evictions. Shortly after the victory, Mr Mkhize, the leader of the city's Anti-Land Invasion Unit, went to eKhenana Settlement in anger at the interdict. He fired live ammunition at the community and hit Yamkela Vezi in the hip causing serious injury. Abahlali baseMjondolo has attempted to open a charge of attempted murder against Mkhize multiple times. They were eventually successful but Mkhize has not been suspended and continues to lead the Anti-Land Invasion Unit team.

The further three attempted demolitions were unsuccessful as the community defended itself. These took place on 22 April, 12 May and 17 May 2020 — and they involved Ward Counsellor Muzimuni Ngiba, Calvin Security, Metro Anti-Land Invasion Unit and the South African Police Service (SAPS).

The history of demolitions in 2018 are 73 homes demolished on 22 September 2018 by Anti-Land Invasion Unit.

62 homes demolished on 1 October 2018 by Anti-Land Invasion Unit.

72 homes demolished on 5 October 2018 by Anti-Land Invasion Unit.

72 homes demolished on 7 October 2018 by the Ward Councillor and Anti-Land Invasion.

101 homes demolished on 19 October 2018 by Anti-Land Invasion.

101 homes demolished on 14 November 2018 by Anti-Land Invasion Unit and SAPS.

10 homes demolished in December 2018 by Anti-Land Invasion Unit and SAPS.

Many more demolitions were carried out in 2019.

Ekuphumeleleni Settlement

Ekuphumeleleni is in Marianhill in ANC Ward 17 under Counsellor Sibusiso Khwela and is also known as Khekhe. The settlement was first occupied by its current occupants in early August 2019 with just eight households. A further 15 households were built and occupied between September and December 2019. Currently, there are 11 households. Since these demolitions occurred during the lockdown, Ekuphumeleleni hasn't been to court. But they did win a case against illegal evictions years ago.

Five separate evictions and demolitions have occurred during the lockdown that have directly affected 70 people. The last demolition occurred on 18 May 2020 and the security promised to return after lockdown to destroy the remaining homes. There haven't been any recent demolitions prior to lockdown, mainly because this settlement is hidden away among bushes and behind a formal settlement. During these demolitions, the building material was destroyed and removed from the site.

Two people were attacked with pangas by security personnel. One of those attacked is called Siphelele, while the second person's identity is unconfirmed right now. Those affected by the demolitions include two pensioners one of whom is called Mr Sithole, 15 toddlers who are still dependent on their mothers for milk, as well as 30 children still in primary school. The details and dates of the five demolitions that occurred during lockdown are listed below.

On 29 March 2020, they were carried out by Calvin Security and the Anti-Land Invasion Unit. On 8 April 2020, they were carried out by Calvin Security, the Anti-Land Invasion Unit and SAPS.

On 17 April 2020, they were carried out by Calvin Security, the Anti-Land Invasion Unit, Counsellor Sibusiso Khwela and SAPS.

On 12 May 2020, they were carried out by Calvin Security, the Anti-Land Invasion Unit and SAPS.

On 18 May 2020, they were carried out by Calvin Security and the Anti-Land Invasion Unit.

Moving forward

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.

Annexure 1:

Opinion: Covid19, lockdown and evictions in informal settlements

Prof Bernhard Gaede, HOD: Family Medicine, UKZN

The following opinion is based on the perspective of clinical medicine and public health.

Introduction

The link between the health of individuals, local communities and populations is well established and forms the basis of many local, national and international interventions. The current Covid19 pandemic is no exception in this.

1) Government's response to COVID19

With President Ramaphosa's announcement of the state of emergency by on the 26 March 2020, the government formulated its response to the novel corona virus pandemic in what the WHO called a 'significant public health threat'. Together with directives around physical distancing, cough hygiene, encouraging of hand washing and the use of hand sanitizers, the regulations announced included a 'lockdown' that focused on severe limitation of movement of people. These directives and regulations followed similar interventions internationally. The principle of the lockdown in particular is to limit the person-to-person spread and thereby limiting a rapid spread of the virus throughout the population. The fundamental intention of this public health intervention is to protect lives and to align the government's response with the human rights and the imperatives enshrined in the Constitution of South Africa, in particular sections 25. This point of departure is critical in reviewing any policy development and regulations, as well as the actions and implementation of policies and procedures of all spheres of government.

The regulations for the lockdown level 5 were very restrictive with respect to what activities were permitted to continue to operate and limited these to 'essential services'. These included the selling of foodstuff, but, for the initial 4 weeks of the lockdown, specifically excluded informal businesses.

The interventions were dealt with in a top-down manner and the health education was didactic and prescriptive. Besides the nature of the regulations during level 5 and 4 of the lockdown, the process of enforcement, the mobilization of the military during the time as well as the reports of police violence during the implementation of the lock down are indicators of such an approach. Furthermore, the time of the lock down had very limited participatory initiatives where bottom-up solutions could be explored. The central approach was one of demanding compliance – and had much less of a focus of developing coherence or a cooperative approach to limiting the spread of the pandemic.

2) Context of informal settlements

The informal settlements throughout the world pose a particular challenge to effective public health interventions and are often a particular focus for improving the social and economic determinants of health and disease. Many of these challenges are amplified in the time of crisis. While many interventions aim at structural aspects and policies of public health, it is critical to remember that at the centre of the interventions are individuals, households and

families and the impact of policies should be measured not only at the population-level, but also in terms of personal physical and mental health and social well-being.

In many cases the conditions that people are living in within the informal settlements are not conducive to a long and healthy life and pose a particular challenge in the time of public health crises. These include:

- High population density – both at the level of number of people in a geographic area and in terms of number of people in a room / living space
- Limited availability of sanitation facilities and disposal of sewage
- Limited availability of clean water
- Limited availability or services of disposal of solid waste
- High levels of pollution – including pollution of water and air (both indoor and environmental) and pollution due to solid waste
- Restricted and cramped spaces making movement of people

There are a number of other factors such as the mobility of people, levels of alcohol and drug consumption, levels of interpersonal violence and gender-based violence among others. These further challenge the development of healthy living conditions for the people that live in the informal settlements.

3) Impact of lockdown on people living in informal settlements

The mounting and evolving evidence from around the world points to the disproportionate negative impact that the governments' responses to COVID19 have had on the poor, marginal and already vulnerable populations and individuals. The restrictive policies disproportionately impacted on the livelihoods, capacity to maintain a healthy diet and living practices. Many people in the informal settlements have lost not only the meagre capital reserves they have had but also the capacity to respond to further life shocks. The impact on the informal economy further impacted negatively on the populations in question in terms of income, access to services including health care services, local economic viability or transport. Strong evidence exists that even before the time of crisis, the poor carry a disproportionate financial burden in accessing care in terms of emergencies that often has devastating economic effects on the household.

The factors outlined above makes it nearly impossible to adhere to the directives issued under the lockdown regulations. With high population density and reliance on public transport, physical distancing is near-impossible, the lack of adequate sanitation including lack of clean water for hand washing and the shared toilets make the sanitizing and hand washing very difficult to comply with.

Importantly, the government relaxed some of the regulations for street vendors and also announced increase in social security grants as well as a grant of R350 for those most desperately affected by the impact of the pandemic and lockdown regulations. Yet, many of the governmental approaches have struggled in dealing coherently with 'informality' in responding to those in greatest need. With the increased bureaucratization of many of the approaches, the onus of proof (in terms of identification, citizenship, ownership, income, address) etc. lies with the applicants and failure to provide such information excludes applicants from access to many services. It results in a chronic de-legitimization of people and their attempts at making ends meet and accessing services they are rightfully entitled to.

From a public health perspective, the lack of participatory approaches in informal settlements to find appropriate and context-specific solutions locally has been a weakness in the SA Government's approach and interventions. A more appropriate public health response would be to provide adequate facilities and protect members of the public, particularly the vulnerable and marginal from further harm. Indeed, the provision of adequate and appropriate shelter during times of crisis has been seen to be central and an imperative in a sound public health approach to managing humanitarian and public health crises.

4) Impact of evictions of people living in informal settlements in the context of lockdown

In the context outlined above, the implementation of any evictions and demolition of structures has a compound effect. I will not comment on the legality of the evictions, as this is outside of the scope of this opinion. However, 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. The process of eviction and demolition of the structure one is occupying has a profoundly negative impact on the daily struggles to survive.

As a public health intervention, the evictions are antithetical to the intention of the national effort of limiting, containing and minimizing the impact of the pandemic. The evictions force the evicted to be much more mobile and leave the 'home', they are exposed (and expose others) to much greater social contact and in effect the eviction itself forces the affected household to break the lockdown regulations by being unable to 'stay at home' and thereby placing the affected individuals at greater risk. A disruption such as an eviction would dramatically contribute to the spread of the pandemic, if infected individuals were to be involved.

The health impacts of suffering a major disruption such as an eviction has a profoundly negative impact on stress levels, emotional and mental well-being and social coherence. The destruction of one's property, loss of funding, the need for additional expenses for alternative accommodation, the cost of additional transport etc. all contribute to a context of already excessively stressed household capacity to survive, as outlined above.

The use of force –at times excessive force – that have characterized some evictions taking place during the lockdown as reported in the media, leaves physical injuries but also severe psychological trauma and scars. This is further compounded by the concern and anxiety that the individual would have for other members of the household or family that have also been evicted and also have suffered violence during the eviction, anxiety about securing the tenure the fate of the belongings, however meagre they may have been.

Conclusion

On a personal, social and public health level, evictions in informal settlements during the time of a pandemic such as Covid19, are not justifiable from the human-rights-based public health perspective.