



9 June 2009

The Honourable Mr. Dan Plato  
Mayor of Cape Town,  
The Mayor's Office,  
City of Cape Town  
Cape Town 8001  
South Africa

**Reference: Violation of housing rights of 60 families in Macassar Village, Cape Town.**

Dear Mayor Plato,

The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland, with offices throughout the world. COHRE has consultative status with the United Nations and Observer Status with the African Commission on Human and Peoples' Rights. COHRE works to promote and protect the right to adequate housing for everyone, everywhere, including preventing or remedying forced evictions.

COHRE is deeply disturbed by reports of the repeated demolition of shacks in Macassar village by Cape Town's Anti Land Invasions Unit, South African Police Service (SAPS) and Metro Police. COHRE also expresses concern about the reported violent arrest of Abahlali baseMjondolo activist Mzonke Poni on 1 June 2009.

According to information received by COHRE, several backyard dwellers in Macassar village, frustrated with poor living conditions and their increased vulnerability to evictions resulting from rising rents, occupied vacant municipal land along the N2 highway on 18<sup>th</sup> May 2009. On the 19<sup>th</sup> morning, however, police personnel demolished approximately 60 shacks and fired rubber bullets injuring four people including a woman and a child. Police also arrested three persons including Professor Martin Legassick. On 20<sup>th</sup> May, Macassar SAPS Superintendent facilitated an agreement between the occupiers and their local ward councillor where the occupiers were given permission to build shacks on another piece of land in the vicinity. We understand that occupiers were informed that this agreement would be endorsed by your presence at the new site the following day.

COHRE notes with disappointment that according to reports received, you reversed the ward councillor's decision and ordered the Anti Land Invasions Unit to once again demolish newly constructed shacks and confiscate building material. COHRE would like to point out that an estimated 300 backyard dwellers have thus been rendered homeless and are forced to live and sleep in the open.

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COHRE expresses shock at the City's apparent disregard for the Prevention of Illegal Eviction from, and Unlawful Occupation of, Land Act 1998 as well as for the interdict against further demolitions secured in the Cape High Court by Abahlali baseMjondolo. According to information received, the Anti Land Invasions Unit continued to illegally demolish shacks despite being informed about the interdict of 29<sup>th</sup> May.

South Africa's Constitution states in Section 26(3) that "no one may be evicted from their home...without an order of the court made after considering *all the relevant circumstances* [emphasis added]"

COHRE respectfully reminds the Government of South Africa that under international human rights law, evictions can only occur lawfully in very exceptional circumstances and after all feasible alternatives have been explored in consultation with affected persons. If, and only if, such exceptional circumstances exist and there are no feasible alternatives, can evictions be deemed justified. Furthermore, evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Governments *must* therefore, ensure that adequate alternative housing is available to affected persons.

The backyard dwellers of Macassar, like several other poor communities, are victims of South Africa's ongoing housing crisis marked by growing waiting lists for subsidised housing every year and the inability of the State to adequately respond to the growing demand. Many of the backyard dwellers who occupied land in Macassar have been on the waiting list for 15-20 years, with no solution in sight.

Instead of facilitating access to the right to adequate housing through the allocation of vacant public land to the back yard dwellers of Macassar, the City has sought to forcibly evict them and thereby unlawfully deprive them of the shelter they had. COHRE therefore urges the City of Cape Town to:

- Take urgent steps to provide emergency shelter and relief material to all those affected by the forced eviction;
- Devise and implement a strategy to resolve the crisis through meaningful consultations with affected people and with a view to fulfil their right to adequate housing;
- Adequately compensate all those who have lost their belongings and building materials in the demolition drives;
- Withdraw all charges against those protesting against the demolitions; and
- Initiate an independent enquiry into allegations of violence and illegal actions by members of the Anti Land Invasions Unit, SAPS and the Metro Police.

We look forward to your response.

Thank you very much for your time and consideration.

Yours sincerely,



Salih Booker  
Executive Director

Cc

The Honourable Mr. Achmat Ebrahim  
City Manager, Cape Town

The Honourable Ms. Helen Zille  
Premier, Western Cape

The Honourable Mr. Tokyo Sexwale  
National Minister for Housing

Ms. Raquel Rolnik  
United Nations Special Rapporteur on Adequate Housing