

SCHOOL OF DEVELOPMENT STUDIES RESEARCH
REPORT No. 83

The Work of Violence:
A Timeline of Armed Attacks
at Kennedy Road

Kerry Chance
July 2010

The Work of Violence: A Timeline of Armed Attacks at Kennedy Road
Kerry Chance
First published by the School of Development Studies in 2010
ISBN 978 1 86840 693 7

Available from the website: www.sds.ukzn.ac.za/

Or

The Librarian
School of Development Studies
University of KwaZulu-Natal
Howard College Campus
Durban 4041
SOUTH AFRICA

Tel: +27 31 260-1031

The School of Development Studies is one of the world's leading centres for the study of the political economy of development. Its research and graduate teaching programmes in economic development, social policy and population studies, as well as the projects, public seminars and activism around issues of civil society and social justice, organised through its affiliated Centre for Civil Society place it among the most well-respected and innovative interdisciplinary schools of its type in the world

We specialise in the following research areas: civil society; demographic research; globalisation, industry and urban development; macroeconomics, trade and finance; poverty and inequality; reproductive health; social aspects of HIV/AIDS; social policy; work and informal economy.

Contents

Acknowledgements	iv
Abstract	v
1 Introduction: The Work of Violence	1
2 An Approximate Timeline	4
3 Conclusion: The 'Official' Record	26
Endnotes	27

Acknowledgements

Thanks to the School of Development Studies at the University of KwaZulu-Natal for hosting me as a Visiting Research Fellow during my dissertation research. Thanks, in particular, to Dr. Vishnu Padayachee. Thanks to those who read prior drafts of this paper, they know who they are. Many thanks to Kennedy Road residents and to Abahlali members, they also know who they are.

Abstract

On 26 September 2009, violent attacks by an armed group left two men dead and an estimated thousand displaced at the Kennedy Road shack settlement in the South African city of Durban. This timeline, centered on the night the attacks began to unfold, and upon the Community Hall, proposes three meaningful dimensions: (1) the mobilization of political party affiliation and the specter of an ethnic-other tied to material relations, especially employment and state resources; (2) new modes of policing in an ensuing social drama over a state-backed crackdown on criminal gangs and shebeens; (3) contested claims to political sovereignty articulated through election-time “development” projects. In proposing these three dimensions, this timeline, amid happenings of that day, sketches in broad strokes, shifts in relevant interactions between Abahlali baseMjondolo, a poor peoples’ social movement, and officials, between 2008 and 2009, at the local, municipal, and provincial level. These dimensions, entailing both articulations during the attacks by armed men, as well as post-facto in public statements by officials, coalesced to displace members of Abahlali from their homes and national headquarters in the Kennedy Road settlement.

“They had any kind of weapon you could think of...” Abahlali Youth Camp participant, September 2009.

September 26, 2009: An Approximate Timeline

9:00am – Kennedy Road Heritage Weekend begins at Hall
 10:00am – Slums Act meeting begins at the Hall
 6:00pm – Abahlali Youth Camp begins at Hall
 8:00pm – Police and Provincial Crime Intelligence arrive and make an arrest
 10:00pm – Armed group surround homes of Kennedy Road Development Committee (KRDC), Abahlali Executive Committee, and Safety and Security Committee members in the settlement
 11:00pm – Armed group marches down Kennedy Road
 12:00pm – Police and Provincial Crime Intelligence arrive and depart
 1:00am – Armed group descends on the Hall
 3:30am – Scattered brawls, several injured, homes and tuck shops demolished
 4:00am – An estimated thousand begins to evacuate
 9:00am – An ambulance arrives, and residents come to the Hall

I Introduction: The Work of Violence:

If it is part of the work of violence to destroy toward a particular end, so too often is its work to erase the traces of both that destruction and its end. Pumla Gobodo-Madikizela commented in *A Human Being Died That Night* that a bloody massacre scene she witnessed as a child was recorded as part of the ‘official’ record as a single death.ⁱ Setting aside liberalist legal, psychological, or human rights discourses that would institutionalize “truth-telling” and “bearing witness,” with its own discrete forms of erasure, her point is rather simple. Namely, that these traces were only, if imperfectly, if never completely, rendered visible in the gap between the ‘official’ record and those who witnessed and by making it public.

On 26 September 2009, violent attacks by an armed group left two men dead and an estimated thousand displaced at the Kennedy Road shack settlement in the South African city of Durban.ⁱⁱ What has been made public about that night is that members of an armed group self-identified as ruling African National Congress (ANC) supporters, some, mobilizing ethnicity, chanted anti-ImPondo slogans.ⁱⁱⁱ The headquarters of Abahlali baseMjondolo, a poor peoples’ social movement claiming 10 000

members nationwide, was dismantled, then ransacked.^{iv} Elected movement leaders and their families, fifty-seven parents and children in total, their homes destroyed by armed men, went into “hiding.” Movement activities operated “underground.”^v Thirteen Abahlali members were arrested. Until July 2010, five remained, ten months later, in Westville prison yet to see trial. In movement press statements, Abahlali alleged that the attacks were carried out by an “ANC militia” and were backed by police and “high level” officials. Protesters gathered at local universities and at South African embassies from London to New York to Moscow under Abahlali banners. Church leaders and academics from the Archbishop of Cape Town to Noam Chomsky condemned the attacks, as did Amnesty International, as well as other social movements and civic groups.

In the days and weeks that followed 26 September 2009, state officials – local, municipal, and provincial – circulated public statements, however, which told another story, one claiming that the violence at Kennedy Road was an intensely localized criminal matter, perpetrated by a “vigilante group” with links to Abahlali. That “vigilante group” – said to be the thirteen Abahlali members arrested, one since cleared of charges that ranged from murder to assault to malicious destruction of property to robbery – held Kennedy residents under a curfew, barring them, under threat of force, from watching television, cooking or walking outdoors after 7pm. After the attacks, the Provincial Minister for Transport, Safety and Security announced the settlement “liberated,” and that a resolution had been taken “to dissolve Abahlali baseMjondolo.”^{vi} Officials, on September 28 2010, hosted a meeting and press conference at the Kennedy Road Community Hall, with 88 “stakeholders,” all affiliates of the ANC or state bodies.^{vii} In an official press statement issued that day, the spokesperson for the Provincial Minister claimed: “for the records [sic] there are no xenophobic or ethnic politics at Kennedy Road.” “Criminals,” he said, “would soon be brought to book, which may or may not include [Abahlali President S’bu] Zikode.”^{viii} A representative of the eThekweni Housing Department at the meeting, mobilizing ethnicity, warned that the imfene choir – in which some of the thirteen arrested were performers – “In our culture is associated with muthi [witchcraft].”^{ix} Citing a then-pending decision by a Constitutional Court challenge brought by Abahlali over the Slums Act, he stated that the movement stood in the way of “development” in Kennedy Road.

* * * * *

What follows is a timeline, an account of the attacks that began to unfold, in their most violent manifestations, on the night of 26 September 2009. This account is centered upon the Community Hall, a brick-and-mortar structure in Kennedy Road, a shack settlement of an estimated 7 000 households on the outskirts of the eThekweni metro. The Hall was a locus of day-to-day activities in the community, the national headquarters of Abahlali, and, importantly, an expressed target of armed men. To this, a further note on method: the timeline draws from approximately 100 group and individual, structured and semi-structured interviews with those present during the attacks, both men and women, between the ages of 18 to 65, across a range of affiliations or lack thereof to Abahlali, to political parties, to various ethnic self-identifications, those remaining in Kennedy Road and those who fled.^x Interviews were conducted from September, within the first days after the attacks began, to December 2009, with staggered follow-up in March and July 2010. Daily, intensive doctoral research was conducted from August 2008 to December 2009, Kennedy Road as the primary site, and regular visits from 2006 to 2010.^{xi} Colleagues provided 30 additional transcribed or recorded testimonies.^{xii}

This timeline proposes three meaningful dimensions of the attacks: (1) the mobilization of political party affiliation and the specter of an ethnic-other tied to material relations, especially employment and state resources; (2) new modes of policing in an ensuing social drama over a state-backed crackdown on criminal gangs and shebeens; (3) contested claims to political sovereignty articulated through election-time “development” projects. In proposing these three dimensions, this timeline, amid happenings of that day, sketches in broad strokes, shifts in relevant interactions between Abahlali and officials, between 2008 and 2009, at the local, municipal, and provincial level. These dimensions, entailing both articulations during the attacks by armed men, as well as post-facto in public statements by officials, coalesced to displace members of Abahlali from their homes and national headquarters.

This is an approximate timeline, neither fixed nor conclusive. Rather than with the precision of a ticking-clock, time-headings err on the side of sequence, as well as mean consistency between separate witnesses, although variation is also noted. It is not a close reading of individual testimonies – about which much could be said – but here, instead aims at temporally

moving, ‘thick’ description. Above all, the events, which began in their complexity that night, are still unfolding. They do not rest safely in a distant past. In the courts, those arrested still await trial, postponed until November 2010, the bail hearings for which have included attendance by ANC supporters, some carrying weapons.^{xiii} In the Kennedy settlement, Abahlali members today continue to report intimidation. Outside, those who remain displaced Abahlali President S’bu Zikode said “have been made refugees in our own country, in our own province, in our own settlement.”^{xiv} What is conclusive about 26 September is that worlds were shattered that night, and that the gap between those worlds and the ‘official’ record remains, at least to date, staggering.

II An Approximate Timeline:

9:00am – Heritage Weekend Begins:

Starting at 9am, the Kennedy Road Development Committee – a committee elected in last year at a mass-based Annual General Meeting (AGM) in the Hall – hosted a weekend-long Heritage Day celebration.^{xv} Abahlali, to which the KRDC affiliates, held a similar celebration for all its regional branch areas a week earlier, at a Pinetown settlement called eMause.^{xvi} After 27 September, rumor circulated amongst Kennedy residents that the attacks were meant to unfold there.^{xvii}

The weekend celebration, as KRDC members stated during the organizing stages, was aimed at building community solidarity, youth participation, and “anti-ethnicism.” Since the run-up to the national Presidential elections in 2009, tensions in Kennedy Road, as across the eThekweni region, were bubbling, articulated along fractured lines of ethnicity and rapidly reconfiguring political party affiliations, particularly amongst dispossessed youth.^{xviii} At times, these intersected: in talk, for instance – within the settlement and more broadly in public discourse – which coded a post-Polokwane ANC as newly ethnically amaZulu, and breakaway party COPE (Congress of the People) as amaXhosa.^{xix} Herein also lay a stereotypic material relation.^{xx} Namely, that better access and less legitimate claim to jobs, women, and other resources – especially of a developmental state such as houses and basic services – came to those of ostensibly exogenous language and origin.^{xxi}

In November 2008 – nationally, as COPE announced a breakaway from the ANC and locally, with the Annual General

Meetings (AGMs) looming to elect a new Abahlali and KRDC leadership – rumor spread amongst some residents of an ethnicized plot, a “Pondo plot,” to take over Kennedy Road.^{xxii} The President of Abahlali, S’bu Zikode, was violently attacked at the entrance of the Hall in the middle of the day by three young men – two identified by their own relatives as from outside the settlement – with a knife and broken bottles. He was beaten all over his body, hospitalized with smashed glass lodged in his face, ears, and head. His three-year old son, with him at the time, stood and watched the scene.^{xxiii}

Weeks later, five young men, shouting ethnic slurs – identified as from outside the settlement by the bystanders who intervened – beat bloody then Abahlali Vice President, Lindela “Mashumi” Figland next to the Hall.^{xxiv} At the Abahlali AGM, an ANC-BEC (Branch Executive Committee) member from another ward seized the microphone, reiterating warning of “a Pondo plot,” announced, “Now, is the time of the amaZulu.” Participants shouted him down, demanding he depart from the Hall.^{xxv}

While Abahlali, since 2005, officially maintained an election boycott position, it does not render its branches ‘no-go’ zones for political parties. The movement also does not bar members from voting, or from participating in other civic activities, such as unions, cultural associations, or church groups. In these months, party manifestos, t-shirts, posters, and other goods were distributed and meetings held in Abahlali settlements, including Kennedy Road. Local ANC branches hired buses for rallies in these areas.

In May and June 2009, two violent fights broke out at the Kennedy shebeens, where ethnic slurs were exchanged between groups of young men, leaving three hospitalized with serious injuries. Abahlali and KRDC members, in response, called meetings at the Hall, speaking against the danger of arbitrary divisions amongst “the poor” and held family mediations, drawing in mothers and grandmothers, to quell further violence.

As one Kennedy resident put it: “Apartheid told us we are Zulus or Xhosas...I grew up in the Eastern Cape, I speak isiZulu; my wife grew up in KwaZulu-Natal, she speaks isiXhosa...our children and us, we are South African, we are Black people, we are all living in this ghetto.”^{xxvi} Ethnicity, as this suggests, was produced, unstably, its historical sediments fundamentally racist. Heritage Day, according to KRDC members, was a

further intervening assertion of the primacy of identification as an undifferentiated “poor” in modes of being-together, and indeed, in constituent community claims to “development.”^{xxvii}

Similar street brawls were reported in areas unaffiliated to the movement, such as ANC-aligned Palmiet. In Embo, a settlement near Hillcrest, in June 2009, isiXhosa-speakers reportedly fled their homes after neighbours issued an ultimatum for the removal.^{xxviii} In Gleblands, occupants claimed that two election-time killings and subsequent violence in the hostel mobilized ethnic self-and-other identifications crosscut with party affiliations. After the Kennedy attacks, ANC supporters in KwaShembe settlement in the township of Claremont reportedly burned to the ground the homes of COPE members.^{xxix} Kennedy residents spoke of these incidents, whether from reports printed in the local papers, or by kith and kin in those areas.

Public responses by state and party officials to these incidents varied.^{xxx} While in Embo, the municipality and the province condemned “brewing ethnic tension,”^{xxxi} in Gleblands and Kennedy – echoing official statements during so-called “xenophobic attacks” in May 2008 and in 2009 – reduced the contours of the violence to criminality, thereby emptying it of political content. COPE, by contrast, in a provincial press statement, dated 7 October 2009, claimed that those killed in Gleblands, as well as the two men left dead during the Kennedy attacks were COPE supporters targeted by ANC cadres.^{xxxii} Competing claims made upon the bodies of the dead by the provincial ANC and provincial COPE speak to the politicization of the settlement, not least as a party battleground.^{xxxiii}

* * * * *

By the early morning at the Heritage Weekend celebration, Kennedy Hall was nearly filled. Performances were inter-ethnic, from a variety of “traditional” and “non-traditional,” urban and rural forms: gumboot dancers, pantsula dancers, imfene dancers, self-organized choirs of school children, as well as an award-winning isicathamiya group, the Dlamini King Brothers. All twenty-three performers were given small trophies or medals. A few men, who attended the event drunk, jeered and attempted to physically disrupt the imfene group, but left thereafter. Community members, approximately one thousand, predominantly women, stayed in the Hall, watching the performances until about 5pm.^{xxxiv}

5:30pm – Heritage Performances End:

The imfene group, a loose assemblage of performers that had won local awards and had a dedicated following in the settlement were to stay overnight a dance competition in Claremont township. They left, still brightly costumed, on a taxi at the main rank next to the Hall.

The next day, upon their return, three among them were arrested. Of the thirteen Abahlali members arrested – to date, the only men charged with crimes relating to 26 September – all are isiXhosa-speakers, six are members of the imfene group, and two are members of the Kennedy Road Safety and Security Committee.^{xxxv} The Sydenham police and a Provincial Crime Intelligence Officer, who had been based regularly in the settlement since 2008, participated in the investigation of the attacks, and the arrest of these men.

* * * * *

Since 2005, a few volunteer guards watched the Hall, including a health clinic called the Clare Estate “Drop-In Centre,” a crèche, and the Abahlali Office. Private patient documents were stored there, and costly equipment: a computer, fax machine, photocopier, and library. The office also held Abahlali’s archives – banners, newspapers, photographs, membership-databases, its material history.

On 26 July 2009, at a mass meeting chaired by the KRDC, residents, led by women, called for the establishment of a full-time Safety and Security Committee, commensurate with a national call for community-based policing made by all parties during the 2009 presidential elections, and in early July, the state launch of “Operation *Wanya Tsotsi*.”^{xxxvi}

At the time in Kennedy, violent crime, in particular around the shebeens, was perceived as rife and intensifying: murder, rape, assault, and robbery. These crimes, said meeting participants, were committed by known gangs and posed particular threat to women.

A Safety and Security Committee of ten members was nominated at the mass meeting. The Sydenham Police and Provincial Crime Investigator verbally endorsed the Committee. An official launch of the Committee soon was hosted in the Hall, attended by the Sydenham police Superintendent, the Provincial Crime Intelligence Officer, the KRDC, and residents.^{xxxvii}

Following the attacks, the Provincial Minister for Safety and Security claimed that the Committee was a “vigilante group” with “no legal standing.”^{xxxviii} In practice, however, the Committee liaised – through routine meetings and telephone conversations – with the Sydenham police, the Provincial Crime Intelligence Officer, and the KRDC.

Following the launch, Kennedy residents reported suspected crimes to the Committee – whose photographs and contact details were posted on flyers around the settlement. The Committee logged each crime, and the manner of its response. Suspects arrested by the Committee were turned over to the Sydenham police. At times, the police would request that the Committee make an arrest.^{xxxix}

In January 2009, there was a physical altercation between two young men suspected of robbery, and three members of the Committee – all were known, personally, to each other. The Sydenham Police arrested, not the suspects, but the entirety of the Safety and Security Committee, including members who were not present with no knowledge of the incident.

A meeting and mediation was held at the Sydenham Police Station, with members of Abahlali, the KRDC, and the Provincial Crime Intelligence Officer present. The Committee was released, and the incident was declared resolved by the two parties, who walked home together peaceably from the police station.

Responding to the altercation, Abahlali organized a series of workshops for the Safety and Security Committee with students from University of South Africa (UNISA) programme called Street Law on “human rights” and relevant law on community policing.

Weeks before the attacks, after complaints by residents resurfaced that the shebeens be regulated, the KRDC and the Safety and Security Committee entered into negotiations with shebeen-owners to close their doors by 10pm.

Complaints about the shebeens dated back to the 2008 AGM and had been regularly made at mass community meetings thereafter. Some, especially elderly, residents said the shebeens – as havens for gangs – should be shut down entirely and their owners asked to leave the settlement. Shebeen-owners wanted their business to remain open 24-hours, it was their livelihood.

According to KRDC members at the time, a compromise was on the horizon.

In the wake of the attacks, the Provincial Minister of Safety and Security claimed that the Committee enforced a settlement-wide “curfew” of 7pm. Nightlife in the settlement included little other than the activities that were supposed to have been banned, namely: watching television (where electricity was connected), cooking meals inside on paraffin stoves or outside on open fires, walking on pathways or the Road to others’ homes. A closing time, however, was proposed a closing time for shebeens, verbally endorsed by the Sydenham police.

The launch of the Safety and Security Committee represented a seismic shift in relations between Kennedy Road residents and the Sydenham police, a shift many attributed to the presence of the Provincial Crime Intelligence Officer.^{x1} Since 2005, Sydenham police officers have practiced regular and well-documented violence and intimidation in response to community-based activities, as the rubber-bullet scars on the bodies of residents attest. A civil claim remains pending against the station’s Superintendent, who has since been suspended on unrelated charges brought by the Hawks, for the 2006 arrest and torture of Abahlali President S’bu Zikode and former Vice President Philani Zhungu. The civil trial is scheduled for January 2011.

* * * * *

As the Heritage event winded down at the Hall, soccer teams were practicing on the grounds, which run along the bottom of the settlement. For the Heritage Weekend, the KRDC, along with the performances, had scheduled a soccer tournament for the following day, Sunday. There are at least 16 organized soccer teams at Kennedy Road; all of which were entered in the tournament. At around 6pm, the teams gathered at the Hall for a draw, to determine which team would play each other, and in what order. The winning team would receive soccer jerseys (a shirt, shorts, and socks), a sample of which was hanging on the bulletin board in the Abahlali office. Practice for the tournament began in the late afternoon, as some work a full or half-day on Saturdays. The teams left the grounds and the Hall by about 8pm. The tournament never took place. The soccer jersey was stolen when the Abahlali office was later ransacked.

6:00pm – The Youth Camp Begins

Starting at 6pm, Abahlali hosted a Youth Camp, an all-night meeting that took place every third month at the Kennedy Hall. About thirty members from shack settlements across the eThekweni region and some from Northern KwaZulu-Natal attended the camp that night. A film crew from New York City, working on a documentary called *Dear Mandela*, and a journalist from Italy was also present.

Two witnesses separately allege that an ANC-BEC (Branch Executive Committee) member from another ward arrived, at this time, by taxi. It was rumored that an ANC meeting was taking place next to the Simunye shop at the center of the Road.

The Abahlali Youth League organizes the camps primarily as a meeting space for young people, though members of all ages, especially older women attend. At the start of each camp, participants compose an agenda. Talk at the camps range from theories of poverty to the strategic planning of events.

The camps are scenes of political education: movement and community histories are told; films about Abahlali are screened; conceptual principles of 'Abahlalism' and its constitution are discussed; reformulated struggle songs are sung.

Like bi-weekly Abahlali meetings at the Hall, conditions in branches areas are often talked about at the camps - an eviction, a fire, or electricity disconnection. The camps, typically are from 6pm until 10am the following morning and do not have time-bound agendas, so that members can "cough out," or speak in a collective space on any matter, for any length of time.

On the night of the attacks, the main items on the agenda were the KwaZulu-Natal Slums Act case, and the 2010 Soccer World Cup. Earlier that day, between 10am and 12pm at the Abahlali Office - which shares a playground and courtyard with the Hall - representatives from Kennedy and other branch areas, approximately twenty, held a meeting with its legal team, members of which had traveled from Johannesburg to discuss the Slums Act case. Abahlali representatives, elected to the Slums Act Task Team, were to report back on this meeting to the Youth Camp.

* * * * *

The Slums Act case was heard at the Constitution Court only months before on 14 May 2009. Challenging legislation passed by the KZN Premier and Provincial Parliament, Abahlali argued

that the Slums Act was in conflict with national housing policy and the constitutionally enshrined, progressive realization to housing, which ultimately rendered people more vulnerable to, already entirely routine, threats of eviction. Similar legislation reportedly had been drafted in other provinces across the country.

Prior to the meeting on 27 September, the legal team contacted Abahlali and said to prepare: the decision could be handed down “any day.” Indeed, the Constitutional Court decision was handed down just two weeks after the attacks. A section of the Act was declared unconstitutional, and therefore, null and void. Abahlali declared the decision a “victory.”

8:00pm – The Sydenham Police and Provincial Crime Intelligence Arrive:

By this time, KRDC and Abahlali Executive members, not attending the Youth Camp, were at home in their shacks. As the Youth Camp began, the settlement outside was bustling with activity. It was a Saturday night, the first clear weather in weeks and, not least, the end of the month when work paychecks or social grants were issued; young people were headed to town or friends in other communities at the taxis in front of the Hall.

Next to the main taxi rank, about twenty to thirty men were gathered, and had been from 6pm, talking to two members of the Safety and Security Committee. Onlookers, passing by or from the heritage performances and soccer practice, milled around. All were waiting for the Sydenham Police and Provincial Crime Intelligence Officer to arrive.

A man stood accused, by residents who had apprehended him, of killing another man while drunk; although the man himself said he had no memory of the early parts of the day. The accused stood sheepishly, hands in his pockets, but was not being restrained, nor was he injured. By 8pm, a Sydenham police car and Provincial Crime Intelligence Officer in his unmarked vehicle arrived, spoke to the Safety and Security Committee members, and took the accused into custody before departing.

Two women stood nearby watching the scene, waiting for the two Committee members to finish with the police and the Officer, as she wanted to report that her boyfriend, a taxi driver, who had beaten her in the past, now threatened to hunt her

down and kill her. The Sydenham police already had a call earlier at the intersection of Sparks Road and Clare Road, outside the settlement, where a crowd of about fifty had gathered on the street, with no ambulance present, around the body of a bloodied young man, face down on the pavement.

10:00pm – Armed Group Into the Settlement:

Between 10:30pm and 12:00am,^{xli} members of the KRDC and their families, asleep in their homes at the time, were awoken: armed men were banging on doors and walls of shacks with their weapons, breaking windows, shouting, “Come to the Hall! We don’t need Abahlali anymore! We don’t need the KRDC! We don’t need the Forum in Kennedy anymore!”

Split up within the settlement, separate witnesses saw members of the armed group rousing men from their beds, ordering some, at weapon-point, to join their march. One man said that “a mob,” banging on his door, called him to the Hall. When he looked outside, he saw a teacher, an ordinary resident whom he knew, already seriously wounded, stabbed and bleeding. Neighbours were carrying the teacher to the top of the Road for medical attention. He, and others repeatedly called an ambulance, which he said did not arrive until daybreak.

In a case of misrecognition, armed men, striking the walls of one family’s home with blades and sticks, switched-off the electricity. They demanded that a member of “the Forum” come outside, shouting that they intended “to kill.” When the man of the household confronted “the mob,” one among them shouted, that he was not “of the Forum,” they left. He and his family, packing their belongings, fled Kennedy the following morning.

A woman, alone in her shack at the time, heard the shouts, then banging at her door: members of the armed group forcibly entered, looking for her husband, who was among the ten members of the Safety and Security Committee. They swore and threatened her, calling her a “whore” and “bitch wife of *Wanya Tsotsi*.” One man said, “We will kill you, instead.” They left, but promised to return. She ran from the settlement to family in nearby Palmiet, where she remained overnight.

A friend phoned the next day to say that the armed men did return, at an unknown hour, early in the morning. When they did not find her, they turned to looting, taking clothes, furniture and other belongings. Later that day, her home was

demolished. Her friend said that Sydenham police officers were present, but did not stop the men.

A man, neighbouring one of those killed, saw members of the armed group outside his shack, moving silhouettes carrying sticks. He, and those staying with him, remained inside, hiding. They heard the “screams” outside. They called the police. All fled the settlement at daybreak. After the state press conference and “stakeholders” meeting in the Hall, on 28 September, he returned to pick up some belongings. Two men came to his shack, warning, “There are still fights here. People are looking for you. They say you were working with the Forum.”

At about 6:30pm, a few hours later, two police officers knocked on his door. They asked what happened. He told them he did not work with “the Forum” – which he did not – and did not know. His home was burned down later that night; he lost everything, while he was staying with a friend outside Kennedy Road.

Now, an estimated hundred men in throngs were seen running through the settlement, moving toward the Road and the Hall.^{xliii} They shouted: “We don’t need those red t-shirts in Kennedy anymore! We only need the ANC!”

From what can be gathered by separate witness accounts, early in the night from 10:00pm, armed men centered around two sites in the settlement: in front or behind the Simunye shop, a bottle store on Kennedy Road, and in front or behind the Hall. It is near these sites that one of the two men was killed. KRDC and Abahlali leaders, named targets of armed men, reside around these two sites. Later, after 3:00am, members of the armed group were seen elsewhere in the settlement, farther within the interior below the primary sites, where eventually, the other man was stabbed to death, and several injured.

While other KRDC members silently waited for “the mobs” to leave their homes, Lindela “Mashumi” Figland, Vice President of Abahlali and the Chairperson of the KRDC, was at home, asleep after working a full shift as a security guard. His wife and three-year-old daughter were also sleeping. Around midnight, they heard a crowd of what sounded like drunken men gathered around their home, they were beating the walls of his shack with some kind of weapons, repeatedly shouting, “We will kill you imPondo! We will kill you!” Figland covered the mouth of

his child, as she began to scream. The family stayed quiet, pretending not to be inside.

Several hours before, Figland had been warned separately by a family member and an acquaintance, whom he trusted, that ANC meetings in the settlement in a house across from the Siymunye shop, had resolved to remove him as KRDC Chairperson the following day. It was rumoured that his head was to be cut off and thrown into the Hall, and his body in the Umgeni River. The family member and acquaintance advised him to flee. Fearful, though skeptical of rumour, he locked his door from the outside, to leave the impression that he was not at home. He said that the ruse worked, the men departed. The family then fled the settlement. His home was later, on 27 September, looted and demolished.

Not far behind the Siymunye shop, though not visible to Figland's shack, Abahlali President S'bu Zikode's wife and children were asleep in their shack. Zikode, at the time, was visiting his ill mother in the Midlands. His wife awoke to hear the sound of chanting: "Phansi S'bu Zikode! Phansi Mashumi! Phansi the KRDC! Zikode is selling us to the AmaMpondo! Kennedy is for the amaZulu!" When the men retreated, she fled with the children to the home of a neighboring woman relative, waking her. They hid in the bush with the children through the night in the rain, fearful that they would be targeted.

From the bush, later, they saw some armed men go toward the Hall. They saw shadows of figures running between the shacks, but could not see what they were doing. They saw young men in the street. Some went to the tuck shop of a Safety and Security Committee member, on top of the Road. They saw them hitting the container, removing items from it, and then trying, unsuccessfully, to burn it. They saw the flames. The following night, at 8:30pm 27 September, the Zikode's shack was demolished, the walls torn down, their belongings stolen or slashed through with bush-knives.

At approximately 12am, a man, his wife and their six-year-old child living across the Road from the tuck shop awoke to shouts, and saw that armed men were banging on the container. The "mob," came toward his home, throwing bottles. They shouted to him, "We'll finish with the others, then come back to get you." The family hid. Early the next morning, at an uncertain hour, walking back to his home he saw a man from his "village" in the Eastern Cape running – a "mob" was behind

him. Fearful, he ran to the nearby Foreman Road settlement, where he called his wife. They left for the Eastern Cape and have not returned to Kennedy. Both have since lost their jobs.

Now, armed men, exiting the settlement, were seen gathering at the main taxi rank, next to the Hall. Identified among them by separate witnesses were shebeen- and taxi-owners, taxi-drivers, “shack lords” and some associated with known gangs – all, in some form, local “businessmen” – as well as the predominant composition, drunken young men. Some members of the armed group were from Kennedy Road; others were recognized from other areas such as nearby Sydenham Heights and Burnwood. Later, at the Hall, a small number of women, approximately five, including the woman who was the head of the ANC ward Councillor’s toilet project, were identified among the men.^{xliii}

11:00pm – Armed Group March Down Kennedy Road:

Between 11:00 and 11:30pm, the Youth Camp participants heard chanting, and beating upon the plastic VIP toilets on Kennedy Road next to the Hall. Following the noise outside, participants saw what they referred to as “a mob,” an estimated forty men, wielding knobkerries and bush-knives – later, with guns, broken bottles, and other makeshift weapons.

The armed group passed the Hall, marching down Kennedy Road toward Umgeni Road and the grounds, singing “The Struggle Allows It,”^{xliv} before entering a wide pathway into the settlement. Camp participants were wary, some fearful, but they continued, set to discuss the 2010 Soccer World Cup.

* * * * *

That the armed men were beating on the VIP toilets led some participants of the Youth Camp to conclude that “the mob” had to do with a toilet project, launched in the preceding months by the local ANC ward Councillor.

The Councillor had been unwelcome in the Kennedy settlement since 2005, when he was buried in a mock funeral, during a series of street protests by residents, which gave eventual form to Abahlali as a movement.^{xlv} Over time, Abahlali, via its Office, had taken over bureaucratic state functions in the settlement – notably, the issuing of letters of residency – needed for shack-dwellers to access bank accounts, jobs, IDs, social grants and subsidies. In the exclusive hands of the Councillor, residents claimed these letters were issued on the basis of his allegiance,

the currency of an entrenched system of party patronage in the ward.

When the Councillor initially launched the toilet project, it was without consultation with Kennedy residents or elected community bodies, the KRDC and Abahlali. He appointed, as head of the project, a woman known to be active in local ANC branch structures, who lived in a house adjacent to the settlement. Various residents lodged complaints at the Abahlali Office that the Councillor was unfairly doling out jobs.

The project was seen, at its inception, by KRDC and Abahlali members as a means of undermining existing community structures, and at the same time, an effort to garner votes for the upcoming local elections. Candidates in these elections, scheduled for 2011, are required first to establish that they have an acceptable voting base to run. The time for electioneering in the ward – as in the eThekweni region – was now.

At the ANC Regional General Conference, a week prior the Kennedy attacks, the Chairperson of eThekweni region warned against “Counter revolutionaries...colluding with one mission to weaken the ANC and its Alliance,” and called upon ANC members “to defend Polokwane gains.”

Under the bolded heading “CRIMINAL,” in his speech, he proposed that criminal elements had gone undercover as COPE members in Gleblands hostel to provoke the ANC.^{xlvi} He added, referring to Abahlali as: “The element of these NGO who are funded by the West to destabilise us, these elements use all forms of media and poor people [sic].” His speech echoed public statements, between 2005 and 2010, by various officials that posited Abahlali, not as a legitimate civic organization, but as a dangerous “third force” bent upon disrupting elections, and, more generally, undermining ANC structures.

On 13 September 2009, a meeting, to discuss the toilet project, was scheduled at the Hall between KRDC members, the Councillor, and the Chairperson for the ANC in the ward. The meeting never took place. In an interview, dated 28 September 2009, with the filmmakers of *Dear Mandela*, the Councillor said that the meeting had been cancelled when the ANC ward Chairperson phoned him to say that men wielding weapons had ambushed him en route to Kennedy Road. He said he called the police to “rescue” the ward Chairperson.^{xlvii}

The KRDC tells another story of the cancelled meeting: that while waiting outside the Hall for the Councillor and ANC ward Chairperson, they were ambushed. About fifty people, predominantly men, identified as those from other areas in the ward, marched down Kennedy Road toward Umgeni Road, wearing ANC t-shirts and chanting ANC slogans. The marchers demanded to see the ANC ward Chairperson, who had not yet arrived. A KRDC member phoned him, calling off the meeting and saying: “We expected a discussion about this project, now your people are marching here.” The crowd soon dispersed.

The toilet project represented a shift in relations with the Councillor, who, since 2008, had been quietly cooperating with the committee and the movement. Members of the KRDC and Abahlali were not opposed to toilets. The demand for toilets – in Kennedy Road, for instance, where the ratio, in 2005, was estimated at 6 to 7 000 households – was central to the movements’ founding street protests, and its subsequent activities. However, construction at election-time, without consultation and entailing an allocation of jobs on the basis of party affiliation, was talked of as a “dirty politics” in the settlement.

Following the attacks, residents at Kennedy claim that a new, unelected community body has formed, headed by the woman who ran the Councillor’s toilet project. This body makes use of the ransacked Abahlali Office. The crèche and the health clinic have been closed. Toilets at the Hall, previously maintained by Abahlali members, have begun leaking raw sewerage into the shacks below.^{xlvi}

On 11 October 2009, a new Community Policing Forum (CPF) sub-forum of eleven members was nominated at a state “stakeholders” meeting. The sub-forum was listed as an objective of the provincial government Task Team mandated to address the “Kennedy situation.” The Minister for Safety and Security added that a housing project, another of these objectives, would be brought to the settlement by February 2010.^{xlix}

The toilet project, and indeed the housing project which has not transpired, points to a contested material terrain of “development,” specifically how it would be brought to Kennedy Road, and by whom, whether by a movement of shack-dwellers, members of a political party, or a state office. “Development” projects are a never simple exercise of so-called “delivery,” but in

the pouring of concrete and laying of brick, an exercise of sovereignty as well.

* * * * *

Beyond the police and the Councillor, since 2008, day-to-day interactions with the state had moved from “the street” into “boardroom” and “the courtroom.” Abahlali was engaged in two sets of negotiations with officials at the municipal and provincial levels over housing and immediate interim services, as well as a series of court cases, including a challenge to provincial legislation, the Slums Act, in the Constitutional Court.

Before these negotiations and court cases, and other movement activities within the spaces of state institutions, primarily were defensive: when the Municipality banned a march, when its members were arbitrarily arrested, when a settlement was to be unlawfully evicted. As such, and as the movement grew to a regional and national movement, branch areas and their committees, like the KRDC, operated increasingly autonomously, while movement-wide campaigns were mandated to alternating, elected Task Team members, composed from various branches.

The first set of negotiations was with the eThekweni Municipality, through a non-governmental consultancy group called PPT (Public Participation Trust). These negotiations resulted in the earmarking of fourteen settlements for interim services, including Kennedy Road, and five settlements, also including Kennedy Road, for a permanent upgrading project.

Amid street protests in 2005, Kennedy residents, demanding “development” where they lived resisted relocation to the Parkgate housing project, regarded as distant from jobs, transport, shops and other urban amenities. In these protests, residents, in a popular slogan on banners and t-shirts, called for the state to “Talk to us, not about us.” The Dlamini King brothers, an isicathamiya group that has composed Abahlali anthems, projected a vision of hand-in-hand cooperation [*bambisana*] between shack-dwellers and government officials [*uhulumeni*]. After several years of confrontation on the streets, the state began “talking to” Abahlali.

Members met this, not without a degree of caution. At regular Abahlali meetings, and at mass meetings in the Hall between 2007 and 2009, members discussed the potential for negotiations to lead, rather than to an installation of standpipes, to a strategic political demobilization. That is, “keeping us busy

in boardrooms with paperwork,” one Abahlali leader said, “in order that we’re not busy in the streets with the people.”

Also raised by members, as well as to PPT and the Municipality, during these negotiation years was that “development” by the state entailed a demarcation of “the community,” that residents become “beneficiaries” to be counted and codified. Inclusions and exclusions do not account for often-fluid compositions of households, for everyday life in settlements – for instance, that ebbs and flows of casual labor frequently take residents away from their homes at long stretches. Moreover, these inclusions may be accepted or they may be politicized, as some members had seen first-hand in the unfurling of *in-situ* upgrading in Durban and Cape Town-metros.¹

At the time of the attacks, topographic surveys for the upgrading in Kennedy had been done, shacks had been marked and numbered for the first time since 2001 by the Municipality, and plans, including unit designs, were submitted for approval at mass meetings.

Following the attacks, state officials, including representatives of the eThekweni Housing Department, announced that government would bring houses and electricity to Kennedy Road within one year in time for the 2011 elections. PPT continues to meet with the KRDC and Abahlali as its partner in the upgrading project.

The second set of negotiations was with provincial government officials, across political parties to address – among other “development” concerns ranging, from evictions to toilets – state corruption in construction and allocation of housing projects, specifically in new Abahlali branches in KwaMashu and Eshowe.

These negotiations follow a High Court ordered investigation, in March 2009, into allegations of graft at the Khulula Housing Project in Siyanda, Section C, KwaMashu. Residents, counted among the “beneficiaries” of the project, were removed to a transit camp after, they say, their houses were sold.^{li} The state has yet to conduct an investigation.

From the perspective of Abahlali members, the movement made enemies at multiple levels of state, working with certain officials in these two sets of negotiations and outing others as corrupt, thereby giving concrete ammunition, in the form of evidentiary

documents, to political opponents, whether across parties or within a fragmented ANC.

Also from the perspective of its members, Abahlali had made enemies at the municipal and provincial levels by challenging the Slums Act, embarrassing those who had stood behind what was later found to be a piece of unconstitutional legislation.

It is on the basis of these interactions with the state that Abahlali claims the Provincial Minister for Safety and Security announced a resolution “to dissolve” Abahlali and the Kennedy settlement as “liberated.” State and party officials, from the local to the provincial levels, categorically deny any involvement in the attacks.

12:00am: Provincial Crime Intelligence and Police Arrive:
Phoning, and furtively moving through the bush to each other’s homes, members of the KRDC rushed to the Hall together, before midnight. Two members of the Safety and Security Committee, who earlier had addressed the citizens’ arrest, already were there, inside the fence, now locked, which encircles the Hall.

Upon their arrival at the Abahlali Office, across the courtyard from the still ongoing Youth Camp, they dialed the Provincial Crime Intelligence Officer on his cell phone and the Sydenham police. They discussed what was happening in the settlement. From inside the Office, they heard heavy footfalls on the narrow pathways behind the Hall. They heard the scraping of weapon-blades against the ground; one said he heard the loading of a gun.

Around midnight, a van dog unit with two officers from the Metro police came to the Hall.^{lii} The officers, speaking to members of the KRDC and the Safety and Security Committee, refused to “go into the darkness,” inside the settlement, and left shortly thereafter.^{liii} The Provincial Crime Intelligence Officer also arrived. Parking, he walked up the Road to address the armed men, gathering at the taxi rank. He was reportedly surrounded. He left the settlement, telling KRDC members, he would return with backup.

“Maybe God was with us that night, but not the police,” one Kennedy resident said. Reports on when the police arrived and departed during the night vary widely, as do the accounts of what they did when they got there. At certain hours, police were

said to be absent; at other hours, especially in the days that followed, various witnesses said that beatings, stabbings, and shack demolitions happened in their presence.

One witness said that armed men assaulted him as police stood by. Another said that he saw that members of the armed group were chasing a man whom he knew, and had been previously hiding in the bush with. He ran to the police officers for help; they reportedly asked, “What are you running for?” He answered, “I am running from the mob; they’re chasing that guy there.” The armed men ran passed the police, he said, but they did not respond. The man chased was stabbed, and was later taken to hospital.

Phone calls to the Sydenham police between 11pm and 3:00am by ordinary residents inside the settlement and Camp participants inside the Hall elicited no response evident to them; some were told that there were not enough vehicles to send.

The Provincial Crime Intelligence Officer with another Metro van dog unit is said to have returned around 1:00am. This time, he and the Metro police went inside the settlement, following the sound of chanting behind and below the Hall. They returned to the Hall, telling KRDC members that they believed the trouble was over, and departed.^{liv}

Each time police vehicles pulled into the Road the settlement momentarily “went quiet.” Various witnesses saw armed men hide inside shacks, in darkened pathways and in the bush.

1:00am – Armed Group Descend On the Hall Again:

Around 1am, armed men, an estimated fifty, reportedly descended upon the Hall outside. The Camp participants were uncertain whether it was the same group that marched down Kennedy Road, or a “second mob.” The armed group was no longer singing, but throwing objects, and hitting the plastic toilets, each strike getting louder. The men reached the fence, now locked, that separated Kennedy Road from the courtyard of the Hall, shouting.

The Abahlali Youth League President, leaving the Camp, approached the armed men from between the fence. Getting closer, he could see that the men were carrying guns, in addition to broken bottles, sticks and bush-knives.

He spoke with a few of them: “What do you want?”

They shouted back: “Where is Zikode?”

He responded: “He’s not here – why do you want him?”

“Because Zikode is letting the AmaMpondo do as they please in Kennedy!” they said. Those in the armed group demanded keys to the Hall. The Abahlali Youth League President responded that the Hall was for everyone, and there was an Abahlali meeting in progress. They said, “No, for ANC meetings, not COPE meetings.” He said, “We are Abahlali, not COPE.”

Soon thereafter, according to the Youth League President recounting their interaction, the Provincial Crime Intelligence Officer pulled up to the fence, near some of the armed men. He lowered his car window, and spoke to the Safety and Security Committee members. The Youth League President asked the Officer if it was safe to open the gate to allow Camp participants to leave, and whether the armed men planned to hurt them. The Officer said, “No, they know who they are looking for.” He closed his car window, about to drive away, before an armed man nearby shouted, “Give us S’bu!” The Officer opened his window again, and said, “I suggest you all go home and resolve this matter in the morning. You have already heard that Zikode is not here.”

Inside the crèche, the Abahlali Youth Camp had stopped. Participants, fearful, moved from sitting in a circle to alongside the wall, looking out the window. They locked the security gate to the crèche, so that the men could not get inside. Listening to the shouts and banging outside, they discussed what was happening in the settlement. Shortly before 3:00am, again, the Road, again, went quiet. The KRDC, still at the Abahlali Office, said it looked the Road looked clear for the film crew, and those members living in other settlements that could fit in their car to depart.

* * * * *

During the build-up to the national 2009 Presidential elections residents of surrounding ANC-affiliated areas referred to Abahlali as a front for COPE. In northern KZN, following the launch of new branches, local councilors and traditional authority called Abahlali a front for the ANC. Abahlali has also been called a front for the IFP (Inkatha Freedom Party) and the DA (Democratic Alliance). Abahlali, in practice, refuses to endorse any political party, or to work directly with party structures, but the movement does work in areas with complex histories of party affiliation, only increasingly so, as it expanded

from a local to a regional and then to a movement with branches nationally.

Organizing under a social movement banner, say Abahlali members, especially where strong systems of patronage under a party or figure of ‘traditional’ authority exist – can be perceived as a threat to local officials.^{lv} Kennedy Road, a founding settlement of Abahlali, historically had ties to the ANC, and post-1994, as a voting bloc for the party. During the first street protests, out of which Abahlali emerged in 2005, some ANC t-shirts could be seen alongside those that declared “No Land, No House, No Vote!” The street protests, nonetheless, in press statements and by residents, were articulated as antagonistic toward the local and municipal ANC authorities.

3:30am – The Armed Group Enters the Hall:

At about 3:30am, armed men jumped the fence, and broke inside the Hall above the crèche. They were throwing rocks through the windows, and throwing plastic chairs. The “mob” in front of the Hall chanted for “Zikode,” for “Mashumi,” for “Zodwa,” the Secretary of the Youth League, who also administered the former Abahlali Office.

The Youth League President said “We are easy targets now,” and asked the participants what they wanted to do – they were presently inside a small room that function as a crèche beneath the main section of the Hall. They decided to pray first, and then to try to escape. They prayed, and piled into a combi belonging to an Abahlali member from Siyanda, and departed, with two young women from Kennedy staying behind with the KRDC at the Hall.

The KRDC remained locked and hidden inside the Abahlali Office on the floor, the lights switched-off. After 3:00am, the Provincial Crime Intelligence Officer returned. According to the KRDC, he told them that some people had been injured in the attacks, and at least one person had died in the shacks.

Between 2:00am and 3:30am, there was a resuming a “noise” inside the settlement, running between shacks, banging on wood-plank walls. KRDC members could hear: “They are not here! They are not here!” And then, “They are here, let’s face them!” Several reported in separate areas of the settlement hearing men shouting, “Shoot! Shoot!”

One man said at 3:30am, a “crowd” came back to the shack that he shares with his wife – who was affiliated to the KRDC – and three teenage children. His family was already hiding in a neighbour’s shack. He managed to flee, but his head was injured badly. Their shack was later demolished.

Another man returned to Kennedy Road, around 2:00am, after fetching a car that had broken down in Durban. Seeing “people running up and down” and “a lot of violence,” he called his wife at their shack in the interior of the settlement. She told him not to return, that she was locked inside with the baby, and that his sisters were hiding “in the bush.”

From what can be gathered by separate accounts, attacks that began with expressed targets, mobilizing political party and ethnicity, fanned out into a series of brawls and extenuating attacks in various sections of the settlement. As people fled, hid in the bush, made phone or house calls to friends and neighbors, word spread of an ensuing “war.” Some said, “The Zulus are killing all the Xhosas,” others said, “The Xhosas are killing all the Zulus.” Still others said no one was certain who was attacking whom. That both isiXhosa- and isiZulu-speakers reported threats was noted in early news coverage.

4:00am: An Estimated Thousand Begins to Flee

Between 4:00am and 5:00am, a police helicopter flew overhead. Residents, at daybreak, had begun to flee on foot or in taxis, children and parcels strapped to their backs, some carrying mattresses, others packing their belongings, a procession that continued through the evening and for at least the following two days.

A domestic worker with her four-month-old child, living in a two-room shack, slept through the night, but at around 6:00am saw a crowd of people near the Nazareth Church, “looking for a body on the floor.” She said it “felt like a movie.” Men armed with sticks and bush-knives soon came to her home, looking for her boyfriend.

By 6:00am, homes, including of the Safety and Security Committee and KRDC, had been demolished. Three police vans returned to the settlement, with officers taking statements, asking who had killed whom. The KRDC, who gave statements to the Provincial Crime Intelligence Officer, told him that they thought the local ANC was behind the attacks.

Those with jobs in the formal sector – in security companies, construction, in factories – or with work in the settlement – a woman working in the health clinic, a woman who sold containers of water – and tuck shopkeepers, in particular, appear to have been targeted in these hours and in the days that followed.

A young woman living in a shack divided into two rooms, one a spaza shop, the other her living quarters, slept through the night. At about 9am a “mob” came to her home with sticks and bush-knives, asking her to produce a husband or a man. She replied that she had neither. The police were outside. The men left, but returned later that day to say she was lying, she “should have a man.” They told her to move, or they would rape her. She ran. Her belongings were stolen, and her home and shop demolished. Previously supporting her family in the Eastern Cape, she is now without income.

A wife and her husband, living in two separate shacks, were both operating spaza shops. Away for the weekend, they returned to find their homes and shops destroyed, looted. The husband said the only item he found left in the debris was a document for a car. The next day, they departed for the Eastern Cape.

9:00am – An Ambulance Arrives and Residents Come to the Hall:

By 7:00am, emergency medical staff were tending to the wounded and loading several injured people into ambulances. KRDC members, still at the Abahlali Office, were told another person had been killed in the upper section of the settlement.

At around 9am, a group of residents, predominantly women, all unarmed, came to the Hall. They demanded to know who had been killed and what had happened during the night. The women said rumour had circulated that the Safety and Security Committee were to blame. The KRDC told them they did not know who had been killed – initial reports were eight people. Family members could not locate each other, as some residents had hidden during the attacks.

Early in the morning, there was a heavy police presence. At least 10 vans and combies with officers were seen. Some witnesses said they saw men still milling around at the top of the settlement with weapons, identified as members of the

armed group the night before. Some amongst them were talking to the police.

On Sunday morning, armed men were still looking for KRDC and Abahlali members, some chanting, “Down with Abahlali! Down with the KRDC!” That day, the shacks of Abahlali members, KRDC members, and Committee members demolished. During the night that followed the state press conference in the Hall on 28 September armed men demolished more homes.

The following morning and days, some left the settlement, so fearful that their bodies shook, trembled, mouthing words that could not be spoken.

III Conclusion: The ‘Official’ Record

To return to Gobodo-Madikizela’s comment on the gap between the ‘official’ record and those who lived episodes of violence, a further word must be said. Namely that beyond this timeline, beyond the settlement of Kennedy Road, beyond Abahlali, there is an ever broadening gap between the ‘official’ record and social movements, activists, and civic organizations, those who have seen first-hand the work of violence in every major metro and in rural areas, on the streets, in townships, in settlements and transit camps. Whether in the form of baton blows or rubber bullets, arbitrary arrest or assault in custody, forced eviction or service disconnection, whether at the hands of police or hired security, landowners or local ward councilors, not least, an alarming trend, toward armed groups mobilizing language, origin or political party affiliation. The answer to these incidents by the ‘official’ state record post-1994, at times, has been a resounding silence, and at other times, a reduction to criminality.

This work of violence has been aimed at movements, now, held as models of civic participation and democratic citizenship, such as the Treatment Action Campaign (TAC), during whose days of ‘civil disobedience’ saw the HIV positive body beaten bloody in full public view. This includes movements representing bodies of “the poor,” such as the Landless People’s Movement (LPM) and early protests against privatization and neoliberal governance by the Social Movements United, which put these celebrated movements on the national and global political

map.^{lvi} As well as movements like the Anti-Eviction Campaign (AEC), whose work on ‘xenophobia’ has turned them into a national-other, under threat within their own communities.

It is safe to say that every social movements antagonistic to state or party structures, to systems of political or corporate patronage more broadly, that has made claims to “development” or “democracy,” has been met with this work of violence. That is to say nothing of the uncounted many ordinary activists who have been shot, beaten and arrested without the support of movements with lawyers and press statements. A 68 year-old woman who joined street protests against the closure of two schools that became FIFA’s Nelpruit offices during the 2010 Soccer World Cup was visited by police violence in her home. She is not alone in her story.

At this time, so soon after a moment of global celebration during the World Cup, the work of violence is not safely resting in the past, but instead, threatens to become newly systematic in democratic South Africa, doled out not only against criminals, but also against legitimate civic groups and persons who happen to be conveniently named as such.

ⁱ Pg. 7. *A Human Being Died That Night*, Pumla Gobodo-Madikizela, 2003, Mariner Books, New York, NY.

ⁱⁱ Those displaced included families that fled to St. Philomena’s Church in Clare Estate, to the Red Cross shelter in Durban metro, to the homes of kith and kin, especially in neighboring townships and shack settlements, as well as to grassy patches and parks on Clare Road.

ⁱⁱⁱ See, for instance, Nigel Gibson and Raj Patel: <http://www.pambazuka.org/en/category/features/59322>, accessed July 26, 2010. Also Toussaint Losier: <http://libcom.org/news/quiet-coup-south-africa%E2%80%99s-largest-social-movement-under-attack-world-cup-looms-02062010>, accessed July 26, 2010; Jeff Guy: <http://www.abahlali.org/node/6699>, accessed July 26 2010.

^{iv} This is the estimated number of members currently registered in Abahlali’s database. That is, card-carrying members from officially launched branch-areas. Databases of previous years have been lost, such that it cannot be determined, on that basis, to what extent and how they may have changed or been constituted across time. Beyond this, membership, be it to a sports club, church, dance group, union or social movement entails meaningful practices, organizational principles and criteria, both de facto and codified to varying degrees, elaborate to greater or lesser extents, particular to that social grouping and which change across time.

^v Abahlali members consider the movement operating “underground” until a street protest on Human Rights Day 2010. The street protest was initially banned by the eThekweni Municipality.

^{vi} Thando Mgaga, *The Witness*, October 16 2009.

^{vii} See: “The *Mail & Guardian* conducted a survey of the 88 people who signed the attendance register at the “stakeholders” meeting. Nineteen were

provincial government representatives, 12 from the municipality and eight from the police. After subtracting media and representatives of other community policing forums and clusters, the register reflected 14 ANC members, seven South African National Civic Organisation (Sanco) members and seven people claiming to be "residents" of Kennedy Road...Telephone calls confirmed most of those claiming to be ordinary Kennedy Road residents or inhabitants with ANC affiliations were in fact from other areas, such as the Puntan's Hill, Sydenham Heights and the Foreman Road settlement." <http://www.mg.co.za/article/2009-10-11-kennedy-olive-branch-a-sham>, accessed June 29, 2010.

^{viii} On 28 September 2009, students at the University of KwaZulu-Natal organized a small campus meeting to plan for the collection of food, blankets and clothing for those displaced in the Kennedy attacks. Within hours of this meeting, an organizer received a personal email from the Spokesperson for the Provincial Minister of Safety and Security. Students at the meeting regarded this email as a measure of state intimidation. The email read the above quotation, with an attached, and later circulated, press statement.

^{ix} Thanks to Dara Kell and Chris Nizza, filmmakers of *Dear Mandela*, for sharing raw footage of the state press conference and "stakeholders" meeting. Also for transcribed notes on 26 September.

^x Names of those interviewed, and specific identifying information has been withheld. Those who have requested that their true names be cited, and/or are 'public' figures within the movement are noted. Positions within the movement are noted with consent. The true names of second parties mentioned in interviews also are withheld. State or party officials are referred to by title.

^{xi} I was present in the Kennedy Road settlement, at the Hall, on 26 September until 9pm.

^{xii} Thanks are due to Kalinica Capello and Francesco Gastaldon for transcribed or recorded copies of testimonies with those who witnessed the attacks, for clarification and thoughts on these testimonies.

^{xiii} Bail hearing appearances for the 13 arrested in the Durban Magistrate's Court have been highly politicized. ANC supporters, arriving on two hired busses, carrying party banners and wearing party t-shirts have attended. Some have brought knobkerries and sticks to Court. During a bail hearing on 26 September 2009, a group of young men, as well as a woman, wearing a party dress identifying herself as an ANC Councillor from another ward, approached a Reverend in clerical collar standing with Abahlali members shouting "we can kill you."

^{xiv} <http://www.abahlali.org/node/5962>

^{xv} Structurally and historically, the KRDC, like Abahlali, holds an election for the committee at a mass meeting every November. According to their constitution, elected committees may be recalled via an emergency AGM at any time, by any concerned resident. The emergence of Abahlali baseMjondolo in 2005 fermented within the KRDC structure. Since then, as Abahlali grew into a citywide then provincial movement eventually with branches nationally, the functions and activities of the KRDC remained grounded within the Kennedy settlement, with Abahlali as its nodal point in a political network across communities. See Sarah Jane Cooper-Knock on the 2008 AGM: <http://www.dailynews.co.za/index.php?fArticleId=5243863>, accessed 30 March 2010.

Before Heritage Day was legislated into being as a national public holiday in 1995, it was Shaka Day, a Zulu nationalist commemoration marked by rallies, and regalia. Post-1994, Heritage Day, in Nelson Mandela's words,

celebrates a non-ethnic nationalism, rising like a phoenix “from the ashes of conflict and division.” See Nelson Mandela’s speech on Heritage Day 1996: http://www.info.gov.za/speeches/1996/960925_0x12696.htm, accessed March 30 2010.

^{xvi} Representatives from the Poor People’s Alliance were also present at eMause for meetings, which took place for two days at the Abahlali office. The Poor People’s Alliance (PPA) includes Abahlali-Western Cape, which has branches notably throughout Khayelitsha, and other areas in and outside of Cape Town, the Rural Network, which operates throughout rural KwaZulu-Natal, the Western Cape Anti-Eviction Campaign that works throughout that province, and the Landless People’s Movement, with branches in Johannesburg.

^{xvii} At these celebrations, most wore interpretations on ‘traditional’ dress: some described as ‘ethnic’ uniform, others as hybrid: a flag t-shirt, a generically Pan-African pantsuit, Obama belt buckle, “Zulu” wristband.

^{xviii} The estimated 7 000 that constitutes Kennedy Road are not spoken of as ethnically uniform. Residents primarily self-identify as amaZulu, amaXhosa, or aMabhaca. Sections of the settlement are associated, loosely, with these three ethnic groups both spatially and temporally. The oldest section, for instance, dating back to the community’s founding in 1980s, near the Hall is associated with isiZulu-speaking families. Ethnic self-and-other identifications are mobilized, not continuously, but at particular moments, often with historically congealed and newly ascribed meanings.

^{xix} See, for instance: <http://www.mg.co.za/article/2009-03-27-cope-man-doublecrosses-to-anc>, accessed 30 March, 2009.

^{xx} By stereotypic material relations, I mean material relations that are represented as, and refracted through, stereotypes mobilized between, often in order to demarcate, groups, in this case, ethnicized groups. They need not, in other words, map onto actually existing practices, interactions, persons, or forms of capital.

^{xxi} In reverse, such access and claims are perceived as de-legitimated by those ostensibly endogamous.

^{xxii} Research notes, November 2008.

^{xxiii} It should be noted that ethnic self-identifications are not fixed, but invoked or not at particular times, and contain deep complexities, to say nothing of ethnic-other identifications, Zikode self-identifies as a Zulu-speaker, as growing up and with familial ties in northern KwaZulu-Natal. Figland self-identifies as a Xhosa-speaker, not as imPondo, as growing up with familial ties in the Eastern Cape.

^{xxiv} In November 2008, there were several instances of violence against social movement leaders reported in the Western Cape. While there is no suggestion of coordination in these instances, it may point to similar structural, pre-electoral pressures. In the same month Zikode and Figland were attacked at Kennedy Road, the Chairperson of Abahlali-Western Cape was violently assaulted at his home in Khayelitsha. An affiliate movement, the Anti-Eviction Campaign (AEC) at Symphony Way was petrol bombed, which was thought to have been targeting AEC Chairperson and the movement office in which he slept on the pavement. Lastly, a vehicle belonging to a member of the Joe Slovo Task Team – a community-based organization in Langa that notably challenged their eviction for the N2 Gateway Project in the Constitutional Court – was petrol bombed.

^{xxv} The person next on the microphone responded, which would become often an opening invocation for mass meetings thereafter: “We are all Mhlali, no

matter Zulu, Xhosa, Indian, Coloured, no matter ANC, DA, COPE, IFP, or what-what.”

^{xxvi} Personal Communication, September 2009.

^{xxvii} In the same month, June 2009, so-called “xenophobic” attacks reemerged province-wide in the Western Cape. These attacks though differently articulated and while containing their own particularities, both historical and of the present, as an Amnesty International report suggests, they bear similar structure. During an “anti-xenophobia” meeting in Guguletu on 15 June, 2009, attended by a United Nations official, police, and organized by an Abahlali partner in the Poor People’s Alliance – the Anti-Eviction Campaign – an interim committee to address community fissures was elected. An hour after the meeting, a Somali man on the committee was murdered, his shop burnt to the ground. Anti-Eviction Campaign members working against “xenophobia” have also been targeted. Since June, the Anti-Eviction Campaign continued to hold meetings and workshops to counter “xenophobia.” In Hanover Park, where, as at Kennedy Road, a Provincial Crime Intelligence Officer has been regularly based since 2008 and currently is backing the establishment of a community-policing forum to combat gang activity, members of the Anti-Eviction Campaign have been shot at and arrested.

^{xxviii} Ntokozo Mfusi, Embo Community Wants fighting to stop and Xhosas to return to their homes, August, Friday 5 2009, *The Mercury*).

^{xxix} See Mary de Haas, 22 March 2010, *Daily News*:

<http://www.dailynews.co.za/index.php?fArticleId=5399848>

^{xxx} National state officials have made no statement on the Kennedy attacks.

^{xxxi} Ntokozo Mfusi, Embo Community Wants fighting to stop and Xhosas to return to their homes, August, Friday 5 2009, *The Mercury*.

^{xxxii} The press release was dated 7 October, 2009, issued by the Provincial KZN Secretary of COPE.

^{xxxiii} It cannot be confirmed, whether the two men were COPE supporters, by neighbors or those who knew them. Both were steadily employed, living in separate areas of the settlement; neither attended regular Abahlali meetings. Who killed the two men remains a question in the pending criminal trial, during which further evidence by both the prosecution and defense will be made public. There is variation noted between accounts of that night on this question. The purpose of this timeline is not to propose to resolve this variation.

^{xxxiv} Those watching the performances in the Hall, by and large, are card-carrying members of Abahlali, as are many residents at Kennedy Road, registered in a membership database; they also have various other affiliations from political parties to church groups to trade unions.

^{xxxv} Early reports were that all thirteen arrested were Safety and Security Committee members.

^{xxxvi} The state launched “Operation Wanya Tsotsi,” a “popular mobilization program” against crime in early July 2009. This “Operation” was part of a broader intensification of policing during the build-up of the 2010 Soccer World Cup, including the controversial “shoot-to-kill” policy. Deputy Police Minister Fikile Mbalula, described the “Operation” as: “a weapon to instill fear and respect to one’s strategic opponent. It is an expression of readiness of one’s forces of war. It is a strength exhibition! It is a war cry!” (See: <http://www.capetimes.co.za/index.php?fArticleId=5062571>, <http://www.mg.co.za/article/2009-07-01-criminals-in-the-dwang-warns-deputy-minister>, access 30 March 2009). Abahlali, like other social movements, often rearticulate events and campaigns of the state: national

holidays such as Freedom Day becomes Un-Freedom Day, voting drives become “No Land, No House, No Vote,” the 2010 Soccer World Cup becomes The Poor People’s World Cup. The Kennedy Road Safety and Security Committee in ordinary talk and mass meetings was not referred to as “Wayna Tsotsi,” nor with these terms of “war.”

^{xxxvii} A photograph of the launch was printed in the local tabloid *The Rising Sun*.

^{xxxviii} *The Witness*, October 20, 2009, Pg. 7. The Safety and Security Committee was not a formal CPF, although a CPF does exist in the ward, with occasional interaction with Kennedy residents.

^{xxxix} These logged incidents ranged from a neighbor with early work complaining about loud late-night music to the attempted rape of a young girl on the Road, to escorting a resident home from shops.

^{xl} The presence of the Provincial Crime Intelligence Officer, who said he cut his teeth in police intelligence during the 1980s in southern KwaZulu-Natal, inspired talk among some residents about whether he was investigating not criminal, but political activities, specifically those of Abahlali. Most residents and the KRDC, however, said they welcomed him as a sympathetic intermediary to the Sydenham police. For years, the Sydenham police refused to respond to calls from residents, or go inside the settlement. A woman being beaten by her husband, for instance, would be told to go to the Hall or the police station to report the crime; they would not come to her home.

^{xli} The time is estimated by witnesses, even as they are consistent across separate accounts: for example, KRDC members said between 11:15pm and midnight, the first man reported at about 11:30pm; the family reported at sometime before mid-night; and the women reported 11:20pm. These include statements from witnesses unaffiliated to any Committee – whether the KRDC, Abahlali or the Safety and Security Committee – as well as Abahlali members, leaders or their families.

^{xlii} Note that a “hundred men” is an estimate, cited by separate witnesses. However, some said “three hundred men” in total; still others, said “too many” to count. Variance also could be due to the different locations of the settlement that witnesses were positioned. One man also reports that one of the throngs of armed men carried “a bucket” toward the Simunye shop, which he said is associated with muthi, a protection in a call to “war.”

^{xliii} Even though some among them, gathering at the main taxi rank next to the Hall, shouted anti-imPondo slogans, two witnesses said, the armed men, nonetheless, were not themselves ethnically homogenous. For instance, one said, “They were Zulus, Bhacas, Xhosas, all kinds of people.”

^{xliv} Some said singing “The Struggle Allows It,” others said songs that were “calls to war,” or “war-like songs,” or “aggressive songs.”

^{xlv} For a history of Abahlali’s emergence, see Richard Pithouse, “Our Struggle is Thought on the Ground Running”: <http://libcom.org/library/short-history-shacks-shack-dwellers-struggles-durban>, accessed March 30, 2009.

^{xlvi} The ANC Chairperson of the eThekweni region, in 2010, later would find himself in the middle of violent political brawls in his own backyard, when COPE members were burned out of their homes in Claremont township.

^{xlvii} The ANC Ward Councillor, in the same interview, reiterated the state’s account of the attacks. Although he had not been in the settlement since 2005, he also said, “The people are absolutely terrified of them [Abahlali], and they seem to be living in fear. Perpetual fear of them.”

^{xlviii} The Hall itself reportedly is now being used to store corrugated-tin materials for government emergency shelters. These shelters typically are

used in controlled sites called “transit camps,” the latest technology in “slum clearance.” Residents resisting relocation to these sites, from KwaZulu-Natal to the Western Cape, have referred to them as “government shacks.”

Abahlali, in press statements, particularly in relation to the Slums Act case, have said the shelters are “without dignity.” Since the September attacks, several rows of emergency shelters have been installed at Kennedy Road. At least one man was killed in a brawl amid distribution of the corrugated tin materials, following a shack fire that left 3000 homeless and at least two dead in July 2010.

^{xlix} See Minister of Safety and Security press statement, dated 13 October 2009, and in an Executive Statement to the provincial legislature, dated 15 October, 2009.

¹ Even so, participants of regular meetings reasoned that “development,” ultimately, had to engage the state and its resources. If residents at mass meetings, working within democratic community structures – that is, outside systems of patronage by political parties or non-governmental organizations – remained themselves the final arbiters, such projects had a possible future. There was recourse, again, to the streets.

ⁱⁱ Transit camps, government emergency shelters in controlled sites, are the latest technology in slum clearance. Abahlali branch areas have resisted relocation to transit camps.

ⁱⁱⁱ One witness said the dog van unit and two officers were from Durban Central.

ⁱⁱⁱⁱ Police from Durban Central, Sydenham and Inanda stations, witnesses said, were seen later in the night, and early in the morning, as well as in the days that followed.

^{liv} Two Safety and Security Committee members accompanied the Italian journalist to a meter-taxi around 11:45pm. Around 1am, the film crew was told by the KRDC to move their private car from the Road inside the Hall, where it would be safer.

^{lv} Members describe the mantra on their membership cards – “Abahlali baseMjondolo is a social movement, not a political party” – in part, as a protective injunction. In August 2009, a meeting at Tin Town, Eshowe, reportedly was disrupted by “warlords,” armed men in a speeding vehicle, alleged to have been sent by the local IFP ward councilor, which then held Durban Abahlali delegates at gunpoint and accused them of being a front for the ANC. See: <http://www.abahlali.org/node/5646>.

^{lvi} The Social Movements United was the banner of civic organizations and movements protesting the World Summit on Sustainable Development in Johannesburg, including the Social Movements Indaba (SMI), the Anti-Privatization Forum, the Soweto Electricity Crisis Committee, and The Concerned Citizens Forum. For background on the emergence of new social movements in South Africa, see for instance, Ashwin Desai’s seminal work: *We Are the Poors: Community Struggles in Post-Apartheid South Africa*. New York: Monthly Review Press (2002). See Patrick Bond: “South Africa’s Resurgent Urban Social movements,” Centre for Civil Society Research Report 22: 1-34 (2004), and *Talk Left, Walk Right: South Africa’s Frustrated Global Reforms*. Durban: University of KwaZulu-Natal Press (2004). See Anti-Privatisation Forum, et. al. “Nothing for Mahala,” Centre for Civil Society Research Report 16: 1-30 (2004). See Fiona Lumsden and Alex Loftus, “Inanda’s Struggle Through Pipes and Tunnels: Exploring State-Civil Society Relations in a Post-Apartheid Informal Settlement. Centre for Civil Society Research Report 6: 1-35 (2003). See also Richard Ballard, Adam Habib, and Imraan Valodia: *Voices Protest: Social Movements in Post-*

Apartheid South Africa. Scottsville: University of KwaZulu Natal Press
(2006).