



14 April 2020

**Call to Action from C-19 Coalition concerning evictions and state violence
committed in the name of COVID-19 response**

To: President Matamela Cyril Ramaphosa
Presidency of the Republic of South Africa
c/o: Malebo Sibiyá
Per Email: malebo@presidency.gov.za

And To: National Command Council
c/o: Khusela Diko
Mike Louw
Per email: khusela@presidency.gov.za
presidentrsa@presidency.gov.za

Dear President Ramaphosa and National Command Council members,

We write on behalf of a coalition of civil society, united under the name of “**C-19 People’s Coalition**”. We are writing to you regarding the enforcement of Regulations and directions promulgated in an attempt to address the global and national threat that has resulted from the novel Coronavirus pandemic. A declaration of a State of Disaster was made in terms of the Disaster Management Act on 15 March 2020, and a national lockdown declared in order to prevent the spread of COVID-19. We wish to emphasize that a State of Disaster does not suspend the Bill of Rights, which must be respected, protected and promoted by the State. President Ramaphosa, you yourself made a firm commitment to do so in your 9 April 2020 address to the nation that “at all times, we will observe the human rights of all people.”



We draw your attention, in particular, to the right to housing, and the right to access to justice. The Minister of Justice issued In Regulation 440 on the 31 March 2020, which read as follows:

5(d) *“Service and execution of other process by Sheriffs, including evictions, are not essential, and are suspended for the duration of the lockdown.”*

This therefore makes any evictions during lockdown unlawful. The definition of “eviction” in the Prevention of Illegal Evictions Act, is:

“to deprive a person of occupation of a building or structure, or the land on which such building or structure is erected, against his or her will”

This includes a shack or similar structure that a person has slept in. Arriving after a structure has been built and the owner has been staying there, and then breaking down the structure as a purported ‘land invasion measure’ is unlawful. Doing so during a pandemic precisely runs counter to the entire premise of the Disaster lock down provisions.

In particular, we wish to draw your urgent attention to the following instances of human rights abuses (though there are more, we are using these as case studies to demonstrate what is an ongoing and increasing crisis):

Evictions in the City of Cape Town, eThekweni and Ekurhuleni

As has been covered by the media, both of the above municipalities have carried out evictions and demolitions, most notably, within the City of Cape Town (at Makhaza, Ekuphumleni, Empolweni in Khayelitsha), within the eThekweni municipality (KwaMathambo informal settlement in Redhill; Burnwood in Clare Estate; Azania in Cato Manor; and Ekuphumeleleni Informal Settlement), and within the City of Ekurhuleni (Tembisa Informal Settlement) in Gauteng.

In all of these instances, people had been living in the informal settlements for months or longer before their homes were demolished. In all of these instances, the City of Cape Town



and eThekweni municipality used the rhetoric of “land-invasions” to justify their actions in the media.

The result has been hundreds of people that had shelter two weeks ago, are now vulnerable to the elements as winter approaches and are at even more risk of contracting COVID-19 with complications, such as pneumonia. The effect is that the resources required to assist people dispossessed and displaced as a result will increase many-fold. Similarly, the rhetoric of “de-densifying” informal settlements likewise risks enabling unlawful actions by simply calling evictions by another name.

Municipalities such as the City of Cape Town and eThekweni municipality have been using the rhetoric of “land-invasions” to justify evictions and the demolition of people’s homes, and are using the lockdown as an opportunity to displace people in circumstances when there are restrictions on mobilization, access to the courts and monitoring capabilities. This needs to be condemned and stopped immediately.

Strandfontein camp, City of Cape Town

Strandfontein is situated on a sports field on which seven large tents have been erected and was set up as a camp for homeless people around Cape Town. Currently two tents combined are holding over a 1000 people, one with over 600. The consequence being that if one person has a communicable illness (like COVID-19 or TB), this will likely spread to the rest of the occupants. This process began on Sunday 5 April 2020, and continued throughout the week, despite protest from civil society, including the SA Human Rights Commission, until Thursday 9 April 2020, when removals were suspended due to law enforcement and the SAPS firing rubber bullets at the people in the camp who wanted to leave due to various health and safety issues at the camp, including an outbreak of TB and the gang rape of an 18 year old. Those that did manage to leave, the CCT has referred to as “escapees”. The CCT has subsequently closed the site to monitors and journalists, and NGOs that were operating at the site have been removed. It has been widely regarded as a humanitarian disaster.



Refugee Camps in Kensington and Bellville, City of Cape Town and National SAPS

The camps are designed to house the current refugees in Bellville and Kensington respectively, have not been constructed to meet basic standards of health and safety under the State of Disaster Regulations, particularly regarding social distancing and sanitation. Amongst other things, no showers, food, mattresses, cooking facilities, nor adequate electricity was provided to the Bellville site and Wingfield Airbase in Kensington. There has been a refusal to allow services into the camps, despite there being more than 630 people residing in one tent, not allowing for the mandatory space or isolation under the Regulations. While less reported on, the situation at both of these camps is similar to that at Strandfontein.

Security service brutality and violence in the name of enforcing the Disaster Regulations

In the past days we heard reports of an individual in Alexandra beaten to death by the SANDF. We've seen live video footage of SAPS shooting at people in Khayelitsha. We have seen police sjambok residents in Masiphumelele. We have heard reports of a beating happening inside the police station in Klapmuts. This past weekend saw security forces fire rubber bullets at community members in Makhaza whose homes were demolished on Friday and Saturday. Several witnesses, including an observer from the Human Rights Commission, confirm that security forces fired on people without provocation or warning. Journalists are increasingly reporting threatening behaviour directed at them when trying to cover ongoing violence by security forces. Increasingly, it is our people who seem to be the object of "war", rather than a virus.

These images and stories coming from people in the most vulnerable and impoverished communities could have come out of the apartheid-era during the State of Emergency in the 80's.

The situation requires an urgent and decisive response before there is further escalation and violence. We, as a civil society coalition, demand that the following steps be taken by the Presidency immediately:



1. **Direct the Minister of Cooperative and Local Government or Minister of Justice** to notify all local governments, particularly City of Cape Town and eThekweni municipality, of the provisions in the Directions relating to the cessation of evictions, including those done in the guise of “land-invasion” and “de-densification”. If unsuccessful in obtaining compliance, that the Minister of Cooperative and Local Government or Minister of Justice call for a Ministers and Members of Executive Councils Meeting (MINMEC) to resolve the matter.
2. **Direct the Minister of Police to order** police officials and other security services, both private and public, **to cease from using unnecessary force** in order to enforce the lockdown, or indeed any other law or regulation.
3. These last two weeks of lockdown have demonstrated that there is an urgent need for **oversight**, to ensure that abuses are stopped, addressed and prevented – an ombudsperson that will investigate all complaints of brutality, violence and corruption. We therefore call for the **appointment of an independent retired Judge with a record in human rights work to oversee** security services implementation of the Disaster Regulations and the actions of State organs in respect of COVID-19.

We hope that you will heed this call to action from the people of South Africa.

This call to action has been endorsed by the organisations and individuals forming part of the C-19 People’s Coalition, which can be found [here](#).