*Member of the mayoral committee responsible for environmental and infrastructure services in the City of Johannesburg Mpho Moerane donates food parcels for the homeless. Picture: Nokuthula Mbatha/African News Agency (ANA)*

# Court rules against City of Joburg evictions during Covid-19 lockdown

By Manyane Manyane Apr 12, 2020

Johannesburg - The City of Joburg has been found to have acted unlawfully and unconstitutionally when it evicted homeless people during the national lockdown announced by President Cyril Ramaphosa three weeks ago.

The South Gauteng High Court in Johannesburg this week ruled that the city and its law enforcement agency, the Johannesburg Metro Police Department (JMPD) broke the law when they removed alleged illegal occupants from a building on April 6.

In a new twist, however, the Durban High Court ruled in favour of the City of eThekwini which evicted people who illegally occupied a city-owned property on the first day of the lockdown on March 27.

City of Johannesburg spokesperson Nthatisi Modingoane acknowledged that the council was wrong in forcing 23 people out of a property during the Covid-19 related lockdown period.

“This matter is being investigated by the Office of the Executive Mayor. As a background to this incident, JMPD and other law enforcement officials attended to the property (accommodating City employees), in order to prevent and stop an ongoing illegal occupation or invasion by persons taking advantage of the lockdown,” Modingoane said.

“However, in the efforts of counter spoliation (immediately stopping ongoing illegal invasion and occupation), the law enforcement agencies also removed some residents who were in illegal occupation of some units in the property for some time. The City will, however, remain vigilant and stop further land invasions or illegal occupation of its properties.”

This came amid a plea from Human Settlements, Water and Sanitation Minister Lindiwe Sisulu for cities and private land-owners to halt evictions for the duration of the national lockdown, which has since been extended by 14 days until the end of the month.

“We implore our municipalities and private owners to understand that preferably, the only movement of people that should occur now is through the densification initiative that was recently announced by my department, which is aimed at preventing densely populated settlements from being overwhelmed by Covid-19. We are doing this in the best interest of our people, and it will be in their best interest to work with us,” said Sisulu.

Her plea was made after the City of eThekwini evicted residents of Ekuphumeleleni and Azania informal settlements from a piece of land last month.

Abahlali baseMjondolo, a non-government organisation which protects the rights of landless people, took the city to court, but lost.

Abahlali baseMjondolo spokesperson Mqapheli Bonono said they were disappointed by the court verdict.

He claimed the eThekwini municipality not only broke the rules and regulations of Covid-19, but also defied the call by Sisulu and Justice and Correctional Services Minister Ronald Lamola's directives to halt evictions.

"They have also defied the UN special rapporteur on adequate housing, who has called on for a worldwide ban on evictions."

Last week, Sisulu also revealed that her office had received thousands of complaints about municipalities cutting the water supply for people whose accounts were in arrears.

Sisulu appealed to municipalities against such measures, saying they infringed on the basic rights to access clean water and hindered the government's effort to fight Covid-19. Sunday Independent asked several municipalities if they would cut off essential services during the lockdown for residents who failed to pay rates.

Polokwane Municipality spokesperson Tshidiso Mothapo said the municipality had in place an indigent policy which cared for residents that could not afford municipal services.

However, those who could afford but chose not to pay for services would be blocked from buying prepaid electricity.

Mbombela Local municipality spokesperson Joseph Ngala said the Mpumalanga municipality was doing its best to provide essential services to all during the lockdown.

"Remember this is a critical moment. I do not think that we intend to cut any essential services such as the above mentioned during this period," he said.

However, the troubled Emfuleni Local Municipality in Gauteng had been issuing statements about water supply interruption to its townships, according to local residents.

Spokesperson Stanley Gaba did not respond to questions sent by the Sunday Independent this week.

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