



## **PRESS STATEMENT**

**29 August 2021**

### **CITY OF CAPE TOWN RETURNS SOME TENTS TO GREEN POINT TENNIS CLUB OCCUPIERS, BUT DOESN'T ALLOW OCCUPIERS TO REBUILD**

After mounting pressure from the public and an urgent application in the Western Cape High Court, the City of Cape Town on Friday (27 August 2021) returned some tents to the occupiers living on a piece of vacant City-owned land next to the Green Point Tennis Club. The occupiers, represented by Ndifuna Ukwazi Law Clinic, approached the court on an urgent basis after the City demolished and confiscated the occupiers' tents and other informal structures in what amounted to an illegal eviction on Monday for an order compelling the City to return their tents and other dwelling materials.

The return of the occupiers' belongings was brokered by the parties as an interim measure as part of a court order postponing the occupiers' application to Tuesday, 31 August 2021. However, despite returning the occupiers' possessions late on Friday afternoon, the City's law enforcement officers refused to allow occupiers to re-erect their tents or informal structures.

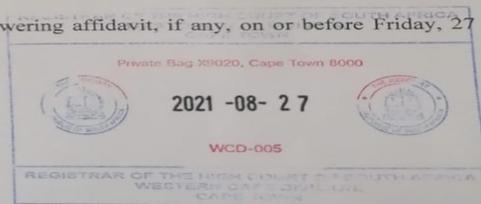
The return of their shelter has been welcomed by the occupiers but it also calls into question why the City would illegally dispossess poor and vulnerable people of their only shelter on one of the coldest days of the year, in the midst of the peak of Cape Town's COVID-19 Third Wave. The City's inhumane and heartless actions stand in stark contrast to the City's international law obligations which prohibits evictions in bad weather conditions.

The court order does not however resolve the return of other personal possessions taken in the law enforcement raid, such as some of the occupiers' identity documents, drivers' licenses, clinic and medication cards, without which they will be unable to access social support grants or obtain chronic medication.

The legality of the City's dispossession of tents and other personal property will be argued on Tuesday, 31 August 2021 in the High Court before Acting Judge le Roux, where the occupiers will argue that the City used obscure provisions of the [By-law relating to Streets, Public Places and the Prevention of Noise Nuisances](#) (2007) to circumvent occupiers' constitutional protections and effect an illegal eviction in direct conflict with the Constitution and the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act 19 of 1998 (PIE Act).

**IT IS ORDERED BY AGREEMENT THAT:**

1. The matter is postponed to Tuesday, 31 August 2021 at 10h00 on the urgent roll;
2. The Respondents will deliver to the legal representative of the Applicants, Danielle Louw, at the parking area of Green Point Athletic Track, Corner of Vlei Road and Helen Suzman Boulevard, all items impounded on 23 August 2021 at Erf 1056 Green Point 2 Bill Peters Drive, Three Anchor Bay, Cape Town, Western Cape Portion of Registered Remainder of Erf 1056 Green Point and a Portion of Erf 2194 Green Point, Cape Town ("the property"), as shown in the Respondents' confiscation notices, by no later than 16h30 on 27 August 2021;
3. Paragraph 2 above does not purport to resolve the dispute between the parties as to the confiscation of the Applicants' other personal property as appears in Annexure VL2 of the Founding Affidavit;
4. The Applicants and Respondents are directed to meaningfully engage with each other to ensure that an equitable and dignified relationship can be developed between the parties. The parties are directed to start such engagements on Monday, 30 August 2021;
5. The respondents shall file their answering affidavit, if any, on or before Friday, 27 August 2021 at 17h00;



*Caption: An excerpt from the court order requiring the City of Cape Town to return the occupiers' possessions to them (27 August 2021).*

Daniellé Louw, attorney for the occupiers, said:

*"While our clients are glad that their tents have been returned, it is clear that the City will continue to harass and illegally evict occupiers living in tents and makeshift structures throughout the City until ordered by a court to cease this senseless displacement. The illegal eviction of occupiers living next to the Green Point Tennis Club does not resolve the systemic issues prevalent in our society. In fact, it perpetuates vulnerability and is inhumane and heartless. We look forward to arguing our clients' case in court."*

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**ENDS**  
**ISSUED BY NDIFUNA UKWAZI**