

PRESS STATEMENT
31 August 2021



GREEN POINT TENNIS CLUB OCCUPIERS' URGENT COURT APPLICATION DELAYED

The legality of the City of Cape Town's dispossession of tents and other personal property from the Green Point Tennis Club occupiers, which was scheduled to be argued on Tuesday, 31 August 2021 in the High Court before Acting Judge Le Roux, has been delayed until Friday, 3 September 2021 at 11am as the judge requested more time to read the relevant documents and consider arguments.

The occupiers, who are represented by Ndifuna Ukwazi Legal Centre, will be arguing 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 section 26(3) of the Constitution and the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act 19 of 1998 (PIE Act).

The Green Point Tennis Club Occupiers were evicted on 23 August, without a court order despite it being a requirement of the PIE Act and in flagrant disregard of a national moratorium on evictions imposed as part of the COVID-19 Lockdown regulations.

After mounting pressure from the public and an urgent application in the Western Cape High Court, the City 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. However, the occupiers were unable to reconstruct their homes as the City's law enforcement officials prevented them from doing so. This despite the cold front that took place over the weekend, with lows of 4°C and which saw snow falling on Table Mountain.

The City's offer of alternative shelter for the occupiers in no way justifies or legitimises its inhumane actions, which amounted to an illegal eviction and a circumvention of occupiers' legal protections in terms of the PIE Act. The City has a constitutional obligation to provide suitable alternative accommodation, but only after all the relevant circumstances have been considered by a court in an eviction application. Judicial oversight in eviction proceedings is imperative to avoid situations where the government acts with impunity, and prevent unjust and inhumane actions such as the apartheid forced removals.

The City has, by its own account, admitted that [it does not have enough shelter beds](#) for all the homeless people in Cape Town, while NGO U-turn has stated that the number of homeless people is over 14,000 with only about 2,500 beds available.

The hearing will be held in the Western Cape High Court on Friday at 11am. Journalists who wish to attend the hearing must apply to Acting Judge Le Roux and can contact the registrar of the Western Cape High Court for more information on 0214802623.

- Read Ndifuna Ukwazi's press release on the occupiers' eviction here: <https://jumpshare.com/v/rybnkfUOlpxZQj3BjqzT>
- Read Ndifuna Ukwazi's press release on the City's confiscation of a street-based womxn's life-sustaining medications here: <https://jumpshare.com/v/8jUnuqtuwllpdsqYmxXS>

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ENDS

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