

PRESS RELEASE

16 January 2022



JUSTICE FOR DUMISANI JOXO: COLLECTIVE ACTION AGAINST BRUTALITY OF CAPE TOWN LAW ENFORCEMENT

Following the killing of Dumisani Joxo, an unhoused man, by a City of Cape Town law enforcement officer while a small group of street-based people were cooking a meal on Sunday 9 January 2022, Ndifuna Ukwazi and various civil society organisations are calling on the public to support collective efforts calling for justice and an end to the brutality of Cape Town law enforcement officers.

South African Human Rights Commission Meeting on Law Enforcement Brutality and Public Picket

On Monday 17 January from 14:00 - 16:00, the South African Human Rights Commission (SAHRC) and Ndifuna Ukwazi will host a virtual meeting with representatives of communities experiencing homelessness and civil society organisations to discuss the rising levels of brutality directed at poor families and people experiencing homelessness by Cape Town law enforcement officers. Over the last year, the City of Cape Town has adopted a slew of increasingly harsh measures that criminalise homelessness, including the passing of various municipal by-laws that make it a crime for persons living on the street to conduct ordinary life-sustaining activities, like sleeping, camping, resting, bathing, erecting a shelter or keeping personal belongings in public. These by-laws are being challenged in court on the basis that they discriminate against and infringe the fundamental rights of homeless people.

The SAHRC and Ndifuna Ukwazi call on members of the public to gather outside the SAHRC offices at the ABSA building on Riebeeck Street, Cape Town at the same time to picket to show their support for the late Dumisani Joxo, his family, and poor and street-based people suffering ongoing brutality, threats, intimidation and harassment at the hand of Cape Town law enforcement officers.

Members of the media and representatives of civil society organisations are invited to attend the online discussion which will take place on Microsoft Teams and/or the picket taking place outside.

Meeting link :

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmMxYjg2MzAtNjNhNS00MTcyLWE3YjUtYWlxMGNmN2Y1ODIm%40thread.v2/0?context=%7b%22Tid%22%3a%2288be8c58-c769-46ec-9ec2-b900f5819778%22%2c%22Oid%22%3a%22090fe14a-48d2-4484-822f-a92bf3ea415a%22%7d

Funeral Costs for Dumisani Joxo

Despite requests to the City of Cape Town to provide financial assistance to the family of Dumisani Joxo to cover the costs of his funeral, the City has refused to contribute any financial support towards Mr Joxo's memorial or burial. In fact, hours after Mr Joxo's memorial service, the City sent correspondence to Ndifuna Ukwazi denying that Officer Kati or the City is liable for Mr Joxo's death and stated that the City will not pay for any costs relating to Dumisani's memorial or burial. The City has done this despite the fact that Mr Joxo and his family are unable to pay for the burial themselves.

Ndifuna Ukwazi has therefore set up an online fundraising campaign to assist Dumisani Joxo's family with covering the costs for his funeral.

While we explore other options, including a potential damages claim against the City, we are calling on the public to contribute towards ensuring that there are funds available to bury Mr Joxo in the Eastern Cape on Saturday so that his body may be laid to rest.

Link to fundraiser: <https://www.backabuddy.co.za/champion/project/dumisani-joxo>

Allegations of Irresponsible and Inaccurate Reporting by Ndifuna Ukwazi

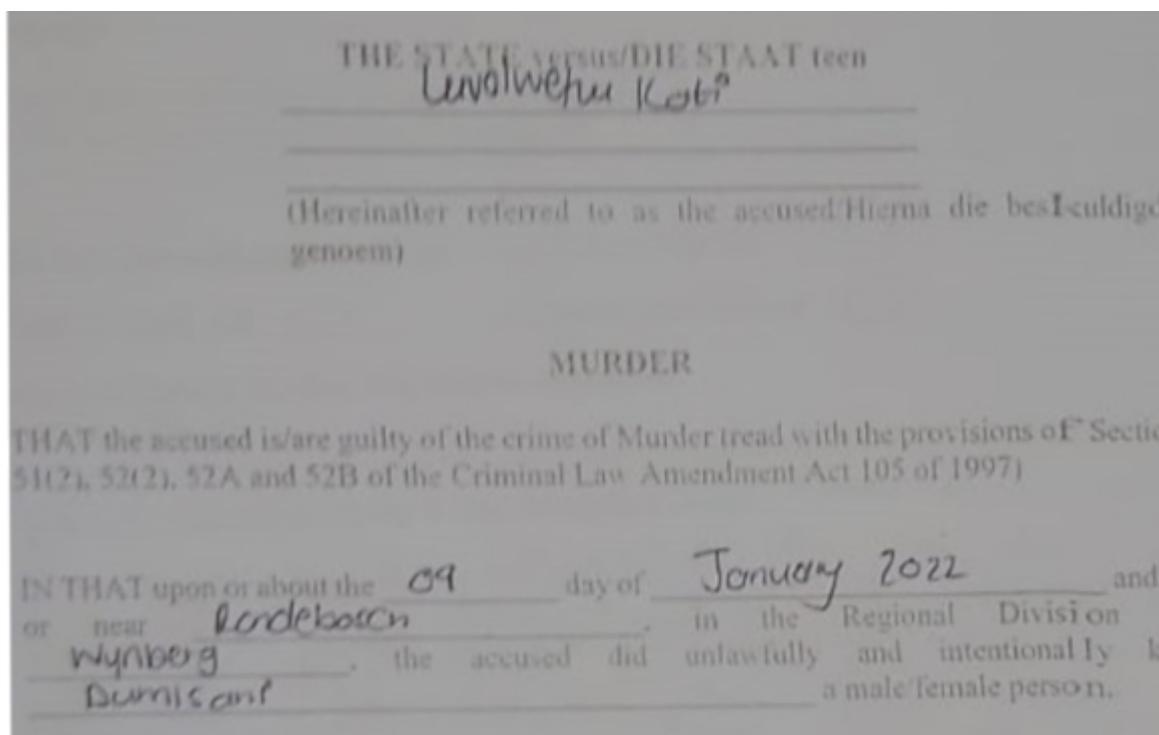
Ndifuna Ukwazi is aware of the City of Cape Town's press statement (12 January) which accuses NU of misleading and false statements. In particular the City noted that:

"The City encourages respect for due process of the official investigation, and notes certain *irresponsible and inaccurate* statements by one group, Ndifuna Ukwazi, regarding this incident. It is necessary to correct these *inaccurate statements*."

Ndifuna Ukwazi further notes the original press statement issued by the City stated:

"As of yesterday's court appearance of a law enforcement officer, *no charge of murder* has been made as *falsely reported in Ndifuna Ukwazi's release*. The matter has instead been postponed to 12 April 2022 as further investigation is required to get to the truth."

The City issued this statement despite clear evidence that Officer Kati was charged with murder (see excerpt from the charge sheet below).



The City's inaccurate statement has since been **removed** from the City's website (as of 15 January 2022) ([link](#)) ([See both press releases here](#)). The website makes no indication when this press release was edited or if it has been re-issued to the press. Ndifuna Ukwazi notes the absurdity of the City accusing NU of false reporting in a statement which itself has irresponsible and inaccurate information.

The City further claims the open fire was a hazard and defends its current social services towards those who live on the street, which are plainly inadequate. The fire in this particular incident was a contained fire used to cook food and it is inhumane for the City to narrowly define this as a hazard. Making it a crime and issuing fines for people to perform ordinary life-sustaining activities such as cooking food is a cruel, inhumane and punitive response to a chronic socio-economic problem. We call on the City to urgently review its position towards people who live on the streets and acknowledge that its current offerings are vastly inadequate.

The City's failure to address a [major affordable housing shortage](#) and an inadequate supply of shelter beds means that homelessness, for many, is not a choice. Moreover, the City's characterisation of people struggling with homelessness as criminals doesn't address the root causes of homelessness, such as poverty, inadequate affordable

housing, a lack of state assistance, mental health issues, substance-abuse, and discrimination. The City's emphasis on law enforcement and punitive measures to deal with homelessness is also expensive and diverts money away from implementing more effective solutions. According to a report by faith-based organisation U-turn, the City [spends R744 million](#) a year on people experiencing homelessness - with the City spending a whopping R345 million (or 45%) on enforcement and punitive measures and only R122 million (or 16%) on social development activities.

We note that the statement claims that law enforcement officers receive six (6) months of training which includes theoretical and supervised practical training. This pales in comparison to the training received by trainee officers of the South African Police Services (SAPS) which constitutes at least [2 years](#). We note that the City did not confirm whether its officers undergo trauma-informed training which leads us to assume that they are not equipped with the necessary skills to engage with street-based communities. We further note the claim that Law Enforcement officers receive the same SASETTA firearm training and call on the City to produce these competency certificates.

Furthermore, the City maintains its view that people who live on the street harbour criminal elements. Ndifuna Ukwazi is concerned with this deeply flawed logic which suggests where a person lives is an indicator of their criminal activity: **Homelessness is not a crime but rather a result of a state that has failed to meet people's needs**

There are no simple solutions to people living on the street, and the City's insistence on treating people experiencing homelessness as criminals is an ineffective approach targeted only at appeasing rate-payers complaints, without finding sustainable and humane solutions to all persons involved.

#JusticeForDumisanijoxo

#HousingNotHandcuffs

#HomelessnessIsNotACrime

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Note to Editors: Should you wish to quote any sections of this press release, you may refer to the speaker as "Ndifuna Ukwazi". I.e 'In a statement issued by Ndifuna Ukwazi, the

organisation stated, "xxx", rather than attributing sections of the statement to one particular person at the organisation.

Issued by Ndifuna Ukwazi

ENDS