



## **The City of Cape Town's Law Enforcement acts in contempt of court order**

IMMEDIATE RELEASE: 29 March 2023

This morning Law Enforcement harassed & burned the money that belonged to the unhoused community in District 6, this is contempt of a court order that was granted against the City of Cape Town's Law Enforcement from conducting such operations in D6.

The unhoused community are victimised by Law Enforcement who also confiscate their belongings. This vile treatment does not help in any way but rather compounds people's trauma.

This vicious cycle - back-and-forth violence against the unhoused community will not address the root causes of homelessness in the mother city but only moves unhoused people from one place to another, "out of sight, out of mind."

If the City has claimed they will follow the law to evict people, and treat them with dignity, then why harass them?

This will never build trust for City social workers, it will only contribute to a worsening relationship between itself and street based people.

The City must work with well-informed organisations and unhoused communities on how homelessness could be resolved. Continually harassing someone who sleeps on the streets and displacing them from the homes they have made does not address the real issue of building suitable alternative housing, like transitional housing.

We put these questions to the City:

- Under whose instructions was Law Enforcement unleashed onto the unhoused?
- Contempt of a court order is illegal. Will the City compensate what they have burned?
- When is the City urgently building more safe spaces & transitional housing?

### **Contact**

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## COURT ORDER

**IT IS ORDERED THAT:**

1. The dispossession of the Applicants' tents, habitable structures and possessions and their eviction by the Respondent on or about 19 September 2021 at or around Sydney Street Parking Area, District Six, Cape Town, without a valid order of court, in terms of the by-law relating to Streets, Public Places and the Prevention of Noise Nuisances (Provincial Gazette 6469 of 2007) is unlawful in terms of section 26(3) of the Constitution, read together with section 8 (1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE);
2. The Respondent shall return the tents, habitable structures, building materials and personal possessions which were removed, to 6 Sydney Street Parking Area, District 6, Cape Town confiscated from the respective Applicants, within 5 days hereof; and

3. Respondent is:

3.1. Interdicted and restrained from evicting the Applicants from their tents and habitable structures at 6 Sydney Street Parking Area, District Six, Cape Town, without a valid order of court granted in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 or any other applicable legislation; and

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3.2. Interdicted and restrained from demolishing damaging, confiscating or otherwise destroying and disposing of the Applicants' tents and habitable structures and personal property without a court order authorizing them to do so;

4. In the event that the Respondent is unable to return the tents, building materials, goods and possessions of the Applicants as aforesaid, the Respondent is liable for a compensatory amount of R1700 (one thousand seven hundred rand) per household: and

5. Respondent shall bear Applicants' costs on an attorney and client scale.



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JUDGE R. ALLIE