

**PRESS RELEASE**  
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## **ETHEKWINI MUNICIPALITY GOES ROGUE, ILLEGALLY EVICTS RESIDENTS**

*eThekweni demolishing shacks at Cato Crest despite undertaking to High Court*

Yesterday and today the eThekweni Municipality has been evicting residents of Cato Crest informal settlement in violation of an undertaking it made to the Durban High Court last month.

Three weeks ago the municipality began demolishing the homes of shackdwellers at Cato Crest settlement without a court order, rendering a number of residents homeless. These residents have been left out of a housing development in the area ostensibly because they are tenants and “come from the Eastern Cape.” They are also, seemingly, being left out of legal protections against evictions. The Cato Crest residents were being assisted by Abahlali baseMjondolo member and Cato Crest housing activist Nkululeko Gwala until his death in an apparent assassination in June 2013. Gwala was exposing corruption in housing allocation at the Cato Manor housing development.

Following the illegal evictions, the residents, together with Abahlali baseCato Crest (a newly formed branch of shackdwellers movement Abahlali baseMjondolo), approached the Durban High Court for an urgent interdict stopping the municipality and KZN MEC for Human Settlements from demolishing shacks at Cato Crest. On 23 August 2013, the residents’ application for interim relief was granted, following an undertaking by the state to the court that it would halt evictions at Cato Crest pending the finalisation of the application for a final order.

In the first instance it is regrettable that the residents were forced to go to court to secure themselves against homelessness. However, the blatant disregard for the rule of law by the municipality is even more concerning. It appears that the ward councillor and ANC branch chairperson were at the site of the evictions yesterday and refused to engage with the residents, stating that they needed a court order to stop the demolition of their shacks. Eight shacks were demolished, three of which belonged to people named in the court proceedings. The other five shacks belonged to people who have lived at the settlement for some time. There is no justification for the evictions. They constitute both a criminal and immoral act. They are the illegal actions of a rogue state.

According to Stuart Wilson, executive director of SERI, *“Both evictions without court orders and the breach of a promise made to a court strike at the heart of the rule of law. The wanton demolition of homes – so common under apartheid - has no place in our democracy. SERI condemns the Durban municipality’s actions, which are both illegal and immoral. It should know better.”*

The residents will return to the Durban High Court tomorrow morning to seek an urgent court interdict against the municipality and MEC for Human Settlements, following the breach of their undertaking to the court. They are represented in court by Adv David Saks.

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