

SYMPHONY WAY ROW

CITY SLAMMED OVER MARIKANA EVICTIONS

Legal body says shack demolitions were 'unlawful'

Daneel Knoetze
STAFF REPORTER

THE LEGAL Resources Centre (LRC) has slammed the City of Cape Town for "unlawfully" evicting people and demolishing their shacks at the Marikana informal settlement in Philippi this week.

In a letter to the city, the LRC's Sheldon Magardie demanded, on behalf of the evicted residents, that the city "immediately refrain from taking further steps (towards) demolishing informal structures... except in terms of an order of court duly obtained". The residents also demanded that the city rebuild the structures that were demolished.

Failing this, the evicted residents would today apply for an urgent interim interdict in the Western Cape High Court, Sheldon concluded.

Over the course of Tuesday and Wednesday, the city's Anti-Land Invasion Unit demolished dozen of shacks, leaving residents destitute.

The unit's members did not present a court order – which is a legal requirement for an eviction to be carried out. When the Cape Argus visited the area on Wednesday, there were collapsed shacks and furniture were littered throughout the settlement.

"We have lost many things," William Mabula, one of the evictees, told the Cape Argus yesterday.

"My (identity booklet) is missing. My food got ruined. My furniture has been damaged... The eviction was very rough, and it was illegal. Who will compensate me?"

Mabula, like many of Marikana's residents, moved to the open plot of land off Symphony Way because he lost his job and could no longer afford rent for a room.



HEAR US

Philippi residents calling themselves the Community of Shack Dwellers march in the CBD
PICTURE: ADRIAN DE KOCK

"This was a bad place before. There was crime, people dumped dead bodies and stolen cars were stashed here," he said. "Today there is no water and electricity for us, but at least we are a friendly community and criminals are no longer welcome."

The land is owned by NTWA Dumela Investments and company spokesman Oscar Saunderson yesterday condemned the Marikana residents for "hijacking" the land and preventing industrial developments "which could create thousands of jobs".

He said the company had secured a court order and that the residents would be legally evicted at a later stage.

The city's mayoral committee member for Human Settlements, Tandeka Gqada, has twice refused to answer questions about whether the unit had a court order when evicting residents

this week. Nor would she answer questions about why the unit over-extended its apparent mandate by becoming involved in a dispute between a private land owner and land occupiers.

Last year she told the Cape Argus that the unit was there to protect "city, provincial or state-owned land" from being invaded.

The city's response also made little reference to the residents' demands via the LRC. Instead, Gqada said that the city intends applying for a court interdict as well.

"The city has a duty to act according to the constitution in upholding the rule of law," Gqada said. "This includes a general duty to... take measures to prevent unlawful land invasions of privately-owned or State-owned land..."

daneel.knoetze@inl.co.za



OUT IN THE COLD

Residents' property was left exposed to the elements
PICTURE: HENK KRUGER

BAIL RULING UPHELD

Krejcir loses bid for freedom, legal team to appeal

CZECH fugitive Radovan Krejcir's application to overturn a ruling denying him bail has been rejected by the High Court in Joburg.

Judge Leonie Windell said yesterday she was satisfied with magistrate Reginald Dama's decision in the Palm Ridge Regional Court on December 13 to deny bail to Krejcir, pictured.

Krejcir, Desai Lufondo, and two members of the Hawks, Warrant Officers Samuel Modise Maropeng and George Jeff Nthoroane, were arrested in November.



They face charges of kidnapping, assault and attempted murder.

In the application, Krejcir's team questioned Dama's decision not to allow them to undertake cross-examination based on an affidavit submitted by the South African Revenue Service.

Judge Windell upheld Dama's decision on this point and agreed that Krejcir and his co-accused were charged under schedule five of the Criminal Procedure Act.

In terms of schedules five and six of this act, an accused must show

that it is in the interests of justice that they be released on bail.

For schedule six offences, however, they also have to show that there are exceptional circumstances justifying their release.

Crimes regarded as schedule five and six offences include murder, rape and robbery.

Judge Windell noted that Krejcir had fled other countries to evade trial and in fear of being murdered.

"Krejcir faces similar circumstances in South Africa. There have been at least two attempts on his life and two of his associates were killed," she said.

Krejcir had expressed the opin-

ion that he would not get a fair trial in South Africa. Also, he did not own assets in South Africa, and had numerous business interests in other countries.

"Being a foreign national does not, in itself, preclude the court from granting bail," Judge Windell said.

She noted that Krejcir had had no difficulty obtaining false travel documents and in hiding from authorities.

She said one witness in the case had received death threats and that his dogs had been killed.

Krejcir's lawyer, Francois Roets, asked that the matter stand down until 2pm so his team could seek

leave to take the matter up with the Supreme Court of Appeal.

In June, Krejcir and his three co-accused allegedly kidnapped and assaulted a man whose brother, known only as Doctor, disappeared with a 25kg shipment of tik he had been recruited to help smuggle through OR Tambo International Airport.

They allegedly kept the man at Krejcir's Money Point business in Bedfordview, Joburg, for four days, and assaulted him.

Krejcir's wife, Katerina Krejcirova, was in court, but she left quickly after the judgment was handed down. – Sapa