



MEDIA STATEMENT

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For immediate release

OCCUPANTS ON MAIN STREET REMAIN HOMELESS

Judge postpones matter for a further two weeks

The South Gauteng High Court today decided that the homelessness of a one month old infant is not an urgent matter. Following the eviction of 230 people on 21 December 2012, the courts, the government, and private landowners have collectively sent a clear message: that urgent housing relief of any type is not available to women who have just given birth, to infants and toddlers, and elderly South Africans.

Legal proceedings continue on behalf of the approximately 230 persons unlawfully evicted from their homes in a building on Main Street in central Johannesburg last December. Attorneys from the Centre for Applied Legal Studies (CAL S), a human rights organisation based at the University of the Witwatersrand, today appeared before the South Gauteng High Court after bringing an urgent application to restore those evicted to their homes, where they have been living for 10 to 13 years and paying rent.

The former-occupants of the building, some of whom have lived there while paying rent for over a decade, include several elderly women, twenty-one children (some under the age of 6 months) as well as people suffering from serious medical conditions like tuberculosis and hypertension. They have all have been forced to sleep in the open under a bridge near the property for over a month, where they have no access to water, sanitation or electricity, and are exposed to the current harsh weather conditions.

Their difficulties began on the 19th December 2012 when they were evicted from their homes without any notice by the Red Ants. While the police initially intervened and the occupants were allowed back into their homes, they were finally removed from the building on the morning of the 21st December. Many of the male occupants were arrested and held at the Jeppe police station for several days. Those evicted were forced to leave behind the vast proportion of their possessions, which remain locked inside the building. The children of school-going age do not have access to their uniforms or school books.

Attorneys at CAL S initiated urgent spoliation proceedings on behalf of the former-occupants of 238 Main Street on the 8th of January 2013. Although a court order granting their eviction exists, this order was never presented to the occupants of the building, and the proper procedure to apply for the order was not followed.

The City of Johannesburg have conducted investigations and found that there was a possibility that the occupants were evicted on a fraudulent court order.

It was a disappointing outcome that the Judge failed to see any urgency to the fact that young children, women who have recently given birth and a community of human beings continue to live under a bridge. Judge Mokgoathleng postponed the matter until the 12th February 2013, at which time the application to rescind the previous judgment will be considered.

Zeenat Sujee, the attorney handling the matter, has voiced disappointment in the occupants' ongoing plight. She said: "the outcome is evident that we have a long way to go before the poor and vulnerable achieve the justice they deserve. It is a concern that even the courts that are the ultimate structures of justice cannot come to the aid of those in desperate need. I fear we are facing a moment of constitutional regression."

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