



**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**CASE NO. 8631/2020**

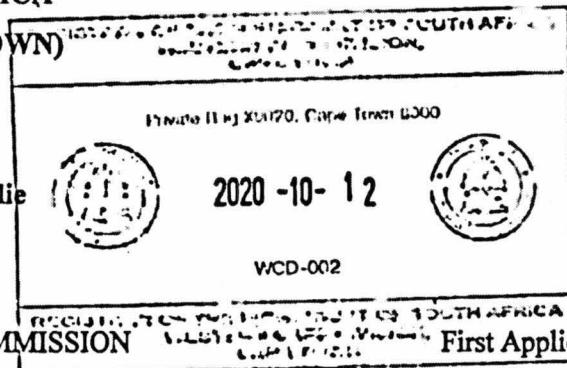
**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**CAPE TOWN: Tuesday 25 August 2020**

**Before the Honourable Ms Justice Meer**

**And Before the Honourable Ms Justice Allie**

**In the matter between:**



**SOUTH AFRICAN HUMAN RIGHTS COMMISSION** First Applicant

**HOUSING ASSEMBLY** Second Applicant

**BULELANI QOLANI** Third Applicant

**And**

**THE CITY OF CAPE TOWN** First Respondent

**THE MINISTER OF HUMAN SETTLEMENTS** Second Respondent

**THE MINISTER OF CO-OPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS** Third Respondent

**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE  
MINISTER OF POLICE** Fourth Respondent

**WESTERN CAPE PROVINCIAL COMMISSIONER: SOUTH  
AFRICAN POLICE SERVICE** Fifth Respondent

**ECONOMIC FREEDOM FIGHTERS** Sixth Respondent

**THE PERSONS WHO CURRENTLY OCCUPY ERF 544,  
PORTION 1, MFULENI** Seventh Respondent

**Having heard the Legal Representative for the Applicants and Respondents  
and having read the documents filed of record;**

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**IT IS ORDERED:**

That pending the final determination of the relief sought in Part B of the Notice of Motion:

1. That the First Respondent, its Anti-Land Invasion Unit (“ALIU”), and any private contractors appointed by the First Respondent to do the same or similar work or to perform the same or similar functions as the ALIU, are interdicted and restrained from evicting persons from, and demolishing, any informal dwelling, hut, shack, tent or similar structure or any other form of temporary or permanent dwelling or shelter, whether occupied or unoccupied, throughout the City Metropole, while the state of disaster promulgated by the Third Respondent in terms of section 23(1)(b) of the Disaster Management Act 57 of 2002, as amended, remains in place, except in terms of an order of court duly obtained;
2. That to the extent that the First Respondent and its authorised agents (such as the ALIU and the private contractors aforementioned) evict and/or demolish any informal dwelling, hut, shack, tent or similar structure or any other form of temporary or permanent dwelling or shelter, whether occupied or unoccupied, in terms of a court order, that they do so in a manner that is lawful and respects and upholds the dignity of the evicted persons, and that they are expressly prohibited from using excessive force, and/or from destroying and/or confiscating the materials which is the property of the evictees;
3. That to the extent that any evictions and/or demolitions are authorised by court order, that the South African Police Services, when its members are present during an eviction or demolition is directed to ensure that the said evictions and/or demolitions are done lawfully and in conformity with the Constitution, in accordance with the SAPS’ Constitutional duty to protect the dignity of the persons evicted.
4. That the First Respondent is interdicted and restrained from considering, adjudicating and awarding any bids or tenders received in response to Tender 308S/2019/20 “Demolition of Illegal and informal structures in the City of Cape Town.
5. That the First Respondent is to return within a week of the date of this order all building materials and personal possessions seized by its Anti-Land Invasion Unit from the Second Applicant between the period 1 May 2020 to date.
  - 5.1 The Attorney for the Second Intervening Party is directed to furnish the First Respondent with a list of names of those persons claiming compensation in the sum of R2000 each in lieu of loss of personal belongings.

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5.2 The First Respondent is to pay the sum of R2000 to each person whose entitlement to compensation is agreed upon. In the event of any disagreement by the First Respondent as to entitlement to compensation once the list is presented, the parties may approach the Court for relief.

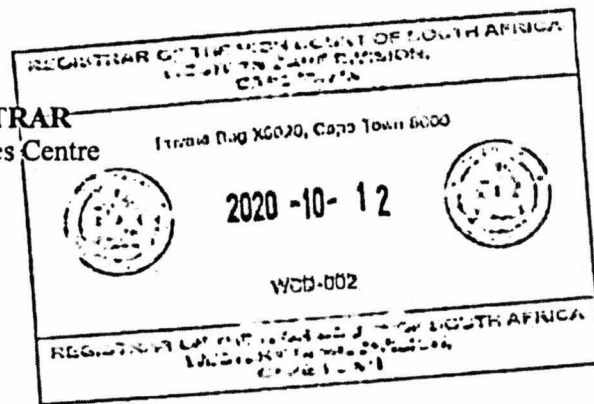
6. That the First Respondent shall pay the cost of the application save for the costs in respect of 25 July 2020. The Fourth, Fifth and Sixth Respondents shall bear the costs occasioned by their opposition to the relief sought at prayer 2.3 of the Notice of Motion.

[V1 - P3]

BY ORDER OF THE COURT

COURT REGISTRAR  
84 Legal Resources Centre  
CAPE TOWN

/avz



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