

The City of Cape Town was contacted on the 14th of August 2020 for in-depth comment on the events and allegations depicted in the film. Detailed responses attributable to both Alderman JP Smith (Mayoral Committee Member for Safety and Security) and Councillor Malusi Booie (Mayoral Committee Member for Human Settlements) were received on the 19th of August 2020 and are available below.

QUESTIONS AND RESPONSES: ALDERMAN JP SMITH (MAYORAL COMMITTEE MEMBER FOR SAFETY AND SECURITY)

QUESTIONS SET A:

Background to the questions based on the events depicted in the video

The film consists of interviews residents of Zwelitsha, Khayelitsha who describe removal of shacks on the 21st of July 2020. Interviewees describe the removal of shacks, the confiscation of material used to build the shacks, the arrest of Mr Mandisi Sindo during these events and the use of rubber bullets by City of Cape Town Law Enforcement, including on minors.

Specific questions around this event (responses from Mr Smith in bold)

Q1. Can you confirm that City Law Enforcement embarked on removal of shacks in Zwelitsha, Khayelitsha, on the 21st of July 2020?

No specific response received.

Q2. Would you like to comment on the process that led to the removal of the homes at this site in Zwelitsha, Khayelitsha, in terms of whether a court order was obtained and whether the removals followed processes required under COVID-19 regulations?

No specific response received.

Q3. Were people provided with provision to relocate to other housing options? Are the homeless people provided with government support to comply with COVID-19 containment and lockdown measures?

No specific response received.

Q4. Could you confirm the arrest of Mr Mandisi Sindo in Zwelitsha, Khayelitsha, on the 21st of July 2020?

Please refer to the South African Police Service.

Q5. Could you provide detail around the circumstances of his arrest – why was he arrested and was he charged?

Please refer to the South African Police Service.

Q6. Could you comment on the use of rubber bullets by the City of Cape Town Law Enforcement on residents in Zwelitsha, Khayelitsha on the 21st of July 2020, including on minors (under the age of 18 years old)?

The City's enforcement staff (Metro Police and Law Enforcement) act in support of SAPS who are tasked with public order policing. The Officers will only engage the crowd with minimum force (by the shooting of rubber rounds as we are not issued with stun grenade to disperse crowds) when the crowd becomes violent and destructive.

It is also important to notice that ALL enforcement agencies use rubber rounds, and responses to unrest would usually comprise multiple agencies.

Q9. Could you confirm that the material used to build shacks in Zwelitsha, Khayelitsha was confiscated on the 21st of July 2020, and could you comment on what is done with that material after it is confiscated?

No specific response received.

Q10. There is an opinion expressed by an interviewee in the film (see quote below) about the City of Cape Town's Law Enforcement being systemically anti-poor, anti-black and difficult to hold to account. Please could you comment on this, and if possible, provide detail of accountability mechanisms that would be relevant for the aforementioned allegations.

The City's Law Enforcement staff are held to account through numerous structures, including the Civilian Oversight Committee within the City; the City's Safety and Security Portfolio Committee; the Western Cape Police Ombudsman and the Portfolio Committee on Policing in the Western Cape government. The City has requested national government to place Law Enforcement under the oversight of the Independent Police Investigative Directorate, but to date this has not taken place.

In addition, members of the public can lay criminal charges against any officer they believe has acted in a manner that constitutes a criminal offence.

In the past two years, there has been 14 dismissals of Law Enforcement Officers following charges of misconduct which attests to the City's accountability with regard to staff who contravene the code of conduct. The City does not take charges laid against its staff lightly and we ensure that they follow due process and are aligned to the stipulated disciplinary processes.

Quote: "What we've seen, and what we've discussed, what we've witnessed across Cape Town, is that these individual cases of abuse of power, of the victimisation of people are not just individual cases. They are systemic. This is with regards of the City of Cape Town's Law Enforcement, which is also a rogue unit, that is difficult to hold to account. And so, what we are saying is that in order for us to deal with all these things, the whole of the Law Enforcement of the City of Cape Town must be abolished, because it is an anti-poor and anti-black structure, that is used to victimise poor and black people across the City of Cape Town."

The City specifically notes the above quote as an unsubstantiated racial slur against our dedicated Law Enforcement staff of all races and request we specifically be quoted in this in response should the above quote be used in the film.

QUESTIONS SET B:

Background to the questions based on the events depicted in the video

During interviews, a community member alleges that during a small community demonstration at the Harare Police Station, Khayelitsha on the 22nd of July, the community was told that soldiers would be called if people did not disperse.

Specific questions around this event (responses from Mr Smith in bold)

Q11. Could you comment on these allegations?

The City is not aware of this. Given that the demonstration was outside the police station, it stands to reason that SAPS would have responded to the situation.

Q12. There are opinions expressed in the film, by various interviewees, that suggest that the only way to reform the City of Cape Town's Law Enforcement is to completely abolish it. Would you like to comment on this?

The City of Cape Town has worked hard to fill the enforcement vacuum left by understaffing within the SAPS in the metropole, by increasing our staffing complement across the three enforcement services. The hundreds of officers within the Law Enforcement Department spend most of their days working to secure some of our most vulnerable areas in the city.

The comments are a disservice to the men and women who put their lives on the line for the public. More so, officers are trained to act to contain illegal activities. The violence that has beset Cape Town in recent months cannot be left unchecked. And, while the City respects people's right to protest, this cannot be at the expense of the safety of others.

Since 11 July 2020, there have been 109 land invasions and related unrest, with 46 injuries to staff, 32 government and private vehicles damaged and 84 arrests. In the last week, there has been a slight downturn, but it continues eating away at our resources. While costs can be attached to the infrastructural damage, the emotional and psychological toll on enforcement staff and the affected members of the public and business cannot be quantified. The sustained unrest also means that we have fewer resources to go around and address other pressing crime and anti-social issues in many of our communities.

QUESTIONS SET C:

Background to the questions based on the events depicted in the video

The film documents a community protest on the 23rd of July 2020 at Quarantine (Makhaza, Khayelitsha) and the response from City of Cape Town's Law Enforcement. During this incident, it is alleged and confirmed on film that at least four people were shot using rubber bullets.

Specific questions around this event (responses from Mr Smith in bold)

Q13. Please could you comment on this incident, including the use of rubber bullets by the City of Cape Town's Law Enforcement Officers.

As indicated, the City's enforcement staff (Metro Police and Law Enforcement) act in support of SAPS who are tasked with public order policing. The Officers will only engage the crowd with minimum force (by the shooting of rubber rounds as we are not issued with stun grenade to disperse crowds) when the crowd becomes violent and destructive.

Q14. There are opinions expressed by interviewees in the film that the City of Cape Town, and Mr Malusi Booi specifically, has not fulfilled its duty in engaging with community members around issues of housing and other basic services such as water and sanitation, specifically around plans to address these issues. Please could you comment on this?

No specific response received.

RESPONSE: COUNCILLOR MALUSI BOOI (MAYORAL COMMITTEE MEMBER FOR HUMAN SETTLEMENTS)

Mr. Booi did not respond to each question in detail but rather provided the following general response to the set of questions above:

This was not an eviction but removal of partially built structures. The City cannot allow land and projects to be invaded. The large number of orchestrated land invasions in Cape Town should be great cause for alarm as it has enormous impacts on local governments and local communities. We urge political parties, activist organisations and community leaders to please consider the bigger picture and to stop driving or condoning land invasions for short-term gain as the long-term impacts are immense.

The opportunity cost of land invasions is incredibly high. To name several examples:

- Delays in vital housing and infrastructure projects due to land invasions on these properties
- Attempts to queue-jump the housing list or illegally occupy newly built units ahead of long-deserving residents
- Pollution of water systems due to uncontrolled growth
- Loss of investments and economic potential due to invaded private property
- Invasion of private land that cannot be serviced by the City
- Invasion of land that is dangerous for human occupation due to flooding, access and building stability

The City is acting to reduce the impacts of land invasions on our communities at large and will continue to intervene for the stability of our communities.

The illegal occupation of land is against the law, but also poses great fire-, safety-, health- and flood risks. Having various new settlements forming in an unplanned manner also poses a risk to the City's informal settlement's COVID-19 response. The City has no budget allocated to potential new unplanned settlements formed through illegal occupation because of the unplanned manner. These actions are illegal and consequently impact on service delivery to other residents.

Orchestrated land invasions cannot be condoned as it stretches already finite City resources and negatively impacts on planned housing, service delivery or community projects.

The City urges those who are leading protests to do so in a peaceful manner as the level of violence that has been experienced against City staff, communities and law enforcement agencies while trying to uphold the law is unacceptable. It takes us backwards and does not move us forward.

Note:

The City's teams only discharge rubber bullets if provoked to primarily disperse crowds and when they come under threat from harm or law abiding residents are threatened. No live ammunition is used by City authorities.

Should material be removed as part of the prevention of illegal occupation actions, individuals can contact 021 444 0092 between 07:00 and 16:00 for more information about making an appointment to collect their materials.

The City calls on further immediate assistance from the South African Police Service and the arrests of those who are instigating these destructive and violent invasions.

Anonymous tip-offs welcomed:

Residents can give anonymous tip offs if they are aware of illegal activity that is taking place; that has happened or is still to happen. Please call 112 from a cell phone (toll free) and 107 from a landline or 021 480 7700 for emergencies.