

SAMPLE LETTER

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OPEN LETTER:

## **CONCERN ABOUT THE TRIAL AGAINST TWELVE INHABITANTS OF KENNEDY ROAD, DURBAN**

Honorable Mr. Mchunu,  
we are ..

We are writing to you, because we are very concerned about the treatment of shack dwellers from the Kennedy Road settlement in Durban by the regional authorities.

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Abahlali baseMjondolo (AbM) is a membership based grassroots organization of shack dwellers and other poor people in which all positions are contested annually. It is multi-ethnic and multi-racial and there are many women in important positions within the organization. AbM was able to organize innovative and effective campaigns for the housing rights of the urban poor across KwaZulu-Natal and in Cape Town. It's achievements include the negotiation of an agreement to upgrade two settlements in Durban, including Kennedy Road, and to provide basic services to fourteen settlements as well as the recent Constitutional Court ruling in favor of the organization and against the KwaZulu-Natal Elimination and Prevention of Re-Emergence of Slums Act - a piece of legislation widely condemned as repressive and reactionary in the international human rights community. In recent days the eThekweni Municipality in Durban has announced that it intends to provide basic services to all shack settlements in Durban on the model first negotiated between AbM and the Municipality. This will improve the lives of hundreds of thousands of people.

Recent shack fires in the Kennedy Road informal settlement, which made thousands of people homeless, again underline the urgency of change in South Africa's policies regarding informal settlements, and the need for independent self-organization of the concerned dwellers in order to achieve this goal. The big success of AbM in it's legal proceedings against the KwaZulu-Natal Slums Act show that in South Africa there is a serious chance that this way can lead to real change in favor of the people.

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A democratic society and progressive social housing policies necessarily need independent organizations of inhabitants, which remind state authorities of their duties for the human right to housing and, therefore, such independent organization must be respected and supported by the state. However, developments since last autumn give us reason to doubt that authorities in KwaZulu-Natal are always following these democratic principles.

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By AbM, but also by international media, Amnesty International, the Centre on Housing Rights & Evictions and various church and development aid organizations we have been informed about the circumstances under which twelve activists from the Kennedy Road shack settlement in Clare Estate, Durban, will stand trial on a charge of murder at 12 July 2010.

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On the night of the 26th of September 2009 there was violent conflict in the Kennedy Road settlement which resulted in two deaths, a number of injuries and the demolition of the homes of the Abahlali baseMjondolo leadership in the settlement and their expulsion from the settlement. More than 30 homes were destroyed and more than a thousand people fled the settlement.

Testimonies of independent witnesses proved that the attack began when a group of around forty armed men stormed an Abahlali baseMjondolo Youth Camp shouting slogans against Abahlali baseMjondolo and its leaders and for the African National Congress. There was also a clear ethnic (pro-Zulu and anti-isiXhosa speaking Mphondo people) aspect to what they were shouting. Some members of the community made several attempts to call the nearest

police station and the reply they got was that there were no police vans available.

The next morning police arrested thirteen active shack dwellers of Kennedy Road who are also members of AbM. Abahlali baseMjondolo and some independent witnesses allege that following the arrests, and in the presence of the police, the homes of all the key Abahlali baseMjondolo leaders in the settlement were systematically destroyed. There is no dispute about that fact that the homes were destroyed or the fact that no one has been arrested for this.

Abahlali baseMjondolo reports that after the attack the demolition of homes of its supporters in the Kennedy Road settlement continued. Activists feared for their lives and left the neighborhood. All this and a general climate of fear and intimidation has seriously disrupted the movement's work.

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It is quite clear that the official account of the attacks is not accurate. It is also clear that there are reasons for serious concern about the judicial process following the attack. Five of the twelve are still in custody although there never had been the correct following of the law which states clearly that no one may be detained more than 24 hours without proof of wrongdoing being brought before a judge. We were also told that the judge clearly said that due to political pressure, she cannot grant the bail for Kennedy Five.

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We got the impression that this whole proceedings have a political background. To us it seems, that there is a strategy to criminalize and destroy the political independence of AbM. This would be against national and international standards of civil and human rights.

On the other hand, we really hope that the responsible authorities in KwaZulu Natal will not allow the continuation of these illegal practices and immediately will guarantee that the trial of July 12 will follow the legal standards and that there will be a full investigation into the demolition of the homes of AbM activists in the settlement and the expulsion of the movement from the settlement.

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We strongly support the demand of Abahlali baseMjondolo for an independent commission of inquiry and that the judicial process should be halted until such an enquiry has been conducted.

We also demand that the right to free association in Kennedy Road must be immediately defended by the police and that all political organizations must be allowed to operate freely in the settlement.

We will continue to observe the further action the authorities undertake in this case. We kindly ask you to reply to this letter.

Sincerely