

PRESS RELEASE – 9 March 2012

## **City of Johannesburg set to breach Constitutional Court Order**

### **Residents go back to Constitutional Court to compel City to identify alternative accommodation and engage meaningfully**

The residents of Saratoga Avenue will return to the Constitutional Court this month to force the City to obey an order to provide them with temporary housing. The residents fear that the City has made no provision for them and intends to ignore the Constitutional Court's order in *City of Johannesburg v Blue Moonlight Properties*, handed down on 1 December 2011. In that case, the Court ordered the residents to vacate their homes on land owned by Blue Moonlight by no later than 15 April 2012. The City of Johannesburg was directed to provide the residents with alternative accommodation by no later than 1 April 2012. The Court also found that the residents' exclusion from the City's temporary housing programme was unconstitutional.

The residents, and their legal representatives at the Centre for Applied Legal Studies (CALs), have repeatedly asked the City for details of the alternative accommodation to be provided in terms of the Constitutional Court order. The City has not responded. The City had asked the residents to place their names on a register, but now claims that the register has nothing to do with the provision of accommodation.

The residents have urgently applied to the Constitutional Court to extend the deadline for compliance with the eviction order and the order to provide alternative accommodation. They also ask the Court to direct the City to engage with the residents on where the accommodation will be and what form it will take.

Kathleen Hardy, the attorney for the residents, said "We have been trying to engage with the City for three months regarding the provision of accommodation to our clients. Yet it has refused to provide any meaningful information about what it intends to do to comply with the order of the Constitutional Court. If the City does not comply with the order, the occupiers will be evicted onto the streets. Regrettably, because the City has done nothing to engage with us or our clients, it has become necessary to approach the Constitutional Court again. The City only has itself to blame for this."

Jackie Dugard, Executive Director of the Socio-Economic Rights Institute of South Africa (SERI), which has also assisted the residents, said that "the City of Johannesburg has displayed a blatant disregard for its obligations to the residents of Saratoga Avenue, and for the authority of the Constitutional Court. Yet again, the City shows a lack of care and concern for the most vulnerable members of the community it serves."

The residents have asked that the case be heard on 30 March 2012. They will be represented in court by Advocates Paul Kennedy SC, Heidi Barnes and Stuart Wilson. The papers filed in the case so far are available [here](#).

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