

OUT IN THE COLD

City of Cape Town defends ‘dumping’ of homeless under bridge

By Vincent Cruywagen • 25 May 2020



Displaced people were moved from all around Western Cape to a temporary shelter at Strandfontein Sports Field. (Photo: Gallo Images / Brenton Geach) Less

The remaining homeless people at Strandfontein temporary shelter were removed on Wednesday 20 May, following a court order granted by Judge Robert Henney.

The City of Cape Town has disputed the contents of a letter sent by a lawyer representing the interests of homeless people “dumped” under a bridge at Culemborg after the closure of a temporary shelter at Strandfontein.

The City’s executive director of safety and security, Richard Bosman’s response on Saturday 23 May came in the wake of a letter sent by Lucien Lewin from the law firm Dingley Marshall.

Lewin’s letter, on behalf of the Community Chest, follows the City’s “dumping” of 178 homeless people under a bridge at Culemborg on Thursday 21 May.

Lewin requested the City to provide an undertaking by not later than Saturday 23 May to provide security to the Culemborg homeless until the quarantine assessment by the Department of Health was completed and they were able to leave the area.

The remaining homeless people at Strandfontein temporary shelter were removed on Wednesday 20 May, following a court order granted by Judge Robert Henney. The order was signed while the previous lawyer for the homeless, Sanja Bornman, from Lawyers for Human Rights (LHR) represented them. The LHR later withdrew after the order was signed and Lewin took over representation.

Lewin also asked the provincial Department of Health to ensure that those who needed quarantine or isolation be provided with this.

He touched on the issue of a homeless woman who tested positive for Covid-19 on Wednesday 13 May. Lewin said the woman was in Haven Tent 2 and had had contact with at least 178 other persons who shared the tent.

“A number of these 178 individuals have already been allowed to reintegrate with the rest of the homeless community. Approximately 140 of these people are currently trying to self-quarantine when they were abandoned in the Culemborg area of the Foreshore,” said Lewin.

He added that the group was concerned about spreading the virus and wanted to be assessed, adding that given that the Western Cape is a Covid-19 hotspot with a high level of infection, neither the City nor the province could responsibly permit the development of another hotspot or the circulation of individuals who could be vectors for the disease.

Bosman said any contention that the situation at Strandfontein site posed a public health threat was incorrect. The measures put in place by the City are set out in papers filed in various court applications pending before the Western Cape High Court, he added.

“The City denied that the close contacts of the female who tested positive at the site were quarantined at a quarantine facility in Melkbos. The persons that were dropped off close to the Culemborg site were offered accommodation at recognised established shelters,” said Bosman.

He said that people had “expressly demanded that they were dropped off in the city centre. The City has no right in law to compel them to take up accommodation at shelters against their will. This is recognised in the order granted by Judge Henney.”

In terms of a high court order, the City was instructed to move and transport at least 33 people to a provincial quarantine facility in Melkbosstrand. The City was also ordered to provide the remaining individuals with accommodation at a safe space by not later than May 31.

Bosman conceded that a woman who had tested positive had left the Strandfontein site on Monday 11 May but maintained she had not been sheltered at Tent 2 during her stay. The woman, however, did visit Tent 2 and had been in close contact with 33 people, all of whom had been quarantined.

After confirmation of the positive test result on Wednesday, 13 May, no one had been permitted to leave the Strandfontein site until all close contacts had been traced and quarantined.

Bosman said Lewin was incorrect in asserting that many more residents of the Strandfontein site had been exposed to Covid-19.

The SAHRC had provided the City with a list of 27 close contacts of the woman while the City had identified only six close contacts.

“It bears emphasis that all measures implemented at the Strandfontein site were aimed at preventing and limiting the spread of Covid-19. Any court application will be opposed and the City will seek an appropriate punitive cost order. The contemplated proceedings are clearly vexatious and driven by an ulterior motive,” Bosman concluded.

Meanwhile, Xolani Sotashe, leader of the opposition in the City of Cape Town, launched a scathing attack on the City’s Mayoral Member for Community Services and Health, Zahid Badroodien and Mayor Dan Plato.

He pointed out that despite the City suffering a defeat in the Western Cape High Court last week, Plato had tried to present the judicial setback as a victory.

The court ruling was “a victory for democracy and marginalised people over creeping totalitarianism”.

“We warned that the City was irresponsible unleashing a health hazard on our streets. Others have sounded similar warnings,” Sotashe said. **MC**