Photographs: Greg Marinovich, Thomas Coggin and various SERI staff members. Cover photo by Greg Marinovich

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2012 and 2013 have been important years in South Africa’s transition. The Marikana massacre has shown us just how far we have strayed from the vision of a just society, in which everyone is treated with concern and respect. Beyond Marikana, South Africans are waking up to the ugly truth of a brutal police force, trigger happy, over-armed and undertrained. State violence has never been higher on the post-apartheid national agenda. Illegal evictions and demolitions of homes, the lawless harassment of informal traders and the general exclusion of the poor from the economic benefits of urban life continue to blight our national conscience.

FROM THE BOARD

Difficult as these events have been, they may yet play a role in guiding us back onto the path towards constitutional justice. The Marikana Commission of Inquiry, after several false starts, has finally begun to uncover the horrible reality of 16 August 2012. Our courts are becoming gradually more persistent in their enforcement of socio-economic rights, especially the right to housing. New formations of poor people are becoming more confident in their demands that we keep the constitutional promise of a better life for all.

In this context, there has never been a greater need to provide strategic support for poor people’s movements in their struggles to claim the basic elements of a decent existence. During the last 18 months, SERI has led the way in assisting marginalised people, and those who represent them, to set the national agenda. Our ground-breaking work at the Marikana Commission of inquiry has placed the victims of that massacre, and their families, at centre stage. SERI has not only played a key role in establishing the truth of 16 August, we have also been at the forefront of efforts to ensure that the miners and the families of the deceased are treated with appropriate respect and concern before the Commission itself.
More broadly, we have continued our work with communities facing eviction and demanding better housing, as well as those facing oppressive conduct by banks, landlords and the local state. Our work is truly national and international in its scope: encompassing major interventions affecting communities in 5 provinces, influencing the national debate on a range of issues, including housing policy, police brutality, informal settlements, access to water and sanitation, access to courts, and criminal justice. Internationally, our presence is felt across an ever stronger network of social justice organisations mobilising in the global South.

SERI’s financial and organisational position is very strong. We have grown to a staff of 17 dedicated, talented individuals; and will maintain ourselves at this level – large enough to make a national difference, small enough to maintain our focus, cohesion and our vision. I am genuinely honoured to be surrounded by a lively, enthusiastic and gifted team, whose day ends when the work is done, not when the clock ticks past office hours.

In this report, you will read the highlights of our work over the last 18 months. If you want to know more, or if you are interested in participating in, or supporting our work, visit www.seri-sa.org, or e-mail me on stuart@seri-sa.org.

In terms of the latter, SERI has also been at the forefront of civil society’s response to the Marikana massacre on 16 August 2012, acting for the families of the deceased mineworkers, as well as the Association of Construction and Mineworkers Union (AMCU), before the Marikana Commission of Inquiry. In recognition of SERI’s work keeping the Marikana families on the national agenda, the organisation has been awarded the Institute for Justice and Reconciliation’s 2012 Reconciliation Award, which will be officially presented at a ceremony in Cape Town on 27 November 2013. As this review highlights, the litigation team has continued to do sterling work through precedent-setting litigation on behalf of poor people living in the inner city of Johannesburg and others affected by inadequate housing and basic services.

A research highlight of 2013 was the publication of a ground-breaking research report, ‘Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa in partnership with the Community Law Centre (CLC) at UWC. SERI has also continued to strengthen its African regional and international networks through the co-hosting of an African Regional Social Rights Litigation Workshop in March 2012, and a Regional Consultation on Security of Tenure for the Urban Poor in May 2013 (with the UN Special Rapporteur on adequate housing).

In May 2013, we were honoured that Justice Zak Yacoob accepted an appointment as Patron of SERI. He will be assisting the organisation initiate a public lecture series on socio-economic rights, and has already made an invaluable contribution in assisting and advising SERI on various aspects of our work. SERI also bids farewell at the end of the year to Prof Danwood Chirwa who steps down as a member of the Board of Directors after three years of dedicated service. We thank him for his service to SERI and wish him well. We are delighted to welcome Adv Dumisa Ntsebeza SC as a new member of the Board of Directors with effect from January 2014.

I would also like to take this opportunity to thank Jackie Dugard for her three very successful years in leading SERI as its executive director. Jackie stepped down to become a senior researcher at SERI and continues to sit on the Board of Directors and develop SERI’s international profile. Stuart Wilson, SERI’s previous director of litigation, has been appointed to replace Jackie, and Teboho Mosikili has been appointed as director of litigation to replace Stuart. SERI also appointed two new attorneys during 2013, as well as a legal researcher. With these appointments, I am confident that SERI will continue to grow from strength to strength.
The Socio-Economic Rights Institute of South Africa (SERI) is a registered non-profit organisation and public interest law clinic that provides professional and dedicated socio-economic rights assistance to individuals, communities and social movements. SERI conducts applied research, litigates in the public interest, facilitates civil society mobilisation and coordination, engages with government, advocates for policy and legal reform, and conducts popular education and paralegal training.
We focus our research, advocacy and litigation into three main areas:

» Housing and evictions: protecting and fulfilling the right of access to housing and challenging unlawful evictions;

» Access to basic services: defending and promoting access to basic services (access to water, sanitation and electricity), particularly in informal settlements; and

» Political space: Protecting political space for peaceful organisation, expression, participation and protest.

**Aims**

» To advance the currency of human rights and particularly socio-economic rights in South Africa.

» To promote the fulfilment of socio-economic rights by vulnerable communities in South Africa.

» To assist poor and marginalised groups to realise an adequate standard of living.

» To contribute to public governance through empowering local communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable.

**Objectives**

» To advance the currency of human rights, and particularly socio-economic rights in South Africa through contributing to and influencing socio-economic rights-related debate and practice.

» To ensure pro-poor legal and policy frameworks and to develop socio-economic rights jurisprudence through strategic advocacy and litigation.

» To promote the fulfilment of socio-economic rights and an adequate standard of living for vulnerable groups in South Africa through providing dedicated, expert socio-economic rights assistance to poor communities, social movements and women’s and migrant groups.

» To advance public governance through empowering local communities to understand their rights, government processes and to engage effectively in such processes, thereby holding government accountable particularly at the local level, where delivery and local democracy are affected.

» To contribute to the networking and coordination of rights-based civil society initiatives and campaigns in relation to access to housing, water, electricity and sanitation, with a particular focus between 2012 and 2014 on advancing activism around regularising housing and basic services in informal settlements.
In January 2013 we took a decision at our strategic planning meeting to align our work in terms of key strategic themes, in order to ensure more coordinated integration of SERI’s research, litigation and advocacy activities. These strategic themes are:

» Inner city housing;

» Informal settlement upgrading and basic services; and

» Participation, protest and political space.

During 2013 we aligned most of our work with these three strategic themes, which are discussed in more detail below.

2.1.1. Inner City Housing

SERI’s inner city housing theme thus focuses on housing and eviction related matters, security of tenure and rental housing issues. This campaign relates to the continued need to combat evictions, develop pro-poor law and policy related to rental accommodation and ensure that people who are evicted are not rendered homeless but are instead provided with decent alternative accommodation. The theme further advocates for the creation of subsidised formal low-income rental accommodation for the urban poor.

2.1.2. Informal Settlement Upgrading and Basic Services

SERI’s informal settlement upgrading and basic services theme is aimed at addressing the virtually non-existent in situ upgrading of informal settlements in South Africa. Despite a largely progressive legal and policy framework that expressly requires the state to embark on informal settlement upgrading projects, the state has failed to initiate upgrading projects on their own volition. Instead, the state response to informal settlements has been one of relocation and evictions of informal settlement residents. This has meant that the legal framework has become
increasingly important as communities sought to resist these relocations and compel *in situ* upgrading. It is in this light that the theme will address the critical failure on the part of the state to effectively initiate and implement participatory and inclusive informal upgrading projects. It will further aim to advance access to basic services and security of tenure to those living in informal settlements, and elsewhere.

2.1.3. Participation, Protest and Political Space

SERI’s theme on participation, political space and protest flows from the disjuncture between the legal and policy framework governing local government, which requires public participation in local government decision-making, and the significant lack of actual engagement at grassroots level. The formal channels of engagement with the state are often inaccessible or effectively closed down to marginalised communities, which has led to CBOs, community forums and social movements increasingly turning to informal participatory mechanisms, such as ‘service delivery’ protests. While freedom of assembly and demonstration is a legitimate form of democratic participation, local authorities and police officials often frustrate this form of expression. Further, the use of force by the police has become a defining feature of the policing of public protests and the arrests of activists on frivolous charges and abuse of the criminal justice system to silence dissent is commonplace.

Since October 2012, SERI has focused much of its energy on the aftermath of the Marikana massacre that took place in August 2012 (see section 4.3.1 of this report below). This tragic event was a particularly dark point in South Africa’s history, when police officers opened fire on striking workers at the Lonmin Marikana mine on 16 August 2012, killing 34 people. Many other strikers were injured, and 240 people arrested on common purpose murder charges. Since October 2012, SERI has represented 36 families of those killed by the police at Marikana in August 2012. SERI also represents the Association of Mineworkers and Construction Union (AMCU) before the Marikana Commission.
2.2 Board of Directors and Patron

SERI has a Board of Directors which holds meetings at least three times a year, and comprises the following people:

- Prof Sandra Liebenberg (Chairperson) | H. F. Oppenheimer Chair in Human Rights Law, University of Stellenbosch
- Prof Danwood Chirwa
  Head of the Public Law Department, University of Cape Town
- Dr Jackie Dugard
  Executive Director emeritus
- Prof Adam Habib
  Vice-Chancellor, University of the Witwatersrand
- Prof Jonathan Klaaren
  Professor of Law, University of the Witwatersrand
- Tshepo Madlingozi
  National Advocacy Coordinator, Khulumani Support Group
  (inactive, while pursuing a PhD at Birkbeck, University of London)
- The Right Reverend Rubin Phillip
  Bishop of the Anglican Diocese of Natal
- Adv Stuart Wilson
  Executive Director, SERI

In May 2013 Justice Zak Yacoob was appointed as the Patron of SERI. Justice Yacoob served as a Justice of the Constitutional Court of South Africa from 1998 to 2013, during which time he wrote a number of groundbreaking judgments for socio-economic rights. These include *Grootboom*, *Olivia Road*, *Mooiplaats*, *Skurweplaas* and *Motswagae*. As Patron of SERI, Justice Yacoob will assist us in starting a public lecture series on socio-economic rights, will be on hand to advise and encourage us in our work, and will disseminate information on socio-economic rights.
2.3 staff

SERI has a permanent staff complement of 16 staff members, as well as a part-time financial consultant, Wendy Anne van Lingen, and a part-time cleaner, Pinkie Moremi. SERI’s full-time staff members include:

» Stuart Wilson
  Executive Director

» Teboho Mosikili
  Director of Litigation

» Michael Clark
  Legal Researcher

» Jonty Cogger
  Candidate Attorney

» Jackie Dugard
  Senior Researcher

» Portia Khuselwa Dyantyi
  Families Liaison at the Marikana Commission

» Tashwill Esterhuizen
  Attorney

» Sanele Garane
  Operations Manager

» Zwelakhe Makgalemele
  Litigation Fellow

» Princess Magopane
  Candidate Attorney

» Lindokuhle Mdabe
  Candidate Attorney

» Mami Molefe
  Operations Assistant

» Naadira Munshi
  Research Fellow

» Kate Tissington
  Senior Research and Advocacy Officer

» Thapelo Tselapedi
  Research and Advocacy Officer

» Nomzamo Zondo
  Attorney

In December 2012, Jackie Dugard stepped down from her post as executive director and became a senior researcher at SERI. Stuart Wilson, previously director of litigation, replaced Jackie as executive director, and Teboho Mosikili was appointed as director of litigation. SERI also made three new appointments during 2013, which included Nomzamo Zondo, Tashwill Esterhuizen and Michael Clark. Khuselwa Dyantyi has recently been appointed to the full time staff as our receptionist. She continues to play a role assisting the families at the Marikana Commission of Inquiry.
SERI welcomes interns and volunteers to assist with research, advocacy and litigation throughout the year. These include full-time litigation internships, shorter research internships and volunteer positions. During 2012, SERI hosted a number of interns and volunteers:

- **Makale Ngwenya**: Research Intern (August to October 2012)
- **Anna Alcaro**: Fulbright Fellow (September 2011 to August 2012)
- **Gabrielle Forte**: Research Intern (June 2012 to July 2012)
- **Shweta Kumar**: Research Intern (June 2012 to July 2012)
- **Elisabet Van Wymeersch**: Research Intern (January to June 2012)
- **Naadira Munshi**: Research Assistant (February to April 2012)

Since January 2011, SERI has also provided opportunities for LLB students from the University of the Witwatersrand to work on a part-time basis conducting field research. This generally includes liaising with clients, compiling case information about clients’ household numbers, income, work, as well as access to housing and other basic services. The initiative is supported and funded by the Law School’s Bram Fischer Human Rights Programme.
SERI is wholly dependent on donor funding and is grateful to all donors for supporting SERI’s work. SERI’s funders are:

» Atlantic Philanthropies
» Bertha Foundation
» Ford Foundation
» German Catholic Bishops’ Organisation for Development Cooperation (MISEREOR)
» Open Society Foundation
» The Raith Foundation
» Sigrid Rausing Trust

SERI has also established a Special Fund for its involvement in the Marikana Commission of Inquiry. This funding is obtained from:

» Hivos
» Legal Aid South Africa (Legal Aid SA)
» Multi-Agency Grants Initiative (MAGI)
» The Raith Foundation

SERI’s Law Clinic is able to take on more work than can reasonably be performed by its own attorneys and counsel. This is made possible because attorneys and counsel outside SERI regularly accept instructions from us *pro bono*, for a contingency fee or for a reduced fee. We are accordingly grateful to the following individuals and firms who have accepted instructions from us on this basis: Daniel Berger SC; Tim Bruinders SC; Geoff Budlender SC; Matthew Chaskalson SC; Anna Marie de Vos SC; Andrea Gabriel SC; Paul Kennedy SC; Dumisa Ntsebeza SC; Heidi Barnes; Steven Budlender; Irene de Vos; Adrian Friedman; Anthony Gotz; Kate Hofmeyr; James Howse; Nicole Lewis; Tebogo Manchu; Tholoane Mtolosenya; and Trudie Nichols Attorneys.
SERI regards research reports and publications as more than just outputs, and pursues them as inputs into advocacy and ongoing or new litigation. In the same way, our advocacy and litigation experiences provide focus and direction for our research endeavours, which range from resource and training guides, research reports and working papers. Beyond this, SERI views its research as being critical to contributing to scholarship and influencing debates about the role of law in society, as well as the role of courts in a deeply unequal socio-economic context. To this end, SERI staff members - irrespective of whether or not such individuals are employed specifically in a research role - are encouraged to participate in academic collaborations and scholarship. Doing so not only enriches South African jurisprudence more generally, but also increases SERI’s local and global profile.

During 2012 and 2013, SERI also undertook a range of research projects, which are detailed below. The research reflects recognition of both increasing urbanisation in South Africa, the need to recognise and legitimise processes of informality, and to debunk notions pervading the provision of formal housing such as, for example, the existence of waiting lists for housing.
April 2013

‘Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa

Community Law Centre (CLC) and SERI

This research report by the Community Law Centre (CLC) and SERI analyses perceptions and practice around housing demand and allocation in South Africa. In looking at policies and processes at national, provincial and local level, the report provides recommendations to government departments at all three levels. The report argues that the ‘housing waiting list’ as it is understood in the mainstream discourse is a myth, which should be eradicated from public discourse on housing in favour of a more nuanced way of characterising a rational, appropriate and human response to the broad range of housing needs in South Africa.


May 2013

Report to the Constitutional Court in the Matter of Mzimela and Others and Nedbank Ltd and Others

SERI and Legal Resources Centre (LRC)

On 24 August 2012, 46 applicants who collectively refer to themselves as the “Forgotten Poor Black Citizens of South Africa” approached the Constitutional Court to make an application for direct access to the Court. The applicants seek an order from the Court setting aside a number of court orders from lower courts. The applicants declined the suggestion to obtain legal representation and, in order to further its understanding of the matter, the Court requested SERI and the Legal Resources Centre (LRC) to conduct an initial investigation into the application and to compile a report of the findings. SERI and the LRC found that at the core, the majority of the matters the applicants seek to bring under appeal point very strongly to potentially far-reaching systemic failures in the process of evictions and executions concerning residential property.
April 2013

To Whom Do the People Take their Issues? The Contribution of Community-Based Paralegals to Access to Justice in South Africa
Jackie Dugard and Katherine Drage

This paper was prepared for the Justice and Development Working Paper Series. It examines the role of paralegals in providing a crucial link to justice services and legal redress in South Africa, particularly for the rural poor. The paper begins with a historical overview of paralegal services in South Africa from the apartheid period to the present. The study then maps the current state of the paralegal sector, and provides detailed information on the structure and function of key organisation that provide paralegal services.

June 2012

Shields and Swords: Legal Tools for Public Water
Jackie Dugard and Katherine Drage

This Occasional Paper was prepared for the Municipal Services Project (MSP). It aims to examine and draw lessons from water campaigns’ legal strategies around the world. Some of these campaigns have transformed national laws and banned the private provision of water, while others were partial victories. The paper looks at 6 cases of citizen-backed referenda and litigation, offering a comparative and global perspective.

November 2012

Informal Settlement Upgrading in South Africa and Linkages to Informal Sector Development and Economic Opportunity Generation
Kate Tissington

This working paper provides an up-to-date overview of the current landscape of informal settlement upgrading in South Africa, particularly insofar as the linkages between informal settlement upgrading, livelihood creation, informal sector development and economic opportunity generation are concerned. The paper was initially prepared by SERI for the Centre for Development and Enterprise (CDE) as part of a broader project funded by the Ford Foundation.
In this section, we list some of our publications for the 18-month period between February 2012 and July 2013. The importance of publishing academically or in more popular journals is not only that such work represents the practical work we are involved in, but also contributes to a broader debate on key issues. In 2012 and 2013, our publications have included:


SERI's litigation focuses on its three thematic areas – housing and evictions, informal settlement upgrading and basic services, and political space – and has demonstrated considerable success and impact across all three areas.

SERI has been directly involved in over 100 matters in various courts and forums, including the Constitutional Court, Supreme Court of Appeal (SCA), Commission for Conciliation, Mediation and Arbitration (CCMA), Rental Housing Tribunal as well as a range of High Courts and Magistrates’ Courts. From October 2012, SERI has also appeared before the Marikana Commission of Inquiry, a presidential commission set up to investigate the events leading up to the massacre on 16 August 2012 of 34 striking mineworkers at Lonmin Marikana.
4.1. Dladla and the Further Residents of Ekuthuleni Shelter v City of Johannesburg and MES (Dladla)

SERI represents 33 former residents of Saratoga Avenue, who were moved to the Ekuthuleni Shelter in May 2012 by the City of Johannesburg as part of the Blue Moonlight judgment. There are numerous problems with the rules and conditions at the shelter, which SERI is challenging in the South Gauteng High Court. The application raises fundamental issues concerning the connection between socio-economic rights and the rights to dignity, privacy and freedom and security of the person.

On 10 April 2013, Judge Satchwell granted an interim order that states that pending the finalisation of the application, the Ekuthuleni house rules should be relaxed to the extent that, firstly, the occupiers are permitted to remain in the shelter during the day; secondly, the cut-off time for entering the shelter at night is 22:00; and thirdly, two of the occupiers are permitted to occupy a separate room at the shelter, so as not to separate the family by compelling them to live in gender-differentiated dormitory conditions. The application for final relief is still to be heard.

» ‘Ekuthuleni: ‘Place of Peace’ by name, but a shelter it is not’ by Jackie Dugard and Kathleen Hardy, The Daily Maverick (11 January 2013).

» ‘Shelter no solution for Jozi’s poor’ by Kwanele Sosibo, Mail & Guardian (11 May 2012).
SERI represented 253 poor and homeless men, women and children who were unlawfully evicted from a disused building called Chung Hua Mansions. There was no court order authorising the eviction, and an application to reverse the unlawful eviction was demised by Judge Maluleke on 20 August 2010 on the basis that the residents were counter-spoliated by the owner.

This was appealed to a full bench of a High Court, which was heard on 1 December 2010. The Court reversed the illegal eviction and held the owner, the private security company responsible to the physical eviction, as well as the station commander of the Johannesburg Central Police Station in contempt of court. The owner subsequently appealed to the SCA, who dismissed the application.

The owner thereafter launched a fresh application in the High Court for an eviction order as well as an order directing the City to provide alternative accommodation. Judge Claassen ordered that the City provide alternative accommodation to all of the Chung Hua occupiers in a location as close as possible to their current location, where they may reside “secure against eviction” by no later than 30 January 2012. The City was required to report to the court on the nature and location of the alternative accommodation by 31 October 2012. Despite this court order, the City failed to take pro-active steps to tender alternative accommodation to the residents of Chung Hua. Fearing that they would be rendered homeless pending the provision of a state alternative, the residents approached the court in an attempt to enforce the High Court decision.

» ‘Joburg failing to register its homeless’, *Times Live* (14 June 2012).

» ‘Joburg to house homeless’, *IOL* (15 June 2012).

Linked to the *Chung Hua* case, the *Hlophe* case involves an application brought by SERI to declare the Executive Mayor, the City Manager and the Director of Housing for the City of Johannesburg, in their respective capacities, constitutionally and statutorily obliged to take all necessary steps to make sure that the City complies with the order granted by Judge Claassen in *Chung Hua*.

On 3 May 2013, judgment was handed down by Judge Satchwell, in which she directed the aforementioned three parties to explain why the City has not acted to provide shelter to the homeless over 18 months after the Constitutional Court affirmed in *Blue Moonlight* the obligation of the City to provide emergency alternative accommodation to those rendered homeless by an eviction. She further ordered the three parties to take all steps necessary to provide shelter within two months to the Chung Hua occupiers, failing which they would be found to be in contempt of court. The City subsequently found alternative accommodation in the form of Linatex House. The City nevertheless appealed the judgment, and on 14 June 2013, Judge Satchwell handed down an order directing the parties to ‘meaningfully engage’ with each other in relation to the accommodation at Linatex House.

4.1.4. City of Johannesburg v Changing Tides Properties and the Unlawful Occupiers of Tikwelo House (Tikwelo House)

SERI was admitted as *amicus curiae* in an SCA appeal against an order of the South Gauteng High Court which required the City of Johannesburg to provide alternative accommodation to approximately 100 unlawful occupiers of a building in Johannesburg called Tikwelo House. The occupiers were represented by the Legal Resources Centre (LRC).

SERI’s submission argued that the High Court ought to have called for evidence of the occupiers’ needs and circumstances, and should have given the City an opportunity to say when accommodation, if needed, could be provided. The High Court would then have been able to make a just and equitable order. SERI argued that the SCA should not simply set aside the aspects of the order placing obligations on the City, and that appropriate relief is that which encourages the City to confront its obligations and the needs of the occupiers. SERI argued that the appropriate order would be one that directs the City to take the necessary steps, by a specific deadline, to provide temporary emergency shelter to the persons identified in the application to introduce new evidence, and those occupying through and/or under them. The execution of the eviction order handed down by the High Court should be delayed until two weeks after the deadline by which the accommodation is provided.

Judgment was handed down by the SCA on 14 September 2012. The SCA remitted the application for eviction to the High Court, in order for the lower court to determine the date when all of the occupiers are to be evicted from the building as well as the terms on which the City is to provide temporary emergency accommodation to those facing homelessness (by no later than two weeks prior to the date of the eviction order). The SCA instructed the LRC to furnish the City’s legal representation with a list of its clients who require temporary accommodation, together with their names, ages, family circumstances, sources of income and appropriate proof of identity. The SCA directed the City to deliver a report to the High Court, detailing the accommodation it will make available to the occupiers. According to the SCA, this accommodation “must be in a location as near as feasibly possible to the area where Tikwelo House is situated and the report must specifically deal with the issue of proximity and explain why the particular location and form of accommodation has been selected.”


4.1.5. Schubart Park Residents Associations and Others v City of Tshwane Metropolitan Municipality and Others (Schubart Park)

SERI was admitted as *amicus curiae* in a case that challenged the forced ‘evacuation’ from the Schubart Park residential complex in central Pretoria. The applicants launched an urgent application seeking an order directing the City of Tshwane to restore their occupation of the properties after they had been removed from the complex under the auspices of a supposed ‘evacuation’. Judge Prinsloo declined the granting of the order.

The order was appealed to the Constitutional Court on 23 August 2012, and on 9 October 2012 the Constitutional Court upholding the leave to appeal handed down judgment. The Court ordered that the residents were entitled to occupation of their homes as soon as reasonably possible. It was further ordered that the applicants and the City of Tshwane meaningfully engage with each other in order to give effect to the declaratory order. Reverend Frank Chikane was appointed as a facilitator between the City and the residents, and it was agreed that a three-pronged process would be followed: identification of all persons entitled to return; provision of alternative accommodation over the short term; and seeking agreement on the long term accommodation of the residents.


> ‘ConCourt: City of Tshwane must restore Schubart Park slum’ by Phillip de Wet, *Mail & Guardian* (9 October 2012).

4.1.6. **Arendse v Arendse (Arendse)**

Stuart Wilson appeared on behalf of the LRC in its *amicus curiae* intervention in the review of an eviction order granted by a Goodwood Magistrate. The Magistrate granted a man’s application to evict his ex-wife and her three children from the family home in Ruterwacht. The LRC’s interventions successfully pointed out 6 fundamental errors committed by the Magistrate, and as a result, the matter was set aside on 20 August 2012. SERI hopes the case will provide clarity on the duties of a Magistrate hearing eviction proceedings.

4.1.7. **Mchunu and Others v Executive Mayor of eThekwini and Others (Mchunu)**

SERI and Abahlali baseMjondolo sought an order against the Executive Mayor of eThekwini, together with two other senior municipal officials in their personal capacities to take all the steps necessary to implement a court order requiring housing to be provided to 37 occupants of the Richmond Farm Transit Camp in KwaMashu. The occupiers were evicted from the Siyanda informal settlement in March 2009 in order to allow for the construction of a road. One of the conditions of the eviction order was that the occupiers would be provided with permanent housing within a year.

The case is significant in that it establishes that individual office bearers can be held personally responsible for the state’s failure to perform on specific obligations. Acting Judge Hollis granted an order in September 2012 requiring the three officials to take all the necessary steps within three months to provide permanent housing to the 37 families, failing which they would be held in contempt and fined or imprisoned.

In April 2013, the municipality tendered an offer of houses on the South Coast of Durban, but it appears that these may be located some 40 km away from where the families were meant to be moved in the first instance. SERI is instructed to oppose this plan. The case is ongoing.

» ‘A Fish in the Tin’, short film about the eviction and relocation to Richmond Farm Transit Camp (28 February 2012).
» ‘Landmark evictions ruling poses a threat to municipal officials’ by Niren Tolsi, *Mail & Guardian* (19 September 2012).
4.1.8.  ABSA v Mkhize and Others (Mkhize)

SERI was admitted as amicus curiae in an appeal heard in the SCA on 22 August 2013. The case concerns the correct interpretation of the decision of the Constitutional Court in Sebola. In the Sebola case, SERI stressed the importance of a section 129 notice (issued in terms of the National Credit Act) in informing the consumer of important statutory rights available to him or her in execution proceedings against immovable property. Sebola found that notice must be received by the consumer before a credit provider can enforce a credit agreement. In Mkhize, SERI intervened due to the lack of representation on behalf of the respondents in the case. SERI submitted that the High Court judgment was correctly decided when it held that the Sebola decision precluded it from granting applications for default judgment. On 30 September 2013, the SCA struck the matter from the roll. Three of the judges held that the order of the High Court was not appealable, while the other two judges dismissed the appeal, holding that the High Court was right to insist that consumers actually receive important information concerning the exercise of their statutory rights.

4.1.9.  K v M and Others

In this case, SERI represented a 26-year old woman, Ms K, who was facing an eviction application in the Magistrates’ Court. The house she lived in was owned by a woman who had recently passed away, but who had raised Ms K and treated her like her own daughter for over 20 years. However, there was no direct evidence she was formally adopted. SERI argued that Ms K was adopted in terms of customary law, alternatively she was de facto adopted due to the nature of the relationship she had with her mother. In May 2012, the High Court handed down an order declaring that Ms K could inherit as her adoptive mother’s customary law heir.

» ‘Customary law: If it can change, why can’t Contralesa?’ by Sipho Hlongwane, Daily Maverick (10 May 2012).

In intrinsically linked to the right to adequate housing is access to basic services, which is often lacking in the context of informal settlements. Our litigation strategies reflect our assistance to communities in pressing for access to basic services and the implementation of appropriate informal settlement upgrading projects. Some noteworthy cases are listed here.

4.2.1. Rand Lease Properties v Occupiers of Vogelstruisfontein and Others (Rand Leases)

Over 200 people live in the Marie Louise informal settlement, which is situated between a Pikitup dumping site and the Rand Leases mine in Roodepoort. Living conditions at the settlement are unhealthy and unsafe, and the occupiers do not have access to basic services, including water. The area is prone to flooding. On 12 April 2013, Judge Victor granted an order obliging the City to meaningfully engage with the occupiers and the owner about proposed alternative accommodation plans. The order also forced the City to comply with previous orders (including that the City must provide building materials to the occupiers), failing which the City may be held in contempt of court. SERI was involved in a series of engagements exploring possible alternative accommodation options for the Marie Louise residents.

4.2.2. Michael Dzai and Others v Ekurhuleni Metropolitan Municipality and Others (Makause)

SERI is in the process of bringing an application before the South Gauteng High Court to review the municipality’s failure to apply in terms of the Upgrading of Informal Settlements Programme (UISP) for funding from the Gauteng provincial government to upgrade the informal settlement of Makause, located in Ekurhuleni Metropolitan Municipality.
In this matter, Stuart Wilson was briefed by the LRC in Cape Town to act on behalf of 6 000 residents unlawfully occupying property in Philippi, Cape Town, referred to as isiQalo informal settlement. An order was agreed to by all parties on 3 June 2013 in which a range of national and provincial departments would, together with the City of Cape Town, provide reports to the court on what vacant and unused national, provincial and City land exists in the City of Cape Town, and whether or not it is suitable and available for emergency housing for the residents. The case is ongoing.

» ‘Legal experts hail court ruling on Isiqalo land dispute’, Weekend Argus (10 June 2013).

SERI represented 80 tenants of a building in inner city Johannesburg in a hearing before the Gauteng Rental Housing Tribunal. Their complaint concerned the legality of a ‘service charge’ levied by the landlord against them on their electricity accounts. On 14 June 2013, the Tribunal handed down its ruling in the case, finding that the charging of the service charge constituted an unfair rental practice in terms of Regulation 13(1)(d) and (f) of the Gauteng Unfair Practices Regulations, and amounted to a profit which the landlord was not entitled to make. The Tribunal ruled that the landlord is interdicted from levying the charge in future, and ordered the landlord to repay all of the service charges levied against the tenants since May 2009.

» ‘Selling power: Joburg landlord gets a shock on ruling’ by Anna Cox, The Star (21 June 2013).

» ‘Tribunal crushes landlord electrickery’ by Manqoba Nxumalo, Mail & Guardian (21 June 2013).

SERI represents the residents of Tudor Shaft informal settlement located in Krugersdorp, who are applying for leave to intervene as co-applicants in an application by the Federation for Sustainable Environment (FSE) to interdict a hazardous soil remediation exercise at the central tailings dam in Tudor Shaft. SERI’s application argues that the Tudor Shaft residents, who live within 400m of the central tailings dam and were not consulted about the operations taking place there, have a direct and substantial interest in the relief being sought.

» ‘Tudor Shaft: As dangerous as Chernobyl?’, video report by the Mail & Guardian (18 June 2013).
SERI has been at the forefront of civil society’s response to the Marikana massacre on 16 August 2012. SERI acts for 36 of the families of the deceased mineworkers, as well as the Association of Construction and Mineworkers Union (AMCU), before the Marikana Commission of Inquiry. The Commission was appointed by the President in terms of section 84(2)(f) of the Constitution, and is chaired by Judge Ian Farlam. The Commission’s mandate is “to investigate matters of public, national and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, in the North West Province, which took place between 11 and 16 August 2012 and which led to the deaths of approximately 44 people, more than 70 persons being injured and approximately 250 people being arrested.” The hearings were initially held at the Rustenburg Civic Centre and at the Marikana Community Hall, commencing 1 October 2012. From June 2013, the Commission moved to the City of Tshwane Municipal Offices in Centurion.

SERI has compelled the Marikana Commission and the South African government to ensure that the families of the deceased participate meaningfully in the Commission’s proceedings. SERI has also clarified the role of AMCU in the strike during which the massacre took place, and established that the police tampered with the crime scene in the aftermath of the massacre in order create the appearance that the striking miners were more heavily armed than they actually were.

In February 2013, the dependents of 36 of the miners killed by police at Marikana in August 2012 gave notice of their intention to sue the Minister of Police and the National Police Commissioner for damages. The families of the deceased will claim for loss of support and general damages. Notices were served on the SAPS in terms of section 3 of the Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002. That Act requires anyone claiming damages from the state to notify the state of their intention to do so within 6 months of the damage taking place. The claimants will now institute actions to recover the damages owed to them by the Minister of Police and the National Police Commissioner.
Most of the strikers killed at Marikana were the sole breadwinners in their households. Their family members have suffered irreparable loss of support following their deaths at the hands of police officers. Many of family members suffered severe emotional shock when they heard of the killing of their relatives, and now suffer from depression. Some family members suffered miscarriages while others died upon hearing of the killing of their relatives.

On 16 July 2013 the families of the deceased, as well as AMCU, provisionally pulled out of the Marikana Commission proceedings, following a decision by the legal team of the arrested and injured miners to withdraw pending a High Court ruling on an application for the state to fund their legal team. On 30 July 2013, the High Court handed down judgment, dismissing the application for interim relief. The legal team then made an application for leave to appeal against the judgment and order to the Constitutional Court. The families of the deceased and AMCU supported this application. On 19 August 2013, the Constitutional Court dismissed the application for interim relief. As a result, the miners, families and AMCU withdrew from the Commission.

On 14 October 2013, the High Court ordered Legal Aid SA to fund the legal representation of the arrested and injured miners. The Court found that Legal Aid SA’s decision to fund the legal representation of the families and not the miners “cannot be justified on any rational basis” and the refusal to provide funding to the miners was unlawful. On 15 October Legal Aid SA issued a statement that it would abide by the judgment and provide funding to the miners, but would seek legal opinion on appealing the judgment on certain matters of principle concerning the scope of its mandate. The lawyers for the families of the deceased miners and AMCU returned to the proceedings of the Marikana Commission from 15 October 2013.

» ‘Marikana victims’ families seek damages from police’ by Carol Paton, Business Day (1 March 2013).

SERI, together with Nichols Attorneys in Durban and Mdladlambo Attorneys in Johannesburg, are assisting former residents of the Kennedy Road informal settlement in Durban to pursue damages claims against the South African Police Service (SAPS) and the eThekwini Metropolitan Municipality. This follows the armed attacks on residents of the settlement in September 2009, where many people were sought out and intimidated into leaving the informal settlement. Their homes were destroyed and their possessions were stolen. The residents were rendered homeless and destitute.

Before and during these attacks, the residents sought the assistance of SAPS officers based at Sydenham Police Station and the eThekwini Metropolitan Police Department (EMPD). After initially refusing to come to the residents’ assistance, the SAPS and EMPD officers attended the scene, but did nothing to protect them from the gang. SAPS and EMPD officers looked on as the residents were expelled from their homes and their homes were destroyed. No effort was made to intervene or to protect them, their homes, or their possessions.

On 25 September 2012, a Summons and Particulars of Claim were served and filed in the Durban High Court.

4.3.2. Abahlali baseMjondolo and 52 Others v Minister of Police and Others (Kennedy Road)

4.3.3. State v Moyo, Swetsana and Sisulu (Primrose)

SERI represents three resident activists of the Makause informal settlement located in Primrose, Ekurhuleni. The residents were unlawfully arrested in October 2012 in connection with a gathering to protest police brutality in Primrose. Moyo is charged with ‘intimidation’ in terms of the Intimidation Act 72 of 1982, while Swetsana and Sisulu were charged as accomplices (these charges were later dropped). The matter has been postponed on numerous occasions in order to give the Senior Public Prosecutor time to look at the representations made by the accused. This case illustrates how the criminal justice system is used to suppress popular dissent in marginalised communities. The trial has been set down for 13 March 2014.

- ‘Makause: The activist’s fear of the police and the sunset’ by Mandy de Waal, Daily Maverick (25 October 2012).
SERI represented Abahlali baseMjondolo chairperson S’bu Zikode and two others in a damages claim against the Minister of Police. On 12 September 2006, Zikode and Philani Zungu were arrested and assaulted by the police while they were on their way to a radio debate with the MEC for Housing, Mike Mabuyakhulu. SERI, together with Trudie Nichols Attorneys in Durban, sought compensation for damage sustained as a result of the attacks on Zikode, Zungu and Mke. The trial took place from 5 to 7 December 2012 in the Durban High Court, and on 22 April 2013 the court ordered, by agreement between the parties, the Minister of Police to pay a total of R165 000 in damages to the three plaintiffs.

‘SA police caught dead to rights’ by Niren Tolsi, Mail & Guardian (26 April 2013).

In April 2013, SERI’s executive director, Stuart Wilson, was appointed by the Commonwealth Lawyers Association (CLA) to observe the criminal proceedings brought against Zimbabwean human rights lawyer Beatrice Mtetwa. He has been attending her appearances in the Harare Magistrates’ Court and he will be providing a full report to the CLA.

SERI has formed relationships with a number of social movements and community-based organisations over the years, which include litigation assistance but also partnerships around popular education and paralegal training. SERI also works with other civil society organisations (CSOs) to mobilise and coordinate around key issues, and engages the media and government where necessary. During the period February 2012 to July 2013, SERI undertook various advocacy activities including government advocacy, civil society coordination, popular education and training, conferences and workshops, and public education/opinion.
5.1 **government advocacy**

SERI regularly interacts with government officials, departments and Chapter 9 institutions outside of the litigious environment. This form of advocacy takes place at various levels of government and includes submissions, presentations at workshops and conferences, and membership of reference groups. Some of these engagements are highlighted here.

**July 2012**

Kate Tissington was requested to participate as a content advisor to the final report of the Ministerial Sanitation Task Team (MSTT), which was briefed by the Minister of Human Settlements to conduct research on the state of sanitation in South Africa.

**August 2012**

SERI was part of a joint comment on the Spatial Planning and Land Use Management Bill (SPLUMB) that was presented to the Parliamentary Portfolio Committee on Rural Development.

**December 2012**

SERI facilitated a joint submission on the Mpumalanga Eradication, Prevention and Control of Informal Settlements Bill 2012. The submission was endorsed by a number of organisations and social movements, including Abahlali baseMjondolo, Batho Land and Shelter, Centre for Urban and Built Environment Studies (CUBES), Built Environment Support Group (BESG), Centre for Applied Legal Studies (CALS), Community Organisation Resource Centre (CORC), Planact and Urban Landmark.

**August 2013**

Michael Clark took part in a “sound-board” meeting organised by the South African Local Government Association (SALGA), which discussed the implications of court cases on evictions for municipalities, and how lessons could be drawn on how to plan for transitional housing and to avoid evictions.
SERI contributes to civil society networking and mobilisation by participating in a number of platforms related to our strategic themes. SERI has formed important partnerships with a number of CBOs, social movements and NGOs, as well as participated in a number of networks (including the Good Governance Learning Network and ESCR-Net) around issues related to housing and evictions, informal settlement upgrading, and access to basic services.

During 2013, SERI convened regular meetings with other legal NGOs and pro bono lawyers involved in housing and eviction cases in inner city Johannesburg in order to ensure coordination of efforts. In 2012 and 2013 we have also been involved in a variety of other local, national and international collaborations in our other areas of focus, as detailed in this section:

October 2012
Kate Tissington attended a South African Water Caucus (SAWC) national water services meeting in Cape Town. The meeting, attended by NGOs and CBOs from around South Africa, was intended to share stories and lessons on urban water services for learning and solidarity building, and to develop specific campaigns for the SAWC to take forward.

Jackie Dugard was invited to participate in the United Nations’ Expert Meeting on Security of Tenure, held in Geneva, Switzerland.

November 2012
SERI co-convened a meeting in Nairobi with the Centre for Minority Rights Development (CEMIRIDE), the Minority Rights Group (MRG), and the ESCR-Net in collaboration with the Norwegian Centre for Human Rights (NCHR). The purpose of the meeting was to discuss the enforcement of the African Commission on Human and Peoples’ Rights recommendations on the Endorois case, where it found that the eviction of hundreds of Endorois families from their land around Lake Bogoria in Kenya was a violation of their rights under the African Charter.

January 2013
SERI assisted the Ford Foundation in coordinating a roundtable on Litigation and Advocacy Efforts to Advance the Right to Adequate Housing and Access to Basic Services in Urban Contexts. The roundtable brought together NGOs, planners, academics and practitioners, as well as Don Chen, Senior Programme Office in the Ford Foundation’s New York Metropolitan Opportunity Unit and convener of the Just Cities initiative.

April 2013
SERI and the Good Governance Learning Network (GGLN) hosted a roundtable discussion in Johannesburg, in which SERI was able to present its findings of a research report entitled ‘Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa.

SERI co-facilitated a workshop in Mongolia with the aim of enhancing knowledge among Mongolian NGOs and public interest lawyers and social rights advocates about the Optional Protocol to the ICESCR (OP-ICESCR), and how it could be used in support of social rights in Mongolia.
5.3 conferences & events

SERI was directly involved in a number of large conferences and events in 2012 and 2013.


SERI co-hosted the African Social Rights Litigation Workshop in collaboration with ESCR-NET, the Norwegian Centre for Human Rights, and the OP-ICESCR Coalition. The seminar presented a platform to explore issues surrounding strategic litigation, the enforcement and long-term legal strategies in national contexts. The workshop also enabled the participants to start building a regional strategy in Africa based on OP-ICESR ratification.


SERI co-hosted the second annual PILG, held at the School of Law, University of the Witwatersrand. SERI organised several panels, including one on socio-economic rights and the courts, and on law and social change.


SERI co-hosted a regional consultation on Security of Tenure for the Urban Poor in Johannesburg. The consultation was organised in collaboration with the Ford Foundation, the Office of the High Commissioner for Human Rights, and the UN Special Rapporteur on Adequate Housing, Raquel Rolnik, and was attended by government, civil society, and academic and professional representatives from South Africa, Egypt, Brazil, Madagascar, Kenya, Nigeria, Senegal and Uganda.

Public Interest Law Gathering (PILG) 2013, 10 – 12 July 2013.

SERI co-hosted the third annual PILG, held at the School of Law, University of the Witwatersrand. The event brought together public interest legal practitioners and organisations, law students, paralegals, social movement leaders and legal academics. Several SERI staff members were involved in presenting, facilitating or organising panels at the gathering around the following topics: housing strategies post-Blue Moonlight, informal settlement upgrading, community legal education, and the criminal justice system.
March 2012


May 2012
Kate Tissington presented on *Exploring the Frontiers in Access to Basic Services: A Rights Based Perspective* as part of the Faces of the City seminar series at the University of the Witwatersrand.

June 2012
Jackie Dugard presented on *Rights-Compromised or Rights-Savvy? An Examination of Socio-Economic Rights Claiming by Abahlali BaseMjondolo, the South African Shack-Dwellers’ Movement* at the Law and Society Annual Meeting held in Honolulu, Hawaii.

July 2012
Jackie Dugard presented on the right to water and right to housing for students studying in Johannesburg as part of Norad’s Programme for Master Studies (NOMA).

August 2012
Jackie Dugard and Anna Alcaro presented a paper entitled *Why can’t we be Friends: Section 24 and Socio-Economic Rights in Court* at a meeting on Climate Change Discourses, Rights and the Poor held at Bergen University in Norway.

Jackie Dugard presented on the role of the law and legal mobilisation for social movements at the Democratic Left Front (DLF) Activist School, which was attended by 60 activists from about 20 DLF-affiliated social movements.
Kate Tissington presented on Housing Waiting Lists, Demand Databases and Allocation in South Africa: A focus on Gauteng and the Western Cape at the CUBES Housing and Informality Group held at the University of the Witwatersrand.

November 2012
Jackie Dugard was invited to participate in the Nordic Trust Fund / World Bank annual meeting in Washington DC.

December 2012
Zweli Makgalemele presented on Meaningful Engagement Between Local Government and Communities in Eviction Cases in South Africa at the 6th AfriCities Summit in Dakar, Senegal.

February 2013
Kate Tissington presented on inner city housing and evictions at the New Imaginaries symposium held at the Goethe-Institut in Johannesburg.

SERI regularly conducts popular education and training workshops to communities, CBOs and social movements who approach us to learn more about socio-economic rights, policies and programmes and how to engage local government around key development issues. SERI’s training takes different forms, including popular education, paralegal training and education and information-sharing meetings. This work is aimed at supporting and empowering social movement and community leadership.

September 2012
Thapelo Tselapedi from SERI and Mike Makwela from Planact facilitated a workshop in Rooigrond, Mafikeng on Democracy in Practice. The focus of the workshop was on local government, and topics covered included the powers and functions of local government, enforcing transparency and accountability on socio-economic rights, local government’s integrated development plans (IDPs) and budgetary processes, as well as discussions on dolomite and human habitation. SERI’s resource guide, Making Local Government Work: An Activist’s Guide, was used as reference material for participants.

October 2012
Thapelo Tselapedi helped facilitate a Local Government Action (LGA) and Black Sash workshop in Durban, which used the Making Local Government Work: An Activist’s Guide.
November 2012
SERI and Planact facilitated a workshop for the Gauteng Land and Housing Social Network, an informal network of NGOs and CBOs. The workshop covered topics ranging from housing policy and access to information to using social media and facilitating the right to protest.

March 2013
SERI conducted a paralegal training workshop with leaders from Abahlali baseMjondolo in Durban. Topics covered ranged from legislative and policy framework for temporary housing, to the criminalisation of activists during protests.

May 2013
SERI conducted a workshop in Mafikeng on Deepening Democracy. Princess Magopane and Thapelo Tselapedi organised and facilitated the ward-based workshop with the aim of exploring the concept of meaningful engagement specifically within the realm of the different roles played by provincial and local authorities.

July 2013
Michael Clark and Tashwill Esterhuizen conducted a paralegal training workshop with leaders from Abahlali baseMjondolo in Cape Town. The workshop was held at the Sweet Home Farm informal settlement, and was attended by approximately 30 people. It covered topics ranging from the Housing Act and evictions to informal settlement upgrading and the Regulation of Gatherings Act.

August 2013
SERI conducted an inner city housing workshop in Yeoville, which was attended by over 100 residents living in four inner city buildings provided by the City of Johannesburg in the wake of the Olivia Road and Blue Moonlight Constitutional Court judgments. The workshop provided an overview of current litigation efforts, and facilitated a discussion on current challenges in the buildings and strategies to deal with them moving forward. It was decided that a joint committee comprising representatives from the buildings will be formed to take various aspects of the workshop forward.
A key aspect of SERI’s advocacy is to disseminate our work through the mainstream media, and in so doing, to raise the profile of the socio-economic rights issues we advocate for. By putting our work out in the public domain in this way SERI seeks to educate, shape debate and sensitise the public to the plight of marginalised and vulnerable communities.

During 2012 and 2013 we published a number of press releases, which were picked up by the media and resulted in over 60 print media articles and over 20 radio and TV appearances (for a full list, see the Annexures section at the end of this report). Below is a list of our press releases published over the last 18 months:

**2012**

- City of Johannesburg set to breach Constitutional Court order (8 March).
- Constitutional Court upholds tenants’ rights (13 March).
- Constitutional Court ruling could make residents homeless (20 March).
- Magistrate strikes Thembelihle case from roll (11 April).
- High Court suspends Constitutional Court’s eviction order in Blue Moonlight case (13 April).
- Court declares Soweto woman customary law heir to prevent eviction (9 May).
- Constitutional Court hands down Saratoga judgment (24 May).
- Constitutional Court stands up for consumers in Sebola judgment (7 June).
- Systemic breakdown in City’s shelter policy, Judge told (14 June).
- Civil society statement regarding the killings at Marikana: A demand for justice and trust (3 September).
- SERI to represent AMCU at the Marikana Commission (14 September).
- Court rules on duties of courts, municipalities in eviction proceedings (18 September).
- Victory for forgotten shackdwellers (19 September).
- Kennedy Road shackdwellers sue police (27 September).
- SERI to seek international scrutiny of police action by the Marikana Commission of Inquiry (10 October).
- South Africa to ratify international socio-economic rights covenant (12 October).
- Police intimidation of witnesses at Marikana Commission of Inquiry (24 October).
- Department of Justice is Misleading the Public about Marikana Families (28 October).
In addition to publishing press releases, SERI staff members also publish opinion pieces/op-eds in the mainstream and popular media. These have covered issues ranging from Marikana and protest to inner city shelters. Below is a list of opinion pieces published in 2012 and 2013.


» J Dugard, B Meyersfeld & N Naylor ‘Marikana violence is a sign of things to come’ Business Day (23 August 2012).

» J Dugard & K Hardy ‘Ekuthuleni: ‘Place of peace’ by name but a shelter it is not’ Daily Maverick (11 January 2013).

» M Clark & J Dugard ‘State suppression of popular dissent should concern us all’ Business Day (6 March 2013).


» J Dugard & K Tissington ‘Snail’s pace hampers Marikana Commission’ Sunday Times (30 June 2013).

SERI is registered as a law clinic with the Law Society of the Northern Provinces, and accredited by the Johannesburg Bar Council as a public interest law centre. SERI was registered as a Section 21 Not-For-Profit Company in terms of the South African Companies Act in October 2009. It also has Non-Profit-Organisation status (NPO No. 077-530-NPO) and is registered as a Public Benefit Organisation with the South African Revenue Services (SARS). SERI’s accounts are audited every six months by Douglas & Velcich Chartered Accountants.

This section contains SERI’s audited financial statements for the year ended 28 February 2013.
## Statement of Financial Position as at 28 Feb 2013

### Assets

<table>
<thead>
<tr>
<th>Description</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non current assets</td>
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</tr>
<tr>
<td>Equipment</td>
<td>237 666</td>
<td>244 114</td>
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<tr>
<td>Current assets</td>
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<tr>
<td>Accounts receivable</td>
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<td>Accrued income</td>
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<td>Cash and cash equivalents</td>
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<td><strong>Total assets</strong></td>
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<td>3 322 227</td>
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### Reserves and Liabilities

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<th>Description</th>
<th>2013</th>
<th>2012</th>
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<tbody>
<tr>
<td>Reserves</td>
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<td>Accumulated surplus</td>
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<tr>
<td>Equipment fund</td>
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<tr>
<td>Retrenchment fund</td>
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<tr>
<td>Current liabilities</td>
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<tr>
<td>Accounts payable</td>
<td>278 663</td>
<td>93 481</td>
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<tr>
<td>Deferred income</td>
<td>6 513 350</td>
<td>2 931 801</td>
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<tr>
<td><strong>Total reserves and liabilities</strong></td>
<td>7 374 013</td>
<td>3 322 227</td>
</tr>
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</table>
6.2 statement of comprehensive income for the year ended 28 Feb 2013

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INCOME</strong></td>
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<tr>
<td>Grants and donations</td>
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<tr>
<td>Fees received</td>
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<td>34 091</td>
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<tr>
<td>Interest earned</td>
<td>130 294</td>
<td>71 908</td>
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<tr>
<td>Sundry income</td>
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<td>105 957</td>
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<tr>
<td><strong>TOTAL INCOME</strong></td>
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<tr>
<td><strong>EXPENDITURE</strong></td>
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<tr>
<td>Accounting fees</td>
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<tr>
<td>Advertising and marketing</td>
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<td>Audit fees</td>
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<td>Bank charges</td>
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<td>Computer and website costs</td>
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<td>Consulting fees</td>
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<td>Equipment hire and maintenance</td>
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<td>Insurance</td>
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<td>Interest and penalties</td>
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<td>Programme costs</td>
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<td>Rent, security, water and electricity</td>
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<td>Repairs and maintenance</td>
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<td>Salaries, wages and contributions</td>
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<td>Staff welfare and recruitment</td>
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<td>Strategic planning</td>
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<td>Telecommunications</td>
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<td>76 633</td>
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<tr>
<td>Travel and accommodation</td>
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<td>17 477</td>
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<tr>
<td>Workshops, conferences and seminars</td>
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<td>-</td>
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<tr>
<td><strong>TOTAL EXPENDITURE</strong></td>
<td>7 609 700</td>
<td>4 737 988</td>
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<tr>
<td><strong>SURPLUS/(DEFICIT) FOR THE YEAR</strong></td>
<td>378 461</td>
<td>(87 766)</td>
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</tbody>
</table>
### 6.3 Statement of changes in reserves for the year ended 28 Feb 2013

<table>
<thead>
<tr>
<th></th>
<th>Accumulated surplus R</th>
<th>Equipment fund R</th>
<th>Retrenchment fund R</th>
<th>Total R</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance at 28 February 2011</strong></td>
<td>237 881</td>
<td>217 107</td>
<td></td>
<td>454 988</td>
</tr>
<tr>
<td>(Deficit) for the year</td>
<td>(87 766)</td>
<td></td>
<td></td>
<td>(87 766)</td>
</tr>
<tr>
<td>Transfer to equipment fund</td>
<td>(97 284)</td>
<td>97 284</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the year</td>
<td>-</td>
<td>(70 277)</td>
<td></td>
<td>(70 277)</td>
</tr>
<tr>
<td><strong>Balance at 29 February 2012</strong></td>
<td>52 831</td>
<td>244 114</td>
<td></td>
<td>296 945</td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>378 461</td>
<td></td>
<td></td>
<td>378 461</td>
</tr>
<tr>
<td>Transfer from operating fund</td>
<td>(124 482)</td>
<td></td>
<td>124 482</td>
<td>-</td>
</tr>
<tr>
<td>Transfer to equipment fund</td>
<td>(86 958)</td>
<td>86 958</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the year</td>
<td>-</td>
<td>(93 406)</td>
<td></td>
<td>(93 406)</td>
</tr>
<tr>
<td><strong>Balance at 28 February 2013</strong></td>
<td>219 852</td>
<td>237 666</td>
<td>124 482</td>
<td>582 000</td>
</tr>
</tbody>
</table>
8

ANNEXURES
8.1 academic & popular articles

Jonathan Cogger

Jackie Dugard


Kate Tissington


Thapelo Tselapedi

Stuart Wilson
Radio and Television

**March 2012**

**September 2012**

**October 2012**
February 2013

April 2013
‘Protest and the criminal justice system’, radio interview by Kate Tissington, Radio Today (11 April 2013).

June 2013
‘Community mobilisation and the challenges of local political life’, radio interview with Thapelo Tselapedi, SAFM (20 June 2013).

July 2013


‘Housing finance and allocation’, radio interview by Kate Tissington, PowerFM (25 July 2013).

March 2012
‘Mayor, city are ‘in contempt” by Anelisa Kubheka, Daily News (1 March 2012).

‘Saratoga residents back to ConCourt’, The Citizen (9 March 2012).

‘Grootboom win a house of cards’ by Niren Tolsi, Mail & Guardian (9 March 2012).

‘Surprising insights on transformation from the Constitutional Court’ by Pierre de Vos, Constitutionally Speaking (13 March 2012).

‘Concourt sends tenants in lease row to tribunal’, IOL (14 March 2012).

‘Court says housing row needs to return to tribunal’ by Franny Rabkin, Business Day (14 March 2012).

April 2012

‘Protester angry as case struck off’ by Mogomotsi Selebi, Sowetan (13 April 2012).

‘Joburg officials to face court action over relocation’ by Theresa Taylor, The Star (13 April 2012).

‘City of Jo’burg slips up on ConCourt order’ by Nickolaus Bauer, *Mail & Guardian* (16 April 2012).

‘Joburg gets more time for eviction’, *The Citizen* (18 April 2012).


**May 2012**


‘Informal settlers homeless as housing dept stalls’, *Corruption Watch* (9 May 2012).

‘Customary law: If it can change, why can’t Contralesa?’ by Sipho Hlongwane, *Daily Maverick* (10 May 2012).


**June 2012**

‘Court insists creditors use registered post’ by Ernest Mabuza, *Business Day* (8 June 2012).

‘Concourt ruling hailed as victory for debtors’, *The Star* (8 June 2012).

‘Joburg failing to register its homeless’, *Times Live* (14 June 2012).

‘Homeless registration breaks down’, *IOL* (14 June 2012).

‘Joburg to house homeless’, *IOL* (15 June 2012).

**July 2012**


**August 2012**

‘Illegal’ JMPD evictions shatter Marlboro community’ by Faranaaz Parker, *Mail & Guardian* (22 August 2012).


**September 2012**


‘Landmark evictions ruling poses a threat to municipal officials’ by Niren Tolsi, *Mail & Guardian* (19 September 2012).


**October 2012**


‘Quick out the gate: Marikana inquiry gets to work’ by Faranaaz Parker, *Mail & Guardian* (1 October 2012).


‘ConCourt: City of Tshwane must restore Schubart Park slum’ by Phillip de Wet, Mail & Guardian (9 October 2012).

‘Constitutional Court upholds Schubart Park residents’ appeal’ by Ernest Mabuza, Business Day (9 October 2012).

‘Con Court victory for Schubart Park’, IOL (10 October 2012).

**November 2012**

‘Lenasia evictions and demolitions will continue... But are they legal?’ by Greg Nicolson, Daily Maverick (22 November 2012).

‘Lenasia victims must be compensated’ by Bongekile Macupe and Candice Bailey, IOL (25 November 2012).

**January 2013**

‘Corralling Civil Society: What’s up with Government’s New Proposals to change the NPO Act?’ by Dale McKinley, SACSIS (10 January 2013).

**February 2013**


**March 2013**


‘Farlam’s site visit brings community close to commission’, by Sipho Hlongwane, Daily Maverick 22 March 2013).


**April 2013**


‘Public claims against police exceed R14bn’, by Sarah Evans, Mail & Guardian (24 April 2013).

**May 2013**

‘City up Cape Town makes up law to justify eviction of the poor’, by Jared Sacks, Daily Maverick (6 May 2013).

‘Shock and awe tactics’ used on shack dwellers’, by Jared Sacks, Mail & Guardian (10 May 2013).

**June 2013**

‘Claim that no-one in Cape Town has to use ‘bucket toilets’ is wrong’, by Nechama Brodie, Africa Check (7 June 2013).

‘Legal experts hail court ruling on Isiqalo land dispute’, Weekend Argus (10 June 2013).

‘Tudor Shaft: As dangerous as Chernobyl’, multimedia video by the Mail & Guardian (18 June 2013).


‘No resource for Joburg’s inner city evictees’, by Manqoba Nxumalo, Mail & Guardian (28 June 2013).

‘Where the taps still run dry’, by Ufrieda Ho, Saturday Star (29 June 2013).

**July 2013**


‘Home is where the heart isn’t’, by Manqoba Nxumalo, Mail & Guardian (12 July 2013).


‘Housing waiting list a myth’, by Neo Maditlia, Cape Argus (23 July 2013).
8.3 Editorships & advisory bodies

Jackie Dugard
Jackie Dugard sits on the editorial board of the South African Journal on Human Rights (SAJHR), and is a member of the Advisory Council for the Council for the Advancement of the South African Constitution (CASAC). She is also a member of the Steering Group on the ESCR-Net Strategic Litigation Initiative, and is part of the Advisory Group for International Judgment Watch.

Stuart Wilson

8.4 Academic teaching

Jackie Dugard
In 2012 Jackie Dugard lectured the course ‘Environmental Law: Land and Water’ at the School of Law, University of the Witwatersrand. In 2013 Jackie lectured the Property Law course to undergraduate students at the School of Law, University of the Witwatersrand.

Kate Tissington
In 2012 and 2013 Kate Tissington was the course coordinator and lecturer for the Housing Law component of the Housing, Finance and the Law course for the MBE programme at the School of Architecture and Planning & School of Construction Economics and Management at the University of the Witwatersrand.

Stuart Wilson
In 2012 and 2013 Stuart Wilson coordinated and lectured the Property Law course to undergraduate students at the School of Law, University of the Witwatersrand.