



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

RESEARCH UNIT

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www.parliament.gov.za

26 August 2014

SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS: CONTENT OF THE BOKAMOSO VILLAGE PETITION

1. CONTENT OF PETITION

The petition is dated 1 August 2014 but was received by the Office of the Secretary to the National Council of Provinces (NCOP) on 11 August 2014. The petition was referred to the Chairperson of the Select Committee on Petitions and Executive Undertakings (Committee) by the Chairperson of the NCOP on 13 August 2014. The petition is submitted Mr Gatebe and Matjele on behalf of former residents of a village called Bokamoso Village (Village). The Village is located near Qwa Qwa and falls under the Maluti-a-Phofung Local Municipality (Municipality). The Municipality is in turn located in the Thabo Mafutsanyane District, Free State Province.

The petitioners represent over 700 families hailing from the Village. The Village is under the chieftaincy of Chief Tsholo Mopeli (Chief Mopeli). The petitioners submitted the petition to the NCOP after they were evicted from the Village by the Municipality in or around June 2014.

The Municipality evicted the petitioners following a Constitutional Court (CC) ruling that the land on which the petitioners lived on belonged to the Municipality (and not to Chief Mopeli). In evicting the petitioners, the Municipality used bulldozers to destroy the homes and properties of the petitioners including that of Chief Mopeli. Media reports around the matter, indicate that the Municipality has earmarked the land in question for commercial and residential use.

A primary contention of the petitioners is that the land in question belongs to Chief Mopeli and a number of them took occupation of the land as far back as 1983 after its previous owner (a farmer by the name of Liddle) abandoned the land. The petitioners further contend the land in question is their ancestral land.

Also of importance, the petitioners further claim they occupied parcels or plots of land allocated to them by Chief Mopeli. Despite not having a title deed to show his ownership in the land, Chief Mopeli allocated the land to the petitioners for residential and agricultural purposes (the petitioners reared pigs, sheep, donkeys, horses and cows and also grazed livestock on the land). Chief Mopeli also allocated land for a cemetery and an initiation school. Also according to the petitioners Chief Mopeli allocated land to the petitioners for around R500 for a plot or



parcel of land. Chief Mopeli has confirmed via media reports that he owns the land and the land is the subject of a land claim dispute that has yet to be resolved.

The Municipality, on the other hand, maintains the petitioners have been occupying the land illegally for the past two years because the land lawfully belongs to it. Media reports also indicate that the Municipality took reasonable and numerous measures to inform the petitioners of the evictions including holding meetings with the Maboela Tribal Council, local church leaders and the petitioners themselves. The Municipality also broadcasted news of the eviction on a local radio station. Post the eviction the Municipality even made an effort to accommodate the petitioners in community halls and youth centres on a temporary basis.

2. RELIEF SOUGHT

The petitioners would like the Committee to intervene in securing suitable alternative accommodation for them. The petitioners further require the Committee to intervene in upholding their rights which they claim have been violated in a number of ways by the Municipality post the eviction. What follows below is a discussion of some of the grievances the petitioners have against their eviction:

- The youth centers and town halls that they have been moved into post the eviction are unsuitable as males and females are expected to stay together and there is no heating in the halls and youth centres.
- The petitioners are not given healthy food whilst in the youth centres and town halls.
- The general state under which the petitioners find themselves in the youth centres and town halls is inhuman and unsuitable.
- The children of some of the petitioners are not attending school primarily because of transport related issues.
- The children of petitioners that are able to attend school have to walk on foot for a distance of plus or minus 20 kilometres.

The Municipality had made a number of commitments or undertakings to the petitioners pre and post the eviction but has to date failed to honour any of these commitments of undertakings. The Municipality for instance undertook to relocate all the displaced petitioners to suitable alternative accommodation however only some of the petitioners have been relocated to an area called Bloemgumbosch. That having been said, the petitioners have raised reservations through the media around the relocation to Bloemgumboach including that:

- Parcels or plots of land in Bloemgumbosch are estimated to amount between R10 000 to 15 000 for a plot or parcel of land in the states area;
- The land in and around Bloemgumbosch is largely underdeveloped and full of dongas and has no water, roads and electricity;
- Bloemgumbosch is far from amenities such as schools, shops and hospitals; and
- The petitioners have no ancestral link or connection with Bloemgumbosch.



The Municipality also undertook to provide meals to the petitioners and provide transport to enable their children to attend school however the petitioners claim the Municipality has failed to provide them with proper food and their children are walking long and unacceptable distances to attend school.

3. RECOMMENDATIONS TO THE COMMITTEE

The petitioners each contributed R500 to raise an amount of R200 000 to enable Chief Mopeli to contest their eviction through the courts.

Chief Mopeli initially brought the matter before the Free State High Court in 2012 and the High Court found in favour of the Municipality and held that the Municipality was well within its rights to evict the petitioners from the land. Chief Mopeli took the matter on appeal to the Supreme Court of Appeal (SCA) and in 2013 the SCA also found in favour of the Municipality. Chief Mopeli subsequently took the matter to the highest court in the land, namely, the Constitutional Court (CC) and in May this year the CC held that the land in question belonged to the Municipality and not to Chief Mopeli (who sold parcels of land to the petitioners).

On the basis of the above court rulings, it is submitted that there is very little the Committee can do in terms of restoring ownership of the land in question back to the petitioners because the highest court in the land has already settled the question of ownership of the land.

The Committee can however undertake an oversight visit to the affected area to determine whether or not the petitioners have been settled in suitable alternative accommodation and have access to food, hygiene and other essentials.

The Committee can also undertake such an oversight visit in an effort to ensure it holds the Municipality to some of the undertakings that it made to the petitioners with regards to their relocation or resettlement.

4. STATUS OF PETITION

The Committee has yet to consider the content of the petition and decide on the best possible course of action for its resolution.





PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL COUNCIL OF PROVINCES
THE CHAIRPERSON

PO Box 15 Cape Town 8000 Republic of South Africa
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www.parliament.gov.za

MEMORANDUM

To : Clerk of Papers
From : Procedural Services Office
Date : 13 August 2014
Re : Paper for referral and tabling

The following petition has been received:

- (a) Submission of a petition from Mr Sello B Gatebe and Mr Mokoena, Free State Province regarding the alleged illegal eviction by Maluti-A-Phofung Municipality. *(The full content of the correspondence to be tabled).*

To be referred to the Select Committee on Petitions and Executive Undertakings for consideration and report.

APPROVED

T R Modise, MP

Chairperson: National Council of Provinces



1657 Ext 5, Tloholong
Kestell
9860

P.O.Box 169
Harrismith
9880

1 August 2014

Attention:
National Council of Provinces
Me Thandl Modise

Fax: 021-461 94 60

Me,

During 2010 myself and other people at Qwa-Qwa were given stands at Bokamoso next to Free State University campus at Qwa-Qwa. We payed for those stands.

On 11 June 2014 the Maluti-A-Phofung Municipality came to Bokamoso under Police Protection and demolished our stands and houses at Bokamoso, saying that we were there illegally. They broke everything that belonged to us.

During the elections they kept quiet and said nothing, but now that we have voted for them, they come and treat us in such an inhumane way.

On Saturday 14 June MEC Sisi Nthombela took us from the Qwa-Qwa Fire Station then moved us to a Youth Centre at Makwane in Qwa-Qwa. All the people must stay in one hall, male and females together. This situation is not acceptable; no healthy food is given to the people and they are treated inhumanely. Till today on 1 August 2014 we are still staying there in the very cold weather of Qwa-Qwa. We don't have food and the children are not attending school. The living conditions are not healthy and some of the people are ill. MEC Sisi Nthombela promised us they will take us to another place. Maluti-A-Phofung took +- 98 families to Bluegum Busch and gave them better places to stay. What about us that are left behind in these inhumane conditions.

We plea to the President or the Cabinet of South Africa to help us South African citizens to enjoy a better life for all like the new South Africa says. This situation that we are in is not a better life for us. We are treated like foreigners or illegal immigrants in our own country. This situation is not acceptable.

The children that are in this situation with us, now have to walk on foot +-20 Kilometres to Sephokong school and +-20 Kilometres back every day, without proper food. It is winter right now and the winter in the Qwa-Qwa area is severe with early morning temperatures as low as minus 13 degrees already been experienced this winter. On Saturday 14 June MEC Sisi Nthombela promised the children transport to and from school. From that date till today there has been no transport for the children. These children are 10 to 15 years of age and are the targets of criminals and exposed to heavy road traffic on a daily basis. How long will it be before they become victims.

All of this is happening around the Birthday of our former president, Mr Nelson Mandela, who was the biggest fighter for the rights of children in this country. It is now Women's Month and the women with us are being treated in a very poor way by our Municipality.

OFFICE OF THE CHAIRPERSON

08 AUG 2014

I hope that Parliament and our President will intervene in this situation speedily. We are now tired of the promises and failure to deliver by Maluti-A-Phofung Municipality and would appreciate your intervention. The municipality are abusing our rights, including the rights of our children.

We were not illegal squatters like Maluti-A-Phofung Municipality says. We were given those stands by Chief Tsholo. We know that the chief has power. He gave us this land. It seems the government are respecting only Chief Goodwill Zweletini in KZN and Chief Mandisa Mandela in Eastern Cape, Chief (Morena Wa Mathembo) and others but not Chief Tsholo. Qwa-Qwa was always the place of chiefs, like KZN, Eastern Cape, Mphumalanga and others.

Thank you,
On Behalf of the People of Bokamoso,



Sello B Gatebe
083 77 022 74 / 082 589 2528
velivgatebe@yahoo.com



Mokoena Matjele
076 906 8159 / 081 085 8687



01

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P.O.Box 169
Harrismith
9880

22 September 2014

Attention:
National Council of Provinces
Me Thandi Modise

Fax: 021-461 94 60

Me,

I refer to my previous letter to you in this matter, dated 1 August 2014

Up to this date we are still suffering at Bokamoso in Qwa-Qwa and there has been no change in our situation.

We have had no response from anybody alleviating our situation.

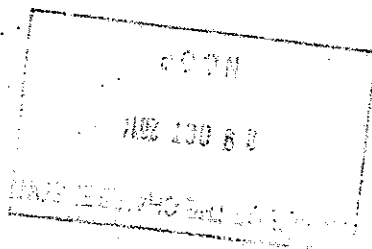
We are nearing Heritage Day this week, yet we are struggling to survive in the dreadful situation in which Maluti-A-Phofung Municipality has left us here.

I plea to you to assist us speedily as we cannot bear this suffering much longer.

Thank you,
On Behalf of the People of Bokamoso,

Sello B Gatebe
083 77 022 74 / 082 589 2528
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**TRADITIONAL AFFAIRS
MABOLELA DISTRICT**

**BOCHABELA VILLAGE
BOCHABELA MOTSENO**



**REPUBLIC OF SOUTH AFRICA
REPABOLIKI YA AFRIKA BORWA**

P O BOX 5113, PHUTHADITJHABA, EASTERN FREE-STATE, 9866

Dear Sir / Madam

It is with great respect and humility that I, on behalf of the Village Traditional Authority, write this brief report about the worrying conditions that the residents of Bochabela – Bokamoso (Remaining part of the former Bluegumbosh farm 199 - HaTshohanyane) who were evicted on Wednesday 11th June 2014, are currently living under.

Following the Constitutional Court's decision to dismiss the residents' appeal application on the 23rd of May 2014, the Maluti-A-Phofung Local Municipality (MAP) activated an eviction that was previously ordered, by the Bloemfontein High Court, to be conducted on the 17th of August 2012.

The village council allocated an additional 730 mapped sites at Bokamoso in 2012, but approximately 500 families have been living at their homes on a permanent basis. The rest of the people have been living temporary at their sites due to realities such as: employment out of Qwa-qwa, fear of eviction pending the outcome of the land dispute, delayed service delivery, poverty and opportunistic tendencies. The Village council has been allocating livestock land, cemetery land, initiation-school land, residential land and business land (with the knowledge and cooperation of the Local Municipality and the District Traditional Council) in this area for a period of over thirty years.

Nevertheless, the residents were advised by the Sheriffs, on Monday the 9th June 2014 at their respective homes, to leave the land and were handed two double-sided pages -4 pages-(the Constitutional Courts conclusion and the High Court's eviction order) to

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support their advice. When I asked where we should evacuate to I was told that the Municipality and the Chief (myself) know about the alternate land that has been made available, and that the eviction could take place as soon as that very day because the order was given almost two years ago already. This was surprising as the case was still on, and our legal advisors only received the Constitutional Court's conclusion after the 23rd of May 2014.

At an urgent community meeting on the subsequent day, Tuesday the 10th of June 2014, the residents requested the Chief, and three (3) community members to approach the Human Rights Commission (HRC), and request them to intervene due to escalating rumours that an eviction was due to happen on the following day. The Commission promptly intervened by writing a letter to the Municipal Manager at MAP in which they, *amongst other things*, requested the municipality to give the residents 60 days in which they will be fairly informed about the alternate accommodation they are to be relocated to, so as to accommodate the vulnerable (Women, Children, Disabled people and the Elderly) and the disadvantaged amongst us, who may not be able to evacuate immediately.

A copy of the letter from the HRC was sent to the Phuthaditjhaba Police Station early (05:00) on Wednesday morning (05:00) with the fear that the Municipal manager may have received the letter too late (if at all) for him to communicate its contents with the SAPS. The Station Commander, who was already in a meeting with identifiable police and traffic officers as well as MAP employees, responded by stating that the Sherriff is on his way and that the police can only do what the Sherriff requires them to do in this situation. I then waited outside and as soon as the Sherriff arrived, I handed the letter to him and after reading it he went to the gathering where the station commander was. He returned after a few minutes and told us (myself and community member) that he can only stop the eviction if the Mayor says he should. I then called the Mayor who answered by acknowledging that the municipality has received the letter, but the Municipality lawyers have advised that they should continue with the eviction because the order has been given. When I asked the Sherriff where the alternate land that has theoretically been made available is, he said that there is a temporary shelter where the evicted people and their property will be relocated to.

We then returned to Bokamoso to report the situation to the residents, who became distressed to hear that the request from the HRC has been rejected. Not long after the report was given, police vehicles entered Bokamoso and they announced that, 'because the Courts have ruled against them living on this land, they must leave immediately otherwise they will be forcefully removed'. Nothing was mentioned about the alternate land that was to be made available, we then saw a group of people (private demolishers) getting into the homes to take the belongings outside, then the bulldozers flattened the houses and the properties were loaded onto trucks and taken to a factory in the industrial area for storage. What traumatised many of the residents is that some of the bulldozers were driven by white (European) people, which revived the fear that they have taken years to overcome.

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Many residents then fled to their homes to begin dismantling them properly, in order to prevent them from being crushed down by the bulldozers, some succeeded but those who were too slow due to them having little assistance, or those not being at home were overtaken by the demolishers and their houses were ruined.

Some of the residents received help from their families and friends to dismantle and transport their belongings, because it was not clear where we were to relocate to and whether or not our property would be safely kept at the factory. At the end of that dreadful day, approximately 50 families were left at Bokamoso without shelter, 41 were given some food and taken to the Fire Department while the rest, who did not get help, stayed out in the cold because they could not leave their remaining property unattended to overnight. My wife and I were one of the families who went to the Fire Department that night, but I was instructed to leave the premises because I was told that I (as the Village Chief) am no longer part of this situation because it is now a security location, regardless of the fact that my home was amongst those that were demolished.

On the following day, Thursday the 12th of June 2014, the evicted masses made their way to the Fire Department to know more about the plans that have allegedly been made for additional land. The males and females were crowded together in one room, there was no bath water and the toilets were blocked. Those who are employed had to miss work and children had to miss school (during Exam time) because they were unsure about their future places of residence. Those who have pets and household animals had to abandon them because the transport to each resident provided was limited. Much of the furniture that was taken to the factory is damaged, and some of the property has been stolen.

Some, who only received shelter from friends and families for the night, arrived and added to the ones who spent the night at the fire department, only to be told that they are no longer part of the people who need to be given alternate land because they have other options of residence. Many responded by saying that their property that is still at the factories is proof that they are amongst the people who were evicted, and that the lists which the Sheriffs' wrote when they were distributing the papers and evicting on Monday and Wednesday respectively, as well as the register that the Village council has should be used to ascertain whether they are rightfully there or not. Some even suggested that the Independent Electoral Commission (IEC) be approached to see whether they were amongst the residents who voted in Bokamoso (Ha Morena Tsholo) on the 7th of May 2014.

The evicted residents are constantly at the shelter, some full-time and some during the day, because they do not want to miss the opportunity of being provided with their rightful alternate accommodation. On Saturday, 14th June 2014, they were moved to a bigger shelter (Makwane Youth Centre) because the MEC for Social Development intervened. The blankets are inadequate, the men have no mattresses, the electricity is restricted, there is no firewood (for warmth, bathing or cooking), and as a result many are being admitted to the hospital, and some who are ill are being taken in by families

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and friends. On Friday, 20th June, the food parcels were stopped and they were told to leave the shelter because renovations are due to be made there.

The municipality took some of the 41 households, who slept at the Fire Department on the first night, to a piece of land at Snakepark in Bluegumbosh location. They furthermore used the damaged and mixed-up building material which was taken from the demolished houses at Bokamoso to build (what they call) 'temporary accommodation' three (3) meters from each other, in which the household property does not fit.

This relocation to Snakepark has caused internal and external problems which could prove to be fatal. There is no water or firewood available which was not the case at Bokamoso. The old residents are openly threatening to remove the Bokamoso people because they claim to be staying in other peoples' houses and now instead of them being given sites there, strange people get them. The school children have been relocated to a site that is very far from their school, worse still, during winter exams.

Efforts have been made by the Village Council and affected community to relieve the residents from some of the stresses they are under, because their misfortune of losing their homes is made worse by them having no access to their property. Cleaning and bathing material was made available on the first week. Letters to various employers are being written to inform them of the affected employee's residential situation. Letters are being sent to a few supermarkets requesting food parcels or assistance. Churches are being approached for much needed Prayers and assistance. The Local Municipality and Government at large is constantly being engaged to sit down and properly consider the far reaching effect that this eviction is having on the affected community. Allegations of crime are being reported to the police. The sick are being referred to the local clinics and hospitals. The media is often invited to arouse public interest and to inform society. The Human Rights Commission and Legal advisors have been consulted for advice and mediation between our vulnerable people and, us, their leaders.

It is troubling to note that a few weeks after the majority of Bokamoso residents voted for the Ruling Party (at a voting station that was erected at Bokamoso), the very same Government is the one that rewards the electorate by evicting them from the land.

Thank you for your attention, as I leave this sensitive issue in your capable hands.

Yours in Service

T. Mopeli: 0784053257
MORENA WA MOTSE

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22 September 2014

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Fax: 021-461 94-60

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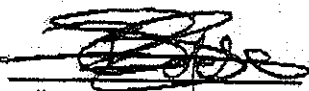
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We have had no response from anybody alleviating our situation.

We are nearing Heritage Day this week, yet we are struggling to survive in the dreadful situation in which Maluti-A-Phofung Municipality has left us here.

I plea to you to assist us speedily as we cannot bear this suffering much longer.

Thank you,
On Behalf of the People of Bokamoso,


Sello B Gatebe
083 77 022 74 / 082 589 2528
vellvgatebe@yahoo.com


Mokoena Matjele
076 906 8159 / 081 085 8687



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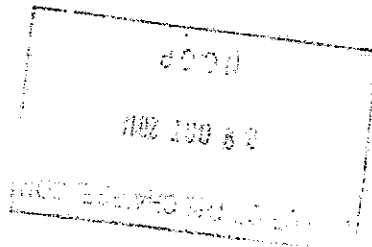
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**TRADITIONAL AFFAIRS
MABOLELA DISTRICT**

**BOCHABELA VILLAGE
BOCHABELA MOTSENG**



**REPUBLIC OF SOUTH AFRICA
REPABOLIKI YA AFRIKA BORWA**

P O BOX 5113, PHUTHADITJHABA, EASTERN FREE-STATE, 9866

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We then returned to Bokamoso to report the situation to the residents, who became distressed to hear that the request from the HRC has been rejected. Not long after the report was given, police vehicles entered Bokamoso and they announced that, 'because the Courts have ruled against them living on this land, they must leave immediately otherwise they will be forcefully removed'. Nothing was mentioned about the alternate land that was to be made available, we then saw a group of people (private demolishers) getting into the homes to take the belongings outside, then the bulldozers flattened the houses and the properties were loaded onto trucks and taken to a factory in the industrial area for storage. What traumatised many of the residents is that some of the bulldozers were driven by white (European) people, which revived the fear that they have taken years to overcome.

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Many residents then fled to their homes to begin dismantling them properly, in order to prevent them from being crushed down by the bulldozers, some succeeded but those who were too slow due to them having little assistance, or those not being at home were overtaken by the demolishers and their houses were ruined.

Some of the residents received help from their families and friends to dismantle and transport their belongings, because it was not clear where we were to relocate to and whether or not our property would be safely kept at the factory. At the end of that dreadful day, approximately 50 families were left at Bokamoso without shelter, 41 were given some food and taken to the Fire Department while the rest, who did not get help, stayed out in the cold because they could not leave their remaining property unattended to overnight. My wife and I were one of the families who went to the Fire Department that night, but I was instructed to leave the premises because I was told that I (as the Village Chief) am no longer part of this situation because it is now a security location, regardless of the fact that my home was amongst those that were demolished.

On the following day, Thursday the 12th of June 2014, the evicted masses made their way to the Fire Department to know more about the plans that have allegedly been made for additional land. The males and females were crowded together in one room, there was no bath water and the toilets were blocked. Those who are employed had to miss work and children had to miss school (during Exam time) because they were unsure about their future places of residence. Those who have pets and household animals had to abandon them because the transport to each resident provided was limited. Much of the furniture that was taken to the factory is damaged, and some of the property has been stolen.

Some, who only received shelter from friends and families for the night, arrived and added to the ones who spent the night at the fire department, only to be told that they are no longer part of the people who need to be given alternate land because they have other options of residence. Many responded by saying that their property that is still at the factories is proof that they are amongst the people who were evicted, and that the lists which the Sheriffs' wrote when they were distributing the papers and evicting on Monday and Wednesday respectively, as well as the register that the Village council has should be used to ascertain whether they are rightfully there or not. Some even suggested that the Independent Electoral Commission (IEC) be approached to see whether they were amongst the residents who voted in Bokamoso (Ha MorenaTsholo) on the 7th of May 2014.

The evicted residents are constantly at the shelter, some full-time and some during the day, because they do not want to miss the opportunity of being provided with their rightful alternate accommodation. On Saturday, 14th June 2014, they were moved to a bigger shelter (Makwane Youth Centre) because the MEC for Social Development intervened. The blankets are inadequate, the men have no mattresses, the electricity is restricted, there is no firewood (for warmth, bathing or cooking), and as a result many are being admitted to the hospital, and some who are ill are being taken in by families

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and friends. On Friday, 20th June, the food parcels were stopped and they were told to leave the shelter because renovations are due to be made there.

The municipality took some of the 41 households, who slept at the Fire Department on the first night, to a piece of land at Snakepark in Bluegumbosh location. They furthermore used the damaged and mixed-up building material which was taken from the demolished houses at Bokamoso to build (what they call) 'temporary accommodation' three (3) meters from each other, in which the household property does not fit.

This relocation to Snakepark has caused internal and external problems which could prove to be fatal. There is no water or firewood available which was not the case at Bokamoso. The old residents are openly threatening to remove the Bokamoso people because they claim to be staying in other peoples' houses and now instead of them being given sites there, strange people get them. The school children have been relocated to a site that is very far from their school, worse still, during winter exams.

Efforts have been made by the Village Council and affected community to relieve the residents from some of the stresses they are under, because their misfortune of losing their homes is made worse by them having no access to their property. Cleaning and bathing material was made available on the first week. Letters to various employers are being written to inform them of the affected employee's residential situation. Letters are being sent to a few supermarkets requesting food parcels or assistance. Churches are being approached for much needed Prayers and assistance. The Local Municipality and Government at large is constantly being engaged to sit down and properly consider the far reaching effect that this eviction is having on the affected community. Allegations of crime are being reported to the police. The sick are being referred to the local clinics and hospitals. The media is often invited to arouse public interest and to inform society. The Human Rights Commission and Legal advisors have been consulted for advice and mediation between our vulnerable people and, us, their leaders.

It is troubling to note that a few weeks after the majority of Bokamoso residents voted for the Ruling Party (at a voting station that was erected at Bokamoso), the very same Government is the one that rewards the electorate by evicting them from the land.

Thank you for your attention, as I leave this sensitive issue in your capable hands.

Yours in Service

T. Mopeli: 0784053257

MORENA WA MOTSE

support their advice. When I asked where we should evacuate to I was told that the Municipality and the Chief (myself) know about the alternate land that has been made available, and that the eviction could take place as soon as that very day because the order was given almost two years ago already. This was surprising as the case was still on, and our legal advisors only received the Constitutional Court's conclusion after the 23rd of May 2014.

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1657 Ext 5, Tlholong
Kestell
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P.O.Box 169
Harrismith
9880

22 September 2014

Attention:
National Council of Provinces
Me Thandi Modise

Fax: 021-461 94 60

Me,

I refer to my previous letter to you in this matter, dated 1 August 2014

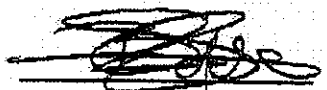
Up to this date we are still suffering at Bokamoso in Qwa-Qwa and there has been no change in our situation.

We have had no response from anybody alleviating our situation.


We are nearing Heritage Day this week, yet we are struggling to survive in the dreadful situation in which Maluti-A-Phofung Municipality has left us here.

I plea to you to assist us speedily as we cannot bear this suffering much longer.

Thank you,
On Behalf of the People of Bokamoso,



Sello B Gatebe
083 77 022 74 / 082 589 2528
vellvgatebe@yahoo.com



Mokoena Matjele
076 906 8159 / 081 085 8687



19 MAY 2015

SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS: CONTENT OF THE MALUTHI-A-PHOFUNG MUNICIPALITY PETITION

1. Content of the Petition

The Petition was tabled in the ATC on the 13 August 2014 and was subsequently referred to the Select Committee on Petitions and Executive Undertakings ('Committee').

The focus of the Petition centers on the alleged illegal eviction of the petitioners (Mr. Sello Gatebe and Mr. Mokoena Matjele) and a group of people by the Maluthi-A-Phofung Municipality ('Municipality'). The Municipality is in turn located in the Thabo Mafutsanyane District, Free State Province. The co-petitioners have approached the Committee for intervention, not only in their own interest but in the interest of the rest of the community whom they are representing.

The petitioners allege that in 2010 they were staying in 'stands' which were given to them by the Chief Tsholo Mopeli (Chief Mopeli) of the Bochabela Village. The petitioner's further state that in 2014 the Maluthi-A-Phofung Municipality along with officials from the South African Police Services (SAPS) approached the petitioners and the people they are representing claiming that they were occupying the land illegally. With the eviction process, their 'stands' and belongings were demolished. They were subsequently moved to a youth centre in Qwa-Qwa. Whilst some of the community members who had moved to youth centre in Qwa-Qwa, an amount of approximately 38 families were rehoused by the Maluthi-A-Phofung Municipality at Bluegum Busch.

In addition to their alleged illegal eviction, the petitioners also make brief mention of the conditions under which they are living. Children have to walk to school for about 20 kilometers a day with no transportation services even though this was promised by the MEC in June 2014.

The Committee should also note that the Bokamoso Petition which was tabled on the 13 August 2014 and referred to the Committee, is submitted by the same petitioners. The Bokamoso Petition cites poor service delivery in the area of Bochapelolo, Bokamoso as reasons for petitioning the Committee. Two (2) petitions have therefore been tabled; the Maluthi-A-Phofung Petition which deals with the alleged illegal eviction of approximately 700 families and the Bokamoso Petition in which allegations of poor service delivery to the residents of Bochabela, Bokamoso are allegedly taking place. I have therefore also attached the summary of the Bokamoso Petition.



2. Relief sought

The petitioners seek the assistance of the Committee to investigate the alleged illegal eviction by the Maluthi-A-Phofung Municipality since the petitioners allege they were given the land by Chief Mopeli. In addition to this, the petitioners also claim that they have paid the Chief money in this regard.

3. Reasons for the relief sought

The petition seeks the above stated relief as the petitioners have been without a safe dwelling since 2014 when the Maluthi-A-Phofung Municipality evicted them.

4. Recommendations to the Committee

Investigate the alleged illegal eviction by the Maluthi-A-Phofung Municipality.

5. Stakeholders

Mr. Sello B Gatebe (Petitioner)

Mr. M Matjele (Petitioner)

Chief Tsholo Mopeli

Maluthi-A-Phofung Municipality, Thabo Mafutsanyane District, Free State Province

Department of Cooperative Governance, Human Settlement and Traditional Affairs – Free State Province