

Mr Dada Morero
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Mr Herold Mbowana
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24 February 2025

Dear Mesdames and Sirs,

UNLAWFUL REMOVAL OF INFORMAL TRADER ON DE VILLIERS STREET, KLEIN STREET, KING GEORGE STREET, NOORD AND SURROUNDING PRECINCTS

1. We act on behalf of the South African Informal Traders Forum ("SAITF") and the informal traders trading from the area bounded by De Villiers Street, Klein Streets, King George Street, Noord and the surrounds in the Johannesburg Central Business District ("the trading locations" or "locations").
2. Our clients instruct us that between 14 February 2025 and 24 February 2025, Members of the Mayoral Committee ("MMCs") for the City of Johannesburg ("the City"), the Executive Mayor, officers of the Johannesburg Metropolitan Police Department ("JMPD"), the Johannesburg Property Company ("JPC"), members of the South African Police Service ("SAPS"), wardens from the Gauteng Crime Prevention Wardens ("CPW"), South African National Taxi Council ("SANTACO") forcibly evicted and/or removed the informal traders from their trading stalls in the locations in which they have been trading and confiscated their goods.
3. It is our instructions further that:

- 3.1. On 14 February 2025, the MMC for Economic Development, Ms Nomoyo Mnisi, the MMC for Development Planning, Ms Eunice Mgcina, with the assistance of the JMPD, SAPS and CPW ordered our clients immediately stop trading from their stalls at the precinct. The law enforcement officers confiscated the trading stock of one of the informal traders pursuant to which our clients stopped trading for a long duration of the day out of fear of losing their stock.
- 3.2. On 19 February 2025, Ms Mnisi and officers from the JMPD returned to the precincts and reiterated that she ordered the informal traders to remove their stock and vacate the precinct.
- 3.3. On 20 February 2025 at approximately 09h30, Ms Angie Mokasi, the Director of JMPD, approached the precinct and ordered to the informal traders to remove their stock and vacate the precinct. The informal traders tried to inform her about the order of the Constitutional Court in the matter of *South African Informal Traders Forum v City of Johannesburg 2014 (4) SA 371 (CC)* which inter alia interdicted the City from interfering with the informal trader who were subjected to similar evictions and confiscation of stock. Ms Mokasi refused to engage with the informal traders and persisted with her orders to the informal traders to remove their stock and vacate the precinct.

4. On 20 February 2025, our executive director, Ms Nomzamo Zondo, and staff members held a meeting with the City's Legal Department and Economic Development Department to *inter alia* in an attempt to obtain a resolution of this matter through a process of meaningful engagement. During the meeting, we reminded the City that it had not issued trading permits since 2012 and drew its attention to the order of the Constitutional Court in the matter of *South African Informal Traders Forum v City of Johannesburg* 2014 (4) SA 371 (CC). As engagement was underway, our clients instructed us that the Executive Mayor, Mr Dada Morero, and law enforcement officer were at the trading locations ordering our clients remove the stock and vacate their stalls.
5. On 21 February 2025 at approximately 3pm, we held a meeting with the Executive Mayor and officials of the City officials during which we reiterated our submissions that City that the City had not issued trading permits since 2012 and drew the Executive Mayor's attention to the abovementioned order of the Constitutional Court. It was agreed that efforts should be made to secure resolution of matters through meaningful engagement. We considered this to be an initiation of the engagement process through which the issues relating to the trading permits and implementation of the by-laws would be resolved. The import of this was that the forced removals and confiscations of our clients' stock would be stopped.
6. To our astonishment, we were instructed that, whilst our meeting with the Executive Mayor was underway, Mr Jaca, Chief of Police for JMPD and Ms Mnisi returned to our

clients' trading locations at Rissik and Klein Street and attempted to forcibly remove our clients from their trading stalls. Our clients contacted our Ms Zondo who immediately contacted Mr Segala Malahlela, the City's Head of Legal Department, requesting his intervention to stop the unlawful removal of our clients from their trading stalls. Following the conversation between Ms Zondo and Mr Malahlela, the forcible removals were halted.

7. Whilst our engagement with the Executive Mayor and officials of the City was still underway, on 23 February 2024 at 11h00, officers of the JMPD ordered our clients selling second-hand clothes from the abovementioned trading locations to shut their trading stalls. Obligated out of fear that their stock would be confiscated.
8. We are instructed that, on 24 February 2025, the City escalated its forcible eviction of our clients from their trading stalls when Ms Helen Botes from JPC, Mr Machete, officers from the JMPD and members of the SAPS did the following:
 - 8.1. They instructed traders operating from Block 3 at Noord to and remove their stock and shut their trading stalls, afterwhich they proceeded to De Villers and Plein Streets to do the same.
 - 8.2. They forcibly removed our clients from their trading locations and unlawfully confiscated their stock without providing any impoundment receipt. Some of our clients were detained in police vehicles for the duration of the forced

removals and confiscation of their stock. At the time of addressing this correspondence

8.3. They brought cement boulders to our clients' trading locations to prevent them from accessing their trading stalls.

9. It is evident from the above that despite all our and our clients' efforts to avoid approaching the High Court for urgent relief, the City continues to unlawfully evict our clients from their trading stalls and to confiscate their stock in a manner that the Constitutional Court had already declared unlawful as far back as 2014 and granted an order interdicting and restraining the City from interfering with our clients' right to trade. The order of the Constitutional Court is annexed hereto as Annexure "A".

10. This is not the first time that the City conducts itself in a manner contemptuous of the abovementioned order of the Constitutional Court. In July 2022, one Mr Nkululeko Mdundu from the MMC for Economic Development, prohibited trading in the trading locations. Our offices, acting on behalf of informal traders, launched an urgent application in Gauteng Division of the High Court, Johannesburg against Mr Mdundu and the City. As a result, the City agreed to allow our clients to resume trading as they had been trading immediately before the unlawful interference by Mr Mdundu. This agreement was made an order of court and is annexed hereto as Annexure "B".

11. As you are aware, our clients have been trading in Johannesburg for long periods, with many having traded in Johannesburg for over 20 years. Our clients live in dire poverty and depend on informal trading as a primary source of income to meet their basic needs and provide for their families.

12. Our clients understand that adhering to the relevant laws, by-laws and policies, including the Informal Trading Policy, is essential for the continuation of their livelihoods and abided accordingly insofar as it is possible.

13. Having regard to the above, it is plain that the act to remove our clients from their trading locations without any legal basis is grossly unlawful and in violation of our clients' constitutional right dignity, freedom of trade, not to be arbitrarily deprived of property and just administration action. Furthermore, as indicated above, this act is in contempt of the order of the Constitutional Court and the order of the High Court.

14. In the circumstances, we are instructed to demand, as we hereby do, a written undertaking from the City by 8h00 on 25 February 2025:

14.1. That the City will immediately refrain from interfering with the trading of our clients from their trading stalls at the abovementioned trading locations.

14.2. That our clients shall be permitted to resume trading forthwith without unlawful interruption by the City.

15. Should we not receive the written undertaking as per paragraph 14 of this letter, we hold instructions to approach the High Court on an urgent basis for appropriate relief. Should legal action be necessary, we shall seek punitive costs orders against the abovementioned members of the mayoral committee and officials in their personal capacity.

16. Our client's rights remain strictly reserved.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Osmond Mngomezulu', with a long horizontal stroke extending to the right.

Osmond Mngomezulu

Attorney



CONSTITUTIONAL COURT OF SOUTH AFRICA

**Case CCT 173/13
Case CCT 174/13**

In the matter between:

**SOUTH AFRICAN INFORMAL TRADERS
FORUM**

First Applicant

AYANDA KELA

Second Applicant

ROSEMARY NDEBELE

Third Applicant

**ONE THOUSAND TWO HUNDRED AND
EIGHT FURTHER APPLICANTS**

Fourth to 1211th Applicants

and

CITY OF JOHANNESBURG

First Respondent

**THE JOHANNESBURG METROPOLITAN
POLICE DEPARTMENT**

Second Respondent

**THE EXECUTIVE MAYOR OF THE CITY OF
JOHANNESBURG, MPHOSAPANE TAU**

Third Respondent

**THE CITY MANAGER OF THE CITY OF
JOHANNESBURG, TREVOR FOWLER**

Fourth Respondent

**THE CHIEF OF THE JOHANNESBURG
METROPOLITAN POLICE DEPARTMENT,
BRIGADIER ZWELIBANZI NYANDA**

Fifth Respondent

**SOUTH AFRICAN NATIONAL TRADERS
ASSOCIATION**

Sixth Respondent

CENTRAL JOHANNESBURG PARTNERSHIP

Seventh Respondent

And in the matter between:

**SOUTH AFRICAN NATIONAL TRADERS
RETAIL ASSOCIATION**

Applicant

and

CITY OF JOHANNESBURG

First Respondent

**THE JOHANNESBURG METROPOLITAN
POLICE DEPARTMENT**

Second Respondent

**THE EXECUTIVE MAYOR OF THE CITY OF
JOHANNESBURG, MPHOSAPANE TAU**

Third Respondent

**THE CITY MANAGER OF THE CITY OF
JOHANNESBURG, TREVOR FOWLER**

Fourth Respondent

**THE CHIEF OF THE JOHANNESBURG
METROPOLITAN POLICE DEPARTMENT,
BRIGADIER ZWELIBANZI NYANDA**

Fifth Respondent

CENTRAL JOHANNESBURG PARTNERSHIP

Sixth Respondent

**SOUTH AFRICAN INFORMAL TRADERS
FORUM**

Seventh Respondent

AYANDA KELA

Eighth Respondent

ROSEMARY NDEBELE

Ninth Respondent

**ONE THOUSAND TWO HUNDRED AND
EIGHT FURTHER APPLICANTS**

Tenth to 1218th Respondents

ORDER DATED 5 DECEMBER 2013

CORAM: Moseneke ACJ, Skweyiya ADCJ, Cameron J, Dambuza AJ, Froneman J, Jafta J, Madlanga J, Mhlantla AJ, Nkabinde J and Zondo J.

Having heard counsel, the following order is made:

1. Leave to appeal directly to this Court on an urgent basis is granted.
2. The appeal is upheld.
3. The order of the South Gauteng High Court, Johannesburg, made on 27 November 2013, under case number 43427/13, is set aside.
4. The following order is made:
 - a) Pending the determination of Part B of the application in the High Court, the first to fifth respondents are interdicted from interfering with the trading of the applicants listed in Annexures A and B to this order at the locations they occupied immediately before their removal between 30 September and 31 October 2013.
 - b) The first to fifth respondents are directed to pay the applicants' costs in this Court and in the High Court including, in each case, the costs of two counsel.


MS STANDER
SENIOR REGISTRAR
CONSTITUTIONAL COURT



TO: SERI LAW CLINIC

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X Nally

27/7/22

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case No: 2022/007634

ON THIS THE 27TH DAY OF JULY 2022
BEFORE THE HONOURABLE MR JUSTICE VALLY

In the matter between:

AYANDA KELA

First Applicant

ROSEMARY NDEBELE

Second Applicant

BONGANI DANISA

Third Applicant

MERICCA KHESWA

Fourth Applicant

NOSIPHO NTINI

Fifth Applicant

SITHABILE MASUKU

Sixth Applicant

SOUTH AFRICAN INFORMAL TRADERS FORUM

Seventh Applicant

**THE FURTHER INFORMAL TRADERS LISTED
IN ANNEXURE "A2" TO THE APPLICANTS' FOUNDING
AFFIDAVIT**

Eight to Six hundredth Applicants

and

CITY OF JOHANNESBURG

First Respondent

**THE JOHANNESBURG METROPOLITAN POLICE
DEPARTMENT**

Second Respondent

**THE EXECUTIVE MAYOR OF THE
CITY OF JOHANNESBURG, MPH O PHALATSE**

Third Respondent

**THE CITY MANAGER OF THE CITY OF
JOHANNESBURG, BRYNE MADUKA**

Fourth Respondent

**THE CHIEF OF THE JOHANNESBURG
METROPOLITAN POLICE DEPARTMENT,
DAVID TEMBE**

Fifth Respondent

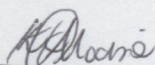
THE MEMBER OF THE MAYORAL COMMITTEE
FOR ECONOMIC DEVELOPMENT,
THE CITY OF JOHANNESBURG,
NKULULEKO MBUNDU

Sixth Respondent

ORDER

By agreement between the parties, the following order is made:

1. The matter is postponed *sine die*;
2. The applicants are allowed to resume and continue trading as they did before 19 July 2022;
3. The respondents are directed to pay the applicants' costs on a party-and-party scale.





THE REGISTRAR