

URGENT ACTION

61 PEOPLE REMAIN HOMELESS AFTER FORCED EVICTION

Four families, consisting of 61 people including 33 children, remain homeless after they were forcibly evicted and had their homes demolished in the Emphetseni farming area, Malkerns on 9 April. The families were not given adequate notice of the eviction and have had to find their own temporary accommodation, resulting in most of them having to be separated. The Swazi government has failed to meet the affected families and provide them with alternative housing and they continue to be at risk of further human rights violations.

The **four forcibly evicted families** have made several attempts to meet with Swazi authorities, including officials from the Deputy Prime Minister's office, to ask that the government provides them with alternative housing. However, they have not been successful. The families were forcibly evicted from their homes and their houses demolished in Emphetseni, Malkerns on 9 April 2018 in the presence of the Sheriff of the High Court of Mbabane and armed local police officers.

The families were not given adequate notice and were only informed a day before the eviction that an eviction order had been granted by a court on 14 July 2017. As a result of the eviction, individual family members have had to split up due to being unable to find adequate temporary housing. The women and children have been accommodated in temporary rental accommodation. Other family members have remained in the places of shelter in which they were housed following the eviction.

The private farming company that owns the land on which the homes were built and applied for the eviction met with the affected families on 2 May 2018 and gave them 10,000 Emalangeni (approx. 850 USD) and a cow per family, indicating that it was a donation to the families and not compensation for the eviction. The amount provided to the families is insufficient to secure adequate alternative housing. The families remain homeless and at risk of various other human rights violations. According to the parents, their children are traumatised by the eviction and have been unable to focus at school which could affect their performance in school.

Please write immediately in English or your own language:

- Calling on the authorities to ensure that the forcibly evicted families are given adequate alternative housing as a matter of urgency in respect of their right to adequate housing;
- Calling on the authorities to take steps to ensure that victims of forced evictions do not face further human rights violations resulting from the forced evictions;
- Urging them to end forced evictions and ensure that evictions are carried out in strict compliance with international and regional human rights standards.

PLEASE SEND APPEALS BEFORE 11 JULY 2018 TO:

The Right Honourable Prime Minister
Dr. Sibusiso Barnabus Dlamini
Cabinet Offices,
Hospital Hill
Mbabane, Swaziland
Fax : +268 2404 3943
Email : mbingoli@gov.sz
Salutation: Dear Prime Minister

Minister of Natural Resources and Energy
Ms Jabulile Mashwama
Income Tax Building
Fourth Floor
Mhlambanyatsi Road
P.S Office 402
Mbabane, Swaziland
Fax: +268 2404 4851
Salutation: Dear Minister

And copies to:
Principal Secretary
Ms Winile T. Stewart
Ministry of Natural Resources and Energy
Income Tax Building
Fourth Floor
Mhlambanyatsi Road
P.S Office 402
Mbabane, Swaziland
Email: winthem@hotmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below.
Please check with your section office if sending appeals after the above date. This is the first update of UA 71/18. Further information:
<https://www.amnesty.org/en/documents/afr55/8208/2018/en/>

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ADDITIONAL INFORMATION

In 1957, King Sobhuza II moved the families from land they had been living to make way for timber harvesting. They were resettled on the piece of land in the Emphetseni from which they were evicted on 9 April 2018.

In 1999, the private farming company purchased the land from Usuthu Pulp Ltd. Following this purchase the families took the private company to court arguing for recognition of their rights to the land on the grounds that they had been residing there since 1957. The High Court ruled in favour of the families.

The private farming company filed an appeal at the Supreme Court in 2013 and the Court ordered that acquisitive prescription did not apply and the families should vacate within 21 days. The families approached the Swaziland Human rights Commission for assistance on the matter and the commission argued for a stay of execution on the Supreme Court Judgement.

The eviction was carried out in pursuance of a High Court order of July 2017 which ordered the demolition of any structure erected by the affected community. According to international human rights standards, even where evictions are deemed to be justified, they must follow due process. No one should be left homeless and at risk of other human rights violations as a result of the eviction.

Scelo "Max" Dlamini (32 years old), a member of one of the affected families, was robbed and murdered in the early hours of the morning of 16 May while on his way back to the chief's kraal (chiefs customary home) where he had been staying after the forced eviction. His family believe he was killed while taking a short cut from Emphetseni farming area, near his old home, something they say would not have happened if they were still living in their home.

Swaziland has a long history of forced evictions, which have been documented by Amnesty International.

Name: 61 people from four homesteads in Malkerns town
Gender m/f: both

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