

URGENT ACTION

DOZENS LEFT HOMELESS AFTER FORCED EVICTION

Dozens of people, including 33 children, were left homeless after their homes were demolished using bulldozers in the presence of 20 armed police. The families belong to the farming area of Embetseni in Malkerns town.

Four Homesteads consisting of **61 people**, 33 of whom are children, were forcibly evicted from their homes in the farming area of Embetseni in the Malkerns town in Swaziland on 9 April. Representatives of a private farming company that owns the land together with the Sheriff of the High Court of Mbabane and armed local police officers were present during the demolition of the homesteads. They arrived in the morning and told the families to remove their belongings from their homes if they did not want them destroyed during the demolition. Afterwards, bulldozers demolished the four homesteads.

In violation of international human rights standards, residents of the homesteads were not given adequate advance notice of the eviction and were not provided with alternative housing thus rendering them homeless, and at risk of other human rights violations. The affected families were informed of an eviction order, dated 14 July 2017, only a day before the eviction, on 8 April at a meeting they sought with the local police to address rumours of an imminent eviction. On the first night after the forced eviction, some five members of one family slept in the open, another family spent the night in the local chief's residence while another was forced to take shelter in chicken coup. Others were accommodated at a local primary school.

The private farming company that owns the land occupied by the four homesteads has been involved in a legal battle with the residents since 2013 when the families filed a case in court arguing for recognition of their rights to the land on the grounds that they had been residing there since 1957. The company had applied to have the community evicted.

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;
- 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 24 MAY 2018 TO:

The Right honourable Prime Minister

Dr. Sibusiso Barnabus Dlamini

Cabinet Offices,

Hospital Hill

Mbabane, Swaziland

Fax: +268 2404 3943

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:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In 1957, the families were initially moved from land they were living on in order to make way for timber harvesting. They were resettled on this piece of land from which they were evicted on 9 April 2018.

The private farming company holds title over the land which they had purchased from Usuthu Pulp Limited in 1999. The families argue that the land which they settled on was previously concession land (land acquired during colonialism which is transferred to the king).

The land in question has been the subject of an occupancy dispute between the families who were living on it, and the private farming company that owns the land.

The private company filed an appeal at the Supreme Court in 2013 and on 31 May 2013, the Court ordered that acquisitive prescription doesn't apply and the families should vacate the land within 21 days.

Later, in 2017 the private company approached the High court (Case No. 902/2011) requesting an eviction order based on the 2013 Supreme court judgement in 2013. The eviction on 9 April 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.

The families had requested that the company provide them with alternative housing. However, the company only offered to compensate the families 10 000 Emalangeni (approx. \$850 USD) for each homestead affected which the families declined as they argued that the amount was insufficient for them to move their belongings and acquire new housing.

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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