

**COMMISSION OF INQUIRY INTO CIRCUMSTANCES SURROUNDING THE  
DEATHS OF AT LEAST 77 PEOPLE AND DOZENS MORE OTHERS INJURED  
AND HOMELESS AT THE CORNER OF ALBERT AND DELVERS STREETS  
MARSHALLTOWN, JOHANNESBURG CENTRAL (REGION F)**

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**WITNESS STATEMENT: HELEN MARGARET BOTES**

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I,

**HELEN MARGARET BOTES**

do hereby make an oath and state that:

1. I am a major female South African citizen currently employed by the City of Joburg Property Company SOC Ltd ("JPC") as its Accounting Officer.
2. I have been employed as such in terms of a fixed-term contract commencing on 1 October 2019 and ending on 1 September 2024.
3. Unless the context indicates otherwise, what is set out below is within my personal knowledge and /or gleaned from records and documentation under my control and are to the best of my belief true and correct.
4. Where I rely on information not directly within my personal knowledge I do so on the basis of information made available to me by the officials within the JPC.

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5. This statement is intended to give an account of the JPC's mandate, role and involvement in the management of the Usindiso Building, No. 80 Albert Street, Corner Delfers Street, Marshalltown, Johannesburg ("Usindiso Building").
6. This statement:
  - 6.1 provides an overview of the JPC's mandate;
  - 6.2 outlines the CoJ's property portfolio;
  - 6.3 provides a chronology and/or history of the Usindiso Building, with a particular focus on:
    - 6.3.1 its ownership and lease to Usindiso Ministeries;
    - 6.3.2 the JPC's engagements with the occupants of the Usindiso Building;
    - 6.3.3 the JPC's engagements with different stakeholders within the CoJ in respect of Usindiso Building;
    - 6.3.4 the inspections conducted by the JPC;
    - 6.3.5 the invasions of the Usindiso Building and steps taken by the JPC in response; and
  - 6.4 sets out the current status of bad/highjacked buildings within Region F.

### The mandate of the JPC

7. The JPC is a wholly owned CoJ municipal entity. It was established by the CoJ in the year 2000, as a private company and was subsequently converted into a state-owned company after the enactment of the Companies Act 71 of 2008.
8. The JPC is mandated to manage and develop the CoJ's property portfolio. Its mandate is set out in a Service Delivery Agreement ("SDA") concluded with the CoJ, as contemplated in the Municipal Systems Act 32 of 2000.
9. I attach hereto a copy of the SDA marked "**HB1**" which sets out the framework within which the JPC renders the services assigned to it by the CoJ.
10. The JPC renders the following core services on behalf of the CoJ which are more fully set out in Annexure A of the SDA:
  - 10.1 Property Management;
  - 10.2 Property Development;
  - 10.3 Asset Management; and
  - 10.4 Facilities Management.
11. The Property Management function involves obtaining and maintaining value from the CoJ's property portfolio, this function is given effect to through the leasing, acquiring and selling of CoJ owned properties. This function also involves ensuring that the CoJ owned properties are maintained.

12. The Property Development function involves the provision of project management services to support property development as well as the management of all property development activities to ensure an adequate financial return for the CoJ.
13. This entails, for example, the identification of CoJ owned properties for release to the private sector for development purposes.
14. The Asset Management function primarily involves the management of the CoJ's property portfolio, which portfolio I will discuss in greater detail at a later stage in this statement.
15. The Facilities Management function entails the management of corporate buildings, the maintenance of public facilities and other CoJ owned facilities.
16. The JPC, therefore, plays a critical role in developing and managing CoJ owned properties for the purposes of maximising both social and commercial opportunities in the short and long term for the CoJ.
17. For the purposes of executing its mandate, the JPC is required to develop an Annual Business plan as well as a budget for submission to the CoJ for approval. The JPC therefore renders its services to the extent that the CoJ makes budget available to it.
18. I highlight to the Commission that the CoJ does not provide the JPC with a budget for property management and has not done so for the past five years.

19. This is because, the Property Management function, as I have alluded to, involves maximising on the value and efficiency of the CoJ's immovable property portfolio. The JPC therefore collects rentals and manages tenants who have lease agreements with the CoJ.

### **Overview of the CoJ Property Portfolio**

20. The CoJ property portfolio is comprised of 28 280 assets which are spread across seven different regions within the CoJ as follows:

20.1 Region A: Diepsloot, Kya Sands, Dainfern, Midrand, Lanseria and Fourways;

20.2 Region B: Randburg, Rosebank, Emmarentia, Greenside, Melville, Mayfair, Northcliff, Rosebank, Parktown and Parktown North;

20.3 Region C: Roodepoort, Constantia Kloof, Northgate, Florida and Bram Fischer;

20.4 Region D: Doornkop, Soweto, Dobsonville and Protea Glen;

20.5 Region E: Alexandra, Wynberg, Sandton, Orange Grove and Houghton;

20.6 Region F: The Inner City, Johannesburg; and


20.7 Region G: Orange Farm, Weilers Farm, Ennerdale, Lenasia, Eldorado Park, Protea South.

21. The JPC is mandated to manage the entire property portfolio on behalf of the CoJ. I attach hereto the full portfolio or register of the assets marked “HB2”.
22. The full historical book value of the CoJ property portfolio across all regions is R9 269 218 360,44 as depicted in the attached “HB3”.
23. I pause to mention that the CoJ’s property portfolio is not only comprised of buildings, it includes assets such as public parks, cemeteries, nature reserves and bus terminals which are spread across the different regions.
24. I do not wish to overburden the Commission with details pertaining to assets which fall outside of Region F. However, for the Commission's ease of reference, I attach hereto a regional summary of the categories and book value of the assets per region marked “HB4”.
25. Region F is located in the Inner COJ, South. The Usindiso Building is located in Region F as depicted in the attached asset register for Region F marked “HB5”.
26. The Commission will note that each asset located in Region F is categorised according to its use or function.
27. I wish to draw the Commission’s attention to the following with respect to the CoJ assets categorised under Region F as depicted in HB5. The assets are categorised and comprised of, amongst others: Agricultural Land, Commercial Offices, Industrial Buildings, Informal Markets, Schools and Clinics.
28. The Usindiso Building is one of 15 buildings listed and categorised as an Industrial Building.

## Chronology or history of the Usindiso Building

### Ownership and Lease

29. The registered owner of the Usindiso Building is the CoJ. I attach hereto a copy of the Title Deed T3047/1954 as “**HB6**”. The property was registered in the name of the CoJ in 1954.
30. On 1 July 2003, the JPC concluded a Lease Agreement with Usindiso Ministries, a Non-Governmental Organisation (NGO) offering shelter, care, education and counselling services to abused women, their children, and teenage girls.
31. The NGO was funded and monitored by the Provincial Department of Social Development (Social Development) during the term of the lease which was for a period of 9 years and 11 months.
32. I annex hereto a copy of the Lease Agreement marked “**HB7**” for the Commission's ease of reference.
33. As the lessee, the NGO was responsible for maintaining and keeping the property in good condition suitable for the use for which it was intended during the term of the lease.
34. The NGO was in peaceful occupation and paid its rental to the JPC as per the terms of the Lease Agreement during the term of the lease.

  
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35. The Lease Agreement expired on 31 May 2013. However, the NGO continued to occupy the building pursuant to its expiry as there remained vulnerable women and children who required shelter.
36. The NGO made three payments toward the rent pursuant to the expiry of the lease, two in January 2015 and the last payment on 1 September 2016. I annex hereto a copy of the rent payment schedule marked “HB8”.
37. In 2015, Social Development did not renew its funding contract with the NGO due to ongoing health issues and challenges with non-compliance identified by Social Development at the Usindiso Building.
38. It was during this period that the JPC began receiving complaints relating to the Usindiso Building and its occupants.

Inspections conducted by the JPC


39. In June 2018, the JPC received an external complaint that the Usindiso Building was no longer being used for the purpose for which it had been leased.
40. On 9 June 2018, the JPC’s stakeholder management division responded to the external complaint received.
41. On arrival at the Usindiso Building, the JPC’s stakeholder manager observed the security personnel of the NGO manning the front door on Delvers Street and requested that he be granted entry for the purposes of investigating the complaint.

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42. The security personnel denied the JPC entry after having received instructions from the owner of the NGO to do so.
43. After having been denied entry, the JPC stakeholder manager requested the assistance of the Johannesburg Metro Police Department ("JMPD") to gain entry into the Usindiso Building.
44. In June 2018, the JMPD together with the JPC attended to a joint inspection of the Usindiso Building and on arrival observed the same security personnel manning the gate on Delver Street.
45. The JMPD forcibly opened the gate and the JPC was able to access the Usindiso Building.
46. A floor-by-floor inspection was conducted, and the following was observed:
  - 46.1 the structure of the Usindiso Building remained intact and women as well as children occupied the ground floor whilst the other floors were vacant; however,
  - 46.2 a computer school was being operated from the Usindiso Building and it also appeared that the occupants were beginning to privately lease out some of the rooms to the public.
47. On 29 June 2018, following the inspection, the JPC met with the owner of the NGO, Pastor Bradley, to discuss various concerns pertaining to the status of the Usindiso Building.

48. It was during this meeting that the JPC learnt that Social Development had withdrawn its funding in 2015 and that the NGO was no longer receiving grants.
49. During the meeting, the owner of the NGO requested to extend the lease, this request was denied by the JPC.
50. It is at this point that the JPC began engaging with Social Development with a view of transferring the Usindiso Building to Social Development given that the occupants were abused women and children previously funded by Social Development.
51. I pause to mention that at this stage, the JPC was not only engaging with Social Development but was engaging with the Johannesburg Social Housing Company (JOSCHO).
52. JOSHCO had shown an interest in acquiring the Usindiso Building for the purposes of converting it into a Social Housing Unit.
53. JOSHCO's Chief Executive Officer at the time visited the Usindiso Building and numerous meetings were held with the JPC for the purposes of discussing the possible acquisition of the Usindiso Building.
54. On or about July 2018, the JPC's stakeholder manager conducted another inspection of the Usindiso Building and it was at this point that it was established that the NGO's owner had vacated, and its security guards were no longer manning the entrance on Delver Street.

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55. During this inspection, the JPC easily gained access into the Usindiso Building and discovered that the NGO's security guards had left with the keys and as such, there was no access control and the women and children remained without adequate security.
56. The Stakeholder management further observed that there were still only approximately 40 female occupants residing in the Usindiso Building at the time.
57. However, given the private rentals, the stakeholder manager concluded that an audit or verification of the women and children occupying the building needed to be conducted.
58. On 30 July 2018, the JPC's stakeholder manager, assisted by the ward councillor for Region F at the time, attempted to conduct the audit but was faced with a lot of resistance and violence from the female occupants who at that time had begun to act as "landlords" of the Usindiso Building.
59. The audit could therefore not be conducted on the day. The JPC thereafter approached Social Development for assistance.
60. During this period, the JPC's stakeholder manager who had been in constant communication with the women occupying the Usindiso Building established that a few of the women had begun having relations with some of the men in the Emaxhoseni Informal Settlement, which was located on Melrose Street, adjacent to the Usindiso Building.

61. The women were becoming increasingly hostile towards the JPC's stakeholder management division and were giving the male residents of the Emaxhoseni Informal Settlement, access into the Usindiso Building.
62. The JPC's stakeholder manager further established that the residents of the Emaxhoseni Informal Settlement were threatening to forcefully occupy the Usindiso Building should they not be given access to adequate housing.
63. Following the failed audit, the JPC continued to engage Social Development to discuss the status of the Usindiso Building as well as its possible transfer.
64. Two joint site inspections were conducted on 18 August 2018 and 6 September 2018 respectively for this reason.

#### The First Invasion of the Usindiso Building and the JPC's response

65. On 7 October 2018, the JPC was advised that some of the residents of the Emaxhoseni Informal Settlement had forcefully entered into and occupied the Usindiso Building.
66. The JPC and the JMPD immediately responded and removed approximately 70 illegal occupants within 24 hours of receiving the complaint.
67. Following the invasion and removal of the illegal occupants, the JPC procured repairs and maintenance services in the amount of R75 000.00 for the purposes of securing the Usindiso Building and reinforcing security.
68. Numerous security upgrades were made including the installation of:

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- 68.1 additional chains and locks to the doors; and
- 68.2 burglar proofs to the doors and the windows on the ground floor to keep the facility and the occupants safe and secure.
69. The JPC's stakeholder manager thereafter continued to engage with the women occupying the Usindiso Building with respect to its safety and security,
70. Whilst the engagements continued, the relationship between the JPC and the occupants had deteriorated significantly as some of the women continued to allow non-occupants access into the Usindiso Building.
71. In addition, hostility and threats from the Emaxhoseni Informal Settlement residents continued to intensify giving rise to a public demonstration by the residents who once again threatened to invade the Usindiso Building up until they were given alternative accommodation.
72. A committee was subsequently established which included residents of Emaxhoseni Informal Settlement in order to find a resolution.
73. During this period, the engagements with JOSHCO ceased as JOSHCO could not access the Usindiso Building and could not provide the occupants with alternative accommodation.
74. The JPC could also not evict the occupants at the time as there was a moratorium on evictions.

75. The JPC thereafter began engaging with the CoJ's Human Settlements who are mandated to provide Temporary Emergency Accommodation, however, the JPC was advised that there was no allocated budget.
76. The JPC also approached the Regional Director, Social Development, for assistance as more illegal occupants had begun to occupy Usindiso with the assistance of the occupants.
77. On 29 October 2018, a meeting was held at the CJ Cronje Building to discuss the status of the Usindiso Building.
78. The meeting was attended by representatives from the Social Benefits Unit, Social Development Department, COJ, Joburg Property Company (JPC), Region F CRUM, SAPS, Ward Councillor Mnyameni Mongameli as well as the illegal occupants of the Usindiso Building.
79. At the meeting, it was agreed by all parties that JPC prepare a formal request to the Executive Head's office, Social Development requesting further assistance and guidance with an audit to profile the occupants.
80. The unit's role in the process would be to conduct household assessments and compile a report that will assist the JPC in devising a plan to relocate the women and children and take over the building.

Assessment conducted by Social Development

81. On 6 and 11 December 2018, Social Development conducted an assessment of the occupants. A total of 19 occupants were assessed and interviewed, the remaining 61 residents failed to avail themselves for the assessment.
82. I annex hereto the Social Development report marked “**HB 9**” for the Commission's ease of reference.
83. I will not burden the Commission with the detailed findings of the assessment which are more fully delineated in **HB 9** save to highlight the following:
- 83.1 there were approximately 80 people occupying the Usindiso Building at the time of the assessment;
- 83.2 the rooms which were occupied at the time had approximately 6 people living in each room;
- 83.3 a majority of the occupants were males; and
- 83.4 out of the 19 people assessed 17 were South African women and 2 were foreign nationals.
84. I annex hereto as annexure “**HB 10**” the database information spreadsheet detailing, amongst others, the occupants assessed as well as their employment status at the time.

  
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85. Out of the 19 families that were assessed 17 had not applied for RDP houses nor did they apply for any sort of government housing subsidy.
86. Furthermore, the assessed households did not produce proof of income at the assessment making it difficult to confirm their income and/or consider whether or not they qualify for Temporary Emergency Accommodation ("TEA").

#### Second Invasion of the Usindiso Building and the JPC's response

87. Following the assessment, the JPC continued its engagements with Social Development as well as the occupants of the Usindiso Building, who had become extremely violent towards the JPC's stakeholder manager.
88. On 24 December 2018, whilst the offices of the JPC were closed, the Emaxhoseni Informal Residents invaded the Usindiso Building. The JPC was notified at the time that more than 150 people had stormed into the building and forcefully occupied various floors and rooms.
89. During early 2019, and in response to the invasion, the JPC, the CoJ's Citizen Relation and Urban Management, the Department of Home Affairs, the Johannesburg Metropolitan Police Department and Group Forensic Investigation Services (GIFS) planned a blitz of the Usindiso Building.
90. The operation revealed that there were two men who were illegally collecting rentals and 143 undocumented foreign nationals residing in the Usindiso Building. It was confirmed after the Blitz that indeed the Usindiso Building had been hijacked.



91. I attach hereto a copy of the GIFS report marked "**HB 11**". The CoJ subsequently opened a criminal case at Joburg Central Police Station with case number 1140/10/2019.


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### Current Status of Bad Buildings within the Inner City

92. Prior to taking the Commission through the JPC's report on the CoJ's list of "Highjacked Buildings" it is important that I set out the JPC's role in identifying buildings which are in a bad state and/or have been highjacked for possible release, development or demolition.
93. The JPC's Property Development division has since 2019 been responsible for managing the Inner-City Property Scheme which was transferred to it by the CoJ's Economic Development Department (Economic Development).
94. The general purpose of the Inner-City Property Scheme is to amongst other things, rejuvenate the Inner City by identifying and converting all properties under illegal occupation to legal tenancy or to restore abandoned properties to legal title.
95. Privately owned properties in the Inner City as well as CoJ owned properties which, for example, are inhabitable or unsafe are identified for purchase, acquisition through an abandonment agreement, development or demolition, amongst other things.
96. I annex hereto as "**HB12**" a copy of a Report from the JPC to the DED providing a plan for privately owned properties within the CoJ.
97. In the case of the development of CoJ owned properties, the JPC issues tenders in respect of an identified building and thereafter concludes a Development Lease Agreement with developers for the lease and development of the property.

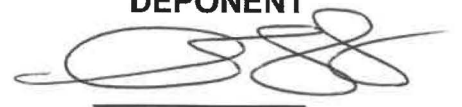
  
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98. Erf 5216 Vannin Court in Region F is an example of one of the buildings which was identified by the JPC for development and is currently being developed by private developers.
99. The JPC's report on the status of "Bad Buildings" within Region F, which I will take the Commission through, must therefore be understood against the JPC's property development role which I have briefly discussed.
100. I annex hereto the JPC's report on City Owned Bad Buildings marked "**HB 13**" for the Commission's ease of reference.
101. I highlight that the report was drafted on 12 September 2023 pursuant to the Usindiso tragedy.
102. **PART 1** of the report lists 40 CoJ owned properties within Region F which have been identified for development. Some of the properties have active leases which are either residential, social or commercial.
103. In **PART 2** we have confined ourselves to CoJ owned properties in Region F whose lease agreements have expired.
104. **PART 3** lists 14 properties which have been identified by the JPC as bad or inhabitable.
105. All the properties listed in Part 4 formed part of the Inner-City Property Scheme and were transferred to the JPC in 2019. There are no lease agreements currently in place for the properties. The properties have all been invaded by illegal occupants.

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106. The JPC audited the buildings in the 2022/2023 financial year to confirm that the properties have indeed been invaded. Attempts by the JPC to verify the occupancy failed as the JPC was refused access by the occupants.
107. All 35 properties listed in **PART 4** are located within the vicinity of the Usindiso Building. A majority of the properties are privately owned. There has currently been no assessment conducted on the occupancy of these properties.
108. The 17 properties listed in **PART 5** have been identified for sale or alienation. The Usindiso Building is listed as one of the buildings which have been identified for sale and/or alienation. The JPC is however in the process of applying for a demolition certificate to demolish the Usindiso Building as the integrity of the structure has been compromised.
109. **PART 6:** contains a list of 6 bad buildings received from the CoJ: Housing Department. 5 of the buildings are owned by the CoJ and managed by JPC. The buildings are illegally occupied. 1 of the buildings is privately owned and is also illegally occupied.
110. In total, there are 79 buildings which the JPC has identified as bad buildings within Region F. The JPC's vision is to ensure that the buildings are restored, where possible, to a habitable state.

**DEPONENT**



I hereby certify that the deponent declares that he knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct.

This affidavit was signed and sworn to before me at JOHANNESBURG on this the

*06 February 2024*  
*SB.* ~~16th~~ day of ~~October 2023~~ and that the Regulations contained in Government Notice

R1258 of 21 July 1972, as amended, have been complied with.



Commissioner of Oaths:

*Sibusiso Brian Dlamini*  
**Commissioner of Oaths**

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