

Deneys Reitz Inc.

Reg. No. 1984/003385/21
8th Floor Southern Life Centre
8 Riebeeck Street
Cape Town 8001
Private Bag X10
Roggebaai 8012
South Africa

Tel +27 21 405 1200

Direct tel +27 21 405 1200
Fax +27 21 418 6900
Docex 181 Cape Town
msa@deneystreitz.co.za
www.deneystreitz.co.za
See www.africalegal.co.za

Facsimile

To The State Attorney
Fax No. 021 421 9364
Your Ref 2821/08/P12 Mr L Manuel
Our Ref PBO/393
Mr M S Ash/da
Date 25 September 2008
Pg 1 of 4

CONFIDENTIALITY CAUTION. If you have received this communication in error please note that it is intended for the addressee only, is privileged and confidential and dissemination or copying is prohibited. Please notify us immediately by telephone and return the original message to the above address at our cost.

Dear Sirs

**PROVINCIAL GOVERNMENT OF THE WESTERN CAPE - EMERGENCY
RELIEF FOR PEOPLE DISPLACED BY XENOPHOBIC VIOLENCE -
CONDITIONS IN REMAINING CAMPS**

1. We refer to your letter, dated 29 September 2008.
2. We record that, inasmuch as your client believes our previous correspondence to be non-specific with regards to the inadequacy of your client's adherence to the norms and standards, this letter serves to specifically outline the shortcomings.
3. Our client also questions to which "*recent report by the TAC/ALP*" that "*confirms that the emergency guidelines are in fact being adhered to at each site*" your client refers to in point 4 of your previous letter. Our client specifically denies that any of its reports confirm such adherence. To the contrary, our clients have long contended and continue to state that this is not the case.
4. The following have been repeatedly reported to our clients by different civil society monitors, which speak specifically to the lack of adherence to the norms and standards in the camps:
 - 4.1 At all three camps, the food quantity has decreased and the quality of the government-distributed food has not improved;
 - 4.2 Of specific concern is the continued lack of adequate attention to the specific nutritional and hygienic needs of particular vulnerable groups in the camps (see, amongst other things, 4.1.3 of the Norms and Standards document). In this regard:

2008 09 25 FX TO STATE ATTORNEY

- 4.2.1 There is an HIV+ resident who is on treatment for TB at Harmony Park who has yet to have his specific nutritional needs attended to, despite repeated requests.
- 4.2.2 There are a number of pregnant and lactating mothers who have not received supplementary nutrition. There are numerous reports of mothers' milk drying up due to the trauma and inadequate nutrition.
- 4.2.3 Some children who manage to attend school are not at the camps when the morning meal arrives at 11h00. Many are therefore without food until the evening meal is delivered to the camps. Their risk of severe malnutrition has been greatly increased due to the continued lack of adherence to the emergency guidelines.
- 4.2.4 Babies and young children in all of the camps have suffered immensely under the current mismanagement of food, nutrition, sanitation, And hygiene. To this end:
 - 4.2.4.1 None of camps have received a consistent or adequate supply of baby formula and porridge since civil society stopped its large-scale distribution efforts at the end of July 2008.
 - 4.2.4.2 At Youngsfield, nappies and baby formula and porridge are distributed to mothers, but are issued only when a child's 'registration card' is produced.
 - 4.2.4.3 Currently, mothers only receive 16 nappies per week (2-3 per day) and baby food is given out weekly depending on availability goods. This is clearly inadequate.
 - 4.2.4.4 At Bluewaters, the camp last received 35 government "baby packs" on 24 September 2008 containing essentials for sanitation and feeding. These "packs" however only provided mothers with adequate supply of food for one week. It is now two weeks later and no new supplies have been received.
 - 4.2.4.5 Further, the formula and porridge for infants is inadequate in that the types provide vary considerably and therefore make it difficult for mothers to find the appropriate formula for their babies.
 - 4.2.4.6 The nappies provided in the packs are of a single size (small) and government rations only provide for 3 nappies a day and 4 nappies a night. This means that babies are forced to keep soiled nappies on for long

enough that it has been causing significant amounts of rash and irritation.

- 4.2.5 Also of concern are children ages 2-4 years old staying in the camps. They are considered by government standards to be too old for formula and porridge allocated to infants and thus their only nutrition is derived from the meals given to adults. The juice and dry bread morning 'meal' is completely inadequate particularly in light of the fact that the evening meal is often too spicy and therefore inedible in the case of young children. There has been no special accommodation to provide the appropriate nutrition to this group of children at any of the camps.
- 4.3 At Bluewaters, the lights in the toilets/showers are no longer operative. This poses a safety risk to the women and young girls at night who wish to use the ablution or toilet facilities. When Harmony and Youngsfield close (as our clients understand the plan to be) BlueWaters will remain open. It is imperative that this deficiency is attended to immediately.
- 4.4 At Youngsfield Camp, the showers have a large amount of scum on the floor which poses a health risk to residents. The showers do not get cleaned sufficiently. Further, the urinals and shower run-off flows directly into the ground around the taps which are the only source of water to camp residents. Our clients would have thought the health risks in these circumstances to be obvious.
- 4.5 There also continues to be no private bathing areas for women and adolescent girls at the Youngsfield Camp.
- 4.6 The provision of a mental health counselor has been withdrawn at Bluewaters.
- 4.7 A number of residents at Youngsfield have been diagnosed with severe mental illness (psychotic breaks, schizophrenia and post traumatic stress disorder). The ongoing mental health needs of these residents are not being attended to.
- 4.8 Access to adequate health care continues to be a severe problem for people living in the camps. To this end:
- 4.8.1 There have been two miscarriages at Bluewaters, at least one of which was a result of the mother being turned away at the Mitchell's Plain clinic.
- 4.8.2 There have been other incidents of mothers with small children being turned away from the Mitchell's Plain clinic.
- 4.8.3 In one particular case, in the late evening of 29 September 2008, a civil society volunteer was urgently contacted because a resident at

Bluewaters had not been seen by the clinic during the day and he was in extreme pain. The camp resident suffered from haemorrhoids and had not been able to go to the bathroom for a number of days. The security guards at the camp clinic reportedly taunted him saying “*Are you a gay that got f***d too hard? Is that why you are here?*” The camp resident was subsequently taken to False Bay Hospital by the volunteer, where he was treated.

4.8.4 This and other incidences detailed above point to serious concerns with Mitchell’s Plain clinic and health care access in general for residents of camps.

5. Our clients assert that the above details of reports received from civil society monitors and volunteers indicate a considerable lack of adherence to the emergency guidelines.
6. Such shortcomings of the supply of government support to camps in upholding the guidelines have also been widely reported in the popular media.
7. Accordingly, our clients reiterate that such failure to implement such minimum relief as adopted not only constitutes a breach by your client of its own guidelines, but further constitutes a continuing breach of the Republic of South Africa Constitution Act, and that such intolerable situation is to be remedied immediately, failing which our clients may well have to compel same.
8. Kindly be guided accordingly.

Yours faithfully

DENEYS REITZ INC.