



**NEWSLETTER #10
TO ALL DISPLACED PEOPLE
LIVING IN CAMPS IN THE
WESTERN CAPE**

COVERING: CLOSURE OF CAMPS, MEETINGS, APPEALS AND UNHCR UPDATE

CLOSURE OF CAMPS: WHAT WILL HAPPEN

Despite meetings with government (details later in newsletter) where concerns were expressed about the closure of the camps, the process has already started. The schedule for closure (which is unlikely to change) is:

Harmony Park: Friday 17 October

Youngsfield: Friday 24 October

Blue Waters Friday 31 October

According to government, what will happen is the following: The UNHCR and UNICEF will come to the camps to distribute the reintegration packages (rent and food) to those who have filled in the application forms for reintegration. People who have registered for repatriation will move to Blue Waters and will be repatriated from there, or if this has not happened by the 31st, temporarily reintegrate, and be repatriated from the communities. (This is what government has said will happen: TAC has told government that this should not happen- that people who have chosen repatriation should not be forced to reintegrate, even temporarily).

Vulnerable people (single mothers, elderly, sick or infirm people) at the first two camps to close (Harmony Park and Youngsfield) will move to Blue Waters until they have been assisted with finding safe accommodation. (This has to happen by the time Blue Waters closes on the 31st).

Should you have concerns about the closure such as not managing to find accommodation, or about repatriation issues, speak to the camp manager or to UNHCR, who have promised to send officials to be present during the closure process. If you consider yourself a vulnerable person (you are a single mother, elderly, sick, disabled or unable to provide for yourself for some other reason), you should also make sure that the camp manager knows about you. Government has promised to ensure the protection of vulnerable people.

According to government, reintegrating people will receive rent money (which varies according to status and is paid directly to the landlord), a

food parcel and transport to your accommodation. Additional policing should be available in areas where there is the possibility of violence. If you find that you are intimidated or attacked when you are reintegrating you must open a charge at the police station. This means that SAPS will then be responsible for investigating the case. Do not be afraid to do this: SAPS have promised to assist displaced people, and to be watching out for any signs of xenophobia in communities.

The petition signed by many individuals and civil society organisations asking for a postponement on the closure of the camps was delivered to the Premier of the Western Cape, Lynne Brown on Friday 10 October. No response was received.

TAC will observe the process closely for any instances where human rights may be violated.

CIVIL SOCIETY MEETING WITH JOINT REFUGEE LEADERSHIP AND DR FAST ON CLOSURE OF CAMPS

On Tuesday 3rd and Tuesday 13th October civil society organisations and the Joint Refugee Leadership Committee met with Dr Hildegard Fast, head of Disaster Management, who has been in charge of the camps and their closure.

At the meetings, issues were raised with Dr Fast regarding the closure dates, and some practical suggestions were made. The first meeting resulted in the closure of Harmony Park being delayed by one week, so that displaced people could be better prepared for reintegration. Issues were also raised about the UNHCR and their involvement with reintegration assistance and repatriation issues. The other topic discussed was the Rapid Status Determination process carried out by the Department of Home Affairs, and the fact that many have still not received the results of their applications for refugee status.

Unfortunately, many of the issues, especially the status issue, have not been adequately addressed. This means that many may have to travel to the Nyanga Refugee Reception Office to find out whether or not their applications were successful.

Despite the willingness of Dr Fast to engage with leadership, the closures will go ahead as planned. Additional meetings have been called for, especially with Dr Fast, UNHCR and the DHA, but no confirmation about the dates for these meetings is available.

An urgent letter was handed to Dr Hildegard Fast asking for clarity on a number of concerns regarding the closure of the camps, and calling for one camp to remain open until all people have been assisted with reintegration or repatriation. There has been no written response to this letter.

APPEALS

At the three sites (including Harmony Park- although HP may be closed by the time of publication) many people are at different stages in the appeals process. Some have not yet received the results of the original interview, and so do not know whether or not their applications have been successful. Some have applied for an appeal hearing but not received a date for this appeal hearing, and some have received their results but not yet applied for an appeal hearing.

Government says that DHA will deliver all the results to the camps before they close, but this contradicts what has happened in some of the camps. There have been instances when DHA came to the camps without telling people beforehand, and as a result some people were not at the camps to receive their results. When this happened, DHA said that people would have to go to the Nyanga Refugee Reception Office to get their results. We have asked that DHA return to the camps with all outstanding results.

Once you have received your status determination, and your application has been rejected as unfounded, you must lodge your appeal within thirty days. The hearing will probably only happen in several months time, but the appeal must be lodged.

**UCT Law Clinic has been assisting with these appeals, and should still be coming to the camps to help people lodge appeals. If you have not received the outcome of your application, and you have to accept the reintegration package before DHA visits the camp, UCT Law clinic will still be able to assist you. You can contact them on:
021 650 3775**

TAC has written letters of complaint to the Director General of Immigration Services to complain about the Rapid Status Determination process and the outcome (more than 90% of applications were rejected). No response to these letters has been received.

POSITIVE RESPONSE TO UNHCR COMPLAINT

The complaint to the headquarters of the UNHCR in Geneva, and the Secretary General of the UN, Ban Ki Moon about the failure of the South African office of the UNHCR to perform according to their mandate was sent on Monday 13 October.

This complaint took several weeks to compile, and included testimonies from displaced people, copies of letters and memorandums, and 25 pages of itemised complaints. Great care was taken to ensure that the details were accurate, and that facts could be referenced. The complaint was faxed to Geneva and New York, and also posted with all three hundred pages of supporting documents to Geneva.

At the same time that the complaint was sent, it was released to the BBC, who then reported on it. At a meeting of the UNHCR in Geneva, the

question was asked of the UNHCR how would they respond? At the meeting, it was then said that UNHCR would fly a delegation of three senior officials to conduct an investigation into the South African office of the UNHCR: (from the minutes of UNHCR meeting)

"QUESTION: What is UNHCR's response to the BBC report yesterday (Monday, 13 Oct.) on your work in South Africa?

The High Commissioner yesterday received a document from several groups in South Africa who expressed their concerns over our response during the crisis there earlier this year. To ensure full objectivity and transparency, an inquiry will be conducted that will include a senior staff member designated by UNHCR's Office of the Inspector General, one person designated by the UN High Commissioner for Human Rights, and one person designated by the Steering Committee for Humanitarian Response. We will expect a report on their inquiry in the next few weeks.

If you're not familiar with it, the Steering Committee for Humanitarian Response is an alliance of major humanitarian agencies that includes the ICRC, the Federation of Red Cross and Red Crescent Societies, Oxfam, the World Council of Churches, CARE International and others. We are currently working with them on a project looking into the accountability of our respective agencies in serving our beneficiaries."

Ron Redmond / UNHCR spokesman

On Tuesday 14 October, an official letter was sent to our office from the international head of UNHCR, Antonio Guterres. He confirmed that this investigation would take place, and that he was taking the complaint seriously. He is expecting a report in a few weeks time. This rapid response from the international office indicates their willingness to investigate the complaint. It is certainly a faster response than we have seen from the local office during this crisis to urgent issues.

Although the investigation will only result in a report in several weeks time (too late for those living in the camps), this report should ultimately result in an improved local office of the UNHCR, and therefore better assistance for refugees living in South Africa. Thank you to all who wrote testimonies, letters and statements.

FAREWELL TO SOME OF YOU

Finally, many of you may be reintegrating over the next week, and may not receive the next newsletter. It is hoped that you are able to find safe homes in communities that are friendly and supportive. If you are going back to home countries, may you travel safely.

We are grateful to the Joint Refugee Leadership Committee for their commitment to engaging with civil society and government, and for their efforts in bringing attention to the needs of displaced people in camps and safety sites over the past five months. The integrity of the leadership and the people they have represented has been admirable, especially considering the huge pressure all displaced people have been under.