



## NEWSLETTER #3 - 01 AUGUST 2008 TO ALL DISPLACED PEOPLE AT CAMPS AND SITES

### WEEK 19 JULY 2008 – 25 JULY 2008

At the district task team meeting on Saturday 19 July, the Joint Refugee Leadership Committee of the Western Cape (JRLC) declared a week of protest action. The open letter drafted by the JRLC to the Premier was published in part on the front page of the Argus newspaper on Monday.

#### **PRESS CONFERENCES**

**Tuesday 22 July:** Press conference held by the JRLC. Many issues were raised, including Home Affairs, reintegration, incidences of xenophobic violence, education and conditions in camps. The press gave good coverage, including a front-page article in the Cape Times, and a short TV interview.

#### **MEMORANDUMS AND PICKETS**

Four protests were held, and delivered memorandums to the Department of Home Affairs, the Department of Education, the City of Cape Town and the Provincial Government of the Western Cape.

It was agreed that no protests would go forward without police permission, and so no public protest was held at the Department of Education and the Department of Home Affairs. At both of these, a maximum of fifteen people were allowed by the authorities. Permission for a larger demonstration on Thursday was not allowed, as there was a large demonstration booked by the Western Cape Anti-eviction Campaign, and the City would not allow the JRLC to hold a mass action protest on the same day.

#### **Home Affairs and Education**

The first was delivered to a representative of the **Department of Home Affairs**, who assured the JRLC that it would be forwarded to the Minister and relevant heads of department.

The second was handed to **MEC for Education in the Western Cape Cameron Dugmore**. Dugmore met with 15 leaders from the camps and discussed concerns for. He committed to resolving all issues within his mandate, and to a follow meeting with JRLC.

#### **Province and City**

On Friday 25 July 2008 a group of approximately 350 displaced persons and TAC members gathered outside the Civic Centre and Provincial Government Offices. A memorandum was handed over to both representatives from the City of Cape Town and to Lynne Brown, the new Premier of the Western Cape.

Premier Brown committed to meeting with the refugee leadership 'within a week'.

These memorandums were from the JRLC, and represented their particular demands and concerns. These demands mirror what was contained in the previous publicised open letter.

The TAC assisted the JRLC in the organisation of these events, by obtaining police permission, providing marshals, liaising with the media, providing transport and printing documents. After a follow-up meeting with the JRLC on Tuesday to prepare for the protests, it was agreed that TAC would help facilitate platforms such as this which give the JRLC freedom to speak out about their concerns. It should be noted that these demands and protests are organised under the name of the refugee leadership and the TAC is merely offering logistical and other support.

The protests were orderly and effective, with senior government committing to meeting with the JRLC regularly. As the lack of consultation by government of displaced people in the past few weeks has created tension, this commitment to communicate is a positive step.

Again the media gave good coverage, with three radio stations and two TV channels recording footage.

## **SITE REPORTS**

On 18 July TAC published a document: 'Western Cape Displaced People Report', a summary of data collected by TAC, ALP and civil society.

This report was the result of many interviews and assessments carried out in the camps and sites over a period of several weeks. It covers many statistics regarding the situations in the camps and sites, and provides an assessment of the conditions under which many displaced persons are living. It is exceptionally detailed, and has already received praise from civil society and the UN in terms of the accuracy of the information recorded.

This report has been distributed to government locally and nationally, and to many other agencies and groups involved with the humanitarian crisis in the camps. It has already proved helpful in meetings with these agencies, as facts and figures can be referred to, thereby strengthening the argument for better conditions in the camps and sites.

The **South African Human Rights Council** also released a report this week. It covered the five major camps, and detailed all conditions where there was a significant threat to human rights.

Both of these reports are the result of many weeks work on the part of staff and volunteers, and provide vital information to government authorities that often claim that their information differs from that of those working in the camps and sites.

**IMPORTANT UPDATE – RUNNING OF MONEY:**

Since the start of the crisis the TAC has spent R 2,744,891.50 on direct humanitarian aid.

TAC is running out of money, and is unable to continue providing humanitarian relief beyond Monday 11 August 2008. Donated funds have enabled TAC to provide relief: these funds are now finished. TAC will continue to monitor the camps and safety sites to ensure that humanitarian relief is being provided. All requests the TAC receives will be passed onto the JOC and we will continue to insist they provided the requested goods.

We understand that this may be difficult but we are left with no other option.

We have notified all levels of government including the JOC. If you have requests for specific needs for supplies for the camps and safety sites, contact your site representative, leadership representative or the site manager.

Contact: JOINT OPERATIONS CENTRE: (021) 937 0791, (021) 937 0788



**DEMONSTRATION OUTSIDE OF THE PROVINCIAL GOVERNMENT OFFICES**

## **WEEK 26 JULY 2008 – 1 AUGUST 2008**

### **MEETINGS OF JRLC**

Decision makers in government including the Department of Education, Department of Home Affairs and the Premiers' Office has promised to continue to meet with the Joint Refugee Leadership Committee

The Premier met with the JRLC on Wednesday 30 July. Also at the meeting were representatives from Disaster Management and the Joint Operations Centre (JOC), including Dr Hildegarde Fast, who is in charge of coordinating the relief efforts. The meeting produced no immediate plan, and was described as frustrating by the refugee leadership at the meeting.

### **PRESS**

**Wednesday 30 July:** Press Conference held by TAC to announce the legal case against the City and Provincial governments. The conference was widely covered in press, radio and TV.

### **PROTECTION COMMITTEE**

A protection working committee has been formed. The purpose of the PWC is to provide a list of guidelines for safe reintegration for displaced people wanting to return to communities. A workshop is being held on Friday 08 August 2008. The workshop will include representatives from TAC, UNHCR, PASSOP, SAHRC and other organisations working closely with the JRLC.

The aim of the workshop is to draw up a list of standards for integration for places where reintegration is occurring so that the safety of reintegrating IDPs can be ensured. This information will be forwarded to the Safety Forum which meets with government.

Incidence of violence should be reported to the Safety Forum and this can be done by...

### **FAITH-BASED ORGANISATIONS**

The TAC met with various faith-based organisations (FBOs) that have been housing displaced people. The meeting discussed how those FBOs (churches and mosques) will be reimbursed for their work on behalf of displaced people by government, and to discuss a plan for reintegration. Those FBOs said they were willing to assist with reintegration in their respective areas will be provided with the guidelines (once finalised) from the Protection Committee.

## **AN OVERVIEW OF THE COURT CASE**

A legal case for improved conditions in the camps was lodged on Tuesday 29 July at the Cape High Court. The case is described below.

### **Conditions at Camps and “Safety Sites” Housing Displaced People in the Western Cape**

### **Hirsi and TAC v Provincial Government, City of Cape Town and Government of RSA**

#### **Cape High Court: July 2008**

#### **Background:**

1. When xenophobic violence occurred in SA a few weeks ago about 20 000 people were displaced in one weekend in the WC. Many left their homes and communities in fear, some at night, in winter, leaving their possessions behind or having their business destroyed and looted. They lost their dignity, livelihoods, possessions and business because they had to flee for their and their family's safety.
2. Some people have since left SA to go back to their own country, some have reintegrated into their communities but some (about 5000 people) are still in camps and halls because they are scared of reintegration or have no where to go to or have no money for rent or have lost their businesses and possessions. Some still want to go back to their home countries, despite safety and security remaining a problem.
3. We have been monitoring the situation closely. We have been checking if people are being fed, kept warm and are in conditions of shelter where there is at least some human dignity.

#### **What is this case about?**

1. All of our reports and assessments (and that of the SAHRC and UN) show that conditions with respect to nutrition, sanitation, shelter, and health fall short of even the minimum set of norms and standards as determined by the United Nations and other international relief agencies. In particular, the situation is getting worse at the camps which were set by the City of Cape Town.
2. The intolerable and worsening conditions violate the Constitution of the Republic of South Africa, especially the rights to dignity, shelter, freedom of movement, the best interests of children and other fundamental rights. It also violates our international obligations towards people who have sought refuge from persecution in their home countries.

3. But, even though it is now more than two months since the xenophobic violence occurred, government has failed to remedy the situation and conditions of people at camps and in halls despite being fully aware of the worsening problem.
4. What we have seen is wrong:
  - a. Every day people still do not have enough food toilet paper, nappies or blankets. There not enough toilets and showers and in many places men and women have to use the same shower blocks and toilets.
  - b. Babies and young children do not get the right amount of baby food or milk formula or even fruit and vegetables.
  - c. Women and girls are scared because there is not enough security for them. Where there is no electricity and no lights- even a toilet becomes a scary place.
  - d. Many children are still without education, there is no space for them to play, and they have no regular transport to schools.
  - e. Many people cannot get or afford transport to health facilities to get medication or medical assistance.
  - f. Many people are traumatized, anxious and depressed.
  - g. Most displaced people are still very reliant on the efforts of volunteers who have been working day and night to make a difference. But still our government has no plan to improve the conditions in the camps and halls. Some are still waiting for the UNHCR to come and assist them with repatriation and resettlement advice.

### **Why is it necessary to go to court?**

1. Despite at least thirty official letters, six memoranda, many requests for information, over two hundred pleas for humanitarian and other assistance and extensive meetings with representatives of City and Provincial Government as well as many peaceful, non-violent protests and demonstrations, no meaningful change has taken place in the material conditions of people living in camps and other safety sites; indeed, conditions have become worse.
2. While everything possible was done to avoid legal action, there now remains no choice but to ask for a court order for minimum international norms and standards on living conditions to be met at the camps and halls.

### **Who is involved in the court case? (Applicants)**

1. Muhammed Hirsi, who has worked as a liaison with the communities of displaced people since late May 2008, and the Treatment Action Campaign (TAC) are the formal applicants in the case. 20 other people (displaced people, volunteers and a mental health expert) have filed supporting affidavits.
2. So the case is filed on behalf of all people in the Western Cape who were displaced by the xenophobic violence that erupted around 22 May 2008 and may not be able to act in their own name, as well as on behalf of individual TAC

members and volunteers who have been assisting in the last two months with relief, humanitarian and advocacy work.

### **Who is it against? (Respondents)**

1. The case is against the Provincial Government of the Province of the Western Cape and the City of Cape Town as they are jointly responsible for the conditions of people in the camps and halls.

### **When and in what court has the case been filed?**

1. The case was filed on Tuesday, 29 July 2008 in the High Court of South Africa, Cape of Good Hope Provincial Division.

### **What will we ask the court for?**

1. To order government to immediately implement minimum norms and standards at every site where people are being sheltered including any new site/s that they may open.



**LYNNE BROWN RECEIVING MEMORANDUM AT DEMONSTRATION**

# WHO TO CONTACT?

## Safety Forum

- To report incidences of serious xenophobic violence in communities only

### *Contacts*

PASSOP – Braam Hanekom – 083 256 1140

Black Sash – Nkosikhulule Nyembezi – 082 429 4719

## JOC

- To request supplies

### *Contacts*

021 937 0791,

021 937 0788

## Cape Town Refugee Centre

- Help with reintegration and repatriation and general queries

### *Office hours:*

Monday and Tuesday 9am – 12noon

Thursday by appointment only

Wednesday and Friday no clients are seen

### *Address*

F 12 First Floor

Wynberg Centre

123 Main Road

Wynberg

Cape Town

### *Contacts*

Tel: 021 762 9670

Fax: 021 761 2294

Info@ctrcc.co.za

## Human Rights Commission

- Complaints relating to Human Rights

Tel: 021 426 2277

## UCT Law Clinic

- Legal questions and help with repatriation

### *Contact*

021 650 3775 / 3551

### *Address*

Kramer Law School Building

1 Stanley Round

UCT Middle Campus

Rondebosch

Univeristy

**Right: Representative from Department of Home Affairs accepting memorandum**

