



CoRMSA NEWSLETTER

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Urgent Need to Address Issue of Documentation for Zimbabweans in South Africa

As 2009 begins there is still no resolution to the crisis around the provision of documentation for Zimbabwean nationals in South Africa. A Refugee Reception Office has been opened in Musina to improve access to the asylum system and a new interim Refugee Reception Office is due to open in Pretoria later this month yet the asylum system remains the primary way most Zimbabweans in South Africa are expected to legalise their stay. Yet with crowds of up to 5000 people waiting to make new asylum applications on some days at the Crown Mine office in Johannesburg, the asylum system has far too little capacity to be able to accept all the applications it receives and process these efficiently. In addition, organisations including the Southern African Centre for the Survivors of Torture (SACST) have reported asylum applicants being rejected primarily on the basis of the 2008 power-sharing deal in Zimbabwe. Additional reports indicate that a large percentage of applications from Zimbabwe are being rejected raising further concerns questions about the immigration system's ability to respond to the displacements as a result of the crisis in Zimbabwe.

Human Rights Watch's 2008 report *Neighbours in Need* called for South Africa to grant temporary status to Zimbabweans in South Africa through the provisions of Section 31(2)(b) of the Immigration Act. This section allows the Minister of Home Affairs in consultation with the Immigration Advisory Board to grant temporary status to a category of non-nationals – in this case, displaced Zimbabweans. This mechanism allows the Minister to determine which rights the category of non-nationals shall be afforded. In this case, it is critical that the right to work is granted so that Zimbabwean nationals in the country have the ability to support themselves.

CoRMSA supports the call for the granting of temporary status for Zimbabweans under the provisions of Section 31(2)(b). The United Nations High Commission for Refugees Geneva office has also indicated its agreement that this is the most feasible way of addressing this urgent issue. Efforts continue to address this with government representatives.

Crisis in Musina Continues

The humanitarian crisis in the Musina area is deteriorating even further. With the cholera epidemic posing a greater threat associated with the increased migration into

the area, no steps have yet been taken to provide effective forms of shelter for the thousands of primarily Zimbabwean nationals in the area. Large numbers of people continue to camp out at the Musina Showgrounds area where the Refugee Reception Office is currently based and many spend days waiting to access the office to obtain their Section 22 asylum seeker's permit which legalises their stay in the country.

Regular meetings are currently taking place with local government officials in Musina to address this situation but as of yet, there has been no major solution to the challenge posed by the need to provide shelter for a large influx of destitute people. CoRMSA and the South African Human Rights Commission (SAHRC) will visit the area shortly.

South African Police Service Continues to Conduct Major Raids in Musina Area

The South African Police Service (SAPS) launched a number of raids targeting non-South Africans in the period immediately after the New Year. Local organisations report that the Musina detention facility was extremely full to the extent that civil society organisations were requested by the SAPS to provide portable toilets to assist detainees. Lawyers for Human Rights representative Sabelo Sibanda met with local and provincial SAPS and national DHA representatives over concerns that some of those arrested were in possession of valid asylum seeker permits whilst others were waiting to collect their permits from the Musina Refugee Reception Office. Following discussions, those with permits were released and the SAPS is now assisting to provide transport for those who wish to apply for asylum at the Musina Refugee Reception Office.

Other organisations expressed concern that during the cholera crisis the continuation of such raids would result in many potentially sick people avoiding seeking treatment for fear of arrest and deportation. They have addressed their concerns with the Department of Health.

Further concerns regarding the SAPS include reports that some SAPS officials claim to have a standing order to arrest asylum seekers with valid permits who are still in the Musina area more than seven days after the permit was issued.

Attack on Non-Nationals in Durban

Barely into 2009, further attacks on non-nationals took place in central Durban. On 4th January, a crowd allegedly including members of the local Community Policing Forum entered a building in Maude Mfusi Street and forced three residents to jump from the sixth floor. A Tanzanian national and a Zimbabwean national were killed immediately whilst another non-national remains in critical condition in hospital.

The incident was reportedly part of a 'crime-fighting' initiative that took place over the weekend and was allegedly led by the local ward councillor. The councillor denied involvement but was later arrested and charged in connection with the incident as well as assault and theft resulting from an incident the previous night.

The Durban Refugee Service Providers Network responded to the incident providing counselling for the family members of the deceased and engaging with the Provincial Police Commissioner's office and the National Prosecuting Authority to ensure accountability. Currently, eight people, including local ward councillor Vusimuzi Khoza, have been arrested in connection with the incident with charges including public violence, two counts of murder and conspiracy to commit murder.

Ward Councillor Charged with Murder Remains in Position

Durban ward councillor Vusimuzi Khoza remains in his position as ward councillor and chairman of the Metro Police civilian oversight committee despite being charged with two counts of murder and one count of grievous bodily harm. The charges stem from his alleged involvement in the deaths of non-nationals in Durban city centre after a local 'crime-fighting' initiative turned violent.

Immediately after the incident Mr Khoza was quick to deny that xenophobia was a factor in the attacks and stressed his role as a peacemaker. Witnesses however reported members of the mob shouting that they were looking for 'foreigners' as they entered the building where three people were later forced to jump from the sixth floor. They pointed to Mr Khoza's involvement with the mob and he was later arrested and charged with the deaths as well as an incident the previous night where he is allegedly to have assaulted and stolen property from a local resident.

The Durban Refugee Service Providers Network and local political representatives have called for Mr Khoza's suspension citing the serious nature of the charges against him. The local council speaker has stated that Mr Khoza would not be suspended until the completion of the court process.

Research conducted in 2008 following the xenophobic violence highlighted the role of local officials in leading the violence. This latest incident appears to further support these findings. The research report has yet to be released.

CoRMSA Calls for Action on Vigilantism

Following the violence in Durban, CoRMSA launched a call for strong action from police and government officials on vigilantism. Numerous cases where members of communities have decided to take action outside the course of law have resulted in violence targeting non-South Africans. Already in 2009, violence has erupted in at least three cases of vigilante action and the lack of adherence to the course of law places all in the country at risk. These attacks also include vigilante violence targeting suspected Nigerian drug dealers in Cresta, Johannesburg.

Research has indicated that one of the primary ways of addressing vigilantism is to ensure that those responsible for inciting the violence are held accountable. In this regard, this requires effective action from members of the local police forces.

Where vigilante action happens as a result of a lack of faith in the police force or local government officials, the relationship between the community and these officials needs to be addressed to ensure that these structures of governance function effectively and strengthen South Africa's democracy.

SAHRC to Investigate Xenophobic Violence

The South African Human Rights Commission (SAHRC) will launch an investigation into the xenophobic attacks that took place in May and June of 2008. In December 2008, CoRMSA wrote to the SAHRC requesting a formal investigation, as more than six months after the violence, little had been done to comprehensively investigate the structural and political causes.

CoRMSA believes that a thorough investigation of all factors that resulted in the violence is critical if effective structures are to be put in place to avoid further violence. At present, many believe that those responsible for the violence have been allowed to act with impunity as there has been little evidence of widespread prosecutions following the attacks. CoRMSA has written to the National Prosecuting Authority to clarify this.

The SAHRC and CoRMSA will meet shortly to discuss the terms of reference of the investigation and a public announcement will follow.

Somali Trader Executed in Port Elizabeth

A Somali trader was reportedly shot execution style in Motherwell in Port Elizabeth on Wednesday 21st January 2009. The alleged perpetrator is well known in the community and had been due to appear in court on that day. He is a rival trader in the area who had reportedly threatened to kill the deceased before. Police have yet to make arrests and some in the local Somali community fear a lack of action. CoRMSA is following up with the Motherwell police station.

International Association of Refugee Law Judges Takes Place in Cape Town

The eighth International Association of Refugee Law Judges was held from 28th to 30th January 2009 in Cape Town. The theme for the conference was 'Where to now: charting the course of international protection'. Senior international delegates attending the conference include United Nations High Commissioner for Human Rights Navanethem Pillay, United Nations High Commission for Refugees Assistant High Commissioner for Protection Erika Feller as well as the Special Representative of the UN Secretary General on the Human Rights of Internally Displaced Peoples Walter Kälin. A number of CoRMSA members attended the conference which should provide useful direction for the future protection of the rights of refugees in South Africa and elsewhere on the continent. Papers and reports from the conference will soon be available at <http://www.iarlj.org/general/>.

New Interim Refugee Reception Office for SADC Nationals in Pretoria

A new interim Refugee Reception Office is to be opened at the Pretoria Showgrounds in February 2009. This facility will cater to nationals of the Southern African Development Community (SADC) and will be open five days a week. This is aimed at alleviating some of the larger crowds currently approaching the Marabastad and Crown Mines Refugee Reception Offices. Organisations working with refugees are invited to visit the facility on 13th February at 10am to be briefed on the way in which the centre will operate and the services it will offer. The venue for this meeting is the Skilpad Haal, Hall A, Pretoria Showgrounds in Soutter Street Pretoria West.

'Report Hate Speech in Election Campaigning'

The Forced Migration Studies Programme (FMSP) has launched its 'Election Watch' campaign after many individuals and organisations have expressed fears that local politicians will campaign on an 'anti-foreigner' platform. FMSP will be holding events including a live debate in March with representatives of the primary political parties on the role of migration in development.

FMSP is urging individuals to report instances where politicians use hate speech in their campaigns to the Independent Electoral Commission. FMSP also encourages people to report such incidents to its team of monitors at electionwatch@migration.org.za.

Allegations of Brutality against Yeoville Police

Coalition Against Xenophobia (CAX) member Pastor Mulumba Tshilenge was the alleged victim of police brutality at the hands of officers from the Yeoville police station on Sunday 4th January. Pastor Tshilenge had reportedly approached the police station seeking shelter for two children who had been abandoned on his property. He told the media that when he asked the police for assistance he was told to go and seek assistance 'in his own country'. Pastor Tshilenge was allegedly assaulted for nine hours and chained and chained to a wall. He has laid charges against the police officers in this regard.

Pastor Tshilenge appeared in the Hillbrow Magistrates Court on charges of resisting arrest, assaulting a police officer and attempted robbery of a police weapon. The latter charge was dropped but the former two still remain. Pastor Tshilenge will appear in the Hillbrow Magistrates Court again on 25th February and CAX are calling for individuals and organisations to appear in support.

OCHA Releases 'Lessons Learnt' Report

The UN Office for the Coordination of Humanitarian Affairs (OCHA) has released its report entitled *Recommendations stemming from Lessons Observed of the Response to Internal Displacement Resulting from Xenophobic Attacks in South Africa May - December 2008*. The report is based on discussions with stakeholders in the Western Cape and Gauteng in November and December 2008. The report includes

recommendations about a need for better preparedness and contingency plans for future displacement as the result of social conflict. Further recommendations are made for government, civil society and the international organisations. The report is available from <http://ochaonline.un.org/Default.aspx?alias=ochaonline.un.org/rosa>.

OXFAM and FMSP Release Disaster Response Evaluation Report

Oxfam Great Britain and the Forced Migration Studies Programme (FMSP) have released a comprehensive report on the response by various actors to the xenophobic violence in May and June of 2008. The report entitled *Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned following Attacks on Foreign Nationals in May* is available on the FMSP website at www.migration.org.za. This report is the result of extensive research in Gauteng and the Western Cape with numerous interviews with various stakeholders including government, civil society and other key parties. The report aims to provide a comprehensive record of the responses to the violence, to serve as a reference work for future planning in relation to disaster management, and to provide the basis for discussions between disaster management actors towards the establishment of better coordination and communication mechanisms in the event of future displacements.

CoRMSA Compiles Refugee and Migrant Service Provider Directory

CoRMSA is in the process of compiling an extensive refugee and migrant service provider directory which will be released later this year. This directory will list the different organisations assisting refugees and migrants as well as the services each provides. A consultant has been employed to compile this directory and organisations wishing to be listed are requested to contact Abeda Bhamjee at abeda.bhamjee@gmail.com.

UN High Commissioner for Human Rights Meets Local Stakeholders

UN High Commissioner for Human Rights Navenethem Pillay met last week with stakeholders at the South African Human Rights Commission offices in Johannesburg for an informal dialogue on the global human rights agenda with a special focus on Africa. Issues raised included the ongoing crisis in Zimbabwe, the detention of asylum seekers and migrants in South Africa, the situation in Gaza, and legislation in Ethiopian restricting the operation of non-governmental organisations.

UNHCR Assistant High Commissioner Visits South Africa

Geneva-based UNHCR Assistant High Commissioner Erika Feller has just completed her visit to South Africa in which she visited and met with stakeholders in Cape Town, Gauteng and Musina. In a meeting held on Friday 30th January in Pretoria she expressed her shock over the humanitarian situation in Musina and urged civil society and international organisations to do more in encouraging government to respond effectively to the crisis. Representatives from civil society were able to share their views

with regards to resolving the issue of documentation for Zimbabwean nationals in South Africa and discuss possible ways forward.

CoRMSA Elects New Executive Committee

At its well-attended Annual General Meeting held yesterday in Johannesburg, CoRMSA members elected a new Executive Committee to guide the network's activities for the coming year. Dr Loren Landau of the Forced Migration Studies Programme, Kaajal Ramjathan-Keogh of Lawyers for Human Rights, Estelle Neethling of the South African Red Cross Society and Marivic Garcia-Mall of the Centre for the Study of Violence and Reconciliation were re-elected to the Executive Committee. New members elected were Thandiwe Zulu of the Black Sash and Yasmin Rajah of the Durban Refugee Service Providers Network. Kaajal Ramjathan-Keogh is the new chairperson of the Executive Committee.

The next CoRMSA members meeting will take place on 17th March 2009. Organisations wishing to apply for membership need to submit applications before this date.

Bellville Threats against Non-Nationals

On Friday 30th January, members of the Bellville Community Policing Forum declared their intention to march through the Cape Town suburb to 'tackle crime'. Their list of target groups included "refuges" (sic) and they expressed their intention of "painting out buildings invaded by refuges" (sic). The Somali Association of South Africa (SASA) received copies of the notices handed out by the Community Policing Forum and CoRMSA and other organisations raised concerns with the City of Cape Town and Province.

SASA reports that due to the intervention of the Bellville Station Commissioner no major incidents took place during the protest. Attempts were reportedly made to engage in vigilante activities but these were curtailed by the Station Commissioner who remained with the marchers. A meeting will be held tonight at the Bellville police station with various stakeholders including representatives of refugee and migrant communities to address the concerns stemming from the event.

DHA Announces Intention to Provide New Ways for Undocumented Migrants to Legalise Status

An article appearing in the media on 13th January 2009 suggested that DHA is exploring new ways of providing legal status for migrants who are in South Africa primarily for economic reasons rather than as a result of persecution. Currently, many people many economic migrants apply alongside those fleeing persecution for refugee status as South Africa offers few mechanisms for undocumented non-nationals to legalise their status.

DHA spokesperson Siobhan McCarthy was reported to have highlighted the impact of large numbers of applications on the asylum system and the ineffectiveness of

deportation in dealing with migrants who do not qualify for refugee status. McCarthy suggested that changes to the law could not be made before the election later this year but an interim solution may be in place by the end of March this year. CoRMSA has discussed this with Ms McCarthy is following up with DHA.

Vacancy – Jesuit Refugee Service

Jesuit Refugee Service's Southern Africa office is looking to employ a Regional Advocacy and Communications Officer. The Regional Advocacy and Communications Officer in Southern Africa reports to the Regional Director and collaborates with the Regional office staff, the Country Directors, the Project Directors, and the members of the International Advocacy/Communications Network.

Key responsibilities:

- Policy analysis, development of strategies, and elaboration of regional and national plans
 - Monitoring of political situation affecting refugees
 - Analysing of policy issues and protection concerns
 - Developing appropriate advocacy and communication responses
 - Articulating and monitoring national and regional advocacy and communication plans
 - Producing and maintaining up-to- date country dossiers
 - Providing advice and technical assistance to assure consistency and coherency of public positions
2. Training of JRS staff in the following areas:
- Human rights
 - Basic refugee and migration law and IDP principles
 - Information gathering for advocacy
 - Basic advocacy skills
 - Basic communication skills including writing press releases and media interviews
3. Information, publications, and relations with media
- Identifying relevant media and establishing relationships with them to promote JRS policy goals
 - Drafting letters, press releases, briefings, statements, articles, etc. related to issues of concern in the JRS region.
 - Disseminating JRS research and policy as widely as possible, writing articles for national and international publications, including JRS publications.
 - Communicating regularly with members of International Advocacy/Communications Network
 - Utilizing network (e.g. representatives in Geneva, Washington, Brussels) to advance the region's advocacy priorities

4. Advocacy oriented research

- Assisting with documentation and consolidation of JRS experience in the region
- Proposing or supporting appropriate potential research projects

5. Networking

- Encouraging collaborative advocacy work with regional NGO coalitions
- Promoting advocacy work in national coalitions by JRS offices in the region.
- Liaising and exchanging information with UN organizations, wider church networks, and other NGOs and INGOs.

5. Representation of JRS Southern Africa

- Representing JRS at workshops, briefings and other meeting
- Communicating information gleaned from these meetings to relevant JRS offices in the region.

Qualifications and Experience:

General

- Demonstrated ability and experience of working in the context of forced migration and human rights
- Proven capacity to work in an international team and in a multicultural environment
- Willingness to work and travel extensively in the region and live in simple conditions
- Demonstrated ability to train others in the relevant areas of information and advocacy

Specific

- Educated to degree level, preferably a graduate degree in journalism, a social science or international relations and/or human rights
- Significant education in forced migration issues including human rights, basic refugee and migration law, IDP principles and advocacy strategies
- Journalism/media experience, preferably in the field of humanitarian affairs
- Experience in writing and documentation, preferably on issues of human rights and forced migration
- Excellent written and verbal English communication skills
- Computer proficiency

For further information please contact JRS Regional Director Joanne Whitaker at Whitaker.joanne@gmail.com.