



CoRMSA NEWSLETTER

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Editorial:

Lindela Update by David Cote, Lawyers for Human Rights

Lindela Repatriation Centre is the holding facility to which those arrested on immigration charges are sent. The facility is run on behalf of the Department of Home Affairs by private security company Bosasa.

Lawyers for Human Rights still continues its weekly consultation trips to the Lindela Holding Facility in Krugersdorp. The purpose of these visits is to consult with possible clients and to advise detainees of their rights under immigration detention. We have experienced a co-operative attitude from the officers at Lindela with regards to our consultations. We have been accommodated with dates and, to our knowledge, we have never been denied a consultation with a particular detainee. We are, however, currently experiencing difficulty with the consultation room which we have been provided. Previous to December 2006, lawyers were allowed to meet with clients in the counsellor rooms off the courtyard area. After that time, we have been asked to use the consultation rooms that were, according to Bosasa security at Lindela, specifically designed for lawyer–client consultations. Unfortunately, this area is unacceptable for consultations because we are divided by a thick clear plastic divide that makes communication nearly impossible. This risks not only incomplete information or advice being given to both the lawyer and the client, but it also risks a breach of client confidentiality as the lawyer is forced to shout information to the client. Lawyers for Human Rights has raised this issue on a number of visits and again by letter. Although we have been promised that the problem will be “looked at”, nothing has come of it so far.

Long-term Detentions

The number of long-term detentions also remains a serious concern at Lindela. According to the statistics released by Lindela at the beginning of October, significant numbers of detainees are being held beyond the prescribed 90-day limit under section 34 of the Immigration Act, with one detainee reaching a total of 527 days. There are a number of reasons for these extended detentions. In June, 2007, LHR intervened on behalf of a group of nationals from the Democratic Republic of the Congo who were stranded in the Kempton Park Police Station because the DRC government refused to issue landing rights for their deportation. The Department of Home Affairs has also acknowledged problems relating to the practices of several embassies and their unwillingness to identify their own citizens for deportation purposes.

We have also come across of number of clients who have been refused entry into the country where they claim citizenship. The Immigration Act makes no provision for such situations and often those individuals are kept in indeterminate detention.

Closure over the Holidays

Every year, rumours circulate that Lindela closes during the holiday period. These rumours stem from the policy that deportations do not take place during the holiday period. The reason for this is to prevent abuse of government resources by stranded visitors looking for a way home for the holidays. This does not mean that immigration stops functioning or that there are no arrests of alleged “illegal foreigners” over the holiday period. We do advise, however, that although there are no regular deportations, deportations of certain individuals or groups may still continue. Service providers should be aware of this fact when advising clients.

News:

Port Elizabeth Site Visit

On 6th and 7th November CoRMSA conducted a site visit to Port Elizabeth to meet with stakeholders and discuss a way to extend services to refugees and migrants in the area. Participants in the meeting came from as far as Grahamstown and were keen to become involved in addressing some of the current challenges facing refugees and migrants in the area. As a result of this, CoRMSA will be providing paralegal training for these organisations early in December as a step towards greater service provision for refugees and migrants in the Eastern Cape.

Cape Town Incidents

Two regrettable incidents occurred in Cape Town on 1st and 2nd November. The first involved a clash between the police and asylum seekers waiting to lodge applications for refugee status at the Cape Town Refugee Reception Office. Members of the media witnessed the incident where it was alleged that police used excessive force in dispersing the asylum seekers.

The second incident the following day involved the death of Mr Adonis Musati in the area outside the Cape Town Refugee Reception Office allegedly due to starvation. CoRMSA has spoken to the member organisations in the area and contacted various soup kitchens who have made their services available to refugees and asylum seekers. People Against Suffering Suppression Oppression and Poverty (PASSOP) are also co-ordinating public donations.

In response to these two incidents, CoRMSA has written to the Mayor of Cape Town and the Premier of the Western Cape and will be meeting with their representatives regarding their support for an intervention in the situation. The Directorate of Refugee Affairs has also promised to provide further details once a report is submitted by the Cape Town Refugee Reception Office.

Jesuit Refugee Services Turn 27

Jesuit Refugee Services (JRS) today celebrate their 27th birthday following their founding in 1980. With South African offices based in Pretoria and Johannesburg, JRS provides social assistance to refugees and asylum seekers as a UNHCR implementing partner. Primary services available from JRS include emergency assistance with accommodation and material assistance, educational assistance (primary and high school), health referrals to hospitals,

vocational skills training, income-generating activities and assistance with evaluation of qualifications. For further information please call Thabile Maphosa (Project Director, Johannesburg office) 011 331 0037 or Gerard Shavatu (Country Director, Pretoria office) 012 341 9185.

Delmas Update

Following the displacement of Somali and other non nationals from Delmas, Mpumalanga, a community meeting will be held on 22nd November in Delmas where a number of stakeholders from local government, the provincial government, the community, those displaced and NGOs will seek to find a way forward to ending the crisis. CoRMSA is currently working with Lawyers for Human Rights, Islamic Relief, Jesuit Refugee Services, the South African Human Rights Commission, the Counter-Xenophobia Unit and the Department of Justice to resolve the issues.

Death of Zimbabwean National in Johannesburg

CoRMSA has been concerned to hear about the death of a Zimbabwean national on Saturday 10th November allegedly in police custody. CoRMSA and Mthwakazi Arts and Culture are investigating the incident.

Refugee and Migrant Stories on Gender Links Site

Community Media for Development (CMFD) and Gender Links have collaborated to produce a series of narratives documenting the experiences of refugees and migrants in leaving their countries of origin and coming to South Africa. These narratives also outline some of the challenges individuals face in integrating into South African society. These stories can be viewed at http://www.genderlinks.org.za/search_results.php.

Gender Links will also be launching their 16 Days of Peace Campaign against gender-based violence on 25th November. More information is available at http://www.genderlinks.org.za/page.php?p_id=376.

Please email us with any comments or information you wish to be included in a forthcoming newsletter.