



Report of the Black Sash, CoRMSA and Oxfam Monitoring Team

De Doorns, Western Cape

The Consortium for Refugees and Migrants in South Africa (CoRMSA), the Black Sash and Oxfam have put together a team of independent monitors to assess conditions in the temporary safety site as well as in areas outside the site that relate to the current displacement of Zimbabwean nationals in De Doorns. This monitoring team will collect information on conditions and processes at the safety site as well as on information from areas beyond the site so as to provide information that will be useful in developing ways to resolve the current displacement crisis. This information will be distributed to key role players and will also be published on the CoRMSA website.

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30th November 2009

MONITORING AT THE SAFETY SITE

1: SHELTER:

On Thursday last week safety site residents were told about the move from the large tents to smaller family tents. There was some concern regarding the timing of this information as some residents had left for work before this information was available and therefore returned from work to remove their belongings from the tent. Some of these individuals complained that their earnings for the day were affected as the farmer who employed them had told them not to return to work.

When monitors visited the safety site on Thursday last week the residents' belongings were stacked around the perimeter wire fence. The Fire Department had spent the day erecting 189 tents. Residents were glad to be getting smaller tents but were unsure how they were to be allotted. By 10.30 in the evening the monitors noted that site residents had still not been allocated to their new tents. UNHCR started to give out tent numbers and residents were told that they had two days to organize their living arrangements amongst themselves. An NGO volunteer later reported that after the monitors had left the site residents rushed to claim their tents and, as a result of uneven distribution of tent occupants, many people were left without accommodation.

It was also reported that Red Cross had served 1700 meals on the Thursday night, suggesting that a significant increase in numbers of residents was taking place. Monitors at the site expressed concerns that there were insufficient shelter and resources to accommodate this increased population.

2: FOOD & NUTRITION:

Monitors report that on Thursday, 26th November, there continued to be reports from site residents that they were not getting enough food. As a result of this Red Cross decided to provide an extra meal, although it appears that not all residents had received notification of this.

Two IDP Committee members were seen to be assisting with preparation of food. The number is restricted to two by Red Cross to avoid opportunities for 'corruption'.

Monitors received reports from site residents who said they were upset following an incident where personnel serving breakfast threw food at site residents leaving for work.

3: WATER & SANITATION

No further report available.

4: PROVISION OF SPECIAL ASSISTANCE for the MOST VULNERABLE:

No further report available.

5: HEALTH CARE

Red Cross First Aid staff are reported to be issuing contraceptives to the women at the safety site.

6: UNACCOMPANIED MINORS & SEPARATED CHILDREN

No report available.

7: INFORMATION PROVISION TO THE DISPLACED

Some site residents have expressed confusion as to who was on the IDP Representative Committee. Allegations have been made that committee members select themselves and their friends to serve on the Committee and then have first access to provisions. Some site residents have reported that they do not receive report-backs from the IDP Representative Committee and that they have to rely on the grapevine for information.

8: SECURITY PROVISION AT DISPLACEMENT SITES

Registration of site residents by UNHCR was still underway on Thursday 26th November, at which point it was reported that 1120 people had been registered.

9: ACCESS to JUSTICE for VICTIMS who HAVE LAID CHARGES

No further report available.

11: INCLUSION OF DISPLACED in PLANNING PROCESSES:

No further report available.

12: PROTECTION PLANNING of the SITE:

No report available.

13: NON FOOD ITEMS:

Distribution mechanisms are reportedly not functioning well. Site residents reported that the distribution of a load of 2500 blankets by the IDP Representative Committee resulted in some committee members having a few blankets each whereas everybody else had only one blanket each. It is alleged that Committee members gave the blankets to people to sell (for R20 or R30 each) and that some site residents paid to purchase extra blankets.

Monitors report that some site residents have requested that all distribution be done through Red Cross as it is felt that the IDP Representative Committee lacks transparency.

14: REINTEGRATION

Monitors attended a reintegration meeting called by local officials on 26th November. A number of issues were discussed, including:

- The Church service, for South Africans only, was scheduled to go ahead on Sunday (29th November) at midday.
- It was planned to hold a meeting on Tuesday, 1st December, at 19.00, to which the Ministers of Home Affairs, Human Settlements and Labour would be invited.
- There is to be a march on Monday, 30th November, to coincide with the bail hearings. The speaker notified the meeting that if approached to lead the march he would accept as, he stated, his first concern is the South Africans.
- The reintegration process, for which a two week time frame was given, should include:
 - Registration of Zimbabweans in the area—believed to number 10,000 in the valley
 - Meeting with farmers on Monday 30 November at a time and venue to be agreed
 - A ward committee meeting on Friday, 27th November
 - Reorganisation of the reintegration structure, to include the setting up of a political structure, a practitioners' structure and an operational structure.
- Resolution of the labour issue was identified as critical to reintegration, particularly as local people were of the view that they would be excluded from employment due to the influx of foreign nationals.

15: LIVELIHOOD MAINTENANCE:

It is reported that most men at the safety site are not employed at this time. This, it is maintained, is why blankets were being sold—in order to get money for food.

Amongst the Internally Displaced Persons (IDPs) there are many skilled workers, including a factory manager, diesel mechanics, many different artisans, technicians, drivers, an accountant, a teacher and construction workers.

16: SCHOOLING AND CHILDREN:

The Department of Community Safety have organised the setting up of a play area for children at the safety site under the trees.

There have been concerns raised by the monitoring team regarding the safety of children who are attending primary school as they have to walk from the safety site through town to schools around

Hasie Square and beyond. There were concerns that the children could be targeted during the current volatile period and it was recommended that the Department of Education explore mechanisms to ensure the children's safety on the way to and from school.

MONITORING OUTSIDE THE SAFETY SITE

Worcester Prison monitoring:

Monitors visited Worcester Prison on both 26th and 27th November to observe the conditions under which the 23 detainees from Stofland were being kept and to check whether there was anything that the detainees would like to report on. In order to achieve this, the detainees were interviewed by the monitors in groups of approximately seven over the two days.

Worcester prison can accommodate 120 awaiting trial prisoners, but is currently holding approximately 260 awaiting trial prisoners. The 25 arrested from De Doorns put additional pressure on an already overcrowded facility. The De Doorns detainees were being kept separate from convicted prisoners. Two of the group, aged 18 and 22 years, were being housed in the Juvenile Section.

A 'private' attorney representing the De Doorns group was observed to have spent most of the 26th November consulting with his clients individually. By the 27th all detainees confirmed having been interviewed by the attorney. Monitors observed that it appeared that all the detainees were happy with their legal representation and appeared to trust their attorney. Detainees reported that they had advised him of their complaints against the police at De Doorns and of the circumstances surrounding their arrests.

Reports on the arrests: Detainees advised the monitors that arrests began in the early hours of Friday morning. A number of concerns were stated concerning the arrest processes, including:

- The police had broken down the doors of the detainees' homes, without warning and with no warrants of arrest.
- Detainees reported being dragged out of bed in the early hours of the morning. Some arrived at the police station without shoes.
- One detainee was extremely concerned as the police would not let him lock his home. He lives alone and feared his possessions would be stolen. A number of the single men feared that their homes were not secured and that their possessions would be stolen.
- One detainee reported that he was in bed with his girlfriend when the police burst unannounced into his home. He complained that the police lifted the blankets to view his naked girlfriend and passed comments about her body. He reports that his girlfriend was terrified.
- Detainees report that police ripped blankets off their partners and children and then shone torches in their faces, even after they had been arrested, further traumatizing the children in the process.
- It is alleged that police personnel used degrading language during the arrests. Some of the detainees were unable to repeat the words used as they found them too offensive to utter. One reported being verbally abused by police using extremely racist language.
- It was reported that police used one detainee to point out the whereabouts of individuals on a hand-written list. Monitors report being concerned about what had been withheld in connection with reporting the circumstances surrounding this individual's arrest.
- Detainees claim that at the police station, they were not read their rights but instead were 'forced' by police personnel to sign the document that outlined their rights. Some of the detainees were adamant that their rights were not explained to them and that they were coerced into signing this document.

- Detainees insist that not one of them was allowed to make a phone call and that the police insisted on phoning attorneys on their behalf. They reported that the police told them that their attorney's phones were on voicemail. Effectively it would appear that this group had all contact with the outside world denied them.
- Detainees claimed that they were placed in a cell reserved for persons that are inebriated over the weekend. They objected to this as undignified as they do not consider themselves common drunkards.
- Detainees reported that there was no water in the cell during the weekend and that the blankets were filthy and full of faecal matter.
- A 17 year old juvenile was held over the weekend with the other adults, despite the group advising police that he should be moved. He was later released into parental custody.
- One detainee did not have access to his TB medication during the weekend.
- The group reported hearing that the police would force one of them to be a state witness.
- Detainees complained that their statements were not taken until Sunday.
- Detainees report that, contrary to usual practice in De Doorns, they were not allowed family visitors to their cell over the weekend.
- One detainee reported having to drink water from the toilet cistern whilst in the De Doorns cell.

The general impression given by the detainees was one of a collective feeling of dismay and of victimization by the De Doorns police. Many expressed feeling violated and considered that the arrests had been carried out with unnecessary force and brutality. Some claim that the police have a personal vendetta against them. Many of the young men expressed a sense of shame and anxiety on finding themselves in prison. Some said that they feared criminals; and others that even seeing tattooed faces was frightening.

The detainees requested that the South African Human Rights Commission:

- Conduct an inspection of the police cells at De Doorns, where conditions were inhuman and undignified.
- Investigate procedures regarding the arrest, detention and release of young juveniles—particularly girls—at De Doorns police station.

Prison conditions in Worcester were, according to the detainees, satisfactory in so far as the toilets, showers and bedding were clean and adequate. Complaints included that there was no sugar in the coffee and that one detainee had no mattress on his bed. There were concerns that in the Juvenile Section the beds were too close together and one detainee reports having a belt stolen.

A sense of injustice:

The De Doorns detainees in Worcester prison allege that it was a community decision to take down the structures that the Zimbabweans were living in. These were, they argue, community owned structures that were being rented from the community. Furthermore, they allege that municipal officials and local councillors were informed of the decision in advance of the action. In particular, these particular officials were accused of being responsible for the influx of Zimbabweans and they were therefore instructed to take responsibility for finding the solution to the problem.

The monitors report having the impression that there existed a “public agreement” or popular belief or understanding within the community to drive out Zimbabweans without bloodshed. It appears that there existed prior knowledge of the likely unfolding of the events of Tuesday and a sense amongst community participants that it was condoned because local government officials knew of the community's intentions. It is reported that a week before the attack, at a meeting attended by

the police, the HDA, and senior local government officials, a decision was made in public that shacks rented by Zimbabweans would be dismantled.

The De Doorns detainees deny that their action is based on xenophobia. They stated that they do not hate the Zimbabweans but rather hold them responsible for causing the underemployment in the community and for sustaining farm owners' practices of paying low wages. Some detainees mentioned that they had friends in the safety site and would like to be able to go to visit them.

The group expressed an understanding of why Zimbabweans had come to South Africa. They stated that their anger is not a response to the Zimbabweans *per se* but rather a response to not being listened to by the government; to their treatment by farmers; to a lack of service delivery and to a general feeling of disempowerment. Monitors were told: "It took 15 minutes to start putting up tents for the Zimbabweans but it took us 18 years to struggle for electricity".

It is alleged that the ANC in De Doorns is not a unified structure and that tension between the different factions lies behind the arrests. Some of the detainees state that they were present at meetings held to assist with finding solutions for the community on Thursday 19th November. (Monitors can verify that three of the detainees were present at this meeting and that they were clearly part of the community processes following the attacks). Some of the detainees also state that they were responsible for taking the Parliamentary Portfolio Labour Committee to the community to hear the community's grievances. They are perplexed to observe that they were acknowledged as part of the solution and involved in developing processes of reintegration and then, subsequently, were arrested. They expressed a sense that the meetings exposed them to being accused and blamed for the community's actions.

Some of the detainees argued that if they were guilty of public violence they should have been arrested on the Tuesday, during the unrest, as has been the practice in the past on such occasions.

Towards creating solutions:

Some of the detainees suggested that, in order for the conflict to be resolved, the Zimbabweans should create a representative negotiating forum and the Stofland community should do the same. They are of the view that the community, together with the Zimbabweans, should negotiate solutions. With regard to the importance of identifying appropriate Zimbabwean representatives, it was stated that a leading member of the Zimbabwean community, who was a labour broker, had been largely responsible for all the problems in the town. The monitors report being impressed with the integrity of those detainees who claimed to represent the community interest.

Labour Brokers to Organise:

Monitors attended a meeting of labour brokers on 25th November. Pressed by the HDA to organise themselves, approximately 80 labour brokers working in the area met about a month ago and elected an interim committee. The aim of the organisation would be to agree and implement a minimum standard to regularize the work of labour brokers and to ensure that each contractor is registered. At the meeting it was reported that the HDA had decided that from now onwards farmers should pay the labourers directly, pay the UIF themselves and pay the contractors their percentage.

During this meeting, at which there were about 30 labour brokers, it was stated that a preference policy would be put in place to use locals first and then to use Zimbabweans and workers from other regions only when all locals have work. In the course of deliberations an intense discussion revolved

around gender representation and community representation on the Committee. It was agreed that one female and one community member (who is not a contractor) would be included onto this interim committee. Eligibility criteria and the need for integrity in their work and loyalty to each other were discussed.

Names for the Association were put forward to an open vote and the monitors were requested to oversee the counting of the hands. Monitors report that there is indication that the contractors would welcome outside facilitation in their process. They gained the impression that the group had insufficient knowledge around procedure, process or legal requirements necessary to constitute an organisation of the type they envision for themselves. The current reliance on the various resources of one amongst them does not auger well for challenging present levels of disempowerment amongst many of the labour brokers.

The next task identified by the group is agreement on a Constitution. A template of a constitution has been sourced and it will be translated into Xhosa and Afrikaans before the next meeting. It is proposed that the organisation should have a joining fee of R20 and thereafter a monthly membership fee of R10.

Touwsrivier

On 26th November monitors revisited a location in Touwsrivier where a number of IDPs have been residing since their eviction from De Doorns. There seemed to be no clear leadership amongst this group of IDPs and some confusion as to what information they could impart to the monitors. They were, however, keen to impress upon the monitors that the farmer was a good and caring man.

A group of IDPs were interviewed. The monitors learned that:

- The group consisted of 46 adults (of whom 32 were women), including 5 couples. There were also 21 children (ranging in age from 2½ months to 9 years old).
- Three women from the IDP group are paid R270 per week to look after the children. R25 is deducted weekly from the parent's pay for the children's food and childcare.
- The 9 year old child has not attended school since Tuesday's disturbance.
- The accommodation consisted of a number of rooms, of which only the common areas like the kitchen and toilets had working electric lights.

Reported working practices on farms:

Monitors record that some IDPs report that they are working under a payment system called 'Mark Pan'. It was explained that the farmer groups workers into teams of about ten each and gives each team a farm portion to work on, overseen by a supervisor (not a contractor). The supervisor instructs and keeps a record of each worker's completed work load. The worker with the biggest load will receive a bonus taken from a team mate(s) with the lowest load. Thus the farmer budgets the same amount of money for each team, but the distribution of that sum varies within the team.

The IDPs working under this system report that there is considerable pressure on them to perform well at the expense of their health. They usually forego tea and lunch breaks in order to outdo each other or to keep up their work rate. They complain of permanently aching arms, backs and legs due to the work.

This briefing report was compiled by Vicki Igglesden from monitoring reports dated Thursday 26th and Friday 27th November 2009. The monitoring reports are compiled by a team of independent monitors and do not necessarily reflect the view of CoRMSA, the Black Sash or Oxfam.