



## Report of the Black Sash, CoRMSA and Oxfam Monitoring Team

De Doorns, Western Cape

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*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.*

Report 4

2<sup>nd</sup> December 2009

The new team of monitors commenced their monitoring activities on Sunday 29<sup>th</sup> November. Although they have noticed some improvement in the atmosphere of the local communities following the release of some of the arrested community members, they report that there is still a high level of unhappiness and grievance, and a worrying level of anger. It certainly does not seem as if an environment conducive to integration has been created.

### MONITORING AT THE SAFETY SITE

#### 1: SHELTER:

It was reported that the inequitable distribution of safety site residents amongst the UNHCR tents was still evident on Sunday 29<sup>th</sup> November.

#### 2: FOOD & NUTRITION:

No further report available.

#### 3: WATER & SANITATION

Drainage on all showers is unsatisfactory. The showers do not have working soakaways and there is stagnant waste water. Monitors report that in one of the shower blocks there is only one shower for women and it is very badly lit.

#### **4: PROVISION OF SPECIAL ASSISTANCE for the MOST VULNERABLE:**

No further report available.

#### **5: HEALTH CARE**

There is reported to be no medical equipment at the safety site, making it impossible for Red Cross staff to undertake medical examinations. Although Doctors without Borders are assisting, their visits to the site are infrequent. Red Cross have to take site residents to Worcester Hospital for medical assistance.

#### **6: UNACCOMPANIED MINORS & SEPARATED CHILDREN**

No report available.

#### **7: INFORMATION PROVISION TO THE DISPLACED**

The previous report indicated that there was some confusion as well as some concern regarding who was on the IDP Representative Committee. There were allegations that membership of the committee was being used to access resources first. There were also concerns regarding report backs from the Committee.

There has also, reportedly, been some information given that has misled site residents. Some site residents report that local government officials had told them that they would have to reintegrate, failing which they would be deported. In fact, there remains a moratorium on the deportation of Zimbabwean nationals and so site residents do not face the risk of deportation.

#### **8: SECURITY PROVISION AT DISPLACEMENT SITES**

Some site residents report feeling unsafe at the safety site following their recent arrest for causing a disturbance. They also report that they are aware that local people are demanding to be able to use the soccer field upon which the safety site is located. Site residents express a need for more information on day to day security issues. They were, for example, unsure on Sunday whether it would be safe to go to work on Monday as, they claimed, there had been threats made against them by local residents to prevent them from going to work. In the event, monitors reported that the site appeared calm at midday on Monday and that many residents seemed to have gone to work.

#### **9: ACCESS to JUSTICE for VICTIMS who HAVE LAID CHARGES**

Site residents are requesting information with regard to possible compensation for goods that were lost.

#### **11: INCLUSION OF DISPLACED in PLANNING PROCESSES:**

Some site residents reported that the IDP Committee participation in dialogues with the Mayor's Office had not been followed up with feedback. People express confusion about what the future holds and a desire to hear from the Mayor's office with respect to what is going to happen to them.

#### **12: PROTECTION PLANNING of the SITE:**

No report available.

### **13: NON FOOD ITEMS:**

No further report available.

### **14: REINTEGRATION**

Monitors report that there is general agreement that the majority of the displaced Zimbabweans will be returning to Zimbabwe at the end of the season (March/April). Whilst there is disagreement over whether reintegration is feasible from the perspective of community relations, it is reported that there is a practical barrier to reintegration in so far as many of the shacks that the Zimbabweans lived in have been removed.

The planned reconciliation Church Service on Sunday (29<sup>th</sup>) took place but monitors report that it was poorly attended.

### **15: LIVELIHOOD MAINTENANCE:**

Monitors report speaking with farmers at the safety site who had been granted access with a visitor's card. They had come to check whether their workers were going to come to work the next day (in view of the call to not work on Monday).

### **16: SCHOOLING:**

No further report available.

### **17: ACCOUNTABILITY:**

There continue to be reports of difficult relations between some of the actors at the safety site. It has also been reported that a fight broke out, leading to arrests, as a result of disagreement over allegations that IDP Committee members had received incentives from local government officials and SAPS to sign papers requesting the release of the arrested individuals. The IDP Committee are also accused of providing themselves with extra resources—such as taking additional blankets and occupying a tent on their own.

These and other complaints about the IDP Committee led to the election of a replacement Committee on Sunday (29<sup>th</sup>). This new committee is to consist of equal numbers of men and women and none of the committee members will be allowed to have money or other incentives for being a committee member. The tasks that the Committee will undertake include assisting Red Cross with food preparation, as well as assisting with health provision, access control, and site cleaning. It was stated that Committee members would participate in the daily site meetings at 10.00 a.m. and would be tasked to engage in information sharing and the communication of concerns from camp residents to the camp management.

Some site residents have reported that they have been threatened by local government officials for associating with particular members of civil society. Members of this group stated that they felt exposed to potential malpractice by government officials as it was now difficult to have access to the advice that they had received from their former associates. Whilst some site residents have stated that they are unable to engage with UN personnel without a civil society intermediary, others argued that there was no need for such a role player as they could engage directly themselves.

## MONITORING OUTSIDE THE SAFETY SITE

Reports of visits by monitors to speak with residents of Stofland and adjacent communities reveal conflicting attitudes to the conflict and to the presence of Zimbabweans in the communities.

- Some residents (such as a woman living in Selfbou) express sadness with regard to what has happened to the Zimbabweans and would like to visit them at the safety site. However, there is concern as to how such a visit would be interpreted.
- Some have expressed acceptance of the fact that Zimbabweans work on the farms. Others have stated that they are unhappy with Zimbabweans working on the farms for a range of reasons—including that they have replaced local farm workers and that Zimbabweans are paid less. One informant claimed that she knew this because she had seen payslips, but also wanted to know whether Zimbabweans had UIF deducted by the farmers.
- It was reported by one informant that it was the Sotho people who created the problem with the Zimbabweans. Another rued the fact that Sotho and Xhosa incomers had all lived well together but that recently it was the Xhosa speakers in Stofland who had taken against the Zimbabweans. Another reported that the farmers were using the situation to fight with local people.

Views reported by monitors about the arrested leaders include:

- One resident expressed the view (on Sunday) that amongst those currently detained there were some who were guilty and some who were not.
- There is, however, a sense that without the leaders some of the residents of the communities feel that they are at a loss to go forward with negotiating an end to the conflict and a normalisation of the situation. One Stofland resident said that there would not be peace while their 'real' leaders are in prison, comparing the current situation to the Rivonia Trial.
- Residents continue to observe that the arrest of their leaders has been unfair. One, for example, observed that in other similar situations that they have seen on TV nobody gets arrested. Another questioned why only certain members were targeted and arrested, instead of arresting all the community, since they were all together during the forced eviction.

There continues to be concern about the way the police acted:

- One resident reported that the police were present when the community removed the Zimbabweans from their homes and that a senior SAPS official told them 'don't beat them [Zimbabweans] up, just tell them to go and take their things'.
- Another claimed that the community had been betrayed by the police as the police escorted the community when they went to force the Zimbabweans out of their rented houses

Community members continue to report that local government officials played a role in the eviction of the Zimbabweans. One community resident reported that a local government official had declared at a community meeting prior to the removal that there were too many people in the area for everyone to be provided with services and that the community should create a committee to assist local government with finding solutions. Subsequently the official advised the community to find a solution to their problems themselves. Once again, the observation is made that whilst basic services, food and decent accommodation for communities is lacking there was immediate assistance for the Zimbabweans once they were evicted.

There is also disagreement over the issue of Zimbabweans taking work from South Africans. A Community Development Worker advised monitors that a total of 16,000 workers are needed on the

farm at this time of year and, with only 1,200 Zimbabweans in the safety site, there should be plenty of opportunity for local workers.

One community member explained to monitors how the participation of Zimbabweans in farm work had changed the practices on the farm. Specifically, the hours are now longer and the breaks are less. This informant reported that, unlike local workers, Zimbabweans work on Sundays, Christmas and public holidays. As a result the work is done quickly and local people cannot make any more money. The informant explained that local workers used to stretch the season in order to earn money for the whole season.

Concerns and complaints to monitors about conditions in their communities raised by community members included:

- lack of recreational facilities for their children
- the lack of attention to upholding respect for human rights of residents in De Doorns
- inability to pay rent and school fees for lack of work and inability of young people, who would normally be able to work on the farms at this time of year, to pay for their matric ball gowns and clothes
- lack of electricity, water and sanitation in Ekuphumleni
- no formal housing, no electricity and poor supply of toilets (reports of 20 people per toilet) in Ezinyoka
- the community are unable to use the community hall as the municipality charges for its use. Besides this, the toilets at the community hall are in a terrible state of condition.
- The local stadiums are not well maintained and have almost no grass.

During a visit to Ekuphumleni community monitors found that if a resident cleans a toilet he or she is permitted to lock the toilet and then control who uses it. Four of the six toilets in the community were locked at the time of the monitors' visit. Discussions with the predominantly Xhosa speaking residents of this community indicated that there were between 5 and 15 people in each household. The roads were untarred and dusty, and there was an excess of uncollected rubbish. Houses do not have electricity (although we were informed that it is about to be installed) and the street lighting consists of one big street pole.

Monitors also visited the rubbish dump site at De Doorns to follow up on information received that suggested that some families scavenge for food on the dump. They spoke with four people who said they were collecting tins. Monitors were unable to establish during this visit that people are actually looking for and eating food from the waste. This issue was raised by a municipal worker who had reported that the Zimbabweans in the safety site wasted food and that it was taken to the dump, where local people (particularly older people and children) wait for the trucks to see what there is to eat.

#### Community Events:

On Sunday (29<sup>th</sup>) it was reported that workers would not be going to work on Monday as they intended to go to court to support the arrested leaders. A march was planned from Stofland to the stadium in De Doorns. It was reported that R5000 was needed for bail money and community members were collecting money door-to-door.

Monitors attended a community meeting on Sunday (29<sup>th</sup>), at which some 250 to 300 community members attended. Representatives from SAHRC, the SAPS and the Church Ministers Fraternal were

in attendance. The meeting was called to give feedback on fundraising for the bail money and to give direction regarding the march on Monday, 30 November.

Monitors were at the stadium in De Doorns following the bail hearing on Monday (30<sup>th</sup>). Those that had been released were received with a heroes' welcome. Information was publicly exchanged between the previously detained and community members. It was noted by the community that a decision had to be made with regard to what should be done with the people who they believed had informed the police prior to the arrests. The community were instructed to return to work the next day and the meeting was dismissed peacefully.

#### Worcester Court : Bail Hearing 30<sup>th</sup> November

The bail hearing resulted in the release of 12 of the arrested. Charges against them were withdrawn as there was no significant evidence to support allegations that they had committed acts of public violence. Nine detainees were refused bail pending further investigations and another bail hearing on Friday 4<sup>th</sup> December.

During the proceedings, the accused were represented by a lawyer who, monitors were advised, had been paid R5000 from funds collected by the community. There was a heavily armed police presence in the court. The court was packed with family, friends and community members.

Conversations with those that were released revealed that they were fearful that their fellow community members who remained in detention might suspect that those who had been released had benefited from some untoward favour. One acknowledged that contradictory statements were the basis of further detention. The legal representative of the detained declared that in his view there was a political motive in keeping some of the detained in prison. He said that while the police finished their investigations he would collect further statements from the released group to construct a more coherent version of events.

*This briefing report was compiled by Vicki Igglesden from monitoring reports dated Sunday 29<sup>th</sup> and Monday 30<sup>th</sup> 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.*