

SOUTH AFRICAN HUMAN RIGHTS COMMISSION
Cnr St Andrews and York Street
Parktown
Johannesburg
2193

Private Bag X 2700
Houghton
2041

Tel: (011) 484 8300
Fax numbers:
General: (011) 484 7149
Commissioners: (011) 484 8403
CEO: (011) 484 0582
Legal: (011) 484 1360
Research: (011) 484 7146
Training/ICP: (011) 643 6472



Our ref: CS6002 Tamlyn Monson
TMonson@sahrc.org.za

5 November 2009

For attention: CoRMSA Mailing List c/o Duncan Breen / Sicel'mpilo Shange-Buthane
Consortium for Refugees and Migrants in South Africa (CoRMSA)

Dear partners in civil society

Re: Invitation to submit information to the South African Human Rights Commission (“the Commission”) in its investigation into xenophobic violence conducted in furtherance of its constitutional mandate

Following an earlier formal request by CoRMSA, the Commission is undertaking an investigation focusing on issues of justice, impunity and rule of law with regard to the violence of 2008, which was primarily targeted at non-nationals and is generally referred to as xenophobic violence.

The purpose of the investigation is to provide an assessment of the responses and plans by the key relevant government departments which have a responsibility on issues of the rule of law, justice and impunity. Given that there are fears of threats of further xenophobic or civic violence which impacts on non-nationals, the investigation process is aimed at providing practical recommendations to the relevant government departments regarding what could be done to prevent future violence on the scale of 2008 as well as to be able to respond better to the violence should it recur. This would go a long way in ensuring that South Africa is better prepared to prevent mass violence and, should such violence occur, better prepared to manage its consequences.

This investigation is undertaken by the Commission in terms of the South African Human Rights Act, 54 of 1994, and section 184 of the Constitution of the Republic of South Africa Act, 108 of 1996. The powers of the Commission include the power to conduct an investigation into any alleged violation of human rights, to call any person to appear before it and produce to it all articles and documents required in terms of the investigation.

In the interest of providing a balanced view and incorporating the voices of individuals and communities that fell victim to the 2008 violence, the Commission requests any or all of the following categories of background information from civil society organisations who have worked with those affected by the attacks:

1. **VOICES OF VICTIMS:** Written accounts of cases relating to justice, impunity and/or the rule of law that have been brought to your attention by beneficiaries of your services or participants in your activities, either formally or informally. Names need not be provided if confidentiality needs to be maintained, although the Commission would also welcome testimonies by named individuals.
2. **CONCERNS OF YOUR ORGANISATION:** Written accounts of the primary areas of satisfaction and/or concern your organisation wishes to register with regard to issues of justice, impunity and rule of law arising from the 2008 violence, relating in particular to government preparedness, response and future plans to prevent or mitigate the effects of such violence. Any details of specific communication with relevant government structures, including lawsuits are welcome.

Know your Rights. Accept your Responsibilities

Chairperson: L Mushwana; **Deputy Chairperson:** P Govender; **Commissioners:** L Mokate; B Malatji; J Love; D Titus
Chief Executive Officer: T Thipanyane

3. **RECORD OF RELATED ACTIVITIES:** Written accounts of any engagements or partnerships relevant to justice, impunity and the rule of law that your organisation has embarked upon, along with critical analysis or evaluative remarks on the strengths and weaknesses of these activities. These might include commissioned research, monitoring or evaluation; mediation, reconciliation or 'reintegration' initiatives; training or awareness-raising; providing input into consultations or planning processes; among others. In such accounts: a) an indication of engagements or partnerships that have enjoyed the participation of any structure of the South African government; b) the degree to which your organisation's input was actively sought by government; and c) any contact details for the focal point person in the relevant government department.

In addition, the Commission requests the names and contact details of a contact person within your organisation who can provide further information, if required, The Commission requests that all staff be notified of the requirement to assist the Commission if so approached.

The Commission requests that written responses be sent to the researcher for this investigation, Ms Tamlyn Monson at the Commission by Friday 20 November 2009 either by e-mail to tmonson@sahrc.org.za , fax 011 484 7146, or hand delivery.

Please note that the Commission will publicly present the results of the investigation in a report and discussion during the first quarter of 2010

The Commission looks forward to receiving your submissions.

Kind regards

Joyce Tlou
Program coordinator: Migration & Non-nationals