



Some respite for refugees

By Lee Rondganger

Refugees still living at temporary shelters across Joburg have been given a slight reprieve by the Constitutional Court and will be able to continue staying at the camps.

The Constitutional Court on Tuesday reserved its ruling on whether the Gauteng government had the right to dismantle the camps.

The ruling means that the provincial government will not be able to shut down the six temporary shelters spread across Joburg and Ekurhuleni. The government's deadline to shut down the camps expired on Friday.

"It would be contempt of court (to close down the shelters)," said Gauteng Premier Mbhazima Shilowa shortly after the hearing.

Stuart Wilson, of the Wits Law Clinic, said the court's decision to reserve judgment was a victory for the refugees.

"If it was up to the government, the camps would have closed last Friday. The court has reserved judgment on a wide range of issues, which means the camps will stay open.

"It will also give both parties a chance to find a solution. Our draft (of a solution) is close but not close enough," he said.

On Monday, lawyers from the Wits Law Clinic brought an urgent application to the Constitutional Court to keep the six shelters open, following an earlier defeat at the Pretoria High Court.

On Monday night, after hearing more than four-and-a-half hours of arguments by both sides, the nine Constitutional Court justices requested the parties to find a solution to their problems. They were given a deadline of 10am on Tuesday.

Negotiations went on until late on Monday night and by 11.15am Tuesday - when the matter was called - both parties had still not thrashed out an agreement.

The urgent application had to be squeezed into spare minutes of a hearing on betting laws involving the KwaZulu Natal government, whose matter had already been set on the court roll.

Advocate Nadine Fourie, representing four foreign nationals and the Consortium for Refugees and Migrants in South Africa, said they had requested the government to give the refugees 10 days' notice before consolidating the shelters and that tents may be taken down only after being vacant for more than 24 hours.

She said that they agree with the government that residents at the camp may not canvass or recruit people who do not live at the camps, and asked for a register to be kept at the camps to allow people who leave for the day to return to their tents without having them taken down.

Advocate Quintus Pelsler, who represented the Gauteng government at the hearing, gave the court his assurance that his clients would keep the shelters open until the court makes a decision.

Outside the court, Shilowa said the government would continue helping those refugees who wanted to leave the camps.

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