



## NEWSLETTER TO DISPLACED PEOPLE: NEW DEVELOPMENTS AND OTHER INFORMATION TUESDAY 8 JULY 2008

This newsletter is to inform everyone of the latest developments between Treatment Action Campaign (TAC), civil society organisations and various government departments. More newsletters will follow with up-to-date information, and other news. TAC is writing this on behalf of the District Task Team Forum and the individuals and organisations there.

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### MEETING

On Saturday 5 July TAC had a good meeting with representatives of displaced persons from Soetwater, Harmony, Youngsfield and Chrysalis Academy. The representatives explained their conditions and TAC explained what work we are doing. We look forward to more meetings of this kind.

### HUMANITARIAN AID

- TAC is **not** a humanitarian aid organisation and we do not have lots of money to spend on giving food and other goods. This is government's job. However, we understand that emergencies arise and we will help where we are able to.
- TAC is collecting information from sites and camps about what goods are needed. We then pass this information onto the JOC – Joint Operation Centre (a part of government) – who is supposed to send the goods. Government promised civil society that they would act on these requests but according to our information the JOC has not been acting on TAC's requests. We are following up on this and working cooperatively with the JOC to solve this problem.
- What you should do is:
  - Tell the camp manager what you need.
  - Write down the name of the manager, the time and the date you spoke to him/her and what you asked for – try get them to sign this.
  - If you do not get what you asked for then write this down and find a TAC person and give them the information with your name and contact details.

### CONDITIONS AT CAMP

- We understand that the conditions at the camps are totally unacceptable and have become worse in the last two weeks. We also understand the flooding has been disastrous.
- One of our main focuses now is putting pressure on government to make the camps acceptable and meet international standards, and to attend to concerns regarding safety and security. Specific requests regarding the needs of babies and children (diet, education and health) have been made. We will keep doing everything in our power to act on this.

### HEALTH DEPARTMENT

- The health department issued a letter this week, after a series of meetings, stating that no displaced person may be turned away from clinics. This means that **all** displaced people have access to health care.

## HOME AFFAIRS TEMPORARY LEGAL ID DOCUMENTS

The TAC has been made aware that government is starting a **registration and documentation process**. We know it has started at Youngsfield and will move to other camps from there. So far we have had no official written communication from government. However, the information below outlines what we currently understand (we cannot promise this is 100% accurate).

### What happened:

1. Government officials arrived at various sites on Friday 4 July and started handing out UNHCR vouchers. They also handed out an information sheet. The displaced persons were told the vouchers would allow them to get documents from government when they came. They were also told that if you didn't have a voucher then you couldn't get documentation. If someone was out of the camp/site for work or other reasons they were told they cannot get a voucher.
2. The government officials were supposed to start the process at Youngsfield on Saturday but never arrived. People living in halls/other sites in the Youngsfield area were supposed to be bussed into Youngsfield to be part of the registration process.
3. Government officials came to Youngsfield on Monday night. It is unclear exactly what they were doing but they did not explain properly what was happening to the displaced persons and this caused huge confusion.
4. Government officials arrived at Youngsfield on Tuesday morning and began registering the people living at the base. They locked the gates and wouldn't allow any of the displaced persons who were out of the camp back in and were not allowing any displaced persons in the camp to leave. They also denied access to civil society, the Human Rights Commission and other organisations who were supposed to monitor the process. Those who were not at the camp at the time were told they would not be given cards.
5. After intervention by TAC and the Legal Resource Centre (LRC) legal team civil society and the displaced persons locked outside were allowed entry.
6. Government officials told those at Youngsfield that they must register for the cards or they will not be allowed to stay at the camp.
7. There appears to be great confusion between the different government departments about what the process is, how it is supposed to work, and who is doing what.



### What we understand the card to be:

1. People are filling out forms and taking finger prints and photos. They are then given a card (approximately the size of a drivers license).
2. Some of the cards mention section "31 – 2B" on the back. This refers to a particular law. The law is an "exemption law" which means that even if you are "undocumented" - that is you don't have documents, asylum seeker papers, refugee status or South African citizenship – you are given an exemption from needing documents for 6 months. Basically this means you have a permit to stay in South Africa and legally access employment and education for those 6 months whilst you apply for refugee (or other) status.
3. Some of the cards do not mention section "31 – 2B" on the back. These cards are supposed to be for people who already have papers and therefore do not need this

exemption. These people are still getting cards, they just don't say section "31 – 2B" on the back.

4. We also have been told that the card will be used as "access control" for the camps – that means that only people with the card will be allowed into or out of the camp. We will check to see if this is legally acceptable.
5. Government has said they will continue to register people at Youngsfield until Friday 11<sup>th</sup>.

### **Things you should know:**

1. You are entitled to health care and basic constitutional rights in South Africa whether you have this card or other documents or not.
2. It is illegal for government officials to deny you entry in or exit from the camp. It is illegal for them to deny civil society access to monitor this process.
3. Government officials should not stop you from registering if you are living at the camp but were outside of the camp when they arrived.
4. You have a right to full information and to understand exactly what you are signing up for before you sign the forms.
5. It is illegal for anyone to be forced to reintegrate or return to their home country against their will.

### **Some questions you should ask:**

1. Do you have to accept this card? What happens if you do not accept this card?
2. What happens when the card expires on 31 December 2008?
3. Can the permit be renewed?
4. Should you apply for other documents between now and 31 December 2008?
5. What if you have documents now and have not been given a card which says section "31 – 2B" but your documents expire before the end of the December?
6. What will your information be used for? The letter handed out by officials says: "The data will also assist government to understand the challenges you face regarding reintegration" What does this mean?

Civil Society has been told that these cards will only be issued to people "directly affected by the violence" and that the person applying will have to "prove" that they were affected by violence or that they now stay or did at some point stay in a camp, hall or other site. The government estimates 8 000 cards will be issued.

TAC does not understand this because more than 8 000 were affected by the violence and because it is very difficult to "prove" that you were. What about a person who has reintegrated back into their community and cannot "prove" they stayed at a hall? We are requesting an answer to this. We expect that government will extend this documentation process beyond the stated scope. We also continue to appeal to government to grant a blanket moratorium on deportations.

**TAC is not encouraging or discouraging anyone from participating in the documentation process. We are saying: it is your choice – no one can force you – demand more information until you are happy!**

Remember, we are all (including undocumented people) entitled to the rights of the South African Constitution.

## LEGAL INTERVIEWS

- TAC volunteers, together with the Legal Resource Centre (LRC), has been collecting information from foreign nationals to help them get documentation. Many interviews have been carried out so far.
- William Kerfoot from the LRC has been negotiating with the Department of Home Affairs to give documents to everyone we have interviewed. Home Affairs have promised they will do this as fast as possible and TAC is doing everything we can to ensure people receive the necessary documents.
- There was a problem with access to some sites, but the intention is to visit all sites for these interviews.

TAC and partner organisations have asked for better communication from government to the camps, and for clarification on documentation and UNHCR involvement. TAC will listen to the demands, requests and concerns of refugees and displaced people and feed these through to the correct agencies, such as the UNHCR, Home Affairs, Provincial Government and others. Giving displaced people a voice continues to be one of the primary objectives.

**Please pass on any requests for information to refugee representatives or site managers. These newsletters are designed to answer your concerns and keep you informed.**

*“People at Soetwater are in a horrible situation. People are not treated like humans and are being ignored. We are here at TAC to make our voice to be heard by responsible people. The conditions are completely bad. It is getting worse and worse.” – Israel Abate, Soetwater Camp*

**Right:** Collapsed Mosque Tent at Youngsfield Camp

Our next newsletter will have updates from other camps and sites.

