

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: ZAF33561
Country: South Africa
Date: 22 July 2008

Keywords: South Africa – Communal violence – State protection – Ethnic violence – Zimbabweans – Internal relocation

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Questions

- 1. Please provide brief information on any conflict between South African and Zimbabwean nationals in South Africa.**
- 2. Please advise whether such conflict is localised or less prevalent in any particular area of South Africa.**
- 3. Please provide brief advice on the effectiveness of state protection in this situation.**

RESPONSE

- 1. Please provide brief information on any conflict between South African and Zimbabwean nationals in South Africa.**

Sources indicate that the wave of violence that broke out between South Africans and immigrants to South Africa in May 2008 was not the first time this type of conflict has occurred. Instead, sources suggest that violence between the South Africans and immigrant/ethnic groups has occurred in the past, and the May 2008 violence gained worldwide attention because it was particularly widespread and brutal, with an estimated 62 dead and an estimated 20,000 to 100,000 displaced within the space of two months ('Xenophobia death toll hits 62' 2008, *The Times (SA)*, 31 May <http://www.thetimes.co.za/SpecialReports/Xenophobia/Article.aspx?id=776700> – Accessed 16 July 2008 – Attachment 1; Pithouse, R. 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', Sanhati.com website, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 2; Commey, P. 2008, 'A National Disgrace', *New African*, no. 475, July, p. 12 – Attachment 3).

A large number of refugees and immigrants from Zimbabwe have also been targeted for this violence in South Africa. A *CNN News* report from May 2008 noted:

The victims are mainly immigrants and refugees from other parts of Africa, including Zimbabwe, where a devastated economy has sent at least two million people across the border in search of a better life. Some say the attacks stem from a long-standing feeling among locals that the number of immigrants in South Africa results in shortages of jobs and essential needs ('Violence spreads across South Africa' 2008, *CNN News*, 23 May <http://edition.cnn.com/2008/WORLD/africa/05/23/southafrica.violence/index.html> – Accessed 17 July 2008 – Attachment 8).

Similarly, a July 2008 report in *New African* notes that “The majority [of immigrants in South Africa] are from neighbouring countries with weaker economies. Mozambicans and Zimbabweans constitute the overwhelming majority” (Comney, P. 2008, ‘A National Disgrace’, *New African*, no. 475, July, p. 12 – Attachment 3).

A Human Rights Watch report from June 2008 also argued that “During the last two weeks of May, foreign nationals - mainly from Mozambique, Somalia, and Zimbabwe - faced a wave of violence carried out by South Africans in many parts of the country” (Human Rights Watch, ‘South Africa: Protect Victims of Xenophobic Violence’, 5 June, UNHCR Refworld, pp. 22-24 <http://www.unhcr.org/refworld/docid/484cee94c.html> – Accessed 17 July 2008 – Attachment 22).

Another Human Rights Watch report from June 2008 explained the situation of Zimbabweans in South Africa:

Since the sharp deterioration of the political and economic situation in Zimbabwe began in 2000, Zimbabweans have been forced to leave their country in increasing numbers. Those with enough money to pay for airfare, usually middle class professionals, have left for industrialized countries, above all the United Kingdom. However, most have gone to Zimbabwe's immediate neighbors: Botswana, Mozambique, Zambia, and above all to South Africa.

Because the vast majority enter these four countries through informal border crossings and remain undocumented throughout their stay, there are no reliable statistics on the number of people leaving Zimbabwe.

In South Africa there is broad agreement that the rate of undocumented emigration from Zimbabwe to South Africa increased after 2005, the year in which Zimbabwean authorities destroyed 700,000 peoples' homes and businesses, and when a sharp deterioration in the Zimbabwean economy left an increasing number in desperate economic need. Deportation statistics also suggest that there has been an increase in the past two years: in 2006 South Africa deported over 80,000 Zimbabweans and the rate in 2007 appears to have increased dramatically. In 2007 government and civil society have documented and commented on apparent increased entry into South Africa through informal border crossing points.

By the beginning of 2008 there were probably between one and 1.5 million Zimbabweans in South Africa. Almost all entered and have remained in South Africa without visas or documentation of any kind (Human Rights Watch 2008, *Neighbors in Need: Zimbabweans seeking refuge in South Africa*, June, pp. 22-23 <http://www.hrw.org/reports/2008/southafrica0608/southafrica0608webwcover.pdf> - Accessed 21 July 2008 – Attachment 27).

Sources indicate that the May 2008 wave of violence began sometime around 11 May 2008 in the shack settlements around Johannesburg. *New African* argued that “reports indicate that it was sparked by a community meeting in which locals accused foreigners from other African countries of taking free government houses meant for them” (Commeey, P. 2008, ‘A National Disgrace’, *New African*, no. 475, July, p. 12 – Attachment 3).

For more information on the outbreak of violence in May 2008 see the following attachment (‘Xenophobia violence flares in Alexandra’ 2008, *Mail & Guardian Online*, 13 May <http://www.mg.co.za/article/2008-05-13-xenophobia-violence-flares-in-alexandra> – Accessed 16 July 2008 – Attachment 4; ‘South African mob kills migrants’ 2008, *BBC News*, 12 May <http://news.bbc.co.uk/2/hi/africa/7396868.stm> – Accessed 17 July 2008 – Attachment 5)

Over the following days violence escalated and spread throughout much of South Africa, with reports indicating that mobs carrying guns, machetes, and home-made weapons roamed streets, raided houses, and looted/burnt stores in search of immigrants and ethnic minorities. Reports of the violence tell of how mobs beat suspected immigrants on the streets, some victims were doused in gasoline and burnt alive, and others were attacked for failing tests of Zulu indigeneity, as explained further below. Mobs also attempted to raid police compounds where refugees were sheltering, and homes were invaded and stripped of valuable possessions before being burnt down. For reports on the nature of this violence see the following attachments (Lindow, M. 2008, ‘Anti-Immigrant Terror in South Africa’, *Time News*, 20 May <http://www.time.com/time/world/article/0,8599,1808016,00.html> – Accessed 17 July 2008 – Attachment 6; ‘SA leader orders army to deploy’ 2008, *BBC News*, 21 May <http://news.bbc.co.uk/2/hi/africa/7412128.stm> – Accessed 16 July 2008 – Attachment 7; Mombe, J. 2008, ‘13 foreigners killed in Johannesburg’, *ZimOnline*, 19 May <http://www.zimonline.co.za/Article.aspx?ArticleId=3184> – Accessed 21 May 2008 – Attachment 9).

Sources generally indicate that xenophobia and economic motives were the immediate causes for this violence, possibly fuelled by the increase in Zimbabwean refugees in recent years. *BBC News* indicated in May 2008 that the mobs targeted immigrants and refugees in South Africa because of fears they were “taking jobs from locals and contributing to crime” (‘SA leader orders army to deploy’ 2008, *BBC News*, 21 May <http://news.bbc.co.uk/2/hi/africa/7412128.stm> – Accessed 16 July 2008 – Attachment 7).

Similarly, *Agence France-Presse* reported in May 2008 that “Foreigners in South Africa, many of whom have fled economic meltdown in neighbouring Zimbabwe, are being blamed for sky-high crime rates and depriving locals of jobs” (‘South Africa immigrant violence leaves 25,000 displaced’ 2008, The Raw Story website, source: *Agence France-Presse*, 25 May http://rawstory.com/news/afp/South_Africa_immigrant_violence_lea_05252008.html – Accessed 16 July 2008 – Attachment 10).

A more detailed June 2008 analysis by Richard Pithouse, provided on the website of the Bengalese anti-neoliberalist organisation Sanhati.com, reported on the start of the violence:

The Freedom Charter adopted in Johannesburg in 1955 as the manifesto of the struggle against apartheid declared that “South Africa belongs to all who live in it.” **But for two terrible weeks in May people unable to pass mob tests for indigeneity were intimidated, beaten, hacked, raped and burnt out of shack settlements and city centres across South Africa. The attacks began in the shack settlements around Johannesburg. In Harry Gwala the homes of two Shangaan families, one whom had come from Maputo in Mozambique and the**

other from Giyani in South Africa, were burnt and demolished. All that is left is squares of burnt earth. The local Landless People's movement moved swiftly to condemn the attacks and to work with the local police, with whom they have often been in conflict, to stop them from spreading further. In the nearby Makause settlement, which is not organised into an oppositional movement autonomous from the state, things were far worse. Here the settlement is dotted with burnt out and demolished buildings. There is also a terribly empty 200 metre long strip where, in February last year, 2 500 shacks were unlawfully demolished at gunpoint by the state and the residents forcibly moved to a 'transit camp' 40 kilometres out of town (Pithouse, R. 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', Sanhati.com website, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 2).

As Pithouse suggests, the xenophobic violence appears to be pro-indigenous/anti-ethnic/anti-tribal violence, in addition to anti-immigrant violence. Pithouse further explains the motivation behind these attacks:

The most widely reported tests used to determine indigency, such as seeing if people know the formal and slightly archaic Zulu word for elbow, were taken straight from the tactics that the police have used for years. The mob definition of foreigner always centred on foreign born Africans but in some instances Pakistanis and South Africans of minority ethnicities, especially Shangaan, Venda and Tsonga people, were also targeted. There are a number of credible allegations of police complicity in the pogroms but in some places community organisations were able to work with local police stations to bring the violence under control. There are many accounts of individual acts of brave opposition to the attacks by both South Africans and migrants. In the Protea South shack settlement in Johannesburg migrants were able to successfully organise themselves into self-defence units and to protect themselves with round the clock patrols. It is striking that in many, although not all, of the areas under the control of militant organisations of the poor that have been in serious conflict with the state there were no attacks at all.

After two weeks 62 people were dead, a third of them South African citizens, and figures for the number of people displaced ranged from 80 000 to 100 000. Some had fled the country and others were sheltering in churches, at police stations and in refugee camps. Conditions in the camps are often grim. Human rights organisations have issued strenuous condemnations and there have already been threats of collective suicide, clashes with the police and demands for the United Nations to take over management of the camps from the South African state (Pithouse, R. 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', Sanhati.com website, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 2).

The pro-indigenous/pro-Zulu/anti-immigrant nature of this violence has also been supported by other sources. In June 2008, *Mail & Guardian Online* suggested that foreigners were not the only victims when it reported that an inter-ministerial task team told the South African Cabinet that **"at least 21 of the 62 people who died in the recent xenophobic violence were South African citizens"** ('Xenophobia deaths: One-third was South African' 2008, *Mail & Guardian Online*, 12 June <http://www.mg.co.za/article/2008-06-12-xenophobia-deaths-onethird-was-south-african> – Accessed 16 July 2008 – Attachment 11).

Similarly, *The Economist* argued in May 2008 that South Africans from smaller ethnic groups were also being targeted for violent attacks:

The violence has not been aimed at immigrants alone: South Africans from smaller ethnic groups, such as Vendas and Shangaans, have also been targeted. The influx of terrified victims has turned police stations into refugee camps. Some people who had fled poverty or

repression at home want to go back. The police have struggled to contain the violence, firing rubber bullets at mobs waving machetes, guns and bars, and have arrested hundreds of suspects. President Thabo Mbeki has called on the army to help ('Give them a better live' 2008, *The Economist*, 22 May http://www.economist.com/world/africa/displaystory.cfm?story_id=11412832 – Accessed 16 July 2008 – Attachment 12).

An AfricaNews.com report from 29 May 2008 indicated that Zulus from South Africa “are reported to constitute the majority of the attackers”. This report further added:

Zulu attackers are recorded as saying that one of their motives is to drive out Changaans who are feared to be slowly returning to South Africa where they left 300 years ago with their ancient hero Soshangaan (Mangulenje, H. 2008, 'Xenophobia turns Zulus–Changaans battle', AfricaNews.com website, 29 May http://www.africanews.com/site/list_messages/18572 – Accessed 17 July 2008 – Attachment 13).

A June 2008 report in *Slate*, a general-interest publication based in Washington DC, also commented upon the tests for indigency:

Rioters subjected many South Africans to so-called “elbow tests,” in which a potential victim is asked to supply the Zulu word for elbow. People married to foreigners, those who speak a different language from their neighbors, or anyone with complexions deemed “too dark” were targeted, whether or not they were foreign. Rather than rooting out non-Zulus—it is unlikely that all who administered the tests are even themselves Zulu—the tests are about targeting those who carry a perceived taint of the outsider (Chance, K. 2008, “‘Broke-on-Broke Violence’: What the U.S. press got wrong about South Africa’s xenophobic riots”, *Slate*, 20 June http://www.slate.com/id/2193949/pagenum/all/#page_start – Accessed 17 July 2008 – Attachment 14).

It should also be noted that this was not the first case of anti-immigrant violence. Pithouse indicated in his June 2008 report that violence against immigrants has appeared sporadically throughout South Africa, sometimes with government support/encouragement, for a number of years:

Contrary to much of the discussion in the media this state of affairs is not new. Indeed a month before the recent attacks 30 shacks were burnt and 100 people displaced from the Diepsloot settlement in Johannesburg. When the police eventually arrived their only response was to arrest twenty Zimbabweans for being undocumented. Migrants have been driven out of shack settlements in sporadic conflagrations since October 2001 when hundreds of Zimbabweans were hounded out of the Zandspruit settlement, also in Johannesburg. Three weeks before the attacks in Zandspruit the Department of Home Affairs had announced ‘Operation Clean Up’ in which people in the settlement were asked to support the Department in ‘rooting out illegal immigrants’. Between 600 and 700 people were rounded up and deported to Mozambique and Zimbabwe. When many of the people deported to Zimbabwe found their way back a few days later, and refused a demand to leave within ten days, they were driven out by their former neighbours (Pithouse, R. 2008, ‘The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa’, Sanhati.com website, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 2).

For further information on anti-immigrant violence in past years see the following attachment (RRT Research & Information 2008, *Research Response BGD33385*, 22 May – Attachment 15).

For further information on the situation for Zimbabweans in South Africa see the following attachment (Human Rights Watch 2008, *Neighbors in Need: Zimbabweans seeking refuge in South Africa*, June, pp. 22-23

<http://www.hrw.org/reports/2008/southafrica0608/southafrica0608webwcover.pdf> - Accessed 21 July 2008 – Attachment 27).

2. Please advise whether such conflict is localised or less prevalent in any particular area of South Africa.

Limited definitive information could be found in the searches conducted on the geographical extent of the anti-immigrant violence in South Africa. An Integrated Regional Information Networks (IRIN) report from June 2008 indicated that the Gauteng province (where Johannesburg is located), was the “epicentre of the violence” (Integrated Regional Information Networks (IRIN) 2008, ‘South Africa: No home away from home’, 4 June, UNHCR Refworld <http://www.unhcr.org/refworld/docid/4847bb91e.html> – Accessed 17 July 2008).

An attempt by News24.com website to plot reports of violence on a map of South Africa seems to suggest that the violence was focused primarily in and around the cities of Johannesburg, Pretoria, Cape Town, and Durban, with reports of violence also coming from smaller towns/cities nearby. A screenshot of this map has been provided in the following attachment, but more information on specific sites of violence can be accessed directly from the site (‘Plotting the violence’ 2008, News24.com website, 22 May http://www.news24.com/News24/South_Africa/Xenophobia/0,,2-7-2382_2326957,00.html – Accessed 17 July 2008 – Attachment 16).

An *Agence France-Presse* report from May 2008 indicated that the xenophobic violence gradually spread to seven of South Africa’s nine provinces, but specific details were not provided (‘South Africa immigrant violence leaves 25,000 displaced’ 2008, The Raw Story website, source: *Agence France-Presse*, 25 May http://rawstory.com/news/afp/South_Africa_immigrant_violence_lea_05252008.html – Accessed 16 July 2008 – Attachment 10).

Sources also seem to suggest that the May 2008 wave of violence broke out sporadically and at different levels of intensity throughout several regions of South Africa. Although the violence began in Johannesburg in the north-east of the country, within two weeks there were reports that mob violence had spread through to the other major urban areas of Durban in the south-east, and Cape Town on the far south-west tip, whilst also affecting a number of smaller towns and cities around these areas. For more reports on the sites of this violence see the following attachments (‘Criminals use xenophobia’ 2008, IOL website, 21 May http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20080521175539360C601471 – Accessed 17 July 2008 – Attachment 17; ‘Violence spreads across South Africa’ 2008, *CNN News*, 23 May <http://edition.cnn.com/2008/WORLD/africa/05/23/southafrica.violence/index.html> – Accessed 17 July 2008 – Attachment 8; ‘SA leader orders army to deploy’ 2008, *BBC News*, 21 May <http://news.bbc.co.uk/2/hi/africa/7412128.stm> – Accessed 16 July 2008 – Attachment 7).

3. Please provide brief advice on the effectiveness of state protection in this situation.

Reports varied in their assessment of the effectiveness of state protection with regards to anti-immigrant violence in South Africa. As noted above, sources indicate that anti-immigrant violence has been sporadic in South Africa over recent years, and the responses by police and the government have varied.

In the wave of violence that began in May 2008 sources indicated that police were active in patrolling dangerous areas in order to protect people against violence, and police stations throughout the areas of violence have acted as shelters for people being targeted. For information on the actions of police, and the use of police stations as shelters, see the following attachments (Human Rights Watch, 'South Africa: Protect Victims of Xenophobic Violence', 5 June, UNHCR Refworld <http://www.unhcr.org/refworld/docid/484cee94c.html> – Accessed 17 July 2008 – Attachment 22; 'Police patrol South Africa riot zone' 2008, *CNN*, 21 May <http://edition.cnn.com/2008/WORLD/africa/05/20/southafrica.violence/index.html> – Accessed 22 May 2008 – Attachment 23; 'South Africa reels under anti-foreigner violence' 2008, *CBC News*, 20 May <http://www.cbc.ca/world/story/2008/05/20/africa-violence.html> – Accessed 21 May 2008 – Attachment 24).

In addition, the South African government set up temporary shelters for people displaced by the violence and also attempted to reintegrate displaced people back into communities. For information on the nature of these temporary shelters see the following attachments (Integrated Regional Information Networks (IRIN) 2008, 'South Africa: Government to set up shelters for the displaced', 29 May, UNHCR Refworld <http://www.unhcr.org/refworld/docid/484405391e.html> – Accessed 17 July 2008 – Attachment 19; Integrated Regional Information Networks (IRIN) 2008, 'South Africa: Public response to xenophobia highlights government failings', 28 May, UNHCR Refworld <http://www.unhcr.org/refworld/docid/4843fffac.html> – Accessed 17 July 2008 – Attachment 20; Integrated Regional Information Networks (IRIN) 2008, 'South Africa: No home away from home', 4 June, UNHCR Refworld <http://www.unhcr.org/refworld/docid/4847bb91e.html> – Accessed 17 July 2008 – Attachment 21).

BBC News also reported that in response to a police request for assistance in protecting people against the growing violence the South African government "approved the deployment of the army to quell violence against foreigners". This was the first time South African troops had been deployed for domestic peace-keeping since the end of Apartheid in 1994 ('SA leader orders army to deploy' 2008, *BBC News*, 21 May <http://news.bbc.co.uk/2/hi/africa/7412128.stm> – Accessed 16 July 2008 – Attachment 7).

A Reuters report from 21 May 2008 noted:

"President Thabo Mbeki has approved a request from the South African Police Service for the involvement of the South African National Defence Force in stopping on-going attacks on foreign nationals," a statement from the presidency said.

Police spokeswoman Sally de Beer said this would involve equipment and troops being deployed into affected townships.

"It will be in terms of equipment and personnel. They won't be taking over the role of the police, they will be acting in support of us in specific operations," she said (Bell, G. 2008, 'Mbeki: Army to help end South Africa violence', *Reuters News*, 21 May <http://www.reuters.com/article/topNews/idUSL2160065720080521> – Accessed 21 July 2008 – Attachment 25).

Another report from Reuters on 22 May 2008 commented on the role of the army in supporting police raids:

South African soldiers joined police in operations around Johannesburg on Thursday to help end attacks on African immigrants that have killed at least 42 people.

Troops backed police in early morning raids and air force helicopters patrolled Alexandra township after President Thabo Mbeki approved army intervention to quell unrest that has threatened to destabilize Africa's largest economy.

At least 25,000 people have been forced from their homes in 11 days of attacks by mobs that accuse immigrants of taking jobs and fuelling crime. Police say 550 people have been injured in the attacks and 519 arrested.

Mozambique said more than 10,000 of its people had fled back to the country.

Police, supported by soldiers, conducted early morning raids on three dormitory hostels near Johannesburg, the first army involvement to stop the attacks.

Firearms and ammunition were seized and 28 men were arrested. None were immediately linked to the violence, police spokeswoman Sally de Beer said (Simao, P. 2008, 'South African troops deployed to end violence', *Reuters News*, 22 May <http://www.reuters.com/article/worldNews/idUSL2160065720080522> – Accessed 21 July 2008 – Attachment 26).

In spite of this police presence, sources indicate that violent conflict continued in some areas. A *CNN* report from 21 May 2008 noted that in several townships east of Johannesburg looting continued in spite of the police presence:

South African police have arrested more than 200 people in connection with the violence for offenses including rape, murder, robbery and theft.

Police director Govindsamy Mariemuthoo said that at least one foreigner was burned alive over the weekend, while others saw their houses torched, their shops looted and their possessions stolen.

Tuesday there was a large police presence in the neighborhoods where the violence had occurred, according to a *CNN* producer on the scene.

Despite the police presence, sporadic looting still took place in several townships east of Johannesburg ('South Africa reels under anti-foreigner violence' 2008, *CBC News*, 20 May <http://www.cbc.ca/world/story/2008/05/20/africa-violence.html> – Accessed 21 May 2008 – Attachment 24).

A May 2008 report by 'A Trade Unionist' on the Europe Solidaire Sans Frontieres website also commented on problems with police protection during the May 2008 violence:

As I continued up the road I noticed that despite the police presence, large groups of men carrying 'cultural weapons' (various clubs, machetes, bottles) were standing on the corners, watching, waiting. Many others, mostly family groups, were standing in their doorways looking anxiously out.

Further up the road still, I slowed to pass the building where Lesego had witnessed the beatings and from where his pursuers had emerged. A miserable building of perhaps ten electricity

deprived flats. A large group of men, some middle aged, others in their early twenties were standing and watching passersby, their weapons visible for all to see. The police it seemed were keeping a safe distance.

Back at home, we listen to the news reports, and start to receive anxious calls from friends. One comrade, Paul, who worked for the trade unions in Zimbabwe for many years is here to receive treatment and staying with his brother in Cleveland, a working class suburb close by. He and his brother's family have sought refuge in the local Catholic church. He described how he witnessed mobs of drunken men from the large Denver Hostel moving from house to house asking the occupants questions in Zulu. If the reply was made in Zulu, then the visitors asked for money and moved to the next house. If not, the house was looted, the occupants assaulted, and thrown out onto the street to make a hasty escape as best they could. **In between these raids, dozens of people are 'arrested' by the same mobs walking in the street, and are interrogated, systematically robbed and assaulted. Calls to the police for protection produced nothing.**

... I ask a small group if they have plans to somehow try and organize to protect one another and their communities, to ensure that they do not become victims. A young man of around thirty takes his time to reply. 'Can you imagine the reaction of the police, the media and the government if we organised a self defense or community safety organization? We would become the target, not those who are attacking us. **The police hate us already, the newspapers call us drug barons and pimps, and who do you think ordinary South Africans are going to believe?**' ('South Africa: A Drive through a Xenophobic Landscape' 2008, Europe Solidaire Sans Frontieres website, 22 May <http://www.europe-solidaire.org/spip.php?article10509> – Accessed 21 July 2008 – Attachment 18).

Sources also indicate that the police had failed to act on previous incidents of anti-immigrant violence in South Africa. A July 2008 report in *New African* noted:

The Somali community in South Africa has reported almost 500 deaths over the past five years... Their business have been looted in various places across the country and huge numbers of them have lost everything they worked hard for. In desperation, some have attempted suicide. **However, nobody took any real notice, neither was there any drastic government intervention to snuff out the problem until it became a cancer. Weeks before the Alexandra attacks [in May 2008], several immigrants had been pillaged and displaced in Atteridgeville, near Pretoria. It passed without serious action being taken.** It only reached crisis proportions when it spread throughout Johannesburg and across the country to as far afield as Cape Town and Durban. **With the police unable to cope with the rapidly deteriorating situation, the army was called in to assist** (Commey, P. 2008, 'A National Disgrace', *New African*, no. 475, July, p. 13 – Attachment 3).

A June 2008 report on the Sanhati.com website, cited earlier, also commented on the actions of South African police:

There are a number of credible allegations of police complicity in the pogroms but in some places community organisations were able to work with local police stations to bring the violence under control. There are many accounts of individual acts of brave opposition to the attacks by both South Africans and migrants. In the Protea South shack settlement in Johannesburg migrants were able to successfully organise themselves into self-defence units and to protect themselves with round the clock patrols. It is striking that in many, although not all, of the areas under the control of militant organisations of the poor that have been in serious conflict with the state there were no attacks at all.

... Contrary to much of the discussion in the media this state of affairs is not new. Indeed a month before the recent attacks 30 shacks were burnt and 100 people displaced from the Diepsloot settlement in Johannesburg. When the police eventually arrived their only response was to arrest twenty Zimbabweans for being undocumented.

...Migrants to South Africa confront a notoriously ungenerous policy regime that is compounded by a bureaucracy and police force that are both systemically corrupt and prone to extorting money from migrants, documented or not, on the threat of arrest and deportation. **There are many cases where South Africans have also been arrested and deported to countries they have never previously visited because they could not speak Zulu well, didn't have the 'right' inoculation marks or were 'too black.'** If the police suspect that someone may be an 'illegal immigrant' and she doesn't have papers on her she will be detained in a holding cell and then sent to a repatriation centre to await deportation. If she is documented but doesn't have papers on her she may still end up being deported as it is people picked on suspicion of being illegal that have to prove their legal right to be in the country. **There is no burden of proof on the state. There is a right to one free phone call from the police holding cells and another from the repatriation centres but that right is routinely denied. Sometimes people whose presence in South Africa is perfectly legal just disappear.** Their families only discover what has become of them after they have been deported. One consequence of this is that any one who thinks that they may be under suspicion has to carry their papers with them at all times. The similarity with the apartheid pass system has not escaped the notice of migrants (Pithouse, R. 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', Sanhati.com website, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 2).

A May 2008 report by 'A Trade Unionist' on the Europe Solidaire Sans Frontieres website, also cited earlier, commented on the lack of police protection provided to immigrants in the past:

Some months earlier, the Methodist centre managed by the Bishop as a makeshift refuge for hundreds of destitute Zimbabweans had been raided by the police in a military style operation that belonged to another era. Purportedly looking for 'illegals' the police had unceremoniously thrown the destitute and their few possessions into the street, had publicly assaulted perfectly innocent people, and then arrested many of them on completely spurious grounds. Bishop Paul and others were later to respond by having the entire action severely criticized by a court of law, and declared completely illegal. But the damage had been done.

The leadership of the police had given a very public indication that they regarded 'aliens' as unworthy of fair treatment under the law. Refugees, wherever they were from, were to be treated as if they were less than human, and therefore human rights guarantees under the famed South African Constitution were not to apply.

Worse, they sent a clear message to the persecuted Zimbabwean community. Do not look to the police for protection. These thoughts returned many times over the next few hours ('South Africa: A Drive through a Xenophobic Landscape' 2008, Europe Solidaire Sans Frontieres website, 22 May <http://www.europe-solidaire.org/spip.php?article10509> – Accessed 21 July 2008 – Attachment 18).

List of Sources Consulted

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Exalead <http://www.exalead.com/search>
Yahoo! <http://search.yahoo.com/>

Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>
UK Home Office <http://www.homeoffice.gov.uk>
US Department of State <http://www.state.gov/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>
Human Rights Watch <http://www.hrw.org/>

International News & Politics

BBC News <http://www.bbc.co.uk/worldservice/index.shtml>
Allafrica.com website <http://allafrica.com>
The Times (SA) <http://www.thetimes.co.za>
Mail & Guardian Online <http://www.mg.co.za>

Databases:

BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

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