

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

1. [Is there any evidence that agents of the Cameroon government or security authorities are active in other African countries; and/or that they would pursue opposition activists to other African countries?](#)
2. [Is there any evidence of discrimination or violence against non-South African blacks including refugees in Plettenberg Bay?](#)
3. [Is there any evidence that RSA police have been involved in racist/xenophobic violence directed against refugees or non-South African blacks anywhere in RSA?](#)

RESPONSE

1. **Is there any evidence that agents of the Cameroon government or security authorities are active in other African countries; and/or that they would pursue opposition activists to other African countries?**

No information was found amongst the sources consulted.

2. **Is there any evidence of discrimination or violence against non-South African blacks including refugees in Plettenberg Bay?**

Sources, quoted below, suggest that foreigners, including non-South African blacks, face discrimination and violence in South Africa and have difficulty accessing state protection. Non-South African blacks face discrimination by government officials, the police and South African society which affects their access to employment, accommodation, bank accounts, health care and education. Non-South African blacks are victims of crime including violence by the South African public as well as extortion and arbitrary arrest and detention by the police.

The information provided in response to this question has been organised into the following nine sections:

- [Discrimination & Access to Services](#);
 - [Access to Employment](#)
 - [Access to Accommodation](#)
 - [Access to Financial Services](#)
 - [Access to Documentation](#)
 - [Access to Education](#)
 - [Access to Health Care](#)
- [Societal & Media Attitudes](#);
- [Violence](#);
 - [Historical](#)
 - [Recent](#)
- [May 2008 Violence](#);
- [Justice – May 2008 Violence](#);
- [Post May-2008 Attacks](#);
- [Police](#);
- [Roll Back Xenophobia Campaign](#); and
- [Plettenberg Bay](#).

Discrimination & Access to Services

A background paper prepared by the Forced Migration Studies Programme at the University of the Witwatersrand for open hearings on xenophobia hosted by the South African Human Rights Commission (SAHRC) with the Portfolio Committee of the Department of Foreign Affairs and Home Affairs and published in January 2005 reports that “South Africa is a highly xenophobic society, which out of fear of foreigners, does not naturally value the human rights of non-nationals.” The paper reports that “there is strong evidence that non-nationals living and/or working in South Africa face discrimination at the hands [of] citizens, government officials, the police, and private organizations contracted to manage their detention and deportation.” The paper also reports that “there is strong evidence that non-nationals living in the country suffer from systematic discrimination, social exclusion, and political alienation.” The discrimination “results in non-nationals facing disproportionate difficulties in accessing employment, accommodation, banking services, and health care.” This discrimination also “legitimised extortion, corruption, and the arbitrary arrest and detention of suspected non-nationals”, with foreigners “also disproportionately the victim of crime.” The paper notes that “South Africans’ negative attitudes towards non-nationals are largely orientated towards other Africans” (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.2, 4 & 21 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

The paper goes on to state that “there are four broad reasons that are commonly offered as explanations” for xenophobia in South Africa: “Foreigners as a threat to economic security”, “Foreigners as a threat to physical security”, “Racism, isolation, and nationalism” and “Foreigners as a political scapegoat”. The paper continues:

Reasons for this vary and include, *inter alia*, fear of economic competition, a beliefs that foreigners are inherently criminal and a drain on public resources. Foreigners have also been made the scapegoat used to justify the shortcomings of elected leaders.

...

- Attitudes towards foreigners vary, but anti-foreigner sentiments are widespread throughout South African society;
- There are many explanations for anti-foreigner attitudes rooted in individual psychology and economic conditions as well as South Africans' historical and political context;
- Foreigners are often blamed for economic problems when they are likely to be making a net contribution;
- Non-nationals are disproportionately the victims, not the perpetrators of crime;
- Foreigners are used a political scapegoat, distracting attention from the government's faults and failing (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.2 & 10 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

The above background paper served to provide panelists at the open hearings on xenophobia “with an in-depth understanding of historical, legal, social, economic and political issues underlying the scourge of xenophobia” in South Africa. The report on the three day hearings which took place in November 2004 was published by the SAHRC in July 2006. According to the report, “It is largely black African foreigners who are called derogatory names and face abuse and discrimination.” According to evidence heard at the hearings, “South Africans are exceedingly xenophobic.” The findings from the hearings are as follows:

Evidence at the hearings confirmed research findings suggesting that South Africans are exceedingly xenophobic. The underlying causes of xenophobia are complex, varied and interlinked and include South Africa's racist and segregationist history along with extreme levels of poverty. Xenophobia is underpinned by unfounded myths and stereotypes fuelling negative perceptions of foreigners. In South Africa, myths include fears that foreigners are an economic threat, a physical threat and are used as a political scapegoat for the slow pace of service delivery.

Xenophobia in South Africa has a particularly racialised expression with largely black African foreigners facing abuse and discrimination. Xenophobia was found to impact on the ability of foreigners to meet their socio-economic needs such as seeking employment, accommodation, health care, education and social security. Those tasked with the protection of foreigners, such as the South African Police Service (SAPS), the Department of Home Affairs (DHA) and the Lindela Repatriation Centre, were found to display the highest levels of xenophobia, despite government's condemnation of it.

It was found that xenophobia undermines the human rights culture of South Africa's Constitution in that it perpetuates exclusion, undermines our international commitments and discourages skilled migration. Ongoing evidence of South Africans being victimised as suspected non-nationals highlighted the interrelatedness of all human rights and the need to protect the rights of the most vulnerable groups to ensure the integrity of the system for all (South African Human Rights Commission 2006, *Report – Open hearings on Xenophobia and problems related to it*, July, pp.7-8

http://www.sahrc.org.za/sahrc_cms/reports/Xenophobia%20Report.pdf – Accessed 13 November 2008 – Attachment 2).

According to the Forced Migration Studies Programme at the University of the Witwatersrand, “Widespread anti-foreigner sentiments amongst the public are reflected in the attitudes and practices of government officials and agents.” The paper notes that “Although South African share some of the difficulties facing non-nationals in accessing services, there is considerable evidence that non-citizens must overcome distinct forms of discrimination, exploitation, and exclusion” (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, p.24 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

“Some participants” in the November 2004 open hearings on xenophobia “felt that xenophobia from the general public had declined, but identified institutional xenophobia as thriving.” The report continues:

One participant said, ‘it is the system that is promoting xenophobia’. Bemma Donkoh of the UNHCR supported these claims in her presentation to the hearings, ‘our refugee protection monitoring activities suggest that xenophobia-related sentiments are increasingly taking on a more sinister and menacing, but subtle form, with public servants selectively victimising refugees, asylum seekers and even those South Africans whom they mistake for foreigners.’ Restrictive policies and discriminatory practices against foreigners were seen as promoting hostility.

...The perception that xenophobia was becoming institutionalised and expressed by immigration and other government officials was seen as particularly serious by participants in the hearings. One respondent said, ‘little action seems to be taken against such type of behaviour. What message is it sending if the senior officials do not react? It creates the impression both for the immigrant and the official that this is supported by my seniors and I think this needs to be debunked.’

Evidence of institutional xenophobia was provided relating to the conduct of SAPS, the DHA, the Department of Health, the Department of Education, the Department of Social Development and the Lindela Repatriation Centre (South African Human Rights Commission 2006, *Report – Open hearings on Xenophobia and problems related to it*, July, pp.31-32 http://www.sahrc.org.za/sahrc_cms/reports/Xenophobia%20Report.pdf – Accessed 13 November 2008 – Attachment 2).

An Immigration and Refugee Board of Canada response dated 29 March 2007 provides information on the societal treatment of foreigners from other African countries in South Africa. The response contains advice provided by the Director of the Forced Migration Studies Programme, University of Witwatersrand on 22 March 2007. According to the Director of the Forced Migration Studies Programme, “almost all foreigners in the country...experience discrimination and harassment from bus drivers, people on the street, landlords, and the police.” The advice continues:

In addition, given the problems of getting adequate documentation from the Department of Home Affairs and xenophobia within the public sector, they experience difficulty in accessing those services to which they have rights: health care, education, and legal advice. These problems are only aggravated by the difficulties of language: South Africa has 11 national languages but these do not include French, Swahili, or Lingala. That said, there is no evidence that the Congolese are particularly targeted. Indeed, there seems to be far greater resentment against Nigerians (and other West Africans) and, increasingly, Zimbabweans. All of these groups are subject to general levels of harassment and are occasionally attacked. Since the

Congolese tend to congregate in urban centres, they have largely escaped the township violence that has most affected people from neighbouring countries and, over the past year, Somali refugees (Immigration and Refugee Board of Canada 2007, ZAF102483.E – *South Africa: Societal treatment of foreigners from other African countries, in particular from the Democratic Republic of Congo (DRC); access to equality courts; availability of state protection (2000-2007)*, 29 March – Attachment 3).

A report by the Consortium for Refugees and Migrants in South Africa (CORMSA) entitled *Protecting Refugees, Asylum Seekers and Immigrants in South Africa* published in June 2008 was “compiled over a six-month period using surveys, in-depth interviews and a review of relevant documents, legislation and policies.” According to CORMSA, the “report outlines many of the ways non-nationals – refugees, asylum seekers, and other immigrants – are excluded from the services, welfare, and dignity they are guaranteed by South African law and Constitutional commitments.” The findings of the report are as follows:

The report finds that South Africa still has far to go in its efforts to ensure the protection of non-nationals is in line with its commitments to protect the rights and dignity of all. Violence against non-nationals while by no means new – reached unprecedented levels in 2008 in a wave of attacks that left many dead; thousands displaced; and permanently damaged South Africa’s moral authority at home and abroad. As horrific as they were, these attacks are but an extreme sign of how non-nationals are treated as ‘outsiders’ by various elements of our society, from members of the public, to civil servants, service providers, and government leaders (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.6 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

- **Access to Employment**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on the experiences and challenges experienced by non-nationals living in South Africa in regard to access to employment:

Although immigrants are generally better educated than the South Africans they live amongst—and many have specialised training and entrepreneurial experience—they still face difficulties in finding employment. The fact that unemployment is high nationally (estimated at between 40 and 45%) explains much of the difficulty immigrants face. In the Wits survey, for example, almost equal numbers of non-nationals and South Africans (39.2% and 41.9% respectively) reported being unemployed, although a national survey revealed that only 24% of asylum seekers and refugees were unemployed (Belvedere, et al, 2003: 134). Even so, it is worth recognizing particular obstacles immigrants—especially poor immigrants—face in finding work.

- *Lack of identity documents.* As discussed in more detail below, even those in the country legally are often unable to secure usable or recognised identity documents. Without such documents, or a 13 digit identity number, many employers in the formal sector will refuse employment. Moreover, without proper papers, non-nationals are subject to employer abuse and effectively unable to lodge complaints with official bodies.
- *Ignorance.* Many employers simply do not recognise non-national identity papers or are unwilling to hire non-nationals out of the belief that they do not have rights to work in South Africa. The fact that the Section 22 (asylum seeker) permit can be easily forged and/or damaged (it is a single piece of paper, often with hand written amendments) only further justifies such sentiments.

- *Lack of bank accounts.* Many formal employers require a bank account into which they will pay weekly or monthly wages. Because non-nationals, especially those without permanent residency or long-term contracts, are typically unable to access banking services, they are effectively denied opportunities for employment.
- *Qualifications.* As noted earlier, many of the non-nationals living in South Africa are highly educated and skilled. Because documents and qualifications from their home countries are not readily recognised in South Africa—or because those documents were destroyed or left due to war—many are working far below their qualifications or are unable to find suitable employment. The need for non-nationals to undertake additional training in South Africa to have their qualifications recognised levies additional expenses and serves as a further hurdle to employment.
- *Discrimination.* There are many instances in which South African employers and organizations have sought to systematically exclude foreigners from given professions or from working in particular areas. On October 23, 1997, for example, approximately 500 street-traders marched through Johannesburg's streets chanting slogans demanding a boycott on foreigners' goods and the deportation of foreigners (Palmary, et al, 2002: 112). There is currently ongoing litigation challenging the Security Industry Regulation Authority's (SIRA) refusal to register foreign security personnel. SIRA has sought to make South African citizenship a criterion for registration and employment in the field (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.21-22 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

A CORMSA report dated June 2008 provides the following information on non-nationals access to employment:

- According to recent decisions undocumented migrants can now seek recourse for labour abuses through the CCMA [Commission for Conciliation, Mediation and Arbitration of South Africa] and the Labour Court. It is vital that undocumented migrants can bring their concerns to the attention of the Labour Court or the CCMA without fear of arrest and deportation;
- The primary factor limiting the employment of migrants is the delays in the processing of documentation by the DHA;
- Despite South Africa's skills shortages, few attempts have been made to target the skills of nonnationals already inside the country. This amounts to severe wastage of skills (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, pp.9 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

- **Access to Accommodation**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on the experiences and challenges experienced by non-nationals living in South Africa in regard to access to accommodation:

The majority of non-nationals stay in places for which they pay rent. Belvedere, et al, (2003) suggest that about two fifths of asylum seekers and refugees rent a room in a house or flat, or a back room or a cottage. Just over one third of applicants rent a room, but share it with other individuals. About 30% pay between R250 and R500 per month for rent. Importantly, because of immigrants' vulnerabilities, their lack of contracts, and their need for flexibility,

many immigrants pay more for accommodation than South Africans. In the Wits University survey in Johannesburg, for example, 59% of non-South Africans paid more than R800/month for accommodation compared to 37% of South Africans (Sadie and Borger 2004). Due to their lower earnings, accommodation often represents a far greater proportion of expenditures for immigrants' than South Africans.

It should also be recognised that because of immigrants' limited funds and the need to accommodate non-working relatives, overcrowding is a significant problem. In Belvedere, et al's (2003) study, respondents typically stayed in places with three rooms (excluding kitchen and bathroom), but with seven people, meaning that two or three people were sharing each room. It is not uncommon for non-nationals to have close to ten people sharing a room, often requiring that they sleep in shifts and make use of bathrooms or hallways. The partitioning of flats and houses into smaller units has potentially negative effects on the health, security, and economic productivity of the residents. It also has the potential to degrade the country's built environment (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.22-23 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

A CORMSA report dated June 2008 provides the following information on non-nationals access to accommodation:

- The vast majority of non-nationals seek housing through the private sector. However, nonnationals renting privately are regularly discriminated against by landlords who do not distinguish between documented and undocumented foreigners. In many instances, landlords refuse to rent to non-nationals regardless of their legal status. Others take advantage of nonnationals' vulnerability and charge them higher rental rates than South Africans; ...
- Proposed prohibitions on foreign land ownership promote the perception that non-nationals are not welcome in South Africa. This is a major barrier to attempts at integration and reinforces xenophobic ideas that non-nationals—regardless of their legal status—cannot be full members of South African society (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, pp.8-9 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

- **Access to Financial Services**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on the experiences and challenges experienced by non-nationals living in South Africa in regard to access to financial services:

Patterns of exclusion are also evident in private sector industries where one would expect to see the profit motive trump discriminatory tendencies. However, foreigners—even those with rights to live in the country—are often limited in their ability to access even the most rudimentary banking services including bank accounts and credit (Jacobsen and Bailey 2004). Although current banking legislation technically prevents anyone except permanent residents and citizens from opening bank accounts, this policy may be waived on a discretionary level as often done with people in the country on temporary contracts (Bhamjee and Klaaren 2004). Under pressure from lobbying groups, some banks have now begun extending services to refugees, but are still unwilling to open accounts for most other African immigrants who are

unlikely to have the requisite thirteen digit ID number, foreign passport, or a formal employment contract (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, p.23 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

A CORMSA report dated June 2008 provides the following information on non-nationals access to financial services:

- Many migrants continue to lack access to credit or banking services;
- Migrants are more likely to be victims of crime and police extortion because their assets remain in cash;
- Without access to credit, large numbers of entrepreneurial non-nationals are prevented from starting businesses that would generate further job creation for South Africans;
- A number of financial institutions continue to refuse to open accounts for asylum seekers due to concerns regarding the validity of such documentation (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.9 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

- **Access to Documentation**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on non-national's interaction with the DHA in regard to access to documentation:

Conversely, immigrants' inability to obtain proper documentation limits their contributions and means that almost any act—gardening, domestic work, driving a taxi, or even walking in the street—is considered illegal in the state's eyes. They are, consequently, subject to harassment, arrest, and deportation. Improper documentation also—as discussed in following paragraphs—opens opportunities for exploitation, corruption, and criminality.

The first interaction many migrants have is with the country's Department of Home Affairs, the government department responsible for assigning identity documents to all people (citizens and foreigners) and determining migrants' immigration status. Considered one of the most corrupt departments under the Apartheid regime, administrative irregularities flourished between 1994 and 2004 under Home Affairs Minister Mangosuthu Buthelezi. While South Africans regularly (and justifiably) express frustration or outrage with the department, the immigrant-related activities taking place under its auspices go beyond mere administrative incompetence with spin-off practices that provide fertile ground for networks of corruption and extortion (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, p.25 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

The November 2004 open hearings on xenophobia flagged the DHA “as a key department needing to take aggressive measures to combat xenophobia.” The report continues:

Administrative incapacity, bureaucratic bungling, corruption and xenophobia undermine human rights principles of just administrative action, equality and dignity. Lengthy

bureaucratic delays in processing applications have a profound impact on people's lives because a lack of documentation effectively denies access the rights and entitlements that come with legal status (South African Human Rights Commission 2006, *Report – Open hearings on Xenophobia and problems related to it*, July, p.33 http://www.sahrc.org.za/sahrc_cms/reports/Xenophobia%20Report.pdf – Accessed 13 November 2008 – Attachment 2).

- **Access to Education**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on the experiences and challenges experienced by non-nationals living in South Africa in regard to access to education:

Section 5(1) of the South African Schools Act 84 of 1996 which declares that “a public school must admit learners and serve their educational requirements without unfairly discriminating in any way.”

Importantly, this provision does not distinguish between citizens and immigrants. ...Despite these provisions, asylum seekers and refugees face significant obstacles in accessing the educational services to which they are entitled (Stone and Winterstein 2003). It is safe to assume that immigrants—especially those without documents—face similar or more acute challenges.

The *de facto* requirement that migrants pay school fees is the most obvious barrier to education (see Bhamjee & Klaaren 2004) and contradicts a prohibition on refusing admission to public schools based on parents' inability to pay (see Department of Education's Admission Policy for Ordinary Public Schools (October 1998)). Those without the right or opportunity to work often have difficulty making these payments, denying their children right to education. Costs for transportation, books, and uniforms further exclude migrants. A study on the Somali refugee community in Johannesburg, for example, suggests that 70% the Somali refugee children of school-going age are not going to school (Peberdy and Majodina 2000). There are reasons to believe that this pattern appears in other national communities. Anecdotal reports also suggest that many migrant children are denied access to school because of outright discrimination, often justified on the basis of their age (they may be older than the mean for their grade) or language (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.26-27 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

A CORMSA report dated June 2008 provides the following information on non-nationals access to education:

- Close to one third of school age non-national children are currently not enrolled in schools due to an inability to pay fees, the costs of transport, uniforms and books, or explicit exclusion by school administrators. This is a violation of the law;
- Non-national children in schools report being regularly subjected to xenophobic comments by teachers or other students (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.8 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

- **Access to Health Care**

The Forced Migration Studies Programme at the University of the Witwatersrand provides the following information on the experiences and challenges experienced by non-nationals living in South Africa in regard to access to health care:

Section 27 (1) of The Constitution states that everyone has the right to health care services, including reproductive health care. This clause is followed by s 27(2) binding the state to make reasonable measures towards realising these rights (Bhamjee & Klaaren 2004). Under law, refugees are entitled to have access to the same basic health care as South African citizens, although other migrants are required to pay an additional fee of R1800. Section 27 (3) of the South African Constitution clearly states, however, that no one—regardless of nationality, documentation, or residency status—may be refused emergency medical treatment.

The inability or unwillingness of many hospital staff members to distinguish between different classes of migrants (coupled with xenophobia) often means that migrants, including refugees, are denied access to basic health services or that they are all charged the fees meant for foreigners. Non-nationals may not only be refused services outright, but foreigners—even those paying the additional fees—are frequently made to wait longer than South Africans before being seen and are subject to other forms of discrimination from health care workers. While waiting, one refugee overheard nurses talking about “foreigners taking government money and having too many babies” (Pursell 2004). One researcher reports a hospital staff member describing her hospital as “infested” with foreigners (op cit). Others suggest that immigrants are often denied full courses of prescribed medicines (Nkosi 2004).

Failure to overcome these obstacles often has dire consequences. A recent national study of refugees and asylum seekers found that 17% of all respondents were denied emergency medical care, often because of improper documentation or ignorance on the part of the admitting nurses (Belvedere, et al, 2003). If one could calculate this as a percentage of those that actually sought such care, the figure would be much higher. In one particularly dramatic incident, a pregnant Somali woman was refused service on the grounds that (a) delivery, unless problematic, did not constitute an emergency and (b), she could not pay the additional fee levied on foreigners (which as a refugee she was not required to pay). As a result, she ultimately delivered the child on the pavement outside the hospital, only to have it die a few weeks later. This is an extreme, but not exceptional example. Given their tenuous status in the country—often aggravated by a lack of proper identification—and their relative ignorance of their rights, many foreigners simply accept these violations. Indeed, only 1% of refugees who were refused basic health services lodged a complaint and 24% report doing nothing, largely because they did not know what to do. Only 41% reported trying another facility after being refused service, although it is not clear if all of these were successful in accessing health care (Belvedere, et al, 2003; Pursell 2004) (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.27-28 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

A CORMSA report dated June 2008 provides the following information on non-nationals access to health care:

- Under South African law, people—regardless of nationality or legal status—are entitled to a range of basic social services including emergency medical treatment. All documented migrants are entitled to health care and education.

...

- Many refugees, asylum seekers, and other migrants report being refused access to treatment at public clinics and hospitals. Many face discrimination and ignorance of their rights when they try to access these services;
- Refugees and asylum seekers report being unable to access ART [Antiretroviral therapy] because they do not have green, bar-coded ID documents. This is a violation of law. Many non-nationals are also referred out of the public sector to NGOs to access ART, despite a directive from the NDoH [National Department of Health] to the contrary (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.8 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

Societal & Media Attitudes

An article dated 5 September 2008 in *New Era* reports on the results of two surveys on the attitudes of South Africans to immigration conducted by the Southern African Migration Project (SAMP) in 1997 and 2006:

These material incidents have been supported by the attitudes captured in two nationally representative surveys conducted by the Southern African Migration Project in 1997 and 2006.

In 1997, it was found that 25% of South Africans wanted a total prohibition of migration or immigration and 22% wanted the South African government to return all foreigners presently living in South Africa to their own countries.

Forty-five percent of the sample called for strict limits to be placed on migrants and immigrants and 17% wanted migration policies tied to the availability of jobs. In the same survey, some 61% of respondents agreed that migrants put additional strains on the country's resources.

In 2006, respondents continued to consider foreigners to be a threat to the social and economic wellbeing of South Africa. More than two-thirds said that foreigners use up resources such as water, electricity and healthcare destined for citizens. Two-thirds of respondents felt that foreigners from other African countries commit crimes and close to one half said that foreigners bring diseases such as HIV to South Africa.

Thus, like in the 1997 survey, respondents in 2006 appear to continue to have a negative view of the impact of foreigners on the country, and in fact it would appear that their view on certain issues has hardened, with greater percentages saying foreigners take up resources meant for citizens ('Xenophobia, Crime and Security in SA' 2008, *New Era*, 5 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 5).

An article dated 5 September 2008 in *New Era* reports on an analysis of print media coverage of cross-border migration conducted by the SAMP in 2000 and 2004:

In 2000 and again in 2004, the Southern African Migration Project conducted an analysis of print media coverage of cross-border migration in South and Southern Africa's major English-language newspapers, drawing from more than 1 200 clippings about migration between 1994 and 1998 and a further 950 clippings about migration between 2000 and 2003. In sum, the findings suggest that coverage of international migration by the South African press has been largely anti-immigrant and un-analytical.

Not all reporting is negative, and newspaper coverage would appear to be improving over time, but the overwhelming majority of the newspaper articles, editorials and letters to the editor surveyed for this research were negative about immigrants and immigration and extremely superficial in nature – uncritically reproducing problematic statistics and assumptions about cross-border migration.

While not blaming the media as the cause of xenophobia, the report concludes that, at best, the press have been presenting a very limited perspective of cross-border migration dynamics, and in the process leaving the South African public in the dark as to the real complexities at play.

At worse, the press has been contributing to xenophobic sentiments in the general public by weaving myths and fabrications around foreigners and immigration ('Xenophobia, Crime and Security in SA' 2008, *New Era*, 5 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 5).

Violence

- **Historical**

According to the Human Sciences Research Council's (HSRC) and the High Commission of the United Kingdom's report entitled *Violence and Xenophobia in South Africa: Developing Consensus, Moving to Action* and published in October 2008, "Episodes of xenophobic violence have occurred repeatedly in the country since the early 1990s...More often than not, these outbreaks have been brief and geographically constrained to particular areas or towns". According to Dr Olive Shisana, CEO and President of the HSRC, "Xenophobia against our fellow brothers and sisters in the African continent is not new in South Africa. ...For quite some time there was internecine conflict between South Africans and Africa fellows, especially those living in townships, where resources are limited." The report continues:

Two trends were immediately apparent to us from the literature that was available: firstly, there has been a steady increase in the expression of xenophobic sentiments at both the level of officials within the state, as well as in the popular discourse in the country. Secondly, and perhaps related to the first trend, there has been a steady increase in the number of actual attacks on foreign nationals since 1994. It is important to keep in mind that violence perpetrated against foreign migrants, and particularly Africans, was documented as early as 1994 (Human Sciences Research Council & High Commission of the United Kingdom 2008, *Violence and Xenophobia in South Africa: Developing Consensus, Moving to Action*, October, p.12

http://www.hsrc.ac.za/research/output/outputDocuments/5504_Hadland_ViolenceandxenophobiaainSA.pdf – Accessed 13 November 2008 – Attachment 6).

According to the HSRC's report entitled *Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities* and published in June 2008, "violence perpetrated against foreign migrants, and particularly Africans, was documented as early as 1994." The HSRC notes "South Africa's long track-record of violence as a means of protest and the targeting of foreigners in particular". Please see pages 17 to 25 of the report for references to violence against foreigners in South Africa. The report then notes that these "references firstly demonstrate that a track record exists of violence perpetrated against foreign and particularly Africa migrants residing in informal urban settlements." The report notes that "[w]hile the undocumented status of many migrants may make them particularly vulnerable to exploitation and abuse, it is also clear that actions taken by ordinary and even

government officials against perceived “foreigners” has little to do with their legal status” (Pillay, S. et al 2008, *Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities*, June, Human Sciences Research Council website, pp.5, 18-19 & 23

http://www.hsrc.ac.za/research/output/outputDocuments/5309_Pillay_Citizenshipviolence.pdf – Accessed 13 November 2008 – Attachment 7).

According to a CORMSA report dated June 2008, “There has been a long history of violence against non-nationals in South Africa without effective steps being taken by various government departments to address this conflict.” The report continues:

- The failure to regularise the large number of foreign nationals in South Africa and the absence of a humanitarian programme for Zimbabweans have heightened anti-foreigner sentiments and tensions. Undocumented migrants have been the subjects of labour exploitation. This has fostered a perception that they are stealing jobs by working for less than the minimum wage. The heavy handed way in which police have conducted immigration raids has also led to a perception by perpetrators of violence that they are assisting in removing ‘illegals’ from the country;
- Previous responses to xenophobic violence include arresting and deporting the undocumented non-national victims of violence who had sought refuge at police stations. This amounted to a tacit condoning of the violence in that government action was assisting residents to forcibly remove non-nationals from particular areas (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.7 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

An article dated 5 September 2008 in *New Era* reports that “it is important to note that xenophobia in South Africa is not a new phenomenon: it is an ongoing problem and not one that will easily disappear.” The article provides information on attacks in 1977 and 1998:

In 1977, local hawkers in central Johannesburg attacked their foreign counterparts. The chairperson of the Inner Johannesburg Hawkers Committee was quoted at the time as saying: “We are prepared to push them out of the city, come what may. My group is prepared to let our government inherit a garbage city because of these leeches”.

In 1998, gangs of South Africa tried to evict perceived ‘illegals’ from Alexandra Township, blaming them for increased crime, sexual attacks and unemployment.

The campaign, lasting several weeks, was known as ‘Buyelekhaya’ (“go back home”). Later that year, three foreigners were killed on a train traveling between Pretoria and Johannesburg in what was described as a xenophobic attack (‘Xenophobia, Crime and Security in SA’ 2008, *New Era*, 5 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 5).

- **Recent**

According to the US Committee for Refugees and Immigrants’ *World Refugee Survey 2006*, “Authorities made no arrest in the 2004 attacks killing 7 Somali refugees or in the alleged killings of as many as 28 refugees in 2002 and 2003” (US Committee for Refugees and Immigrants 2006, *World Refugee Survey 2006 – South Africa*, 14 June – Attachment 8).

An Immigration and Refugee Board of Canada response dated 29 March 2007 refers to a 2004 report by the South African government to the UN Committee on the Elimination of Racial Discrimination in which “South Africa acknowledges that xenophobia is a problem”. The report continues:

The government’s report explains that immigrants and asylum seekers are easily identifiable among the local population as they do not speak the same languages, speak English with different accents, and can be visually distinguished from South Africans (ibid.). The report describes that in some instances African foreigners known colloquially as “makwere-kwere,”

...have been necklaced [execution by having a gasoline-filled rubber tire forced around the arms and torso and set on fire], or have had their houses torched and been driven out of communities, because of suspicion within the local community that they were criminals. Some have been thrown to their deaths from trains, while police dogs savaged three illegal Mozambicans as part of an illegal “training” exercise (Immigration and Refugee Board of Canada 2007, ZAF102483.E – *South Africa: Societal treatment of foreigners from other African countries, in particular from the Democratic Republic of Congo (DRC); access to equality courts; availability of state protection (2000-2007)*, 29 March – Attachment 3).

An article dated 31 August 2006 in *IRIN News* quotes Katrina Mseme, Campaign Coordinator of the Roll Back Xenophobia Campaign as saying, “Since last year [2005] xenophobic attacks in South Africa have definitely increased, and have also become more violent” The article continues:

Hadith Haji Adam, 26, who recently fled his war-torn country in the Horn of Africa, watched his small grocery store burned and vandalised when locals rampaged for several nights in Masiphumelele, an informal settlement near the Cape Peninsula port of Simonstown.

“All 27 shops run by Somalis in the settlement have been destroyed, many people have been injured and my shop is gone too,” he said.

...Like millions from Zimbabwe, Zambia, the Democratic Republic of Congo and other African countries ravaged by war or grinding poverty, Haji Adam came to South Africa seeking refuge and a new start. Instead, he has found xenophobia, often fuelled by jealousy and intense competition for scarce resources.

“There is a huge problem in South Africa with racism and a dislike of foreigners, and it is only getting worse,” he said. “The government says they will help us but I do not know when that help will come ... I am staying in temporary accommodation and I don’t know how I can open another shop.”

According to Ashraf Mohammed, Western Cape coordinator for South Africa’s Human Rights Commission, “We are looking into reports that 27 Somalis have been killed in the Western Cape [Province] in the last month alone. We are not in possession of all the details of the incidents in Masiphumelele, but there is certainly a pattern that suggest xenophobia is one of the causes.”

...In the past year, tensions among refugees and South Africans have boiled over several times, and have often mirrored the circumstances that drove the Masiphumelele attacks. Somali businesses were targeted near Johannesburg, northern Limpopo and Free State provinces, where two people were killed and 80 shops destroyed (‘South Africa: Attacks on Somalis expose xenophobia’ 2006, *IRIN News*, 31 August <http://www.irinnews.org/report.aspx?reportid=60776> – Accessed 12 November 2008 – Attachment 9).

According to the US Committee for Refugees and Immigrants' *World Refugee Survey 2007*, "Black and mixed-race neighbourhoods throughout South Africa became increasingly xenophobic in 2006." The report continues:

Mobs attacked Somali-run businesses and killed an estimated 100 Somali refugees by year's end, according to refugee groups. Police claimed they could not give an accurate number of Somalis murdered because they do not keep records of ethnicity.

In Durban, criminals abducted a Liberian refugee and held him captive for three days until the Durban Organised Crime Unit rescued him.

...Police in Limpopo Province, on the border with Zimbabwe, abused Zimbabweans and did not review their legal status before deporting them. South Africa claimed that these individuals were economic migrants rather than asylum seekers, even though 36 percent of applicants for asylum in 2006 were Zimbabwean (US Committee for Refugees and Immigrants 2007, *World Refugee Survey 2007 – South Africa*, 11 July – Attachment 10).

An article dated 25 February 2007 in *The Sunday Times* reports that "[v]iolence against African immigrants is not new to South Africa, but Somalis say they have become soft targets for aggressors." The article reports that "Somali community leaders claim that at least 470 of their countrymen have been murdered since 1997". Abdi Habarwa, a Somali living in Port Elizabeth claims "the number is probably higher." The article reports that in the "last two years incidents have occurred in George and Plettenberg Bay, along the Garden Route, in Johannesburg and in the Free State" (Horner, Brett 2007, 'Somalis in SA: Out of the Frying Pan, Into the Fire', *Sunday Times*, 25 February – Attachment 11).

According to the US Committee for Refugees and Immigrants' *World Refugee Survey 2008*, "Civilians attacked foreigners...and police often ignored appeals for help and, in some cases, joined in." The report continues:

Civilians attacked foreigners, especially Somali refugees trading in informal settlements and townships, and police often ignored appeals for help and, in some cases, joined in. Between August 2006 and February 2007, unknown assailants murdered at least 40 Somalis in Western Cape alone in a possible attempt to drive them from the area. In November, a Zimbabwean asylum seeker died of a fractured skull when Linden police threw him into a van. Also in November, a security guard at the Foreshore refugee center assaulted an asylum seeker from Congo- Kinshasa, after which the victim filed a complaint (US Committee for Refugees and Immigrants 2008, *World Refugee Survey 2008 – South Africa*, 19 June <http://www.refugees.org/countryreports.aspx?id=2170> – Accessed 11 November 2008 – Attachment 12).

According to Freedom House's *Freedom in the World* report published in July 2008, "Increased illegal immigration, particularly from Zimbabwe and Mozambique, has led to a rise in xenophobia and occasional attacks by police and vigilantes. Immigration and police forces have been accused of abusing illegal immigrants and detaining them longer than allowed under the Immigration Act" (Freedom House 2008, *Freedom in the World – South Africa*, 2 July <http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7491> – Accessed 11 November 2008 – Attachment 13).

The US Department of State's *Country Reports on Human Rights Practices* dated 11 March 2008 reports that during 2007 there "continued to be violent attacks on foreigners, especially immigrants from neighboring countries." The report continues:

Incidents of police harassment against foreigners continued, particularly during coordinated police raids in areas where foreign nationals resided. Some state hospitals routinely refused emergency treatment to indigent foreigners, despite regulations requiring that they provide such treatment.

...There were a number of attacks on foreigners, and anti-immigrant groups such as the Unemployed Masses of South Africa often blamed immigrants for job losses and increasing levels of crime. In February police used stun grenades to quell anti-Somali rioting in Port Elizabeth. Police arrested 27 persons after a crowd pelted Somali-owned shops with stones. In June a Somali owner was shot and killed and three others injured in incidents in Western Cape; no arrests were made.

...Zimbabweans, believed to be the largest African immigrant group in the country, frequently complained that they were targeted by criminals and harassed by police in major cities (US Department of State 2008, *Country Reports on Human Rights Practices – South Africa*, 11 March, Section 1a, 1c & 5 National/Racial/Ethnic Minorities– Attachment 14).

An article dated 6 June 2008 in *The Mail and Guardian* reports that a claim by South African President Thabo Mbeki "that he had no prior warning of xenophobic violence...was flatly contradicted by a group of Congolese and Rwandan refugees in Cape Town." The refugees claim "they repeatedly wrote letters to Mbeki, the ANC and Cosatu since 2004 alerting the government to the growing ill-treatment of foreigners in South Africa." The article continues:

Ngulu said his first experience of xenophobia was in KwaZulu-Natal in 1998. He said local people 'told us at a taxi-rank they don't want us to travel in their taxi and if we get on they will throw us off. They said this pointing to my children'.

He said the problems in Cape Town were evident as early as October 2004 when local residents drove foreign African and Indian traders from market stalls in Khayelitsha.

'I'm being treated like shit in this country. My countrymen are born tradesmen and we're not allowed to make a living here because we are hated and the authorities have allowed this wound to fester.

...We were told before Polokwane last year that the time has come for kwerikweris to go back home. Before that foreigners were killed during the security-industry strike two years ago. Somalis were attacked and killed (Joubert, Pearlle 2008, 'South Africa: "The signs were there in 2004"', *Mail and Guardian*, 6 June <http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASAZ-7FCDQB?OpenDocument&rc=1&cc=zaf> – Accessed 13 November 2008 – Attachment 15).

An article dated 17 July 2008 in *Fahamu* reports that the "extreme hostility with which the post-apartheid state has responded to African migrants is well documented in numerous human rights and academic reports." The article continues:

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, Richard 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', *Sanhati*, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 16).

According to Amnesty International, "there had been sporadic incidents of attacks on refugees and migrants earlier in 2008, including in Mamelodi, Atteridgeville, Shoshanguve and Cape Town, as well a number of serious incidents of violence in previous years in the Eastern Cape and the Western Cape" (Amnesty International 2008, *South Africa – "Talk for us please" – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, Introduction <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

May 2008 Violence

Questions 1 and 2 of *Research Response ZAF33561* dated 22 July 2008 provide information on the May 2008 violence in South Africa (RRT Research & Information 2008, *Research Response ZAF33561*, 22 July – Attachment 18).

The UN Office of the Resident Coordinator South Africa provides the following summary of the May 2008 violence against foreign nationals in South Africa:

Government sources state that since the wave of attacks on foreign nationals began on 11 May, 2008, 42 people have been killed and more than 500 injured with violence now spreading to all but two provinces in South Africa. Attacks have occurred mostly at night and have targeted foreign migrants from Bangladesh, Burundi, DRC, Kenya, Malawi, Mozambique, Nigeria, Pakistan, Somalia, Zimbabwe and other countries as well as non-Zulu speaking South Africans. They appear to be increasingly coordinated and threats of attack are sometimes issued with leaflets distributed in townships.

The violence began on the night of 11 May 2008, when angry mobs attacked foreign nationals and non-Zulu speaking locals in the Alexandra Township (Johannesburg metropolitan area) killing three and injuring more than 40. Several homes were also burned. Almost 1,000 people fled to the local police station for safety. Attacks were then reported in the East Rand townships of Tembisa, Thokoza and Primrose and by 18 May 2008 had reached the centre of Johannesburg. Since 21 May 2008, violence has spread to other areas of South Africa and only two provinces remain unaffected, including Limpopo and Northern Cape Province. The situation has resulted in generalized fear and anxiety throughout the country.

As a result of the attacks, many foreign nationals have fled from areas of danger to police stations for protection. The NDMC [National Disaster Management Centre] has counted more than 21,800 people displaced so far with 19,375 persons displaced in Gauteng Province, 1,573 persons in Western Cape, 800 in Mpumalanga and 81 in Limpopo.

In Gauteng Province, where most of the violence has occurred so far, displaced foreigners have settled at 48 locations, including outside police stations, health facilities and empty communal buildings under the protection of the South African Police Services (SAPS). According to the NDMC, 45% (8,550 persons) of the total displaced are in the East Rand (Erkhuleni metropolitan municipality) and another 15% (3,000 persons) in the Johannesburg metropolitan area. A further but unknown number of people are displaced and living with family and community members away from areas where violence has occurred. Some agency estimate that number is in the order of a further 20- 30,000 people. Secondary displacement has also occurred over the last few days from Johannesburg to Pretoria.

The magnitude of the violence has overstretched the SAPS. Additional police officers have been redeployed to hotspots but the increasing spread of the violence to other Provinces has meant that police units cannot be withdrawn from other areas. On 21 May 2008, President Thabo Mbeki approved the deployment of the South African National Defence Force (SANDF) to areas hit by violence to provide a supporting role to the SAPS. According to the South African press, the SANDF have up to 900 soldiers and two Oryx helicopters in Gauteng Province.

Protecting foreign nationals is proving to be a challenge as many are in South Africa illegally and fear being recognized and deported by the authorities. The Ministry of Home Affairs has informed that both documented and un-documented foreigners would not be deported and consideration is being given to the granting of temporary residence permits to those threatened/attacked (i.e. a moratorium), although deportations of illegal migrants apprehended before the outbreak of violence continue.

The continuing violence has also pushed many migrants to return to their home country. According to Mozambican border authorities, up to 10,000 nationals have returned home since 11 May 2008. Mozambique and Malawi have instructed their embassies in South Africa to support the repatriation of nationals fleeing the attacks. According to IOM [International Organisation for Migration], there have not as yet been assisted voluntary returns but at least 1,000 people have reportedly returned home to Zimbabwe by themselves on commercial buses over the last few days.

Until recently, the Government has downplayed the xenophobic nature of the attacks and has placed most of the blame on criminal elements (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 1 – Violence Against Foreigners in South Africa*, 24 May, ReliefWeb website, pp.1-3 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/KKAA-7EY2B8-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/KKAA-7EY2B8-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 19).

According to Amnesty International, the May 2008 violence “was targeted at non South African nationals, including refugees, asylum-seekers, and migrants from a range of African countries including Zimbabwe, Somalia, Mozambique, Ethiopia, Democratic Republic of Congo, Kenya, Tanzania, Burundi and Rwanda” (Amnesty International 2008, *South Africa – “Talk for us please” – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, p.4 <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

According to the UN Office of the Resident Coordinator South Africa, 62 people were killed, 38,762 people were displaced at the height of the crisis (May-June 2008) and 40,000-50,000 people were repatriated. According to Amnesty International, more than 600 people were

injured. Amnesty International quotes the South African Task Team of Members of Parliament as saying the “impact of the violence and attacks was severe as many people were gripped by fear and experienced the trauma of people being evicted from their homes, being physically assaulted, killed and in some instances burnt” (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 9 – Violence Against Foreigners in South Africa*, 15 August, ReliefWeb website, p.4 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ASAZ-7HYKL3-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ASAZ-7HYKL3-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 20; and Amnesty International 2008, *South Africa – “Talk for us please” – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, Introduction <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

Amnesty International provides the following information on government and civil society response to the May 2008 violence:

While the national government’s response was initially slow, members of the public, humanitarian and UN agencies, local charities and other civil society organizations provided immediate assistance to those displaced and sheltering at police stations, community halls, churches, mosques and other temporary shelters. Provincial and city governments mobilized the Disaster Management services to co-ordinate the humanitarian response. The situation was formally declared as a “disaster” in Gauteng and Western Cape provinces, eventually leading to the establishment of official sites...in both provinces to provide protection and safety for displaced individuals (Amnesty International 2008, *South Africa – “Talk for us please” – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, Introduction <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

Amnesty International reports that inquiries by parliamentary bodies, research institutions and human rights organisations found that factors that contributed to the May 2008 violence include “strong xenophobic sentiments amongst the South African population; feelings of resentment towards and competition with foreigners over jobs, housing and social services, combined with anger and frustration over the slow pace of delivery of these services and the persistence of high unemployment levels particularly amongst younger people; perceptions of corruption amongst the police service and Department of Home Affairs officials in relation to refugees and migrants, and lack of effective policies on migration” (Amnesty International 2008, *South Africa – “Talk for us please” – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, Introduction <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

Justice – May 2008 Violence

According to Human Rights Watch (HRW) the “government should ensure that victims of xenophobic violence remain in South Africa to participate in bringing their attackers to justice”. HRW notes that several cases have already been dropped due to lack of evidence. HRW continues:

Urgent government intervention is needed to encourage witnesses to provide evidence and to advance an effective justice process. Many of the victims of xenophobic attacks are undocumented foreign nationals who fled unrest in their countries, such as Zimbabwe, and are hesitant to participate in the justice process, fearing arrest and deportation because of their status.

“For justice to prevail, South Africa should protect these victims, whose testimony is crucial in bringing their attackers to justice,” said Georgette Gagnon, Africa director at Human Rights Watch. “Deporting the victims will send a clear message that xenophobic violence is above the rule of law.”

...Human Rights Watch calls on the Departments of Justice and Home Affairs to provide special protection to undocumented foreign victims of xenophobic violence while their cases are pending. The government should announce this policy to the South African Police Service and ensure its officials comply with this procedure in full accordance with the law.

“The victims of these attacks must have adequate protection against threats of deportation to facilitate a credible justice process and to encourage their full participation in legal proceedings,” said Gagnon. “Such protection would enable undocumented foreign victims to testify in court, and would serve as a deterrent to their attackers, who believe their victims are legally defenseless” (Human Rights Watch 2008, ‘South Africa: Punish Attackers in Xenophobic Violence’, 23 May <http://www.hrw.org/en/news/2008/05/22/south-africa-punish-attackers-xenophobic-violence> – Accessed 11 November 2008 – Attachment 21).

An article dated 23 June 2008 in *IRIN News* reports that “some of the perpetrators” of the May 2008 violence were known, however “no one has been convicted.” According to Mandla Majola, head of the AIDS activist organisation Treatment Action Campaign (TAC), “Law must take its course, and punishment must be communicated so communities know that those who did this were punished, and anyone who thinks of doing what has happened here will think twice” (‘South Africa: Reintegration with trepidation’ 2008, *IRIN News*, 23 June <http://www.irinnews.org/Report.aspx?ReportId=78891> – Accessed 11 November 2008 – Attachment 22).

An article dated 25 August 2008 in *The Independent* reports that 421 cases with a total of 1,146 charges are pending in connection with the May 2008 violence. According to Spokesperson Hangwani Muladzi, the cases “have been postponed pending further investigations, bail applications and applications for legal aid.” The article notes that another 82 people had the charges against them withdrawn for a number of reasons including “requests by the complainants for the cases to be withdrawn (where victims have been re-integrated into the communities), complainants/victims or crucial witnesses having left the country or could not be found” (‘More than 420 xenophobia cases laid’ 2008, *Independent*, 25 August http://www.iol.co.za/index.php?set_id=1&click_id=3069&art_id=nw20080825132805226C288455 – Accessed 14 November 2008 – Attachment 23).

An article dated 5 September 2008 in *New Era* reports that the punishment of the perpetrators of the May 2008 violence is a “logistical nightmare” for two reasons: the difficulties associated with identifying the perpetrators and the “already over-burdened criminal justice system.” The article continues:

The punishment of the perpetrators of the violence is a second logistical nightmare – firstly because of the difficulties of identifying perpetrators of the violence. Foreign nationals cite

fear and intimidation or their own illegal immigrant status as barriers to reporting, while South Africans cite an unwillingness to get involved or the fear of being seen to be on the side of foreigners.

Secondly, any mass prosecution of the perpetrators would place a terrible strain on an already over-burdened criminal justice system. This means that justice may well not be served for the victims of the xenophobic violence – those injured and displaced, as well as those who lost property and possessions, and those who lost family members.

This creates a culture of impunity for those involved in perpetrating the violence, which could contribute to a belief that xenophobic violence is tolerated by the state.

Furthermore, a lack of justice for the victims of the violence compounds the perception and reality that foreign nationals in South Africa struggle to access the criminal justice system ('Xenophobia, Crime and Security in SA' 2008, *New Era*, 5 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 5).

Post May 2008 Attacks

The UN Office of the Resident Coordinator South Africa's *Situation Report 5* dated 21 June 2008 reports that on 13 June 2008, "a Mozambican male recently reintegrated from a temporary shelter was burnt to death by an unidentified mob in Attergeville, Tshwane municipality in Gauteng Province. Several Zimbabweans and Mozambicans were also injured by the mob." The UN Office of the Resident Coordinator South Africa notes that "[a]lthough the number of xenophobic incidents appears to be on the decline, threats are still being made against foreign nationals and fears remains about possible future attacks" (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 5 – Violence Against Foreigners in South Africa*, 21 June, ReliefWeb website, p.1 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ASAZ-7FVHZ7-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ASAZ-7FVHZ7-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 24).

According to Amnesty International, "during interviews with individuals in early July and late August and early September, Amnesty International was informed in all camps visited of instances whereby former residents who had attempted to return to local communities were driven away, verbally abused, threatened and in a few cases killed. They also expressed fears for their own safety." Amnesty International reports that "[l]ocal human rights monitors expressed concern that not all incidents were being reported" and that "[v]arious nationalities have been targeted in the continued violence, in particular members of the Somali community" (Amnesty International 2008, *South Africa – "Talk for us please" – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, pp.28-29 <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

The UN Office of the Resident Coordinator South Africa's *Situation Report 12* dated 5 September 2008 reports that on 27 August 2008 "two Somali traders were killed and another two seriously injured in separate violent attacks that took place in the Eastern Cape." The UN Office of the Resident Coordinator South Africa also reports that "[p]rior to these attacks, three Somalis were killed in Khayelitsha Township, Cape Town" (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 12 – Violence Against Foreigners in South*

Africa, 5 September, UN Office for the Coordination of Humanitarian Affairs website, p.2 ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1093999 – Accessed 14 November 2008 – Attachment 25).

The UN Office of the Resident Coordinator South Africa's *Situation Report 12* dated 5 September 2008 reports that on 22 August 2008 the Zankhanyo Retailers Association distributed a letter to the Somali Association of South Africa in Khayelitsha Township "ordering the Somali shop owners to close down their shops by 14 September 2008." The UN Office of the Resident Coordinator South Africa's *Situation Report 13* dated 19 September 2008 reports that South African Police Services arrested the Chairperson of the Zankhanyo Retailers Association on 11 September 2008, who appeared in court on 17 September 2008 where the magistrate opposed bail (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 12 – Violence Against Foreigners in South Africa*, 5 September, UN Office for the Coordination of Humanitarian Affairs website, p.2 ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1093999 – Accessed 14 November 2008 – Attachment 25; and UN Office of the Resident Coordinator South Africa 2008, *Situation Report 13 – Violence Against Foreigners in South Africa*, 19 September, ReliefWeb website, p.2 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 26).

An article dated 17 September 2008 in *The Citizen* reports on the killing of two Tanzanians in South Africa. Officials of the Tanzanian Ministry of Foreign Affairs and the South African High Commission in Dar es Salaam have said the victims "could have been killed for alleged involvement in criminal activities" and have "strongly denied" a xenophobic motive. The relatives of the dead men "maintain that their loved ones were innocent people" ('Clear Air on SA Killings' 2008, *The Citizen*, 17 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 27).

According to the UN Office of the Resident Coordinator South Africa's *Situation Report 13* dated 19 September 2008, "four incidents against foreigners were reported in Kayelitsha Township". The South African Police Service also reported "another murder of a Somali shopkeeper in Kayelitsha bringing the total number of reported incidents against foreigners according to the Somali Association to 31 (15 killed and 16 wounded) since the month of June and nationwide." The South African Police Service report that these incidents are "crime related" and "not linked to xenophobia" (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 13 – Violence Against Foreigners in South Africa*, 19 September, ReliefWeb website, p.2 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 26).

The UN Office of the Resident Coordinator South Africa's *Situation Report 14* dated 3 October 2008 reports that a "number of organisations, including Amnesty International, have expressed concern about protection issues especially for Somali nationals in light of a number of recent deaths." According to various media reports and civil society groups including Amnesty International, 21 Somalis have been murdered and 28 seriously wounded in attacks mainly in Western Cape, Eastern Cape and North West Province since June 2008. The South African Police Services "says this trend is not indicative of xenophobia but rather of

criminality” (UN Office of the Resident Coordinator South Africa 2008, *Situation Report 14 – Violence Against Foreigners in South Africa*, 3 October, ReliefWeb website, p.2 [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/EDIS-7JMPDC-full_report.pdf/$File/full_report.pdf) – Accessed 14 November 2008 – Attachment 28).

An article dated 7 October 2008 by *The UN News Service* reports on the killing of a Somali family of five in Eastern Cape. Sahra Omar Farah was stabbed over 100 times with “initial signs” suggesting that she and her daughter may have been sexually assaulted. According to Navanethem Pillay, UN High Commissioner for Human Rights “welcomed the arrest of three suspects in the attacks” however she “called for concerted and long-term efforts by authorities to prevent such violence in the future.” According to Pillay, three Somali shopkeepers have been murdered in Johannesburg and Port Elizabeth since 3 October 2008 (‘South Africa: UN rights chief urges protection for foreigners after brutal killing’ 2008, *UN News Service*, 7 October <http://un.org/apps/news/test/story.asp?NewsID=28452&Cr=Pillay&Cr1> – Accessed 11 November 2008 – Attachment 29).

An article date 11 October 2008 in *The Financial Gazette* reports that a Somali woman and her three children were “butchered” in Queenstown, South Africa. Saida Mohamed was stabbed 113 times and her 10 year old daughter had been gang-raped. The article notes that “Six of the original 11 members of the Mohamed family have died violent deaths in South Africa.” According to South African newspapers “nine Somali shopkeepers have been killed in Queenstown and East London over the last two months” (Makuni, Mavis 2008, ‘SA Killings Underscore Refugees’ Plight’, *Financial Gazette*, 11 October, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 30).

An article dated 12 November 2008 in *BBC News* reports that activists claim at least 10 migrants have been killed during November in the Cape Town area. Dr Loren Landau of the University of the Witwatersrand believes the situation “could further deteriorate as politicians vie for votes ahead of national elections next year” (‘Warning over SA migrant killings’ 2008, *BBC News*, 12 November <http://news.bbc.co.uk/2/hi/africa/7725408.stm> – Accessed 14 November 2008 – Attachment 31).

An article dated 21 November 2008 in *IRIN News* reports that an “unknown number” of those displaced by the May 2008 violence “have continued to be victimised after returning to their communities, typically without an official programme of protection or monitoring by the government or police.” According to Asad Abdullahi, a Somali leader in Cape Town’s Blue Waters Security Site, “I know at least 20 people who went to be reintegrated and were raped or killed or attacked” (‘South Africa: Foreigners (still) beware’ 2008, *IRIN News*, 21 November <http://www.irinnews.org/Report.aspx?ReportId=81618> – Accessed 27 November 2008 – Attachment 32).

An article dated 21 November 2008 in *The Voice of Cape Town* reports that a panel of refugee advocates and experts have warned that the “violent xenophobic attacks have not been left behind and are likely to recur on a larger scale”. According to Bishop Paul Verryn of the Methodist Church of South Africa, “[i]n the absence of acknowledgement and government recognition of South African xenophobia, the May incidents... would turn out to have been “only the tip of the iceberg””. Jonathan Crush, Executive Director of SAMP believes that “Xenophobic attitudes are pervasive and deep-rooted, and getting worse” in

South Africa. Astrid Berg, Associate Professor of Child and Adolescent Psychiatry at the University of Cape Town said the “African ‘other’ is not welcomed” in South Africa (‘Xenophobic attacks likely to recur, panel warns’ 2008, *The Voice of the Cape*, source: *Cape Times*, 21 November <http://www.vocfm.co.za/public/articles.php?Articleid=42843> – Accessed 27 November 2008 – Attachment 33).

Police

A 2005 paper by the Forced Migration Studies Programme at University of the Witwatersrand reports that “there is strong evidence that non-nationals living and/or working in South Africa face discrimination at the hands [of]...the police”. The paper goes on to say that there “is considerable evidence that non-nationals are particular targets for police harassment and corruption.” The report notes that criminals “have learned to exploit foreigners’ vulnerabilities” and that there is “an apparent unwillingness on the part of South Africa’s security services to provide non-national with adequate protection.” The report continues:

Criminals, along with the police (see below), have learned to exploit foreigners’ vulnerabilities. As a result, foreign nationals are far less likely to feel secure on the streets, even during the day. In Johannesburg, 81% felt unsafe compared to 38% of South Africans (Leggett 2003:54). Crush and Williams (2003) present similar figures at the national level. These fears, moreover, appear to be justified. The Wits University survey in Johannesburg, for example, found that 72% of migrants reported that they or someone they lived with had been a victim of crime in the country, compared with 56% of South Africans. Given that many non-nationals have been in the country for only a short period, this difference is particularly remarkable. For reasons discussed in more detail below, this insecurity is not only at the hands of petty crooks, but is a result both of direct targeting by the police and an apparent unwillingness on the part of South Africa’s security services to provide non-nationals with adequate protection.

...Part of this is rooted in the competing pressures on police: to both protect the rights of non-nationals and to control their access to the country’s cities. There are other reasons, however, behind the ways in which the police have treated foreigners. By targeting non-nationals, ‘the usual suspects’ (refugees, asylum seekers, and other immigrant groups unlikely to have proper identification documents), they are able to meet periodic arrest targets (Private Communication; 7 May 2004). Non-South Africans living or working in Johannesburg consequently report having been stopped by the police far more frequently than South Africans (71% versus 47% in the Wits University survey) despite having generally lived in the city for a shorter period. Although under instruction to respect the rights of non-nationals, police often refuse to recognise work permits or refugee identity cards. Some respondents even report having their identity papers confiscated or destroyed in order justify an arrest (cf. SAHRC 1999). Furthermore, there have been numerous assertions that police elicit bribes from apprehended persons (documented and undocumented) in exchange for freedom. A Sierra Leonean man, quoted in Palmary, et al, (2003: 113) recounts his experience:

The police asked me for my refugee paper, which had not yet expired. They say, ‘f-k you’ and the just tear the paper and seize my money and cell-phone...So then, what they do is take me to the police station. I was shouting...[and] one of them just removed something like a little shocker. He was shocking me...say that I was to shut up and if I wasn’t shut up, he was going to shock me until I die.

The South African Human Rights Commission (1999:3-4) suggests that this is not an isolated incident:

In the majority of cases there were no reasonable grounds for an apprehending officer to suspect that a person was a non-national. A significant number of persons interviewed had identification documents which were either destroyed or ignored or which they were prevented from fetching from home. Apprehended persons were often not told or did not understand the reason for their arrest. Extortion and bribery are practices extremely widespread among apprehending officers.

Indeed, targeting foreigners is also a relatively easy, and socially acceptable, means of supplementing officers' admittedly meagre income. Denied access to almost all formal banking service, poor immigrants must either stash cash in their residences or carry it on their bodies (Jacobsen and Bailey 2004). Combined with their tenuous legal status, (often) poor documentation, and tendency to trade on the street (hawking or informal business), some police officers have come to see foreigners as 'mobile-ATMs' (Private Communication: 7 May 2004). In the words of one Eritrean living in Johannesburg, "as foreign students we are not required to pay taxes to the government. But when we walk down these streets, we pay" (Southwell 2002) (Landau, Loren B. et al 2005, *Xenophobia in South Africa and Problems Related to it*, January, Forced Migration Working Paper Series 13, Forced Migration Studies Programme at University of the Witwatersrand website, pp.24 & 28-30 http://migration.org.za/wp-content/uploads/2008/03/13_Xenophobia.pdf – Accessed 13 November 2008 – Attachment 1).

An article dated 18 April 2006 in *Business Day* reports that "XENOPHOBIA is still rife in the police force, and even South African citizens who are found without identity documents are targeted for being "too dark" or for being in the wrong place at the wrong time, a study has found." The report notes that in "spite of training offered on race issues and discrimination, only a third of policemen interviewed for the study said they had received any." According to research by Themba Masuku, Researcher for the Institute of Security Studies, "87% of police force members in Johannesburg police stations believe illegal immigrants are responsible for the bulk of the crime, despite a lack of statistical support" with the degree of xenophobia "higher among the lower ranks." According to Masuku, "As unfair discrimination is a disciplinary offence, one might hope this problem is limited to a few bad apples. However, the analysis of the data indicates that xenophobia in the police may be widespread". The article notes that there "is a perception among the policemen interviewed that senior officials do not approve of the abuse of foreigners". The article also reports that corruption is "widespread among police officials who target immigrants because they are known to carry cash" (Benjamin, Chantelle 2006, 'Police Bias Against Foreigners 'Common', *Business Day*, 18 April, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 34).

According to the SAHRC, in a report dated July 2006, allegations were brought to the SAHRC of members of SAPS abusing their power "through arbitrary arrests and detention of foreigners; destruction of legal documents and bribery, corruption and extortion." The November 2004 open hearings on xenophobia found that bodies tasked with the protection for foreigners including SAPS "were found to display the highest levels of xenophobia, despite government's condemnation of it." The report continues:

The SAPS Code of Conduct, the South African Police Service Act and the Criminal Procedure Act all require that SAPS officials uphold and protect the fundamental rights of every person in the country. Despite this, presentations to the hearings alleged that non-nationals were targets of police harassment, extortion and corruption.

...The SAPS presenter at the hearings, Mr Van Graan, informed the hearings that diversity training had been conducted with 25 000 staff members. He indicated that reported corruption amongst officials was dealt with decisively. He informed the hearings that the reasonable grounds test in section 41 of the Immigration Act stipulates that no person may be detained on the basis of their physical appearance. A difficulty in countering SAPS abuse is that the unequal power relations between vulnerable migrants and law enforcement officials mean that many foreigners fear reporting acts of abuse and corruption and that more proactive steps were necessary to combat it (South African Human Rights Commission 2006, *Report – Open hearings on Xenophobia and problems related to it*, July, p.32 http://www.sahrc.org.za/sahrc_cms/reports/Xenophobia%20Report.pdf – Accessed 13 November 2008 – Attachment 2).

An Immigration and Refugee Board of Canada response dated 29 March 2007 contains advice provided by the Director of the Forced Migration Studies Programme, University of Witwatersrand on 22 March 2007. According to the Director of the Forced Migration Studies Programme, “almost all foreigners in the country...experience discrimination and harassment from...the police” (Immigration and Refugee Board of Canada 2007, *ZAF102483.E – South Africa: Societal treatment of foreigners from other African countries, in particular from the Democratic Republic of Congo (DRC); access to equality courts; availability of state protection (2000-2007)*, 29 March – Attachment 3).

According to the Centre for the Study of Violence and Reconciliation’s report on the South African Police Service (SAPS) published a report in May 2007, the “black immigrant population is a major target of police abuses in South Africa, which include the denial of policing services (see Measure 25), arbitrary arrests and corruption.” The report continues:

Another issue that has been little explored in South Africa³⁵⁰ is the category of hate crimes motivated by prejudice. Individuals from groups that are consistently exposed to prejudicial treatment may also generally be reluctant to approach the police for assistance, as they may anticipate discriminatory treatment. Immigrants constitute one group that may be regarded as vulnerable to such crimes, partly because they may be subject to racist and/or xenophobic victimisation. In relation to Measure 25, the question is whether the SAPS recognises the vulnerability of immigrants, and responds accordingly in relation to the provision of services (the abuse of foreigners is discussed further in Measure 28). Because some may be in the country illegally, or fear victimisation, they may be reluctant to approach the police for assistance. As a result they may be victimised with impunity, be this “ordinary” criminal victimisation or for xenophobic reasons. Refugees as a group may also be identified as a specific group of immigrants with special vulnerabilities, partly because they may have suffered some type of trauma in their country of origin, possibly contributing to anxieties about approaching the authorities for assistance in South Africa. In the context of a series of murders of Somali immigrants in Khayelitsha and other parts of Cape Town, one representative of the Somali community said that:

The problem is that people are very reluctant to talk to the police because they fear for their safety. Even though the police are notified of these incidents, community members don’t want to talk to them when they arrive because they are scared.

But, rather than finding ways around these problems, police practice relating to foreigners is likely to reinforce the chasm between the two communities. Based on research with African migrants in South Africa, Harris provides examples of foreigners being turned away when they approach police for assistance. One was told that “You are not our brother, we can’t help you”, another to “Go back to your country. In fact, you are not supposed to be here in South Africa.” A Somali woman told of going to a police station to report that her goods had been

stolen, only to be laughed at and told: “You are just a refugee.” In other cases immigrants reporting victimisation at a police station are further victimised by the police, with their papers being torn up and they themselves arrested. Events in the township of Motherwell in Eastern Cape have also been exceptionally disturbing in this regard, with police allegedly giving members of a mob a free hand to loot numerous Somali businesses. More generally it is alleged that denial of police protection to Somalis in the township frequently goes hand in hand with systematic extortion.

It should be noted that the Human Rights Training Programme introduced by the SAPS in the later 1990s paid some attention to vulnerable groups. In addition to discussing in detail children, women as victims of domestic violence and rape, and victims of crime in general as vulnerable groups, the training programme also had a specific section on “non-nationals”. But, considering the prevalence of hostility towards foreigners on the part of many police members and continuing press reports on instances of abusive behaviour towards them, there seems little doubt that these types of practices continue to be prevalent (see Measure 28).

These attitudes and practices not only contribute to the vulnerability of foreigners but also reduce the likelihood that the SAPS will be able to secure the cooperation of foreigners when investigating crimes where such cooperation is required. These may include crimes where foreigners are implicated, including investigations against foreign organised-crime groups. One of the most important aspects of policing in a democracy is to extend services to immigrant communities. SAPS representatives have also participated in structures intended to address hostility towards foreigners such as the Anti-Crime and Xenophobia task team established in Western Cape. Considering the range of challenges it faces it is possibly understandable that this is an issue the SAPS has not engaged with in any detail. Addressing xenophobic attitudes among SAPS members would be one step in this direction.

... Since the political transition of the 1990s there has been a massive growth in immigration to South Africa. Related to corruption in the South African Department of Home Affairs, there is no clear distinction between “legal” and “illegal” immigrants, with many immigrants obtaining their documented status through bribery. In addition to being mandated by law to arrest undocumented migrants, SAPS members are often legitimately suspicious of documented immigrants because they believe that documentation is often illegally obtained. The combination of these factors with pressure on the police to keep up arrests, xenophobic attitudes that stereotype foreigners as being responsible for crime in South Africa, hostility to involvement by foreigners in local economic activity, and the limited protection immigrants have against unfair police actions, creates a situation of systematic abuse of foreigners by the police.

The policing of immigrants is based extensively on a type of profiling in which the police identify suspected illegal immigrants according to their physical features. Sometimes police action is based on the person not having the proper documentation. At other times documents purporting to prove legal residence are torn up or disregarded. Sometimes the victims of these police actions are South Africans, who ordinarily do not carry documentation, and who are then treated as “undocumented immigrants” by the police. Whether the person is in possession of documents or not, police action is often concerned primarily with the potential for soliciting or extorting bribes that is facilitated by the vulnerability of black foreigners, and not substantially concerned with verifying whether they are in South Africa legally or illegally (Centre for the Study of Violence and Reconciliation 2007, *In Service of the people’s democracy – An assessment of the South African Police Service*, May, pp.106-107 & 124-025 – Attachment 42).

According to the US Department of State’s *Country Reports on Human Rights Practices* dated 11 March 2008, “Incidents of police harassment against foreigners continued,

particularly during coordinated police raids in areas where foreign nationals resided.” The US Department of State also reports that Zimbabweans “frequently complained that they were “harassed by police in major cities” (US Department of State 2008, *Country Reports on Human Rights Practices – South Africa*, 11 March, Section 1c & 5 National/Racial/Ethnic Minorities– Attachment 14).

An article dated 22 May 2008 by a trade unionist reports that the “leadership of the police had given a very public indication that they regarded ‘aliens’ as unworthy of fair treatment under the law.” The article continues:

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 (Trade Unionist 2008, ‘South Africa: A Drive through a Xenophobic Landscape’, Europe Solidaire Sans Frontieres website, 22 May <http://www.europe-solidaire.org/spip.php?article10509> – Accessed 21 July 2008 – Attachment 35).

An article dated 23 May 2008 by HRW quotes Joseph Nlovu, one of 700 foreign nationals sheltering in Johannesburg’s Central Methodist Church as saying, “I came here because I am afraid of the police”. The article continues:

“These attackers, they know that we are afraid to report crimes to the police because instead of investigating the police will just arrest us. So they think they can attack us and they won’t be punished because we will not go to the police. But they must be punished. They are murderers and criminals. I know some people who attacked my neighbor. I will report them to the police if they promise not to arrest me and send me back to Zimbabwe. It is even worse there” (Human Rights Watch 2008, ‘South Africa: Punish Attackers in Xenophobic Violence’, 23 May <http://www.hrw.org/en/news/2008/05/22/south-africa-punish-attackers-xenophobic-violence> – Accessed 11 November 2008 – Attachment 21).

A CORMSA report dated June 2008 provides the following information on the arrest and detention of non-nationals in South Africa:

- Large-scale police raids have resulted in the illegal arrests of South Africans, asylum seekers, refugees and other legal migrants. The raid on the Central Methodist Church in Johannesburg highlighted the abuses and corruption that can take place during such an operation. This operation did not generate a single deportation or criminal conviction.
- Police in various urban centres continue to extort bribes from undocumented migrants in systematic and regular – yet illegal – ways. This undermines the SAPS’ capacity to fight crime, pillories the organisation’s reputation and victimises individuals who may in fact be in need of police protection (Consortium for Refugees and Migrants in South Africa 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, 18 June, Lawyers for Human Rights website, p.7 <http://www.lhr.org.za/files/Cormsa08-Final.pdf> – Accessed 13 November 2008 – Attachment 4).

An article dated 16 June 2008 in *Sanhati* reports that the South African police force is “systematically corrupt and prone to extorting money from migrants, documented or not, on the threat of arrest and deportation.” The article continues:

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, Ricahrd 2008, 'The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa', *Sanhati*, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 16).

An article dated 23 June 2008 in *IRIN News* quotes Hassan, a Somali shopkeeper as saying, "[The police] don't protect the South Africans, so they can't protect us" ('South Africa: Reintegration with trepidation' 2008, *IRIN News*, 23 June <http://www.irinnews.org/Report.aspx?ReportId=78891> – Accessed 11 November 2008 – Attachment 22).

Question 3 of *Research Response ZAF33561* dated 22 July 2008 provides information on the effectiveness of state protection during the May 2008 violence in South Africa (RRT Research & Information 2008, *Research Response ZAF33561*, 22 July – Attachment 18).

An article dated 5 September 2008 in *New Era* reports that "[f]oreigners state that they are reluctant to report violent crime because police neglect to follow up cases, commonly interrogate and victimise the complainant, and, most importantly, because their risk being detained themselves, regardless of the validity of their documentation" ('Xenophobia, Crime and Security in SA' 2008, *New Era*, 5 September, allAfrica.com website <http://allafrica.com/> – Accessed 12 November 2008 – Attachment 5).

An article dated 21 November 2008 in *IRIN News* reports on the response of the South African police to non-nationals reporting crime:

Omari, a Tutsi who fled ethnic violence in the eastern Democratic Republic of Congo, said she decided to return to her community in July, after a month in the camp, so that her five children could go back to school.

The first night back the shots were fired, and she and her husband filed a police report the next day. "I told my husband, 'Let's go the police station, because this bullet is proof, and maybe they'll come to make an investigation'."

They reported the incident. Omari, who speaks Xhosa, one of South Africa's main languages, said the officer called a colleague on the police radio, but she heard him decline to investigate the case.

“The police asked which kind of people it was for, and said, ‘Oh, it’s makwerikweri [derogatory term for a foreigner], I don’t want to come. They want to prove why they don’t want to go back to community. If I make an investigation for them, maybe that paper [document opening a case] will be that proof [evidence of the incident],” Omari alleged.

... Some foreigners question police willingness to look for evidence. A Congolese man at Blue Waters, who wanted to be identified as Matagera, said a police officer had urinated on the tap where residents bathe.

When confronted, the officer allegedly said that he was in his country and could do whatever he liked. “If the police, who are supposed to protect you, say things like that, and you’re still pressing me to go reintegrate, I ask you, who is going to protect me there?”

Norbert Ndagijimana, a Rwandan, said he and his wife had returned to their community. A few days later his wife, Agathe, was on her way home from church when she was told: “They’re coming.”

That night a small mob pushed Ndagijimana’s car away from their house and smashed all its windows. When the police came they told him he was lucky that he still had his car. When he asked them to take fingerprints, they allegedly declined to do so (‘South Africa: Foreigners (still) beware’ 2008, *IRIN News*, 21 November <http://www.irinnews.org/Report.aspx?ReportId=81618> – Accessed 27 November 2008 – Attachment 32).

Roll Back Xenophobia Campaign

A July 2006 report by the SAHRC provides the following information on the Roll Back Xenophobia Campaign in South Africa:

In 1998, with increasing evidence of public violence and abuse of foreigners, the UNHCR, the SAHRC and the NCRA convened a consultative conference on xenophobia. This conference led to the adoption of the Braamfontein Statement in December 1998. The Braamfontein Statement underlined the principles that informed that Roll Back Xenophobia Campaign’s National Plan of Action. The campaign coordinates public awareness and educational activities throughout the country. From 1999, it ran workshops with government officials in the Department of Health, SAPS and the Department of Home Affairs. An ongoing programme was run with journalists to educate them on the complex issues relating to migration. Radio and television programmes and inserts were developed to highlight the rights of migrants and events were hosted on relevant human rights days. Materials were produced for refugees and South Africans to inform them of their rights. The campaign participated actively in national and international conferences to strengthen lobbying efforts. The campaign has laid a foundation upon which to build anti-xenophobia initiatives. Greater cooperation between and commitment from the various roleplayers along with additional resources would strengthen the impact of the campaign (South African Human Rights Commission 2006, *Report – Open hearings on Xenophobia and problems related to it*, July, pp.41-42 http://www.sahrc.org.za/sahrc_cms/reports/Xenophobia%20Report.pdf – Accessed 13 November 2008 – Attachment 2).

Plettenberg Bay

An article by the UNHCR reports that in 2005, Plettenberg Bay “reported violence against Somali refugee traders” (Rulashe, Pumla 2007, ‘Tension in South Africa as refugees and residents compete’, UNHCR website, 12 July <http://www.unhcr.org/cgi->

bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=44b4f5314 – Accessed 13 November 2008 – Attachment 36).

An article dated 15 May 2006 in *The Cape Times* provides information on the May 2006 violence against foreign nationals of African origin in Plettenberg Bay. The article notes that this “issue had been brewing for some time” with residents worried about foreigners moving into the area and taking jobs from locals:

More than 50 Plettenberg residents have been arrested since a wave of violence against foreign nationals erupted in informal settlements last Tuesday, leading to the death of at least one man.

...Pojie [Police Spokesman] said that on Friday, a group of residents with sticks had marched through KwaNokuthala, apparently “looking for foreigners”. “We told them they were gathering unlawfully. They didn’t listen and continued moving from house to house, so we arrested just over 40 people,” he said. This incident followed Tuesday’s march to municipal offices by Qolweni residents who later went on a violent rampage targeting foreigners. Pojie said it was reported that South African residents had begun fighting with foreigners, ransacking their houses and stealing goods. “They even attacked the police officers who arrived on the scene and we had to mobilise members from surrounding police stations to assist,” he said. Pojie said police had immediately arrested a few people, but could not confirm how many. They had since received numerous reports of foreign nationals being assaulted and were investigating the claims. A special investigating team of detectives had also been set up and extra police officers from surrounding police stations were patrolling the area (‘Foreigners caught in wave of violence’ 2006, *Cape Times*, 15 May, Queens University website

http://www.queensu.ca/samp/migrationnews/article.php?Mig_News_ID=3099&Mig_News_Issue=17&Mig_News_Cat=8 – Accessed 13 November 2008 – Attachment 37).

A meeting of the South African Home Affairs Portfolio Committee on 26 May 2006 discusses the May 2006 attack by a number of locals on non-South African residents in Plettenberg Bay. One citizen from Mozambique was killed and 40 people arrested. Mr Ramatlakane, MEC for Safety and Security of the Western Cape “reports that a pattern seemed to be emerging that South Africans were resentful of foreigners, whom they perceived as taking houses, jobs and wives, to the detriment of local South Africans.” According to Mr Ramatlakane, the recent attack has “not been an isolated incident.” The minutes of the meeting provide further information:

The MEC for Safety and Security of the Western Cape addressed the meeting on the recent situation in Plettenberg Bay, when a number of locals had attacked other foreign residents. One Mozambique citizen had died and about 40 people were arrested. The MEC reported that a pattern seemed to be emerging that South Africans were resentful of foreigners, whom they perceived as taking houses, jobs and wives, to the detriment of local South Africans. The incidents were sparked by a battle for resources.

...The Chairperson welcomed the MEC of the Western Cape for Safety and Security, Mr Leonard Ramatlakane, to the meeting. He commented that there appeared to be growing xenophobia, particularly in the Western Cape, and that he had received a letter from the Consulate of Mozambique expressing concern and asking the Committee to address the issues.

...Mr Ramatlakane thanked the Chairperson for the opportunity to address the Committee. He reported that the recent incident in Plettenberg Bay, when a group of locals had attacked a

group of non-South African residents, had not been an isolated incident. In 2003 fights had broken out at De Noon informal settlement, which centred on concerns that foreigners were acquiring rights to houses and were marrying South African women. Another incident occurred outside Swellendam, when members of the local coloured community had launched an attack on some Congolese nationals who were living in a squatter camp, claiming that they were poaching on trade by selling craft items and opening local shops, taking business away from the long-standing community. The incident in Plettenberg Bay showed a similar pattern. The community who had been resident in the area for years were apparently largely unemployed. The municipality and local businesses were now prepared to exploit the cheap labour of the immigrants, who were seen as being unduly favoured and taking away the work. All incidents followed a scramble for scarce resources in poor areas.

...Historically, the Western Cape was a very challenging area, containing many closed communities, particularly the coloured or non-South-African communities. The idea of “building a home for all” had yet to permeate to such communities. **There was tension between those who were “not black enough”, and tension between groups from different countries in Africa** [Researcher Emphasis Added].

...Around 40 people had been arrested on charges of public violence in Plettenberg Bay and one Mozambique man had been killed. **The police had intervened successfully and effectively** [Researcher Emphasis Added]. They had reported that it was a complex issue, and that part of the accusations stemmed from foreigners, who were not refugees, having managed to acquire ID documents in the Eastern Cape, and it seemed that perhaps there were issues to be addressed there. The broader issue was how to manage relationships with foreigners, and those who called themselves residents. The police had acted swiftly to stabilise the situation. The Mayor had been asked to have a forum, with discussions aimed at neutralising the tensions on a larger scale. At provincial government level, the issue would be dealt with by engaging communities on the need for broader acceptance of other nationals.

The Chairperson asked about the relationship of the Province to DHA [Department of Home Affairs]. **He commented that police seemed to be asking to see documents, and arresting those who could not produce them** [Researcher Emphasis Added], despite the fact that the immigration legislation required police who wished to deal with immigration matters to make application through the Director General (South African Home Affairs Portfolio Committee 2006, ‘Department Annual Report 2004/2005, Budget & Strategic Plan 2006/7 & 2008/9 – Xenophobia Attack in Plettenberg Bay: Report by Wester’, 26 May, Parliamentary Monitoring Group, South Africa website <http://www.pmg.org.za/minutes/20060525-department-annual-report-200405-budget-strategic-plan-20067-20089-xenophobia-attack> – Accessed 13 November 2008 – Attachment 38).

An article dated 27 July 2006 in *IRIN News* quotes Jacob van Garderen, a Researcher with Lawyers for Human Rights as saying xenophobia “is a fast-growing problem” in South Africa including Plettenberg Bay. According to Garderen, xenophobia in South Africa “is often based on stereotyped beliefs, unfounded media-generated accusations around crime, and access to jobs and social services” (‘South Africa: Welcome worn out for “foreigner”’ 2006, *IRIN News*, 27 July <http://www.irinnews.org/Report.aspx?ReportId=59764> – Accessed 13 November 2008 – Attachment 39).

An article dated 25 February 2007 in *The Sunday Times* reports that in the “last two years incidents [of violence against African immigrants] have occurred in George and Plettenberg Bay, along the Garden Route” (Horner, Brett 2007, ‘Somalis in SA: Out of the Frying Pan, Into the Fire’, *Sunday Times*, 25 February – Attachment 11).

An article dated 29 June 2007 in *Africa Insight* reports that “Somali refugees in South Africa have also become victims of racial hatred and a violence” in a number of areas including Plettenberg Bay (Mutahi, Patrick 2007, ‘Africa Can’t Run Away From Somalis’, *Africa Insight*, 29 June, allAfrica.com website <http://allafrica.com/> – Accessed 13 November 2008 – Attachment 40).

An article dated 23 May 2008 in *The Herald* reports on the May 2008 violence in South Africa. The article notes that the situation in Plettenberg Bay “was tense but “holding”” (‘Somali shops looted in Knysna’ 2008, *The Herald*, 23 May http://www.theherald.co.za/herald/2008/05/23/news/n04_23052008.htm – Accessed 13 November 2008 – Attachment 41).

3. Is there any evidence that RSA police have been involved in racist/xenophobic violence directed against refugees or non-South African blacks anywhere in RSA?

Please see the ‘Police’ section of Question 2 for information on the treatment of foreigners, particularly non-South African blacks by SAPS. Limited information was found amongst the sources consulted on direct police involvement in racist/xenophobic violence against refugees or non-South African blacks in South Africa.

According to the US Committee for Refugees and Immigrants’ *World Refugee Survey 2007*, “Police in Limpopo Province, on the border with Zimbabwe, abused Zimbabweans” (US Committee for Refugees and Immigrants 2007, *World Refugee Survey 2007 – South Africa*, 11 July – Attachment 10).

According to the US Committee for Refugees and Immigrants’ *World Refugee Survey 2008*, “Civilians attacked foreigners, especially Somali refugees trading in informal settlements and townships, and police often ignored appeals for help and, in some cases, joined in” (US Committee for Refugees and Immigrants 2008, *World Refugee Survey 2008 – South Africa*, 19 June <http://www.refugees.org/countryreports.aspx?id=2170> – Accessed 11 November 2008 – Attachment 12).

According to Freedom House’s *Freedom in the World* report published in July 2008, “Immigration and police forces have been accused of abusing illegal immigrants and detaining them longer than allowed under the Immigration Act” (Freedom House 2008, *Freedom in the World – South Africa*, 2 July <http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7491> – Accessed 11 November 2008 – Attachment 13).

An article dated 16 June 2008 in *Sanhati* reports that there “are a number of credible allegations of police complicity” in the May 2008 violence in South Africa (Pithouse, Richard 2008, ‘The May 2008 Pogroms: xenophobia, evictions, liberalism, and democratic grassroots militancy in South Africa’, *Sanhati*, 16 June <http://sanhati.com/articles/843/> – Accessed 17 July 2008 – Attachment 16).

An Amnesty International report published in September 2008 provides the following information on “several incidents of misuse of force by law enforcement officials” in South Africa in July 2008:

On 30 August Amnesty International delegates interviewed a number of individuals displaced by the violence in Durban and sheltering at Albert Park. The group, originally about 186 adults and children, had initially been sheltered at a local church for about four weeks. When the church could no longer assist them, they sought assistance from the Durban municipality on 25 June. The municipal authorities arranged for their transfer to another shelter and paid for their accommodation for five days. After 15 days the manager asked them to leave as the situation was financially unsustainable. On 10 July the group went to Durban's City Hall and were able to speak briefly to a manager from Disaster Management, but he could not assist them. The group stayed near the City Hall area overnight. On 11 July members of the Durban metro police and security guards forced the group into police vans. Film footage of the incident showed security personnel repeatedly pushing a pregnant woman from the group, throwing her to the ground and at one point violently slapping her in the face. Amnesty International delegates interviewed her, several days after she had been discharged from hospital. She was seven months pregnant, and was still experiencing bleeding in the nose and mouth area from the assault. Amnesty International has been informed by medical experts that the results of the medico-legal examination were consistent with the alleged assault. Another woman, G, from the Democratic Republic of Congo, told Amnesty International that during the incident on 11 July she had fallen to the ground and the security personnel had deliberately stamped on her hands and kicked her in the chest and that police used pepper spray on her eyes. Her medical records indicated soft tissue injuries and treatment to reduce swelling in her hands and wrists.

In July, Amnesty International had expressed concern to the government at the forcible removal of more than 700 people, including refugees and asylum-seekers, from the Glenanda (Rifle Range Road) camp to the Lindela Repatriation Centre. The removals happened after officials began to implement the camp registration and temporary resident permit system. Those removed from the camp on 22 July had failed or refused to register, apparently out of fear that to do so would jeopardise their rights as refugees or asylum-seekers. Five days previously the South African Police Service had intervened in response to a situation where the camp residents had surrounded five men who had entered the camp on the night of 16 July and prevented them from leaving. Only one of the men was known to the residents who were suspicious of their intentions. The men were released unharmed on 17 July, but during the tense situation police fired rubber bullets, injuring 23 people who were shot at close range.

While a number of residents of Glenanda (Rifle Range Road) camp were subsequently arrested on charges of kidnapping, Amnesty International reiterates its call to the government to conduct a full investigation into the circumstances of the police use of force on 17 July (Amnesty International 2008, *South Africa – "Talk for us please" – Limited options facing individuals displaced by xenophobic violence*, 12 September, AFR 53/012/2008, p.6 <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf> – Accessed 12 November 2008 – Attachment 17).

For more information on Zimbabweans and SAPS please see the June 2008 report entitled [*Neighbours in Need – Zimbabweans Seeking Refuge in South Africa*](#) by HRW and the February 2007 report entitled [*"Keep Your Head Down" – Unprotected Migrants in South Africa*](#) by HRW which are not included in this response.

For general information on SAPS please see the May 2007 report entitled *In Service of the people's democracy – An assessment of the South African Police Service* by the Centre for the Study of Violence and Reconciliation which is included as Attachment 42 (Centre for the Study of Violence and Reconciliation 2007, *In Service of the people's democracy – An assessment of the South African Police Service*, May – Attachment 42).

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UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UN Office for the Coordination of Humanitarian Affairs <http://ochaonline.un.org/>

UN Refugee Agency – Refworld <http://www.unhcr.org/cgi-bin/tehis/vtx/rsd>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Centre for Development and Enterprise <http://www.cde.org.za/>

Consortium for Refugees and Migrants in South Africa <http://www.cormsa.org.za/>

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