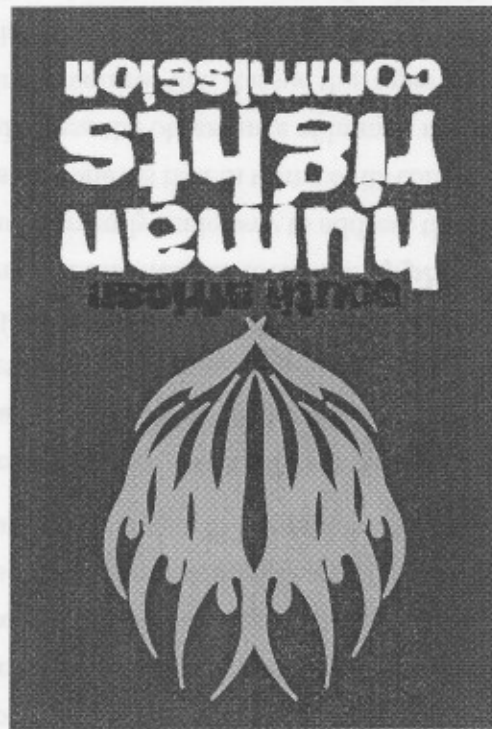


24 June 2008



**SAHRC Second Report
On Conditions
At Silverstroom Camp**

I. Introduction

The SAHRC first visited the Silverstroom camp on 4 June 2008, and issued a report on the conditions of the camp on 6 June 2008. In the earlier report, the Commission called for Silverstroom to be closed because of its isolated location and because of the poor conditions at the camp. The Commission also included a number of recommendations to improve the conditions of the camp until it could be closed.

In its last report, the Commission noted the lack of volunteer monitors at Silverstroom because of its isolated location. This condition unfortunately persists, and as a result, the Commission conducted its own follow-up site visit on 17 June 2008.

The Commission reiterates its call for Silverstroom to be shut down because of its location. However, the Commission is pleased to report that there have been some improvements in the conditions of the camp, although significant concerns remain. The Commission welcomes the on-site staff's dedication and commitment to meeting the concerns of the non-nationals living at Silverstroom on a daily basis.

The SAHRC recognises that South Africa is currently dealing with an enormous humanitarian crisis that is fraught with challenges. We recognise that there are many government, civil society, and faith-based organizations that have been working around the clock to assist in alleviating the crisis. ***The SAHRC does not suggest that this report's findings and recommendations are applicable to all camps.*** We also recognise that efforts are currently underway to address the concerns that we raise. However, the Commission believes that in terms of its constitutional mandate, pursuant to §184, to monitor and assess the observance of human rights and to take steps to secure appropriate redress requires that it issue this report and make recommendations with the intent to alleviate the humanitarian crisis. ***This Commission anticipates that this report will assist the relevant authorities in identifying issues that need addressing at Silverstroom within a human rights based framework.***

II. Issues Arising from the SAHRC Monitoring of Silverstroom

As of 17 June 2008, the camp director reported 217 residents, although the Commission only observed approximately 80 people at the camp. Kitchen staff report serving 130-140 meals with some residents taking multiple meals. Both camp staff and the residents report that some leave the camp to report for work and that the camp is busier on the weekends. Various groups previously living at the camp have left, including residents from Mozambique and Somalia. People still remaining at Silverstroom are from Angola, Burundi, the DRC, Malawi, Tanzania, and Zimbabwe.

A. Water Supply

1. There is now hot water access.
2. There is now adequate laundry and bathing facilities, which include non-salinated water.

B. Hygiene

1. Hygiene issues have largely been addressed.
2. The doctor, a refugee from Malawi, is offering basic hygiene training to prevent the spread of illness and disease, particularly to mothers.

C. Food Security, Nutrition, and Food Aid

1. Concerns about the food's quality and quantity have largely been addressed.
2. The variety of food is a continuing point of contention.

D. Facilities and Shelter

1. The tents in which residents are living continue to be inadequate. Residents are living in multiple tents with carpet and plastic sheets as flooring. These tents are inappropriate for the current weather conditions.

2. The roofs leak, and the sides and doors are unsecured, allowing wind and water to enter easily.
3. There are some sandbags and trenches, but they are incomplete and inadequate. As a result, puddles form on the floors of the tent when it rains.
4. There are now some mattresses in the camp, mostly for women and children, but not every resident has one. Some residents continue to sleep either directly on the floor or on top of thin foam pallets.
5. Blankets are inadequate. Residents have stated that there were not enough blankets and that those provided were too small.
6. Weather conditions are very poor. Because winter is approaching, it is rainy, windy, and cold. These conditions are exacerbated by the camp's close proximity to the sea.
7. There are only three tents in use, with nationals from each country staying together.

E. Location and Access to Employment/Education

1. The camp is approximately 55 kilometers from city centre, and 15 kilometers from Atlantis, the nearest town.
2. As a result, children are unable to attend school. A Red Cross volunteer organizes games and activities to keep the children occupied during the mornings.
3. Some residents have found outside work, but because of the distant location, they can only return to the camp on weekends.
4. Residents still have little contact with the outside world, and they have feelings of isolation and abandonment.
5. The Commission remains unable to find volunteers to monitor the camp due to its location. This necessitates staff visits to the camp.

F. Security

1. Residents are required to have wristbands to enter the camp, and reported that they cannot return to the camp if they do not have a wristband.
2. Some residents remain fearful of some police officers and other security officers hired to patrol the camp. The residents seemed to fear what they feared to be as xenophobic tendencies. Because of those fears, security guards do not walk among or inside the tents.

G. Healthcare

1. The clinic on site is staffed by nurses, assisted by a doctor from Malawi, a resident of the camp.
2. The clinic has overseen the immunization of children, and it makes referrals to the Mamre Clinic.
3. No mental health experts or counsellors have visited the camp to date, and there are strong indications that the residents need these services.

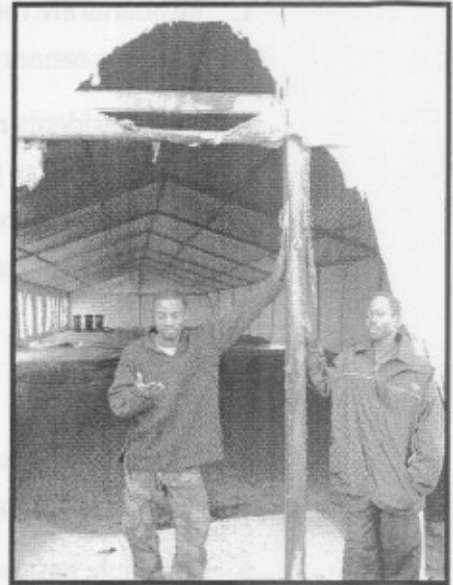
H. Police Activity at Silverstroom

1. On 9 June 2008, following some conflict in the camp, police entered the camp and arrested two of the refugee leaders, one from Burundi and one from the DRC.

Residential address/Woonadres..... SILVERSTROOM REFUGEE CAMP JUNE 2008		
Gender/Geslag MALE	Age/Ouderdom 26	Police station/Polisiekantoor ATLANTIS
CAS No. MAS No. 148/06/2008		Case No. Saak No.
In terms of section 72 of the Criminal Procedure Act (Act No. 51 of 1977); you are hereby warned to in terms van artikel 72 van die Strafproeswet (Wet No. 51 van 1977). word u hierby gewaarsku om		
appear before the voor die on (date) op (datum) 10 JUNE 2008	MAGISTRATES	court at hof te ATLANTIS at 08:30 on a charge of om 08:30 op 'n aanklag van INTIMIDATION

2. In response, camp residents attempted to burn down one of the tents as a form of protest.

3. The two leaders were arrested, taken to the police station, and issued a charge sheet for the crime of intimidation. It appears that the charges were withdrawn the same day. The residents were released and are now back in the camp.



I. Attempts to Transfer Camp Residents

1. Both residents and staff reported that in the late evening of 10 June 2008, officials informed the camp residents they would be moved on 11 June 2008 to a shelter in Kraaifontein. Residents were told to pack up their belongings and to be ready in the morning.
2. In the early morning of 11 June, at approximately 5:00, buses arrived at Silverstroom to transfer some residents. Some residents loaded their belongings and boarded the bus.
3. Though the buses left, they turned around without reaching their destination and returned the residents to Silverstroom.
4. Both residents and staff reported that this event created instability and uncertainty in the camp, as there was little to no understanding of what happened and the reasons for the busses' return.

J. Non-national/Staff Relations

1. The relationship between the camp residents and the staff appears to have improved, although there is still some mistrust between the two groups. Some of this mistrust seems to be based on a continuing differentiation between "normal people" and the non-nationals remaining in the camp.

2. Staff reported a lack of communication from their employers or any governmental agencies while the non-nationals reported feeling ill-informed about what their future held.

III. Recommendations

Primary Recommendation

The SAHRC repeats its recommendation that the Silverstroom camp be closed. This process must be carried out with adequate consultation and participation by the residents, and the government must operate in accordance with a plan to minimise potential additional trauma.

Ultimately the non-national residents need to be reintegrated, repatriated, or resettled, based on their informed decisions. Since this is a lengthy process, the Commission recommends that the residents be transferred to a different site as soon as possible.

Additional Recommendations

A. International

1. The United Nations High Commissioner for Refugees (UNHCR) should communicate its mandate, the legal situation, and options for assistance to the residents.

B. National

1. There is an urgent need for the national government to request the UNHCR and related agencies to provide technical assistance in alleviating the crisis.
2. There is an urgent need for the South African government to develop and share with Chapter 9 institutions, civil society, faith-based organisations, and non-national communities its overall plan to deal with the crisis.

3. There is an urgent need to register, document, or redocument the non-nationals in this camp, at no expense to the non-nationals.
4. The government is strongly encouraged to declare a moratorium on all arrests and deportations of non-nationals affected by the xenophobic violence. The government must then communicate this moratorium to all levels of government officials.
5. Those non-nationals who wish to return to their country of origin should only do so under the auspices of the UNHCR.

C. Provincial and Local

1. There is an urgent need for the province and the city to prepare and disseminate a joint plan on how these authorities will respond to the current crisis.
2. There is an urgent need for senior government and public officials to visit the camps regularly and assess the conditions.
3. There is an urgent need for these officials to address the non-nationals by clearly communicating how long the camps will be in existence and the governmental efforts to alleviate the conditions in the camp and to address the xenophobia crisis overall.

D. Silverstroom

Primary Recommendations

Communication

- **There is an urgent need for more communication, both with residents and with staff. Government officials must consult with the residents before any attempt to move them. Because the residents have both the right to adequate consultation and the right to participate in decisions regarding their future, government must sit down with the residents and discuss their plan.**

- **There is a continuing need for leadership in the camp to be identified and encouraged to work together in order to articulate the challenges that they are currently facing. The management on site at the camp is also strongly urged to hold daily meetings between camp leaders, disaster management, police officials and service providers at the camp.**
- **Government must also communicate with camp staff about decisions affecting the camp prior to taking action. There must be adequate time for the staff to communicate with the camp residents before the government proceeds.**

Police Presence

- **Due to the continuing mistrust and fear between camp residents and the police, it is advisable that police activity at the camp be kept to an absolute minimum. Not only does police presence exacerbate existing tensions, but where this results in conflict, it also serves to destabilise the camp. Government must devote efforts to developing adequate and effective conflict resolution techniques.**

Additional Recommendations

- Until such time as Silverstroom is closed down there are many material conditions at the camp which can be improved in order to ensure that residents rights are respected and protected, these include:

Facilities and Shelter

- Provide tents that do not leak and that are better insulated.
- Provide mattresses for those residents who remain without bedding.
- House the women with small children in the bungalows, which provide greater protection against the elements and security threats.
- Distribute the mattresses, blankets, and other supplies that are on site.
- Improve water drainage on site.
- Provide secure flooring that does not retain water.

Location and Access to Employment/Education

- Provide transportation for those residents who work or are seeking work.
- Provide schooling or transport to schools for all school-aged children.
- Make newspapers and/or other outside sources of information available to residents.
- Install a telephone at State expense to allow non-nationals to communicate with their employers.

Security

- Assess the effectiveness of the current security system to gauge the extent to which it is adding value to the camp.
- Discuss with residents ways to provide the necessary security for the camp without causing additional fear or trauma.

Healthcare

- Make mental health experts and counselling available to all residents.