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ZEF-R&D IOM MISSION TO MUSINA - 15 to 18 April 2007

1.0 Introduction

ZEF in partnership with Rights & Democracy Canada undertook a four day mission to Musina, the South African border town with Zimbabwe. The aim of the mission was to research and gather first hand information on the challenges and obstacles faced by many Zimbabweans who cross the border illegally, seeking refuge in South Africa. The intention was to highlight the plight of victims of human rights violations with the view of lobbying the South African authorities, the UN and other organisations involved with immigration issues to address the victims' problems without putting their lives at risk.

2.0 Mission Objectives

- To observe the migration of Zimbabweans into South Africa, in particular the issue of border jumping.
- To identify and interview victims of human rights violations from Zimbabwe
- To establish a partnership between ZEF and other Human Rights Organisations in Musina.
- To access human rights victim reports collected by other research organisations on Zimbabwean immigrants.

3.0 The Team

- ZEF Programme Manager, Eddie Matsangaise
- R&D Programme Agent, Karim Laz
- R&D/ZEF Intern, Allison Coady
- ZEF Project Lawyer, Annah Moyo

4.0 Methodology

- Arranged appointments with key people and organisations
- Visited the Musina border post
- Observed the border fences
- Visited farm areas around the border
- Visited army posts along the border
- Interviewed key people
- Visited the detention centre

5.0 Contacts made

- Musina Legal Advice Centre- Jacob Matakanye and James Chirwa (Tel: 015 533 1002)
- Lifeline Ministries- Pastor Forster Kwangwari
- Klein Bolayi Game Farm – Frank (Farmer)
- Shayne Robinson – Photo Wire Africa (Photojournalist)
- Zacks – Musina Horticultural Farm - Researcher
- Patrolling members of the SADF

6.0 Findings

- Starvation
- Robbery
- Exploitation
- Arbitrary arrests
- Inhumane conditions of detention

7.0 Way forward

- ZEF to issue a press statement on the cruel, inhumane and degrading treatment of Zimbabwean immigrants seeking asylum and awaiting deportation. ZEF issued the first statement on April 24 2007 entitled: Illegal Zimbabwean Immigrants Face Harsh Realities at the Musina Detention Centre. Please refer to Appendix A.
- ZEF will compose and send a letter to the South African Department of Home Affairs demanding the urgent establishment of a refugee reception office in Musina. The letter will be copied to South African Police Service, UNHCR, UN Commissioner on Human Rights, Human Rights Watch, IOM, Musina Legal Advice Centre, Zimbabwe High Commission, SADC, AU, UN, EU, SAHRC, the Consortium for Refugees and Migrants in South Africa, International Crisis Group, and the Council on Foreign Relations.
- Use the report for advocacy and lobbying on regional, continental and international platforms.

8.0 Report

Motivated by reports of an influx of immigrants from Zimbabwe and their torturous journey to seek refuge in South Africa the ZEF/R&D team undertook a mission to Musina, the border town with Zimbabwe to witness first hand and verify these reports. Firstly, reports claim that thousands of Zimbabweans cross illegally into South Africa daily and equally thousands are arrested and deported to Zimbabwe weekly.

The team set out to observe, interview immigrants and key people as well as those affected by this influx. First point of call was the border fence to check how the immigrants managed to cross into South Africa. What the team first witnessed was a highly fortified triple fence close to the border and an army camp, thus the reports of illegal crossing seemed unfounded. However, just a few hundred metres down the road paralleling the border the team was shocked to find the fence cut, dug under and much evidence of breach. At one point the team saw clear marks of what appeared to be

made from crawling and to our horror an abandoned shoe and a baby bottle - items left seemingly by a hurried, fleeing family.



One of three of the seemingly impenetrable border fences (left) and the breach (right)

The team continued down the road along the border and encountered army posts with patrolling soldiers, contractors repairing the fences and various people walking the long road to town. It was impossible to confirm whether these last individuals were South Africans or Zimbabweans; however, those the ZEF team approached claimed to be the former. It was the ZEF team members' beliefs that these people were actually Zimbabweans, though they claimed to be the former. However, it was not far fetched to think that they were Zimbabweans judging by the suspicious and frightened looks they gave to the team and also when realizing that they spoke Shona (Zimbabwean language) amongst one another. The army personnel at one of the posts refused to be quoted or photographed but confirmed that many immigrants crossed the fence at night.



"Immigrants" getting onto a waiting truck

The next stop was a farm shop where the owner also confirmed that many Zimbabwean immigrants passed through the area on a regular basis. The team's objective was to visit farms and compounds in surrounding areas to get contact with immigrants. As we drove along the border fence we came up to a farm, Maroi Boedery. The personnel there were clearly suspicious of the ZEF team and refused to give any information except that their Zimbabwean workers were all legal, and in possession of work permits and they instead

referred us to the owner, Mr Hannes Nel who was not available during the time of the team's visit.



(L to R) Karim and Allison (R&D) giving food packs to starving people along the border fence, retracing steps from the road to the border fence (five metres)

8.1 Visiting the Musina Legal Advice Centre

The ZEF team met with Jacob Matakanye (Chief Executive Officer) and his deputy, James Chirwa who were quite hospitable and briefed us on their activities and experiences with immigrants, and their contact with both the police and army.

The Centre assists victims of human rights violations victims, mainly Zimbabwean immigrants with their applications for asylum. Firstly, they identify the victims by visiting the detention centre and police cells where they conduct interviews and give them letters of recommendation which the victims use for travelling purposes to the refugee reception offices. The nearest office is in Pretoria, more than 400 kilometres away and Johannesburg, a further 50 km away. Matakanye and Chirwa also stressed that immigrants faced insurmountable and inhumane odds in trying to secure legal status in South Africa.



L to R Karim (R&D), James (MLAC), Eddie (ZEF), Annah (ZEF project Lawyer), Jacob (CEO-MLAC), out of picture Allison (R&D Intern/photographer)

8.2 Problems faced by Zimbabwean immigrants

This included the following:

- ☑ Prohibitive visa application procedures in Zimbabwe,
- ☑ Risking crossing the crocodile infested Limpopo river,
- ☑ Dangerous and impenetrable border fences,
- ☑ Arrests by security forces (both army and police),
- ☑ Thugs,
- ☑ Extortion by corrupt officials (army, police, immigration officers),
- ☑ Intolerable heat from the blistering sun (35-38 degree Celsius)
- ☑ Attack by wild animals as they travel mostly at night.
- ☑ In addition, illegal immigrants experience confrontations with angry farmers who blame them for cutting farm fences.
- ☑ Xenophobia attacks from local residents.

8.3 Visit to the detention centre-Musina Military Camp

It was impossible for the team to get permission to access the detention centre so the Musina Legal Advice Centre CEO, Jacob Matakanye offered to take us there. Unfortunately, they could not secure official permission either so they could only drive us past the centre without getting in to meet with the detained immigrants. However, the team managed to peep inside from a 10 metre distance and could clearly see people crowded on the floor through the bars on doors. The team could imagine how the condition inside the building was. Temperatures were in the high thirties outside and could only be considerably higher in a crowded building with an iron roof. To start with, the centre is a huge building with a corrugated iron roof which used to be a goods warehouse where the detainees sit on the floor.

The detention centre itself is being one large hall, is divided into two sections, one for men and the other for women. This divide can potentially be breached, thus rendering women and children unsafe, vulnerable and susceptible to all forms of abuse including rape. These inhumane conditions are in contravention of universal human rights norms and principles to which South Africa is party. Breaches of this nature seem to be carried out irrespective of whether these men, women and children are in the country legally or otherwise. The fact however remains that asylum seekers have a right to human dignity and bodily integrity, which rights accrue equally to 'everyone' in South Africa, whether a legal immigrant, a citizen or an illegal immigrant, according to the South African Constitution and refugee law.



The detention centre (former warehouse) at the military camp where arrested immigrants are held before deportation

Visit to the Township

The team also had an opportunity to tour the Musina Township where the cramped living conditions of both Zimbabwean immigrants and South Africans were quite apparent. We were also informed about a “Operation Murambatsvina” (Zimbabwe’s infamous evictions) type of evictions where ordinary shack dwellers were ruthlessly driven out by the municipality to clear out for new housing. The destruction of this large informal settlement affected both poor Zimbabweans and South Africans. This has led to many people being forced to seek shelter in unfinished government housing, and other disused buildings.



Housing in the Musina Township

9.0 Conclusion

Through this mission, the ZEF-RD team had the opportunity to observe first-hand the challenges many Zimbabwean immigrants experience in order to escape the harsh realities in their home country. The team endured the intense heat and the rough town conditions in Musina for four days. While there, important contacts were made between ZEF and the Musina Legal Advice Centre. Jacob Matakanye and James Chirwa helped the ZEF-RD team realize the desperate need to have systems in place in order to lessen Zimbabwean immigrant hardships on the part of the South African authorities and the international community.

Since the Musina Mission, the ZEF team has issued one press release on the conditions witnessed at the detention centre. ZEF plans to issue more press releases and will continue to lobby on behalf of the Zimbabwean immigrants who cross the border at Musina by the hundreds every day.

10.0 Acknowledgements

- ☑ Rights & Democracy, for their strong partnership and for making the mission possible.
- ☑ Musina Legal Advice Centre, especially Jacob Matakanye and James Chirwa.
- ☑ Human Rights Watch, for their reports on Zimbabwean immigrants in South Africa.

Appendix A

ZEF Press Release:

THE HARSH REALITY OF THE ILLEGAL IMMIGRANTS' DETENTION CENTRE ON WOMEN AND TORTURE VICTIMS



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24 April 2007

ILLEGAL ZIMBABWEAN IMMIGRANTS FACE HARSH REALITIES AT THE MUSINA DETENTION CENTRE

The Zimbabwe Exiles Forum (ZEF) is appalled by the treatment and arbitrary arrest of Zimbabwean immigrants in Musina who are fleeing torture and are genuinely seeking asylum in South Africa. These victims of human rights abuses are detained and deported before reaching the refugee reception offices in Pretoria and Johannesburg for assistance.

During a 4-day mission to the Zimbabwe-South Africa border, ZEF had an opportunity to visit the detention centre for illegal immigrants located on Musina's army base. The detention centre itself is one large hall, formerly a goods warehouse which is divided into two sections, one for men and the other for women. This divide can potentially be breached, thus rendering women and children unsafe, vulnerable and susceptible to all forms of abuse including rape. These inhumane conditions are in contravention of universal human rights norms and principles to which South Africa is party. Breaches of this nature seem to be carried out irrespective of whether these men, women and children are in the country legally or otherwise. The fact however remains that asylum seekers have a right to human dignity and bodily integrity, which rights are shared

equally by 'everyone' in South Africa, whether a legal immigrant, a citizen or an illegal immigrant, according to the South African Constitution.

It is unbearably hot in Musina (38 degrees Celsius) and the detainees are made to sit on the floor, in a warehouse building with no air conditioning. The roof of the detention centre is of corrugated iron, which makes the heat inside the building intolerable.

Most of the detained immigrants are from Zimbabwe, a country known in the region for its turbulent and volatile political issues and socio-economic collapse. Some of the people are victims of torture and are seeking asylum in this country. While still trying to legalize their stay in the country, and before even receiving any legal or medical help including trauma counselling, they are detained by the police, sent to the detention centre, and subsequently deported to the same regime that seeks to kill or harm them. The nearest refugee reception offices that can attend to their application for asylum are in Pretoria or Johannesburg. Hopeful asylum-seekers are denied a chance to come into contact with these offices or other organizations such as Lawyers for Human Rights, UNHCR, ZEF and others whose mandate is to offer them legal advice and assistance with their cases, and to refer them for counselling while helping them to legalize their stay in South Africa. To offer redress to the victims, ZEF presents these cases for litigation to the African Commission and other tribunals for torture.

In this regard, ZEF is appealing to the South African government reception office to see to it that another satellite refugee reception office is opened in Musina as a matter of urgency.

Report by: Eddie Matsangaise (Programme Manager) & valuable input by Allison Coady (R&D Intern)

Press Statement by: Annah Y. Moyo