

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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South Africa: Fear that closure of camps will result in human rights violations

Amnesty International has expressed concern to the South African authorities that the 15 August closure in Gauteng province of the internal displacement camps -- without adequate arrangements for those still displaced by last May's xenophobic violence -- will result in human rights violations.

The organization warned that the closure of the sites prior to the public communication and implementation of a plan for the safe and sustainable re-integration of the displaced persons, could place some of those still residing at the sites at risk of human rights abuses. These abuses could include arbitrary detention, violations of their right to life and to physical and mental integrity, or forcible or coerced return to countries from which they fled previously where they may face persecution.

These concerns are underscored by the threat from authorities to arrest for trespass any person found on the sites from noon on 15 August, and current deportations from Lindela of asylum-seekers forcibly removed from Glenanda camp on 22 July whose claims were rejected without access to legal advice or full procedural safeguards, as required under international standards.

In a series of letters to national and provincial authorities, Amnesty International stated that all levels of government in South Africa have obligations to protect and meet basic needs of all the displaced and to ensure that refugees, asylum-seekers and others in need of international protection are not subjected to forcible return (refoulement).

Amnesty International informed the authorities that withdrawal of shelter and other basic services from refugees, asylum-seekers and others in need of international protection at the Gauteng sites could amount to "constructive refoulement" or coerced return to persecution as a consequence of the deliberate denial of economic and social rights. As such, these actions and consequences could constitute a breach of South Africa's obligations under international, regional and domestic law to not directly or indirectly return any individual to a country where they would face persecution.

Amnesty International appealed to the authorities to ensure provision of safe access to (without discrimination of any kind) essential food and potable water; basic shelter and housing; appropriate clothing; essential medical services, sanitation and safety and security are provided to avoid this likelihood.

The authorities are also required to ensure that the formerly displaced persons "do not suffer attacks, harassment, intimidation...or any other form of punitive action" upon their return to their homes. Protection against such acts is also required by South Africa's obligations under domestic and international law.

Amnesty International urged the relevant authorities to ensure that existing community safety plans, or those currently being developed, incorporate particular reference to measures to promote the safety of refugees, asylum seekers and migrants.

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