

Monthly Report – July 2014

Projects Abroad Human Rights Office, Cape Town

The month of July kicked off with an influx of volunteers to the Human Rights office. This year we have hosted about 50 volunteers and interns, not including the 2 week special volunteers. The office has been abuzz with the sound of different accents from all over Europe, Australia and America. There has been a sense of excitement and competition.

According to the South African student calendar, a majority of the schools close for three to four weeks from the second week of June to mid- July. Therefore we have less youth to work with at the young offender facilities and for some, like Ottery, the project is shut down. During such holidays we partner with Siyakhatala in the Khayalitsha Township, where we assist with the planning of a Holiday programme for young students to keep them busy during the school holidays.

This month also brought the Nelson Mandela day fever. Nelson Mandela invited South Africans to celebrate his birthday on the 18th of July by spending 67 minutes doing something for the less fortunate members of our communities. The 67 minutes is a representation of the 67 years he spent fighting for social justice. In his State of the Nation Address at the start of July, President Jacob Zuma called upon South Africans to commemorate this date by attending to a cleanup of the community. PAHRO was eager to participate and we did so by refurbishing certain parts of the school in the Khayalitsha Township.

Taking into account that a number of the youth we work with were home for holiday we chose not to introduce new topics but revisit and revise previous workshops that we had presented with the goal of going into greater depth and giving opportunities for more questions from the youth.

Vredelus house

Workshop one: Peer Pressure

More often than not, when one talks about peer pressure in a youth context, the focus is on negative peer pressure. This time around we sought to educate the girls at Vredelus on the positive aspects of peer pressure and enlighten them to the fact that they are in a position to wield positive influence over others.

A majority struggle with the idea of being “cool” or being part of the crowd, and as such are

susceptible to manipulation. The focus of our workshop was the ladies to learn that they should be the change they wish to see, and that at first their peers will fight them, try to humiliate them, but in turn they will respect them for standing their ground.

We discussed some of the challenges they face when they try to do what is right against the odds and what makes them keep failing into the same traps and same cycle of mistakes.

The ladies were open to discussing both positive and negative aspects of peer pressure that they have encountered.

Workshop two – Interactive games

We took advantage of the school holidays and took a break from our usual workshops. We played interactive games that required the volunteers to interact with the girls. The atmosphere was relaxed and informal and gave an opportunity for the girls to freely talk about themselves and get to know the volunteers.

The nature of the games required team work and a competitive spirit as well as challenging the girls to think quickly on their feet.

Workshop three – Mandela Day

Mandela Day was a major topic of discussion across South Africa, with different companies and organisations planning the activities to be done on this day. We therefore decided to discuss Mandela Day with the ladies and find out what they would like to do.

This particular activity required the volunteers to do research on the history behind the Nelson Mandela Day celebrations and the significance thereof. Upon attending Vredelus to have an interactive discussion on the topic, we realised that a majority of them did not know or understand the significance of the 67 minutes or that it is a celebration of Mandela's actual birthday. We therefore had a workshop on the day and discussed different activities they could do for their communities.

Workshop four – Basic first aid

First aid is essential in emergency cases, as knowing what action needs to be taken to control an emergency can make a difference between life and death.

Some of our interns had previously done first aid courses, so they were equipped with the knowledge of what to do during an emergency situation.

In the presentation we gave the girls some useful information such as making an initial assessment of a victim, how to detect an emergency, how to protect yourself from any infections, effective control of bleeding wounds, dealing with broken bones, as well as head and neck injuries.

The most important lesson during the presentation was when to call emergency services and how to describe the emergency scene to an operator, as the more details they have, the better prepared medical teams are when they arrive on the scene.

We encouraged the girls to get first aid training in the future as it is a good skill to have.

The feedback we received after the presentation was interesting as most of the girls continued to practise first aid manoeuvres on each other and requested to learn more about the basic first aid and about relevant courses.

Bonnytoun

Workshop one: Peer Pressure

We did the same workshop which was done at Vredelus.

The boys were able to relate to being influenced negatively through peer pressure as most of them are at Bonnytoun for doing things that were against their better judgement and because they felt they were forced in doing so.

After the workshop we talked to the boys about peer pressure and most of them admitted that it was hard to say to "negative" peer pressure, but would in the future choose to be influenced positively and wanted to make their family or friends proud by choosing to make "positive" decisions.

Workshop two – Countries

We did this workshop in the past and found that the boys enjoyed learning about the countries the interns come from.

This was the first time we did this presentation with this particular dorm; however they sat down, listened and seemed to be intrigued.

The interns prepared a three minute slide show presentation on their home countries; their traditions, food, music, famous tourist locations, well known artists and sports.

The presentation was well prepared and it was interesting to see that the boys were so eager to learn about the different countries.

The boys asked if they could learn about more countries, when new interns attend Bonnytoun.

Workshop three – Mandela Day

We did the same workshop which was done at Vredelus.

The boys seemed to be very interested in learning about the significance of this day and were eager to find out what they can do for 67 minutes since they are in a detention facility.

We advised the boys to do 67 minutes reading, getting to know someone, helping one of their inmates or supervisors, or spending 67 minutes by themselves so that they can get a perspective of what they want for their future.

Nelson Mandela is a role model for many and we were glad that the boys were able to learn more

about this iconic man.

Workshop four – Basic first aid

This was the same workshop which was done at Vredelus.

The boys paid attention and asked questions.

The basic first aid manoeuvres were very popular amongst the boys and they all wanted to demonstrate what they have learned from what we have shown them.

In the future we will be doing more first aid workshops as equipping them with this basic skill is a necessity which could help them in emergency situations.

Ottery Youth Care

We were unable to attend Ottery Youth Care as they were closed due to the school holiday.

Women's Shelters

Sisters Incorporated

Workshop One – Xenophobia

We approached this topic as, over the past month, we have been discussing two key issues, namely employment and housing, during which many of the ladies expressed their opinions that foreigners come into the country, take all the jobs and get allocated housing. We wanted to demonstrate that refugees' lives are not as simple as they often think, and that they do not arrive in South Africa with ease, but are often fleeing civil war or political persecution. Rather than creating a presentation, we decided to hold this workshop as a discussion, finding out how much the ladies know, imparting information that the volunteers have learned during their time at PAHRO, as well as sharing stories from their home countries. The ladies seemed surprised and interested to hear about similar stories happening in European countries, as well as in Northern America and Australia! It really seemed to make them think about refugees' circumstances, and they started talking about incidences including the xenophobic attacks in 2008, as well as the many cases of violence against Somalian shop-owners. After this interactive discussion, we revisited the facials of the previous week. Some of the ladies had rightfully stated that, while their skin felt lovely and fresh, they are unable to afford such products to use regularly. For this reason, we decided to do home remedy skin care, which are much more accessible on a tight budget. These included exfoliator made from sugar water, cleanser from tomatoes, face mask from avocados, rejuvenation from cucumber, and lastly moisturiser from bananas! The ladies loved not only the facial treatment, but also eating some of the fresh fruit and vegetables! They were laughing a lot, had their photos taken with their faces smeared in avocado and said that their skin felt even better than with the branded products!

Workshop Two – Nutrition

This topic was based on the notion that the next generation are the future, and the volunteers and

the ladies talked about different aspects of nutrition, learned about the food pyramid, and found out where to get various vitamins and minerals. The women were particularly shocked when they heard about all of the negative side effects of fizzy drinks!.

Workshop Three – B-BBEE

This workshop focused on Broad-Based Black Economic Empowerment, which one of the ladies at St Anne's requested be discussed. It is an interesting topic, and many people are highly opinionated on the matter. The volunteers explained the principle of B-BBEE in relation to the law, and what it seeks to achieve, while the ladies told their own personal stories about how the strategy has affected them. The general feeling that came out of the session was that the ladies feel that it is benefiting only the black Africans, and leaving the coloured community dragging behind.

Workshop Four – Preventing the Spreading of Disease

This workshop was geared towards how to educate children about certain diseases. The volunteers chose to focus on HIV/Aids, tuberculosis and rabies. They presented facts about each, and then had a short quiz focusing on how the illness can be spread from one person to another. The ladies were quite knowledgeable about this topic, even being aware that HIV can be transmitted through a mother breastfeeding her child. Following this, the ladies and volunteers played Bingo, for which there was chocolate as a prize, and then the ladies taught the volunteers some games that they enjoy playing.

Workshop Five – Assisting with Clothing Sale

Another fund-raising clothing sale was taking place the following day, and the volunteers were asked to assist in the preparation.

St Anne's

Workshop One – Xenophobia

The ladies had a similar perception to the situation of refugees in South Africa as those at Sisters Incorporated; they are aware of xenophobia-related incidents which take place, particularly in townships, but there is still the sentiment of "us" and "them". The ladies were interactive in the discussion, and also really enjoyed the home-made face masks.

Workshop Two – Nutrition

The ladies do have quite a good knowledge of 'good foods' and 'bad foods', but were not sure where specific vitamins and minerals can be found, and thus they found this workshop useful. The volunteers and women also discussed the cost of living in relation to feeding themselves and their families a healthy diet – the fact is that fast food outlets offer much quicker and cheaper options than to buy vegetables and cook. As with the ladies at Sisters, they were horrified by the amount of sugar and additives in cool drinks.

Workshop Three – B-BBEE

One of the ladies had requested discussing this topic, and most of them were interactive. They

wanted a better understanding of the strategy, and to find out how it may benefit them. There were ladies of white, coloured and black race present, so it made for an interesting discussion. Ultimately, however, none of the ladies felt that they had benefited from B-BBEE, and one of the coloured ladies felt that she had previously been discriminated against when applying for a job.

Workshop Four – Cancelled

A lot of the ladies had been called for job interviews, leaving just one at the shelter, and so the workshop was cancelled.

Mandela Day

For Mandela Day we decided to clean and renovate a school in a township called Khayalitsha.

We divided the volunteers into three groups according to the tasks they signed up for:

- Bungalow & garden (this consisted of people assisting Shuan with cleaning the garden and fixing up the bungalow)
- Painting of classrooms and jungle gym
- Picking up litter and laying concrete slabs

Each of these groups was led by a member of PAHRO staff and had a number of interns assigned.

On the morning of Mandela Day, Friday, 18th July, we headed off to the school where we were met with teachers and members of Siyakhatala.

Together interns, PAHRO staff and Siyakhatala members painted four classrooms and weeded the garden.

On their own, five interns painted the Jimmy jungle in bright colours, so that it could look attractive for the children when school opens.

Three male interns assisted Shuan with fixing up the bungalow, for which they had to sweep, put on a door, fit a window, put burglar bar gates on the door and window, as well as paint it. In the past the bungalow was used to store books and toys for the school children, however due to the bungalow being vandalised by thieves it was deemed unfit and unsafe to use, but now that it is fixed it will be used as a store room again.

After we finished at the school, we treated the interns to what is called "shisa nyama", which means barbeque and pap, which is part of the township experience.

The interns really enjoyed this and we were surprised that the interns found the local delicacy so divine.

Legal Services

Maria Mulindi

Laura van der Laan – Refugee Case

Our client came to us for assistance regarding his travelling documents and due the lack of assistance from a law firm of which he is also a client.

Our client was arrested at the border while travelling and was detained for twenty eight days. The client was informed by officials that his passport was invalid, however he does have a valid passport, visa, work permit and travel document.

We contacted the Cape Town Police Department in order to see if the client was considered an undesirable person or if we can receive a certificate of good conduct for the client.

We were informed that the client could receive the certificate; however he needs to go to the Cape Town Police Department himself.

We also contacted the law firm to which our client belongs and posed as a friend, describing the client's situation. We were then informed by the lawyers that he definitely could be helped. We then drafted a letter of demand concerning compensation for the lack of legal support provided by the legal firm.

We are currently awaiting a response from them.

Phenix Byrd – Refugee case

The client's husband came to our office for assistance regarding her matter.

The husband wanted to transfer his refugee status from South Africa to a different country, because he did not feel comfortable with South Africans and he was having a hard time finding a job.

After the consultation we realised that his wife's refugee appeal case was built on the fact that he would soon apply for permanent residency in South Africa. We then had to build our argument on different criteria, since she did not think she could guarantee that her husband will be staying in South Africa or apply for permanent residency.

A week later the client came into the office without her husband in order to fill out the standard asylum seeker questionnaire, which is in preparation for a refugee status appeal hearing.

After reading through the questions and answers we then did research on the country conditions in Brazzaville, Congo (the client's country of origin), in order for me draft a Heads of Argument.

We researched tribal conflicts and tried to find evidence proving that Brazzaville was unsafe for our client and that she deserved refugee status based upon a "well founded fear of persecution" in her home country.

I then completed the Heads of Argument for the client and we are now awaiting her appeal hearing date in order to proceed with her case.

Emilia Simo Garcia – Compensation case

The client came to us for assistance regarding compensation for a train station accident.

On the 07th July, our client boarded the train at Mowbray station and was due to get off at Retreat station.

As the client was getting off the train, the train started moving away from the platform. This led to a panic by fellow commuters who were also getting off and in the rush, our client was pushed and her foot got stuck in the gap between the train and the platform.

Due to the screaming of the commuters when they saw what had happened, the train finally stopped, by which time she had fallen and was injured.

The client was then assisted by the commuters and agents from the train station who were also present when the ambulance arrived.

As a result of the accident the client lost her wallet, which had R300.00 in it and her monthly train pass.

The client then also informed the train station agents and was assured that they would look for her belongings first thing in the morning as it was already dark.

Upon her return the following morning to the Retreat Train Station the agents acknowledged that they have not attempted to look for her lost items.

We have now made several telephone calls to the train company in order to draw a formal complaint; however we have heard no communication from them.

We retrieved documents from the train station company's website in order to lodge a formal complaint, the client had to fill in an affidavit and attach a copy of the medical report for help sought when she was injured.

We have now lodged the formal complaint and are awaiting feedback from the train company.

Criminal Law and Child Justice Department:

Bonnytown

Continuation of June report:

Case one

Charge: Murder

On the 16^h July 2014, Sherwin and Dorothy Khan attended court, where they were informed that one of the co-accused absconded. Consequently, a warrant of arrest was issued and the matter was postponed until the 7 August 2014 for tracing of the accused, as well as plea of our client.

Case two

Charge: Murder

Our client has been charged with murder, along with six other co-accused.

On 16 July 2014, Sherwin, together with Michael Sacks, Larissa Avans and Nadeem Shaki appeared in the Wynberg Magistrates' Court in order to commence the trial of our client. However, because the defence attorney for the six other co-accused was unable to attend court that day, the trial was rolled over to the 17th July 2014.

On 17 July 2014, we attended court to represent our client at trial. The State introduced all the court officials involved, and thereafter, the trial commenced.

The prosecution called up its first witness, whose testimony detailed the events that occurred on the night of the crime, as well as the parties who were involved in the alleged murder. During examination in chief of the State witness, he described his relationship with each of the co-accused, and focussed on their specific roles in commission of the crime. The witness identified all the accused, including our client, and denied having seen our client at the scene of the crime on the date of the murder. This came as a surprise to PAHRO legal representatives, as this same witness identified our client and his participation in the commission of the crime in the witness statement he gave to the police detective in charge of investigation.

After the examination in chief, court time expired and the matter was postponed to 18 October 2014, for continuation of the trial and for our office to cross examine the State witness.

Pollsmoor Prison:

1. Assault Common and Theft

On the 24th of July 2014, Sherwin and Jess Vesely attended Pollsmoor Prison in order to consult with our client. During this initial consultation, the client advised that he had been in prison for 7 days and was due to appear in court the next day. Despite this short notice, we accepted the mandate and appeared in Athlone Magistrates' Court the next morning.

Our client's instruction was that during the previous week, he had taken several pain medication pills and was in a bad mental state. He stated that when he returned home he had got into an argument with his sister and resultantly smacked her. Following this act of assault, he proceeded to his mother's bedroom and took R100 from her purse before running away. When the client returned home, the police were at his house as his mother and sister had reported the incidents to the police. The client was arrested and taken into custody.

On the 25th of July 2014 Sherwin and Jess appeared in court on his behalf. Prior to the commencement of the trial, the father of the client spoke to the prosecutor and advised that he and the sister and mother, who are the complainants, were happy for the client to return home under certain conditions.

The magistrate ordered that the client would be released from Pollsmoor Prison under the supervision and in the custody of his father for a period of 3 weeks. The magistrate ruled that the client will remain under house arrest while awaiting admission to a drug rehabilitation facility, which date would

be clarified on the next court appearance. The matter was postponed to 15 August 2014 for this purpose.

2. Assault GBH (grievous bodily harm)

On 30 May 2014, Sherwin and Anders Schill attended Pollsmoor in order to consult with our client. Our instruction from client is that he attempted to rob the complainant of her handbag. The complainant fought back, which compelled the client to cease with the robbery and attempted to leave the scene. At this point in time, a taxi driver stopped and tried to punch the client whilst the complainant held the client back. In an attempt to escape, the client stabbed the woman in the right arm.

Our office compiled and drafted a bail affidavit and presented it at court in an attempt to have our client released from custody. The application was successful and bail was granted to our client.

The prosecution then requested that the case be postponed in order for the State to complete its investigation. Sherwin objected to this due to the matter being on the court role for a period of two months; therefore suggesting that the State had ample time to complete its investigation. The Magistrate overruled the objection and granted the postponement. The case was postponed to 20 August 2014 for the police officials to complete their investigations, marked final.