

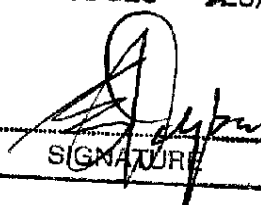
36573/08-rm

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JUDGMENT

IN THE HIGH COURT OF SOUTH AFRICA(TRANSVAAL PROVINCIAL DIVISION)PRETORIACASE NUMBER: 36573/08DATE: 2008-08-12

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DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE	<input checked="" type="checkbox"/> YES/NO
(2) OF INTEREST TO OTHER JUDGES	<input type="checkbox"/> YES/NO
(3) REVISED	
DATE 15/8/2008	SIGNATURE 

In the matter between:

O. MAMBA AND OTHERS


15/8/08

Applicants

Versus

MINISTER OF SOCIAL DEVELOPMENT

Respondent

JUDGMENT

20 MAKGOBA, J: The first to the fifth applicants are the so-called victims of xenophobic violence which engulfed the country recently. They are housed in certain temporary camps provided for by the Government.

It would appear that, in fact it is common cause that the Government is to dismantle the said temporary camps on Friday 15 August 2008. The applicants then approached this court seeking an

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JUDGMENT

order that the Government be interdicted from dismantling the said camps and that the said camps must remain open until the Government comes out with a plan of how they, the applicants, are to be reintegrated into the society.

I have tried to find out as to what plan the applicant have in mind, but I am not sure that I have been clarified on that aspect really. I do not know what plan they do have in mind which the Government must produce in their favour.

Be that as it may, on the papers as they stand, even in argument,
10 I am not persuaded at all that they, as refugees, have a right, which right has been infringed by the Government. The Government, acted in terms of the Disaster Management Act, provided temporary accommodation, which they were obliged to provide in terms of that Act, for a period of about three months, which period has now expired. What is now being expected from the government to do? The Refugee Act does not make any provision for the Government to come out with such a plan.

In the circumstances one asks oneself as to what rights have been infringed. Do they, to start with, have any right at all, to claim that
20 the Government should provide them with accommodation as they seek? I am definitely not convinced on this aspect. In the circumstances I find that the applicants did not make out any case for relief sought. In the circumstances the application is dismissed with costs.
