The Lindela Repatriation Centre, 1996–2014

Applying theory to the practice of human rights violations

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This article is based on media content analysis of more than 230 newspaper articles written on the Lindela Repatriation Centre from its establishment in 1996 to 2014. This centre is South Africa's only holding facility for undocumented migrants[1] awaiting repatriation, and the data revealed that it is a hub of human rights violations. The article juxtaposes the South African Bill of Rights, which supposedly underpinned the establishment of the centre, with the grotesque human rights violations that have occurred there since its inception. In light of this, the article draws on the theorising of Giorgio Agamben (1998), and particularly his theoretical contribution of the 'homo sacer' *as one who has been left behind or excluded from the territorial boundaries that confer the rights of citizenship. I found that the detainees at the centre are largely living in what Agamben describes as a 'state of exception' and that undocumented migrants are often treated as 'bare life', as individuals who are subject to the suspension of the law within the context of the centre. Since they are non-citizens of the recipient state, these actions amount to xenophobia, which manifests in a gross violation of human rights.*

Undocumented migrants awaiting deportation are initially detained in what have been termed repatriation centres, deportation centres, and detention centres. While there is no clear distinction between the three facilities, they seem to serve the same purpose: to house undocumented migrants who are awaiting deportation. In South Africa, the Lindela Repatriation Centre is one such holding facility. The South African Immigration Act (Act 13 of 2002) authorises the Department of Home Affairs (DHA) to detain undocumented migrants at Lindela for the purposes of deportation. The Act also sets out a series of procedural guarantees to ensure that the process is administratively fair and that none of the detainees' constitutional rights are violated.

The advent of democracy in South Africa in 1994 brought with it the promise that the Bill of Rights, contained in section 2 of the Constitution,[2] would be equally upheld for everyone in the

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country. The Bill of Rights is the 'cornerstone of [South African] democracy' that 'enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom'.[3] These protections extend to people in detention or prisons, as the Bill of Rights mandates that '[e]veryone has inherent dignity and the right to have their dignity respected and protected'.[4] This is echoed in section 35(2)(e) of the Constitution, which provides for the right to conditions of detention that are consistent with human dignity:[5]

> Everyone who is detained, including every sentenced prisoner, has the right ... to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.[6]

There is a large body of research that has been conducted on immigrants in detention in South Africa.[7] In this article, I add to this body of knowledge by investigating the experiences of detainees awaiting deportation. Research on Lindela has largely been done by think tanks and human rights organisations such as the South African Human Rights Commission (SAHRC) and Lawyers for Human Rights (LHR), findings which have been referred to in different newspaper articles.[8] Academic researchers generally have an increasingly difficult time to access repatriation [detention] centres.[9] I sought to analyse newspaper articles as a way to understand how the events at Lindela were reported in the media, and to analyse the public discourse around the centre. Using the articles that were written on the Lindela Repatriation Centre from 1996–2014, I argue that the detainees' experiences amount to violations of the South African Constitution.

Theoretically, I draw from the writings of Giorgio Agamben, an Italian philosopher, who describes the notion of 'bare life'[10] to refer to a state in which the sustenance of biological life is given priority over the way in which that life is lived. Agamben merges sovereignty and biopower in *homo sacer*, an archaic Roman figure of law who is excluded from human life to live a bare life of mere existence. This theoretical concept has been utilised in describing deportation and detention in the global North[11] and the global South.[12] In this article, I argue that detained undocumented migrants are often treated as 'bare life' – as individuals who are subject to the suspension of the law in all spheres of life due to their 'illegality'.

The origins of the Lindela Repatriation Centre

The Lindela Repatriation Centre is the only holding facility in South Africa for undocumented migrants who are awaiting repatriation. The centre is located approximately 40 km away from Johannesburg,[13] and holds up to 4 000 detainees of both sexes. Lindela was set up by the Department of Home Affairs (DHA) and the Dyambu Trust[14] as a so-called experimental centre aimed at relieving overcrowding in nearby Gauteng prisons.[15] News reports show that Lindela was viewed by this coalition as a 'way of contributing to the normalisation of South Africa'. At the same time, they admitted that while they 'are not against foreigners coming into South Africa, [they] must assist our government in curbing the influx [of foreigners into South Africa]'.[16] The centre was initially run by the private company Bosasa, which has been implicated in a number of state capture scandals and has recently rebranded itself as African Global Operations 'in an attempt to erase their dirty footprint'.[17] Although the centre was initially conceived as a partnership, DHA is legally and administratively responsible for all matters pertaining to the apprehension, holding, processing, repatriation and release of undocumented immigrants at the centre.

Research methodology

Repatriation centres pose a myriad of methodological complexities for researchers, the most crucial being gaining research access, as governments generally refuse permission to allow academic studies of such institutions, or of those who stay or work in them.[18] Consequently, there have been relatively few studies of the Lindela Centre. The Forced Migration Studies Programme (FMSP), based in Johannesburg, conducted a survey in which over 700 participants were interviewed to document detainees' experiences around 'their arrest, documentation, detention prior to arriving at Lindela, procedural processes at Lindela, prolonged detentions and conditions of detention, including medical care and basic needs, as well as experiences of corruption and violence'.[19] Amit and Zelada-Aprili's 2012 study reviewed 90 detention cases from February 2009 to December 2010 in order to investigate both the DHA's disregard for the law and the wastage of corresponding government resources.[20] Only one other study, by Vigneswaran,[21] drew its data from newspaper articles on detention and migration to research the media's representation of undocumented migrants in South Africa.

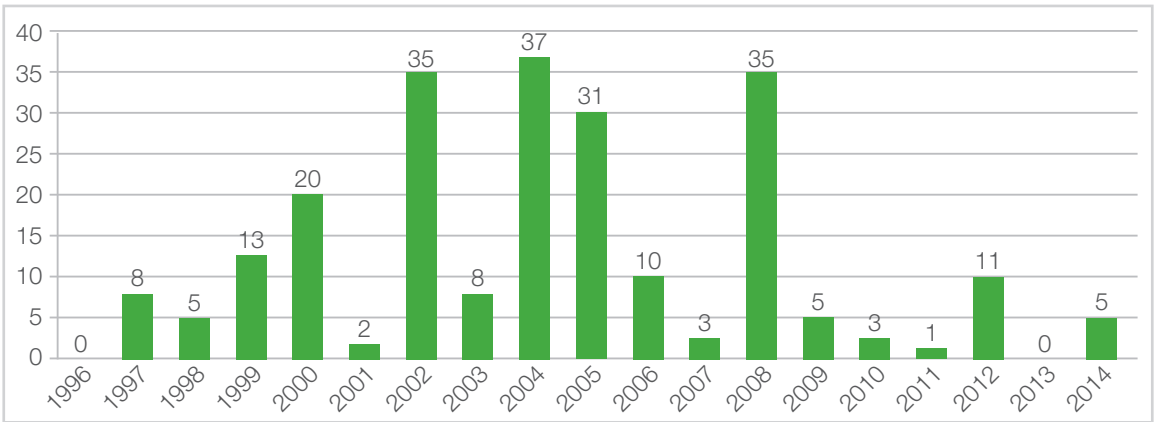
To document detainees' experiences at Lindela from its establishment in 1996 to 2014, this study used a qualitative research methodology to reduce, make sense of and 'identify core consistencies and meanings' in a volume of material.[22] This was carried out through qualitative content analysis, which refers to the analysis of documents and texts, including a variety of different media (in this case newspaper articles).[23] Media content analysis is a non-intrusive research method through which a wide range of data, covering an extensive period of time, can be analysed to identify popular discourses and their meanings.[24] I was also able to draw from a wide range of articles from different media houses, although it was not possible to tabulate the number of articles written by each journalist in the identified time period.

Selection of newspaper articles

The analysis covered articles published in South African newspapers over the period 1 January 1996 to 31 December 2014. The articles were accessed through the SA Media platform, one of the most comprehensive press cutting services in the country, offering access to a database of more than 3 million newspaper reports and periodical articles that have been indexed on computer since 1978.

A single key search word ('Lindela') was used to identify 232 articles in 23 newspapers. Figure 1 below illustrates the number of articles written on Lindela between 1996 and 2014 that were returned, based on these search criteria.

Figure 1: Number of articles on Lindela from 1996–2014



Most of these articles were published from 2000–2008. The year 2008 signifies the height of xenophobic violence in South Africa, when over 60 people were killed and the media reported that 'thousands' scattered, seeking refuge.[25] From 2009, articles on Lindela declined significantly. Figure 2 below illustrates the number of articles published on Lindela in each of the 23 newspapers identified through the search criteria.

The top five publishers were *The Star* with 65 articles; the *Sowetan* with 34 articles; closely followed by the *Citizen* with 31 articles; and *City Press* and *Pretoria News*, with 18 and 14, respectively. Nine newspapers had one article each within the time period.

Data analysis and limitations

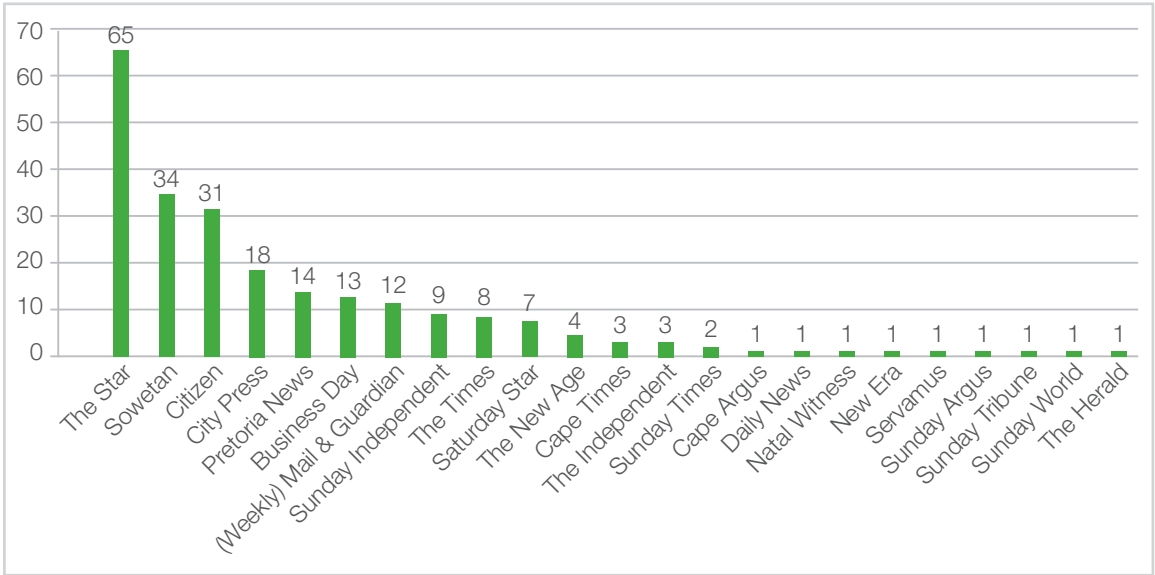
Using procedures common in content analysis, I defined the themes to be used in the research,[26] and then coded the data by taking notes from the newspaper articles. This was an iterative process, as I read the articles several times, and then collated the various themes. In order to be consistent when doing the analysis, I used the same procedures in examining the content of each newspaper article. I also compared articles written on the same incident across platforms so as to verify the trustworthiness of the story.[27]

A major limitation in this process was that some articles were poorly copied, which made them difficult to read. Others had been (physically) cut out of the hard-copy newspaper, and had – in some cases – text missing, which rendered them only partly useful. Secondly, at the time of data collection I could only gather articles on 'Lindela' until 2014, which meant that nothing could be accessed beyond that time. There is, however, little to suggest that much has changed since then: the company responsible for managing the facility may have changed (from Dyambu to Bosasa, and then renamed African Global), but the way in which Lindela is being run is still the same.

Findings

The analysis of the data collected from the newspaper articles revealed a clear and consistent theme: gross violations of human rights. The South African Human Rights Commission and Lawyers for Human Rights have consistently highlighted the abuses and human rights violations taking place at Lindela since its inception. These organisations have

Figure 2: Number of articles on Lindela by publisher from 1996–2014



not only raised these issues through the media but have also taken the responsible parties to court. The articles examined for this study documented a diverse range of violations and abuses, from physical violence (beatings, sexual abuses, physical torture), to the denial of adequate food, inadequate healthcare, and lack of hygiene.

Lindela – a place for animals

The data shows that Lindela has been constructed to be a place unfit for human habitation – where human beings are treated like 'animals', beaten, and generally not cared for. Kumbulani Sibanda, a Zimbabwean national who was once detained at Lindela, said that 'it's not a place meant for human survival'. Another Zimbabwean detainee, Andy Duffy, similarly said that '[t]he problem is that we are not treated like human beings … Yesterday guys were beaten severely. One guy was 13 years old. He was severely beaten with a baton stick.'[28] Detainees described how people would be beaten 'for such simple things as queuing for food, smoking or even speaking in your own native tongue'.[29]

The newspaper articles show that the personnel at Lindela even describe detainees as animals. Evans Owusu, a Ghanaian teacher, spent four weeks at Lindela and reported: 'I was hit by a security guard yesterday. He called me "an animal".'[30] Dube, a Zimbabwean who had been living in South Africa for 12 years, alleged that detainees were being tortured at Lindela, saying that 'our people [detainees] face harassment. They are treated like animals and murderers.'[31] According to him, 'in 2012, there were reported incidents of inmate abuse at the centre. Somalians, Congolese and Ethiopians were very dissatisfied and frustrated at being at Lindela and accused the DHA of failing them.' Another inmate similarly commented that the 'guards treat us like animals and assault us as they wish and they [Home Affairs officials] do not care what happens to us. They do not even want to listen to our complaint.'[32] Frederick Ngubane, who was detained for almost two months at Lindela in 2010, said that 'they treat you like you are worse than an animal. If you complain about anything, they beat you.'[33]

In some instances, the detainees were scared of reporting the perpetrators because they feared more beatings.[34] These beatings would be done in full view of the other detainees, but the inmates alleged that they were carried out when the cameras were off. In the event that an inmate died, the guards claimed that s/he had been beaten by other inmates.[35] Suzyo Kamanga, a Malawian national with South African permanent residency, was quoted as saying, 'the people there do not respect us … they beat them [detainees] like criminals'.[36] Patience Ekutshu, a Congolese asylum-seeker who went on a hunger strike with another inmate, was severely assaulted by Lindela security officers and cleaners with batons and brooms. 'The way they were beating me, I thank God I am alive,' he remarked. He claimed that he was beaten so badly that he had to spend a week in Leratong Hospital.[37]

In another incident, Hamid Mnesi, a detained Malawian national, died on his way to hospital after being assaulted with baton sticks, sjamboks and a gun by Lindela personnel. Another unnamed detainee died after being in a critical condition after a similar assault.[38] The deceased had sustained severe head, back and chest injuries, as well as lacerations that could have been caused by barbed wire.[39] The authorities alleged that he and four other inmates had attempted to escape.

Jonathan Ancer recounted the story of a whistle-blower guard at the repatriation centre who gave a heinous account of what happened there.[40] Admitting that 'we beat them; we take bribes – but it's not our fault', the whistle-blower said that the guards sold marijuana, an illegal substance at the time, to the inmates,

to supplement their own personal income. Isaac[41] also recounted how the guards resorted to violence because of insufficient training to deal with inmates: 'We beat the immigrants [undocumented migrants in detention] and we're encouraged to beat them.'[42] He also told of an incident where the guards beat a mentally ill patient until he passed out. Solly, a former Lindela guard, said that he and other guards routinely walked around with hosepipes with which to hit the inmates, but were told to hide them when journalists and human rights groups visited the centre.[43]

It is quite evident that from the data that the beatings and assaults, combined with being treated as 'non-humans', was a lived experience of the detainees. This contravenes section 10(1) of the Bill of Rights, which states that 'everyone has inherent dignity and the right to have their dignity respected and protected'. This kind of treatment also violates the right to freedom and security of the person protected in section 12 of the Bill of Rights, and, in particular, the right to be free from all forms of violence from either public or private sources;[44] not to be tortured in any way;[45] and not to be treated or punished in a cruel, inhuman or degrading way.[46]

Sexual abuses

Sexual abuse of women detainees by staff was also rife at Lindela. In exchange for sex, female inmates were promised freedom, which never materialised.[47] Mendi Mnyathi, a female Zimbabwean detainee, was quoted as saying, 'I have endured unbridled insults and have had food thrown in my face because I refuse to have sex with him [a male Lindela staff member].' Sinikiwe Msimang, another Zimbabwean woman, told how '[t]he guard asked me for sex in return for my early release, an offer which I steadfastly refused. Afterwards, his general conduct towards me was, to put it mildly, appalling.'[48] Gina Snyman, an attorney at the Detainee Monitoring Project at Lawyers for Human Rights, confirmed these reports, saying that Lindela was not only a haven for corrupt officials but that she had 'even heard about female foreigners who are booked out at night to perform sex work. It's a very dysfunctional place.'[49]

Again, this kind of abuse violates the protections under sections 10 and 12 of the Constitution. Moreover, section 12(2) sets out that '[e]veryone has the right to bodily and psychological integrity', which includes the right to make decisions concerning reproduction[50] and to security in and control over their body.[51] Since the detainees were not in a safe or secure space, their rights were again violated.

Appalling living conditions and hygiene

The data showed that the living conditions in Lindela were horrendous. A former detainee, Yokojama, described how inmates stayed in appalling conditions:

> I got ill within three days of arriving at Lindela because the place is overcrowded. In a cell which was supposed to accommodate only 15 people, we were packed up to 70 – made to sleep two on a bed, with some sleeping on the floor where water from a leaking toilet would wet mattresses.[52]

She went on to say that 'no soap and towels were provided to detainees, although they were available at a shop [at a price] on the premises'.[53] According to another source, the inmates were spread across two sections; A and B blocks. The rooms had running water, but neither toilet paper nor soap. One inmate describes the cell:

> The cell was roughly 10 m by 9 m. Inside the cell was a shower with a toilet next to it and a silver basin where those who had toothbrushes and toothpaste brushed their teeth. The walls around the toilet

were 2 m high. Dozens of men formed a queue to the toilet after we had supper. Because the partitioning wall does not go right to the roof, the stench emanating from the toilet flooded the cell. Man, I've never appreciated cigarette smoke like that. It served as an air freshener![54]

The beds were flea infested, and most inmates preferred to sleep on the floor. This was the same issue that was raised in 2000 when it was noted that there were lice.[55] Another inmate claimed that she was bitten by fleas at Lindela.[56]

The detainees received two meals a day at Lindela, but these made them ill.[57] According to Lindiwe,[58] '[d]etainees were hopelessly underfed. We were fed a cup of soup which was like filthy dishwater and given a stale piece of bread. In the afternoon, we received a bowl of mealie meal and another cup of the disgusting liquid.'[59]

During her detention, Yokojama suffered from a number of ailments, including flu, tonsillitis and sinus pains, but she was not given medical attention. She would be intimidated if she complained.[60] In 2005, then Minister of Home Affairs Nosiviwe Mapisa-Nqakula ordered an investigation into the deaths of two Zimbabweans at Lindela – pregnant 18-year-old Alice Chumba [Tshumba] and 22-year-old Mcabangeli Mlambo.[61] Alice died at Leratong Hospital near Krugersdorp when she was seven and a half months pregnant.[62] Her post-mortem revealed that she died from gastro-enteritis pulmonary oedema (fluid in the lungs), while Mcabangeli had suffered from flu and conjunctivitis, vomited blood and bled to death. In another case, a 23-month-old infant in the custody of a Congolese woman died from pneumonia, which had progressed to septicaemia and shock. An article dated 30 October 2005 reported that a total of 52 detainees had died since the beginning of the year; nine at Lindela and 43 upon referral to Leratong Hospital. Another article reported that 70 detainees had died between January and August 2005.[63] The diseases that these inmates succumbed to were preventable and curable.

The data shows that detainees were staying in horrendous living conditions, where they were refused adequate healthcare and food. Conditions at Lindela clearly violated sections 10 (the right to human dignity) and 27 (the right to healthcare, food, water and social security) of the Bill of Rights.

Bribes and corruption

Shoddy record-keeping by the DHA has made it increasingly difficult to verify the immigration status of a migrant in the event that their permit is lost or damaged. For example, the data shows reported incidents where documented migrants were detained at Lindela due to errors on the part of the DHA. These errors have been described as 'bureaucratic failures, incompetence, and corruption' of the DHA and its officials.[64] In 1998, Danny Mansell, the Director of Dyambu Operations, confirmed that Lindela was plagued with corruption, and that both Lindela staff and Home Affairs officials had been caught taking bribes.[65]

Nathan Mwale's brother, Jones, recounted how 'Bobo', the facility's second-in-charge, had taken his brother's documents and came back 30 minutes later and told Jones, '[m]ake a plan', going on to say that '[m]y brother, *nix khokha* (without paying), I can't help you …'[66] In 2003, Ephraim Sukazi,[67] a South African citizen, only found freedom after his cousin Petros Hlatswayo called Lindela, and was advised to bring with him R700 for Ephraim's release, or else he would be 'repatriated'.

If you have money, freedom is imminent. The *Saturday Star* was able to contact three people who were believed to have paid R450 each to leave the repatriation centre,[68] although other reports allege that, depending on the officer, one could be released for as little as R10.[69]

Suzyo Kamanga, a Malawian national with valid documents, paid R800 to be released, confirming that 'if you can pay, you can leave'.[70] Brian Nkululeko, a Zimbabwean, described how a Home Affairs official secured his freedom after he had been arrested and sent to Lindela: 'After I gave the guy R800, he wrote a letter for me to be released. It happens all the time … It's not the police, it's Home Affairs. There is always someone there who wants money.'[71] Lindiwe, a former detainee, elaborates:

> Unless you happen to have a few hundred rands on you when you are arrested you will not survive Lindela. The guards demand cold drinks and cigarettes from male detainees. If they don't have money to buy these items, the guards beat them unmercifully. The continuous beatings of males at Lindela is one of the most upsetting things about being at Lindela.[72]

The data therefore reveals that Lindela was so broken that you could literally 'buy freedom', as 'bribery remains a viable option for avoiding detention'.[73]

Living in limbo

Alleged undocumented migrants can only be kept in custody for a maximum of 30 days, after which their cases must be reviewed and they must be deported, charged or released.[74] Detaining someone longer than this is deemed to be an illegal deprivation of a person's liberty and an unconstitutional violation of their rights to freedom and security.

Yet, these protections do not appear to exist at Lindela. One article argues: 'Under apartheid you could be detained for 90 days without trial, under democracy you can be detained for up to 120 days without trial – if you are an undocumented migrant.'[75] Cases have been raised in the press of undocumented migrants who had been at Lindela for 'too long'.[76] The SAHRC has filed a case on behalf of 40 undocumented migrants at Lindela – some of whom have been detained for between 60 and 150 days. These migrants are also frequently exposed to abuse by the authorities. Some detainees have been held in excess of 120 days and in contravention of detention laws. For example, in 2012 an inmate reported:

> In the past two weeks to three weeks, most of us who had spent more than the maximum 120 days in this place were given release letters. We were told that we were free to go. Instead of the promised freedom, we found immigration officials waiting for us outside, saying they were taking us to Home Affairs in Pretoria to have our documents fixed … Instead they took us to different police stations, including Mamelodi East and Atteridgeville, where we spent two weeks and others a week … From the police station we were driven back to Lindela, where we have been provided with new cards with new dates of arrest, because we refused to be repatriated to our countries for fear of being killed or incarcerated.[77]

In terms of section 34 of the Immigration Act 19 of 2002, an undocumented migrant may not be held in detention for longer than 30 calendar days without a court warrant, which on good and reasonable grounds may extend such detention for an adequate period not exceeding 90 calendar days. The above evidence demonstrates that there were clear violations of rights at Lindela, as some of the detainees simply remained in limbo at the centre.

Discussion

The data presented above shows that life in Lindela was layered with violations of human rights, including the right to human dignity, to freedom and security of the person, and to healthcare, food, water and social security.

Foucault uses the concept of 'biopower' to describe a mechanism, or mechanisms, through which the state exercises power and control over its citizens by regulating or controlling life. I argue that Lindela is an example where – through the systematic elimination of outsiders, in this case migrants, and through the disregard of human rights – the South African state has created a class of political 'others'. These others are exposed to what Agamben terms 'bare life' as a result of the intersection of disciplinary power and biopower at the hands of the state. This kind of xenophobia is deployed by the state to ensure that its ultimate sovereign power, the right to kill, is maintained. Foucault argues that killing is not a facet of biopower but one of sovereign power. Agamben, on the other hand, sees the Foucauldian opposition between biopower (the right to let live) and sovereign power (the right of death) as superfluous, instead arguing that they essentially intersect in a previously obscured manner. Agamben calls this hidden point of intersection between biopower and sovereign power 'bare life' – where *homo sacer* is exposed to an unconditional threat of death. As a type of xenophobic biopower, migrants, whether they are documented or not, are represented in negative terms in South Africa as job stealers, criminals, disease carriers and, therefore, a physical threat to the country.[78] In this process, the foreigner is represented as a physical disease that threatens the body politic with contamination. The immigrant, documented or not, therefore also represents a symbolic threat to the South African nation.

In criticising Foucault's notion of biopower, Agamben (borrowing from Schmitt) proposes the 'state of exception', in which juridical order is suspended. When the 'state of exception' becomes the rule, the legal order remains in force only by suspending itself.[79] Modern states have used the 'state of exception' to justify bypassing the requirement for due process with regard to respecting the recognised rights of citizens, and the separation of powers in cases of dire necessity, like a threat of civil war, revolution, foreign invasion, and now terrorism.[80] The 'state of exception' is therefore not the chaos that precedes order; instead it is the situation that arises from the suspension of the rule of law.[81]

The plight of undocumented migrants is made worse by the South African Police Service (SAPS) and the DHA. These departments form part of the machinery that has left migrants in this 'state of exception',[82] and have (along with other institutions) created an environment that is conducive to xenophobic violence and in which xenophobia has been legitimised by the state. Agamben's 'state of exception' is a direct response to the dualistic contradictions in modern liberal politics, in which liberties and rights mark not a domain free from sovereign political authority but precisely the opposite.[83] By entering the South African territorial space, the undocumented migrant is relieved of citizenship and, as a consequence, of the very rights that people should hold simply on account of being human. The undocumented migrant can only realise rights through the help or protection of sovereign states. Bosworth argues that, '[c]itizenship, unlike a criminal sentence or conviction, is (meant to be) an absolute: you either have it and its attendant rights and obligations or you do not'.[84]

The loss of rights is exacerbated when the idea of the 'other' is successfully politicised. Papastergiadis argues that 'they are excluded from the field of human values, civic rights and moral obligations … [thus] maintaining the boundary that divides "us" from "them".'[85] Undocumented migrants are perceived as strange and dangerous, and violence against them is seen as a justified response to this threat. As the logic of the 'state of exception' becomes more generalised in society, and

'bare life' results, the undocumented migrant becomes the political 'other', the *homo sacer* who has been left behind or excluded from the territorial boundaries that confer the rights of citizenship. In South Africa, the flow of undocumented migrants into the country exemplifies 'bare life', as migrants are stripped of the mask of nationality, and of rights.

The notion of 'bare life' is also exemplified in the way that the state as an institution treats undocumented migrants. Lindela creates health risks for detainees[86] as the overcrowding and lack of adequate ventilation put detainees at risk of contracting diseases like tuberculosis (TB). Regular access to healthcare for chronic conditions such as HIV and TB is scarce. The food is poor and the living conditions are filthy.[87] Migrants report physical abuse and intimidation by wardens, security guards and government officials. Inmates are denied a free phone call as required by law, are not informed of their rights, and are regularly detained for periods longer than the statutory maximum of 30 days.[88] The DHA and African Global Operations (formerly Bosasa) have an obligation to ensure that conditions at the centre meet standards that uphold basic human rights, but they negate this responsibility.[89] The employees at the repatriation centre extort money from detainees for fingerprinting, the use of public telephones, and access for visits by family and friends.[90]

It is apparent that the environment at Lindela does not just illustrate what happens when 'others' fall into a politically vague category, but the living conditions of many of these undocumented migrants also characterise them as trapped in Agamben's notion of 'bare life'. Arendt argues that because (undocumented) migrants are not considered citizens, statelessness not only means the lack of citizenship but also the loss of (human) rights, which leaves them in a 'rightless condition'.[91]

Conclusion: human rights for all

Media reports of the Lindela Repatriation Centre between 1996 and 2014 are overwhelmingly negative, and detail gross violations of human rights protected under the Bill of Rights. These violations are tantamount to institutionalised xenophobia, given that they are perpetrated by SAPS, DHA officials and personnel at the centre. Using Agamben's concept of a 'state of exception' I have argued that undocumented migrants in South Africa survive in conditions of 'bare life' as they have their rights suspended due to their so-called 'illegality'.

There have been policy interventions to address these violations, but they have not curbed the incidence of xenophobia. State intervention has mainly been centred on security-driven solutions, and has tended to involve the police, the military and other punitive measures when dealing with undocumented migrants. However, xenophobia is rooted in the minds of ordinary citizens, and therefore needs to be addressed on those terms. A strategy that has been successful elsewhere in responding to fearism and othering, is to provide forms of recognition for undocumented migrants that work against the view that they are figures of hate. These liberal discourses of citizenship combine humanitarian and liberal values – asking the public and schools in particular to see undocumented migrants, and migrants in general, as people with humanity, assuring 'us' (the hosts) that 'they' are just like us.[92] The strategy of re-humanisation of the 'other' is pervasive, particularly in social studies, conflict resolution, peace education, and in the literature of non-profit and humanitarian organisations. This can offer a solution towards redressing the xenophobia not only in Lindela but also in South Africa as a whole.



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Notes

1 An undocumented migrant refers to a foreign national, or non-South African, residing in the Republic of South Africa without legal or valid immigration status.

2 Constitution of the Republic of South Africa 1996 (Act 106 of 1996).

3 Ibid.

4 Ibid.

5 Ibid.

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