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SA prisons at a glance

UPCOMING EVENTS

PRISON REPORT FROM THE LAW SOCIETY OF SOUTH AFRICA

SA prisons at a glance

28/02/2003

| Variable | Figure |
|--------------------------------------|---------|
| ▲ Prisons | 240 |
| ▼ Functioning Prisons | 233 |
| Closed Prisons | 7 |
| ▲ Total Prisoners | 187065 |
| ▲ Sentenced Prisoners | 132315 |
| ▼ Unsentenced Prisoners | 54750 |
| ▲ Male Prisoners | 182892 |
| ▲ Female Prisoners | 4173 |
| ▲ Children in Prison | 3973 |
| ▼ Sentenced Children | 1698 |
| ▲ Un-sentenced Children | 2275 |
| ▲ Total Capacity of Prisons | 113551 |
| ▼ Overcrowding | 164.74% |
| Most Overcrowded Durban Med C | 387.63% |
| Least Overcrowded Vryheid | 25.27% |
| ▲ Waiting Trial Longer than 3 months | 23033 |
| ▼ Infants in Prison with Mothers | 196 |

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UPCOMING EVENTS

SEMINAR ON THE OFFICE OF THE INSPECTING JUDGE AND THE INDEPENDENT PRISON VISITORS SYSTEM Prof Saras Jagwanth: An Evaluation of the Office of the Inspecting Judge

This report examines and assesses the work of the Inspectorate since its inception in 1998 in the light of its contribution to prisoners' rights and improved prison conditions, and increased civilian involvement in prison reform. It examines the Inspectorate's legal mandate, including the impact of recent legislative amendments in this regard and functional and structural arrangements in place to execute the mandate.

Ms Jacqui Gallinetti: An Evaluation of the Independent Prisons Visitors System

This report reviews, amongst others, the establishment of the IPV system, the effectiveness and efficiency of the IPVs in resolving complaints, the effectiveness of Visitors' Committees, and makes some recommendations for the improvement of services.

Venue:

Centre for the Book
Queen Victoria Street
Cape Town

Date:
31 May 2004

Time:
15:30 -17:30

RSVP:
Louise Beukes by 26/5/2004
Tel: 021-462 0017
Fax 021-462 2447
E-mail: louise@nicro.co.za

SEMINAR ON ALTERNATIVE SENTENCING REVIEW IN SOUTH AFRICA

Adv Ann Skelton: Review of Alternative Sentencing in South Africa

The purpose of this Alternative Sentencing Review is to contribute to increasing access to non-custodial sentencing. This is achieved through an analysis of the strengths and weaknesses of the existing legal and structural framework for alternative sentencing and an examination of the impediments to the use of alternative sentences arising from the field research undertaken. The study culminates in a set of recommendations as to how problems in the imposition of alternative sentences identified through the research should be addressed, and how the potential for strengthening access to alternative sentences should be realised. The recommendations include general recommendations as well as specific suggestions for pilot projects to promote the use of non-custodial sentencing.

Venue:
Examination Hall 1,
Theo van Wijk Building,
2nd Floor, Unisa

Date:
Friday 11 June 2004

Time:
10:30 - 12:30

RSVP:
Prof Charl Cilliers or Mr Thomas Tshilowa (on or before 9 June)
E-mail: cillich@unisa.ac.za or tshilt@unisa.ac.za
Tel: (012) 429-6277 or (012) 429-6699

This seminar is hosted jointly by CSPRI and the Department of Criminology, UNISA.

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PRISON REPORT FROM THE LAW SOCIETY OF SOUTH AFRICA

by Gideon Morris

Be part of the solution. That was the decision taken by the Law Society of South Africa (LSSA) after the visits of 66 attorneys to 27 prisons during December 2003. For three consecutive years the attorneys have, under the auspices of the LSSA, carried out these prison visits to mark International Human Rights Day on 10 December.

Presenting the report on last year's visits to the Ministry of Correctional Services earlier this year, LSSA Management Committee member Vincent Saldanha told the gathering "the attorneys who voluntarily visited prisons across the country were driven by their professional responsibility as well as their social and constitutional duties". The report itself notes an increasing interest amongst attorneys to participate in this event. These visits, according to the introduction to the report, "demonstrate the commitment from both government and other stakeholders that all institutions are open to scrutiny, and that no-one will be allowed to contravene the rights of fellow beings with impunity."

Attorneys who participated in the visits were provided with a pro forma to guide their investigation. The issues covered included overall conditions (the population of the prison, the level of overcrowding, the likely causes of overcrowding in that particular prison), access to adequate health care (and the number of recent deaths of prisoners due to HIV/Aids), number of staff and staff morale, the nature of prisoner complaints and whether these were effectively resolved, and internal disciplinary hearings against staff, their outcome and the types of charges they concerned.

The report praised the Department of Correctional Services for its willingness to allow the LSSA and other organisations into prisons helping to create and reinforce good democratic practices. However, the report also (again) highlighted the poor conditions that exist in most of our prisons as well as the lack of rehabilitation of prisoners. Overcrowding was again emphasized as a grave concern, and the executive summary, which precedes the individual prison report, notes that overcrowding has "ballooned" since the first LSSA prison visits in 2001. The Attorneys also commented on a serious lack of proper record keeping by Correctional Services about matters such as the number of warders employed, disciplinary cases reported and finalised, and in the instance of one head of a prison, even the size of the facility budget! This, they said, impacted negatively on the ability of Heads of Prisons to properly manage their institutions. Also, where further documentation was promised to the visiting attorneys, this was seldom sent subsequently.

The report further mentioned, "Although visible efforts have been made to separate the gangs in the prisons, the Department of Correctional Services must now come up with a comprehensive action plan which should include local and international research on how to eradicate gangsterism in the prisons. The tentacles of gangsterism within our prisons have extended to affect the safety and security of prison warders and their families. Prison gangs often threaten the warders and their families in the event that they do not collude in carrying out corrupt activities". The report expresses concern about the prevalence of physical and sexual abuse in South Africa's prisons, and points out that this issue had been raised in previous LSSA reports, but did not seem to have been effectively addressed.

The report notes that there is anecdotal evidence of a general increase in the number of illnesses (and deaths) due to HIV/Aids, citing one prison where 48 deaths were recorded between January and December 2003.

On the positive side the Attorneys noted the following:

Increased implementation of section 62 (f) of the Criminal Procedure Act which permits the release of awaiting trial prisoners charged with non-violent crimes into the community to await trial at home;

The introduction of proper schooling at some prisons;

The increased access to prisons by the independent prison visitors, church groups and organisations such as NICRO;

The continued efforts in repairing and renovating a small number of prisons across the country (although the general neglect by the Department of Public Works to repair and maintain certain prisons is also noted) and

The morale of some of the warders who despite their unenviable working conditions still manage to go beyond the call of duty and soldier on.

Finally, the report mentions that preliminary arrangements are underway to roll out the Prison Visits Project in the region. The SADC Lawyers Association, of which South Africa is a member, is hoping to organise simultaneous visits across the subcontinent on 10 December 2004.

Pro bono agreement

Demonstrating the intention of the LSSA to be part of the solution, the first pro bono joint venture agreement was signed between the Cape Law Society (CLS) and the Inspecting Judge of Prisons subsequent to the release of the annual prison report.

In terms of this agreement, the CLS has undertaken to provide at least 3 days pro bono legal services per registered attorney for the Western Cape, the Eastern Cape and the Northern Cape. This means that an estimated 4 000 attorneys will be available at no cost to assist those most in need of access to quality legal representation, namely the awaiting trial prisoners. Priority will be given to:

Women and children

Those who have been granted unaffordable bail

Those who wish to plea guilty, and

Those who wish to use plea bargaining procedures.

Commenting on this agreement the then Deputy Minister of Justice, Cheryl Gillwald (newly appointed Deputy Minister for Correctional Services), said she hoped that other professional bodies will also come forward in a similar fashion to assist government to address the challenges ahead.

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