



# 30 Days Dae Izinsuku

Project of the Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' April 2007

CSPRI '30 Days/Dae/Izinsuku'

## In this Issue:

- **Children**
- **Prisoners' rights**
- **Rehabilitation and Reintegration**
- **Governance and Administration**
- **Parole**
- **Overcrowding**
- **News from other African countries**

## Children

**South African four-year-old left Brazilian Prison:** A South African four-year-old baby boy whose mother was sentenced to imprisonment for over 3 years in Brazil for allegedly trafficking drugs was 'rescued' by her mother's family from the 'abyss' of the Brazilian social welfare system. The Brazilian authorities wanted the boy to be looked after by their social welfare system while his mother was imprisoned. The Brazilian social welfare service is known to have many problems, and from which some children are stolen for trafficking purposes. The South African Consulate in Brazil, together with *The Independent on Saturday* newspaper worked hand-in-hand to ensure that the boy was brought back to South Africa. For details see *The Independent on Saturday*, 31 March 2007 at <http://www.tios.co.za/index.php?fArticleId=3758461>

**South African child offenders lack legal protection:** Lawyers representing child offenders and advocates of children's rights in South Africa expressed their disappointment with the delay in passing the Child Justice Bill into law by Parliament. Jacqui Gallinetti, senior researcher for the Children's Rights Project at the Community Law Centre at the University of the Western Cape, said: "Children are robbed of their childhood when they are sent to prison? (they) are exposed to hardened criminals while awaiting trial in prison and eventually this leads to them believing that prison is the place to be." However, the Chairperson of Parliament's Portfolio Committee on Justice and Constitutional Development said that there were many issues that the Bill had neglected and as a result it was sent back for redrafting so that it could deal with those issues. Reported by the Staff Reporter, 11 April 2007, Pretoria News at <http://www.pretorianews.co.za/index.php?fArticleId=3773381>

**Pending child cases should be given priority:** The Chairperson of the Parliamentary Portfolio Committee on Correctional Services, Mr. Dennis Bloem, called on the Department of Justice to prioritize cases where children are involved in crime. This call was made after Bloem visited a juvenile center in Kroonstad where children offenders from the ages of 10 to 18 years are kept awaiting trial. Some of the children at the center committed crimes like murder and house breaking. Some children had reportedly appeared in court more than seventeen times but had not been sentenced. Reported by SABCNews, 15 April 2007 at [http://www.sabcnews.com/south\\_africa/crime1justice/0,2172,147236,00.html](http://www.sabcnews.com/south_africa/crime1justice/0,2172,147236,00.html)

---

## Prisoners' rights

**Government to move to imprison gay people according to their gender:** Parliament is to debate the possibility of having gay offenders detained according to their gender, as some of them allege that they could be raped when detained with men. ANC Member of Parliament Benjamin Ntuli said that Parliament should come up with a solution to the problem of detaining gay people with heterosexuals of the same sex because the government would be sued if gay people are raped in prisons. Reported by Boyd Webb, Independent on Line, 30 March 2007 at

[http://www.iol.co.za/index.php?newslett=1&art\\_id=vn20070330095825655C777200&click\\_id=79&set\\_id=1&em=165718a6a20070330at](http://www.iol.co.za/index.php?newslett=1&art_id=vn20070330095825655C777200&click_id=79&set_id=1&em=165718a6a20070330at)

**Prisoners accused of raping fellow detainee:** Three awaiting-trial prisoners accused of raping a fellow inmate in a police holding cell appeared in the Mmbatho Magistrate's Court in North West on charges of indecent assault. The accused allegedly ordered their victim to undress and when he refused, they cut his chest with a razor blade and then repeatedly raped him in turns. Reported by sapa, 12 April 2007, IOL at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2943&art\\_id=nw20070412002749528C982661](http://www.iol.co.za/index.php?set_id=1&click_id=2943&art_id=nw20070412002749528C982661)

**Three prisoners die at Krugersdorp:** The Department of Correctional Services confirmed the death of three inmates at the Krugersdorp prison. The inmates were allegedly assaulted by prison warders. The police are investigating a murder case while the Department is contemplating disciplinary action. Meanwhile, the Democratic Alliance has said that an investigation into the Department of Correctional Services was necessary. Reported by sapa, 16 April 2007, Cape Argus, at

<http://www.capeargus.co.za/index.php?fArticleId=3783581> for a related story see also The Dispatch, 16 April 2007 at <http://www.dispatch.co.za/2007/04/16/SouthAfrica/bda.html>

**CSPRI responds to deaths at Krugersdorp Prison:** Responding to the death of three prisoners after being allegedly assaulted by warders at Krugersdorp prison, Lukas Muntingh of CSPRI lamented the incident stating that the personal safety of every prisoner must be guaranteed and that the deaths were unacceptable. He said that unnatural deaths in prisons are too high and that perpetrators are seldom prosecuted. Reported by *Die Beeld*, Cobus Coetzee, 15 April 2007

[http://www.news24.com/Beeld/Suid-Afrika/0,,3-975\\_2099103,00.html](http://www.news24.com/Beeld/Suid-Afrika/0,,3-975_2099103,00.html)

**Shaik admitted:** The Department of Correctional Services 'requested' Inkosi Albert Luthuli hospital in Durban 'to manage their patient [Shabir Shaik who was] suffering from hypertension and depression.' Reported by sapa, 16 April 2007, IOL, at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2937&art\\_id=nw20070416155741483C259643](http://www.iol.co.za/index.php?set_id=1&click_id=2937&art_id=nw20070416155741483C259643) for a related story see also [http://www.mg.co.za/articlePage.aspx?articleid=304876&area=/breaking\\_news/breaking\\_news\\_\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=304876&area=/breaking_news/breaking_news__national/)

**Inkatha Freedom Party reacts to the death of three prisoners:** The Inkatha Freedom Party (IFP) commended the police for the expeditious arrest and charge of the six warders who allegedly killed three prisoners at Krugersdorp prison. The IFP said that the brutal murder of the prisoners exhibited a crisis in the Department of Correctional Services. The IFP added that the appalling conditions under which prisoners are detained, corruption and overcrowding lead to these prison disasters. Reported by sapa, 17 April 2007, IOL at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2935&art\\_id=nw20070417120256450C551568](http://www.iol.co.za/index.php?set_id=1&click_id=2935&art_id=nw20070417120256450C551568)

**Maximum security prisoner's health deteriorating:** The health of Annanias Mathe, South African's most notorious awaiting trial prisoner and C-Max escapee was reportedly deteriorating. Mathe is accused of a number of serious crimes ranging from attempted murder to house-breaking. His lawyers said that he had fluid on the lungs and had lost a lot of weight. Mathe was also reportedly scared of eating prison food but the Department of Correctional Services denied the allegations and said that he was eating food and taking his medication. Reported by sapa, Cape Argus, 18 April 2007 at

<http://www.capeargus.co.za/index.php?fArticleId=3787338> see also [http://www.news24.com/News24/South\\_Africa/News/0,,2-7-1442\\_2100405,00.html](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2100405,00.html)

**Court orders that prisoners should see their lawyers:** A High has ordered the prison authorities at St Albans Prison to allow eleven prisoners to consult with their lawyers. The Court also ordered the Department of Correctional Services to pay legal fees of the prisoners. The court order followed a complaint by the prisoners that the prison authorities only allowed them to consult with their lawyers on Thursdays for two hours yet the prisoners wanted to consult with their lawyers as and when they were available. Reported by Piet van Niekerk, 18 April 2007, The Herald, at

[http://www.theherald.co.za/herald/news/n10\\_18042007.htm](http://www.theherald.co.za/herald/news/n10_18042007.htm)

**Warders sorry for and traumatized over the deaths of inmates:** Warders at Krugersdorp prison, where three prisoners died as a result of being allegedly assaulted by warders, told the parliamentarians who visited the prison that their colleagues might have used excessive force which could have resulted in the death of the prisoners and that 'they were deeply sorry about what happened.' The Chairperson of the Parliamentary Portfolio Committee on Correctional Services, Mr Dennis Bloem, who also visited the prison, said that he was concerned that warders had failed to search the inmates for the weapons as there had been an earlier fight between prison gangs a few days earlier. The police and the Department of Correctional Services are carrying out investigations into the cause of the deaths and will report to the Parliamentary Portfolio Committee on Correctional Services. Reported by Duncan Guy, Mail & Guardian, 19 April 2007 at

[http://www.mg.co.za/articlePage.aspx?articleid=305262&area=/breaking\\_news/breaking\\_news\\_\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=305262&area=/breaking_news/breaking_news__national/) see also <http://www.sabcnews.com/politics/government/0,2172,147543,00.html>

---

## Rehabilitation and Reintegration

**Trust Fund for ex-prisoners:** The South African Correctional Services Minister, Mr. Ngconde Balfour, has suggested that a trust should be set up to guarantee jobs for prisoners who have served their sentences. He added that such a fund would only be beneficial to those prisoners who had undergone skills training while serving their sentences. He also suggested that prisoners who work outside prison and get paid a stipend should contribute to the fund. Reported on sabcnews, 2 April 2007 at [http://www.sabcnews.co.za/south\\_africa/crime1justice/0,2172,146473,00.html](http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,146473,00.html)

**Former inmate benefits from training programme:** A former inmate who served six years for stealing a vehicle has put the training he was offered by the Department of Correctional Services at St Albans prison to use to transform his life. Lungisiline Mbilini, while serving his term, trained as a bricklayer and after leaving prison established his company with the help of Nicro. He is now employing two more people in his company. He has admitted that leaving prison without a job makes life difficult, especially when one does not have a trade. Reported by Derrick Spies, 10 April 2007, The Herald on Line, at [http://www.theherald.co.za/herald/news/n08\\_10042007.htm](http://www.theherald.co.za/herald/news/n08_10042007.htm)

---

## Governance and Administration

**Warder allegedly impregnates inmates:** The Chairperson of the Portfolio Committee on Correctional Services, Mr. Dennis Bloem, said that reports that a male warder impregnated three inmates at Kroonstad Female Prison in the Free State should be investigated. The Chairperson said that he was disappointed about this incident and warned that things like these must come to an end because the Department of Correctional Services is supposed to rehabilitate inmates. Reported by Sapa on 6 April 2007, in IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20070406102137803C329293](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20070406102137803C329293) for the same story see also the Sunday Times (online updates) 6 April 2007 at <http://www.sundaytimes.co.za/News/Article.aspx?id=431476>

**Prison officer barred from office:** A Free State Department of Correctional Services official, Mr. Tatolo Setlai, who allowed prisoners to expose widespread corruption in prisons, was barred from re-occupying his office because his suspension, as a disciplinary measure, was still in force. But the Department of Correctional Services said that his case was to be settled within few weeks time. Reported by sapa, 11 April 2007, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20070411150801996C142199](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20070411150801996C142199)

**Trainees allegedly running Goodwood Prison:** After the suspension of 49 prisons warders at Goodwood Prison in Cape Town, it was reported that that prison was in 'shambles' because it was being managed by inexperienced trainees. The 49 warders were reportedly suspended following their refusal 'to work a shift system resulting from the introduction of three meals

a day for offenders under the new Correctional Services Act.' Warders said that they were unhappy with the new shifts because they were required to work from 6:00am to 2:00pm and 9:00am to 5:00pm and that such shifts did not allow them a lunch break. As a result of the trainees manning the prison, one prisoner reportedly escaped. Reported by Norman Joseph and Matt Medved, 12 April 2007 IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20070412110404477C433901](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20070412110404477C433901)

---

## Parole

**Refusal to provide information on Yengeni's parole a breach of promise - DA:** The Democratic Alliance said that 'withholding of information on fraudster Tony Yengeni's parole conditions amounted to a breach of promise made by Correctional Services Minister to the public.' The DA also commented that Correctional Services often states that 'corrections is societal responsibility' but that failure by the Department of Correctional Services to release information about Yengeni's parole makes it impossible for society to understand its responsibility in this regard. This accusation follows the Department of Correctional Services' rejection of the DA application for Yengeni's parole conditions through the Promotion of Access to Information Act. Reported by Sapa, 10 April 2007, Cape Times, at <http://www.capetimes.co.za/index.php?fArticleId=3771939> also see Mail and Guardian, 10 April 2007 at [http://www.mg.co.za/articlePage.aspx?articleid=304302&area=/breaking\\_news/breaking\\_news\\_\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=304302&area=/breaking_news/breaking_news__national/) for the appeal by DA against the Department of Correctional Services' refusal Sunday Times online, 10 April 2007 at <http://www.sundaytimes.co.za/News/Article.aspx?id=433755>

**Democratic Alliance threatens to sue over Yengene's parole conditions:** The Democratic Alliance threatened to take the Minister of Correctional Services to court to compel him to disclose the exact parole conditions of former ANC Chief Whip Tony Yengeni. However, the DA cautioned that the legal actions would only be taken if the internal appeal it had lodged to acquire the information failed. The DA believed that Yengeni's parole conditions were lighter than those of other offenders similarly positioned. Reported by sapa, 16 April 2007, The Dispatch, at <http://www.dispatch.co.za/2007/04/16/SouthAfrica/ayengeni.html>

**Yengeni parole conditions: no liquor and drugs:** The Department of Correctional Services released the parole conditions of former ANC Chief Whip Tony Yengeni. This was after the Department was threatened with court action by the Cape Town - based Cape Argus newspaper. The parole conditions include a prohibition on drinking liquor and taking drugs unless those prescribed by a doctor and also requires community service of 16 hours per month. Reported by news24, 17 April 2007 at [http://www.news24.com/News24/South\\_Africa/News/0,,2-7-1442\\_2100102,00.html](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2100102,00.html)

**Only terminally ill patients for medical parole:** The Chairperson of the National Council for Correctional Services, Judge Siraj Desai, said that medical parole is available for those who are terminally ill. The Council made the statement after Shabir Shaik was admitted again to hospital for hypertension and depression. The Council said that the aim of medical parole is to allow the prisoner who has reached the final stages of a terminal illness to have a dignified death outside prison. Reported by sabcnews, 17 April 2007, at [http://www.sabcnews.com/south\\_africa/general/0,2172,147337,00.html](http://www.sabcnews.com/south_africa/general/0,2172,147337,00.html)

**Yengeni violating parole terms- DA:** The Democratic Alliance said that the former ANC Chief Whip Tony Yengeni had on more than one occasions breached his parole conditions. The DA made the statement after gaining access to Yengeni's parole conditions after a long battle with the Department of Correctional Services. Reported by John Yeld, Cape Argus, 18 April 2007 at <http://www.capeargus.co.za/index.php?fArticleId=3787317> see also [http://www.news24.com/News24/South\\_Africa/Politics/0,,2-7-12\\_2100203,00.html](http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2100203,00.html)

**Yengeni not violating parole conditions:** The Department of Correctional Services said that the former ANC Chief Whip, Tony Yengeni, had not breached his parole conditions as had been alleged by the Democratic Alliance. Reported by Melvin Whitebooi, news24, 25 April 2007 at [http://www.news24.com/News24/South\\_Africa/Politics/0,,2-7-12\\_2104089,00.html](http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2104089,00.html)

**Confusion about parole:** Citing Prof Sloth Nielsen of CSPRI, it is reported that there is general confusion about the administration of parole. This view is affirmed by the Inspecting Judge of Prisons, Mr. Nathan Erasmus, who reports that his

office is receiving an increasing number of complaints regarding parole administration. *Die Burger*, Carien Du Plessis, 26 April 2007. <http://152.111.1.251/argief/berigte/dieburger/2007/04/26/SK/10/minimumvonnis2.html>

---

## Overcrowding

**Correctional Services to deal with overcrowding:** The Minister for Correctional Services, Mr Mgcomde Balfour, said that the Department was working on a number of ways to reduce overcrowding in prisons. The Minister said that the Department is looking at setting up remand centers for awaiting-trial prisoners so that they are not detained in the same facilities as sentenced prisoners. The Department is also working on improving the quality of management in prisons. Reported by sabcnews, 20 April 2007 at [http://www.sabcnews.com/south\\_africa/crime1justice/0,2172,147598,00.html](http://www.sabcnews.com/south_africa/crime1justice/0,2172,147598,00.html)

**Avoid sending petty offenders to jail to reduce overcrowding:** The Chairperson of the Parliamentary Portfolio Committee on Correctional Services, Mr Dennis Bloem, said that overcrowding in prisons was a 'ticking time bomb' and said that it contributed to the violence that takes place in prisons. He also said that a shortage of staff was a challenge to the Department of Correctional Services. He suggested that one of the ways to reduce overcrowding would be to avoid sending petty offenders to jail. Reported by sabacnews, 20 April 2007 at [http://www.sabcnews.com/south\\_africa/general/0,2172,147596,00.html](http://www.sabcnews.com/south_africa/general/0,2172,147596,00.html)

**Minimum sentences under the spotlight:** In the first of four articles on sentencing reform, Carien Du Plessis of *Die Burger* reviews the arguments against and in favour of mandatory minimum sentences as they exist in South Africa. She interviews a number of key decision-makers on this issue, such as the Chairperson of the Portfolio Committee on Justice, Ms Fatima Chohan. Drawing on research conducted by CSPRI (for the Open Society Foundation) trends in the prison population are reported as well as projections made for the growth of the prison population. The article concludes with arguing that a wider and more critical debate is required on sentencing reform. *Die Burger*, Carien Du Plessis, 26 April 2007  
<http://152.111.1.251/argief/berigte/dieburger/2007/04/26/SK/10/minimumvonnis.html>

---

## News from other African countries

### Uganda

**Prisoners to be released on parole:** The Commissioner General of the Uganda Prisons Service, Dr. Johnson Byabashaija, said that hundreds of prisoners who had served three-quarters of their sentences will be released under a new policy aimed at implementing the new Uganda Prisons Act of 2006. The Act allows parole for inmates who have served three-quarters of their sentences to serve the remaining part of the sentence in their respective communities. The Commissioner said that the 'move is aimed at decongesting the 222 prisons, which accommodate about 26,000 prisoners.' Reported by Fortune Ahimbisibwe, 12 April 2007, *The New Vision*, at <http://www.newvision.co.ug/D/8/13/559320>

**Uganda Prisons Service lacks of fuel to transport suspects to court:** The spokesperson of the Uganda Prison Service, Mr Apollo Asinjah, told the High Court in the capital, Kampala, that the Prison Service could not transport some suspects to court for lack of fuel. However, the lawyer for the accused argued that the government was not interested in producing the suspects to court and that if it was interested it would have found fuel to produce the suspects. Reported by Charles Aliko and Hillary Nsambu, 5 April 2007, *The New Vision* at <http://www.newvision.co.ug/D/8/12/558182>

### Cameroon

**Tough life in a Cameroonian prison:** A visit by a BBC journalist at Buea Central Prison in south-west where 'inmates on death row, petty criminals and younger offenders crowded into the jail's court yard for their weekly sports break' illustrates how

difficult prison life is in Cameroon. 'Like many jails across Africa, it is overcrowded, housing more than 300 prisoners in old stone colonial buildings - more than double its intended capacity.' The prisoners said that their daily food ration 'can be anything from uncooked rice to six green bananas.' Prisoners complained that the food is not enough. Some prisoners operate small crafts businesses in the prison to earn some money. The iron beds prisoners sleep on today, are the same beds prisoners used to sleep on 80 years ago. Reported by Francis Ngwa Niba, 9 April 2007, bbcnews at <http://news.bbc.co.uk/2/hi/africa/6530583.stm>

## Tanzania

**Inmates go to court on foot:** Some prisoners in Tanzania have to be escorted on foot to court or the prison warders have to ask lifts from motorists to help them transport these prisoners. This was attributed to lack of vehicles to transport prisoners. Reported by Issa Yussuf, Daily News, 18 April 2007 at <http://www.dailynews-tsn.com/page.php?id=6456>

## Swaziland

**Inmates escape:** Seven inmates at Nhlanguano Correctional Services escaped when the warders on the evening shift were preparing for a shift hand-over. The Correctional Services Public Relations Officer said that five of the seven escapees were arrested the same evening of the escape. Reported by Stanley Mkhonta, The Swazi Observer, 20 April 2007 at <http://www.observer.org.sz/main.php?id=34155&section=main>

## Malawi

**'Homosexuality' common in prisons:** Despite the fact that homosexuality is still considered taboos in Malawi; it is reportedly common in prisons. One Member of Parliament, Lucia Banda, who spent more than two months at Zomba Maximum Security Prison, confirmed that homosexuality was common at that prison. However, prison authorities have not officially admitted that it existed and victims of male rape are reluctant to report incidents for fear of reprisal by the offenders. Reported by Anthony Kasunda, 22 April 2007, The Nation Online, at <http://www.nationmalawi.com/articles.asp?articleID=21487>

## Nigeria

**Death row inmates held in appalling conditions:** Prisoners sentenced to death in Nigeria are being held in inhuman and degrading conditions in some of the prisons. Prison officials say the most prisons in Nigeria are poorly maintained and that prisoners, even those not sentenced to death, are being held in dehumanizing conditions. They however said they were struggling to ensure that deaths in prisons are reduced and that such figures have come down from 1500 to 400 a year. Some prisoners in Nigeria have been awaiting trial for over 10 years. Overcrowding remains a serious problem in Nigerian prisons. Reported by Toye Olori, Inter Press Service News Agency, 16 April 2006 at <http://www.ipsnews.net/africa/nota.asp?idnews=37361>

---

CSPRI welcomes your suggestions or comments for future topics on the email newsletter.  
Tel: (+27) 021-7979491  
<http://www.communitylawcentre.org.za/projects/cspri>

