



30 Days Dae Izinsuku

Project of the Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' November 2007

**CSPRI '30
Days/Dae/Izinsuku'
November 2007**

In this Issue:

DEATHS IN CUSTODY

HEALTH CARE

CORRUPTION

PRISON POPULATION

SECURITY AND ESCAPES

PRISON CONSTRUCTION

PRISONERS' RIGHTS

SENTENCING AND PAROLE

OTHER

OTHER AFRICAN COUNTRIES

DEATHS IN CUSTODY

[Top of Page](#)

Prison murder to be investigated: The Judicial Inspectorate of Prisons is to investigate the circumstances surrounding the death of a prisoner in Thabankulu in the Eastern Cape. The investigation will also address the question of why the Department of Correctional Services delayed to report the death. The prisoner died in mid-November this year after allegedly being assaulted by warders. The spokesperson for the Departmental of Correctional Services, Manelisi Wolela, said that the Minister of Correctional Services, Ngconde Balfour, and the National Commissioner, Vernie Peterson, were to visit the prison to get first hand information about the incident. Reported by Sabcnews, 27 November 2007.

http://www.sabcnews.com/south_africa/crime1justice/0,2172,159959,00.html

Prisoners shoot their fellow prisoner dead: Police spokesperson, Superintendent Vincent Mdunge said that awaiting- trial prisoner, Sphamandla Mthethwa, 25, was shot dead by five of his fellow prisoners. The incident took place at the Empangeni Magistrate's Court in northern KwaZulu-Natal when a police truck was dropping off 38 prisoners at the court. As prisoners were coming out of the vehicle, five of them overpowered two police officers and took their pistols. The prisoners started shooting and the remaining prisoners were locked in the truck. It is during this drama that Mr. Mthethwa was shot dead but no police officer was injured. Reported by Sapa, 28 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20071128081025567C772746

HEALTH CARE

[Top of Page](#)

Many new prisoners not tested for contagious diseases: In its 2006/2007 Annual Report, the Judicial Inspectorate of Prisons told Parliament that most prisons do not test newly-admitted prisoners for contagious and communicable diseases such as tuberculosis or HIV/AIDS. This is the case even though prison authorities are aware that they have an obligation to carry out such tests. The Department of Correctional

Services was also criticised for stripping prisoners naked as a standard practice when its officials are conducting searches for contraband. Reported by Sapa, 6 November 2007, Citizen, at <http://www.citizen.co.za/index/article.aspx?pDesc=52214,1,22> see also http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071106155353722C119001

Suspended prison doctor wants his job back: Dr Paul Theron, a former senior medical practitioner at Pollsmoor Medium A., who was suspended after blowing the whistle about poor health conditions at Pollsmoor Prison, served an application to the Departments of Health and Correctional Services in which he expressed his interest to be re-instated and work at the prison. His lawyer said that they had served the application to both the departments and they were waiting for a response. Reported by Sapa, 8 November 2007, Cape Times, at <http://www.capetimes.co.za/index.php?fArticleId=4118650> see also http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20071107181400686C768485

CORRUPTION

[Top of Page](#)

Warder allegedly armed prisoners to facilitate escape: Pretoria High Court heard that Mr. Herman Makhubela, a prison warder at C-Max Prison in Pretoria, in November 2004 supplied a group of dangerous prisoners with a firearm and a knife and also actively discussed their escape plan. Some of the prisoners whom the warder allegedly armed were testifying in court as state witnesses. While attempting to escape using the gun and knife allegedly supplied by Mr. Makhubela, the prisoners killed the then Acting Area Commissioner Ben Ndinisa and C-Max prison head Sam Gomba. They also robbed them of their cell phones. Four warders were also held hostage and robbed of their clothes. Reported by Sapa, 7 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20071107181309876C314779

Prisoners say they did not plan to kill warders: While appearing before court for, amongst other charges, the murder of two prison warders during their attempted escape, C-Max prisoners told the Pretoria High Court judge that their plan was to hold warders hostage and force them to open the prison doors, but

never to shoot anyone. The prisoners claimed that the firearm used during the attempted escape had been provided by one of the warders. Reported by Zelda Venter, 8 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071108061748264C905857

Prisoner tells court that he was being harassed: King Winner Maluleka who is serving a 25-year sentence for murder and theft at Pretoria C-Max and who testified against prison warder Herman Makhubela that he had agreed to supply two inmates with a firearm so that they could escape, now fears for his life. He told the Pretoria High Court that he was being harassed by inmates and "the gang of correctional officials." He also told the court that he had not eaten prison food for close to a year because a corrupt prison official had allegedly contacted some prisoners to kill him by poisoning his food. Reported by Sapa, 14 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071114180912952C157127 see also <http://www.sowetan.co.za/News/Article.aspx?id=613258>

Department spends millions on suspended workers: Mr. Dennis Bloem, Chairperson of the Portfolio Committee on Correctional Services, was reportedly concerned that Department was taking so long to finalise cases against officials suspected of involvement in prison escapes. Officials from the Department of Correctional Services told members of the Portfolio Committee that the Department spent almost R10-million on salaries for more than 400 prison officials suspended on suspicion of helping prisoners to escape. Reported by Siyabonga Mkhwanazi, 14 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071114035539824C767635 see also http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,159213,00.html

Warder denies arming prisoners for escape: Herman Makhubela, a warder at C-Max prison in Pretoria, denied charges that he armed prisoners to facilitate their escape. The prisoners used the gun allegedly provided by the warder to hold several prison warders hostage and two top Correctional Services officials were killed in the process. A former C-Max inmate told court that he overheard a conversation between the warder and the prisoners who had attempted to escape in which the warder promised to supply a firearm. He allegedly reported this to his section head, but that nothing happened. Reported by Ilse de Lange, 15 November 2007, Citizen, at <http://www.citizen.co.za/index/article.aspx?pDesc=52897,1,22>

Prisoners allegedly plot to buy escape map: As the festive season approaches, prisoners are allegedly

planning to buy maps detailing how the Department of Correctional Services plans to prevent escapes, including when and where warders will be on duty. The prisoner who revealed this said prisoners were already aware of what channels would be used by officials for incidents taking place during the festive season. Reported by Sabcnews, 16 November 2007, at

http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,159384,00.html see also

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071117120652751C117891

Former prisons boss denies drinking during working hours: Linda Mti, former Correctional Services Commissioner, was allegedly almost five times over the 0.05 legal limit when he was arrested for drunken driving in November 2006. Mti denied before Parliament's Portfolio Committee on Correctional Services that he used to drink during work hours. He was also allegedly accused by President Thabo Mbeki of behaving in a manner that was unbecoming of a senior ANC member when he allegedly treated some people with disrespect. Reported by Cecil Motsepe, 17 November 2007, News24, at

http://www.news24.com/City_Press/News/0,,186-187_2222880,00.html

Prison corruption to be investigated: Mr. Dennis Bloem, the Chairperson of the Portfolio Committee on Correctional asked the Judicial Inspectorate of Prisons to investigate allegations of corruption and the sale of security information between prisoners and correctional services officials at an Eastern Cape Prison. He said that the report on the findings should be submitted to the Committee as soon as possible. A prisoner serving a 14-year-sentence alleged that security information relating to the manner in which security at the prison will be provided was to be sold to prisoners. Such information was meant to be used by prisoners during a planned escape. Reported by Sabcnews, 20 November 2007, at

http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,159585,00.html

PRISON POPULATION

[Top of Page](#)

Minister concerned about the number of awaiting-trial prisoners: While speaking to magistrates at

Fort Beaufort prison in the Eastern Cape, Correctional Services Minister, Ngconde Balfour, said that the judiciary should make every effort to minimize the number of awaiting-trial prisoners countrywide. The Minister said that the high number of awaiting - trial prisoners makes it difficult for his Department to plan. He added that suspects who do not pose a danger to society must be afforded an opportunity to await trial outside correctional facilities. Reported by Sabcnews, 5 November 2007, at http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,158688,00.html

Number of prisoners serving life sentences increase drastically: The number of prisoners serving life sentences has increased 782 percent in the last few years. This revelation was made by the Judicial Inspectorate of Prisons in its 2006/2007 Annual Report to Parliament. The report also indicated that 61 percent of all prisoners are serving sentences of seven years and above. The Judicial Inspectorate of Prisons said that prisoners sentenced to lengthy sentences are difficult to rehabilitate because many of them lose their community support and family contacts during detention. Reported by Sapa, 6 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071106143217315C743663 see also <http://www.sowetan.co.za/News/Article.aspx?id=606518>

Many South African prisons overcrowded: In its 2006/2007 Annual Report, the Judicial Inspectorate of Prisons notified Parliament that many South African prisons are overcrowded and that the average prison is overcrowded by 40 percent. As a result, 'prisoners are eating, sleeping and spending 23 hours of their day in an area the size of an average office table.' Overcrowding has also made prisoners' rehabilitation a big challenge and it is also contributing to high levels of prison violence, deteriorating infrastructure and leading to increasing number of prison escapes amongst other problems. Reported by Deon de Lange, 7 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20071107060706893C268423 see also http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071106135433896C800729

Prison escapes decline: Reports show that the number of prison escapes has declined dramatically in the last three decades. According to available statistics, there were 1 859 prison escapes during the 1977/78 financial year compared to a mere 112 for the 2005/06 period. This decline has been registered despite the fact that the prison population almost doubled during this period, from 99 292 in 1978/79 to 150 302 in 2005/06. Reported by Lee Rondganger, 6 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071106033542483C943656

Escapee to remain in detention: Annanias Mathe, the Mozambican national who escaped from Pretoria's high security C-Max prison, and facing 77 charges including housebreaking, robbery, attempted murder, rape, attempted rape, indecent assault, cruelty to animals, escape from lawful custody and possession of an unlicensed firearm and ammunition, will remain in prison until his trial begins in Johannesburg High Court in July 2008. Reported by Sandra Lieberum, 13 November 2007, Citizen, at

<http://www.citizen.co.za/index/article.aspx?pDesc=52705,1,22> see also

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071112224434440C624438

Prisoners escape to be rearrested and remain in detention: Mr. Vernie Petersen, Department of Correctional Services National Commissioner, informed the Portfolio Committee on Correctional Services that some prisoners serving shorter sentences escape during their last few days before being released because they want to be rearrested for escaping from lawful custody and sent back to prison. Most of these prisoners escape when they are taken out of the prisons to do prison work. Mr. Petersen said that it is the idea of going outside that makes them escape in the hope of coming back to prison after the arrests. Reported by Siyabonga Mkhwanazi, 14 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071114114705330C584207

Prison escapes decline: Correctional Services Minister, Ngconde Balfour, said that the number of prisoners escaping has declined in the past few years. More than 110 prisoners escaped from prisons in 2006. That number was down significantly from 1996 when 1 244 escaped. Reported by Mercury reporter, 14 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071114041104959C945882

Most dangerous prisoners transferred: The Minister of Correctional Services, Ngconde Balfour, said that ten of the 200 most dangerous prisoners in South Africa were transferred to Kokstad C-Max prison in the Eastern Cape. The Minister said that the transfers were part of his Department's "no-nonsense approach" to hardened criminals. He regards Kokstad C-Max Correctional Centre as the most secure facility in South Africa. Reported by Sapa, 28 November 2007 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20071127224339615C565306

PRISON CONSTRUCTION

[Top of Page](#)

Department calls for proposals for new private prisons: Despite its earlier statements that private prisons were proving to be expensive for the Department and government generally, the Department of Correctional Services recently invited interested parties to provide qualifications for the design, construction, finance, operation and maintenance of five new prisons on a Public-Private Partnership (PPP) model. Currently the government is funding two private prisons - the Mangaung Correctional Centre in Bloemfontein which is operated by GSL Solutions, a British affiliate, and Makhado's Kutama-Sinthumule Correctional Centre is subcontracted to South African Custodial Management, an affiliate of the American GEO Group. The five new-generation prisons will be built in Paarl, Port Shepstone, East London, Nigel and Klerksdorp. Mr. Lukas Muntingh of the Civil Society Prison Reform Initiative reportedly said that there is a definite trend towards the country's holding facilities being privatized. Reported by Adriaan Basson, 17 November 2007, Mail & Guardian, at

http://www.mg.co.za/articlePage.aspx?articleid=325120&area=/insight/insight__national/

Prisoners lacked blankets during winter: An ongoing court battle between blanket suppliers led to the delayed delivery of prisoners' blankets and as a result many prisoners went through October without blankets. One of the companies is seeking a review of the manner in which the tender was granted arguing that it was granted improperly. More delays in delivery of the blankets should be expected until the legal battle is sorted out in the Durban High Court. One of the advocates representing one of the parties told court the matter had to be dealt with as soon as possible because the government had a duty to make sure that prisoners live under humane conditions. Reported by Tania Broughton, 8 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071108062533989C469094

Gang culture rife at Westville prison: Mo Shaik, brother of Schabir Shaik, a Durban-based businessman who is serving a 15 year prison term at Westville prison for fraud said that Westville prison was overcrowded and full of violence. He also said that his brother's stay at Westville prison raised some security issues because of the gang culture at that prison. He said that high profile prisoners were a target of gangs and that that is why the Department of Correctional Services had to isolate Shaik from other prisoners. Commenting on the issue, Neil Crosthwaite, a former prisoner at Westville who is writing a book on his experiences at Westville, said that if he were to be sent back to that prison, he would commit suicide. Reported on 11 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071111092657305C660960

Prisoners complain about unequal treatment: Many inmates at Westville prison in Durban allegedly complained that Schabir Shaik, a Durban-based businessman who is serving a 15 year prison term for fraud, was being offered preferential treatment in prison. Unlike other prisoners, it is alleged that Mr. Shaik does not always have to wear his prison uniform while at the prison hospital and that he has his "own special room" in the hospital equipped with a television. There are also complaints that Shaik could use his "own expensive bedding" and not the bedding supplied to prisoners and that his visitors were allowed to visit him in his room, and not meet him in a corridor like others. Reported by Fred Kockott and Juggie Naran, 11 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071111092601568C139316

Department makes it difficult for prisoner's family to visit him: The family of a Durban businessman, Schabir Shaik, who is serving a 15 years prison sentence for fraud, complained that they have to go through "red-tape" at Correctional Services to be allowed to visit him at the Inkosi Albert Luthuli Hospital in Durban where he was admitted after suffering a mild stroke. His wife is allegedly only allowed to visit him once a week. Reported by Sapa, 16 November 2007, The Citizen, at

<http://www.citizen.co.za/index/article.aspx?pDesc=53006,1,22> see also

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=vn20071116040507192C607384

Man sues for extra time spent in prison: Jonathan Zealand is before the Constitutional Court claiming R10,4-million in damages from the ministers of Justice and Correctional Services on the grounds that his five-year long stay in St Albans maximum security prison was unlawful. Zealand alleges that on 23 August 1999 the Grahamstown High Court overturned his 18 year sentence for murder which meant that he had to be released immediately. However, the registrar of the court failed to issue a warrant for his release and he stayed in the same prison as a convicted prisoner for five more years. He alleges that during that period he suffered "psychological damage", had to join a prison gang and acquired tattoos to protect himself from sexual abuse. Reported by Sapa, 16 November 2007, Sowetan, at

<http://www.sowetan.co.za/News/Article.aspx?id=613941> see also

<http://www.citizen.co.za/index/article.aspx?pDesc=52917,1,22>

Prisoner's family want him released on medical parole: The family of Schabir Shaik, a Durban based businessman who is serving a 15-year prison sentence at Westville prison for fraud, said that they are considering exploring the avenue of their brother being released on correctional supervision and medical parole. The statement was made in the wake of Shaik's third admission to Inkosi Albert Luthuli Hospital in Durban after suffering a mild stroke. The family said that Shaik suffers from a resistant type of hypertension which could qualify him for release on medical parole. However, the law only allows medical parole in the case of terminally-ill prisoner whose release is meant to guarantee that dies a dignified and consolatory death while with his family. Reported by Sabcnews, 17 November 2007, at

http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,159440,00.html

Western Cape Professor says South Africa prisons populated by children: While commenting on the Child Justice Bill that was recently adopted by Cabinet with the aim of, amongst other things, keeping children out of South Africa's prisons, Prof. Julia Sloth-Nielsen, of the Community Law Centre at the

University of the Western Cape, said she was pleased there was movement on the bill. She added that the bill would be vital as a crime prevention strategy because many children would be kept out of prison and will have a chance of being rehabilitated. She added that the bill was timely because prisons are populated by children. Cheryl Frank of Child Justice Alliance, who also welcomed the bill, said that there is no reason why children should get stuck in the criminal justice. Reported by Siyabonga Mkhwanazi, 23 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20071123111411104C680784

Department could be sued for over R220 million: In its Annual Report, the Department of Correctional Services notified the Portfolio Committee on Correctional Services that it was facing possible lawsuits of more than R220 million, many of which are from inmates whose claims range from unlawful detention to assault. Some inmates have claimed that they contracted HIV in prison. The Department agrees that some claims are legitimate but disputes others saying that they are questionable. Reported by Sabcnews, 30 November 2007, at <http://www.sabcnews.co.za/politics/government/0,2172,158352,00.html>

SENTENCING AND PAROLE

[Top of Page](#)

Researchers argue that imprisonment does not reduce crime rate: Two independent researchers, Redpath and O'Donovan, have argued that high incarceration rates do not combat crime. They contend that studies that have explored the correlation between crime and incarceration rarely address the issue of whether punitive rates of incarceration have any effect on crime rate. They also point out that most rigorous studies indicate that crime and incarceration rates are independent of each other, that imprisoning more or fewer criminals for shorter or longer periods has no effect on crime rates. They contend that the argument in South Africa that incarceration has any serious impact on crime rate is unfounded. Opinion by Jean Redpath and Michael O'Donovan, 8 November 2007, Business Day, at <http://www.businessday.co.za/articles/opinion.aspx?ID=BD4A608210>

Judge orders that prisoner should be paroled after 35 years: Judge President Vuka Tshabala of

Pietermaritzburg, while sentencing Mzamiseni Mazibuko to life imprisonment for murder and armed robbery, ordered that he should not be paroled until he had served 35 years. Prior to the imposition of the life sentence, Mazibuko was serving another prison term of 30 years for nine aggravated robberies. Both sentences are to run concurrently. However, the law in South Africa provides that a person sentenced to life imprisonment has to be considered for parole after 25 years. Reported by News24, 9 November 2007, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2218424,00.html

Judge unhappy with prisoners' sentence: Judge Eben Jordaan of Pretoria High Court sentenced two C-Max prisoners who murdered two top Correctional Services officials during their attempted escape to lengthy prison terms. However, the judge said that he was unhappy with the manner in which the prison terms will be served. The judge said that he was aggrieved that the provisions of the Correctional Services Act, in terms of which all sentences were to run concurrently with a life sentence, meant that whatever sentence he imposed on the prisoners would probably be of academic importance only. Reported by Ilse de Lange, 14 November 2007, Citizen, at <http://www.citizen.co.za/index/article.aspx?pDesc=52790,1,22> see also http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071113145059541C895200

Department to revoke former bouncer's parole: Department of Correctional Services' spokesperson, Manelisi Wolela, said the Department was in the process of revoking Gary Beuthin's parole conditions. Beuthin, a former bouncer, was out on parole after serving 15 years of a 25-year sentence for kidnapping and assaulting a former girlfriend. Beuthin, along with two others, were arrested after allegedly assaulting a man with a baseball bat and stealing his watch and cash. One of his parole conditions was that he should not be under any investigations for any crimes while on parole otherwise his parole would be revoked. Reported by News24, 22 November 2007, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2225909,00.html

Parolee re-offends and sentenced to 24 years imprisonment: Oupa Phineas Lekowa, who was on parole for housing-breaking was found guilty of new offences of stealing a caravan, five charges of housebreaking and theft, and three charges of malicious damage to property for poisoning dogs at houses he broke in to steal. On sentencing him to 24 years imprisonment, the Pretoria regional court magistrate, Ben van Schalkwyk, told the accused that a person who reoffends after spending some time in prison must know that he can be arrested and punished again. Reported by Hanti Otto, 22 November 2007, IOL, at http://www.int.iol.co.za/index.php?from=rss_Crime%20And%20Courts&set_id=1&click_id=15&art_id=vn20

071122062918987C346965

Parolee allegedly commits murder: Sergeant Sanku Tsunke of Gauteng police said that Louis Jacobus Labuschagne, who was on parole for housebreaking, was arrested in connection with the murder of Charmaine Matthysen in Crown Gardens, south of Johannesburg. The deceased was allegedly strangled with an electric cord in her home on 25 September 2007 and some of his belongings were stolen and found in the possession of the suspect. Reported by Sapa, 15 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071115190758262C223192

Political prisoners to be pardoned: President Thabo Mbeki announced that political prisoners who were sentenced before 16 June 1999 will be able to apply for a presidential pardon during a three-month "window of opportunity" from January 15 to April 2008. The President said that this move does not intend to undermine the work done by the Truth and Reconciliation Commission but that it is meant to address the unique situation in which such prisoners find themselves. He said that over 1000 applications for presidential pardons have been received and would be considered. However, prisoners serving sentences related to drug trafficking and domestic violence will not be pardoned. Reported by Sapa, 21 November 2007, Mail & Guardian, at

http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news__national/&articleid=325588&referrer=RSS see also http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2222964,00.html

Former ANC Chief Whip who is on parole allegedly arrested for drunken driving: Former ANC chief whip, Tony Yengeni, who is on parole for fraud was allegedly arrested in Goodwood, Cape Town, on a charge of driving under the influence of alcohol. Sipiwo Hewana, the SAPSstation commander, confirmed the arrest. Yengeni was released on R500 bail and expected to appear in court on 19 March 2008. Reported by Sapa, 26 November 2007, Cape Times, at

<http://www.capetimes.co.za/index.php?fSectionId=3531&fArticleId=nw20071126135110832C525842>

Department to investigate alleged parole conditions breach: Goodwood police station commissioner Sipiwo Hewana said that the former ANC Chief Whip, Tony Yengeni, was arrested for drunken driving at about 9pm on Sunday 25 November and held at Goodwood police station, for four hours before being granted R500 bail. Mr. Yengeni is on parole for fraud and one of his parole conditions is that he may not misuse alcohol. Correctional Services Ministry spokesperson, Manelisi Wolela, said that the Department was

investigating the allegations that Mr. Yengeni breached his parole conditions and that depending on the outcome of the investigation, he may have his parole revoked or placed under house detention. Reported by Murray Williams and Andisiwe Makinana, 27 November 2007, Cape Argus, at

<http://www.capeargus.co.za/index.php?fArticleId=4147599> see also

<http://www.capetimes.co.za/index.php?fSectionId=3531&fArticleId=vn20071127032243393C918511> see

also <http://www.capetimes.co.za/index.php?fSectionId=3531&fArticleId=nw20071126223319155C200006>

A tough -on-offender bill drafted: The Sexual Offences Bill which seeks to provide greater protection to vulnerable people who are victims of sexual offences will also be tough on offenders. The Bill broadens the definition of sexual violence to ensure that once perpetrators are convicted, they will receive heavy sentences. Beatrice Marshoff, the Free State Premier, said that this Bill, if enacted into law, will be a clear message to sexual offenders that the country is serious about dealing with them through severe penalties. Reported by Gaynor Noyce, 27 November 2007, Citizen, at

<http://www.citizen.co.za/index/article.aspx?pDesc=53689,1,22>

Department accused of treating parolee leniently: The South African Prisoners Organisation for Human Rights said that Mr. Tony Yengeni, former ANC Chief Whip, allegedly breached his parole conditions when he was arrested driving under the influence of alcohol but that the Department of Correctional Services offered him preferential treatment even when he was in prison. However, the Department's spokesperson, Manelisi Wolela, said that the Department would investigate the alleged parole breaches. Yengeni was found guilty of fraud and released on parole and some of the parole conditions are that that he may not misuse alcohol; he may use only prescribed drugs, and may not leave his home except when he is going for work. Reported by Staff Writer, 28 November 2007 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20071128032212650C605418

Prison officer murdered: Eastern police spokesperson Mzukisi Fatyela said that a 51-year-old warder and his 20-year-old daughter were shot dead at their home in Mthatha by an unidentified man. The police said that the search was on for the murderers and that arrests were expected to be made soon. Reported by Sapa, 6 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071106155724437C754849

Prison documentary wins award: A documentary that exposed horrific conditions in South Africa's prisons earned its maker, Hazel Friedman, the prestigious 2007 Vodacom Journalist of the Year Award. Friedman filmed that documentary titled For the Boys of which the judges said it "shone a light in the cracks when most of us would prefer not to look, showing how the innocent and juveniles are thrown into holding cells and the extent of the collusion between prison gangs and warders who turn a blind eye on rape, drugs and violence that is life in prison today." Reported by Mail & Guardian, 5 November 2007, at

http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news__national/&articleid=323997

Movie shot about Robben Island: Sedick Isaacs, who was detained at Robben Island in Cape Town for 13 years as a scientist saboteur for teaching anti-apartheid activists how to make bombs. Together with five other former prisoners their prison experiences are chronicled in a new film, entitled More than Just a Game. The aim of the movie is to demonstrate how prisoners from different backgrounds can come together for a single cause. The movie was premiered in Cape Town on 23 November 2007. Reported by Terry FitzPatrick, 12 November 2007, VOA, at <http://voanews.com/english/2007-11-12-voa37.cfm>

Civil society welcomes government's crime prevention strategy: The Deputy Minister of Justice and Constitutional Development, Johnny de Lange, announced that the government is soon to embark on a review strategy that would see the Justice Department, Correctional Services, the Police and the National Prosecuting Authority adopting a single vision and mission to address the crime situation in South Africa. Benzi kaSoko, the national spokesperson of Police and Prisons Civil Rights Union (Popcru) said his union welcomed the government's strategy to review the criminal justice. Johan Burger, a senior researcher at the Institute for Security Studies also supported the government's move and said that this was a good idea which should be regarded as a step forward. Reported by Siyabonga Mkhwanazi, 12 November 2007, IOL, at

http://www.int.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20071112085445676C247174

Tunisia

Political prisoners mistreated: Amnesty International (AI) reported that many political prisoners are being subjected to various forms of abuse which include: discrimination and harsh treatment in prison, denial of medical care, interruption of family visits and subjected to harsh prison conditions, including prolonged solitary confinement. AI said that the prison conditions for these prisoners amount to cruel, inhuman or degrading treatment, and in some case may even amount to torture. AI added that in many cases political prisoners are subjected to torture while detained incommunicado. Press release by AI, 2 November 2007, at <http://news.amnesty.org/index/ENGMDE300102007>

Rwanda

Prisons conditions in Rwanda are "appalling": Amnesty International (AI) said that although Rwanda has improved its criminal justice system over the years, governments should not support the International Criminal Tribunal for Rwanda in its bid to transfer genocide suspects to stand trial in that country. AI argued that if the suspects are transferred to Rwanda, there is a risk that they may be subjected to torture and cruel inhuman and degrading treatment and are likely to be detained in prison conditions which are appalling. However, the Rwandan government said that AI's statement was based on poor research. Reported by Tendai Maphosa, 2 November 2007, VOA, at <http://www.voanews.com/english/2007-11-02-voa35.cfm>

Prisoner acquitted after 11 years in detention: A Rwandan journalist, Tatiana Mukakibibi, was acquitted of genocide related charges after spending 11 years in detention. Reporters Without Borders (Reporters Sans Frontieres) said that after her arrest in 1996, Mukakibibi was held in a communal cell in "appalling

conditions" before being transferred to a prison last year. She was acquitted by a Gacaca (traditional) court. Reported by Sapa-AFP, 14 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=3045&art_id=nw20071113223716199C622931

Mozambique

Prison officials told never to use torture: Prof Andre Coyle of the International Centre of Prison Studies at Kings College London, while speaking to prison directors and representatives of human rights NGOs from across the country at a seminar held to discuss prison conditions, including the protection of inmates from cruel and inhuman treatment, said that the right to freedom from torture is absolute and that law enforcement officers, including prison warders, should never violate it. The two-day seminar was organised by the Mozambican Justice Ministry and the British High Commission. He said that the "Robben Island Guidelines", drawn up by the African Commission on Human and Peoples' Rights, and now an official document of the African Union, make it clear that the prohibition of torture is absolute. Reported by Agencia de Informacao de Mocambique, 13 November 2007, at <http://allafrica.com/stories/200711130801.html>

Eritrea

Torture rampant in prisons: Prisons are allegedly full of people who oppose government views and they are being subjected to various methods of torture on daily basis. Many of them are detained incommunicado under inhumane circumstances. There are reports that many detainees are kept in dungeons and metal shipping containers under high temperatures during the day and freezing temperatures at night. Many die as a result, or become partially or fully paralyzed. Reputable NGOs have documented various forms of torture including widespread rape of young female prisoners. Reported by Woldu Mikael, 24 November 2007, American Chronicle, at <http://www.americanchronicle.com/articles/viewArticle.asp?articleID=43759>

Sierra Leone

New President should improve prison conditions: In its letter to the newly elected President of Sierra Leone, Ernest Bai Koroma, Human Rights Watch has called upon his government to urgently address pressing human rights concerns in his country. The rights body said that Sierra Leone has deplorable prison conditions, a large number of awaiting-trial prisoners and sub-standard prison conditions amongst other

human rights problems. The President was also called upon to abolish the death penalty. Human Rights Watch press release, 14 November 2007, at <http://hrw.org/english/docs/2007/11/13/sierra17325.htm>

Angola

Minister impressed by rehabilitation programmes: Home Affairs Minister, Roberto Leal Monteiro "Ngongo", during his visit paid to "Péu-Péu" Prison Centre which is located 23 kilometres to the north-east of the municipal headquarters of Ombandja, was reportedly impressed by the work done by the prison services for the re-education and social reintegration of inmates. He noted that prison staff were working under difficult circumstances but promised that his sector will continue working for the creation of functioning conditions in prisons. Reported by Angola Press Agency, 1 November 2007, at <http://allafrica.com/stories/200711020002.html>

Zambia

Close to 400 prisoners pardoned: Zambian President Levy Mwanawasa pardoned almost 400 prisoners in a bid to decongest his country's prisons. Of those pardoned 14 were serving life sentences and 379 serving various prison terms. Eight of those pardoned are women. The Home Affairs Minister, Ronnie Shikapwashya, said his Ministry had recommended to the President to release the terminally-ill and aged prisoners as a way of implementing non-custodial sentencing. Reported on 20 November 2007, IOL, at http://www.int.iol.co.za/index.php?set_id=1&click_id=84&art_id=nw20071120100905821C581962

Zimbabwe

Prison lacks fuel to transport suspects: For many days the Prisons Service in Zimbabwe could not transport remand prisoners for their court sessions because of the problems in finding petrol. Among those who could not appear before court for lack of fuel are the six men accused of trying to overthrow the Zimbabwean President, Robert Mugabe. They were arrested for allegedly attempting to topple President Mugabe and replace him with Rural Housing Minister Emmerson Mnangagwa. Reported by Sapa-AFP, 30 October 2007, Cape Times, at <http://www.capetimes.co.za/index.php?fArticleId=4104345>

Awaiting-trial prisoners could be affected by strike: Awaiting-trial prisoners are likely to be affected by

the ongoing strike by magistrates and prosecutors over salaries. A magistrate earns about 20 million Zimbabwe dollars a month, (about US\$15) at the dominant black market exchange rate. However, the Public Service Commission said magistrates were classed as civil servants whose salaries were only due to be reviewed early next year. Reported by News24, 24 November 2007, at http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-1662_2227309,00.html

Namibia

Prisoner to sue for injuries sustained at a prison workshop: Mr. Haitope Thomas Hausiku, who is serving a prison term at Central Prison in Windhoek, intends to sue the government for compensation for the injuries he sustained while working in a prison workshop. Mr. Hausiku alleges that he was asked to cut some wood blocks called slippers and in the process, a small piece hit him on his left eye causing injury. He attributes this to working with poor tools and lack of protective gear. His eye was operated on and as a result his sight weakened. He also alleges that while he was chopping wood, he cut off his right thumb. Both claims are supported by medical reports. When contacted for comment, the Manager of the Prison's Carpentry Division, Willie Kobeb, admitted knowing about both incidents but said that cases of that nature are not new among inmates and that on average two cases are reported a year. Reported by Informanté Reporter, 31 October 2007, Informanté, at http://www.informante.web.na:8080/informante/index.php?option=com_content&task=view&id=1413&Itemid=44

Tanzania

Prisoner gets a law degree: Harun Pembe Gombela, serving a prison term at Ukonga Prison for offences that the prison officials refused to reveal, made history as the first prisoner to graduate with a degree in Tanzania. He graduated with a law degree from the Open University and his degree was conferred upon him in the prison mess in the presence of his family members. The prison authorities said that they were very supportive and helped him in various ways during his studies. Reported by Vicky Ntetema, 1 November 2007, BBCNEWS at <http://news.bbc.co.uk/2/hi/africa/7073622.stm>

Nigeria

Governor asked to pardon some prisoners: Mr. Boniface Ogbodo, the Assistant Controller of Prisons in charge of Aba prisons, in Abia State, asked the Governor Theodore Orji to grant amnesty to some inmates who had proved to be of good behaviour. There are 540 inmates in Aba prison, with 420 of them awaiting-trial. Mr. Ogbodo said that there are many long term prisoners and lifers who have spent ten years and above with satisfactory conduct who deserve to be granted amnesty. He gave an example of a 70 year-old man who has spent 20 years in prison with good conduct and asked the Governor to pardon him so that he spends 'his old age at home.' The Governor promised to consider the issue and condemned the practice of prisoners spending long time in detention awaiting-trial. Reported by Vincent Ujumadu, 31 October 2007, Vanguard, at <http://allafrica.com/stories/200710310685.html>

Prison walls collapse: Prison walls at the Federal prison in Uyo collapsed after heavy rainfalls and prison authorities are concerned that unless they are re-constructed immediately, prisoners are likely to escape. The authorities said that they are worried because they lack sufficient manpower to prevent prisoners from escaping should they decide to do so because even the remaining part of the prison is dilapidated. Reported by Betrand Nwankwo, 30 October 2007, Leadership, at <http://allafrica.com/stories/200710300016.html>

Nigeria proud of the only open prison in West Africa: Nigeria's Kakuri Open Prison Camp in Kaduna State is the only prison in West Africa where prisoners live in an environment that is more or less the same as that of non-prisoners. This is because it is an open prison and serves as a link between inmates and society and also to promote the idea of seeing a prison also as a rehabilitation centre. It is, however, reserved for those inmates who are about to be released. It is open and without the traditional high walls and security hardware. Inmates enjoy a relatively normal life and are not guarded during the day. They move around freely and are allowed to join the rest of society within the domain of the prison. They can engage themselves in any legal business, such as farming. Reported by Isa Sa'idu, 3 November 2007, Daily Trust, <http://allafrica.com/stories/200711050638.html>

Father allegedly aids daughter to escape from prison: Mr Odeyemi Kayode, the spokesman of the Nigerian Prison Service, said that a full investigation was launched to establish the circumstances leading to the escape of Aisha Bakodare who was in detention as an armed robbery suspect. The prison authorities suspect that Ms. Bakodare's father may have helped her to escape from Gumi satellite prison in Zamfara state. Reported by Lawal Ibrahim, 13 November 2007, Daily Trust, <http://allafrica.com/stories/200711130074.html>

Over 130 children languishing in overcrowded prison: Over 130 children between the ages of 12 and 19 years are languishing in the Badagry Prison in Lagos on charges of theft and loitering. Badagry Prison was constructed to accommodate a maximum of 130 inmates but accommodates 253. Some of the children said that they were wrongly arrested by the police. The Superintendent in charge of the prison, Mr. Kolawole, said that it was not their responsibility to release the children but rather to keep them in safe custody. Mrs. Omotola Rotimi from the Office Lagos State Attorney-General said that some of the children are too young to be in prison and should have been released on bail but they did not meet the bail conditions. Reported by Samson Ojo, 8 November 2007, Daily Trust, at <http://allafrica.com/stories/200711080265.html>

Prisons should not admit sick prisoners: The Comptroller General of the Nigerian Prison Service, Mr Olusola Ogundipe, at a workshop on improving health and welfare services for prisoners, said that prisons should not accept any sick prisoners. He added that sick prisoners have to be treated in hospital before being sent to prison and warned that the service will no longer take the responsibility for sick prisoners. He maintained that the Service does not have enough facilities to cater for sick prisoners. Reported by Lawal Ibrahim, 19 November 2007, Daily Trust, at <http://allafrica.com/stories/200711191177.html>

Malawi

African Commission on Human Rights asked to visit prisons: The Southern Africa Litigation Centre wrote to the African Commission on Human and Peoples' Rights to request a visit to Malawi prisons by the Special Rapporteur for Prisons and Conditions of Detention in Africa to witness the poor conditions in Malawian prisons. The Centre alleged that prisons in Malawi are extremely overcrowded, prisoners lack adequate diet, there is a shortage of clothing and blankets, and prisoners are subjected to lengthy detentions without trial. The Centre alleges further that there are cases of sexual assaults on juveniles and deficiencies in sanitation and health care. Reported by Josh Ashaz, 30 October 2007, Nyasatime, at <http://www.nyasatimes.com/index.php?news=1498>

Prison conditions "pathetic": A recent survey of prison facilities by Africa Press Agency (APA) revealed that the situation is pathetic compared to other sub-Saharan African countries. The report documents the following as features of the prison situation in Malawi: congestion, inadequate diet, shortage of clothing and blankets, overstaying on remand, substandard sanitation, lack of proper health care services and physical

assault of prisoners by their guards. Mr. Charles Kasambara, the Executive Director of Centre for Legal Assistance, an organisation that offers free services to the vulnerable groups such prisoners, agrees that prisons in Malawi faced many problems including overcrowding and asked the government to intervene to save the situation. Reported by Josh Ashaz, 5 November 2007, African Path, at http://www.africanpath.com/p_blogEntry.cfm?blogEntryID=2581

New prisons to be opened up: Home Affairs and Internal Security Minister, Ernest Malenga, said that the government will ease the overcrowding in the country's prisons by opening up new prisons in Rumpfi, Mchinji and Salima districts. He added that the new prisons will be equipped with comfortable beds and mattresses. Human rights organisations in Malawi have always been concerned about overcrowding in Malawian prisons and some have described the conditions in prisons as extremely bad. Reported by Judith Moyo, 26 November 2007, Nysatimes, at <http://www.nyasatimes.com/index.php?news=1642>

Kenya

Prisoner contests for a parliamentary seat: Fred Chesebe Kapondi, who is on remand in Bungoma prison on charges of promoting war-like activities in the district during which 250 people were killed, picked up nomination forms to contest for the Mt. Elgon parliamentary seat and is determined to win come elections day. His posters were displayed in various places of the constituency and he promised to develop the area should he be voted in as a Member of Parliament. His lawyer said that as a suspect he is free to stand for any seat. Reported by Luke Kapchanga, 27 October 2007, The Nation, at <http://allafrica.com/stories/200710261311.html>

Fair use notice

CSPRI 30 Days/Dae/Izinsuku contains copyrighted material, the use of which has not always been specifically authorised by the copyright owner. The material is being made available for purposes of education and discussion in order to better understand prison and related issues in South Africa. We believe this constitutes a "fair use" of any such copyrighted material as provided for in relevant national laws. The material is made accessible without

profit for research and educational purposes to subscribers/readers. If you wish to use copyrighted material from this Newsletter for purposes of your own that go beyond "fair use", you must obtain permission from the copyright owner. CSPRI cannot guarantee that the information contained in this newsletter is complete and correct or be liable for any loss incurred as a result of its use. Nor can the CSPRI be held responsible for any subsequent use of the material.

CSPRI welcomes your suggestions or comments for future topics on the email newsletter.

Tel: (+27) 021-7979491

<http://www.communitylawcentre.org.za/cspri>

