



30 Days Dae Izinsuku

Project of the Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' October 2008

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October 2008

In this Issue:

SENTENCING AND PAROLE

SAFETY AND SECURITY

HEALTH

GOVERNANCE AND CORRUPTION

LABOUR RELATIONS

OTHER

OTHER AFRICAN COUNTRIES

SENTENCING AND PAROLE

[Top of Page](#)

Balfour to meet with ANC and SACP: Minister of Correctional Services, Ngconde Balfour, has said that he will meet with the members of the South African Communist Party and the ANC in order to discuss Mr. Clive Derby-Lewis', killer of SACP leader Chris Hani, parole application. The Minister has distanced himself from a recent informal email sent to the Hani family informing them of Derby-Lewis' parole hearing and requesting them to make submissions at the hearing. The SACP has condemned Balfour for what it calls a reckless act but Balfour has said that the communication was handled at a low administrative level. SABC News 01 October 2008.

http://www.sabcnews.com/south_africa/crime1justice/0,2172,177671,00.html

Chris Hani's killer recommended for parole: The man who killed South African Communist Party leader, Chris Hani, was allegedly recommended for parole by the Parole Board. Mr. Clive Derby-Lewis appeared before the Parole Board following a recommendation received by

the Case Management Committee that Mr. Derby-Lewis be released on 15 October 2008. Mr. Lewis' attorney, Mr. Marius Coertze, said that the Board's recommendation was then forwarded to the Regional Commissioner of Correctional Services who requested that Chris Hani's family be informed of the planned release on parole. Hani's family was reportedly informed by a 'casual email.' The news was treated with hostility by the South African Communist Party, ANC Youth League, and the Young Communist League. All three organisations demanded that parole for the two assassins involved in Hani's death should not be considered until the two had disclosed all the information behind Hani's assassination. Reported by Giordano Stolley, 2 October 2008, The Sowetan, <http://www.sowetan.co.za/News/Article.aspx?id=855319>

NPA Annual Report boasts high conviction rate: The National Prosecuting Authority has published its latest annual report that discloses an 85.9 % overall criminal conviction rate in the year up to 31 March 2008. A total of 1081 High Court trials were finalised during the year with 987 convictions, equal to 91 %. In the District Courts, 259 571 cases were finalized with 227 428 convictions, equal to 88 %. The conviction rate in the Regional Courts equalled 73 %. Reported by Sapa 2 October 2008

http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20081002114449525C611896

High profile prisoner will not be paroled any time soon: Mr. Clive Derby-Lewis, the killer of former secretary general of the South African Communist Party will not be paroled soon. The Chairperson of the National Council on Correctional Services, Judge Siraj Desai, said that Derby-Lewis was not due for release any time soon. Judge Desai noted that prisoners must serve their full sentence unless the Council makes a recommendation that a prisoner be released on parole, and Lewis was not recommended. However, lawyer for Mr. Derby-Lewis, Mr. Marius Coertze, said that the Pretoria Parole Board recommended his client's release. Judge Desai, however, told The Times that: "A parole board cannot release a lifer". Reported by Borrie La Grange, The Times, 3 October 2008. <http://www.thetimes.co.za/News/Article.aspx?id=855540>

Bid to free co-accused of Scott-Crossley: Ms Julia Mashele, who spent seven years awaiting trial and created controversy when she demanded conjugal rights behind bars, was trying to assist Mr. Simon Mathebula to be released from prison after she read a story in the media that Mr. Mathebula's accomplice, Mr. Mark Scott-Crossley had been released on parole after he had initially been jailed for life. Mr. Scott-Crossley is now doing community service at a police station, while Mr. Mathebula continues his 15-year sentence. Mr. Scott-Crossley's life sentence was reduced to 5 years imprisonment by the Supreme Court of Appeal after the Court concluded that he was an accessory after the fact. Mr. Mathebula, however, claims that he was not involved in the crime and that Mr. Scott-Crossley was the master mind behind the murder and allegedly poisoned one of the accused. Mr. Mathebula allegedly survived attempts on his life as he did not eat the food supplied by Mr. Scott-Crossley. Reported by Riot Hlatshwayo, The Sowetan, 10 October 2008. <http://www.sowetan.co.za/News/Article.aspx?id=860138>

SACP oppose attempts to free Hani's killers: Following reports that the South African President was taken to court in order to compel him to decide on a pardon application made by the killers of Chris Hani, the South African Communist Party (SACP) said that it will oppose any attempts to free the killers of the former Secretary General of the SACP, Chris Hani. The SACP stated that it will only withdraw opposition once the killers have disclosed the full truth surrounding the Hani killing. SABC News 16 October 2008.

http://www.sabcnews.com/politics/the_parties/0,2172,157603,00.html

Chris Hani Killer: No reason to be denied parole: Mr. Clive Derby-Lewis' lawyer says that it is ironic that the public does not want the 'murderer of Chris Hani' to be released on parole, yet it is the 'black taxpayer' who will be paying for his further imprisonment. Mr. Marius Coertze, the lawyer for Mr. Clive Derby Lewis, mentioned that he saw no existing reason to deny his 72- year old client parole. The Parole Board met in October to discuss objections to his parole. Mr. Derby-Lewis was sentenced to death for the murder of Chris Hani in 1993 but had his sentence commuted to life imprisonment after the death penalty was abolished in South Africa. Reported by Werner Swart, 16 October

2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=863861>

Court to decide on the release of Hani killers: The lawyers acting for Mr. Clive Derby-Lewis and Mr. Janusz Walus, the killers of Chris Hani, asked the High Court to compel the South African President to arrive at a decision regarding their application for a presidential pardon submitted in 2002. The two were unsuccessful in seeking amnesty from the Truth and Reconciliation Commission in 1999 for Hani's assassination. Lawyers for the two applicants believe that it is unreasonable that the President has not yet decided on the application. SABC News, 17 October 2008, at http://www.sabcnews.com/south_africa/crime1justice/0,2172,157607,00.html

Minister urged to oppose parole for Derby-Lewis: Mr. Dennis Bloem, the Chairperson of the Portfolio Committee on Correctional Services, urged the Minister of Correctional Services, Mr. Ngconde Balfour, and the National Council for Correctional Services to oppose a new bid for parole by Mr. Derby-Lewis, one of Chris Hani's killers. Mr. Derby-Lewis was to launch an application for release on parole in the Pretoria High Court on October 28. Mr. Bloem said that it was within the discretion of the National Council to make a decision on the parole of Mr. Derby-Lewis and not the court, and that the Minister of Correctional Services and the National Council should oppose Mr. Derby-Lewis' application. Reported by Sapa, published in Legal Brief 17 October 2008. <http://www.legalbrief.co.za/article.php?story=20081017125508214>

High profile prisoner says his claim for parole within his rights: Clive Derby Lewis, the killer of Chris Hani, responded to remarks made by Prof Julia Sloth-Nielsen of the University of the Western Cape in which she stated that Derby-Lewis's application for parole was premature and misplaced and that he had no right to be paroled. Mr. Derby-Lewis maintained that his application fell well within the provisions of the Correctional Services Act and that he qualifies under the legislation. He responded further that he has not demanded anything that is not within his rights and that Portfolio Committee on Correctional Services chairman, Mr. Dennis Bloem, was ignorant of his own government's legislation. Opinion by Clive Derby-Lewis, Pretoria Central Prison, 24 October 2008, Business Day, at

<http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3383095> see also

<http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3385770>

SAFETY AND SECURITY

[Top of Page](#)

Gang-related brutal fatal prison stabbing: six convicted: The Port Elizabeth Regional Court heard that the brutal stabbing and killing of an inmate, Mr. Mzukisi Oliphant, at St Albans prison in 2004, was the result of a feud between rival prison gangs, the 26s and 28s. The six accused, Mr. Moegamat Olckers-Wakie, Mr. Luyanda Nyangwa, Mr. Zoyisile Zoyi Dolo, Mr. Vukile Ngcobo, Mr. Trompie Adonis and Mr. Gershon Stout Hendriks, were all convicted of the crime of murder and on two counts of assault with intent to do grievous bodily harm. The court postponed the case to 3 December for sentencing. Published in Legal Brief Today, 2 October 2008.

<http://www.legalbrief.co.za/article.php?story=20081002133801426>

Trial of Mozambican prison escapee postponed: The 'Houdini of C-Max', Mr. Ananias Mathe's trial was postponed once again. The 31-year

old prisoner made history when he became the first prisoner to escape from Pretoria's high-security C-Max prison and has escaped from custody at least twice. Judge Geraldine Borchers of the Johannesburg High Court postponed the case after Mr. Mathe's lawyer, Advocate Liz Serrao, submitted that her court diary and case load did not allow her to represent Mr. Mathe on the days previously set down for trial. Reported by Khethiwe Mabena, The Times, 8 October 2008 <http://www.thetimes.co.za/News/Article.aspx?id=857959>.

Awaiting trial prisoner attempts to kill magistrate: Mr. Leon Alexander, who was appearing before the Paarl Regional Court on a charge of robbery 'unexpectedly jumped from the dock and grabbed' magistrate Dudley Nel 'by the throat and assaulted him with a chair before police managed to restrain him.' There were rumours in the court corridors that Mr. Alexander had been ordered in prison to kill the magistrate. The magistrate suffered a head wound and was taken to a nearby clinic for treatment. Reported 8 October 2008, Die Burger, http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2406005,00.html

Psychiatrist tells the court that awaiting trial prisoner was raped: A psychiatrist, Dr Peter Cilliers, informed the court that former Fidentia Boss, Mr. J. Arthur Brown, was raped by a fellow prisoner earlier this year. Dr Cilliers informed the court that an earlier incident had taken place in which prisoners had attempted to force an item, understood to contain dagga, up Mr. Brown's rectum as well. Cilliers was testifying in a new bail application for Mr. Brown and testified that based on medical evidence and repeated interviews, he believes that Mr. Brown had suffered traumatic anal penetration by 'a male organ' and believed Mr. Brown's story to be 'absolutely consistent.' Dr. Cilliers mentioned that subsequent to severe depression and temporary inability to instruct his client, Mr. Brown's mental state has improved, though not in full remission, and was able to make decisions and deal with legal processes. As a result of the assault, Mr. Brown suffers from major depression and post-traumatic stress disorder with underlying bipolar mood disorder. Reported by Sapa 9 October 2008 at <http://www.mg.co.za/article/2008-10-09-brown-was-raped-psychiatrist-tells-court>

Prison escapes a concern: Eastern Cape Correctional Services Regional Commissioner, Ms. Nontsikelelo Jolingana, stated that the Department is seriously concerned about the increased number of escapes from prison in the Eastern Cape, particularly from the Mthatha Correctional Centre. She said that one prison escape is one too many. The Regional Commissioner said that prison escapes are dangerous for victims, witnesses and communities. The Department will also speed up the process of turning Mthatha Correctional Centre into a dedicated Remand Detention Centre with maximum security offenders who have been convicted, being sent to other facilities. Reported by Sibongile Mashaba, 21 October 2008, The Sowetan, <http://www.sowetan.co.za/News/Article.aspx?id=867220>

HEALTH

[Top of Page](#)

Increase in TB infections of nurses at Pollsmoor: A nurse based at Pollsmoor Prison in Cape Town said through her union representative that infection control at the prison is not adequate and that an increasing number of nurses have been infected with TB. She stated that at least three of her colleagues had been diagnosed with TB and the union, Denosa, reported that a nurse who also worked at Pollsmoor died of TB two years ago. According to the Denosa spokesperson approximately 20 prisoners have died at Pollsmoor as a result of TB. Department of

Correctional Services spokesperson, Mr. Ofentse Marwane, said the reports were inaccurate and that none of the 34 health care workers at Pollsmoor had been diagnosed with TB. Western Cape MEC for Health, Mr. Marius Fransman, did however state that approximately 15 prisoners have died of TB recently. According to Denosa prisoners are not properly screened upon admission due to personnel shortages, but Marwane refuted this saying that all admissions are properly screened. Die Burger 16 October 2008,
<http://152.111.1.251/argief/berigte/dieburger/2008/10/16/SK/6/aFTB.html> see also
<http://152.111.1.251/argief/berigte/dieburger/2008/10/15/KS/5/sshoes.html>

Opposition party says Minister must be held accountable for prisoners' rights violations: A request to launch an urgent investigation into the Department of Correctional Services Minister, Mr. Ngconde Balfour, was made by the Inkatha Freedom Party. The party called upon the South African Human Rights Commission (SAHRC) to launch an urgent investigation into the matter. Spokesperson for the IFP, Ms. Sybil Seaton, accused the Minister of human rights abuses following a television programme that showed disturbing visuals of sick and dying prisoners being left to waste away in prison. The IFP believes that Minister Balfour should be held accountable for the horrible conditions and the health care crisis faced by the Department of Correctional Services. Spokesman for the SAHRC , Mr.Vincent Moaga, confirmed that they were holding discussions with the IFP. Reported by Mhlaba Memela, 24 October 2008, The Sowetan,
<http://www.sowetan.co.za/News/Article.aspx?id=869627>

GOVERNANCE AND CORRUPTION

[Top of Page](#)

Awaiting trial prisoner allegedly tried to bribe his way out of prison: Mr. Richard "Magwaza" Nyundu, who is awaiting trial for the alleged murder of Nokuthala Mnisi, reportedly attempted to use his friendship with a police inspector to obtain R1000 bail. The bail bid, however, allegedly annoyed the investigating officer. His case was called back to court and he has been denied bail. Mnisi's family is pleased that bail was denied. Reported by Sibongile Mashaba, 30 September 2008, The Sowetan,
<http://www.sowetan.co.za/News/Article.aspx?id=853185>

Documents on Correctional Services Minister's car leave unanswered questions: Documents submitted to Parliament's Ethics Committee by Mr. Ngconde Balfour, Minister of Correctional Services, revealed that he reportedly submitted inaccurate information regarding allegations that he received a car as a gift and failed to declare it in the register of MP's interests. The documents submitted reportedly reveal incorrect dates of the commencement of payment for the car and allegedly reflected inaccurate account numbers as well. The Minister mentioned that he would make a second submission that shows that he started paying for the car in 2006. The Minister did not answer as to whether the discrepancies in the submissions were meant to mislead Parliament. Reported by Ndivhuho Mafela and Mpumelelo Mkhabela, The Times, 5 October 2008. <http://www.thetimes.co.za/News/Article.aspx?id=856387>

National Commissioner of Correctional Services shifted to Sports: South Africa's new President was to reportedly face his first political storm after his deputy, Ms Baleke Mbete, signed a controversial Cabinet Minute that swapped the posts of the Directors General of Correctional

Services Department (Vernie Peterson) and the Department of Sports and Recreation (Xolisa Sibeko). Vernie Peterson informed the media that he agreed with the decision but did not want to speculate as to the reasons for the move and was to ask the President to explain the decision. Mr. Peterson's move was reportedly linked to his strenuous relationship with the Minister of Correctional Services. Reported by Adriaan Basson Johannesburg 26 October 2008 at <http://www.mg.co.za/article/2008-10-26-why-was-i-shifted-kgalema> see also <http://www.thetimes.co.za/News/Article.aspx?id=872018> see also <http://www.africarelated.com/2008/10/31/south-africa-transfer-of-prisons-chief-queried> see also <http://152.111.1.251/argief/berigte/dieburger/2008/10/28/SK/2/polpetersen.html>

DA calls for urgent meeting to discuss departure of Commissioner: The Democratic Alliance spokesperson on Correctional Services, Mr. James Selfe, has called for an urgent meeting of the Portfolio Committee on Correctional Services to discuss the sudden transfer of Correctional Services Commissioner, Mr. Vernie Petersen, to the Department of Sport of Recreation. The DA stated that it was well known that Petersen and his minister, Ngconde Balfour, disagreed about the prison catering contracts that had been awarded to private companies. Die Burger, 30 October 2008, Reported by Philda Essop, <http://152.111.1.251/argief/berigte/dieburger/2008/10/30/SK/2/polpetersen2.html>

LABOUR RELATIONS

[Top of Page](#)

Consider alternatives before firing imprisoned employees: Mr. Sibongile Gule, a lawyer specialising in employment law and Director of law firm Deneys Reitz, says that dismissing an employee who has been incarcerated and thus fails to come to work, is not as clear cut as it seems and employers must ensure that the employee is given a fair hearing before being dismissed. Mr. Gule said that employers often get the decision wrong when faced with the question of whether to dismiss an imprisoned employee, the reasons for the dismissal and procedure thereof. Sometimes imprisonment could be on a suspicion of committing an offence and labour complications may arise where termination of employment is opted for prematurely by the company. Mr. Gule advises that employers consider other measures before dismissal, such as temporary employment, or consultation with the imprisoned employee before terminating his services for operational requirements. Reported by Ernest Mabuza, Legal Affairs Correspondent, Business Day. <http://www.businessday.co.za/articles/article.aspx?ID=BD4A859428>

Prison warders participate in a march to recall police commissioner: Police and Prisons Civil Rights Union (Popcru) organised a march comprised of traffic officers, prison warders and SAPS members, to recall police commissioner Perumal Naidoo. Cosatu's chairman, Mr. Phutas Tseki, said that it was the right of the alliance to recall people who fail to deliver. Naidoo and his provincial team have been accused of under-performance in their duties and lack of decisive leadership to deal with problems within SAPS. Mr. Tseki also called for the resignation of Community Safety MEC, Firoz Cachalia. A memorandum was handed in at Cachalia's offices. Popcru has been negotiating with Cachalia's office to address the problems. Reported by Getrude Makhafola, 3 October 2008, The Sowetan, <http://www.sowetan.co.za/News/Article.aspx?id=855442>

Warder retrieves job after 11 years: Mr. Neil Chiloane was accused of corruption and fired 11 years ago by the Department of Correctional Services, but he denied his involvement in corruption and has returned to his post as a warder in Johannesburg Prison 11 years later, after fighting his case in the Labour Court. Mr. Chiloane was accused of assisting prisoners to escape from prison and subsequently fired. After an unsuccessful attempt in the CCMA, Mr. Chiloane took the case to the Labour Court where the decision was reversed and he was reinstated. He could, however, not immediately return to his post as the Department appealed the finding. The appeal was declined recently and Mr. Chiloane

may now resume employment with Correctional Services. Reported by Mfundekelwa Mkhulisi, 8 October 2008, The Sowetan, <http://www.sowetan.co.za/News/Article.aspx?id=858267>

Correctional Services Minister welcomes new DG: Correctional Services Minister, Ngconde Balfour, welcomed the newly appointed National Commissioner and previously Director General of Sport and Recreation, Ms. Xolisa Sibeku. The Minister said that he was looking forward to a fruitful relationship with the new Commissioner that would help ensure the success of the Department. Mr. Balfour wished the former Commissioner, Mr. Vernie Peterson, well in his new post and thanked him for his contribution to the Department. Reported by Sapa, 27 October 2008. http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20081027165130680C277871

OTHER

[Top of Page](#)

UN Human Rights Commissioner says prisons should be reserved for serious criminals: While launching the Dignity and Justice for Detainees Week, the United Nation's High Commission for Human Rights, Ms Navi Pillay, reportedly said that there were many problems associated with 'detention in almost all countries.' Commissioner Pillay said that her office was 'not against prisons and detention centres per se, but they should be reserved for those who really deserve to be there according to the extensive, detailed and fundamentally sound international standards governing criminal justice.' Reported by Innocent Anaba, 10 October 2008, Vanguard, at <http://www.vanguardngr.com/content/view/18887/84/>

UN Human Rights Commissioner calls for end of arbitrary detention: The High Commissioner for Human Rights, Ms Navi Pillay, has called on governments to stop the arbitrary and unlawful detention of their citizens. She said this in launching a United Nations initiative to abolish this illegal practice and to highlight the plight of millions of people around the world who suffer unjust imprisonment and systematic violation of their human rights. She said "Many more individuals have been placed in detention as a result of these anti-terrorism initiatives by governments in many parts of the world" . . . "So, the trend in new anti-terrorism legislation in some countries appears to allow the police to detain people for longer and longer periods prior to their being charged." Pillay said that while Guantanamo Bay detainees capture the headline news, it must not be forgotten that millions of people around the world suffer unjust imprisonment, or unjust treatment in prison. "Every day around the world, there are hundreds of new cases of men, women and children being placed in detention, when they should not be - sometimes in quite inhumane conditions," she added. Reported by Voice of America, Lisa Schlein, 2 October 2008, <http://www.voanews.com/english/2008-10-02-voa34.cfm>

Minister of Correctional Services weeps over poverty: The Minister of Correctional Services, Mr. Ngconde Balfour, sobbed during a door-to-door visit in the Osizweni township. The township is located outside Newcastle in the KwaZulu-Natal. The Minister was accompanied by Ms Naledi Pandor, Minister for Education, and her provincial MEC, Ms Ina Cronje. They visited families in the Amajuba area as part of a government imbizo. The Ministers listened to the concerns of residents, which centred on lack of services, lack of job opportunities, and complaints about the local municipality which is reportedly not doing enough to improve the lives of the residents. The Minister could not contain himself when he met a 78-year old woman and pensioner, Ms. Linah Mntambo, who was suffering under poverty. Reported by Canaan Mdletshe, 27 October

2008, The Sowetan, <http://www.sowetan.co.za/News/Article.aspx?id=871219>

Afghanistan imposes 16-year sentence on SA man: An unnamed South African man who was arrested in 2007 when he tried to board in plane in Kabul with 6 kg of heroin, was sentenced to 16 years imprisonment. The drug was hidden in two bottles of body building powder. The man denied that he had any knowledge of the concealed drug and stated that he was carrying the bottles for a friend. 28 October 2008, Reuters, <http://www.mg.co.za/article/2008-10-28-afghanistan-jails-sa-man-for-16-years-over-heroin>

OTHER AFRICAN COUNTRIES

[Top of Page](#)

NIGERIA

Prison robbed: The Comptroller of Adamawa State Prisons, Alhaji Ado Mohamed, told journalists that people suspected to be criminals stole some valuable items from Jimeta Prison in Adamawa State. The Comptroller added that the prison truck 'which was parked in front of the prison was badly vandalized by the thieves' and that it 'was rendered immobile as the tires were stolen and other parts of the engine made away with.' Reported by Che Oyimnatumba, 8 October 2008, Which Way Nigeria, at <http://www.whichwaynigeria.net/nigerian-prison-robbed-criminals/> see also <http://www.vanguardngr.com/content/view/18774/47/>

Thousands of Nigerians imprisoned in foreign countries: Information gathered by Nigerian diplomatic missions reportedly showed that thousands of Nigerians were being imprisoned or detained in foreign countries. The information revealed 'that there are 1,461 Nigerians in prisons in the United Kingdom (UK) , 391 in India, 550 in China, 15 in Nepal, 164 in Pakistan, 1,500 in Libya, 23 in France, 23 in Canada, 140 in Togo, 97 in Niger, 158 in Algeria, 23 in Thailand?20 in Indonesia, six in Afghanistan, 15 in Libya.' Opinion by Christian Okeke, 9 October 2008, Nigerian Tribune, at <http://www.tribune.com.ng/09102008/politics.html>

Nigerian Prison Services commended: The Chief Judge of the Federal Capital Territory High Court, Justice Lawal Gummi, while speaking at a ceremony organised to mark the commencement of the 2008/2009 Legal Year of the Federal Capital Territory High Court, said that the judiciary should be independent. Chief Justice Gummi also 'commended the ? Nigerian Prison Services for living up to their responsibilities towards a more efficient justice delivery.' Reported by Ise-Oluwa Ige and Ikechukwu Nnochiri, 16 October 2008, Vanguard, at <http://www.vanguardngr.com/content/view/19409/42/>

Awaiting trial prisoners beg for money to buy food and female prisoners allegedly impregnated by warders: Suspects awaiting trial in the cells at the Lagos State High Court allegedly beg passersby for money to buy food and water. These are 'inmates of the various prison formations scattered all over the state. Peering through the bars of their cage, they call out to passersby within the court premises asking for money to buy food and water to keep them fit before they are returned to the various prison formations they were brought from.' There are also allegations that some female inmates had been impregnated by prison warders. Corruption is also a serious issue at some prisons such as Kirikiri Maximum Security prison, Ikoyi prison, Badagry Prison in Lagos where allegedly 'visitors are usually harassed and most times made to part with their money to enable inmates have access to food and water.' Reported by Yejide Gbenga-Ogundare, 19 October 2008, Sunday

Tribune, at http://www.tribune.com.ng/sun/19102008/sun_mag.html

Death row inmates allegedly clean the gallows after executions: A report released by Amnesty International and a Nigeria-based organisation, Legal Defence and Assistance Project, allege that there are over 700 inmates on death row in Nigerian prisons who had been convicted in circumstances that clearly violated their right to a fair trial. The report added that many people who were on death row had been convicted on confessions they made after being tortured. The report states that 'life on death row is extremely harsh. Prisoners whose appeals are over are held in cells from where they can observe executions. After a prisoner has been executed, other death row prisoners are forced to clean the gallows.' Summary of the Report entitled 'Poverty and the Death Penalty in Nigeria', 21 October 2008, at <http://www.amnesty.org/en/news-and-updates/news/poverty-and-the-death-penalty-in-nigeria-20081021> see also <http://panafricanews.blogspot.com/2008/10/nigerians-on-death-row.html> see also <http://www.vanguardngr.com/content/view/19989/84/>

Awaiting trial female prisoner refuses to wear uniform: A female inmate at Kirikiri prison in Apapa, Lagos who is 'said to be a top official of the Federal Ministry of Health ? facing fraud charges at the office of the Economic and Financial Crimes Commission (EFCC)' reportedly 'resented the idea of wearing the prison's green uniform provided for awaiting trial inmates when she was billed to appear in court.' The prison warders were incensed by her refusal to wear the uniform and they reportedly attempted to force her to wear it. However, they later gave up the idea and allowed her to go to court in her private clothes when they realised that they were running late on taking other inmates to court. Reported by Emma Nnadozie, 25 October 2008, Vanguard, at <http://www.vanguardngr.com/content/view/20142/128/>

LIBERIA

Former President's son allegedly laughed at prisoners' torture: Mr. Charles McArthur Emmanuel, son of former Liberian President Charles Taylor, allegedly laughed at prisoners when they were being tortured by officials working for an elite paramilitary anti-terrorist unit that he headed. While appearing as a witness for the prosecution in a Miami court where Mr. Emmanuel is on trial for the crime of torture committed by a US citizen abroad, one of Mr. Emmanuel's victims alleged that he 'laughed as prisoners were sodomised, forced to play soccer with stones until their bare feet bled, and burnt with molten plastic.' Reported by Sapa-Ap, 2 October 2008, IOL at http://www.iol.co.za/index.php?set_id=1&click_id=68&art_id=vn20081002054225144C509472

RWANDA

Prison constructed for genocide convicts: A senior Rwandan government official, Mr. Steven Balinda, said that his government has constructed prisons that complied with international standards to accommodate offenders convicted of genocide by the International Criminal Tribunal for Rwanda (ICTR). Mr. Balinda said that the Rwandan government would like to see all offenders convicted of genocide by the ICTR serving their sentences in Rwanda where they committed the atrocities. Reported by SN, 2 October 2008, Afrora, at http://www.afrora.com/site/news/index.php?id=136224&cursor=0&blogs=1&loc=en_US

GHANA

Chief Justice urges communities to embrace alternative dispute resolution: The Chief Justice of Ghana, Mrs Justice Georgina Wood, said that communities should use alternative dispute resolution, especially with regard to minor offences. The Chief Justice made the appeal when she was launching a Circuit Court in Ashaiman. The launch was attended by several officials from Ghana and by the South African Inspecting Judge of Prisons. Reported by GNA 3 October 2008, Ghana Government, at

http://www.ghana.gov.gh/ghana/chief_justice_inaugurates_new_court.jsp

EQUATORIAL GUINEA

British prisoner could be transferred to serve his sentence in home country: The President of Equatorial Guinea, Teodoro Obiang Nguema, said that Mr. Simon Mann, a British national serving a 34-year prison sentence for attempting to overthrow the Equatorial Guinea government, could be transferred to serve his sentence in Britain if the British authorities brought to trial some of the people alleged to have been involved in the aborted coup. President Obiang Nguema also said that if Mr. Mann continued co-operating with the authorities investigating the case, his sentence could be reduced. Reported by AFP, 26 October 2008, Mail & Guardian, at

<http://www.mg.co.za/article/2008-10-26-simon-mann-could-have-sentence-cut>

EGYPT

Journalist sentenced to prison for 'insulting president': Outspoken Egyptian journalist, Ibrahim Eissa, was sentenced to two months imprisonment after he lost an appeal in a controversial case over his coverage of rumors in September 2007 that President Hosni Mubarak's health was deteriorating. The decision drew anger from independent journalists and the opposition. Eissa in response to the prison sentence remained defiant: "The verdict opens the door of hell . . . It deals a blow to all illusions of a free press." A total of 11 journalist have been sentenced to imprisonment during September 2008. Reported by Joseph Mayton, Middle East Times, 30 September 2008

http://www.metimes.com/International/2008/09/30/11_egyptian_journalists_get_jail_in_september_for_insulting_ruling_party_president/1761

President pardons outspoken journalist: The Egyptian President, Hosni Mubarak, pardoned an outspoken newspaper editor, Mr. Ibrahim Eissa, who had been sentenced to a 2-month prison term for publishing a newspaper article questioning the President's health. The President reportedly said that the decision to pardon Mr. Eissa was 'to affirm his concern for freedom of opinion' in Egypt. Reported by Christian Fraser, 6 October 2008, BBC at http://news.bbc.co.uk/2/hi/middle_east/7656022.stm

UGANDA

Prisons chief says the gallows are well maintained and functional: The Commissioner General of Uganda Prisons, Dr. Johnson Byabasaija reportedly 'shocked' participants at a human rights meeting when he said that the gallows are 'very functional and well-maintained, with very active executioners.' Dr. Byabasaija added that the Ugandan President promised to sign no more execution warrants. The Commissioner General also told the participants that the Uganda Prisons Service was opposed to the death penalty. Reported by Josephine Maseruka , 12 October 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/654265>

European Union urges government to abolish the death penalty: Speaking at the launch of a book on the abolition of the death penalty in Uganda, Ambassador Vincent de Visscher urged the Ugandan government to abolish capital punishment and 'devise viable alternative forms of punishment. The Ambassador said that the European Union is the leading opponent of the death penalty and that 'its actions in this area represent a key priority of its external human rights policy.' Reported by Jude Kafuuma, 12 October 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/654272>

Prisons chief shocked at the length of time suspects spend awaiting trial: While speaking at a roundtable meeting organized by the

Uganda Human Rights Commission, as one of the activities to mark Detainees Week, the Commissioner General of Prisons, Dr Johnson Byabashaija, said that when he visited one of the prisons, Motoro prison, he 'asked for those who had spent more than two years waiting for a session in court' and he 'was shocked' because 'nearly everyone raised their hand.' Dr. Byabasaija also reportedly said that most of the prisons in the country were dilapidated and too small. Reported by Paul Amoru, 13 October 2008, Daily Monitor, at http://www.monitor.co.ug/artman/publish/news/Jails_over-flowing_says_Justice_Ogoola_73051.shtml

Minister warns prison officers against HIV/AIDS: The Minister of Internal Affairs, Dr. Ruhakana Rugunda, warned newly recruited prison officials against HIV/AIDS, telling them that they had a bright future. The Minister was addressing new prison officials at the Prisons Staff College and Training School in Luzira. At the same function, the Commissioner General of Prisons, Dr. Johnson Byabasaija, 'cautioned the officers to be aware of new crimes like cyber crime and drug trafficking.' Reported by Charles Ariko, 20 October 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/655530>

KENYA

Human rights body appeals to government to disclose the names of prisoners: A Kenya-based human rights organization, the Muslim Human Rights Forum, called upon the Kenyan government 'to make a full and public disclosure of all prisoners in its custody or transferred to Somalia, Ethiopia or elsewhere.' The call was made amidst allegations that the Kenyan government transferred some terrorism suspects to countries such as Ethiopia and Somalia where they were subjected to torture during interrogation. Human Rights Watch also said that several prisoners who were transferred from Kenya to Somalia were missing. Reported by Fed Mukindi, 1 October 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/476484/-/tkwkoc/-/>

Gun fire as prisoner escapes: Prison warders fired shots in the air when they realized that one of the five inmates from King'ong'o Prison in Nyeri South District, who were doing farm work, had escaped. The escaped prisoner is believed to have swum across the river and disappeared into the nearby slum. The warders' attempts to find him were unsuccessful. Reported by Nation Reporter, 23 October 2008, Daily Nation, at <http://www.nation.co.ke/News/regional/-/1070/483264/-/6kyufm/-/index.html>

ETHIOPIA

Kenyan suspected terrorists allegedly detained to be interrogated by Americans: Human Rights Watch alleged that the Kenyan government flew several terrorism suspects to Somalia from where they were transferred to Ethiopia for interrogation about their alleged involvement in terrorist activities. Most of them were detained for months under inhumane conditions and tortured during interrogation. The Ethiopian Minister of State for Foreign Affairs, Tekeda Alemu, reportedly said that he was not sure if the suspects had appeared before court but that he knew that they were still being interrogated. Reported by Robert Walker, 1 October 2008, BBC News, at <http://news.bbc.co.uk/2/hi/africa/7644989.stm>

Government denies torturing suspects: The Ethiopian government denied allegations that terrorism suspects who were arrested in Somalia and transferred to Ethiopia had been tortured during interrogation. In a statement issued by the Ethiopian Foreign Ministry, the government rejected most of the allegations made by Human Rights Watch, saying that they were unsubstantiated and false. The government also said that the suspects had not been arbitrarily arrested but that they 'were found in the theatre of war' and there were strong reasons to suspect them of being involved in terrorist activities. Reported by Sapa-AFP, 5 October 2008, at

<http://www.eastafricaforum.net/2008/10/05/ethiopia-denies-torture-allegations/>

Government-sanctioned report says 'detention conditions a disgrace': An official report entitled 'Modernizing Internal Security in Ethiopia' concluded, amongst other things, that the conditions under which many awaiting trial prisoners were being detained were 'a disgrace.' The report, written by a government-sanctioned consultant, retired British Colonel Michael Dewars, 'recommended that the Government should investigate this situation with the intention of improving the current appalling conditions inside Ethiopian prisons, which must brutalise prisoners' and prison officials equally.' Reported by Alemayehu G. Mariam 20 October 2008, Ethiopia Review, at

<http://www.ethiopianreview.com/content/5502>

LIBYA

Human Rights Watch urges government to release more political prisoners: The Libyan government released one of the eleven men who were arrested for planning to hold a peaceful demonstration in February 2007 and who have been in detention since then. Dr. Idris Boufayed was released because he was suffering from advanced lung cancer and the government said that he would be allowed to travel abroad for treatment. In a statement issued after Dr. Boufayed's release, Human Rights Watch said that 'Libya also needs to free the other 10 men who were arrested with him 20 months ago.' Press release by Human Rights Watch, 10 October 2008, at

<http://hrw.org/english/docs/2008/10/10/libya19948.htm>

CAMEROON

Prisons group condemns the imprisonment of an activist: A Cameroon-based prisons group, Writers in Prison Committee, condemned the three-year prison sentence that was imposed on a Cameroonian singer and song-writer. Mr. Pierre Roger Lambo Sandjo was sentenced to three years imprisonment for taking part in anti-government demonstrations. The Writers in Prison Committee called for the immediate and unconditional release of Mr. Sandjo. Reported by Afro News, 10 October 2008, at <http://www.afrol.com/articles/31190>

Female prisoners complain about unsanitary prison conditions: Female prisoners in Ebolowa Central Prison told the Sports and Physical Education Minister, Augustin Edjoa, that the hygienic conditions of the prison are deplorable. The prisoners told the Minister that the toilets were 'blocked and that they are forced to empty their bowels in dishes before disposing their waste in another place.' Edjoa, during the visit, provided the inmates with a television set, balls, jerseys and food stuff. The Secretary of State in the Ministry of Justice and Keeper of the Seals in charge of the Penitentiary Administration, Emmanuel Ngafeson, recently acknowledged that the right to health and feeding were not yet a reality in prisons. He confirmed that despite the increase in the allocation for food in prisons, the right of prisoners to adequate feeding is still not being met. It is reported that the conditions in Cameroon prisons are appalling and that this is exacerbated by torture meted out to prisoners which is known to occur at the Yaounde Central Prison in the section known as Kosovo. Ngafeson reminded the remarked that while in prison, the prisoners only lose their right to freedom and insisted on the fact that other rights should be respected. Reported by Leocadia Bongben, 10 October 2008, The Post, <http://allafrica.com/stories/200810100992.html>

MOROCCO

Schoolboy imprisoned for insulting king: An 18-year old Moroccan schoolboy has been imprisoned for insulting the king, after replacing the monarch's name with that of his favourite football club. He altered the phrase "God, The Nation, The King" on the school blackboard to read "God, The Nation, Barcelona". The family of the boy is appealing against the ruling, and his father told the BBC he was preparing to write a

letter to King Mohamed VI asking for a royal pardon. Reported by BBC News 28 October 2008, <http://news.bbc.co.uk/2/hi/africa/7693988.stm>

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