



30 Days Dae Izinsuku

Project of the Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' September 2008

CSPRI '30 Days/Dae/Izinsuku'
September 2008

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It has come to our attention that following certain links does not take our readers directly to the news report concerned but to the homepage of the particular publication. This is especially the case with reports from <www.iol.co.za> and <www.witness.co.za>. In these cases we advise that

you copy the link from CSPRI 30 Days/Dae/Izinsuku and paste it into the navigation toolbar of your internet browser and press Enter. We trust that this resolves the problem.

Lukas Muntingh & Jamil Mujuzi

GOVERNANCE AND CORRUPTION

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Whistleblowers at C-Max: An investigation has been launched at South Africa's most secure prison complex, C-Max, to expose whistleblowers who revealed security breaches at the prison. It was revealed to Pretoria News by sources in the Department of Correctional Services that numerous cell phones, a cell-phone charger, and dangerous weapons were smuggled into the prison since March 2008. Cell phones were found in the cells of two men accused of a robbery in which millions of rands were stolen. Sources say that a number of warders at C-Max were in the financial grip of prisoners, and that unless major security reparation is done and proper investigations conducted, smuggling will continue at C-Max prison. Reported by Graeme Hosken, 2 September 2008, IOL, at

http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080902055807863C982993

Parliament investigates the source of the Minister of Correctional Services' luxury car: The Parliamentary Joint Committee on Ethics and Members' Interests launched an investigation into the circumstances under which the Minister of Correctional Services, Ngconde Balfour, acquired a luxury car. There were allegations that the Minister may have benefited from 'a massive discount on the purchase of the car' from a company that was linked to one of the companies that won the tender to supply prisoners' food. Reported by Ndivhuho Mafela, 7 September 2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=838092> see also <http://www.thetimes.co.za/PrintEdition/Article.aspx?id=842926>

Regional commissioners may face the axe: The Department of Correctional Services Commissioner, Mr. Vernie Peterson, suspended two regional commissioners pending an investigation into corruption allegations against them. Regional Commissioner for Limpopo, Mpumalanga and North West, Mr. Patrick Gillingham, and Mr. Zach Modise, Regional Commissioner for Free State and Northern Cape, may face the axe once investigations against them have been concluded. Mr. Gillingham, the Department's former Chief Financial Officer, has been accused of corruption and tender irregularities by the Special Investigation Unit (SIU) and the Police and Prisons Civil Rights' Union (Popcru). Correctional Services said that Mr. Gillingham did not respond sufficiently to allegations of maladministration, corruption and victimisation made against him. Reported by Thabo Mkize, 11 September 2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=840801>

Police officer faces charges for interfering with evidence against parolee: Former Goodwood police station commander, Mr. Sipiwo Hewana, was charged with interfering in the drunken driving case against former African National Congress Chief Whip, Mr. Tony Yengeni, who was on parole. The prosecution alleged that Mr. Hewana intercepted Mr. Yengeni's blood sample before it was taken for forensic examination and that he placed it in an unlocked safe in his office where it could be tampered with. Reported by Sapa, 16 September 2008, IOL, at

http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20080916144021621C355769

PRISON CONDITIONS

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Prisons overcrowding affects community - CSPRI: Mr. Lukas Muntingh of the Civil Society Prison Reform Initiative (CSPRI) said that overcrowding affects the prisoners and the communities from which they come. Mr. Muntingh said that unnecessary arrests and the slow pace at which cases are handled contribute to the problem of awaiting trial detainees. Mr. Muntingh reportedly added 'that people spend long periods of time in prison awaiting trial, only to be released (in 50% of cases) without the case ever making it to the courtroom. Regarding the sentenced population who've already gone to trial, fewer offenders are sent to prison but they are staying there for longer. All this has an impact on the country: where high volumes of particularly men move in and out of the prison system, communities remain locked in a cycle of community instability, substance abuse, sexually transmitted infections, teenage pregnancy, and disintegrated family structures.' Reported by Sowetan, 29 August 2008, at <http://www.sowetan.co.za/News/Article.aspx?id=832176>

Prisoners on hunger strike: C-Max and Baviaanspoort prisons in Pretoria saw hundreds of their prisoners, including all awaiting-trial prisoners, embark on a hunger strike over treatment and conditions at the prisons. Nearly 900 prisoners threatened a revolt if their demands for better and fair treatment were not met. The strike was indefinite and came shortly after Correctional Services sources had revealed that serious security breaches at C-Max prison had taken place. Reported by Graeme Hoskin and Sapa, 4 September 2008 at <http://www.themercury.co.za/index.php?fArticleId=4593039> see also http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080904055504976C779047 see also http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20080907123112102C385357

South African prisons overcrowded - CSPRI: Mr. Lukas Muntingh of the Civil Society Prison Reform Initiative told the 13th meeting of the Joint Civil Society Monitoring Forum (JCSMF) which was held in Cape Town that many of South Africa's prisons were overcrowded. He added that 'in January this year there were about 166 000 people in South Africa's 237 operational prisons... The problem is that the actual capacity of these prisons is only 115 000 - which means they are 51 000 people (about 40%) over capacity.' Ms. Paula Akugizibwe of the Aids and Rights Alliance of Southern Africa (ARASA) said that overcrowding in prisons was fuelling the spread of TB. Reported by Marcus Low, 23 September 2008, Health24 at http://www.health24.com/medical/Condition_centres/777-792-3990-4019,48050.asp

SENTENCING AND PAROLE

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Prisoner's sentence reduced on appeal: Mr. Bongani Vilakazi's appeal against a life sentence to which he had been sentenced for raping a girl under the age of 16 was reduced to 15 years by the Supreme Court of Appeal which held that the case exhibited several 'disturbing features.' The Supreme Court of Appeal conceded that rape was 'an invasion of the most private and intimate zone of a woman and strikes at the core of her personhood and dignity', but held that there was no conclusive evidence that the girl Mr. Vilakazi raped was indeed below the age of 16 years. The Court's decision was criticised by women's rights activists who argued that it was 'yet another example of the dysfunctional criminal justice system.' Reported by Sapa 2 September 2008, The Citizen, at <http://www.thecitizen.co.za/index/article.aspx?pDesc=76693,1,22>

Prisoners' rights organisation to challenge the parole of a prisoner: Mr. Miles Bhudu, President of South African Prisoners Organisation for Human Rights, said that he will challenge the parole of Mr. Mark Scott-Crossley who allegedly jumped the parole queue. Mr. Scott-Crossley was serving a sentence for throwing the body of one of his black employees into a lion enclosure. Mr. Bhudu reportedly said that 'Scott-Crossley will remain a racist and a danger to society. He never showed remorse for the heinous crime he committed.' Mr. Bhudu also reportedly said that either the Minister of Correctional Services or his spokesperson, were not telling the truth about the circumstances under which Mr. Scott-Crossley was released. Reported Sibongile Mashaba, 3 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=835327>

Police officer refuses journalists to photograph parolee under his supervision: Mr. Mushwana, a policeman who was assigned to supervise a parolee, Mr. Mark Scott-Crossley, refused journalists who were suspicious that Mr. Scott-Crossley could be breaching his parole conditions to photograph him. There were reports that Mr. Scott-Crossley was not observing his parole conditions and the journalists who were investigating the story were ordered to leave Mr. Scott-Crossley alone. The Department of Correctional Services said that it will investigate the allegations of parole conditions violations and that if found to be true, Mr. Scott-Crossley's parole will be cancelled. Reported by Kingdom Mabuza, 4 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=836151> see also <http://www.sowetan.co.za/Feedback/Article.aspx?id=836089>

Medical parole discussed: Parliament's Correctional Services Portfolio Committee met on 16 September to discuss medical parole for terminally ill prisoners. Before the meeting, the Committee declared that it would not focus specifically on convicted fraudster Schabir Shaik. Committee chairperson, Dennis Bloem, mentioned that the Committee was concerned about the number of prisoners dying, as a total of 1249 inmates died in prison in 2006, and 1056 in 2007. Officials from Correctional Services in KwaZulu-Natal were scheduled to brief the Committee on Schabir Shaik's case, where he is serving a 15-year sentence for corruption and fraud. Reports indicate that Mr. Shaik is suffering from severe high blood pressure. Reported by Sapa 8 September 2008, IOL http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20080908180758229C520002

Minister taken to court: The Minister for Correctional Services was taken to the Port Elizabeth High Court by four prisoners who were convicted of murder whose applications for parole were denied by the St. Albans Correctional Supervision and Parole Board, in order to overturn the Correctional Supervision and Parole Board's decision. A report by the Herald Times indicates that the four prisoners, Lungisa Lumphondwana, Solomon Nonkala, Mlungisi Maneli and Sakumzi Tukeshe, are serving sentences ranging from 18 to 25 years at St. Albans Prison. In court papers, the prisoners argued that members of the Correctional Supervision and Parole Board had overemphasised the nature of the crimes they committed, the length of the sentences imposed, and the fact that they were under maximum security classification. Reported by Legalbrief, 9 September 2008 at <http://www.legalbrief.co.za/article.php?story=20080909140851996>

Making a mockery of the parole system: The Democratic Alliance claimed that the handling of Mr. Tony Yengeni's correctional supervision made a mockery of the country's parole system. The Department of Correctional Services' statement that it could not investigate the allegations that Mr. Yengeni's violated his parole conditions, unless a formal complaint was received, was dismissed by the DA. James Selfe, spokesperson for the DA on correctional services matters, mentioned that Mr. Yengeni's parole officer should have reacted after a photograph was published that spotted Mr. Yengeni outside a Camps Bay restaurant with what appeared to be an alcoholic drink in front of him, with his BMW parked in a disabled parking bay. Mr. Selfe mentioned that once a prima facie case of an apparent breach is established, the onus rests on the Department to approach the parolee for an explanation and other sources for testimony. Mr. Selfe stated that the Department and community corrections officers had disastrously abandoned their duty in Mr. Yengeni's case, and as a result had brought the parole system into disrepute. Reported by Sapa, 11

September 2008, by IOL at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080911144145528C845713

Man on medical parole convicted of rape: Mr. Faruk Shaik, who had been released on medical parole in 2003 because he was dying of cancer after serving two years of his 10 year sentence for rape, was sentenced to life imprisonment after being again convicted of rape. On sentencing Mr. Shaik to life imprisonment, the regional magistrate reportedly said that the fact that he was released on medical parole raised 'serious questions regarding the system where people are released from jail due to ill health.' The magistrate added that he hoped that Mr. Shaik's case served as a lesson to the Department of Correctional Services in the future when making decisions regarding which prisoners qualify for medical parole. Reported by Tania Broughton 12 September 2008, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080912061804808C857905

'Prison nurses attacker was aware of what he was doing': A 22 year old man, Mr. Thabo Amos Masinga, who allegedly slit the throats of two nurses at Baviaanspoort prison hospital, had undergone psychological tests revealing a man cognisant of his actions. Clinical psychologist, Mr. Jonathan Scholtz, from the Weskoppies Hospital in Pretoria, had conducted tests on the accused and reported his findings in the Pretoria High Court. The psychologist stated that the findings showed a person capable of distinguishing between the right and wrong of his conduct. This was the second set of tests conducted on the accused that was referred for further tests after a private psychologist, Mr. Wicus Coetzee, found Mr. Masinga to be psychotic. However, Mr. Scholtz in giving testimony said that neither signs of psychosis nor any memory deficits were present in the accused, who had admitted to consuming drugs before the murder. Mr. Scholtz mentioned, however, that Mr. Masinga did show signs of anti-social personality disorder. Masinga pleaded not guilty and the trial continues. Reported by The Citizen, 15 September 2008, at <http://www.citizen.co.za/index/article.aspx?pDesc=77761,1,22>

Prisoner's family optimistic he could be pardoned: The family of convicted fraudster, Mr. Schabir Shaik, was feeling the 'most optimistic' than ever, since his imprisonment in 2006. His brother, Mr. Mo Shaik, said that for the first time, the family is standing at the 'real doors of justice.' Mr. Mo Shaik had stated that his brother Schabir was simply bait to catch bigger fish and expressed that by not being charged together with Mr. Jacob Zuma, the ANC President, his brother's trial was unfair and political. Shaik's family and lawyers will be applying to the presidency for pardon, and Mr. Mo Shaik had mentioned that his brother was gravely ill as a result of uncontrolled blood pressure and was in hospital. Reported by Barbara Cole, 15 September 2008, IOL at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080915104558364C822493

High profile prisoner's hospital bills draining state resources: Mr. Dennis Bloem, chairperson of the Portfolio Committee on Correctional Services, objected to the costs involved in keeping Mr. Schabir Shaik in a state hospital. This came in reaction to a statement by Correctional Services Commissioner, Mr. Vernie Peterson, that Mr. Shaik did not qualify for medical parole. The Committee was briefed by DCS officials on the parole of terminally ill prisoners. Mr. Bloem mentioned that it had become costly for the State to keep Mr. Shaik in hospital. Reported by SABC news 16 September 2008 at http://www.sabcnews.co.za/south_africa/crime1justice/0,2172,176954,00.html

Senior DCS officials disagree on whether high profile prisoner should be granted medical parole: The National Commissioner of Correctional Services, Mr. Vernie Petersen, and the KwaZulu-Natal prisons commissioner, Mr. Nkosinathi Nhleko, held opposing views on whether Mr. Schabir Shaik, who is serving a 15 year prison sentence for fraud, should be released on medical parole. Since he began serving his sentence, Mr. Shaik has spent several months in hospital which is costing the Department of Correctional Services thousands of rands. Commissioner

Petersen said that medical parole was for prisoners who were terminally ill as opposed to those, like Mr. Shaik, who are chronically ill. However, Mr. Nhleko said that Mr. Shaik's continued stay in hospital was costing the Department thousands of rands and he should be granted medical parole to save that money. Reported by Anna Majavu, 17 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=844808>

Man who slits throats of nurses at prison gets 50 years: The man convicted of slitting the throats of two nurses at Baviaanspoort Prison hospital in 2005, was sentenced to 50 years imprisonment in the Pretoria High Court. Acting Judge, Solly Sithole, said that Mr. Thabo Amos Masinga had committed the most 'repulsive' and 'despicable' crimes. The judge said that Mr. Masinga's crimes were carefully planned. Mr. Misanga, who is 24 years old, had gone to the prison hospital and kidnapped two nurses, raped one and indecently assaulted the other, subsequently slitting their throats and robbing them while they were lying in pools of blood. Judge Sithole mentioned that Mr. Masinga's actions showed clearly that he was not only a danger to himself but also to society and should thus be removed from society for a long time, if not forever. Defence counsel for Mr. Masinga, Herman Albertus, had taken instructions to appeal the decision on grounds that the statements of the nurses had differed and that a report declaring his client 'psychotic' had not been taken into account by the court. Reported by Sapa in Legal Brief, 20 September 2008 at <http://www.legalbrief.co.za/article.php?story=2008092017303198>

Pagad leader paroled after 10 years: Mr. Abdussalaam Ebrahim, national coordinator of People Against Gangsterism and Drugs (Pagad), was released on parole after spending nearly 10 years behind bars. Pagad's national secretary, Mr. Abeerah Roberts, said that Mr. Ebrahim mentioned that he would only be free once the 18 Pagad members who were imprisoned with him were also freed. Many conditions are attached to Mr. Ebrahim's parole, which includes not speaking to the media. Mr. Ebrahim was sentenced to seven years imprisonment for involvement in the murder of Hard Livings gang leader Rashaad Staggie and the attack on Mitchell's Plain drug dealer Mogamat Madatt. Thereafter, Ebrahim was sentenced to another four years for public violence. Reported by Clayton Barnes, 22 September 2008, at <http://www.capeargus.co.za/index.php?fArticleId=4623975>

SECURITY AND ESCAPES

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Cell-phones confiscated from awaiting trial prisoners in a maximum security prison: Cell phones and other contraband were allegedly confiscated from awaiting-trial prisoners in one of South Africa's most secure prisons, C-Max in Pretoria. The confiscated cell phones were allegedly found hidden in 'the cell of a suspected bank robber and in a fire extinguisher housing.' The police were investigating reports that the awaiting trial prisoners were using the confiscated cell phones to mastermind criminal activities outside the prison, such as the destruction of evidence that could be used against them. Reported by Graeme Hosken, 1 September 2008, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080901054532620C275009

Prison escapees arrested: Eastern Cape police said that two of the four prisoners who escaped from Wellington Prison in Mthatha were arrested and taken back to prison. The two were convicted armed robbers and had escaped by sawing through burglar bars. Reported by Sapa, 19 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=846496>

Alert cops capture three escapees in less than four hours: It took Mthatha police less than four hours to capture three awaiting-trial prisoners who escaped from Wellington Prison. Police had immediately launched a manhunt when four prisoners escaped at 5 am in the morning, and arrested the escapees near the Mthatha River. The first arrest took place at approximately 7 am, with the other two being captured about 30 minutes later while they were hiding at the river. Police had to swim to them to make the arrests, said police spokesperson, Mr. Mzukisi Fatyela. One of them was still on the run. The men had escaped after using a burglar bar to break down the cell door. Reported by Malungelo Boo, 22 September 2008, Daily Dispatch at <http://www.dispatch.co.za/article.aspx?id=250738>

Man attempts to escape 108 years in prison: A man sentenced to 108 years imprisonment for a series of robberies, attempted to escape police custody by blinding police officers with chilli powder. The man was overpowered by other nearby officers, who then begged with officers to kill him in order to avoid going to prison for such a long time. Mr. Mduduzi Bongani Motha from Piet Retief, had previously escaped from police custody, but was rearrested a year later. Mr. Motha who had two accomplices, Mr. William Nkosi and Mr. Walter Malinga, was convicted on more than 20 robbery and theft charges, burglary and house robberies, that was committed in and around the Piet Retief area. Reported by McKeed Kotlolo, 23 September 2008, at <http://www.sowetan.co.za/News/Article.aspx?id=848832>

LABOUR RELATIONS

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Dismissal of warders with dreadlocks goes to Labour Court: Five prison warders, Mr. James Lebatlang, Mr. Cohen Jacobs, Mr. Mduduzi Khubeka, Mr. Thamsanqa Ngqula and Mr. Lucky Kamlana, approached the Labour court to challenge their dismissal by the Department of Correctional Services, when they refused to cut off their dreadlocks. Three of the men followed the Rastafari religion which forbids men to cut their hair. The other two have grown their hair into dreadlocks for cultural reasons. The men had been wearing dreadlocks all along, but received letters from a newly appointed Area Commissioner ordering them to cut their hair in conformity with the Departmental dress code, or face disciplinary action. They refused, giving religious beliefs as reasons and were subsequently suspended and eventually dismissed. Attached to their suspension letters was a dress code drafted prior to the current Constitution coming into effect, which ordered that hair may not be worn longer than the collar, the fringe may not hang in the eyes, and may not be in unnatural colours or be cut in punk style. The five men argued in their statement before the Labour Court in Cape Town that that their dismissal was unfair under the Labour Relations Act and amounted to unfair discrimination in terms of the Employment Equity Act. Reported by Frannie Rabkin on 16 September 2008, Business Day, at <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3334477> see also [http://www.witness.co.za/index.php?showcontent&global\[_id\]=13123](http://www.witness.co.za/index.php?showcontent&global[_id]=13123)

Officers at Pollsmoor contest dismissals: Mr. Jeftha Mandla Mkabela, Pollsmoor Management Area Commissioner, said that there was a culture of non-compliance at Pollsmoor prison, while testifying in the Cape Labour Court. He was testifying during a dismissal challenge hearing where five men, Mr. James Lebatlang, Mr. Cohen Jacobs, Mr. Mduduzi Khubeka, Mr. Tammy Ngqula and Mr. Lucky Kamlana had challenged their dismissal, after they refused to cut their dreadlocks while advancing religious and cultural reasons as motivation. Mr. Mkabela stated that non-

compliance with the codes brought about poor service delivery and that he gave the officers written warnings to comply with the Department's 'corporate wear' policy or respond within six months. But they were suspended less than a month after the warning and dismissed on July 3, weeks before they were to submit their response. The five argued that the action taken by Mr. Mkabela constituted discrimination on religious and cultural grounds, as well as gender, as they were not allowed to braid their hair even though women were. Reported by Fouzia van De Fort, Cape Argus, 23 September 2008 at <http://allafrica.com/stories/200809240535.html>

Correctional Services Minister and Deputy Minister re-appointed after resignation: South African President, Kgalema Motlanthe, re-appointed the Minister of Correctional Services, Ngconde Balfour, and the Deputy Minister of Correctional Services, Loretta Jacobus, after their resignation. The Minister and his deputy were two of the ministers who resigned days after former South African President, Thabo Mbeki, was recalled from office by his party, the African National Congress. Reported by Anna Majavu, 26 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=851023> see also <http://www.sowetan.co.za/News/Article.aspx?id=850863> see also <http://www.sowetan.co.za/News/Article.aspx?id=849417>

REHABILITATION

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Former offenders could be the key to fighting crime in South Africa: Nkosinathi Ndebele who is 'working on a project that primarily looks into creating employment for people with criminal records who are skilled and prepared to work' wrote that one of the ways through which the current high crime rate in South Africa could be reduced is to create an environment conducive for entrepreneurship to enable former offenders to be gainfully employed because 'most of the criminals you find in prisons are very enterprising.' Article to Sowetan by Nkosinathi Ndebele, 3 September 2008, at <http://www.thetimes.co.za/News/Article.aspx?id=835229>

Prisoners benefit from a stress management and rehabilitation programme: Since May 2002 about 4,500 prisoners in different South African prisons have participated in the Stress Management and Rehabilitation programme facilitated by volunteers from the International Association for Human Values. Mr. Chintz Bhana, one of the volunteers from the International Association for Human Values, said that the objectives of the programme are to prevent prison fights and gangsterism caused by stress and anger. The programme has been implemented in the following prisons in South Africa: Johannesburg (Sun City), Baviaanspoort, Leeuwkop, Boksburg and Vereeniging/Groenpunt in Gauteng; Durban-Westville in KwaZulu-Natal; and Pollsmoor in the Western Cape. Reported by Monako Dibetle, 9 September 2008, Mail and Guardian, at <http://www.mg.co.za/article/2008-09-09-breath-of-hope-for-convicts>

UNSENTENCED PRISONERS

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Awaiting trial detainees denied bail for posing danger to society: Three detainees awaiting-trial for murder were denied bail because if they were released 'the public's sense of security would be undermined', Judge Mohini Murugasen of the Durban High Court ruled. The accused were awaiting-trial for the murder of a Durban businessman in a drive-by shooting in Durban early this year. Judge Murugasen also ruled that the accused had not shown exceptional circumstances that would have compelled her to grant them bail. Reported by Irene Kuppen, 18 September 2008, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20080908105543376C114978

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Prisoners' rights activist imprisoned for eight years: The President of South African Prisoners' Organisation for Human Rights (Sapohr), Mr. Golden Miles Bhudu, was sentenced to eight years imprisonment for helping an illegal immigrant to escape. While imposing the sentence on Bhudu, the Magistrate reportedly said that 'an organisation representing the rights of prisoners cannot commit a crime and claim they were doing their duty.' The Magistrate dismissed Mr. Bhudu's lawyer's application for leave to appeal. Reported by Penwell Dlamini, 9 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=839251> see also <http://www.mg.co.za/article/2008-09-13-golden-miles-bhudu-keep-the-obit-on-ice>

Book on human rights in African prisons launched: A book titled 'Human Rights in African Prisons' edited by Professor Jeremy Sarkin, with contributions from numerous distinguished authors, was launched in Cape Town. The book touches on the situation faced by African prisons and the high rates of incarceration that have resulted in overcrowding, unhygienic conditions and a general lack of resources. The book aims at suggesting recommendations for improving the decaying situation of African prisons. Professor Sarkin, a former Senior Law Professor at the University of the Western Cape, and once acting Judge of the Cape High Court, mentioned that the issue of overcrowding led to most problems and that outdated infrastructure were problematic and required upgrading, and that malnutrition, poor hygiene and poor conditions for women and children ought to be addressed. Reported by SABCNEWS 11 September 2008, at http://www.sabcnews.com/south_africa/crime1justice/0,2172,176626,00.html

Lawyer withdraws from prisoner's appeal: Lawyer Harry Pretorius, who was representing Mr. Christoff Becker who was appealing against his 12-year prison term for murder, said that he withdrew from the case on ethical grounds. Mr. Becker and his three friends were convicted of the murder of a homeless man and sentenced to 12 years imprisonment. They became known as the 'Waterkloof Four'. However, Mr. Becker's family said that they had terminated Mr. Pretorius's services because they could no longer afford him. Reported by Sapa, 11 September 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=840748>

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Eritrea

Religious leaders detained without trial: The Eritrean government has allegedly detained several Christian religious leaders for several months and sometimes years without trial. Some were being detained in prisons located in military barracks. Some have allegedly been treated harshly while in detention and others have been denied medical attention yet they are in poor health. Reported by State Department, USA, 19 September 2008, at

<http://www.eastafricaforum.net/2008/09/23/eritrea-international-religious-freedom-report-2008/> see also

<http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5601&backpage=summaries&critere=&countryname=&ro wcur=>

Ethiopia

US Senator tables Bill calling for more funding to Ethiopia to address the human rights situation including prison conditions:

Senator Russ Feingold introduced the Support for Democracy and Human Rights in Ethiopia Act of 2008 in which he called on the United States government to increase funding to the Ethiopian government for the latter to implement programmes aimed at promoting and protecting human rights. In introducing the Bill, Senator Feingold said that Ethiopian 'people are being thrown in jail without justification' and quoted the 2007 State Department Report which highlighted 'poor prison conditions'. Statement of US Senator Feingold 9 September 2008, at

<http://www.eastafricaforum.net/2008/09/14/senator-feingold-support-for-democracy-and-human-rights-in-ethiopia-act-of-2008/>

Rwanda

Country resorts to biogas to uplift prison sanitation: The Kigali-based Kigali Institute of Science and Technology (KIST) was instrumental in helping the Rwanda government deal with the hygiene issues that accompanied the overcrowding of prisons after the Rwandan genocide of the mid-1990s. 'With some of Rwanda's prisons holding five times the intended number of inmates ? the original septic tanks and settling pools were unable to cope. The appearance and stench was just the beginning of the problem. Faced with these threats, KIST developed a way to convert the human sewage to biogas, thus cleaning up the waste hygienically and creating a sustainable energy source.' Reported by Robert Ndlovu 12 September 2008, The Zimbabwe Times, at <http://www.thezimbabwetimes.com/?p=3958>

Burundi

Political prisoners to be released: The government of Burundi signed an agreement with Burundi's last rebel group, Palipehutu-Forces for National Liberation (FNL), in which it agreed to release civilian and military prisoners detained for supporting FNL. 'The FNL has repeatedly demanded the release of its detained members as a pre-condition for implementing a ceasefire with the government, according to local observers in the capital, Bujumbura.' Reported by IRIN, 3 September 2008, at <http://www.irinnews.org/Report.aspx?ReportId=80145>

Namibia

Contaminated milk allegedly distributed in prisons: A Namibian Newspaper, Informante, reported that thousands of litres of contaminated milk from a Chinese manufacturer were distributed to prisons in Namibia. However, the Minister of Health and Social Services, Richard Kamwi, denied that there was any Chinese milk in Namibia. The Minister of Safety and Security, Dr Nicky Iyambo, reportedly said that he had been informed that there was no Chinese milk in prisons. Reported by Tawanda Kanhema, 25 September 2008, Informante, at http://www.informante.web.na:8080/informante/index.php?option=com_content&task=view&id=2874

Prisoners to be assessed for grading: The Minister of Safety and Security, Dr Nicky Iyambo, said that the Prisons and Correctional Services Department was 'developing a new and improved method of allotting prison inmates to appropriate holding cells and workstations.' The Minister said that the idea was to ensure the welfare of inmates and the prison authorities would be able to identify each prisoner's special needs and pay attention to them. The prisoners will be psychologically assessed and those with special needs will be identified when they have just arrived in prisons before they are placed in their respective cells where they would serve their full sentences. The Minister said that more staff would be needed to carry out the assessments. Reported by Catherine Sasman, 26 September 2007, New Era, at <http://allafrica.com/stories/200809260458.html>

Nigeria

Attorney General calls on the judiciary to handle cases in time to reduce overcrowding: The Attorney General of the Federation and Minister of Justice, Mike Aondokaa, told a seminar at Makurdi to mark the Benue State High Court Legal Year 2008/2009, that there was a 'need for judicial officers and the legal team to avoid undue delay in handling cases of suspects, as failing to do so would always amount to subjecting the suspects to outright injustice, a situation he said could result to passing a vote of no confidence on the judiciary.' The Attorney-General said overcrowded prisons resulted in the untold suffering of awaiting-trial inmates. Reported by Abel Orih Idoma, 22 September 2008, This Day, at <http://allafrica.com/stories/200809221156.html> see also <http://www.africarelated.com/2008/09/22/nigeria-attorney-general-makes-case-for-prisons-decongestion>

Prisons boss ordered to bring prisoner to court: Justice Kolawole of the Federal High Court, Abuja Division, ordered the Superintendent of the Federal Prisons in Minna to produce Alhaji Mohammed Masaba Bello in court on 27 October 2008. Mr. Masaba was arrested at the Upper Sharia Court in Minna for the offence of marrying 86 wives which was contrary to Sharia law which allows a maximum of four wives. 'Justice Kolawole observed that the arrest and arraignment of Masaba Bello at the Upper Sharia Court in Minna is an infraction of the subsisting order of the court and thereby ordered that the superintendent of the Federal Prisons Minna should produce Masaba in court to determine whether or not the act is an abuse or infraction of his order.' Reported by Nnamdi Felix, 25 September 2008, Online Nigeria, at <http://nm.onlinenigeria.com/templates/?a=13653&z=17>

Zambia

New African Prison Association to be launched: Various stakeholders in the prisons sector were to gather in Zambia in late September 2008 to launch a regional body that would deal with problems affecting prisoners in Africa. The Zambia Prisons Services, which was to host the launching, said that 'the African Correctional Services Association (Acsa) was formed following the dissolution of the Conference of Eastern, Central and Southern African heads of correctional and prisons services (Cesca).' The September conference was to 'officially dissolve Cesca and transfer its assets and liabilities to Acsa as well as endorse its constitution.' Reported by Moneybiz, 23 September 2008, at <http://www.moneybiz.co.za/africa/africa.asp?story=6d828d32-d890-4482-be4e-627599a5234e>

Liberia

Country asked to improve prison conditions: A Canadian independent expert at the Human Rights Council, Mr. Sebastien Malo, while interacting with the Liberian state delegates on the situation of human rights in Liberia said that the prison system was one of the several sectors in Liberia that needed improvement. Mr. Malo added that the prison sector had an impact on other sectors in the country. He also expressed concern over the issue of the death penalty in Liberia. Reported by Relieve Web, 23 September 2008, at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7JRRQ7?OpenDocument&query=liberia%20independent%20expert>

UN body concerned over death penalty legislation: The UN Human Rights Committee, the enforcement body of the International Covenant on Civil and Political Rights, expressed concern over Liberia's new law authorising the imposition of the death penalty. Liberian President, Ellen Johnson Sirleaf, on 22 July 2008 assented to the law which provides that 'in the event death occurs during the commission of a crime of armed robbery, terrorism or hijacking, the accused shall be sentenced to death by hanging or imprisonment for life without possible parole.' The Human Rights Committee said that that law violates Liberia's international law obligations because Liberia is a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which obliges States Parties to outlaw the death penalty. Reported by UN News Service, 26 August 2008, at <http://allafrica.com/stories/200808270004.html>

Ghana

Restorative justice should be emphasised - Criminal justice scholar: A Ghanaian criminal justice scholar, Mr. Godwin J.Y. Agboka, urged the government to look into the possibilities of introducing restorative justice programmes especially in cases of offenders who commit less serious offences as one of the ways to deal with overcrowding in prisons. Mr. Agboka wrote that there was evidence from different parts of the world that high imprisonment levels are not a solution to crime. He said that prison conditions in Ghana were below international standards and that imprisoning petty offenders was detrimental to their rehabilitation. Opinion by Godwin J.Y. Agboka in My Joy Online, 1 September, 2008, at <http://news.myjoyonline.com/features/200809/20028.asp>

Prison congestion alarming: A visit by the Statesman newspaper at Sunyani Central Prison revealed that overcrowding in the facility was alarming. The prison was constructed to accommodate 400 inmates but at the time the newspaper visited the facility it held over 700 inmates. The Second-in-Command of the Sunyani Central Prison, Chief Superintendent Samuel Sapak Zoogal, told the Statesman that because of

overcrowding, the prison facilities were over-stretched. He also said that the prison lacked sufficient staff to run it. Reported by Fred Tetteh Alarti-Amoako, 26 September 2008, The Statesman, at http://www.thestatesmanonline.com/pages/news_detail.php?newsid=7335§ion=1

Tanzania

Catholic priest says prisoners should be treated according to international standards: While addressing the Pontifical Council for Justice and Peace on Saturday in Dar es Salaam, Tanzania, Sister Jacky Atabong of the International Commission for Catholic Prison Pastoral Care (ICCPCC) Africa said that prisons did not exist in Africa before colonialism and that African countries should resort to restorative justice to deal with crime. Sister Atabong said that 'inmates were very vulnerable people as they were sometimes abandoned, forgotten and ignored by their families and the society.' She added that prison authorities should treat prisoners in accordance with the International Minimum Standards for the Treatment of Prisoners. Reported by Patrick Kisembo, 2 September 2008, IPP News, at <http://ippmedia.com/ipp/guardian/2008/09/02/121739.html>

Uganda

Prisoners refuse to leave prison after serving their sentences: There are reportedly 'a growing number of people' in Ugandan prisons who refuse to leave prison after serving their sentences. Some said that they did not want to leave prison because they were safer there than in their communities and others said that they did not have anywhere to go after imprisonment. The spokesperson for the Uganda Prisons Service, Mr. Frank Baine Mayanja, said that, 'some prisoners, especially those on capital offences, indeed opt to stay in prison fearing revenge from communities.' A local non-governmental organisation that works to rehabilitate prisoners, Mission After Custody, said that in the past two years they have dealt with over 500 cases of prisoners who had finished serving their sentences but did not want to go back to their communities. Reported by Michael Mubangizi, 3 September 2008, The Weekly Observer, at http://www.observer.ug/index.php?option=com_content&task=view&id=984&Itemid=59

Prime Minister orders Minister of Internal Affairs to investigate cases of awaiting trial prisoners: Uganda's Prime Minister, Prof. Apolo Nsubambi, asked the Internal Affairs Minister, Dr. Ruhakana Rugunda, to investigate reports that several civilians had been detained in one of Uganda's maximum security prisons, Kigo Prison, for years awaiting trial. The Prime Minister's directive followed a statement by one of the Members of Parliament that there were allegations that civilian prisoners were being tried in military courts and that some had been tortured. Reported by Joyce Namutebi and Cyprian Musoke, 3 September 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/647934>

Court orders prisoners to be given impounded fish: The Chief Magistrate of Masaka court, David Batema, ordered the police to give the immature fish worth millions of shillings impounded from a businessman to Masaka Central prisoners. The Magistrate ruled that 'it would be fit for the fish to be given to the prisoners than destroying or burning them.' He added that the order 'should sound as a reminder to other businessmen who are dealing in immature fish that the practice is illegal and court[s] will punish them whenever they are apprehended.' Reported by Ali Mambule, 19 September 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/650524>

Religion a key factor in rehabilitating prisoners -activist: Mr. David Mwesigye, the Executive Director of Prison Fellowship Uganda, wrote that prisons in Uganda face many challenges, including overcrowding and insufficient government funding which make the rehabilitation of prisoners almost impossible. He suggested that building more prisons would not address the problem of overcrowding and that the government had to consider mainstreaming alternatives to imprisonment, especially for offenders convicted of less serious offences. Mr. Mwesigye said that religion has an important role to play in rehabilitating offenders. Opinion by David Mwesigye, 29 September 2008, The New Vision, at <http://www.newvision.co.ug/D/8/459/652083>

Prison warders arrested for desertion: Seven prison warders were arrested for allegedly forging certificates showing that they had been discharged from the prison service. They had allegedly submitted the forged discharge certificates to a recruiting firm to find them security jobs in Iraq. The Uganda Prisons spokesperson, Mr. Frank Baine Mayanja, said that the officers had forged the discharge certificates because 'the companies recruiting security guards for firms in Iraq require the officers joining them to have been discharged officially from the forces so that they are not considered to be recruiting deserters.' Reported by Alfred Nyongesa Wandera and Lydia Mukasa, 30 September 2008, Daily Monitor, at http://www.monitor.co.ug/artman/publish/news/Prison_warders_arrested_over_forged_certificates_72368.shtml

Sierra Leone

Human rights activists oppose the inclusion of death penalty in the new constitution: Human rights activists in Sierra Leone are opposed to the new constitutional provisions which provide that the death penalty should be retained for murder and robbery with violence. Brima Sheriff, Amnesty International's director in Sierra Leone, reportedly said that it was 'not enough to restrict the death penalty to cases of murder or aggravated robbery' and recommended that 'the death penalty must be abolished in its entirety because it has never been proven to be a deterrent. Its maintenance on the statute books violates the spirit of the Truth and Reconciliation Commission.' Reported by Lansana Fofana, 28 August 2008, IPS, at <http://www.ipsnews.net/news.asp?idnews=43706>

Female prison officials join security association: Female Sierra Leonean prison officials joined the Women in the Security Sector Sierra Leone Association which brings together women from all the security bodies in the country. Speaking at a three-day seminar at the National Stadium Presidential Lounge on "Gender and Security Sector Reforms", Chief Superintendent of Prisons, Mrs. Cecilia Kaikai said, "the aim of this association is ? to create a platform for women in the security sector to collaborate, mutually support each other in ensuring that women's issues concerns, aspiration, and priority are mainstreamed into the security sector agenda." Reported by Awoko Newspaper, September 2008, at <http://awoko.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=3694&cntnt01returnid=15>

Somalia

Awaiting trial Somalis allegedly detained in inhumane conditions in Tanzania: Awaiting trial Somali nationals were allegedly being detained under inhumane conditions in Tanzanian prisons before being taken to court to determine whether they should be deported to Somalia. One of the prisoners reportedly said that the cells in which they were being detained were 'old, very cold in winter and extremely hot in summer. Bugs, cockroaches and insects are filling the rooms due to old toilets. The detainees are also lacking a shower.' He added that some Somalis were being detained in solitary confinement and that the sick were denied medical care. Reported by Abdinasir Guled, 31 August 2008, Shabelle Media Network, at <http://allafrica.com/stories/200809010836.html>

Prisoners to be freed ahead of Muslim holy month: The Commissioner of Bay region, Abdifatah Gesey, announced that Somalia's transitional government was to conduct 'special Ramadan releases' of detainees during the holy month of Ramadan. However, the Commissioner did not disclose the exact number of the prisoners that were to be released. Reported by Shabelle Media Network 1 September 2008, at <http://allafrica.com/stories/200809011309.html>

Cote d'Ivoire

Malnutrition the leading cause of deaths in prisons: The UN Mission in Cote d'Ivoire (ONUCI) reported that malnutrition was the leading cause of death in prisons in Cote d'Ivoire and this was attributable to the fact that the government spends only US\$0.25 to feed each prisoner per day. Malnutrition resulted in many prisoners contracting beriberi, a sickness linked to vitamin deficiency. The International Committee of the Red Cross launched a feeding programme in Abidjan's Maison d'arrêt et de correction d'Abidjan (MACA), the largest prison in the city, to curb the incidences of beriberi, which had reportedly 'reached epidemic levels'. Reported by UN Integrated Regional Information Networks, 2 September 2008, at <http://allafrica.com/stories/200809020659.html>

Democratic Republic of Congo

Minister orders prison authorities to release goats from prison: The Congolese Deputy Justice Minister, Claude Nyamugabo, while carrying out his routine prison visits reportedly found goats in prison and 'ordered a Kinshasa jail to release a dozen goats, which he said were being held there illegally.' The goats 'were due to appear in court, charged with being sold illegally by the roadside.' The Minister attributed the police's misconduct of detaining the goats to their lack of training. Reported by Mary Harper, 10 September 2008, BBC News, at <http://news.bbc.co.uk/2/hi/africa/7607460.stm> see also <http://forums.yellowworld.org/showthread.php?t=35405>

Cameroon

Prison conditions leading to escapes: One of the former inmates at Cameroon's notorious prison, Newbell in Douala, said that the appalling prison conditions were forcing inmates to escape from prisons. Mr. Ze Messomo Moise reportedly said: "I have been a victim and I would even say that prisoners in Cameroon are very tolerant. The prison is not meant to torture, dehumanize or kill people. But the food, the health situation and the environment at Newbell are not fit for human beings. How can you explain the fact that someone accepts to die from a bullet than persevere in prison despite the poor conditions?" Reported by Ntaryike Divine, Jr., 10 September 2008, VOA, at <http://www.voanews.com/english/Africa/2008-09-11-voa28.cfm>

Malawi

Prison overcrowding a concern - Home Affairs Minister: The Malawi Home Affairs Minister, Ernest Malenga, said that the overcrowding in

Malawian prisons was a concern and that the government was planning to relocate some of the prisoners from some of the overcrowded prisons to a former refugee camp. Members of Parliament called upon the government to increase funding allocated to prisons. Reported by Josh Ashaz, 1 September 2008, Nyasa Times, at <http://www.nyasatimes.com/national/1207.html>

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