



30 Days  
Dae  
Izinsuku

Project of the  
Community  
Law Centre

CSPRI "30Days/Dae/Izinsuku" November 2013

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Greetings

## GOVERNANCE AND CORRUPTION

**Former National Commissioner retires:** IOL reported that the National Commissioner, Mr Moyane, retired abruptly halfway through his term leading to speculation that he had been 'forced into retirement.' The report noted that Mr Moyane had stated that he was 'no longer interested' in challenging the decision to compel him into retirement. Reported by Mogomotsi Magome, 3 November 2013, at <http://www.iol.co.za/news/politics/axed-prisons-boss-to-walk-away-quietly-1.1601333#.Updju43tPMs>

**Controversy around private prisons:** Business Day Live reported that in the wake of a number of riots and reports of torture and ill-treatment of inmates at the Manguaung private prison, the Parliamentary Committee on Correctional Services called on the Department of Correctional to explain how they had dealt with the situation. The report notes that the Minister acknowledged that the private prisons were not delivering the 'required results' and had cost the country an enormous amount. Reported by Wyndham Hartley, 6 November 2013, at <http://www.bdlive.co.za/national/2013/11/06/ndebele-acknowledges-failure-of-private-prisons> also reported at <http://mg.co.za/article/2013-11-07-privatisation-of-prisons-has-failed>

**Official receives award:** allAfrica.com reported that a correctional official based at the Pietermaritzburg Community Corrections Office was awarded second prize in the Best Overall Public Servant of the Year category at the Batho Pele Excellence Awards. The official, Dennis Williams, was reportedly congratulated by the Minister of Correctional Services. Reported by allAfrica.com, 20 November 2013, at <http://allafrica.com/stories/201311201032.html>

## SENTENCING AND PAROLE

**Halfway house opened:** eNCA reported that the Department of Correctional Services has opened its first halfway house in the Western Cape as part of a pilot project to ensure the rehabilitation of former offenders. The halfway house was reportedly established for offenders that are eligible for parole but that do not have fixed, 'monitorable' addresses. Reported by eNCA, 8 November 2013, at <http://www.enca.com/south-africa/halfway-house-equips-parolees-real-world> also reported at <http://ewn.co.za/2013/11/08/Correctional-service-to-re-habilitate-inmates#>

**High rate of re-offending:** Die Burger reported that more than 2 600 out of the 122 397 offenders that were placed on parole during the past three years have re-offended. The figures were discussed in a parliamentary hearing wherein the Minister of Correctional Services was asked to reveal the Department's success regarding preventing repeat offending. Reported by Die Burger (original in Afrikaans), 9 November 2013, at <http://www.dieburger.com/nuus/2013/11/09/parool-oortree>

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## PRISON CONDITIONS

**Gangsterism exposed:** The Witness reported that a court application by a prisoner has resulted in the 'exposure' of gangsterism at Westville Prison. The Department of Correctional Services, in opposing the application of a prisoner to be transferred from Kokstand Prison to Westville Prison, describes the high levels of gang-related violence. Reported by The Witness (subscription needed), 7 November 2013, at <http://thewitness.newspaperdirect.com/epaper/showarticle.aspx?article=be113b3c&id=5949&id=4682&id=b003&id=5240f22a3c0d&key=KiqyYLjHmDHquhhBCS6qrQ%3d%3d&issue=6912201311060000000001001> also reported at <http://www.iol.co.za/news/crime-courts/prisoner-transferred-for-gang-activity-1.1603133#.UpeWho3tPMs>

**Electronic monitoring extended:** Business Day reported that the Department of Correctional Services would be extending electronic monitoring to an additional 500 prisoners during the current financial year after the successful monitoring of 150 offenders. The report notes that the cost to taxpayers for the housing and feeding of prisoners would be reduced by R6500 per inmate per month. Reported by Colleen Goko, 11 November 2013, at <http://www.bdlive.co.za/national/2013/11/11/departement-to-extend-roll-out-of-electronic-monitoring-of-prisoners>

**Cost of accommodating prisoners:** The New Age reported that it costs approximately R1.35 billion to accommodate the country's 150 000 prisoners every month, or, put differently, R9000 per prisoner per month. The Minister of Correctional Services is quoted as saying that it costs an enormous amount of money to keep conditions of detention in line with international standards. Reported by Irvine Makuyana, 25 November 2013, at <http://www.thenewage.co.za/112549-1008-53-Prisoners-cost-R13-billion-a-month>

## SOUTH AFRICANS IMPRISONED ABROAD

**Repatriated child doing well:** allAfrica.com reported that a child that was repatriated after having

been born in a Brazilian prison is doing well. Members of the Department of Social Development are reportedly visiting the child regularly. The report notes that two children, whose mothers had been convicted of drug trafficking in Brazil, were repatriated in July 2013. The Brazilian correctional system permits infants to stay with their imprisoned mothers for only four months after birth. Reported by Gabi Khumale, 19 November 2013, at <http://allafrica.com/stories/201311200763.html>

## **OTHER AFRICAN COUNTRIES**

### **ALGERIA**

**Lengthy remand detention:** TSA reported that several high-level managers accused of corruption have been on remand detention for several years. The law prescribes that an accused may ordinarily be detained for a maximum of 24 months. The law is unclear, however, as to whether a person must be released pending an appeal of a detention order when the detention period exceeds 24 months. Original report in French. Reported by Hadjer Guenanfa, 12 November 2013, at <http://tsa-algerie.com/actualite/item/2700-certains-sont-en-prison-depuis-plusieurs-annees-le-drame-des-cadres-en-detention-provisoire>

### **EGYPT**

**Protesters arrested and sentenced:** The Middle East Monitor reported that 21 women, including seven girls, were sentenced to eleven years and 14 months imprisonment after having been convicted of offences connected to their peaceful pro-Morsi protest. Amnesty International has reportedly called for the “immediate and unconditional” release of the women. Reported by Middle East Monitor, 29 November 2013, at <https://www.middleeastmonitor.com/news/africa/8573-egypt-must-immediately-and-unconditionally-release-women-protesters>

### **GHANA**

**Poor conditions of detention:** News24 reported that after having visited detention facilities in Ghana, the UN Special Rapporteur on Torture described the conditions there as “cruel, inhuman and degrading.” The report states that the Rapporteur elected to visit the country, in part, in the wake of a Human Rights Watch report that was very critical of mental health care in Ghana and its reliance on forced confinement. Reported by News24, 15 November 2013, at <http://www.news24.com/Africa/News/Ghanas-prisons-inhuman-cruel-20131114> Also reported at <http://www.aljazeera.com/news/africa/2013/11/un-official-ghana-jails-cruel-inhuman-2013111564627505652.html>

**Successful access to justice programme:** GhanaWeb reported that the “Justice for all Programme,” established by the Judicial Service and Ministry of Justice, had been very successful in reducing the number of remand detainees that had been incarcerated for many years by increasing access to representation and courts to remand detainees. The programme reportedly commenced in 2006 and has, thus far, resulted in the hearings of 1700 cases in prison courts across the country. Reported by GhanaWeb, 16 November 2013, at <http://www.ghanaweb.com/GhanaHomePage/regional/artikel.php?ID=292169>

## KENYA

**Prisoners pardoned:** Citizen News reported that over 4000 prisoners have been pardoned of their sentences and released from prison. The mass release is reportedly part of an on-going effort to decongest prisons. Reported by Maureen Murimi, 23 November 2013, at <http://www.citizennews.co.ke/news/2012/local/item/15305-over-4000-prisoners-released-in-presidential-pardon>

## MALAWI

**Unequal treatment in the criminal justice system:** The blog, Think Africa Press, featured an article about the Malawian justice system. The article describes the marked difference in treatment of detainees awaiting trial. Those that are wealthy receive better accommodation, food and treatment in prison as well as legal representation. The indigent are often disregarded and are forced to stand trial without access to legal representation. The article is written by Charlotte Mackenzie, 28 November 2013, at <http://thinkafricapress.com/malawi/justice-rich-prison-poor>

## MALI

**Lack of regulations for prison officials:** Maliactu reported on the absence of a specific regulatory framework that would determine conditions of recruitment and employment for Mali's prison officials. When it comes to issues of human resource management, prison officials are reportedly governed by the general framework regulating the country's civil servants. The police service has its own set of regulations. Original report in French. Reported by Malick Camara, 26 November 2013, at <http://maliactu.net/surveillance-des-prisons-au-mali-les-laisses-pour-compte/>

## NIGERIA

**Overcrowding in remand facilities:** PM News reported that the rising number of remand detainees is becoming a 'major cause of concern' and flooding already overcrowded prisons. The report notes that approximately 36 000 out of 50 000 inmates in the country are awaiting trial, many of which have been waiting for long periods of time without much hope of their charges being brought to trial. Reported by PM News, 20 November 2013, at [http://pmnewsnigeria.com/2013/11/20/decongest-awaiting-trial-detainees/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+PmNewsNigeriaFeed+%28PM+News+Nigeria%29](http://pmnewsnigeria.com/2013/11/20/decongest-awaiting-trial-detainees/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+PmNewsNigeriaFeed+%28PM+News+Nigeria%29)

**Political party members detained:** allAfrica.com reported that police officials in Imo state arrested and detained 182 election observers who were traveling to observe a governorship election in Anambra State. The report notes that it is likely that the observers, who were certified as independent election observers, were arrested on account of their membership of the political party, the All Progressives Congress. Reported by allAfrica.com, 20 November 2013, at <http://allafrica.com/stories/201311210569.html>

**Officials visit South African prisons:** The National Mirror reported that members of the Committee of the Diaspora visited Nigerian citizens incarcerated in South African

prisons, of which there are 409. Members of the Committee reportedly interacted with some of the prisoners many of whom complained of being discriminated against by the South African prison officials. Reported by Paul Arhewe, 28 November 2013, at <http://nationalmirroronline.net/new/409-nigerians-in-south-africas-jail/> Also reported at

<http://www.enca.com/south-africa-africa/nigeria-slams-sa-over-treatment-prisoners>