



30 Days Dae Izinsuku

Project of the
Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' March 2009

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2009

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SENTENCING AND PAROLE

ANC President may consider presidential for high profile prisoner: African National Congress President, Jacob Zuma, reportedly said that he would consider giving Mr. Schabir Shaik, his former financial adviser sentenced to 15 years' imprisonment for fraud and corruption, 'a presidential pardon if his application falls within the law.' Mr. Zuma reportedly added that Mr. Shaik 'should have been released long ago' had he been another prisoner. Reported by on 28 February 2009, The Weekender, at <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3504732>

Justice Minister has a constitutional obligation to process presidential pardon applications, Supreme Court: In dismissing the Minister of Justice's appeal against the Pretoria High Court ruling that all applications for presidential pardon by political prisoners must be processed within three months, the Supreme Court of Appeal held that 'the minister of justice failed to properly handle some 380 applications for presidential pardons by jailed IFP members.' The Court added that 'the justice and constitutional development minister had a constitutional obligation to process the applications before the country's president considered them.' Reported by Sapa, 3 March 2009, The Citizen, at <http://www.citizen.co.za/index/article.aspx?pDesc=92756,1,22> see also

http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2493998,00.html

Prisoner to pay over R 1 million in legal costs after unsuccessful parole bid: The Pretoria High Court ordered Mr. Clive Derby-Lewis, who is serving a life sentence for the murder of a South African politician, Chris Hani, to pay the legal costs of his unsuccessful parole application. Mr. Derby-Lewis's attorney, Mr. Marius Coertze, said that he was 'shocked and extremely disappointed' with the ruling. Attorney Coertze said that the legal costs were 'huge' and that he imagined 'it rounds into more than R1m' which must be deducted from Mr. Derby-Lewis's 'food allowance or something, R5 a month.' Reported by Sapa, 17 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2486788,00.html see also http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2486714,00.html see also http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2483139,00.html see also <http://www.mg.co.za/article/2009-03-10-bizos-to-deny-hanis-wife-a-say-in-parole-is-cruel-justice>

Democratic Alliance would deny parole to lifers: The Democratic Alliance, one of South Africa's opposition parties, said that the ruling party, the African National Congress, 'doesn't have the political will or leadership to stamp out crime.' The Democratic Alliance leader, Helen Zille, reportedly said that should her party be voted into power, her government would fight crime seriously and that offenders sentenced to life imprisonment would remain imprisoned for the rest of their lives. Reported Sapa, 17 March 2009, News24, at http://www.news24.com/News24/Elections/News/0,,2-2478-2479_2487105,00.html

Prisoners can only be granted parole by Correctional Services Department, Minister: While welcoming the Pretoria High Court ruling in which the court dismissed a prominent prisoner's application for parole, the Minister of Correctional Services, Ngconde Balfour, said that the 'ruling meant that prisoners could only receive parole through the Department of Correctional Services.' Mr. Clive Derby-Lewis, who is serving a life sentence for the murder of a South African politician, Chris Hani, had petitioned the Pretoria High Court for parole after the Minister of Correctional Services said that he would never grant him parole. The African National Congress and Chris Hani's family welcomed the ruling. Reported by Sapa, 17 March 2009, News24, at http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2486989,00.html

Elderly prisoner denied right to appeal for 10 years and was 'feared dead': Pietermaritzburg High Court Judge, Kevin Swain, 'ordered an inquiry into why an elderly prisoner was denied his right to appeal for 10 years.' Mr. Ndoda Mtolo, 79, who was convicted of rape 'despite shortcomings in the evidence' reportedly 'spent 10 years in prison without being allowed to appeal.' Judge Swain 'further ordered the commander of the Pietermaritzburg prison to release him within 24 hours and give him bus fare to return to his northern KwaZulu-Natal home' and 'written instructions, signed by Swain, were taken by hand to the head of the prison - to prevent Mtolo from disappearing into the prison system again.' Advocate Auret van Heerden, who appeared for the State in Mtolo's appeal, reportedly said that 'neither the local nor the Pretoria head office officials had any trace of Mtolo and it was feared he had died in prison.' Reported by Sapa 31 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090331163952167C647538

HEALTH CARE

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Condoms not easily available in prisons: Researcher Khopotso Bodibe established that there are many HIV - positive offenders in South African prisons but that 'rather than accepting the reality of sexual activity and the attendant risks, most prison authorities in South Africa do not make condoms easily available. In many prisons, inmates have to approach a medical officer to ask for condoms. The reason for this is not clear.' The researcher concludes that 'the only logical conclusion is that policy-makers are uncomfortable with anything linked to homosexuality. As long as rape and sodomy in prisons are ignored, they will remain among the main driving factors behind South Africa's HIV epidemic.' Article by Khopotso Bodibe, 28 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20090328065919610C127514

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ESCAPES AND SECURITY

Safety and Security MEC demands 'answers' why awaiting trial prisoner escaped: The MEC for Safety and Security in Mpumalanga, Siphosezwe Masango, said that he wanted to know how Mr. Shadrack Ndzukula, who was awaiting trial for murder, attempted murder and armed robbery, could escape from a police van transporting him to court. The MEC added that 'it was unacceptable that prisoners were escaping from correctional facilities in the province.' Reported on 16 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2486162,00.html

Attempted prison escape explained: C-Max warder, Jacques Louis Cilliers, told the Johannesburg High Court how a notorious prisoner, Mr. Annanias Mathe, attempted to escape from prison. Mr. Cilliers said

that Mr. Mathe was 'armed with a saw blade in his underpants, stashed an arsenal of self-made tools in his cell' which he used 'to dismantle a table and bed mounted in his cell to make tools for his escape.' Mr. Cilliers added that 'Mathe's tools consisted of an S-shaped iron used as a hook and small iron pieces used to loosen screws - and rope made out of prison sheets and his clothes.' The warder said that while on patrol, he suspected that something could have gone wrong in the prison 'when he heard a piece of iron dropping to the floor.' After that he inspected several cells and when he reached Mathe's, 'he noticed three pieces of flexible iron rod tied together standing against the wall' and had them confiscated. Reported Luzuko Pongoma, 17 March 2009, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=960601>

Accused attempt to escape from prison van: Mr. Sfiso Mhlanga and Mr. Mbuti Mabe who were on trial for the murder of South Africa's musician, Lucky Dube, 'allegedly assaulted a police officer with a brick during an escape bid as their prison van arrived at the court.' They later 'appeared in the court with bloody swabs covering injuries on their heads.' Reported by Sapa 31 March 2009, BBC News, at <http://news.bbc.co.uk/2/hi/africa/7974234.stm>

MEDICAL PAROLE

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Medical parole is for those at 'death's door', parole expert: While commenting on the controversial release of Mr. Schabir Shaik on medical parole, Attorney Clifford Gordon, who specialises in representing prisoners on parole and related matters, reportedly said that granting medical parole on 'humanitarian ground' was 'a strange thing'. Attorney Gordon added that the Correctional Services Act requires medical parole can only be when the prisoner is at 'death's door.' Reported by Sapa, 3 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20090303155425312C110032

Correctional Services Minister said that parolee was terminally ill: The Minister of Correctional Services, Ngconde Balfour, issued a statement informing the general public that Mr. Schabir Shaik, who is serving a 15- year prison term for fraud, was granted medical parole because he is in the 'final phase of his terminal condition' as required by the law. The statement reportedly added that 'three medical practitioners' collective submission shows a unanimous conclusion that Mr Shaik is in the final phase of his terminal condition.' Reported by Sapa, 3 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20090303185047805C758737 see also <http://www.businessday.co.za/articles/topstories.aspx?ID=BD4A955826>

Lawyer urges parolee to release his medical records to the public: Commenting on the circumstances surrounding the release of Mr. Schabir Shaik on medical parole, senior counsel Paul Hoffmann reportedly said that 'in light of the huge public interest in this case and great scepticism around Shaik's alleged health problems' he 'would expect that Mr Shaik would waive his rights to confidentiality and release these medical records to the public. This would show he is indeed an honourable man and extremely ill.' Reported by Paul Kirk, 3 March 2009, The Citizen, at <http://www.thecitizen.co.za/index/article.aspx?pDesc=90627,1,22> see also <http://www.sabcnews.co.za/portal/site/SABCNews/menuitem.5c4f8fe7ee929f602ea12ea1674daeb9/?vgnextoid=b8034ddfd2430210VgnVCM10000077d4ea9bRCRD&vgnnextfmt=default&channelPath=home>

Medical parole for the 'terminally ill', Judge Desai: The Chairperson of the Parole Review Board, Judge Siraj Desai, reportedly said that 'medical parole was meant only for people who were terminally ill, not those suffering from lesser conditions' and that 'there is no elasticity in the [Correctional Services Act] in so far as it concerns medical illnesses generally.' Judge Desai was commenting on the release on medical parole of Mr. Schabir Shaik, a high profile inmate who had served about two years of his 15 year prison sentence for fraud. Reported by Sapa, 3 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2479302,00.html see also <http://www.thetimes.co.za/News/Article.aspx?id=956434>

Opposition party urges Correctional Services to disclose medical parole grounds of high profile prisoner: The Democratic Alliance spokesman on correctional services, Mr. James Selfe, urged the Department of Correctional Services to release the parole conditions of Mr. Schabir Shaik, who was granted medical parole after serving about two years of his 15 years prison sentence for fraud. Mr. Selfe reportedly said that 'Mr Shaik is a high-profile and controversial offender. While his medical condition is confidential, it would be appropriate for the department of correctional services to disclose the grounds on which Mr. Shaik qualified for medical parole. This will do much to dispel the notion that double standards are being applied.' Reported by Wyndham Hartley, 4 March 2009, Business Day, at <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3508197> see also <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3510198>

Medical parole decision must be based on medical facts, CSPRI: Mr. Lukas Muntingh, the project coordinator of Civil Society Prison Reform Initiative, reportedly said that a decision on medical parole

must be based on medical facts. He added that the Correctional Services Act is clear that for a person to be released on medical parole, he/she 'must have been diagnosed with a terminal illness and be in the final stage of that illness.' Mr. Muntingh was commenting on the controversy surrounding the release of Mr. Schabir Shaik on medical parole. Reported by Franny Rabkin, 4 March 2009, Business Day, at <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3508312>

Prisoners' rights body to assist terminally ill inmates to apply for medical parole: Mr. Derrick Mdluli, the president of Justice for Prisoners and Detainees Trust, reportedly said that 'all prisoners in the final stages of terminal illness should request parole' and that his organisation 'would help those prisoners in their release bids.' Mr Mdluli reportedly added that 'it was not fair' for terminally ill prisoners to remain in prison instead of being released on medical parole. He reportedly added that 'the Trust would focus its attention on those diagnosed with HIV/Aids.' Reported by Sapa 5 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2480389,00.html

Senior MP opposes the release of medical records of high profile medical parolee: The chairman of Parliament's Security and Constitutional Affairs Committee, MP Kgoshi Mokoena, reportedly said that he disagreed with people urging the Department of Correctional Services to release the medical records of Mr. Schabir Shaik, who was granted medical parole after serving over two years of his 15 year prison sentence for fraud. Mr. Mokoene reportedly added that 'the parole board is an independent body and there are no grounds to question the integrity of the doctors who recommended parole on medical grounds' and that he differed 'sharply with those who are calling for the medical records to be made public.' Reported by Kenichi Serino, 5 March 2009, Business Day, at <http://www.businessday.co.za/articles/topstories.aspx?ID=BD4A952478> see also <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3510561> see also http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20090308082151879C118707

Family of prisoner who died in prison complains: The family of Mr. Edward Ramashilo, who was allegedly denied medical parole and died in a Bloemfontein hospital, although he had served half of his sentence for robbery, reportedly said that the 'handling of medical parole' was unfair. Reported by Henry Cloete, 5 March 2009, Volksblad, at http://jv.news24.com/Die_Volksblad/Nuus/0,,5-83_2480218,00.html

70 prisoners granted medical parole in 2007 and 2008: The Justice Minister, Enver Surty, reportedly told the media at a justice, crime prevention and security cluster briefing in Pretoria, that 'in 2007 and 2008, 70 prisoners were granted medical parole' and that 'thirty-six percent of those who were released have passed on.' However, since 2004 the number of prisoners granted medical parole has decreased. Reported by Sapa, 6 March 2009, The Witness, [http://www.witness.co.za/index.php?showcontent&global\[_id\]=20383](http://www.witness.co.za/index.php?showcontent&global[_id]=20383) see also http://jv.news24.com/Rapport/Suid-Afrika/0,,752-2460_2481779,00.html

Human rights watchdog to ask Correctional Services to audit prisons to identify the terminally ill: The South Africa Human Rights Commission was to send a letter to the Department of Correctional Services to 'conduct an audit of South African prisons, identify all terminally ill prisoners and give them the opportunity to apply for medical parole.' The Chairperson of the Human Rights Commission, Jody Kollapen, reportedly said that 'inconsistencies had emerged in the manner the Correctional Services Act was being applied' and that 'the review board might provide clarity in terms of how it should be applied in practice.' Reported by Sapa, 9 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2482449,00.html see also http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20090323111516626C861661

Opposition party alleges that the Department of Correctional Services undermining the rule of law: While commenting on the circumstances in which Mr. Schabir Shaik was released on medical parole, the leader of the United Democratic Movement, Mr. Bantu Holomisa, urged the President of South Africa, Kgalema Motlanthe, 'to institute an investigation into the decision.' Mr. Holomisa added that President Motlanthe 'could no longer remain silent on this deepening crisis' and that 'Correctional Services Minister Ngconde Balfour's actions seemed to be part of a broader conspiracy to undermine the rule of law.' Reported by Linda Ensor, 9 March 2009, Business Day, at <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3512271> see also <http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=3514631>

An erroneously paroled prisoner could return to prison, CSPRI: While commenting on the controversy generated by the release on medical parole of Mr. Schabir Shaik, who was released after serving about three years of his 15 year prison sentence for fraud, the coordinator of Civil Society Prison Reform Initiative, Mr. Lukas Muntingh, reportedly said that under section 39(6)(a) of the Correctional Services Act, 'if it is found that convicted fraudster Schabir Shaik was released on medical parole incorrectly', he could 'return to jail.' Mr. Muntingh added that the National Commissioner of Correctional Services 'could in fact issue a warrant of arrest for an erroneously released prisoner.' Reported on 10 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090310110655965C715136

Questions remain about the consistency of medical parole board, CSPRI: Commenting on the controversy surrounding the release on medical parole of Mr. Schabir Shaik, Mr. Lukas Muntingh, the coordinator of the Civil Society Prison Reform Initiative, reportedly said that 'Shaik's release raises questions about the consistency of medical parole boards and the medical evidence provided by doctors.' Mr. Muntingh reportedly added that 'imprisonment generally has adverse effects on people's health. We might as well then grant all prisoners parole due to bad conditions.' Reported by Qudsiya Karrim and Sapa, 10 March 2009, Mail and Guardian, at

<http://www.mg.co.za/article/2009-03-10-suboptimal-conditions-not-valid-reason-for-shaik-parole>

Court orders Parole Board to reconsider prisoner for parole: The North Gauteng High Court held that the Parole Board erred in its decision to deny parole to Mr. Riaan Botha, who is serving an 18 year prison sentence for murder. Although Mr. Botha met all the criteria for parole, the Parole Board had declined his parole application because the sentencing judge had ordered that he had to serve at least two-thirds of his sentence before being considered for parole. The North Gauteng High Court set aside the sentencing judge's order. Reported by Herman Scholtz, 10 March 2009, Beeld, at http://jv.news24.com/Beeld/Suid-Afrika/0,,3-975_2483185,00.html see also http://jv.news24.com/Beeld/Suid-Afrika/0,,3-975_2479416,00.html

CSPRI urges South African President to probe Mr. Shaik's medical parole: The Civil Society Prison Reform Initiative, CSPRI, sent a written request to South African President, Kgalema Motlanthe, 'to order the minister or national commissioner of correctional services to refer the Shaik matter to the parole review board, chaired by Judge Siraj Desai.' CSPRI Project coordinator, Mr. Lukas Muntingh, reportedly said that 'the recent developments relating to Mr Shaik have brought the integrity of the parole decision-making system into question.' Reported by Borrie La Grange, 12 March 2009, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=957233>

Court dismisses Minister's application to block the release of a report on the death of a prisoner: The North Gauteng High Court dismissed an application by the Correctional Services Minister, Ngconde Balfour, to 'block the personal release of a report on the death of an HIV-positive prisoner.' Pretoria Judge, Brian Southwood, ruled that the Treatment Action Campaign could release the contents in the report to the public. The executive member of the Treatment Action Campaign, Mr. Mark Heywood, reportedly 'said the application was a waste of taxpayers' money as the report had already been made public.' Reported by Legal Brief, 13 March 2009, <http://www.legalbrief.co.za/article.php?story=20090313120816100> see also http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090312152735312C325556 see also <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=120936&sn=Detail>

Minister disappointed at court's approval of the release of report on the cause of prisoner's death: The Minister of Correctional Services, Ngconde Balfour, reportedly said that the Department of Correctional Services' application 'to block the release of a report on the death of an HIV-positive prisoner was dismissed' by the North Gauteng High Court. The Department said that they respected 'the decision of the court' but they 'obviously' felt 'disappointed with the outcome.' Reported by Sapa, 13 March 2009, Mail and Guardian, at <http://www.mg.co.za/article/2009-03-13-balfour-disappointed-at-prisoner-report-outcome>

Prisoner dies after delayed medical parole: The Justice for Prisoners and Detainees Trust chairperson, Mr. Derrick Mdluli, said that a prisoner who was serving a 15 year prison sentence died 'of an Aids-related disease' at Durban's Westville Prison hospital. Mr. Mdluli wondered why some prisoners, such as the former financial advisor to the ANC President, Mr. Jacob Zuma, Mr. Schabir Shaik, could be released on medical parole and others not. The prisoner's family reportedly said that the deceased had qualified for medical parole and 'was supposed to have been released in December' but he was never released. Reported by Sapa, 13 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2484823,00.html

South Africans should have faith in the medical parole process, ANC President: The President of the African National Congress, Mr. Jacob Zuma, reportedly said that he was 'deeply saddened that many South Africans had made up their minds that Shaik was lying about being at death's door.' Mr. Zuma was reacting to the media attention that accompanied the release on medical parole of his former financial advisor, Mr. Schabir Shaik, who was serving a 15 year prison sentence for fraud. Mr. Zuma reportedly added that it was impossible to 'say [that] so many officials, all the way up to the minister, were all corrupt and dishonest and wanted to smuggle a prisoner out.' He added that 'even though people could not see the [medical] report - because of patient-doctor confidentiality, they should have had faith in the processes that were followed.' Reported by Sapa, 14 March 2009, News24, at http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2485425,00.html

Department of Correctional Services asks for information on terminally ill prisoners: The

Department of Correctional Services sent out a request to all provincial offices to forward to the headquarters information relating to all terminally ill prisoners in their prisons. This was after the public outcry regarding the release of a high profile prisoner, Mr. Schabir Shaik, on medical parole. Reported by Julian Jansen and Willem Pelser, 14 March 2009, Rapport, at http://jv.news24.com/Rapport/Suid-Afrika/0,,752-2460_2485704,00.html

High profile prisoner treated by 14 doctors: In its investigation of the controversial circumstances under which a high profile prisoner, Mr. Schabir Shaik, was released on medical parole, the Health Professions Council of South Africa established that 'Mr. Shaik was treated by about 14 doctors since he was sentenced in 2006.' Reported by Monica Laganparsad, 25 March 2009, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=966296>

Prisoners dying at an 'alarming rate': The South African Institute for Race Relations, SAIRR, released a report indicating that 'the number of prisoners dying of natural causes has risen four-fold since 1996 while medical parole granted has only increased by 18%.' SAIRR's Deputy Director, Frans Cronje, added that it is 'not clear why more prisoners are not released on medical parole to die in a dignified manner with their families.' Mr. Cronje added that 'prisoners are dying in the country's prisons at an alarming rate.' Reported by Sapa, 21 March 2009, News24, at http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2489578,00.html see also http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090321183426740C729150

Doctors investigated for allegedly recommending the release of prisoner on medical parole: The Health Professions Council of South Africa is investigating whether there was any misconduct on the part of the three doctors whose reports resulted in the release on medical parole of Mr. Schabir Shaik, who was serving a 15 year prison sentence for fraud. The doctors subject to the investigation are Professor Datshana Prakash Naidoo, Dr Sajidah Khan and Dr Les Ponnusamy. However, the lawyer for the three doctors, Altus Van Rensburg, reportedly said that he had 'no documentation showing' that the three doctors recommended the release of Mr. Shaik on medical parole. Reported by Sapa, 23 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2490446,00.html see also http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2490430,00.html

Health professionals' body dismayed by publication of parolee's medical records: The publication by The Star newspaper of articles allegedly relating to the medical records of Mr. Schabir Shaik, who was released on medical parole after serving about two years of his 15 year prison sentence for fraud, has been criticised by Health Professions Council of South Africa. The Council reportedly said that the act was unconstitutional and a 'violation of patient confidentiality.' In a statement, the professionals' body said that it had 'noted, with horror and dismay, media articles indicating that the press are in possession of confidential medical reports violating patient confidentiality.' However, the newspaper denied being in possession of Mr. Shaik's medical records. Reported by Sapa, 26 March 2009, Health24, at http://www.health24.com/news/Health_care/1-918,50202.asp see also http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2491651,00.html

SAFE CUSTODY

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Police officer denies harassing awaiting trial prisoner to confess: Captain Moloko Kgomo told the Johannesburg High Court that allegations that he threatened and assaulted a murder accused, Mr. Mbuti Mabe, to confess to the murder of South Africa's musician, Lucky Dube, were not true. Captain Kgomo told court that Mr. Mabe voluntarily confessed to the murder of Lucky Dube. Reported by Hlengiwe Nhlabathi, 27 February 2009, Mail and Guardian, at <http://www.mg.co.za/article/2009-02-27-dube-murder-accused-confessed-voluntarily-court-hears>

Opposition party promises to make life in 'prisons unbearable': The President of the African Christian Democratic Party, Reverend Kenneth Meshoe, reportedly told supporters in the Eastern Cape that if they voted his party into power during the April 2009 general elections, his government 'would make prisons unbearable for criminals.' Reverend Meshoe reportedly added that his party 'would introduce severe punishment and do away with parole, except for selected medical conditions' and that 'life in prison should never be (more) comfortable than in the squatter camp.' Reported by Bongani Hans, 3 March 2009, Daily Dispatch, at <http://www.dispatch.co.za/article.aspx?id=297691>

Prisoner dies after complaining of 'body pains' sustained during arrest: The spokesperson of the Department of Correctional Services in the Eastern Cape Province, Mr. Zama Feni, reportedly said that an inmate who was serving a 10-year prison sentence for robbery in Mthatha died 'after trying to escape from prison.' He was being transferred to court to stand trial for previously attempting to escape from prison. Mr. Feni said that the deceased jumped from the prison vehicle 'and tried to run away... but correctional officials managed to recapture him despite his resistance' and after that he 'complained of body pains and was taken to a local hospital where he died.' Reported by Sapa, 11 March 2009, News24,

at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2483724,00.html

Gangsters stab prisoner to death: Correctional Services regional manager, Mr. Mnikelo Nxele, said that an inmate at Durban's Westville prison was stabbed to death and 'another narrowly escaped death when they were stabbed' by gangsters. Mr. Nxele said that the knives that were used to stab the victims could have been smuggled into the prison by the relatives of the gangsters during the prison visits. He said that stringent security measures were going to be implemented to ensure that gang-related violence is eradicated in the prison. Reported by Sapa, 23 March 2009, News24, at http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_2490364,00.html

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South African prisoner has no medical care in Zimbabwe prison: Zimbabwe's opposition party, Movement for the Democratic Change, issued a press statement stating that a South Africa national, Mr. Elvis Nodangala, was awaiting trial in Mutare prison in 'appalling and deplorable' conditions and that the prison was 'not fit for human habitation.' The statement preceded the bail application by one of the political prisoners, Mr. Roy Bennett, who also said that prisoners were 'failing to access medical attention.' Press release by the Movement for Democratic Change, 3 March 2009, at <http://allafrica.com/stories/200903030774.html>

South African prisoners in Venezuela allegedly abandoned by the embassy: Ms Zenolia du Plooy, a South African national serving an eight year prison sentence for drug trafficking in the Instituto Nacional de Orientacion Femenina in Los Teques in Venezuela, alleged that she is 'gravely ill', was raped by a prison guard and that the prison is like a 'jungle' because of gang related violence. She alleged that 'the South African embassy in Caracas, the capital, had basically abandoned her and seven other South African prisoners, of whom two have babies. They didn't bring her her medicine, which her family had sent to her from South Africa.' Reported by Beeld 10 March 2009, News24, at http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2482853,00.html see also <http://www.therightperspective.org/south-african-woman-in-prison-hell/>

UNSENTENCED PRISONERS

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Judge 'outraged' at the delayed arrival of accused in court: Johannesburg High Court Judge, Geraldine Borchers, was 'outraged' at the delayed arrival of an accused, Mr. Ananias Mathe, to stand trial for various offences including rape. This was after the police informed Mr. Mathe's defence lawyer, Liz Serrao, and the Court, that 'they were afraid to transport the accused from Pretoria Central Prison to Johannesburg fearing a possible conflict with the taxi drivers on strike.' Judge Borchers 'ordered' the police to ensure that Mr. Mathe appeared in court on that very day for his trial. Reported by Baldwin Ndaba, 24 March 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20090324192013944C845238

GOVERNANCE AND CORRUPTION

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Commissioner commends newspaper for having interest in corruption in the Department: The Commissioner of Correctional Services, Xoliswa Sibeko, reportedly sent a letter to the Mail and Guardian newspaper appreciating the newspaper's 'interest in the [Special Investigating Unit] investigations into various contracts in the department and pointed out that the probe was costing the department R13-million a year.' However, in the same letter, the Commissioner reportedly asked 'the newspaper to hand over evidence of corruption in the department to the Special Investigating Unit.' Reported by Franz Krüger, 8 March 2009, Mail and Guardian, <http://www.mg.co.za/article/2009-03-08-journalists-cant-be-turned-into-informers>

OTHER

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Prisoner claims she never got a fair trial: Ms Najwa Petersen, who was sentenced by the Cape High Court to 28 years' imprisonment for the murder of her husband, Taliep Petersen, is appealing against her conviction and sentence to the Supreme Court of Appeal arguing that she did not get a fair trial. She reportedly 'alleges in her application that there were irregularities that violated her right to a fair trial. However, she did not elaborate on the alleged irregularities.' Reported by Fatima Schroeder, 27 February 2009, IOL, at http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090227123027229C166433

Former prison official takes Department to Court alleging discrimination: Mr. John Jansen, former head of Goodwood prison in the Western Cape, took the Department of Correctional Services to the Labour Court alleging that his dismissal from the Department was based on discrimination. While still in

the employment of DCS, Mr. Jansen reportedly 'made a name for himself when he handed explosive evidence about the shocking conditions at Pollsmoor to the Jali commission.' However, the spokesperson for DCS, Mr. Manelisi Wolela, reportedly said that Mr. Jansen was dismissed for 'flouting regulations of the department which were critical for keeping discipline.' Reported by Buyekeza Makwabe, 1 March 2009, The Times, at <http://www.thetimes.co.za/PrintEdition/News/Article.aspx?id=949247>

Opposition party criticises Correctional Services Minister for rounding up prisoners to sing party songs: The Congress of the People, one of South Africa's opposition parties, called on the Minister of Correctional Services, Ngconde Balfour, to 'step down from his position for undermining the separation of party and state' when he reportedly 'rounded up 1,500 prisoners around the country to sing ANC songs during an Offenders National Choir Competition in Mmabatho, North West.' Reported by Nkululeko Ncana, 10 March 2009, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=955585>

Ex-offenders employed by prison construction firm: Contractor Grinaker-LTA announced that it was on track to handover a R890 million prototype prison, on Griekwastad Road in Kimberley, in July this year. Mr. Cyril Kitching, senior contracts manager at Grinaker-LTA Building Inland, reportedly said that 'the contract has created significant employment opportunities in the area, with 1 400 people employed on site at its peak. Of these, 140 are ex-offenders.' Mr. Kitching added that 'the prison features a design that's planned to serve as a model for other new correctional facilities in South Africa.' Released by Grinaker-LTA, 12 March 2009, at <http://www.eprop.co.za/news/article.aspx?idArticle=11171>

Children to be diverted from the criminal justice system under new law: The Child Justice Bill was recently passed by Parliament and one of its objectives is to ensure that child offenders are diverted from the criminal justice system. 'One of the main objectives of diversion is to promote the child's re-integration into the community and reduce potential re-offending. The Bill also seeks to balance the best interests of the child and society, with due regard to the victim's rights.' The Bill was 'inspired by the Constitution and international treaties and laws concerning children that South Africa either subscribes to or is party to.' In the implementation of the law, the Department of Justice officials will work with several stakeholders such as the Department of Correctional Services, the National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO), schools, the provincial departments of education, the National Prosecuting Authority (NPA), the police, legal aid and local communities, social workers and therapist. Reported on 18 March 2009, Bua News, at <http://www.buanews.gov.za/news/09/09031812451001>

OTHER AFRICAN COUNTRIES

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Zambia

Views expressed on prisoners' right to vote: Columnist Emmerson Muchangwe has indicated that the laws of Zambia protect various prisoners' rights but their right to vote is not one of them. He argues that there are two views on the question whether prisoners should be allowed to vote. Some people, for example, the Commissioner of Prisons, Mr. Gibby Nawa, are of the view that prisoners should not be allowed to vote because 'prisoners looked at society negatively and, as such, allowing them to vote would generate a lot of social problems which would consequently prove to be very difficult to correct.' The second view is that prisoners should be allowed to vote. This view is held by people like the Executive Director of Prisons Care and Counselling Association, Mr. Godfrey Malembeka, who argued that 'allowing prisoners to vote would go a long way in inculcating a sense of responsibility and, thereby, rehabilitate them easily and quickly as responsible citizens.' Column by Emmerson Muchangwe, 31 March 2009, Times of Zambia, at <http://www.times.co.zm/news/viewnews.cgi?category=all&id=1238484849> see also <http://allafrica.com/stories/200903310324.html>

Mozambique

Police officers arrested over the deaths of awaiting trial prisoners: Three police officers were arrested following the deaths of 13 awaiting trial prisoners in police custody. The suspects allegedly died of 'asphyxiation in an overcrowded police cell.' The arrested officers 'are accused of negligence for allegedly keeping 48 prisoners in a small cell in northern Nampula province without sufficient ventilation.' Human rights groups have reportedly 'long warned of deplorable and overcrowded conditions in Mozambican prison cells.' Reported by Jose Tembe, 23 March 2009, BBC News, at <http://news.bbc.co.uk/2/hi/africa/7958648.stm> see also <http://news.bbc.co.uk/2/hi/africa/7950343.stm> see also http://www.news24.com/News24/Africa/News/0,,2-11-1447_2487733,00.html

Prisoners die of malnutrition: A report by state broadcaster Televisao de Mozambique quoted the head of Angoche prison in the northern coastal district, Mr. Manuel Masse, saying that at least 15 prisoners died of malnutrition and diarrhoea-related illnesses at the prison. Mr. Mosse added that 14 prisoners died at the local hospital and one died on his way to the hospital. Ms Joselina Calavete, said that 'the dead prisoners had signs of severe malnutrition when they were admitted to the hospital with severe

diarrhoea.' Reported by The Times, 30 March 2009, <http://www.thetimes.co.za/News/Article.aspx?id=970565> see also http://www.news24.com/News24/Africa/News/0,,2-11-1447_2494644,00.html

Zimbabwe

Political detainees allegedly tortured: Mr. Alec Muchadehama, the lawyer for detained human rights activists and political prisoners, said that eight of his 30 clients accused of terrorism were released on bail. However, a local human rights groups in Zimbabwe said that some of the detainees were tortured during their detention. Mr. Muchadehama added that one of his clients, Mr. Fidelis Chiramba, 72-years old, was allegedly tortured severely. Reported by Reuters, 1 March 2009, Mail and Guardian, at <http://www.mg.co.za/article/2009-03-01-mdc-activists-freed-on-bail>

Awaiting trial human rights activist granted bail: Zimbabwe human rights activist and head of the Zimbabwe Peace Project, Ms Jestina Mukoko, was granted bail after spending three months in detention awaiting trial. However, Ms Mukoko 'testified that she had been abducted, tortured and assaulted. She had been held in harsh conditions at the notorious Chikurubi maximum security prison.' Reported on 2 March 2009, Associated Press, at http://www.google.com/hostednews/ap/article/ALeqM5jd_JZmhdw6XWCIfpenWt9g-dqNNAD96M47PG1

Gross human rights violations in prisons: Mr. Roy Bennett, a top aide to the Zimbabwe Prime Minister, Morgan Tsvangirai, who was granted bail by the Supreme Court, reportedly said that 'there are gross human rights abuses' in the prison where he was awaiting trial. Mr. Bennett added that five people died while he was in prison and that it 'took the prison officers 4 to 5 days to remove the bodies. The situation behind there is pathetic. There are no vehicles to take prisoners to court. Cells are overcrowded' Reported by AFP 12 March 2009, News24, at http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-1662_2484311,00.html see also <http://www.timesonline.co.uk/tol/news/world/africa/article5898061.ece> see also http://www.thezimbabwean.co.uk/index.php?option=com_content&task=view&id=19766&Itemid=103

No political prisoners in Zimbabwe, President Mugabe: Zimbabwe President, Robert Mugabe, reportedly told the visiting Norwegian Minister of Environment and International Development, Erik Solheim, that his country was not 'holding political prisoners in its notorious jails.' Prisons in Zimbabwe are reportedly known to be 'overcrowded and under-funded' and 'have not been able to feed inmates, resulting in hundreds of deaths.' Reported by Moses Mudzwiti, 26 March 2009, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=967313>

TV documentary screens country's 'prison horror': The South African Broadcasting Corporation's investigative journalism programme, Special Assignment, screened a documentary portraying 'a humanitarian crisis in Zimbabwe's prisons in an exclusive edition called Hell Hole.' The programme's executive producer, Johann Abrahams, reportedly said 'that they decided to work on the project after many reports about prisoners living in life-threatening conditions in that country's prisons.' The documentary shows 'prisoners on the brink of death in three of Zimbabwe's prisons.' Reported by Zimeye, 31 March 2009, at <http://www.zimeye.org/?p=3566> see also http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-1662_2494455,00.html see also <http://www.mg.co.za/article/2009-03-31-zims-prisons-death-no-matter-what>

Somalia

Prime Minister promises to improve prisons: Somalia's new Prime Minister, Omar Abdirashid Sharmarke, said that his government was committed to rebuilding Somalia and ensuring that there was lasting peace in the country. The Prime Minister added that his government will build institutions such as the police, the judiciary and prisons. Reported by Peter Clotey, 27 January 2009, VOA News, at <http://www.voanews.com/english/Africa/2009-02-27-voa6.cfm>

Sierra Leone

Prison conditions life threatening: A Sierra Leone based human rights organisation, Prison Watch, reportedly said that prison conditions in the country 'were harsh and sometimes life threatening' and that overcrowding was a serious problem. Prison Watch added that one of the prisons, the Pademba Road Prison, was housing 1,229 inmates although it was designed to accommodate 324. Reported on 2 March 2009, Standard Times Press News, at http://standardtimespress.net/cgi-bin/artman/publish/article_3804.shtml

Burundi

Human rights activist thanks European countries for his release from prison: Mr. Alexis Sinduhije, a prominent former journalist, who was imprisoned four months ago for insulting President

Pierre Nkurunziza, reportedly thanked Britain, France, Germany and Belgium for putting pressure on the government of Burundi to release him. Mr Sinduhije 'was named in Time magazine's 2008 list of the 100 most influential people in the world, under the category "Heroes & Pioneers".' Reported by Reuters, 12 March 2009, http://www.news24.com/News24/Africa/News/0,,2-11-1447_2484428,00.html

Libya

More political prisoners to be released: The Human Rights Association, Libya's 'leading charity' said that the 'government plans to release 170 members of a radical Islamist group jailed for plotting to overthrow the government of Muammar Gaddafi.' The charity organisation said that 136 prisoners had already been released and that 'work is under way now to free the latest batch of its prisoners numbering 170.' Reported by Reuters, 12 March 2009, News24, at

http://www.news24.com/News24/Africa/News/0,,2-11-1447_2484431,00.html see also
<http://jurist.law.pitt.edu/paperchase/2009/03/libya-releases-2-political-prisoners.php>

Sudan

Opposition leader released after two months: Mr. Hassan al-Turabi, 'a fierce critic' of the government of Sudan, was released from Port Sudan prison after two months in detention. Mr. Hassan al-Turabi was detained after urging the President of Sudan, Omar al-Bashir, to surrender to the International Criminal Court for the atrocities his government allegedly committed in the Darfur region. Reported by AFP, 9 March 2009, News24, at http://www.news24.com/News24/Africa/News/0,,2-11-1447_2482253,00.html

Uganda

Government lobbying China to transfer Ugandan prisoners to Uganda: While addressing the Parliamentary Committee on Foreign Affairs, the Foreign Affairs Minister, Sam Kuteesa, reportedly said that 'the Government is negotiating with China to let the 38 Ugandans who are being held over drug trafficking in China, serve their sentences at home.' Mr. Kuteesa also added that 'the Government is lobbying the Chinese government to reduce the death penalty that was given to eight of the Ugandans, to life imprisonment.' Reported by Paul Kiwuuwa, 30 March 2009, The New Vision, at <http://www.newvision.co.ug/D/8/13/676435>

Billions of shillings saved through implementing community service: The commissioner in-charge of community service, Mr. Paul Kintu, while briefing government officials from eastern Uganda on the progress of the community service programme at the Mbale Municipal Court reportedly said that 'over 17,000 offenders had been sentenced to communal service countrywide in the last eight years.' Mr. Kintu reportedly added that 'in the last financial year, sh1.5b was saved in community service'. He added that 3,500 offenders had been issued community service orders since January.' Reported by Daniel Edyegu, 30 March 2009, at <http://www.newvision.co.ug/D/8/13/676438>

Algeria

Prisons are accessible, Interior Minister: The Algerian Interior Minister, Yazid Zerhouni, told reporters after the opening of the Spring Parliamentary session, that all 'prisons have been open to human rights organizations, which have come out convinced that Algeria is a country that respects the law.' The Minister was reacting to the U.S. State Department report which alleged that there were human rights violations in Algerian prisons. Reported by Alfred de Montesquiou, 2 March 2009, Associated Press, at <http://www.google.com/hostednews/ap/article/ALeqM5izEluEiQ8Sxyly5uYyYGilIqfYFwD96M4R301>

Kenya

Prisons Department committed to upholding human rights: Kenya's Vice President, Kalonzo Musyoka, said that the country could abolish the death penalty. Mr. Musyoka 'was speaking during the presentation of four New Holland agricultural tractors worth Sh16 million, and other facilities for the country's penal institutions, at Jogoo House.' At the same function, the Permanent Secretary in the Office of the Vice President, Dr Ludeki Chweya, said that his Ministry 'purchased and distributed mattresses to all inmates at a cost of Sh20 million saying the inmates will never sleep on the floor again.' The Commissioner of Prisons, Mr Isaiah Osugo, also said that 'the prisons department is committed to upholding human rights as per the United Nations recommendations.' Reported by VPPS, 6 March 2009, Capital News, <http://www.capitalfm.co.ke/news/Local/Kenya-reviewing-death-penalty-3572.html>

Human rights advocates critical of prison conditions: In reacting to Germany's transfer of Somali pirate suspects to Kenya to stand trial, the international human rights watchdog, Human Rights Watch, said that the 'inmates could be held in detention for months without any charges being pressed and are often denied legal counsel.' Human rights activists have also 'been critical of prison conditions' in Kenya

under which the suspects could be detained. Reported on 10 March 2009, DW, at <http://www.dw-world.de/dw/article/0,,4087344,00.html>

Guinea Bissau

UN agency rehabilitates prisons: The spokesperson of the United Nations Peace Building Support Office, UNOGBIS, Vladimir Montero, said that 'there are two paramount issues that the new government must now take forward: to hold elections in 60 days, and to go ahead with security sector reform.' Mr. Montero added that it is because of the need to reform the security sector that 'UNOGBIS is rehabilitating civilian prisons.' Reported by aj/pt, 6 March 2009, Irin at <http://www.irinnews.org/Report.aspx?ReportId=83335>

Ghana

Hundreds of detainees have no warrants to justify their detention: Statistics from the Centre for Human Rights and Civil Liberties, CHURCIL, indicate that over 1,748 people are 'languishing in the country's prisons, without proper or valid warrants for their continuous incarceration.' The Executive Director of CHURCIL, Mr. Kojo Graham, 'demanded that the prisoners be set free, since their continued stay in the prisons did not only amount to an illegality, but also constituted a serious breach of their fundamental human rights, as enshrined in the constitution and other international conventions.' Reported by Samuel Ampah, 10 March 2009, The Ghanaian Journal, at <http://www.theghanaijournal.com/2009/03/10/over-1748-people-still-languishing-in-jail-without-valid-warrants/> see also <http://www.ghanaiian-chronicle.com/thestory.asp?id=10811&title=%3Cb%3EIncarcerating%20people%20without%20warrant%20is%20unacceptable%20%3C/b%3E>

Botswana

Foreign prisoners denied AIDS medication: The denial of AIDS medication to foreign inmates prompted one of the inmates at Francistown Prisons, a South African national, to complain to the Labour and Home Affairs Minister, Peter Siele, that the Botswana government was 'contravening WHO provisions on health.' The prisoner was speaking on behalf of 535 other inmates. He reportedly said that 'Botswana is generally violating human and political rights of inmates in denying eligible prisoners ARV drugs' and wondered how Botswana could 'allow prisoners to die just like that mainly because there was no provision for foreign inmates to access ARVs.' The Minister said that 'the inmates had raised good points and indicated that he will look into some of the proposals' and that 'something will be done about the request to give foreign inmates ARVs.' Reported by Ryder Gabathuse 24 March 2009, Mmegi, at <http://www.mmegi.bw/index.php?sid=1&aid=6&dir=2009/March/Tuesday24>

Prison officer says executing prisoners is traumatic: While speaking at the Centre for Illegal Immigrants in Francistown, Ms Florence Selaledi, a warden at the Francistown state prison 'called for a review of the role of prison officers in the execution of death-row inmates.' She 'told the Minister for Labour and Home Affairs, Peter Siele that prison wardens are always traumatised after executions.' Ms Selaledi reportedly 'pointed out that the executions are not good for prison wardens and the arrangement should be changed.' However, the Minister 'failed to respond to the issues raised by Selaledi.' Reported by Ryder Gabathuse 24 March 2009, Mmegi, at <http://www.mmegi.bw/index.php?sid=1&aid=1&dir=2009/March/Tuesday24>

Prison conditions to be improved: While speaking at the senior prison officers' conference in Mahalapye, the Minister of Labour and Home Affairs, Mr Peter Siele, said that 'he is committed to working with prison officers for the success of their department.' Mr. Siele added that 'his ministry was working on a proposal to be submitted to the Office of the President to clarify prison officers' positions and improvements would be aligned to the nature of their work.' Reported by Bopa, 24 March 2009, at http://www.gov.bw/cgi-bin/news.cgi?d=20090324&i=Prison_conditions_worrisome

Nigeria

Several offenders on death row: The international human rights watchdog, Amnesty International, reported that 'at least 22 executions have been carried out in the country in the last 10 years-including at least seven in 2006 alone, while no less than 40 Nigerians were handed death penalty sentences in various courts last year.' Some human rights reports 'say that at least 735 Nigerians, including 11 women, are on death row. This figure represents 11 per cent of an estimated 362 people sentenced to death in 19 African countries.' The US State Department reported that prolonged pre-trial detention, 'rape, torture and other cruel, inhuman or degrading treatment of prisoners, detainees and suspects; harsh and life-threatening prison and detention centre conditions' as some of the 'most significant human rights problems' in the country.' Reported by The Punch, 29 March 2009, <http://www.punchng.com/Articl.aspx?theartic=Art200903291492618>

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