

## **PRESS STATEMENT**

**BY**

**DETENTION JUSTICE FORUM (DJF)**

**22 January 2012**

The recent deaths of prisoners at Groenpunt and St Alban's prisons raise serious concerns about the ability of the Department of Correctional Services to guarantee the safety of prisoners. The Groenpunt death is particularly worrying as officials are implicated in the death of the prisoner, after an assault witnessed by members of the press and during a visit by members of the Portfolio Committee on Correctional Services. The use of excessive force is prohibited by the Correctional Services Act and the Constitution guarantees the right to life and the freedom and security of the person. The state, through the Department of Correctional Services, has an inescapable duty to provide safe and secure custody to all prisoners under conditions consistent with human dignity. This has been confirmed in several South African court decisions.

Since 2010/11 the Judicial Inspectorate for Correctional Services (JICS) has reported on a number of deaths of prisoners implicating officials of the Department of the Correctional Services. Regrettably no officials have been criminally prosecuted for these deaths. There appears to be great reluctance on the part of the National Prosecuting Authority (NPA) to prosecute implicated officials and the NPA has failed to make public the reasons for its decisions not to prosecute.

The apparent failure to prosecute implicated officials has been a long-standing concern of CSPRI and other civil society organisations. We have raised this issue frequently with the Portfolio Committee on Correctional Services for several years, without result.

In view of the above we are deeply concerned about the following:

- The prevailing general culture of impunity towards officials in the DCS regarding the deaths of and assaults on prisoners. Disciplinary action against officials is rare, frequently delayed and if sanctions are imposed, they are disproportionately light.
- Reports of DCS interference in investigations and contamination of witnesses and evidence, including the destruction of evidence.
- The inadequacy of SAPS investigations into prison deaths.
- The limited powers that the JICS has to investigate allegations and the limitation of their powers to only making recommendations to the Minister of Correctional Services.
- JICS's public silence in the face of prison deaths and serious assaults, including after the most recent deaths of prisoners at Groenpunt.

- The tendency to blame deaths and assaults on gang activity, yet there is little evidence indicating what steps DCS is taking to address the influence of gangs and how to improve general safety in prisons.

In view of the above, we recommend:

- A drastic overhaul of the investigative regime in relation to deaths and assaults on prisoners, with emphasis on:
  - o Expanding the powers of JICS so as to provide for full powers of investigation, similar to those of the Independent Police Investigative Directorate (IPID), which result in a court-ready docket to the NPA
  - o DCS being prohibited from investigating deaths and assaults implicating officials of the Department, such investigations being the preserve of JICS under an expanded mandate.
  - o The NPA declaring to Parliament on an annual basis the reasons why it has declined to prosecute cases of assault and deaths of prisoners
  - o Officials implicated in the death or assault of prisoners, including the Head of Prison, being suspended with immediate effect, as is currently the case in the event of an escape.
- A Commission of Inquiry be established by the Office of the Inspecting Judge to investigate the safety of prisoners and the underlying causes for the alarmingly high number of unnatural deaths (including suicides) and assaults (including rape and sexual assault).
- A comprehensive plan be submitted by DCS to Parliament on the steps it will take to improve prisoner safety.

*The Detention Justice Forum (DJF) is a civil-society coalition, comprising of NGOs and CBOs which seek to ensure that the rights and well-being of those that are detained are respected and upheld, as enshrined under the South African Constitution, laws, and human rights principles.*

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This statement is endorsed by the undersigned organisations:

- APT (Association for the Prevention of Torture)
- CALS (Centre for Applied Legal Studies)
- Childline
- CSPRI (Civil Society Prison Reform Initiative)

- Footballers for Life
- Just Detention International
- NICRO
- Restorative Justice Centre
- Sonke Gender Justice
- Section 27
- Wits Justice Project
- YIPSA (Young in Prison South Africa)