
PUBLIC SECTOR - GOVT, - PRISONS

1995

JUNE - DEC,

PROBATION OFFICERS OPEN WAY

Real change sought in juvenile justice system

A WORKSHOP document produced by probation officers "will radically change the way people think and act towards children in trouble with the law".

A PROPOSAL from probation officers calling for more personnel, training and facilities has opened the way for real change in the juvenile justice system

According to Mr Henry Slimmert, chief probation officer at Wynberg, the document, produced after a top-level two-day workshop in Brackenfell, will "radically change the way people think and act towards children in trouble with the law".

He said a delegation of Western Cape probation officials will present their proposals to regional Health and Education Minister Mr Ebrahim Rasool on Monday.

Besides calling for the creation

of 150 new posts, the building of more places of safety and changes in staff at service establishments, the document also calls for a directorate of probation

Mr Slimmert says the directorate is necessary to expedite decision-making in carrying out the Criminal Procedure Act.

One problem highlighted by the proposal is the need for better training and selection of care officers. The solution, the document argues, is to create a screening committee composed of social workers, clinical psychologists, experienced care officers and members of the community

Despite the cost of the pro-

posed changes (R7,5 million for additional staff alone), the probation officers are confident that their recommendations will be taken seriously.

Transformation

Underlining her concern, Ms Geraldine Frazier-Molekete, Deputy Minister of Health and Population Development, told the Cape Times there was a need for the "transformation of not only the juvenile justice system, but also the entire childcare system"

Ms Frazier is confident that a top-level inter-ministerial committee, comprising the ministries of health, safety and security, education, justice and the RDE will formulate a clear, humane policy, within the next six months.

CT 1/6/95

2641

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High success rate for probation

BARRY STREEK
POLITICAL STAFF

A SUCCESS rate of more than 85% for correctional supervision sentences in South Africa compared favourably with success rates in other countries, according to the Department of Correctional Services

It said in its annual report tabled in Parliament that between August 15, 1991 and December 31 last year, 28 022 probationers were accommodated

CT 5/6/95 (253)

"Of these, 13 499 probationers successfully completed their sentences and 10 439 were treated within the Community Correctional System"

Alternative sentences, including imprisonment, were imposed in 4 084 cases due to repeated breaching of conditions, further criminality or absconding

The correctional supervision system, at a cost of R8,57 per person per day, is considerably cheaper than imprisonment at R41,53 per prisoner per day

1 233 convicts escaped last year ⁽²⁵³⁾

Star 6/6/95

Prisoners' concern for their families' safety in violence-torn areas before last year's election led to an increase in the number of escapes in 1994, the Department of Correctional Services said yesterday.

The department said in its annual report that 1 233 prisoners had escaped from cus-

tody last year compared to the 1 171 in 1993.

Of the 1994 figure, 468 escapes were from prisons, 658 from work teams outside prisons and 107 while being escorted to and from courts and during transfers from hospitals.

The report attributed the increase in escapes to the

detention of more hardened and dangerous prisoners and the critical prisons manpower shortage.

"The fact that escapes are less than 1% of the daily average prison population is an indication that the department largely succeeded in the execution of its statutory mission under difficult circumstances" — Sapa

SICAFANDALOUS

The killers of Chris Hani might be released

source Jan 6/6/95

(283)

By Mathatha Tsedu
Political Editor

CLIVE Derby-Lewis and Janusz Waluz, the two men sentenced to death for killing SA Communist Party leader Mr Chris Hani, may be freed soon and deported, according to highly placed intelligence sources.

The sources said Waluz would be deported to Poland, his former homeland, while Derby-Lewis could be sent to Australia, where his wife Gaye was a citizen before taking out South African citizenship.

Negotiations were at a delicate stage but Poland agrees with the idea while Australia has been "problematic", the sources said. They said the Government was in a predicament over the two men as they would have to be freed once the Truth and Reconciliation Bill became law.

Cut-off date

The problem is that President Mandela cannot stop their release once he signs the law. Their act was purely political and falls within the cut-off date of December 5 1993. On the other hand, it would be political suicide for Mandela allow their release.

The idea now is to arrange for their secret release and they would then be whisked out of the country. It is not possible for the two to be left in South Africa as they would just become a rallying point for rightwingers, this becoming an embarrassment for the ANC.



Chris Hani lies dead in his Dawn Park, Boksburg, driveway after being gunned down by Waluz (above right) in 1993. Clive Derby-Lewis (above left) was found guilty of having ordered the killing. PIC: ROBERT MAGWAZA

"This is especially so since there are black activists who are still in jail, waiting for the commission to be set up to decide their fate.

Above all, Chris Hani's murder was an emotional thing and the release of the two would just become a headache," the sources said.

The Polish and Australian embassies yesterday denied any knowledge of the negotiations, with Australia pointing out that Gaye Derby-Lewis was no longer a citizen of that country.

A Polish embassy spokesman said Waluz "may" still be a citizen and "if politically and hypothetically" it was therefore possible that he may be deported to Poland.

He emphasised however that no such negotiations had taken place "unless unofficial channels may have been used". The director of communications in

President Nelson Mandela's office, Mr Joel Netshitenzhe, said he was neither aware of nor had he heard of the purported negotiations. He said it was unlikely the two would be released.

The disclosure of the negotiations comes only a week after several rightwing parties, including the Conservative Party and the Afrikaner Weerstandsbeweging, visited the two prisoners on death row and later called for their release.

Committee formed

Conservative Party spokesman Mr Wouter Hoffman said he did not know of any negotiations. "All I know is that a committee has been formed to demand amnesty as we feel that they should be released like other political prisoners," he said.

AWB media spokesman Mr Fred Rundle said his organisation did not conduct negotiations with the government. He said Derby-Lewis could not be deported to Australia as he was a South African citizen.

Waluz and Derby-Lewis were sentenced to death after the shooting of Hani in 1993. Waluz fired the shot but Derby-Lewis was found to have ordered the killing.

Mrs Derby-Lewis was also indicted but was discharged at the close of the state's case. She could not be reached yesterday.

Her husband was a member of the CP and represented the party in Parliament for two sessions.

Murderers and rapists were freed in presidential amnesty

ARCT 7/6/95 (253) (298)

Political Correspondent

JUVENILE criminals released in this year's presidential amnesty included 29 convicted of murder and 47 of rape

A total of 839 had been convicted of theft

This was disclosed in the national assembly by Correctional Services Minister Sipo Mzimela, in reply to a question by Gerhardus Oosthuizen (NP)

Altogether 1 603 juvenile criminals were released in terms of an amnesty announced by President Nelson Mandela on April 27

The amnesty applied to sentenced offenders younger

than 21

All were released unconditionally

The amnesty also applied to sentenced juveniles under 21 who were removed from prison conditionally and who had to comply with basic requirements of after-care and supervision, Mr Mzimela said

Replying to a question in the senate by James Selfe (DP), Dr Mzimela gave details of planned new prisons. Five of the seven are to be in the Western Cape

They are

● Accommodation for 474 people at Victor Verster in Paarl, likely to cost

R12,1 million and be ready by September;

● Accommodation for 316 people at Brandvlei in Worcester likely to cost R10,3 million and be ready by September;

● Accommodation for 1 201 prisoners at Voorberg prison, Porterville, likely to cost R86,4 million and be ready in August next year;

● Accommodation for 1 501 people at Wingfield, to cost R114,1 million and be ready by January 1997, and

● Accommodation for 1 197 in Malmesbury, to cost R149 million and be ready in January 1998

R400m for new prison buildings in Western Cape

BARRY STREEK
POLITICAL STAFF

THE government plans to build new prison buildings worth R402,14 million in the Western Cape, the Minister of Correctional Services Dr Siphon Mzimela said yesterday.

He said in reply to a question tabled in the Senate by Senator James Selfe (DP) that two of these projects were new prisons.

A new prison at Wingfield, to cost R144,1m, would accommo-

date 1 501 prisoners. It was scheduled for completion in January 1997. A second new prison at Malmesbury, scheduled for completion in January 1998, would cost R149,07m and would accommodate 1 197 prisoners.

Extensions at Victor Verster Prison in Paarl, expected to cost R12,15m, would be completed in September this year and would accommodate 474 people. Extensions at Brandvlei near Worcester, expected to cost R10,35m, would also be completed in September

and would accommodate 316 people.

The new prison at Voorberg in Porterville would accommodate 1 201 people and would be completed in August 1996 at an estimated cost of R86,47m.

Dr Mzimela said two other prisons were being built. One at Umzimintso, costing R27,95m for 358 prisoners, will be completed in September, another at Napierville near Maritzburg, for 1 649 prisoners at a cost of R93,98 million, will be completed in December 1998.

ET 7/6/95 (253)

Call for dagga possession to be decriminalised

(253) 
TYRONE SEALE, Political Staff

CORRECTIONAL Services Minister Siphon Mzimela says South Africa should consider decriminalising — but not legalising — the possession of dagga.

This would be part of efforts to radically reform this country's "programme of incarceration" ARG 9/6/95

In a hard-hitting speech at the beginning of the debate on the correctional services budget vote, Dr Mzimela said he had no doubt that 35 percent of people in prisons should not be there.

Many had committed crimes that posed no danger to society, but were nevertheless incarcerated, each costing the state between R50 and R80 a day.

Only eight percent of sentenced children were in jail for murder, rape or armed robbery, and all the children in jail were black.

"This makes me very uncomfortable, very suspicious," Dr Mzimela said.

Of the 3 000 women imprisoned in South Africa, the majority had committed crimes that did not warrant imprisonment, and he knew of no instances where women prisoners had caused trouble, tried to escape or fought with warders.

"This suggests that we are using space unnecessarily in our prisons. It would be far cheaper to spend money on correctional supervision."

Many women were in jail for economically motivated crimes, including selling dagga.

Dr Mzimela said it was time to consider decriminalising possession of dagga.

As an instant penalty, the dagga could be confiscated and the person in possession placed under correctional supervision.

20 juveniles escape from place of safety

BY PRISCILLA SINGH

At least 20 juvenile awaiting-trial prisoners have absconded from the Proteem Place of Safety in Magaliesoord, Cullinan, near Pretoria, bringing the number of escapes since May 9 to 65.

The juveniles form part of the group released from prisons countrywide after a special announcement by President Nelson Mandela granting amnesty to under-18s awaiting trial.

According to Proteem department head Ida Strydom, drastic action is being taken to step up security in the complex.

"I have already made arrangements for a second fence to be erected around the existing one and we are also going to arrange for the night security to keep more dogs with them. The

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Star 9/6/95

lighting outside is also going to be upgraded."

Strydom said most of the boys ran away because they were led to believe they would go home after their release or that their parents would be notified.

Democratic Party member in the Gauteng Provincial Legislature Jack Bloom unleashed a scathing attack on the justice system, saying the latest escapes of awaiting-trial juveniles illustrated its hopelessly skewed priorities yet again.

Speaking yesterday, Bloom said it was outrageous that the 65 juveniles escaped from this "supposed" place of safety, "an outcome that was utterly predictable from what was initially described to me by a senior police officer as little more than a boarding school."

PRISONS

(253)
FM 9/6/95
Criminal costs

The soaring crime rate detailed by the *FM* last week is not the only drain on the economy caused by growing lawlessness. The cost of keeping 118 000 convicts behind bars has ballooned to nearly R1,5bn a year, according to Correctional Services Minister

Sipho Mzimela

In a written reply tabled in parliament to a question by Democratic Party senator James Selfe, Mzimela published figures that show it costs just over R1 000 a month on average to keep a prisoner locked up



Selfe

The biggest per capita outlay is in the Northern Transvaal where R4,7m is spent each month to keep 2 786 prisoners — R1 700 each. The lowest monthly cost is in the Western Cape — R19,6m for 22 766 prisoners (R863 each)

Mzimela's figures also showed that 43% of prisoners are in jail for "economic" offences such as fraud, theft and housebreaking, 36% for crimes involving violence, 7,6% for sexual offences and 4% for drug-related crimes

SA's conviction rate, meanwhile, is appallingly low (only 16% of serious crimes reported last year), largely because of inadequate policing and too much judicial red tape. The police are understandably anxious to improve this record, and if they do, the costs of accommodating our criminals will be sure to rise even further ■

It's time to loosen up the dagga laws, Minister says

(253) (87) STAR 10/6/95
By TYRONE SEALE
POLITICAL STAFF

Cape Town — Correctional Services Minister Siphon Mzimela says South Africa should consider decriminalising, but not legalising, the possession of dagga.

This would be part of efforts to radically reform this country's "programme of incarceration".

At the beginning of the debate on the Correctional Services budget vote, Mzimela said he had no doubt that 35 percent of people currently in prisons should not be there.

Many had committed crimes that posed no danger to society, but were nevertheless incarcerated, costing the state between R50 and R80 a day per head.

Only eight percent of children were in jail for murder, rape or

armed robbery, and all children in jail were black. Of the 3 000 women jailed in South Africa, the majority had committed crimes that did not warrant imprisonment.

Many of these women were in jail for economically motivated crimes, including the sale of dagga.

Mzimela said it was time to consider decriminalising the possession of dagga.

As an instant penalty, the dagga could be confiscated and the person found in possession could be placed under correctional supervision.

He said the state was spending more than R50 a day imprisoning women who had sold baskets without permits.

◆ Prisons

Mzimela also accused Department of Public Works bureaucrats of wasting millions of rands by designing prisons that were totally useless "warehouses" fit only for cattle.

Mzimela said those officials responsible for the design of prisons and awarded the construction contracts were a "bunch of irresponsible people".

He said the design for a new prison at Goodwood near Cape Town sported 21 libraries, 21 barber shops and 21 dining halls, which would be "totally useless".

STAR 10/6/95 (87) (87)

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Children escape places of safety

By Ingrid Saigado 12/16/95

NEARLY 400 of the 792 children released from prisons last month had escaped from places of safety, Welfare deputy minister Geraldine Fraser-Moleketi said on Friday.

More than 240 of the escapees were from KwaZulu/Natal, where the largest provincial release, 351 children, took place, while 78 Gauteng children — from a total of 185 releases — escaped, she said.

Released when an amendment to Section 29 of the Criminal Services Act became effective on May 8, the minors were put into the care of parents, guardians or into places of safety

Only child detainees and awaiting trial prisoners under 18 years old were released

More than 50 children in the Western Cape escaped, eight each in the Eastern Cape and Free State, and five in the Northern Cape, she said. These figures included 1455 minors released from police cells nationwide. Some had been rearrested.

No minors were released from prisons in the Eastern Transvaal while the amendment — excluding releases from police cells — affected 87 in the Western Cape, 70 in the Eastern Cape, 52 in North-West, 29 in Northern Province, 14 in the Free State and four in the Northern Cape.

Fraser-Moleketi said public fear that the escapees were dangerous criminals was misplaced. None were convicted criminals and in KwaZulu/Natal less than 8% were awaiting trial for serious crimes.

Numerous children were orphans, homeless and living in poverty. If government did not redress this issue, children who were the victims of violence would become the perpetrators, she said.

The minors had been released when places of safety were not equipped to deal with the influx and the Welfare Department had to create mechanisms to enable them to fit into communities.

Better synchronisation between departments should have been in place when the minors were released, she said, but it would take more than a year to transform the entire childcare system. Although the releases were not successful, they represented "an important decision in terms of basic human rights".

About 50% of all crimes were committed by youths between 18 and 21 years of age and over 5 000 youths were awaiting trial.

Imminent

purchase, but De Villiers conceded it was "a problem". It had indicated its willingness to be part of the joint management operation sizeable Venetia/Limpopo Game park.

park area of between 50 000 and 60 000 ha, envisaged on the SA side of the border.

of private game farm and reserve on the Botswana side of the border had been in becoming part of the joint management structure.

Province premier Ngako Ramathodi said the government was committed to re-creation and this would help in exploiting the tourism potential of the area.

Denel enters deal to upgrade fighter jets

By John Dlodlo 12/16/95

ARMS manufacturer Denel at the weekend struck its first post-sanctions international deal by entering into a trilateral co-operation deal with leading French and Spanish counterparts to upgrade and modernise engine components of the Mirage F1 fighter jets and the Super Etendard.

The agreement — which was clinched in Paris by Denel CE Johan Alberts and his counterparts from the French company SNECMA and Spanish ITP — would see the three companies working together to manufacture modern aircraft engine parts for aircraft widely flown in France, SA and Spain.

From Paris yesterday Denel spokesman Paul Holtzhausen said in terms of the deal Denel would have to design and manufacture major turbine components for the fighter jet engines.

The deal also provided that ITP, a leading Spanish aircraft manufacturer, would have to design and produce high pressure compressors for the Mirage F1 engines.

Holtzhausen said although it was difficult to put monetary value to the deal, he expected it to beef up Denel's international ex-

port business.

A spokesman for Armscor said the deal characterised the post-sanctions era, and reflected the international competencies of the SA defence industry.

Sapa-AFP quoted SNECMA chief Bernard Dufour as saying the deal would be profitable for the French company.

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Cautionary notice

Further to the cautionary notice on 10 May 1995, shareholders are advised that negotiations which may have an effect on the company's shares. Accordingly, shareholders should continue to exercise their shares.

Johannesburg
12 June 1995

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R2,9-billion fraudster gets parole instead of prison

CT 12/6/95 (253)
JOHANNESBURG: Alwyn Lombard, brother of former Reserve Bank deputy governor Mr Jan Lombard, has been given parole without serving a day of his sentence of seven years and nine months after being convicted of a foreign exchange fraud involving \$800 million (about R2,9 billion)

Mr Jan Henning of the Witwatersrand's attorney-general's office said last night it had been confirmed that Lombard had been freed on parole

Mr Henning said inquiries would be made as to why he had been paroled without serving any of his sentence — Sapa

Deadlock in warder talks

(253)
THE Police and Prisons Civil Rights Union said last night they regarded the dismissal of 89 of their members in 1990 as "unjust" and were continuing negotiations for the reinstatement of 35 prison warders. National Organiser Mr L Sam said a meeting in Pretoria between the union and the Correctional Services Department had reached a deadlock.

CT 13/6/95

Sapa-Reuter, Special Correspondent, Staff Reporter

Early prisoner release shows 'that crime pays'

(253) STAN 14/6/98

The Witwatersrand's former Attorney-General said yesterday the cumulative effect of prematurely releasing convicted criminals in the name of reconciliation or amnesty undermined the criminal justice system and eroded public confidence in the law.

Klaus von Lieres und Wilkau, SC, who retired last month, said to release criminals without them serving their sentences created the perception that crime paid.

Von Lieres was commenting a day after it was revealed that Alwyn Lombard, convicted of multimillion rand foreign exchange fraud, had been released under a presidential amnesty last year after serving a few days of his seven-year sentence.

He said this was frustrating for those who prosecuted the law in the courts, and discouraging to the police who carried out investigations.

Lengthy and costly investigations of people who had committed

serious crimes were seen to be ending in convicted criminals being set free in the name of reconciliation or some other cause.

"Do you think the court which eventually settled his (Lombard's) sentence at seven years and nine months had the intention to see him set free?"

"I wonder what the attitude is of the victims who suffered direct losses of some R1,2-million in this case?" he added in reference to the direct losses suffered by the public as a result of Lombard's fraudulent scheme.

Von Lieres suggested it was time for some form of compensatory system for victims to be firmly established in South African law, and that victims should be consulted in cases where release was being considered.

Criminal justice was aimed at achieving a peaceful society, he said.

It was time to end a situation in which serious offenders were seen to be going unpunished, Von Lieres said — Sapa

Parole comments: Prisons lash Kahn

(253) (253) CT 16/6/96

STAFF REPORTER

A WAR of words has erupted between Cape attorney-general Mr Frank Kahn and the Department of Correction Services over parole.

At a news conference on Wednesday with Western Cape police commissioner Lieutenant-General André Beukes where it was announced the police and prosecutors would work together more closely, Mr Kahn said he would like to see a total restructuring of the parole system.

"Too much authority vests in the prisons. Faceless bureaucrats who account to no one make these decisions," Mr Kahn said.

Department spokesman Captain Mike Green said yesterday Mr Kahn illustrated his "ignorance" of the prison system "with generalisations and tasteless statements".

He also suggested lawyers should be involved in parole decisions as happens in some countries overseas.

But, Captain Green accused Mr Kahn of attacking the department because he was "dissatisfied" with

the sentence and parole of murderer Giuseppe di Blasi, who was freed in February after serving 17 months of a four-year sentence for murdering his ex-wife, Ms Francesca Gobbi.

"It is unreasonable of Mr Kahn to abuse his position to slander the department just because there was one case which did not suit his strategy," he said.

Overcrowding

He said SA had "one of the strictest parole systems in the world" and in no country did prisoners serve their full sentences.

"It seems Mr Kahn is not informed about circumstances at Pollsmoor Prison. He should visit the prison and see the poor conditions caused by the overcrowding due to, among other things, the large number of awaiting-trial prisoners who wait unnecessarily long for their cases to be concluded.

"This is a problem which could be largely solved if Mr Kahn and his office see to it that trials are expedited," Captain Green said.

'Public protection dominant factor'
Star 16/6/95

Omar seeks full life sentences

(253)

BUILDING up of a human rights culture does not imply being soft on crime, asserts justice minister

BY PATRICK BULGER
POLITICAL CORRESPONDENT

Cape Town — The Government wanted to introduce full life sentences for murderers and rapists who were beyond rehabilitation and who were a threat to public safety, Justice Minister Dullah Omar said yesterday.

Omar's comments, made in an interview with The Star, came a week after the Constitutional Court unanimously scrapped the death penalty, prompting fears that early prison releases would unleash violent criminals on the public.

Dangerous

Omar said legislation was being prepared to ensure life sentences meant a life in jail and to ensure that dangerous criminals were not able to abuse their constitutional right to bail.

"The matter of the meaning of a life sentence we are going into right now, said Omar.

"There are cases where life sentences must mean life in prison. People should know they are going to serve their whole sentence.

"In cases of murder where there are no extenuating



Justice Minister Dullah Omar ... 'legislation being prepared'.

circumstances, the courts should not hesitate, as some of our courts have done, to impose life sentences.

"There is a category of crime where the protection of the public becomes the dominant factor, like murder, robbery and rape.

In that category, while rehabilitation may be a factor in some cases, in general the protection of the public is the most important factor.

"We cannot have a situation where people are prematurely released," Omar said.

The justice minister said the only long-term solutions to crime were socio-economic upliftment and inculcating a human rights culture.

In the short term, however, "something must be done to prevent the terrible crimes of violence which we are experiencing."

"There is a perception in some quarters that the

courts give bail because the Ministry of Justice is soft on crime. It's a terrible thing if people see the building up of a human rights culture as implying being soft on crime.

"Building a human rights culture is a precondition for eliminating crime in the long term. But it does not mean we are soft on crime.

"We need to be hard on crime, we must come down hard on crime and on criminals. Our courts are doing that."

Turning to the truth commission, which the minister has supported enthusiastically, Omar said there was a "misperception that the truth commission was an alternative to prosecutions."

Referring to evidence given by family members of Steve Biko and Griffiths Mxenge who told the Senate justice committee they wanted prosecutions instead of the truth commission, Omar said he could understand their point of view.

Amnesty

"If there is any evidence that any person committed an offence, the Attorney-General is duty-bound to prosecute," he said.

The constitution guaranteed people the right to ask for amnesty so, while prosecutions could take place, the accused also had the right to apply for amnesty.

The Biko and Mxenge demand for retribution was "a classic example of what can happen unless there is a truth commission", said the minister.

New jails will not (253) solve crowding

ST 18/6/95

By NICOLA KOZ

PLANS to build seven new jails at a cost of over R500-million will not solve the overcrowding crisis in prisons, says the Department of Correctional Services.

South Africa's 234 prisons are bursting at the seams, with several over 180 percent full.

The prisons can accommodate 94 165 prisoners — but 113 712 have been squashed into overcrowded and dilapidated cells.

Correctional Services spokesman Major Koos Gerber said the seven new jails would only slightly alleviate the overcrowding problem.

The worst overcrowding exists in the Western Cape where six prisons are between 172 and 183 percent overfull.

The Public Works Department is expected to complete three new prisons by September, in Paarl, Worcester and Umzinto. The combined cost will be R50-million — but the the prisons will house only 1 148 prisoners.

Omar slams jail bosses over early release of prisoners

By BRIAN POTTINGER (253) and CARMEL RICKARD

THE Minister of Justice, Dullah Omar, has strongly criticised the recent early releases of prisoners and has demanded that the judiciary have a greater say over the length of time prisoners stay under lock and key.

In a forthright attack on another department, he accused prison authorities of abusing the presidential pardon system and of failing to keep their minister, Siphon Mzimela, informed of controversial release decisions.

Amid growing public anger at a spate of early paroles and pardons, Mr Omar admitted this week: "A person can be sentenced today and the Department of Correctional Services can, through administrative measures, let the person walk out tomorrow. There is no judicial control at present."

Facing strong public opposition to the scrapping of the death penalty, easy bail conditions and reduced terms of imprisonment, Mr Omar said public concern about the criminal justice process was both understandable and legitimate.

He described prison authorities' recent controversial release of scores of awaiting-trial juveniles, because there were insufficient places of safety, as "half-baked".

"You cannot have a false, idealistic view of juveniles. It is correct that juveniles do not belong in prison, but the answer to that is not to open the prison doors and just let them loose on society. One needs to develop a release policy. *AST 18/6/95*

"I have got no problem about keeping young people involved in violence in prison.

"If people have committed murder, rape or robbery, and if the assessment shows that the degree of brutalisation is of such a nature that such a person is likely to commit a

similar offence, then the protection and safety of the public is paramount.

"I think that a release policy should take into account the need for rehabilitation but also the need to protect the safety of the public; and where there are indications, or the potential, that the safety of the public is going to be adversely affected, then that must be the prime consideration, and people must be kept in prison."

Mr Omar said the tendency in the modern world was to create institutions for juvenile offenders.

To Page 2 ⇨

Sunday Times

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P.T.O

(253)
ST 18/6/95

Omar slams jails for early releases

⇒ From Page 1

"But it does not mean that, because we haven't got these institutions, we must immediately release them on to the public."

He was also scathing about the release of Alwyn Lombard, a multimillion-rand fraudster and brother of a former Reserve Bank deputy governor, who escaped serving any of his prison sentence because President Nelson Mandela granted pardons to prisoners over the age of 60

Mr Omar described the release of Mr Lombard and others as an abuse of the presidential pardon and said both he and Correctional Services Minister Siphon Mzimela had not been aware of Mr Lombard's release

"We do have this problem. The new ministers need to take full control of their staff — which is what Mr Mzimela is doing"

Mr Omar said he was satisfied that, in general, the law was adequate for the purposes of sentencing

prisoners and the courts did not need additional powers. "But the problem lies in the Department of Correctional Services"

Mr Omar disclosed that arrangements had been made for his ministry and that of correctional services to discuss legislation which would give the judiciary a greater say over terms of imprisonment.

Mr Omar, who has defended the constitutional court's abolition of the death sentence, said that if capital punishment was not an option then there should be crimes to which life sentences apply

"It should be possible for a court to say you are sentenced to a life sentence and there is no possibility of parole" They were also considering the possibility of mandatory minimum sentences, he added

Responding to a strong lobby for the retention of the death penalty, Mr Omar warned that the public should not see a contradiction between building a human rights culture and tough law enforcement

"Crime is itself a serious threat to a human rights culture in South Africa. Crime is an invasion and an assault on human rights. We must be tough on crime," he said

HARD TALK . . . Justice Minister Dullah Omar has criticised the recent early releases of prisoners
Picture: TERRY SHEAN

Mr Omar said he would not support a referendum on the death penalty as demanded by the National Party

He said the Bill of Rights had to be put beyond the reach of transient minorities. It was wrong to take only one issue in it and hold

a referendum on that. He said he would rather pose the question of whether the country wanted a Bill of Rights at all

Mr Omar described the NP as dishonest and opportunistic because it was the party which had taken the country on the road to the

abolition of the death penalty through a moratorium on it

He said the debate on capital punishment was a "diversion" and urged the public to focus on the issue — combating crime within a human rights culture.

● See Page 11

Adams said although Ireland was seeking a negotiated settlement there were still more than 700 political prisoners in England or Ireland.

Parliament asks for report on pardons

Susan Russell (253)

THE Correctional Services parliamentary committee will be asked this week to obtain evidence from the prison authorities on problems with the implementation of the current parole system after widespread anger at the recent series of early releases and pardons.

Committee chairman Carl Niehaus said yesterday the matter was urgent and he would propose calling the Commissioner of Correctional Services to give evidence at a meeting tomorrow.

Niehaus was responding to comments by Justice Minister Dullah Omar harshly criticising Correctional Services for controversial early release decisions which saw businessman Alwyn Lombard walk free after being convicted for multi-million rand fraud.

Lombard, the brother of a former Reserve Bank deputy governor, took advantage of a pardon given to prisoners over the age of

60 by President Nelson Mandela.

Both Omar and Niehaus accused Correctional Services of abusing the presidential pardon system.

Niehaus said he had already tabled a question to the President to get clarification on Lombard's use of the pardon granted to prisoners over 60.

Sapa reports Correctional Services denied it was paroling and pardoning prisoners early.

Reacting to comments made by Omar, the department said in a statement its release policy was the result of a balanced approach "developed over many years".

In a separate statement, Minister of Correctional Services Dr Sipo Mzimela said the Sunday Times report yesterday gave the impression he agreed with Omar's statements.

"I would like to state for the record that I was not approached and I will discuss the issue with my colleague, the Minister of Justice," he said.

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Early releases: Prisons 'were obeying political decisions'

CT 19/6/95 (253)

STAFF REPORTER

THE Department of Correctional Services was following political decisions made by others in releasing certain prisoners, the department said yesterday in the wake of criticism from Justice Minister Mr Dullah Omar.

Yesterday Mr Omar strongly criticised the early release of prisoners and accused prison authorities of abusing the presidential pardon system, and not keeping Minister of Correctional Services Dr Siphso Mzimela informed

about release decisions.

In reaction, the department said it rejected the allegation that it had abused the presidential pardon system. It said further that early releases had been as a result of political decisions it had to follow "whether (the department) liked it or not".

The department said it had no problem with the judiciary involving itself with the release process, "but we would rather they use their resources to expedite the judicial process, which they are at present failing to do".

Prisoners 'not freed early'

(253) star 19/6/95
The Department of Correctional Services yesterday denied it was paroling and pardoning prisoners early.

Reacting to comments made by Justice Minister Dullah Omar in the Sunday Times, the Department said in a statement its release policy was the result of a balanced approach, "developed over many years" by many interested parties.

Omar strongly criticised the early release of prisoners and demanded the judiciary have a greater say over the length of time prisoners spent in jail.

The department said the judiciary should rather use its manpower and resources to expedite the judicial process "which

they are at present failing to do".

Suffering

This had resulted in overcrowding and suffering in prisons

In a separate statement, Minister of Correctional Services Dr Siphon Mzimela said the Sunday Times's report gave the impression that he agreed with Omar's statements.

"The report gives the impression that I, as Minister of Correctional Services, agree with the allegations raised in the report. I would like to state for the record that I was not approached and I will discuss the issue with my colleague, the Minister of Justice," he said — Sapa.

Prisoners not released early

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Reacting to comments made by Justice Minister Dullah Omar in a Sunday newspaper yesterday, the department said its release policy was the result of a balanced approach "developed over many years" by many interested parties. Omar strongly criticised the early release of prisoners and demanded the judiciary have a greater say over the length of time prisoners spent in jail.

Servelehen 19/6/95

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Today's *Sowetan Radio Metro Talkback Show* is an open line. Phone Tim Modise by twinning 7pm and 8pm on 089 110 3377 to share your views with the nation.

gave the impression that he agreed with Omar's statements.

"The report gives the impression that I as Minister of Correctional Services agree with the allegations raised in the report. I would like to state for the record that I was not approached and I will discuss the issue with my colleague, the Minister of Justice."

Omar's demand comes a week after the scrapping of the death penalty by the Constitutional Court. It also comes in the wake of the release of juveniles because of inadequate places of safety to keep them.

Omar also announced that legislation was being prepared to ensure life sentences meant life in jail and that dangerous criminals were not able to abuse their constitutional right to bail.

He accused prison authorities of abusing the presidential pardon system and of failing to keep Mzimela informed.

Goodwood prison design slammed

Political Correspondent

(253)

THE design of a planned R140 million prison in Goodwood has been slammed as an abuse of public money

Correctional Services Minister Sipo Mzimela complained that the new prison had 21 libraries — “even the University of Cape Town doesn't have 21 libraries”

ARG 20/6/95

“And it has 21 barber shops,” Mr Mzimela said during the correctional services policy debate in the senate yesterday

A far superior prison could be built at Goodwood for less than half the cost, he said

Dr Mzimela has closed two prisons in recent months because they were unfit for use and disclosed he was considering closing another

This year Correctional Services had a budget of R2.3 billion, with which it had to care for 115 000 inmates and up to 15 000 people on parole or doing community service

Dr Mzimela said last year's prison uprisings had been understandable, given conditions under which prisoners lived and confusion about issues like amnesty and the credit system

Dr Mzimela made an impassioned plea for a changed approach to the handling of prisoners

Dr Mzimela repeated his call to decriminalise dagga. Keeping those convicted of dagga offences in prison cost R198 million, he said

Mzimela's 'dagga' bill under fire

ARG 20/6/95 (253)

CONTINUED dagga abuse led to physical and mental deterioration and the use of harder drugs, said Nick Koornhof (NP)

Debating Correctional Services Minister Sipo Mzimela's contention that dagga should be decriminalised in the senate yesterday, he said the minister's argument did not take into account the social costs

"It is also used as an excuse by people accused of serious crimes," Mr Koornhof said

Phillip Powell (IFP) said it was important to distinguish between the legalising and the decriminalising of dagga

Rosier de Ville (FF) described Dr Mzimela's call as shocking and irresponsible

The Freedom Front was against the legalisation of any banned substances

Dr Mzimela wanted to empty prisons of dagga offenders but knew South Africa was labouring

under serious and violent crimes, most of them under the influence of the drug

Mark Wiley (NP) asked whether the minister would allow his warders to use dagga, when already a warder had been killed apprehending a colleague who was peddling dagga to prisoners

Criminals daily pleaded dagga as a mitigating factor in court, and thus the drug was a danger to society, Mr Wiley said

The National Party agreed that children should not be in prisons, but the first experiment on releasing them had been a disaster

The aim to rehabilitate prisoners was laudable, but to think it would redeem the many psychopaths walking the streets was unrealistic

Injudicious amnesty was not the solution to the problem in the prisons, Mr Wiley said

● The vast majority of unsentenced children released from

prisons had been victims of society and only eight percent of them had committed serious crimes, Dr Mzimela said yesterday

A question should be asked, would these children have committed the crimes they were arrested for were they born in another country with a different political system?

The Department of Correctional Services did not release people randomly, but was guided by laws and procedures, unlike in the old days when convicted criminals were released because they had friends in higher places, Dr Mzimela said

The greatest crime committed in South Africa was apartheid but people who committed this crime walked free and were never imprisoned so they should be careful not to have the audacity and temerity to raise questions, Dr Mzimela said — Sapa

areas for White children, the Government must make resources available to the NGOs caring for our children

THE MINISTER FOR WELFARE AND POPULATION DEVELOPMENT Madam Speaker, I should like to assure the hon member Mrs De Lille that my department does not discriminate between White, Black or Coloured children. We treat all children equally in terms of the Constitution and in terms of our responsibility to all our children.

She is correct, though, when she says that the Department of Welfare and the Government cannot handle this issue alone. We need assistance. I am grateful that we do get assistance. We cannot provide the care alone. However, we must be very careful with regard to the assistance that is available to the children on the streets. In some cases street shelters have been put up. They do not cater for the emotional or physical needs of all the children. In most cases children use this as an excuse to leave home.

We should have better control over shelters and we must have control over every organisation that deals with children. In many cases accusations have been made that the children are abused in institutions where they should actually be receiving care. With the change of the Fundraising Act certainly, nongovernmental organisations will be supported. Up to now we have not refused funding to any organisation that has a cause that we could assist.

It is not true to say that we are not doing our best. We are doing our best. We have had a conference, and we are investigating this matter. There is continued discussion on a policy in respect of children. We had the HSRC go into the matter of street children.

Street children are not only a South African phenomenon. On my last visit overseas I read a study of street children in Rio de Janeiro. The problem is the same. One has to get the child back to his family. [Time expired.]

Mr M F CASSIM, Madam Speaker, I think the Minister will recognise that if we really take care of our children, that will not only be a benefit in itself, but when one considers that the Minister is so interested in rugby, he will also have an additional source to draw from. Considering how tough and wily street children are, they could be a new and vital component in South African rugby, putting South Africa right on top. [Interjections.]

There have been many conferences, and the universities have done extensive research on street children. The documentation is considerable. However, there is something missing. Where will street children go if they want to have their aptitudes tested? How can they be given an indication of what qualities they possess so that they can exploit them?

If we look at this matter only as a problem that has to be addressed in its entirety, we forget the individual component. Each child in the street is crying out to be given recognition. He does not want to be taken off the streets to a life that will be dull and uninteresting.

Living on the streets, his instincts have become his inclination, and it is by his instincts and his inclination that he survives. However, if children were in a position to have their aptitude tested, many of them could be given guidance on how they could exploit that aptitude for their own benefit. [Time expired.]

THE SPEAKER Order! I consider it might be beyond the capacity of a South African Speaker to suggest that anything concerned with rugby is irrelevant to the matters we are debating, but I will not test that proposition. I call on the hon Mrs Seaton.

Mrs S A SEATON, Madam Speaker, the JFP logo depicts a family. There is no doubt at all that street children desperately need a family. I accept what the Minister says, and we are very pleased to hear about the progress that has been made. There is no doubt that many of those children are homeless, and do not have families as such. I believe that Government—not only central Government, but government at all levels—has a role to play. All too often communities—and I speak of local government here as well—do not see taking care of these children as their role, but unfortunately it is, in fact, the community's role. It is the individual community that has to do something to keep our children off the streets, to ensure that our children do not become members of the family of Correctional Services, and create even many more problems for our country.

There is a great deal of concern, as far as I am concerned, about the exploitation of those children. [Time expired.]

THE MINISTER FOR WELFARE AND POPULATION DEVELOPMENT, Madam Speaker, I would like to thank all the members

who have taken part in this debate on street children. I want to thank them for their concern and their assistance in bringing the country to book in terms of this problem.

We need a new dynamic approach in terms of street children. This phenomenon is not going to go away. We have the fact of low economic growth, poverty and urbanisation. We have children who have suffered during the periods of violence, we have children who have left their homes for certain reasons, and therefore we need this new approach.

I would also like to appeal to the Departments of Health and Education, as well as the police and the armed forces. I think we all need to make a joint effort in addressing this issue. However, most of all, we must make the life of these street children interesting. Therefore, we should spend more money on recreation. We should look at how we can alleviate the problem of overcrowding in schools. We should also look at sports programmes. We should think about using our school holidays for leadership programmes. We should look at how school buildings can be used during school holidays.

I do not have the funds to erect school buildings. We need to look at the use of hostels. Therefore one of the most important things is that we, as the Department of Welfare, be assisted to appoint social workers to work not only on the streets, but also in the schools, so that we can address children's problems before they get onto the street or leave home.

However, as far as the Department of Welfare is concerned, we will address this issue in the new White Paper on Welfare Policy, which will be under discussion in Bloemfontein for three days as from Monday. We will come back with programmes to assist us in dealing with street children. [Time expired.]

Debate concluded.

Policy in regard to the release of prisoners

3 Mr D H M GIBSON asked the Minister of Correctional Services

- (1) What is his Department's policy in regard to the release of prisoners,
- (2) whether it is the intention to change this policy, if not, why not, if so, what changes are envisaged?

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(253)

HANSARD 21/6/95

THE MINISTER OF CORRECTIONAL SERVICES, Madam Speaker, I would like to inform the hon member that previously prisoners were required to serve up to a quarter or even a third of their sentences before they were released. Prisoners who were previously released conditionally or on parole were not subjected to supervision in the community in all instances.

As from 1 March 1994, all sentenced prisoners serve their full sentence as imposed by the court, either in prison or in the community under strict parole supervision.

The system of reduction of a fixed part of the sentence was therefore abolished as of 1 March. Prisoners can now earn credits by observing the rules, which apply in a prison and by actively taking part in programmes which can treat them and rehabilitate them. By creating a system where prisoners can actively participate in programmes to advance the date on which he or she will be released on parole, a climate is created which is conducive to rehabilitation.

I let me give an example of what actually happens. Of all the inmates placed out on parole during 1994-5, 5% have not served one third of their sentence. At the same time 32% of them were placed out on parole before they have served half their sentence, and 44% of them were placed out on parole before they have served three quarters of their sentence, and 11% were placed out on parole after they have served more than three quarters of their sentence. Only 8% of them were released after serving their full sentence in prison.

I now come to the second part of the question. There are a number of problems associated with the credit system in prison. It is therefore my intention to revisit the system of earning credits, which is criticised by many people in prison by those who supervise them, and in fact also in the Krieger Report, which was commissioned by the President.

I have asked the National Advisory Council on Correctional Services to investigate the possibility of coming up with a new parole system which will be easily understood by those who are in prison and by those who administer the programme. The release policy will also be referred to the portfolio committee and I hope that in the end we will have a better parole system.

Mr D H M GIBSON Madam Speaker, it is a pleasure to find an hon Minister who is available for an interpellation. The DP had to submit four interpellations before we could find a Minister who was ready, willing and available to answer on matters of urgent public interest and importance [Interjections.] Somebody should tell the Ministers that they do have a responsibility to be in Parliament and to be available to answer questions. It is part of public accountability.

While they are busy telling the Ministers that, they should also tell them to stop fighting in public. I think these hon Ministers have been infected by the Rugby World Cup fever. The hon the Minister Omar thinks he is playing for the All Blacks, Minister Mzimela thinks he is playing for the Springboks, and Minister Abe Williams thinks he is playing for Western Samoa [Interjections.] They are all having a go at one another in public, and the impression being created is that the Government of National Unity does not know what it is doing. It is now their job to convince this House and the public outside that they do.

At least, what is happening as a result of the public squabbles is that matters of importance are being aired. The matter which is of major public concern at the moment is the question of prisoners and their early release and parole.

We saw the hon the Minister of Justice quoted extensively in an article in the *Sunday Times* on Sunday, where he had some very unflattering things to say about the Department of Correctional Services. It seems that he is also becoming convinced that the public feel that prisoners are released too soon, and before they have served an adequate prison sentence. I am pleased that we have managed to persuade him.

When he starts pointing fingers at other departments, of course the departments should respond. Let us see what Minister Omar says. He says that a person can be sentenced today, and the Department of Correctional Services can through administrative measures, let the person walk out tomorrow. There is no judicial control at present. In the same article, in a forthright attack on another department, he accuses prison authorities of abusing the presidential system, and failing to keep their Minister Mzimela informed of controversial release decisions.

He then goes on to say that it is vital for new Ministers to take control of their departments, and that Minister Mzimela is doing that. I think that was a rather patronising comment. I certainly hope that it is true that he is taking control of that department.

However, what we want to know is what the position is. If these hon Ministers who, between them and together with the Minister for Safety and Security, are really the people who are supposed to be looking after the public of South Africa, disagree so markedly on an important matter such as this, then who does know what is going on in the administration of justice in South Africa?

I want to ask a question about Mr Alwyn Lombard who was released as a result, we are now told, of a presidential pardon. Minister Omar attacked the Department of Correctional Services and referred to this as "an abuse of the system". He said that he had not been aware of this, and that the hon Minister of Correctional Services had not been aware of it either. I would like to ask how this Cabinet operates? Is either of the hon Ministers prepared to tell me that the President of South Africa does not consult his Cabinet on an important issue such as giving amnesty to people of 60 years and older? Firstly, I would like to ask whether he consulted the Cabinet. Secondly, did he consult the two Executive Deputy Presidents? Were they consulted, or did the President simply make the announcement?

There are a number of other questions. I want to ask what consultation procedure takes place and whether, for example, the President, when he decides on an amnesty, goes to the department which is dealing with it, and asks for advice? The hon Executive Deputy President De Klerk, when he presided over the government, presumably consulted people like Mr Vlok and others before Lucky Malaza was let out and the other 47 000 people were released. I would like to know what procedure is followed? [Time expired.] [Interjections.]

THE MINISTER OF CORRECTIONAL SERVICES Madam Speaker, I would like to correct the hon member. I believe that I am intelligent enough not to pick a public fight with a formidable advocate—the Minister of Justice, and certainly, I would never think of picking a public fight with a

Minister the size of Mr Abe Williams [Laughter.] Therefore, I will not get involved in any public fight.

However, let me also point out that I do not preside over a private Mzimela Irresponsible Prisoner Release Company. I function within laid-down rules and regulations, and all the people who have been released on parole have been released because they deserved it and because the given rules and regulations applied. Finally, I do not think it is correct for me to respond on behalf of the President. I think the questions on how the President grants amnesty should be directed to him.

Mr D H M GIBSON Madam Speaker, that was a masterpiece of saying absolutely nothing [Laughter.] I would like to congratulate the hon the Minister on that. However, I asked him a direct question. I asked him if he had been consulted. I assume that if he had been consulted, he would have said "Yes, I was consulted". He is too diplomatic to say "No, I was overlooked, and my department was overlooked and then people across the floor simply pointed fingers at us and blamed us for the results of an injudicious policy and an injudicious amnesty."

Let us just look at the question of Mr Alwyn Lombard. A multimillion rand fraudster and truckster went through our court system and was sentenced to over seven and a half years in jail. It cost the taxpayer of South Africa R250 000 to bring him finally to the doors of the prison. Then the President gave an amnesty, and whoops, he was out! The Minister of Justice then blamed this department.

I would like to ask the hon the Minister of Justice and the hon the Minister of Correctional Services whether they would not to the President of South Africa, and explain to him the embarrassment, the confusion and the alarm that this is causing among the people in South Africa.

I would like to ask whether they could not have a more considered policy about amnesties, because what many people in South Africa feel is that the whole system of justice is undermined if criminals believe that, in the first place, they would probably not be apprehended because the Minister for Safety and Security is not doing his job properly, and that even if they are apprehended, they probably will not come to court for a long time because the Minister of Justice does not do

his job properly either. There are 23 000 awaiting-trial prisoners languishing in jail.

When they do get to jail, they probably will not stay there because the hon the Minister of Correctional Services is not open to receive guests! One of the reasons he cannot receive these guests is because he does not get voted sufficient money to expand his facilities. The hon the Minister of Justice, and the hon Minister Williams sitting over there, do not fight in the Cabinet to see that there are adequate funds available to put people inside where some of them belong, and to keep them there for as long as society believes that they should be kept, as an adequate punishment.

If we do not at least do that, then what deterrent against crime is there on people in South Africa? Furthermore, if this Government wants to persuade the public that they really are serious about doing something about crime, I think they should stop fighting with each other. They should sit down, have a conference, and see what they can do to bring about an improvement in the situation.

THE SPEAKER Order! No doubt hon members will have noted the opportunities open to them to address questions to a large number of Ministers through one interpellation.

THE MINISTER OF CORRECTIONAL SERVICES Madam Speaker, let me say that it is my department which recommended to the President that people of 60 years and older who have committed nonviolent crimes should be considered for amnesty. Mr Lombard, who was 60 at the time, was one of 235 prisoners who benefited from that policy. We cannot give people amnesty, and then exclude others who fall in the same category.

However, there are also certain facts that need to be corrected. Mr Lombard was originally charged with fraud amounting to something like R1 million, and not the multimillions that are being quoted here this afternoon. Secondly, he did serve some time in prison, in fact, he served 124 days. He then appealed, and while on appeal, the amnesty was granted.

Finally, I think there is nothing wrong with a spirited fight when it does take place, as long as we all serve the common good.

Debate concluded

As I understand it, President Mandela will meet President Lech Walesa when a mutually convenient date is agreed to

†Dr W A ODENDAAAL Madam Speaker, I should like to ask by way of a follow-up question whether the following perception, that has arisen in diplomatic circles, is incorrect

Here we have the President of Poland, who was the leader of the Solidarity trade union that brought down the communist government of Poland. It was the first communist government to fall, after which the domino-effect followed that caused communism to collapse throughout the world

The time is all of a sudden no longer suitable now to receive President Walesa here, because it is hoped that after the next Polish elections, early next year, he will no longer be the President

My question is, as I said at the beginning, whether this perception which has caused raised eyebrows in diplomatic circles, is correct

†The MINISTER OF JUSTICE The perception is incorrect

The SPEAKER Order! I would again urge caution please to make sure that all supplementaries are directed to the answers

†Dr P J STEENKAMP Madam Speaker, arising out of the first reply of the hon Minister, the question is specifically whether President Walesa received an invitation to visit South Africa this year and what the relevant details are. We are informed that he and Mr Mandela will indeed meet each other. The question is, will they meet each other in South Africa this year or will they meet each other on a secret island? That is what we should like to know. Will President Walesa be allowed in South Africa?

†The MINISTER Madam Speaker, I have already answered the question. There was an invitation and I cannot take this aspect any further in any way. I said

The invitation to President Walesa has not been cancelled and still stands. As I understand it, President Mandela will meet President Lech Walesa when a mutually convenient date is agreed to

Dr W A ODENDAAAL Yes, but where? [Interjections.]
The SPEAKER Order!

Ministers

Questions standing over from Wednesday, 7 June 1995

Indemnity/release; norms used by Curran Committee

*4 Mr J W MAREE asked the Minister of Justice †

(1) What norms were used by the Curran Committee to determine whether persons were entitled to indemnity or release,

(2) whether all the recommendations of the Curran Committee in respect of the indemnity and release of persons were accepted, if not, which recommendations were not accepted?

Hansard 21/6/95 N668E
The MINISTER OF JUSTICE

(1) The Curran Committee applied a definition of a political offence which was more restrictive than the definition contained in the Further Indemnity Act, 1992 (Act No 151 of 1992). Applications falling outside their definition were considered by referring to the definition of a "political offence" as it had evolved since the start of the indemnity process

(2) No. In the cases of the following persons, the President did not agree with the recommendations and did not remit the sentences or grant indemnity

M S Mavela
P Ndlovu
A K Vusi
D M Maivundla
J Bhengu
S Nyathi
N Z Mkhize
T J Radabe
M S Ngobese
M Khumalo

A further nine recommendations have been submitted to the President for consideration. The decision in these cases are awaited

Mr J W MAREE Madam Speaker, arising out of the hon the Minister's reply, does his reply imply that the Norgaard principles were or were not applied by the Curran Committee?

The MINISTER OF JUSTICE Madam Speaker, the Curran Committee applied the Norgaard principles to the best of its ability. However, it also looked at the way in which the Further Indemnity Act of 1992 had been applied

Mr J W MAREE Madam Speaker, further arising out of the hon Minister's reply, if that was the case, could the hon the Minister please explain why the Curran Committee allowed people who had been sentenced for offences other than political offences to receive indemnity? I would like to draw the Minister's attention to numerous incidents, but I shall refer him to one specific incident

I refer to the ANC member Jabulum Khubeka, who received amnesty after he had been convicted during December 1988 on a charge of assault with the intent to do grievous bodily harm to, or to murder, Stompie Seipei

The question is: How could the Curran Committee possibly have found that to be a political offence on the basis the hon the Minister has explained? [Interjections.]

The MINISTER Madam Speaker, the Curran Committee considered various applications. It came to its conclusions and recommendations on the basis that the offences with which it was dealing fell within the relevant definition

Mr J W MAREE Madam Speaker, further arising out of the hon the Minister's response, the hon the Minister signed all these releases personally. Did he satisfy himself that these releases were related to political offences, because it is common knowledge that there are many releases which were not politically motivated or connected?

The MINISTER Madam Speaker, the hon member in his question did not ask about specific instances or specific names. Had he submitted such examples to me I would have given him full details with regard to each specific case. However, with regard to every single name, we satisfied ourselves that the recommendation for release was an appropriate one

Mr J W MAREE Madam Speaker, further arising out of the hon the Minister's response, I have given the Minister the instance of Jabulum Khubeka who was found guilty of attempting to murder Stompie Seipei. What has that got to do with a political motive or a political offence? Could the hon Minister explain that?

The MINISTER Madam Speaker, we have come

to the conclusion that there is a political element, whether that hon member liked it or not [Interjections.]

Curran Committee, mandate from Cabinet

*5 Mr J W MAREE asked the Minister of Justice †

(1) What was the mandate given to the Curran Committee by Cabinet,
(2) whether he will make a statement on the matter? N669E

The MINISTER OF JUSTICE

(1) The Curran Committee was instructed to make recommendations in all the cases pending in the Indemnity Office in which—

(a) the applications were submitted before 6 May 1994, and

(b) the offences were committed before 12 00 on 8 October 1990

(2) A statement is not necessary

Mr J W MAREE Madam Speaker, arising out of the hon the Minister's reply, the hon the Minister said that the Curran Committee had received instructions to make recommendations in all cases pending in the Indemnity Office. The Minister is aware of the fact that the committee took the liberty of opening closed files which had been dealt with. Could the hon the Minister [Interjections.] Is the Minister, in relation to his reply, prepared to explain to us why the Curran Committee went outside its mandate?

The MINISTER OF JUSTICE Madam Speaker, the committee did not go outside its mandate. It examined all applications which it considered to be relevant within its terms of reference

Mr J W MAREE Madam Speaker

Adv J H DE LANGE Madam Speaker, may I ask a follow-up question before Mr Maree? I was up before him

Mr J W MAREE Madam Speaker, I had the floor before that hon member

Adv J H DE LANGE Madam Speaker, he was still sitting down when I got up

The SPEAKER Order! I am afraid I saw Mr Maree first. I apologise. I was looking in that

direction, so I am not sure which of you stood up first. As I saw Mr Maree first, I ask him to proceed.

Mr J W MAREE Madam Speaker, I listened carefully to what the Minister said. He said that the mandate of the Currin Committee was to look at pending matters.

The SPEAKER Order! Please ask a question.

Mr J W MAREE I want to ask the Minister how matters which have been disposed of can be pending in terms of the ordinary meaning of the word.

The MINISTER OF JUSTICE Madam Speaker, when that member's apartheid government was in office [Interjections] and set up its own structures to deal with indemnity matters, a large number of those matters were handled by an indemnity council. Many applications were refused. I was never satisfied that all those cases had been properly handled. Where the Currin Committee considered it necessary to refer to any one of those matters, I considered it entirely justified.

Adv J H DE LANGE Madam Speaker, arising from what has happened here today, I want to ask the Minister whether he can tell us if the Executive Deputy President of the largest minority party or any other NP member in the Cabinet, seeing that they set up the Currin Committee, at any stage raised any problems in the Cabinet in connection with this process. If the Minister can answer this question, we will see whether the hon member is on a fishing expedition or not.

Adv J H DE LANGE Madam Speaker, on a point of order I would just like to know to whom the hon member ~~Mr De Lange~~ directed his question.

Adv J H DE LANGE Madam Speaker, the question was put to the Minister. I asked if the Executive Deputy President in that member's party or any other NP member at any stage raised any problems in the Cabinet about the process we are talking about, which that member's party has problems with. That is a very simple question, Dr Odendaal.

The MINISTER Madam Speaker, the committee under the chairpersonship of Mr Brian Currin was set up by me as Minister of Justice. I took the matter to the Cabinet and the Cabinet approved it. Mr J W MAREE Madam Speaker, the Cabinet's decision was that the Currin Committee could

only look at pending matters. On what authority did the Minister instruct the Currin Committee to go outside that mandate? Did he take the matter back to the Cabinet? Did the Cabinet reconsider this? Was the Cabinet informed that that Minister gave instructions to the Currin Committee that were completely out of bounds? Did the Minister inform the Cabinet that he was signing documents which were outside the mandate given to him by the Cabinet? We want a clear reply to all these questions. [Interjections]

The MINISTER Madam Speaker, I am very happy about the work I did and about the work the Currin Committee did. I am very proud of the committee's work. Had it not been for its work, the people who were in prison as a result of that hon member's government would still have been sitting in prison. As far as I am concerned, the Currin Committee acted within its mandate, and I am prepared to defend the work that it did. [Interjections]

Mr J W MAREE Madam Speaker

The SPEAKER Order! We have had five supplementary questions. That is the end of this question.

Three persons: investigation by Office for Serious Economic Offences

*10 Mr A S BEYERS asked the Minister of Justice +

- (1) Whether the Office for Serious Economic Offences has instituted any investigation into the activities of three persons, whose names have been furnished to his Department for the purpose of his reply, if so, what are the relevant details in each case,
- (2) whether he will make a statement on the matter?

N674E

The MINISTER OF JUSTICE

- (1) and (2) I am informed by the Office for Serious Economic Offences that no investigation has been instituted by it into the activities of the three persons referred to by the hon member. An investigation has been launched into the affairs of a certain institution with which one of the persons has ties. On completion of the investigation a report will be submitted to the Director of the Office for Serious Economic Offences.

Primary school feeding scheme: percentage of budget paid out

*19 Mr M J ELLIS asked the Minister for Health

- (1) What percentage of the budget for the primary school feeding scheme had been paid out as at the latest specified date for which information is available,
- (2) whether any problems have been experienced with delays and inefficiencies in the rendering of the service, if so, (a) what problems and (b) what steps have been taken to solve these problems?

Hansard 21/6/95 N683E

The MINISTER FOR HEALTH

- (1) Actual expenditure as on 31 March 1995 amounts to R134 823 786 of the total budget of R472 840 000 for the 1994-95 financial year. The expected total expenditure for the 1994-95 financial year is R329 672 852.
- (2) Yes

(a) Some of the problems which are being experienced with the supply of foodstuffs include

* Delivery problems such as late or irregular deliveries,

* Poor quality of products,

* A unique problem occurred in one of the provinces, where food suppliers to whom contracts were not awarded, in an attempt to obtain contracts, decided to take mass action, take staff hostage, occupy offices, or destroy property,

* Some project committees lack the capacity to meet the requirements of the procurement system and the accompanying financial procedures with the result that the flow of funds to food suppliers is delayed,

* The existing temporary staff component lacks the capacity to deal with the additional workload caused by the Primary School Nutrition Programme with resultant delays.

(b) Standard procedures and requirements are followed in dealing with suppliers when contracts are not adhered to. A basic training programme is offered to local project committees to enable them to comply with the procedures. This is, however, a slow process, because of the lack of staff.

The implementation of a permanent staff establishment for the Nutrition Programme should solve the problems around the shortage of staff.

Actuarial deficits in government pension funds

*22 Mr K M ANDREW asked the Minister of Finance

- (1) Whether there are actuarial deficits in any government pension funds, if so, what are these deficits,
- (2) whether the Government is taking any steps towards reducing these deficits, if not, why not, if so, (a) by how much will the deficits be reduced in the 1995-96 financial year and (b) how will this reduction be affected by recent public sector pay negotiations?

Hansard 21/6/95 N687E

The MINISTER OF FINANCE

- (1) Yes. Actuarial valuations are done every three years. The valuation for 31 March 1994 is still in progress, and therefore the figures for 31 March 1991 are still the most recent available. It is anticipated by the actuaries that the figures for 31 March 1994 will show an improvement over the following

	% Funded	
	With increases	Without increases
Government Service Pension Fund	51.5	82
Temporary Employees Pension Fund	58	93
Authorities' Service Pension Fund	46	74
Superannuation Fund	84.8	137
Associated Institutions Pension Fund	57	118

- (2) Yes

Prisons agree courts should have say in granting parole

ROGER FRIEDMAN
Staff Reporter

THE courts should have a say in the granting of parole, Western Cape regional commissioner of correctional services Hendrik Bruyn has conceded

This comes days after Minister of Justice Dullah Omar launched a forthright attack on the department of correctional services, accusing prison authorities of abusing the presidential pardon system and failing to keep their minister, Siphosiso Mzimela, informed of controversial release decisions

Cape Attorney-General Frank Kahn met General Bruyn yesterday "to exchange views" on parole

Mr Kahn has been fighting for parole reform since the controversial early release of convicted wife-killer Giuseppe di Biasi five months ago, after serving 16 months of a four-year sentence

After their meeting, Mr Kahn and General Bruyn issued a joint statement saying close co-operation between their departments was "imper-

ative" in view of mounting crime

"General Bruyn accepted that there was merit in Advocate Kahn's proposal that the court should be involved in the release procedure and that it has to be investigated with a view to future implementation

"Consequently, suggestions by the attorney-general contained in a research paper on parole will be forwarded to the national advisory council for consideration"

In the research paper, Mr Kahn argued that judges carefully considered sentences having due regard to the crime, the offender and the interests of society

"Punishment is furthermore regarded as pre-eminently a matter for the discretion of the trial court

"The scope for interference with the sentence imposed, on appeal, is very limited

"It has been said on many occasions that a sentence will be altered only where the discretion has not been judicially

or properly exercised (253)

"The requisite test is whether or not the sentence is vitiated by irregularity or misdirection or is disturbingly inappropriate"

Mr Kahn proposed that "judicial scrutiny" of parole should be applied to all sentences of two years' imprisonment or more
ARLT 21/6/95

"In these cases, the parole boards should not be allowed to slash the effective sentence of imprisonment by more than half, without placement before the relevant court or its equivalent for reconsideration

"Secondly, parole boards should be made more representative by including a judicial officer, a member of the prosecuting authority and members of the community, to ensure that informed and equitable decisions are arrived at"

General Bruyn and Mr Kahn "mutually accepted" that overcrowded prisons and insufficient courts to expedite cases placed enormous strain on correctional services facilities

South Africa's parole process has come amid concern that the prison bureau considered sentences imposed by judge learning that crime does pay. Brenda

Prison parole syst

South Africa's prisons have become the septic tanks of its penal system — a necessary facility that no one wants to look at too closely.

The larger community has not paid much attention to what has been going on behind prison cell doors and alarm is only expressed when untreated effluent suddenly oozes out.

Lawyers for Human Rights national director Jody Kollapen believes inattention and non-involvement by the community in its prisons is one of the main causes of its current failings.

Ignorance of what happens behind jail doors creates misconceptions while also providing a fertile breeding ground for abuse of discretion by officials, he says.

Criticism has been made of the failure of prisons to keep dangerous criminals behind bars, and fingers have been pointed at the department for releasing prisoners too early.

The problem has been exacerbated by indemnities granted to prisoners — something which retiring Witwatersrand Attorney-General Klaus von Lieres und Wilkau, SC, criticised sharply last week after fraudster Alwyn Lombard was turned away from Pretoria Central Prison where he had presented himself for his sentence.

"This is disastrous for the criminal justice system in South Africa," he told Sapa. "Do you think the court which eventually settled his sentence at seven years and nine months had the intention to see him set free?"

Justice Minister Dullah Omar had accused prison officials of abusing the presidential pardon system and of failing to keep him and Correctional Services Minister Siphon Mzimela informed of controversial release decisions.

In considering a release, po-

lice should take into account the need for rehabilitation and the need to protect the safety of the public. Where there were indications that the public safety could be compromised, then it had to be the overriding consideration, he said.

South Africa's current parole system was ushered in in March last year. It replaced the previous system which automatically granted a convict a one-third remission of sentence if he was a first-time offender.

He would also often be granted another one-third off for good behaviour, leaving him to serve only a third of his sentence inside prison.

Rehabilitation

Under the new system, the convict is guaranteed a parole board hearing after he has served half his sentence, but he can be considered earlier if he participates in the department's "multi-disciplinary programme".

The programme gives the inmate credits which are earned through participation in programmes aimed at facilitating his rehabilitation. The more credits he earns, the earlier he will be considered for parole.

The credit accumulation has a ceiling and the prisoner has to serve at least one-third of his sentence in jail.

Correctional Services Department spokesman Brigadier Gert Jonker says prisoners sentenced to life imprisonment are automatically considered for parole once they have served 20 years.

"Nowhere in the world is a life sentence deemed to be the natural life of the person. Somewhere along the line, consideration should be given as to whether a person has served enough."

The department's national ad-

visory council decides whether a "lifer" should be granted bail. The council is chaired by a judge and has attorneys-general and civilians as members.

Jonker says the council is "very reluctant" to consider a lifer for parole before he has served 20 years.

The Criminal Procedure Act does allow judges to declare a convicted person a "dangerous criminal". This provision replaced laws regulating the sentencing of psychopaths.

A dangerous criminal can only be released if the court that sentenced him decides so. Kollapen points out that this only refers to psychopaths and not other criminals who larger society would regard as dangerous and who could be released early.

Other sentences are considered by 48 full-time parole boards and three part-time boards. These are the "prison bureaucrats" — the clerks, the sergeants and young officers — who have the legal discretion to overturn judges' decisions.

The boards are made up of correctional services personnel only, a fact which has attracted criticism from many non-governmental organisations like Lawyers for Human Rights.

Kollapen believes the community needs to be part of the parole boards, just as it needs to become more involved in all aspects of prison life.

Jonker is at pains to point out that granting parole is not tantamount to a cut in the prisoner's jail term. Once outside in the community, he is still under the supervision of the department.

The boards release about 4 300 prisoners each month. An average of 354 of them are later rearrested for committing more crimes, and 38 are arrested for committing the same crimes they



Serving time . . . the credit system operati

were originally imprisoned for. Jonker says the credit system is not popular among prisoners because it has introduced uncertainty into their release dates. While participating in the credit system may bring their parole-

board hearing is not guaranteed to be released.

Kollapen believes the credit system places too much emphasis on financial considerations. He says c-

process has come under the spotlight as the prison bureaucracy is overturning imposed by judges and that convicts are does pay. Brendan Templeton reports.

system under fire

(253) Stan 21/6/95



e . . . the credit system operating in SA prisons offers hope of an early parole board hearing for those behind bars. PICTURE DUIF DU TOIT

imprisoned for the credit system among prisoners introduced uncertainty in their release dates in the crediting their parole-

board hearing forward, it does not guarantee that they will be released
Kollapen believes the credit system places too much discretion into the hands of prison officials. He says community repre-

sentatives also need to sit on the boards to ensure that the parole system is not abused and to make broader society more aware of prison issues
Provision has been made for civilians to be members of parole

boards, but this has not yet been done
Kollapen says premature releases could be overcome if judges used their discretion to set earliest release dates
"There is an urgent need for

more interaction between the courts and the prison bureaucracy. The two systems are currently functioning almost independently of each other and the criminal justice system is suffering as a result," he says.

A new solution to youth crime

(248) (253) *Sowetan 21/6/95*
A REVOLUTIONARY justice system which kept youths out of prison and puts them into community orientated programmes had reduced New Zealand's youth recidivism rate by 27 percent since its introduction in 1989.

This was said by visiting prison chaplain Father Jim Consedine when he addressed the National Assembly's prisons committee yesterday.

Consedine, who has worked in five New Zealand prisons and has written a book on juvenile justice, said the system relied on a "restorative" rather than "retributive philosophy". It sought to address the causes of crime and deal with them in a positive way.

"The notion that imprisonment is a deterrent is a myth. It is only really a deterrent to middle class people. Prison is a way of life for certain sectors of the community. It is built into the social

fabric of their lives that either they or a family member goes to prison."

It was a fact that 96 to 97 percent of prisoners were from lower income, "blue collar" groups. This was something any country seeking to enact true justice would have to deal with he said.

Black people were also more likely to go to prison than white people were. In Australia an Aborigine had 29 times more chance of being imprisoned than a white person and in the United States one in every four black people spent time in prison. In the 1970s in New Zealand a number of Maori judges noted that juvenile offenders were repeatedly appearing before the courts even after being sent to prisons and reformatories.

In an attempt to break the cycle they sent the youths back into their communities to decide what punitive measures should be taken. — *Sapa*.

Prison plans face complete overhaul

□ Minister objects to expense of jail

ARG 22/6/95 (253)

Staff Reporter

PLANS for a new prison at Goodwood are to be changed completely after opposition from the Minister of Correctional Services Sipo Mzimela to the 21 libraries and 21 barber shops planned for the jail

The prison, to be built at a cost of R140 million for about 1 500 prisoners, will be redesigned to bring it in line with modern international developments, according to Correctional Services spokesman Bert Slabbert

After discussions between Mr Mzimela and the Department of Public Works, which drew up the first plans, it was decided the many libraries and barber shops were unacceptable and a waste of public

money, said Major Slabbert

"They continued with old methods that are not valid anymore in terms of international standards. The latest modern designs will cut spending and allow fewer warders to look after more prisoners

"More money will be put into high security fencing and strong lights around the prison so that there is no way a prisoner can get out. Then the security doesn't have to be so tight inside

"Instead of using bricks, thick steel and iron gates to keep prisoners in their cells, strong pre-fabricated walls will be erected as a quick and safe alternative"

A "hostel-type" design where all sections of the prison had to be patrolled continually was impractical. Sections should be

designed in a star-form around a glass control room

"This is a much more cost-effective idea. The control room staff would be able to look down on all the sections and would be able to exercise proper control," said Major Slabbert

"Mr Mzimela has been overseas to visit several prisons and is himself quite an expert on the designs of prisons. He believes the current design is morbid and demoralising. He has a strong desire to change prisons to make way for proper rehabilitation and recreation. He wants to put more workshops in prisons to make prisoners more productive"

No contract had yet been awarded and it was not certain whether the prison would be completed by January 1997

Prisons heed Kahn proposal

(253) CT 22/6/95
STAFF REPORTER

ATTORNEY-GENERAL Mr Frank Kahn's proposal that the courts should be involved in the procedure for releasing criminals from prisons had merit and would be investigated with a view to implementing it, the Correctional Services said this week.

The Commissioner of Correctional Services, General Henk Bruyn, had a constructive meeting with Mr Kahn on Tuesday after dispute between the attorney-general and the prisons.

Mr Kahn had complained about the release on parole of Mr Giuseppe di Biasi after serving 16 months of a four-year sentence for murdering his wife. At the time the state had still been appealing against the perceived lightness of his sentence.

After this week's meeting Correctional Services said: "Both parties recognise that in view of escalating crime, an effective criminal justice system based on close co-operation is imperative."

Judge demands jail clarity

BY SUSAN MILLER

A Rand Supreme Court judge has called a senior official of the Department of Correctional Services to the stand to explain how the department interprets prison sentences.

"If for example, I sentence a prisoner to 100 years in jail, will this mean he will serve at least 30 years? I am not the only one who wants to know — the public wants to know as well," Mr Justice Grobbelaar said yesterday.

Brigadier Gert Jonker of the

Department of Correctional Services was called to explain testimony by a police officer that a man who had been sentenced to two life terms and 50 years was given a release date in 2015.

Detective Warrant-Officer Johannes Eksteen told the court that an escaped prisoner, Mthuthuzeli Ntshope (25), had been convicted of two murders, two attempted murders and robbery.

He said he had asked an official for an explanation as he had thought there might have

been a computer error, but the official told him the Department of Correctional Services had its "own criteria".

The judge said "If this is an example of what is happening then there must be an alternative available to me."

Judge Grobbelaar convicted Evans Mdladla (24), Gift Mokoena (24) and Thosamile Nkosi (21) of murder, two charges of robbery with aggravating circumstances, and the illegal possession of firearms and ammunition

(253)

Q101 22/6/95

Life sentence 'means life'

Deborah Fine ~~251~~ 253

LIFE imprisonment meant imprisonment for life, but it was "theoretically possible" for a prisoner sentenced to such a jail term to be paroled after 20 years, correctional services's Brig Gert Jonker told the Rand Supreme Court yesterday.

But it was "highly unlikely" a "lifer" would be released after serving such a small part of the sentence.

Jonker was summonsed by Judge Theo Grobbelaar to explain how the Correctional Services Department formulated parole dates

His appearance followed police probes which found that robber and murderer Mthuthulezi Ntshepe, 25, sentenced last month to two terms of life imprisonment plus an extra 50 years, would have been up for parole in 2015 after serving only 20 years.

Presiding over the case of Evans Mdladla, 24, Gift Mokoena, 24, and Thosamile Nkozi, 21 — convicted of robbing and murdering Parktown businessman Peter Dodds, and rob-

bing and assaulting Radio 702 political editor Brett Hilton-Barber and his wife Josie in 1993 — Grobbelaar said he wanted to know how the department carried out the imposition of jail terms before sentencing.

Jonker said "lifers" were automatically entitled to a parole review after 20 years. But this did not mean automatic parole. The review would be sent to the National Advisory Council, which then advised the correctional services minister whether the prisoner was suitable for release.

The council seldom advised the release of life prisoners after 20 years because of the severity of their crimes. Jonker said prisoners could bring forward their parole reviews through good behaviour

But a life prisoner who had been "an angel in jail" was an unlikely candidate for early release because the protection of the community was "more important than his good behaviour", he said.

Mdladla, Mokoena and Nkozi will be sentenced today

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253
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Sinn Fein to testify on arms supplies

'Don't blame us' for prison waste says Public Works Department

GLYNNIS UNDERHILL

Staff Reporter

THE Department of Public Works has hit back at criticism by Correctional Services Minister Siphon Mzimela that it was "abusing public money" with the design of Goodwood prison

The new prison, which was to have had 21 libraries and 21 barber shops, was designed according to accommodation requirements listed by the Department of Correctional Services, according to Leon Claassen, acting director-general of the Public Works Department (PWD)

"The PWD's function at the time of the design of the Goodwood facility was, among others, to provide accommodation requested by the Department of Correctional Services

"Goodwood prison has been planned according to the certified accommodation re-

ARG 24/6/95 (253)
quirements and guidelines of Correctional Services. There is therefore no reason to point fingers at the PWD or its employers," he said

Plans for the new prison at Goodwood are to be changed completely after opposition by Mr Mzimela. The prison, to be built at a cost of R140 million for about 1 500 prisoners, will be redesigned to bring it in line with modern international developments, according to Correctional Services spokesman Bert Slabbert

It was decided that the many libraries and barber shops were unacceptable and a waste of money, he said

Mr Claassen said the PWD had previously advised Correctional Services on standardisation of planning, modernisation of its approach and the closure of certain prisons for reasons of hygiene — but Correctional Services had not followed this advice

PRETORIA. — A judge who jailed four armed robbers for more than 100 years each lashed out at "administrative bureaucrats" for interfering with court sentences

Mr Justice L F Weyers was commenting in the Pretoria Supreme Court after sentencing the four men yesterday for a R3,4 million hold-up in which three security guards were "cold-bloodedly" shot dead

"I find it disturbing that, regardless of what a judge says, other people with whatever qualifications and background and not having been steeped in the trial, then alter the sentence," Mr Justice Weyers said

Security guards Jan Hendrik Cronjé, Daniel

Judge insists life means life

(253)

(252) ARG 24/6/95

Mattheys Wriemse and Rianne Andre Kriel were killed when a gang of robbers, including the four accused, attacked their vehicle with AK-47 rifles on the N1, near Verwoerdburg, in September 1993.

Meshack Siluale, 35, of Boksburg, Tevor Liesering, 36, of Brakpan, and Vivian Mayesa, 26, of Durban, received effective sentences of 140 years each. Henry Johnson of Brakpan was sentenced to an effective 105 years.

Only a fraction of the stolen money was recovered

Mr Justice Weyers said

The perpetrators of such cruel, callous and calculated crimes should never see the light of day again.

"I am not sure that is what I have achieved, but I tried my best," he said

He requested the authorities not to consider parole without first consulting him, and then not before the accused had each served at least 30 years

Mr Justice Weyers said he believed a life sentence should mean just that, but he added that in practice even multiple life sentences apparently had little effect — Sapa

Warders warned after racist incidents

By ESTHER WAUGH
POLITICAL CORRESPONDENT

Cape Town — Firm action would be taken against any member of the Department of Correctional Services found guilty of racism

Correctional Services Minister Dr Sipo Mzimela this week told the National Assembly of several racial incidents in his department

He said a white member had smashed the windows of a black member's car with a baseball bat. An inquiry had been ordered to

determine the member's suitability for further employment, but he had resigned

A white member at Leeuwkop prison had made racial remarks about the black salesman at a liquor store. He was given a fine after a private citizen had witnessed and reported the incident.

Mzimela said the member had been transferred to another section and "his conduct will be taken into consideration during his future merit assessment"

Also at Leeuwkop, "a white

member confronted a black member with regard to ladies who he wanted to bring into the single quarters, whereafter racial remarks were raised against each other"

Mzimela said correctional services personnel were being "educated/sensitised" about the constitution, the Bill of Rights as well as human and labour relations.

"Where members refuse to change their attitude, it could lead to an investigation into their suitability for continued employment"

(253) SPAN 24/6/95

Sixty-year-old prison plans shock minister

By RAY HARTLEY
Parliamentary Correspondent

THE Correctional Services Minister, Siphosiso Mzimela, has lashed out at the Public Works Department for building outdated prisons and then failing to maintain them, accusing it of being "criminally irresponsible" at a time when jails are dangerously overcrowded.

"They have absolutely no concept I've been told they are using guidelines which were published in 1935. It's totally irresponsible," he said.

Mr Mzimela intervened this week to change the design of a prison planned for Goodwood in the Western Cape. The Public Works design included 21 barber shops, 21 libraries, 21 dining halls and 21 exercise areas, but no sport or education facilities, he said.

This was despite an extensive visit overseas by prison designers to see first-world models for themselves.

"I was shocked when I saw the designs. It was still the old stuff," he said. "I said 'We spent several hundred thousand rands going overseas to study, to observe. What happened?'"

Mr Mzimela has closed three prisons and plans to close a fourth because they are so run-down.

"The prisons started off by leaking and the leaks weren't repaired. Eventually whole roofs were destroyed," he said.

The closures had contributed to overcrowding, with some prisoners living "like worms in cells stuffed beyond capacity", he said.

Pollsmoor, which was built to accommodate 2 800 prisoners, has 6 400. In the maximum security section, some cells built for 18 inmates have 60.

Mr Mzimela said he wanted to

transform South Africa's idle long-term prisoners into factory workers who earned wages and paid for their accommodation.

"We can't just lock them up for 20, 30 years or life. We must introduce the equivalent of factories so that prisoners can work eight hours a day like any other person," he said.

"They should be paid for the work they do. They should pay for their boarding so that the taxpay-

er is not burdened with it. They should give some money to the relatives of victims and, of course, they should give some money to their own families," he said.

He said the Correctional Services Department was not there to "punish people".

"The punishment is imprisonment. Our function should be to do everything in our power to change the behaviour of the person," he said.

The abolition of the death penalty should not be replaced by compulsory life sentences.

"When you say to somebody that they are sentenced to life imprisonment, the person must know that there is a chance that if he or she totally changes and ceases to be a danger to society, they will get out.

"Don't extinguish the light, there must always be a flicker there," he said.



AGHAST MINISTER ...
Siphosiso Mzimela was horrified to learn that the Public Works Department was building new prisons based on designs that were dreamt up half a century ago.

Picture:
AMBROSE
PETERS

40 000 prisoners may soon hit the streets

(253)

ST 25/6/95

By RAY HARTLEY
Parliamentary Correspondent

MORE than 40 000 prisoners could be released from South African prisons and placed under correctional supervision if Correctional Services Minister Sipho Mzimela has his way.

Mr Mzimela told the Sunday Times this week that between 30 and 40 percent of prisoners did not belong in jail as they posed no threat to society.

"They shouldn't be there. They should be on probation. They should be under correctional supervision. We shouldn't be locking them up there," he said.

A ministerial spokesman, Bert Slabbert, said only prisoners who had committed petty offences such as drunkenness and theft involving small amounts of money would be considered harmless enough to be released into supervision.

He said the 40 percent estimate was conservative. Precise criteria to determine who should be released into care were still to be compiled.

Mr Mzimela said the imprisonment of petty thieves was costing the state absurd amounts when weighed against the cost of the goods stolen.

"A stolen pair of shoes may have cost R100 and the person is sentenced to a year in prison. We then have to pay R50 a day to keep them there," he said.

Those jailed for minor dagga offences should also be moved from prisons into supervision, he said.

South Africa has 113 712 prisoners locked up in jails designed for 95 000 inmates, according to Correctional Services figures for the end of April this year.

If all of the country's murderers were jailed, there would only be room in prisons for them to spend an average of 10 years behind bars, the director of Actuarial Studies at Wits, Anthony Asher, said in a recent report in Business Day.

Mr Mzimela plans to speak to Justice Minister Dullah Omar about ways of decreasing the prison population. He has already arranged to discuss training probation officers to cope with offenders released under correctional supervision with the Public Services Commission.

"We will create space in our prisons and we will then have the time to deal with serious criminals," Mr Mzimela said.

"The public is concerned about rape, murder, armed robbery, these terrible things. That's what people are afraid of and those are the people that you have to lock up and deal with properly."

Prisoners would be assessed on the extent to which they posed a danger to society, he said.

"We do not want to put people in prison and then, when we release them, they are worse criminals than when they went in."

Mr Mzimela said he had met Mr Omar to discuss the justice minister's suggestion that people were being released from prisons without Mr Mzimela's knowledge and they had agreed that this was not the case.

● See also Page 7

Judge 'in the dark' over how to send a criminal to jail for life

By CHRIS BARRON (253)

THE Supreme Court in the person of Judge Theo Grobbelaar threw its hands up in despair this week, and decided that the ways of the Department of Correctional Services when it came to the release of prisoners were obscure beyond all reasonable comprehension.

Judge Grobbelaar said he had been "shocked to my core" by the story of Nthuthuzeli Ntshepe, who was sentenced to two terms of life imprisonment plus an additional 50 years last month, for a range of crimes including double murder.

Two days after sentencing, Ntshepe escaped. Which in the event was a "fortunate" thing, said Judge Grobbelaar, because it was only when a detective went to inquire about his escape that he came across a document showing that the department had already decided on a date, 20 years hence, for his parole. And, said a departmental official, the murderer might even have been released earlier for good behaviour.

If he hadn't escaped, said the judge, this example of the department's modus operandi, which smacked of "a measure of arrogance and irresponsibility", would never have come to light. Now he needed a senior official to provide "clarity" on the department's thinking.

About to sentence three men guilty of murder and armed robbery, he had to know what his sentences would mean.

"I want to know what a life-long sentence means according to your policy," he asked Brigadier Gert Jonker.

"Life-long sentence is precisely

what it says," answered the brigadier. "However, it doesn't mean he spends the rest of his life in prison."

Clearly, clarity was not going to come easily.

"What I want to know is after how long is a person entitled to parole?"

"After a minimum of 20 years," responded the brigadier.

"If I give a person 40 years, when would the aspect of parole be weighed?"

"After half his sentence."

"So according to the present system, life-long means after a minimum of 20 years. If I want him to be properly punished I must give him at least 50 years. Then after 25 years he will be reviewed for parole?"

"The prisoner can earn credits which will move the review date forward by a maximum of one-third (of his sentence)," answered Brigadier Jonker.

"If I give him 30 years, what is the maximum credits the prisoner can get?"

"He can be reviewed for parole after 10 years."

Judge Grobbelaar then introduced the matter of Ntshepe's parole date. "On an official document it appears this prisoner would be freed after 20 years, or earlier."

This was "an administrative date," said the brigadier.

The judge said according to his reading of the document, the department allowed that a double murderer "would have walked after 20 years."

"Never," insisted the brigadier. "This is when the National Advisory Board reviews his case."

"If we understand each other," sighed the judge, "life-long means

life-long. But you have another interpretation."

"Life-long remains life-long," responded the brigadier tenaciously.

"According to your system it was possible this man could walk after 20 years."

"Theoretically," said the brigadier. "But in practice I cannot see it. I know the high standards of criteria (of the board)."

"A person who got seven years, nine months effective sentence apparently walked in the front door of prison and out the back door," said Judge Grobbelaar, referring to the release of fraudster Alwyn Lombard. "Is this an example of high standards?"

The brigadier began explaining the department's system of "credits".

"How do you decide on credit for a murderer and robber guilty of all these things?" the judge asked.

"Credits are a small factor," explained the brigadier.

"But the court said this man must serve two life sentences and 50 years," insisted Judge Grobbelaar. "Now we hear that in the year 2015 he is up for parole?"

The judge said it was "an exercise in futility" to set parole dates if there was no possibility of parole being granted on these dates.

"Brigadier Jonker's evidence is alarming, to put it mildly," said prosecutor Joe Davidowitz after the brigadier had gone.

"That is putting it very mildly," agreed Judge Grobbelaar. "I am still in large measure left in the dark."

He sentenced the three accused to an "effective" 30 years, 30 years and 25 years. Whatever that means.

ST 25/6/95

□ 'Don't punish the offender, but repair the damage done'

Staff Reporter

PRISONS are the most expensive tertiary institutions in any country

Operating as universities of crime, they ensure that offenders learn all aspects of crime, returning to society to reoffend and create more victims

That's the opinion of New Zealand priest Jim Consedine, a Catholic prison chaplain since 1979, who is visiting Cape Town

He said justice systems in countries like South Africa, the United States, New Zealand and the United Kingdom focused on retribution, and their prison systems on brutalisation.

Pleading for forgiveness, reconciliation, compassion and tolerance, he believed in a restorative justice system, healing the damage caused by crime

"A country with a humane, caring prison system will have a humane and caring society

The type of brutal prison system here says how brutal the society is. The state of our prisons is an indictment on our society. Violence breeds violence and the cycle has to be broken"

On the issue of sodomy in South African prison, Father Consedine said

"That is doubly abhorrent. They are condemned and will probably never, ever recover from the effects of jail. As this society is emerging from the ashes of apartheid, it must face fairly and squarely the painful effects of imprisonment and find alternative ways to deal with offenders"

He said imprisonment should only be imposed as a last resort and only on about five percent of offenders. Serial sexual offenders or serial violent offenders

"They should be kept out of circulation, but in humane containment. The rest could stay in the community, with a variety of sanctions imposed upon them"

He said a massive increase in imprisonment was sanctioned by a fearful public, fuelled by an aggressive, money-hungry tabloid media and implemented by manipulative and often morally bankrupt politicians anxious to protect their jobs

The question was not how to punish the offender, but how to repair the damage done by the offence, he said

New Zealand had implemented a restorative philosophy of justice with juvenile of-

fenders, leading to youth re-offending rates for males between 15 and 19 years decreasing by 27 percent in the past five years

Youth prisons had been virtually abolished and there was a considerable move towards extending the process to the adult courts, he said

Youth offenders were required to attend a family group conference, convened by a trained mediator and held at a church, classroom or in someone's lounge.

The victims, the offender's family and a police representative, a lawyer and other interested parties were also invited to try and resolve problems flowing from the offence, and to recommend a suitable sentence such as community service, repayment or supervision

"The offenders admit their guilt and apologise for their offending. They have a chance to explain their behaviour and examine their feelings"

"Victims are helped to see that their own victimisation is intensified by feelings of retributive action against the offender."

Father Consedine said it was a lot tougher than imprisonment for drug addicts, violent men and sexual offenders to face up to the causes of their problems and to change accordingly. If they protested their innocence, they proceeded through the traditional adversarial court system, he said

"All those involved get a chance to put a human face on crime, to begin the process of healing and become empowered again. Offenders try to deal with the sense of invasion and of anger experienced by victims. Property offenders, for instance, have no idea of the pain they cause

"Most of the victims are angry at first, but feel fantastic afterwards, even people who have carried the pain of victimhood for years. They feel recognised. They forgive"

"Practically everyone is aware that the retributive track down which most countries have gone these past couple of centuries is an expensive failure and totally destructive in every sense. People all over the world are tearing their hair out

"Restorative options are being looked at in a number of countries and exciting considerable interest. They could provide a major road into the 21st century for countries with enough imagination, vision and courage to attempt them," said Father Consedine

'A country with a humane, caring prison system will have a humane, caring society'

ARC 26/6/95

(253)

Mzimela condemns 'cattle shed' designers

Adrian Hadland
(253)

CAPE TOWN — Correctional Services Minister Siphon Mzimela launched a withering attack on public works department officials yesterday, accusing them of incompetence and wastefulness in the planning, construction and maintenance of the country's prisons.

"If they had been employed in the private sector they would have been fired by now," Mzimela told a news conference.

Appalling conditions, which had already forced the closure of three prisons this year, not only frustrated and bored prisoners but wasted tens of millions of rands of taxpayers' money and made parole assessment extremely difficult.

A shocked Cabinet had agreed to strip public works officials of the commissioning and design of prisons, Mzimela said. Those still in the planning phase had been scrapped for a complete overhaul.

In one prison, Goodwood in the Cape, the incorpora-

tion of 21 libraries, 21 barber shops and 21 dining rooms had wasted an estimated R140m.

"We could have . . . built a better prison for half the price and used the rest for other prisons or for places of safety for children."

Mzimela said he had been forced to deal with "totally incompetent, indolent and just plain stupid" people, and expressed deep criticism of the "poorly maintained cattle sheds" they had produced.

Recently completed prisons were "totally useless".

Mzimela, meanwhile, said the credit system of awarding parole was being revamped by the national advisory council.

Sapa reports Empangeni Prison in KwaZulu-Natal looks set to be the fourth prison to be shut down by Mzimela.

It would be closed within the next four weeks, he announced yesterday.

While all facilities had problems, Mzimela said he rated Krugersdorp's prison as the best in the country.

Minister stops building of two Cape jails

□ Department of Public Works slammed again

(253)

ARG 28/6/95

TYRONE SEALE
Political Staff

TWO new prisons destined to be built in the Western Cape have been put on hold.

Correctional Services Minister Sipo Mzimela says he is saving the country R165 million by stopping the building of at least three poorly designed prisons, two of them in the Western Cape.

Dr Mzimela told a press conference he had halted the design and construction of prisons at Goodwood, Malmesbury and Maritzburg, which would have cost a total of R384 million.

Halting work on these jails would save a total of R165 million, he said.

Echoing his budget vote speech in the national assembly earlier this month, Dr Mzi-

mela accused the department of public works of indolence and stupidity in using 60-year-old designs to build prisons today.

He said he doubted that the department of public works designers were adequately qualified or if they would be able to find jobs in the private sector.

He had been unable to interrupt work on prisons at Brandvlei near Worcester, Voorberg near Porterville and Victor Verster near Paarl where R59,6 million was being spent on the same archaic designs.

These three projects — all awarded to the Basil Read construction company — were too far advanced to be interrupted.

Dr Mzimela said that in addition to closing three undesirable prisons earlier this year,

he had also recently ordered the closure of Empangeni Prison in KwaZulu-Natal.

He had raised these difficulties in the cabinet where colleagues had been "amazed" at the inefficiency of the department of public works which, Dr Mzimela added, was also the subject of complaints from other ministries.

The design and construction of new prisons would in future be the responsibility of the department of correctional services, which would be able to build in six months prisons which the department of public works would spend two years completing.

Expensive materials such as facebricks would be replaced by cheaper alternatives and prisons would be designed in a way that would require fewer personnel to monitor inmates.

'Too young' rapist has nowhere to go

ARL 28/6/95 (253) (728)

LENORE OLIVER
Staff Reporter

A 16-YEAR-old boy who has murdered, raped twice, threatened a man with a pistol and attempted to sodomise him, has his investigating officer in despair because the courts keep referring him to Porter School, from which he has already escaped twice.

And detective-sergeant Gerard Koenze, of the Athlone detective branch, places the blame for the confusion firmly at the door of the proclamation by President Nelson Mandela in May which rules that all awaiting-trial juveniles be removed from prison and taken to places of safety.

According to Sergeant Koenze, the Kewtown boy's reign of terror started in July last year when he murdered a witness in a case in which a friend was involved.

He was found guilty and sent to Porter School in Tokai from

where he escaped in January this year. — safety, is very hard to do

The boy then brutally raped an 18-year-old girl in Kewtown in March and robbed and attempted to sodomise a man, who he also threatened with a pistol and assaulted.

In April this year a magistrate found the youth guilty of rape and robbery, and sent him to Pollsmoor Prison.

"Then President Mandela announced the amnesty for juvenile prisoners and the boy was sent to Porter School again from where he escaped once again on May 10," Sergeant Koenze said.

On May 16 the youth raped a 14-year-old girl and was rearrested last Friday for this crime. He was referred to Porter School again.

Said Detective Koenze "I am fed up. I personally interviewed the victims and to have to go back to them to tell them that he is not in jail but in a place of

"It is frustrating when one thinks of the amount of time we spend trying to find him, just to have him released again."

He said the "agony the victims have to go through is great and just because he is a juvenile he is protected".

"If you look at what he's done, can you really call him a juvenile?"

"The system does not protect the community," Sergeant Koenze said.

In an earlier trial Wynberg magistrate J van Zyl also voiced concern at the fact that a youth was released from Porter School into society because there was no place for him at the school.

Mr Van Zyl said at the time that jurists were worried about the proclamation because youths who had committed serious crimes were kept in places of safety among young, fragile children.

Kriegler prison remission is rejected by committee

29/6/95

(253)

Adrian Hadland

CAPE TOWN — A recommendation that all prisoners should receive a general remission of one quarter of their sentences has been rejected by the National Assembly's correctional services committee.

The recommendation was made by the Kriegler commission last month following its investigation into countrywide prison riots that claimed the lives of 37 inmates between February and June last year.

About 750 prisoners and 145 correctional services staff were injured in the violent confrontations which affected 53 prisons across SA.

In a report on the Kriegler recommendations, the committee said a general remission would result in the release of 52 000 prisoners.

"Taking into consideration the impact of these amnesties on the community at large, the committee wishes to emphasise that any more substantial amnesties would have been inappropriate."

The commission had argued that the granting of a partial six month indemnity by President Nelson Mandela in June last year had caused

great disappointment and dissatisfaction among prisoners and had been one of the causes of the unrest.

More than 75% of the 6 200 written submissions to the commission, most of which were from prisoners, cited the question of amnesty as a major factor in the violence.

As a result, commission chairman Johan Kriegler said the indemnity "warranted reconsideration" and recommended the sentence remission up to a maximum of three years.

Amnesty, however, was a unique mechanism that was the prerogative of the president and had been announced to mark the transition to democracy, the committee said.

The current crime wave and high levels of recidivism militated against the further granting of more substantial amnesties.

The committee acknowledged "very serious problems" existed with current release policies and suggested the national advisory council together with the transformation forum investigate improvements.

Prisoners should also be afforded adequate opportunities to put their cases before the various parole boards, the committee said.

It fully supported the Kriegler recommendation that improved mechanisms for independent monitoring and public access to prisons should be introduced.

The committee's report will be forwarded to Correctional Services Minister Siphosiso Mzimela for his consideration, committee chairman Carl Niehaus said yesterday.

□ Sapa reports that Alwyn Lombard, convicted of a multimillion-rand fraud, had been released in terms of a Presidential pardon which the Correctional Services Department had obeyed to the letter, the services' select committee heard yesterday.

In terms of the Presidential Act of 1994, Lombard, who was serving a seven-year prison term for forex fraud, qualified for the special remission for prisoners over the age of 60.

A department representative, Brig Hannes Kaufmann, told the committee yesterday he did not know whether Mzimela had been consulted prior to Lombard's release.

In terms of departmental policy, it would not have been necessary to consult Mzimela as long as the provisions of the Presidential Act were adhered to.

'Amnesties no solution to serious jail overcrowding' (253)

ARK 29/6/95

TYRONE SEALE
Political Staff

AMNESTIES are not a sustainable way of resolving the serious problem of overcrowding in South African jails, a parliamentary committee has warned.

The national assembly portfolio committee on correctional services said overcrowding could only be addressed through the development of a comprehensive release policy by the department of correctional services.

This had to be done in conjunction with other departments, such as the departments of justice, safety and security, and welfare.

The committee, chaired by ANC MP Carl Niehaus, made this recommendation in its report on the final report of Kriegler commission of inquiry into unrest in prisons

The commission, under the chairmanship of Judge Johann Kriegler, investigated instances of death, violence and breakouts in prisons between

April 26 and June 13 last year.

The portfolio committee was subsequently asked by Correctional Services Minister Sipo Mzimela to comment on the Kriegler findings which found that amnesty, the department of correctional services' new release policy and prison conditions had been the main causes of prison unrest.

In its report, adopted finally yesterday for presentation to Dr Mzimela, the committee said that if the Kriegler recommendation that a general remission of one quarter of all sentences, subject to a maximum of three years, were to be granted, about 52 000 prisoners would have to be released.

It should be considered that amnesty was not a general part of the department of correctional services' release policy, but a unique mechanism which was the prerogative of the president and usually marked an important event

Indemnities granted by President Mandela on June 10 last year and April 27 this year had

in the first instance been intended to mark the transition to a non-racial democracy.

"The amnesties were not intended to resolve the serious problem of overcrowding in our prisons."

The crime wave and the high levels of recidivism (returning to jail) among prisoners who had benefited from previous amnesties, had mitigated against the granting of more substantial amnesties.

As amnesties were a presidential prerogative, it would be inappropriate to create an Amnesty Resolution Committee.

The committee acknowledged there were "very serious problems" in respect of the department's general release policy.

It said the question of the actual time prisoners served in relation to full sentences imposed by the courts should be re-considered within the development of a general release policy which was fair to prisoners, while keeping the protection and safety of the community in mind.

Ministers trade shots in an 'unseemly row'

Adrian Hadland

(253) PD 30/6/95

CAPE TOWN — The "unseemly row" developing between Correctional Services Minister Siphso Mzimela and public works department officials would only delay the process of prison reform, ANC MP Carl Niehaus said yesterday.

The ANC's correctional studies group had requested meetings with both Mzimela and Public Works Minister Jeff Radebe in a bid to reduce tensions, Niehaus said.

Earlier this week, Mzimela accused public works' officials of incompetence and stupidity.

The system by which plans and tenders for new prisons were completed by public works and handed to correctional services had led to inappropriate and useless prisons being built at vast cost to the taxpayer, Mzimela said.

Three prisons had already been closed this year and another closure was likely. Mzimela questioned the officials' quali-

fications and said that if they had been working in the private sector they would have been fired.

Senior public works officials reacted angrily to the charges yesterday.

Niehaus, who is also the National Assembly's correctional services committee chairman, said an overhaul of SA's parole and bail systems, better classification of prisoners ahead of release, and the improvement of prison conditions were currently being examined by a recently appointed Transformation Forum, as well as by the minister's national advisory council.

This process, which required detailed research and co-operation between several ministries and departments, was not being assisted by the antagonistic "battle for turf" that was developing between two of the major players.

"There are genuine problems but there has to be proper co-ordination between correctional services and public works if these problems are to be addressed."

Call for calm in war of words

(253)

ET 30/6/95

CHRIS BATEMAN

THE unseemly war of words between Correctional Services Minister Dr Siphosiso Mzimela and senior Public Works officials was undermining the resolution of critical issues, Mr Carl Niehaus, chairman of the Parliamentary Correctional Services Select Committee, warned yesterday.

He was appealing for calm after Dr Mzimela accused the Public Works Department of being criminally irresponsible and of designing warehouses fit only for cattle.

Public Works Department chief director Mr Denck du Toit retorted that Dr Mzimela was guilty of "infamous lies" and a "despicable insult".

Mr Niehaus, who called a special press conference yesterday, said the prisons crisis had to be addressed in a holistic way. This

required close co-operation between Correctional Services and Public Works. He said he was concerned about the abusive relationship between the two parties.

A transformation forum would be in place by the end of July to address new building requirements, upgrading of existing prisons and the controversial question of prison overcrowding.

Meanwhile, the Parliamentary Portfolio Committee on Correctional Services has urged psychological help for staff and prisoners suffering from post-traumatic stress disorders which resulted from the nationwide prisons unrest during and after the April 27 election last year.

This was its main recommendation after examining the report of Judge Johann Kriegler's Commission of Inquiry into Unrest in Prisons.

170 juveniles flee
custody in Gauteng

253
008

CT 30/6/95

PRETORIA · At least 170 juvenile offenders had escaped from four detention units in Gauteng since May 8, when an amendment to the Correctional Services Act prohibited their detention in police or prison cells

This was said yesterday by Gauteng's Department of Welfare and Population Development

In terms of the amendment, about 250 juveniles were transferred to welfare facilities — Sapa

170 child suspects escape

(253)

~~278~~

Star 30/6/95

■ BY JO-ANNE COLLINGE

Two-thirds of the 250 children transferred from jail to other Gauteng detention centres to await trial have escaped, but the provincial welfare department does not have the funds to develop a suitably secure facility.

Gauteng welfare authorities believe the Meritum Youth Centre near Randfontein is potentially more suitable for detain-

ing children than other facilities. But it is privately owned and a daily amount of R55 per child would be needed to set up and maintain a detention centre there.

A spokesperson for the department said the prospects for creating a detention centre at Meritum were "grim" because there were no funds.

She said the objectives of the Correctional Services Amendment Act —

which limits to 48 hours the period for which children under 18 years may be held in police cells — were being undermined because there was no secure accommodation for children awaiting trial.

Although none of the 170 children who absconded after release from prison has been convicted of any crime yet, some were charged with serious offences such as murder.

170 delinquents still on the run

Some firm 30/6/95

253

At least 170 juvenile offenders had escaped from four detention units in Gauteng since May 8 when an amendment to the Correctional Services Act prohibited their detention in police or prison cells.

This was disclosed yesterday by a spokeswoman for the Gauteng department of welfare and population development, Mrs Leone Schoeman.

Under the amendment, about 250 juveniles were transferred from Gauteng prisons to welfare facilities. About 700 juveniles were transferred countrywide. Schoeman said juveniles were escaping daily and she blamed a lack of funds

for inadequate security at detention centres.

Last year's Cabinet decision to make the amendment law was unexpected, she said.

"It came down on the department as a complete surprise," Schoeman said the successful detention of juveniles would require major improvements in detention centre security.

In a statement last month, the department said detention centre officers were not suitably trained to deal with serious offenders.

It also said an interdepartmental task group had negotiated the construction

of a United States firm of a detention centre to hold at least 500 juvenile offenders.

However, Schoeman said the proposed Meritum Youth Centre was not economically viable. About R55 a child would be needed daily to run the centre.

A statement by the department said: "Although the Meritum facility is believed to be potentially more suitable for detaining children, the future of the project seems grim without urgent and proper funding."

● Unemployed residents in Gauteng could soon earn money and learn skills by working on infrastructural develop-

ment in their communities

The province has begun evaluating projects submitted by communities for public works programmes under the Reconstruction and Development Programme, an official said yesterday.

The province has been given R16 million of the R250 million allocated by the programme for community-based public works projects which will create jobs and provide training while repairing and developing infrastructure.

About R70 million has gone to the Independent Development Trust and R30 million to non-governmental organisations — Sapa

Call for 'apartheid' firms to boost RDP

Nicola Jenvey

DURBAN — Businesses which benefited from apartheid should be called on through legislation to donate a percentage of their profits towards the reconstruction and development programme and every government department should set aside a percentage of its budget to further RDP needs, the Umtabo Centre conference on the RDP stated yesterday.

Conference co-ordinator Strini Moodley said it was vital for business "to cough up profits" towards the RDP and it was government's duty to entrench the support from "those who benefited under apartheid".

There was also a problem of private enterprises "offering their own definitions of the RDP" and gaining funding for projects which only furthered personal aims and not those of the community.

"The government must look into those projects proposed by private enterprises which claim to be RDP in nature but are really only further entrenching the apartheid system," he said.

Referring to government departments, Moodley said the RDP was "a holistic and multi-disciplinary pro-

gramme, which could not be separated from education, health, housing, water, employment chances and rural electrification programmes.

"If each ministry allocated a percentage of its budget to the RDP, it would become possible to develop an infrastructure for a healthy society. There must be more communication between Jay Naidoo and other cabinet ministers," he said.

Government would also have to evaluate current and future programmes under way with RDP funding and increase the budgets for successful ones, while dropping those not achieving essential RDP goals.

Moodley said SA could learn from the past by looking at those projects which had survived under apartheid. These could be used as case studies and replicated elsewhere.

The conference also called for a simplification of red tape surrounding access to RDP funding. This would ensure RDP effects and benefits reached the communities faster than at present.

Moodley said the RDP was a continuation of the liberation struggle, but it could not become a party-political weapon. There had to be set structures which exposed and eradicated any exploitation.

New approach to young offenders

Bonile Nqoyazi

ALTERNATIVE disciplinary methods for young offenders should be considered, since institutionalising alienated children from families and made their return to their communities difficult, Deputy Welfare Minister Geraldine Fraser-Moleketi said.

Speaking at Randfontein's Meritum Youth Centre at the weekend, Fraser-Moleketi said: "Some of our residential institutions are not pleasant and I sometimes think it would have been better if those kids had been left in prison."

However, children with a tendency towards crime or who had committed serious offences, needed to be in residential care for their own safety, and more importantly, be made to take full responsibility for their acts.

Staff taking care of such children needed to have "adequate, correct training" to be able to deal effectively with those children and ensure smooth community reintegration.

The Meritum centre, meanwhile, faces a fund crisis, with about R20m needed for annual maintenance.

About 250 children have been accommodated in various detention units in Gauteng since the promulgation of the Correctional Services Amendment Act in May. The Act prohibits the detention of children under the age of 18 years in police cells for longer than 48 hours.

Private sector played role in training

Adrian Hackett

CAPE TOWN — The private sector had readily accepted responsibility for improving employees' education and training, says the department of education.

According to the 1994 annual report of the department of education and training tabled in Parliament on Friday, the number of learners at centres for adult education had increased from 85 022 in 1993 to almost 115 000 in 1994.

The rising number of new centres — 21 were established during 1994 — and higher levels of enrolment were directly attributable to private sector involvement in employees' education and training.

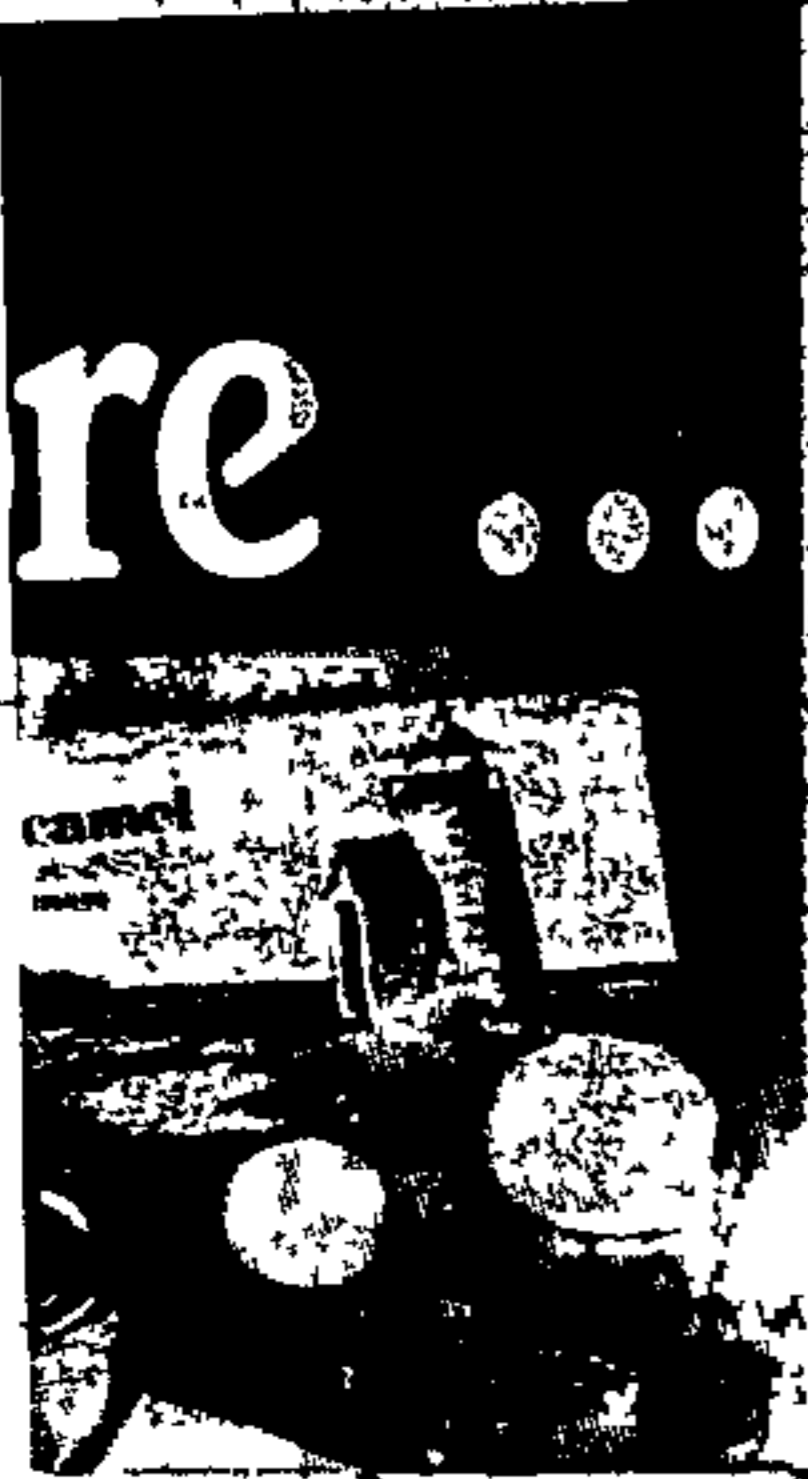
The greatest need had been for literacy training for which almost 16 000 learners had attended classes, compared with 13 365 in 1993.

The report said 234 adult education centres were in operation during the year as well as 171 satellite campuses.

Textbooks costing R131m and stationery worth R26m had been purchased.

The report also noted an 8,9% growth in the number of secondary school pupils from 802 410 in 1993 to 874 199 in 1994.

It indicated that 88 new public primary schools, 291 additional instruction rooms for existing primary schools, 61 new public secondary schools and 204 extra rooms had been built during the year, accommodating about 182 000 pupils.



MD may be allowed

ET 5/9/95
Popcru elects
new president

~~254~~ (253)

PORT ELIZABETH: Police Captain
Mzingisi Moshara has been elected
national president of the Police
and Prisons Civil Rights Union
The union has hinted at action
to force change in the services

CABINET BACK-STABBING ALLEGED

Radebe lashes Mzimela

(253) CTS/7/95

PUBLIC WORKS Minister Mr Jeff Radebe, speaking in Pretoria yesterday, hit back at strong criticism of his department by cabinet colleague Dr Siphon Mzimela

A BITTER war of words between two cabinet ministers erupted yesterday when Public Works Minister Mr Jeff Radebe called Correctional Services Minister Dr Siphon Mzimela "a liar and back-stabber" desperate to take over the design and construction of prisons

Mr Radebe said Dr Mzimela had told an untruth when he said the cabinet had taken a decision to strip his department of the functions of planning, designing and building prisons

"The cabinet has not approved anything like that I've consulted with the cabinet secretariat and

the Minister of Public Service and Administration (Dr Zola Skweyiya) who confirmed that no such decision has been taken," he said

The matter is to be tabled before the cabinet at its next meeting in August

"Dr Mzimela had waited until I was out of the country to stab me in the back," he said.

Mr Radebe was in East Asia when Dr Mzimela launched a scathing attack on the Department of Public Works, describing its engineers as "ignorant, incompetent and inept".

Dr Mzimela had attacked designs for the construction of

prisons in Goodwood, Malmesbury and Maritzburg and vowed to stop the building of "unsuitable prisons"

Replying to the accusations yesterday, Mr Radebe said Dr Mzimela had ignored the fact that the planning, designing and construction of prisons that he had criticised, had been approved, in every detail, by senior officials of the Department of Correctional Services

Dr Mzimela, an IFP cabinet minister, was also oblivious of agreements between the two departments to streamline cooperation with regard to the design and building of prisons, Mr Radebe, of the ANC, claimed

"The relationship between the officials of the two departments and the respect that they share has resulted in a decision to form a task

team comprising officials from both departments

"This is an initiative which has been going on for quite some time and I'm convinced that the recent pronouncements by Dr Mzimela are not shared by his officials"

Mr Radebe produced documents, which included minutes of a meeting between senior officials of both departments, in which Dr Mzimela had allegedly been advised to leave the function of building prisons to Public Works

Stopping construction that was already under way could result in the loss of more than R7 million of taxpayers' money as the departments were bound to contracts

Dr Mzimela is in the Eastern Transvaal and could not be reached for comment — Special Correspondent

Ministers in war of words over prisons

ARG 5/7/95

(253)

The Argus Correspondent

JOHANNESBURG — A war of words has erupted between two cabinet ministers

Public Works Minister Jeff Radebe accused Correctional Services Minister Sipo Mzimela yesterday of not telling the truth and of being a backstabber desperate to take over the design and construction of prisons

Mr Radebe said in Pretoria that Dr Mzimela had told an untruth when he said the cabinet had decided to stop the department of public works (DPW) planning, designing and building prisons

"What Minister Mzimela has said is devoid of truth. The cabinet has not approved anything like that," Mr Radebe said

"I've consulted the cabinet secretary and the minister of public service and administration (Zola Skweyiya), who confirmed that no such decision had been taken by the cabinet"

He charged that Dr Mzimela did not, as cabinet custom required, consult him when he drew up a cabinet memorandum on the design and construction of prisons. The matter will be discussed by the cabinet at its next meeting in August

Mr Radebe expressed unhappiness that Dr Mzimela had waited until he was out of the country "to stab me in the back" with an attempted "coup d'etat"

Mr Radebe was in east Asia when Dr Mzimela launched a scathing attack on the DPW, describing its engineers as "ignorant, incompetent and inept"

He attacked DPW designs for prisons at Goodwood, Malmesbury and

Maritzburg and vowed to stop the building of "unsuitable prisons which were a waste of public funds"

Mr Radebe said Dr Mzimela had ignored the fact that the planning, designing and construction of prisons that he had criticised was approved, in every detail, by senior officials of the department of correctional services (DCS)

Dr Mzimela, an Inkatha Freedom Party member, was also oblivious of efforts and agreements between the DPW and the DCS to streamline co-operation on the design and building of prisons, Mr Radebe said

"The relationship between the officials of the two departments and the respect that they share has resulted in a decision to form a task team comprised of officials from both departments"

Mr Radebe produced documents, which included minutes of a meeting between DPW and DCS senior officials, in which Dr Mzimela had allegedly been advised to leave the building of prisons to the DPW

He was also warned that stopping any construction which was under way could result in the loss of more than R7 million of taxpayers' money as the departments were bound to contracts

Mr Radebe produced a certificate presented by the DCS in February to Hans Poot, deputy chief architect in the DPW, for "outstanding planning and design of prisons"

Dr Mzimela's spokesman, Bert Slabbert, said the minister was in the Eastern Transvaal and could not be reached for comment

Radebe (253) 130 5/7/95

Continued from Page 1

vider and user is nurtured."

Radebe defended the competency of the "professionals" in his department, adding that he was convinced that Mzimela's views were not shared by his officials.

He showed journalists a framed certificate of appreciation which correctional services had presented to public works department deputy chief architect Hans Poot in February this year.

Poot had been involved in the designing of Goodwood prison in the Western Province. Mzimela last week intervened to

change the design of Goodwood, claiming the design included 21 libraries, 21 barber shops, 21 dining halls and 21 exercise areas.

Radebe said recent prison riots had forced a reassessment of needs. The solution arrived at jointly by correctional services and public works was 21 self-contained units at Goodwood, each housing 79 inmates. "This would improve safety, ensure better control and limit damage. To comply with the requirements for self-contained units, 21 book stores measuring 12m² each came about."

Radebe said he had not yet spoken to Mzimela personally, but would do so soon.

Radebe flares up at Mzimela

(253) 005/7/95
Stephane Bothma

PRETORIA — Public Works Minister Jeff Radebe has accused Correctional Services Minister Siphosizwe Mzimela of distorting the truth, and suggested that he had "an ulterior motive" for wanting his department to build its own prisons.

At a news conference yesterday, Radebe strongly criticised Mzimela's "unprecedented public attack" on the public works department, saying that "this particular attempt at a coup d'etat will no longer be tolerated, nor will any others".

Mzimela lashed out last week at the public works department for building "outdated prisons", accusing it of being "cri-

minally irresponsible" and "stupid".

Radebe said it was a lie that government or the Cabinet had approved a proposal by Mzimela that public works would no longer be involved in the construction of prisons. "I may come up with an answer on why he (Mzimela) wants this function (of building and maintaining prisons) so badly after doing a bit of intelligence work."

Radebe said that in specialised projects such as a new prison, operational guidelines were provided by the user-department, in this case correctional services. "Throughout the process of planning and design, intimate interaction between pro-

Continued on Page 2

Radebe (253) 005/7/95

Continued from Page 1

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Radebe said he had not yet spoken to Mzimela personally, but would do so soon.

Cabinet Ministers in bitter slanging match

War of words over prisons

Star 5/7/78

(253)

BY JOVIAL RANTAO
POLITICAL REPORTER

A bitter war of words between two cabinet ministers erupted yesterday when Public Works Minister Jeff Radebe called Correctional Services Minister Dr Sipo Mzimela a liar and backstabber desperate to take over the design and construction of prisons.

In Pretoria yesterday, Radebe said Mzimela had not told the truth when he said the Cabinet had taken a decision to strip the Department of Public Works of the functions of planning, designing and building prisons.

"What Minister Mzimela has

said is devoid of truth. The Cabinet has not approved anything like that.

"I've consulted with the Cabinet secretariat and the Minister of Public Service and Administration, who confirmed that no such decision had been taken by the Cabinet," Radebe said.

He charged that Mzimela did not, as Cabinet custom required, consult him when he drew up a Cabinet memorandum on the design and construction of prisons. The matter is to be tabled before the Cabinet in August.

Radebe expressed unhappiness that Mzimela had waited until he (Radebe) was out of the country "to stab me in the back" with an attempted "coup d'etat".

Radebe was in east Asia when Mzimela launched a scathing attack on the Public Works Department, describing its engineers as "ignorant, incompetent and inept".

He also attacked the department's designs for the construction of prisons in Goodwood, Malmesbury and Maritzburg, and vowed to stop the building of "unsuitable prisons which were a waste of public funds".

Replying to the accusations yesterday, Radebe said Mzimela had ignored the fact that the planning, design and construction of prisons Mzimela had criticised had been approved by senior officials of the Department of Correctional Services.

Radebe said Mzimela was also oblivious to efforts and agreements between the departments of public works and correctional services to streamline co-operation with regard to the design and building of prisons.

"The relationship between the officials of the two departments and the respect they share has resulted in a decision to form a task team comprising officials from both departments.

"This is an initiative which has been going on for quite some time," he said.

Mzimela's spokesman, Captain Bert Slabbert, said the IFP Minister was in the Eastern Transvaal and could not be reached for comment.

Prisons minister rebuts attack by cabinet colleague

Political Staff

CORRECTIONAL Services Minister Sipo Mzimela, who has been called a "liar" by Public Works Minister Jeff Radebe, has said he stands by his June 9 pronouncements.

In a one-paragraph response to Mr Radebe's stinging attack, Dr Mzimela's press secretary Captain Bert Slabbert said "The minister of correctional services stands by what he said on this matter, and sees no point in commenting further on an issue for which ample evidence exists"

At a press conference in Pretoria on Tuesday, Mr Radebe called Dr Mzimela a back-stabber desperate to take over the design and construction of prisons.

ARG 6/7/95 (253)
The dispute between the two is expected to be discussed by the cabinet after the month-long parliamentary recess.

The public works minister said Dr Mzimela had not told the truth when he said the cabinet had taken a decision to strip the department of public works of the functions of planning, designing and building prisons

"What Minister Mzimela has said is devoid of truth. The cabinet has not approved anything like that. I've consulted the cabinet secretariat and the minister of public service and administration. (Zola Skweyiya), who confirmed that no such decision had been taken by the cabinet," Mr Radebe said

He charged that Dr Mzimela did not, as cabinet custom required, consult him when he drew up a cabinet memorandum on prisons

Mr Radebe was unhappy that Dr Mzimela waited until he (Mr Radebe) was out of the country "to stab me in the back"

Mr Radebe was in Asia when Dr Mzimela launched a scathing attack on the public works department, describing its engineers as "ignorant, incompetent and inept"

He also attacked the department's designs for prisons in Goodwood, Malmesbury and Maritzburg, and vowed to stop the building of "unsuitable prisons which were a waste of public funds"

Mzimela ignores advice on restructuring

Star 6/7/95
(253)

Bitter battle over prisons

■ BY JOVIAL RANTAO
POLITICAL REPORTER

When he ordered that the construction of "unsuitable" prisons should be stopped, Correctional Services Minister Dr Sipo Mzimela ignored advice from Commissioner of Prisons General Henk Bruyn, documents in possession of The Star have revealed.

Minutes of a June 7 meeting between the Department of Correctional Services (DCS) and the Department of Public Works (DPW), show that Bruyn advised Mzimela that it would be uneconomical to stop the current construction of prisons and take over the design and building of jail.

According to the minutes, Mzimela instructed the DCS to submit a Cabinet memorandum on the functions of de-

signing and building prisons. He also instructed Bruyn to have a letter drawn up and written to the DPW suspending some current construction projects.

"The DCS informed the Minister of the fact that the department does not have the capability right now to take over the function thus far performed by the DPW. If Cabinet should decide that the DCS must take over the job, the department will have to appoint experts such as quantity surveyors, architects, engineers.

"We urged for all the aspects to be investigated, to be analysed and to be talked over and the consequences to be judged before a decision is taken," Bruyn said.

He asked the meeting to record Mzimela's viewpoints that more cost-effective prisons could be built, that the

DCS could run its own operations and that the Cabinet resolved that he and Public Works Minister Jeff Radebe should discuss and resolve these issues.

Bruyn said Mzimela had been advised that scrapping the construction of the Goodwood Prison, which the minister described as "useless", would result in fruitless expenditure.

"The Minister at some stage wanted to scrap the whole programme, but the Commissioner consulted with him and informed him of some of the consequences of fruitless expenditure. DCS cannot stop the project now. It will not be appropriate to do it this way.

"However, the DCS, in consultation with the Minister, has some suggestions on the

material and design alterations that may result in saving," Bruyn told the meeting.

On June 9 Mzimela told Parliament that it was necessary to stop constructing unsuitable prisons which were a waste of public funds.

"I will not consciously allow a programme to continue when I know it is detrimental to our people," he said.

During the meeting, Bruyn emphasised the good relations that existed between the DCS and the DPW and urged that a distinction be drawn between the approach by State departments as administrators and ministers as political figures.

The Public Works director-general also called on the two departments to discuss the issues as professionals, not as politicians.

Prison reform needed

(253) sawetan 7/7/95

THE MINISTER OF Correctional Services, Dr Sipyho Mzimela, sparked off a public furore recently when he called for the decriminalisation of dagga smoking. Later he indicated that more than 40 000 prisoners should be released from prison.

The Department of Correctional Services also came under fire for the controversial release on parole of offenders sentenced to long terms of imprisonment. This occurred at a time when concern about increasing crime levels had reached an all-time high and the public was demanding harsher treatment of criminals.

However, the belief that harsh treatment and imprisonment of offenders is the best and only way of dealing with crime is mistaken.

We have to look at which offenders are most appropriately punished through imprisonment. Those who are not should be sentenced to non-custodial sentences.

The accepted and primary motivations for sentencing someone to imprisonment is punishment for the offence, ensuring the safety of the public and rehabilitating and reforming the prisoner.

International trends have determined that offenders are sentenced to imprisonment as punishment. The aim should not be to punish offenders but to ensure the safety of the public and to reform the offender in preparation for his or her release into society.

No one who has seen or been held in South African prisons can seriously maintain the view that prisons are the best places to reform and rehabilitate prisoners. Not only do prisons create an artificial and restrictive regime but the prisoner is also dehumanised by the treatment and conditions experienced while in prison.

The appalling conditions in most prisons, such as severe overcrowding and lack of opportunities for vocational or occupational training, determine that most prisoners are unable to improve their prospects once they have been released. In fact, prisoners stand a better chance of improving their criminal skills than they do of increasing their ability to contribute economically to the community.

A danger to society

If it is recognised that our prisons cannot rehabilitate prisoners under present conditions, we must look for ways of ensuring that only those offenders who are a danger to society or who have committed the most serious offences are sent to prison. Suitable alternatives to imprisonment do exist, such as correctional supervision.

This kind of non-custodial sentence aims at punishing the offender through the restriction of his or her lifestyle but it also allows for the person's development in the community in which he or she lives through participation in

Only offenders who are a danger to society or who have committed the most serious offences should be sent to prison. Less serious offenders should be rehabilitated within their communities, suggests **Amanda Dissel**



Correctional Services Minister Dr Siphon Mzimela ... under fire for releasing long-term prisoners on parole.

programmes aimed at reforming the individual's offensive behaviour.

An anger management programme for men convicted of wife battery is one example. Alcohol safety school for those convicted of driving under the influence of alcohol is another.

These have been used quite successfully for over 28 000 offenders since their introduction in 1991. Such alternatives could usefully be extended to other types of offences.

Few benefits, high cost

Many crimes, such as illicit trading in dagga, are committed through economic necessity. The benefits to the public through incarcerating such offenders are small and the costs are high, at about R53 a day. It would be more beneficial to both society and to the offender to try to develop the offender while he or she serves the community outside of prison.

If imprisonment is to serve any function other than punishment, it is crucial to alter the way in which prisoners are treated in prison.

A philosophy and practice must be developed which both respects the individual's rights and human dignity and creates opportunities for the development of skills and abilities which will assist the offender to live a crime-free life once he or she is released from prison. The attitude of the Department of Correctional Services also needs to be challenged and the role of the prison

officers needs to be redefined.

The idea that prison warders serve only to lock and unlock prisoners must be replaced by a more interactionist approach. They must be given the responsibility to actively engage with prisoners and participate in their rehabilitation. Above all, prison offenders must learn to respect prisoners as individuals and treat them as human beings.

These aims can only hope to be achieved if the number of prisoners is drastically reduced. Parole or early release from prison serves the important function of reintegrating the prisoner into society. The courts and Minister of Justice Mr Dullah Omar have again criticised the Department of Correctional Services for releasing prisoners by administrative discretion after having served small portions of their sentences.

The new release system allows prisoners to "earn" their release after serving only one third of their sentence. Although the legislation is intended to encourage prisoners to earn early release through good behaviour and participation in treatment programmes, what happens in fact is that most prisoners are not able to participate in such programmes and are given credits anyway, thus securing their release.

The problem with the present parole system lies in poor formulation of policy and in a lack of understanding its application. Not only should the parole system be improved for greater clarity but there should also be better controls to ensure equitable application. Community participation on the parole boards would monitor the release of prisoners according to community interests.

A more recent and disturbing problem is related to the early release of prisoners sentenced to life imprisonment. Critics fear the abuse of the department's discretion.

Right to early release

Perhaps, rather than denying such prisoners the right to early release, these and other difficult cases should be referred back to the courts for decision. Correctional Services faces the challenge of reforming the system to achieve the goals of the Reconstruction and Development Programme as well as ensuring that the fundamental human rights of prisoners are respected. But this is not enough. Prisons need to be fundamentally reappraised to accord prisoners the dignity they deserve as human beings.

● Amanda Dissel is a researcher in the Prison Research Project of the Centre for the Study of Violence and Reconciliation.

Prisoners' landmark court case on 'HIV segregation'

Star 8/7/95 - (253)

Correctional Services Minister Sipo Mzimela is taken to court by 14 HIV-positive inmates of Serfontein Prison near Maritzburg in a test case supported by the Aids Legal Network, writes ADELE BALETA

Cape Town — In a precedent-setting case, 14 HIV-positive prisoners are taking Correctional Services Minister Sipo Mzimela to court to contest their "discriminatory" segregation from other prisoners.

The action is likely to launch a chain of similar applications by the Aids Legal Network throughout South Africa.

In a separate case, Minister of Safety and Security Sidney Mufamadi is being taken to court to review the police department's HIV-testing policy.

The 14 HIV-positive inmates of the Serfontein Prison are basing their segregation action on their constitutional right to privacy.

Maritzburg's Regional Director of Lawyers for Human Rights, Anne Strode, said the prisoners were separated from other inmates at night.

She said that in spite of the officials' perception that by separating HIV-infected prisoners they were protecting them, they were in fact violating their right to privacy.

"By separating them at night, everyone in the prison knows who they are. They are open to abuse and attack from other inmates who refer to them as the 'Aids prisoners'," she said.

In this case, it was fortunate the prison had a homogenous population because in other penal institutions the abuse of HIV prisoners had taken on a racist tinge. In a Gauteng pris-

on, for example, a group of HIV-positive prisoners were referred to as "Aids Kaffirs"

The 14 Serfontein prisoners informed a full-time Aids counsellor at the prison, employed by the Aids Training and Information Counselling Centre, of their intention to go to court to contest the segregation.

"We are pleased the group has decided to stand together because there will be less chance of victimisation," Strode said.

Strode said Mufamadi was also being taken to court to review the police department's HIV testing policy.

The application is being made by the Aids Law Project, Lawyers for Human Rights, the Aids Legal Network, the Police and Prisons Civil Rights' Union and the SA Police Union.

Strode said the action was being supported by affidavits

from individual policemen.

"Testing is conducted at two levels. Citizens are tested when they apply to join the police force and if they are invited to join the force as a permanent staffer they have to be tested for the Aids virus again.

"Individual police officers came to see us," said Strode.

"One of these officers tested negative on joining the force. He was awarded citations for bravery during his probation and looked set to have a promising career. He was invited to become a permanent member of the force.

"He underwent the specified second test but this time the result was positive. He was not fired but he was not promoted. He has no pension, no medical aid and is stuck in the notch of a temporary employee.

"The ruling will affect the HIV testing policy in the entire police force," Strode said.

Vertical text on the right margin, possibly a list of names or initials: JG, SW, JTI, etc.

Radebe moves to shine up his embattled department's image

Star 8/7/95

By ESTHER WAUGH
POLITICAL CORRESPONDENT

(253)

the entire department. There are men and women who are highly professional and energetic but were being hamstrung by the (lack of) effectiveness of the top management," Radebe said

After persistent public attacks on his department, Public Works Minister Jeff Radebe is to jack up its image

The latest attack came from Correctional Services Minister Dr Sipo Mzimela, who called its officials "incompetent", "ignorant" and "plain stupid"

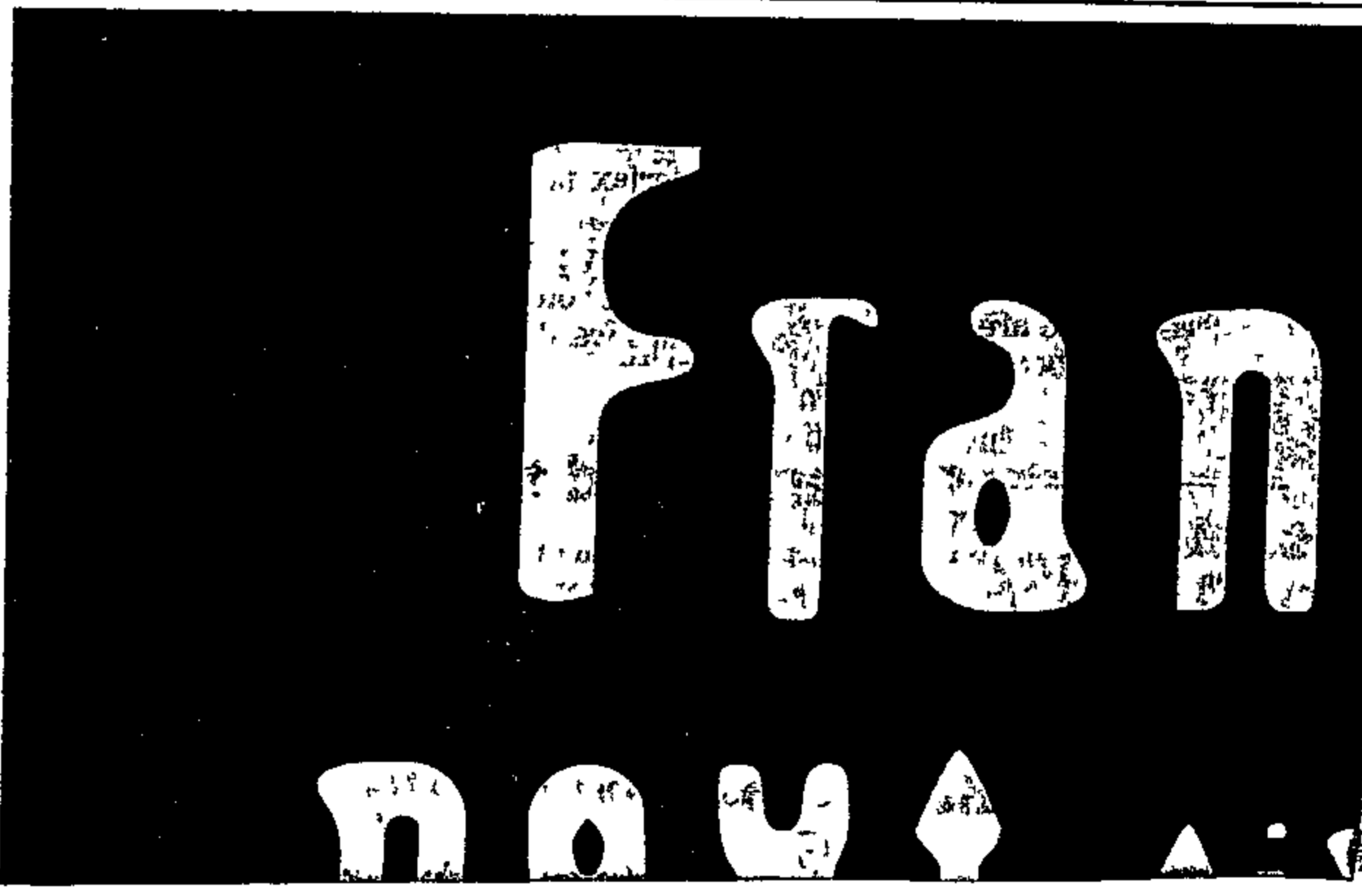
Radebe himself has criticised the department's performance since he became its political head in May last year. But this week he told the Saturday Star that his problem with the department "has been a question of management". He charged that Mzimela's problem concerned the department's professionalism.

"He presumed my problem was with

In an attempt to improve the department's top management, Radebe earlier this year appointed private consultants, who have been devising new management systems in conjunction with the department's own transformation team.

The minister is about to go a step further. He believes that the department needs exposure "so that the public knows what it does"

The transformation process in the department, therefore, included its communication strategy, he said.



Prisons minister sickened by conditions in Transkei jails

(253) ARG 12/7/95

MARTIN CHALLENGOR
The Argus
Correspondent
in Lusikisiki

THE best thing you can say about the Bizana, Flagstaff and Lusikisiki prisons is that they are clean. After this, describing conditions is a tale of woe and neglect.

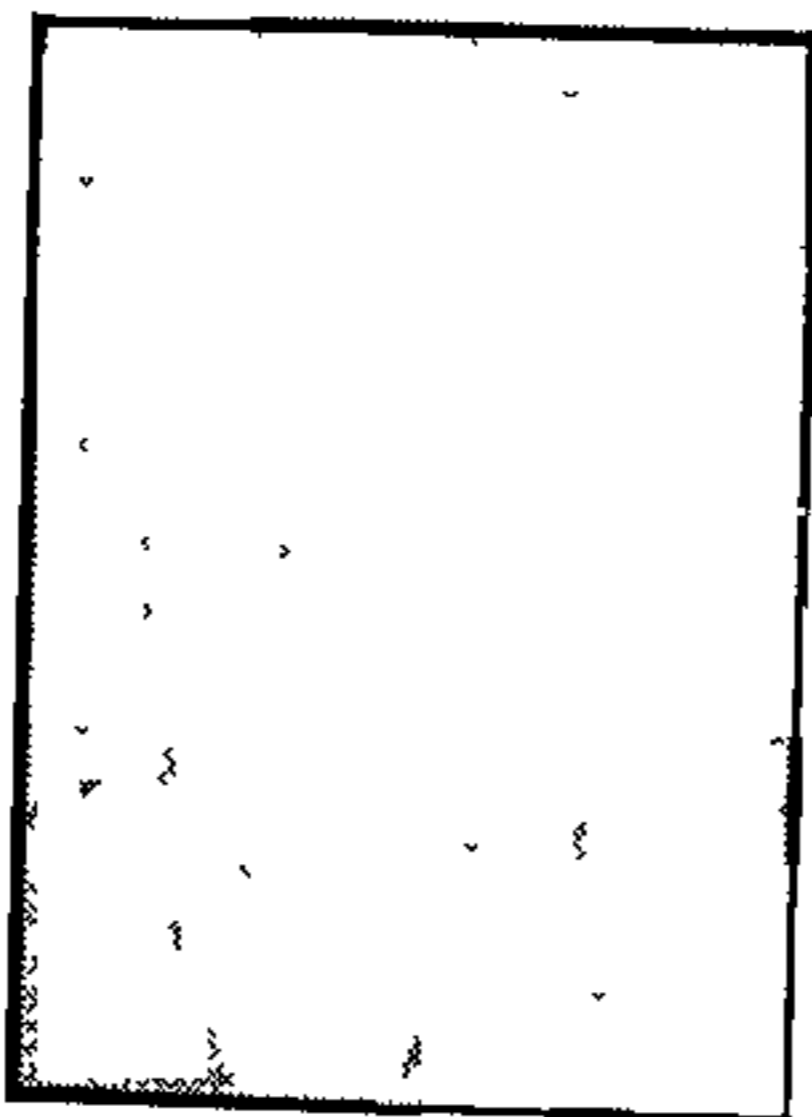
Correctional Services Minister Dr Sipo Mzimela is on a week's tour of Transkei prisons to meet staff and see the conditions. The prisons are run down because in the last decade of its life the Transkei government simply stopped doing jail maintenance work.

Life in the three prisons is so grim today that the conditions almost made Dr Mzimela sick.

Bizana has 47 men prisoners and one woman inmate, serving sentences of up to two years. Their food is cooked on wood fires. There is no hot water in the prison, the showers do not work and the toilets do not flush properly. The water pipes leak.

Prisoners sleep on the concrete floor with just blankets for protection. They eat in the courtyard under a sideless shelter.

Some of the prison staff



Dr Sipo Mzimela

sleep in caravans.

Flagstaff prison is served by just one tap that stands outside the prison. Water is fed into the prison by hosepipe and stored in dustbins. There is no electricity so a solar panel is used to provide power for the radio.

Food for the 35 men prisoners and one woman is cooked on a fire and prisoners squat in the open courtyard to eat. An anthracite stove was delivered a few years ago but was never installed.

There are no wash lines, so prisoners lay out their clothes on the ground to dry. Prisoners sleep on the concrete floor.

There is a problem with

rats in the cell now used as a storeroom.

With no recreational and training facilities at Bizana or Flagstaff, for most of the day prisoners are idle in their cells. It is a form of mental torture.

Lusikisiki prison was built in 1982. It has electricity but staff have a problem getting replacement globes, so few of the cells have lights. There is no hot water because a part needs to be replaced in the boiler. Few of the showers or toilets work properly and there are leaks in the roofs.

The 149 men prisoners sleep on the floor but at least the 11 women inmates have mats. All are long-term.

There are rats in the food store and vegetables are scarce.

Prisoners could easily escape because large sections of the fence are missing.

Lieutenant-General Johan van Heerden, the new Correctional Services provincial commissioner for the Eastern Cape, has the job of sorting out the problems.

He has sent officers from Port Elizabeth to help the staff upgrade

their administration, learn new procedures and rules, provide on-the-job training and draw up a list of maintenance work.

Initially the morale of the Transkei prison staff was low. Now they are back as part of the central government staff, so their attitude is improving.

Ironically, because of the homeland government's employment policies, there is no shortage of staff. The staff-inmate ratio in Transkei is 1 to 1.5. In non-homeland areas it is 1 to 5. It should be 1 to 4.

So far, Dr Mzimela has inspected about 70 prisons across the country. What he found in the three Transkei prisons left him almost in a daze. Little was working and the kitchens were in a shambles. "I was actually feeling sick. What are we doing?"

Dr Mzimela regularly gets reports from judges and magistrates about prisons. Not one has complained about the conditions. Only the Red Cross organisation has pointed out the bad conditions. These are the reports Dr Mzimela is grateful for. "I want the naked truth," he said.

Weeping prison baby wrenches minister's heart

The Argus Correspondent
in Lusikisiki

TEARS welled in the eyes of Correctional Services Minister Sipo Mzimela when he met Lungile, one of the youngest inmates of the bleak women's section of the prison here.

Lungile was taken into the prison as a one-month-old baby in October 1993 when his mother was jailed for 3½ years for a dagga offence.

Of the 11 women in the

jail, 10 are inside for dagga offences.

Dr Mzimela almost cried when he encountered Lungile while on a tour of Transkei prisons.

Lungile did cry. He is not used to men, especially those not in uniform. In fact, he is only used to women in uniform, be it the khaki and green of the prison staff or the blue of the prisoners.

Lungile sleeps on the concrete floor of a communal cell, as do the women

prisoners. The lights are not working at the moment, nor is the shower.

The prisoners wash in cold water from a bowl.

Sometimes, when his mother is working, the prison staff take Lungile for exercise in the sun.

Because of the high prison walls, the sun does not shine too long on the small courtyard the women share.

Lungile is plump, happy enough and has more freedom of movement than his mother, but he is not sure

which of the women he lives with is his mother though he is comfortable with all of them.

Minutes after crying at Dr Mzimela, he was playing happily with the minister's wife, Gail.

Another woman prisoner is still carrying a baby on her back.

Lieutenant Nomntu Soga, head of the women's section, said the staff bought Lungile toys, and took him to the hospital and clinic when necessary.

Jails 'like dungeons' exposed in former Transkei

SA's prisons of

Shame

(253) 410

12/7/95

OWN CORRESPONDENT

Lusikisiki — Correctional Services Minister Dr Sipo Mzimela came close to tears yesterday when he met Lungile, one of the youngest inmates of Transkei's prisons, which the Minister described as cruel and not fit for human habitation.

Mzimela is on a week-long tour of Transkei's 23 prisons which house 2 500 prisoners.

He said he had invited the press on the tour because "we have got to let people know how bad things are if we are going to really change things South Africans do not know their own country".

Mzimela said he wanted the public to know about the dungeon-like conditions in Transkei's decaying prisons.

For the last decade of its existence, the Transkei government simply gave up on maintaining the prisons, allowing them to fall into disrepair.

Mzimela recounted a tale of prisons overrun by rats, no water, no electricity, no training or recreational facilities, no libraries, broken showers, meals cooked on wood stoves, leaking roofs, unpainted walls and little fresh food.

Prisoners, idle during the day, slept on concrete floors.

The Minister took pictures and video footage of the prison conditions to present to the Cabinet.

Cruel

"There is nobody in the Cabinet who will accept these conditions," he said.

During the tour, Mzimela said the conditions were cruel. He said afterwards "I still cannot believe it is South Africa. I think I am at a prison I have seen in movies from the last century. They are just like dungeons."

Previously, the truth about such prisons was hidden from the public, he said.

And yesterday little Lungile's sad tale came to the fore he was taken into the prison as a month-old baby in October 1993 when his mother was jailed for 3½ years for a dagga

'I CANNOT believe it is South Africa. I think I am at a prison I have seen in movies from the last century. They are just like dungeons.'

offence Of the 11 women in the jail, 10 have been convicted of dagga offences.

Mzimela almost cried when he saw the boy. Lungile did not like to be used to men, especially those not in uniform. In fact, he is used to only women in uniform, be it the khaki and green of the prison staff or the blue of the prisoners.

Lungile sleeps on the concrete floor of a communal cell, as do the women prisoners. The lights are not working, nor is the shower. The prisoners wash in cold water from a bowl.

High walls

Sometimes when his mother is working, the prison staff take Lungile to exercise in the sun. Because of the high prison walls, the sun does not shine too long on the small courtyard the women share.

Lungile is plump, happy enough and has more freedom of movement than his mother. Actually, he is not exactly sure which of the women he lives with is his mother. He is comfortable with all women.

Minutes after crying at Mzimela, he was happily playing with the Minister's wife, Gail.

Lieutenant Nomntu Soga, head of the women's section, said the staff bought Lungile toys, and took him to the hospital and clinic when necessary.

Lieutenant-General Johan van Heerden, new Correctional Services provincial commissioner for the Eastern Cape, took up his post in January.

He has sent three prototype teams into the prisons to teach the demoralised staff more modern procedures and to draw up a list of what maintenance work needs to be done.



Overrun ... residents of the besieged Muslim enclave of Srebrenica carrying the commander of the UN forces in Bosnia as he tries to escape taken in March 1993. The town fell to Serb forces yesterday.

Bomber victim of own explosion

BY MALL MITCHESON

Mozambican police, probing a blast in which two people died on Monday night at a railway station on the border with South Africa, think the bomber may have been one of the victims.

The powerful device apparently went off prematurely as a goods train travelling from Maputo to Johannesburg pulled into Ressano Garcia station.

Buildings at the station were extensively damaged by the explosion, which came as week-long celebrations organ-

ised jointly by Transnet and the Mozambican Railway System (CFM) to mark the centenary of the line, came to an end.

The train was undamaged.

Dozens of South African VIPs had travelled the line on a steam-powered train to the Mozambican capital to attend a banquet at the Polana Hotel on Saturday night.

They were flown back to Johannesburg on Sunday and were never at any risk, Spoornet head of public relations Johan Hugo stressed.

Police said last night that no one had claimed responsibility for the bomb.



Child prisoner ... Lungile and his mother meet Correctional Services Minister Sipo Mzimela. PICTURE STEVEN NAIDOO

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Condoms in jail — 'but only if there is sex', says Minister

ADELE BALETA
Staff Reporter

PRISONS supremo Sipo Mzimela says he will distribute condoms in prisons only when he has been given "irrefutable evidence" that there is sexual activity behind prison walls.

"I challenge anyone to give me irrefutable evidence of sexual activity in prison, where it's happening, what percentage of the prison population it involves, whether it's among men or women," the Minister of Correctional Services said in an interview.

The minister and his department has come under stinging attack by Aids activists linked to the legal fraternity for not allowing condoms in prisons and for segregating HIV-infected prisoners.

They say this "outdated" policy runs counter to international trends to stem the rampant human immuno-deficiency virus (HIV) in prisons

Mr Mzimela's challenge follows a Department of Health announcement that HIV infections are up 10-fold in five years in South Africa.

National HIV/Aids programme director Quarraisha Abdool-Karim said last week that 7,6 percent of South Africans, or 1,2 million people, were HIV positive in October last year, compared with 0,74 percent in 1990. The HIV virus is widely believed to lead to Aids

Also last week, the health department's Aids prevention programme was boosted by a Malaysian-based company's donation of a million condoms. The condoms will be distributed through hospitals, clinics, non-governmental organisations and government health agencies along with 97 million condoms already procured.

Health minister Nkosazana Zuma welcomed the donation, saying it would support the country's anti-Aids campaign.

Mr Mzimela said segregating

HIV-infected prisoners at night was a stopgap measure until a lasting solution could be found by the medical profession by whom he was happy to be advised, and only by them.

Mr Mzimela said: "I need evidence to take action and not base things on what people imagine. As I travel around I ask prison commanders and warders what the position on homosexuality in prisons is. They say nothing is happening. You might as well say sex is happening in monasteries and convents"

Asked if death as a result of Aids would be proof enough he replied: "As far as I am aware there are HIV-infected prisoners but none who have Aids. I know of prisoners who had Aids when entering prison but none who were infected while in prison

"I make a distinction between sodomy and homosexuality. I have no problems with homosexuality. I have friends in the United States who are gay. But don't just say sex is happening I am not sweeping anything under the carpet I need proof

"Sodomy is a different matter. It's a criminal act. Handing out condoms won't solve the problem. If anything, it will condone sodomy. The way to handle the problem or rape is to redesign prisons so that these sexual offenders can be isolated from other prisoners."

What about issuing condoms in the event of rape?

"There needs to be evidence of rape. We need to know who raped whom so that prisoners will come forward. It's no good acting on hearsay

"I am willing to discuss the issue with the COMMISSIONER. I will set up a mechanism to get evidence on the issue."

"I cannot distribute condoms at random. I need a reason and the reason will only be in the event of homosexuality. In the case of consensual sex, condoms can be made available."

(253) ARG 15/7/95

No condoms for prisoners unless I have proof there is homosexuality in prisons, says minister

Spar 15/7/95 **253**

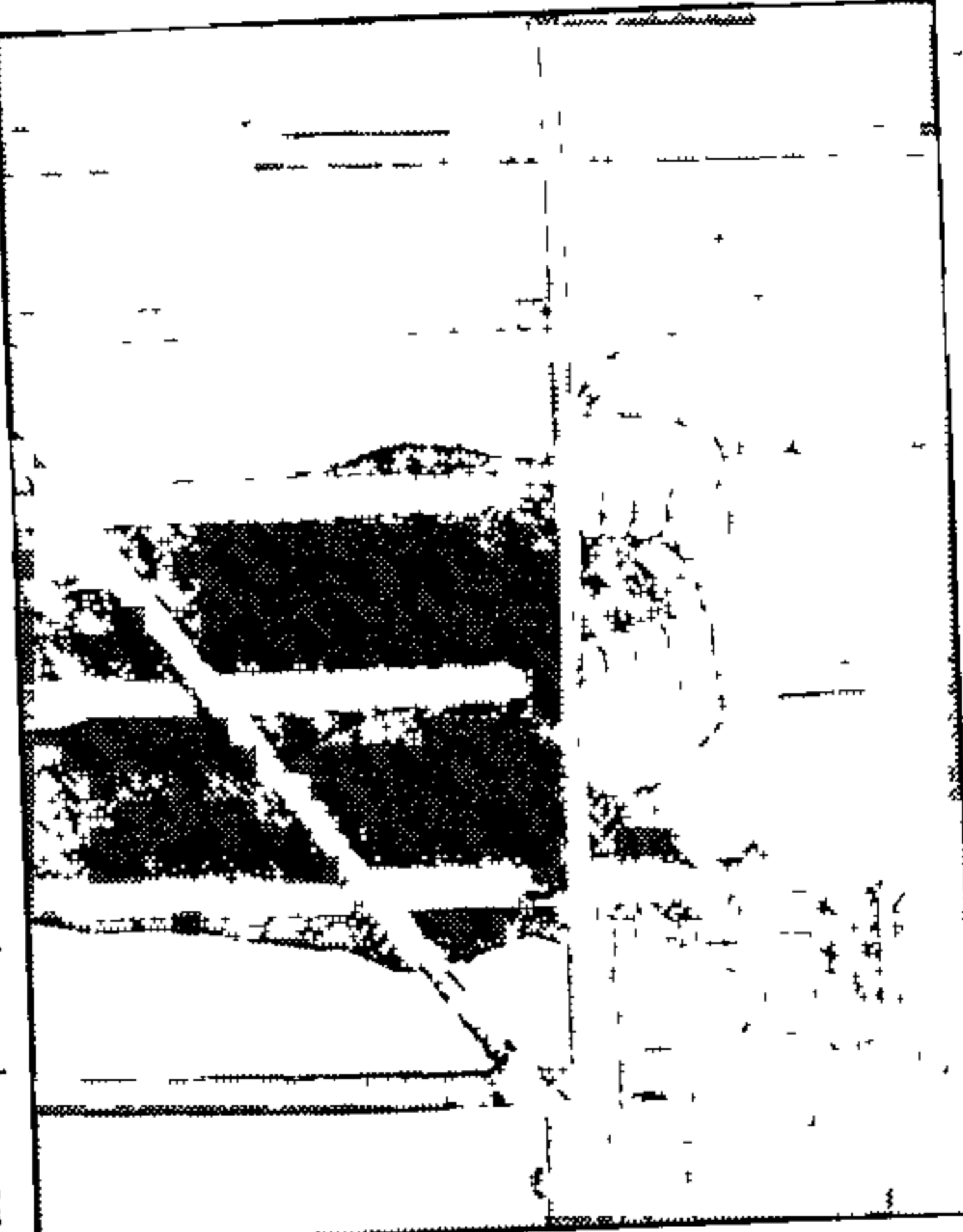
By ADELE BALETA

Cape Town — Correctional Services Minister Sipo Mzimela says he will distribute condoms in prisons only when he has "irrefutable evidence" that there is sexual activity behind prison walls.

"I challenge anyone to give me irrefutable evidence of sexual activity in prison — where it's happening, what percentage of the prison population it involves, whether it's among men or among women," he said in an interview.

The minister and his department have come under a stinging attack by AIDS activists linked to the legal fraternity for not allowing condoms in prisons and for segregating HIV-infected prisoners. They say this outdated policy runs counter to international trends to stem the rampant human immunodeficiency virus in prisons.

National HIV/AIDS programme director Quatraisha Abdool-Karim said last week that 7,6% of South Africans,



OFFICIAL LINE: This prisoner doesn't need condoms and won't be provided with them, say the authorities

or 1.2-million people, were HIV positive in October last year, compared with 0,74% in 1990.

Last week, the Health Department's AIDS prevention programme was boosted by a Malaysian-based company's

might was a stop-gap measure until a lasting solution could be found by the medical profession.

"I need evidence to take action and not base things on what people imagine. As I travel around I ask prison commanders and warders about homosexuality in prisons. They say nothing is happening. You might as well say sex is happening in monasteries and convents."

Asked if death as a result of AIDS would be proof enough, he replied "As far as I am aware there are HIV-infected prisoners but none who have AIDS. I know of prisoners who had AIDS when entering prison but none who became infected while in prison."

"I make a distinction between sodomy and homosexuality. I have no problems with homosexuality. I have friends in the United States who are gay. But don't just say sex is happening. I am not sweeping anything under the carpet. I need proof.

"Sodomy is a different mat-

ter. It's a criminal act. Handing out condoms won't solve the problem. If anything it will condone sodomy. The way to handle the problem concerning rape is to redesign prisons so that these sexual offenders can be isolated from other prisoners."

Asked about rape, he said "There needs to be evidence of rape. We need to know who raped whom so that prisoners will come forward. It's no good acting on hearsay."

"I am willing to discuss the issue with the commissioner. I will set up a mechanism to get evidence on the issue. These people (AIDS activists) who give themselves titles and make noise, you will find that when you pin them down they never produce real evidence."

He dismissed the notion that prisoners who were raped may be afraid to come forward, saying "It's only a question of time. McMe and more women who have been raped are coming forward. Our prisons are filling up with people convicted of rape."

donation of a million condoms

Health Minister Dr Nkosazana Zuma welcomed the donation, saying it would support the country's anti-AIDS campaign.

Mzimela said segregating HIV-infected prisoners at

Homeland prisons (253) ARG 17/7/95 'dungeons of shame' — Niehaus

JOHANNESBURG. — Correctional Services Committee head Carl Niehaus has described prisons in the former homelands of Transkei and Ciskei as "hell holes and dungeons of shame".

"These are places where one would not even think of keeping animals. They are hell holes and dungeons of shame.

"Immediate emergency steps will have to be taken to ensure that prisoners are no longer kept under such shameful conditions. There can be no doubt that they are in contravention of our interim constitution," he said in a statement yesterday after committee members visited prisons in the two former homelands.

He said that in many of the prisons there was no running water, cells were dirty and kitchens were covered in soot and dirt.

Mr Niehaus said that at the Libode prison, about 25 km from Umtata, toilets were broken and there was urine on the floors.

He said prisoners complained of maltreatment by warders at many of the prisons, and he referred especially to incidents at the Mdantsane prison in the former Transkei.

He said police would investigate an incident in which a teargas cannister was allegedly accidentally released by a warder at the prison while committee members were touring it.

"It was only after Mr Mzimela came upon clear evidence that assaults had taken place that the South African police were asked to investigate.

"It must also be asked whether prisoners were not possibly assaulted because they earlier raised complaints about maltreatment and brutalization with the committee delegation," said Mr Niehaus.

He said the committee would present its report to the minister.

"The government of national unity and parliament are dedicated to accountable and transparent government, and those government officials who intend to continue with cover-ups will no longer be allowed to do so," said Mr Niehaus. — Reuter.

Prison teargas incident 'not accidental'

(253) BD 17/7/95

THE chairman of the Parliamentary select committee on correctional services, Carl Niehaus, said yesterday the release of the teargas cannister during a select committee tour of the Mdantsane prison near East London on Wednesday was not accidental.

"I now have information that there was a serious as-

sault by warders on prisoners going on in the back of the prison. Some of the prisoners were badly beaten and some were even stabbed by the warders

"We were informed it was an accidental release. We questioned all the staff ... and accepted it was accidental," he said.

The incident occurred

while the committee was concluding a three-day visit to prisons in Transkei and Ciskei.

Correctional Services spokesman Brig Chris Olckers said a police investigation had been launched into the incident.

An independent judicial investigation would also be conducted, he said. — Sapa.

'Kei prison 'hell-holes' face probe

(253) SPW 17/7/95

■ BY MANDLA MTHEMBU

A judicial commission of inquiry will be appointed today to investigate allegations of assault and maltreatment of prisoners in the former Transkei and Ciskei.

This follows a visit by members of the parliamentary select committee on correctional services to Nqamakwe Butterworth, Libode and Umtata Central prisons in the former Transkei and Mdantsane prison in the former Ciskei last week.

Addressing a press briefing yesterday, committee chairman Carl Niehaus said the select committee had been "misinformed about what was happening inside the prisons".

"We need a proper investigation to deal with the situation."

He said he had received information on Saturday that there had been a "serious" assault by warders on prisoners in the Mdantsane prison. "Some of the prisoners were badly beaten and some were even stabbed by the warders," Niehaus alleged.

"During apartheid rule, there have been many instances that government officials allowed themselves to be misled by prison officials. This has now come to an end."

Correctional Services Minister Sipo Mzimela had visited the prison on Thursday, Niehaus added.

He said another delegation would soon revisit the prisons to see whether the conditions were improving.

Describing conditions as "hell-holes and dungeons of shame", Niehaus said the Nqamakwe Butterworth prison near Tsomo did not have running water while at the one in Libode, toilet floors were flooded with sewage and no hot water was provided.



BIRTHDAY GREETINGS: Children wish President Nelson Mandela well and present him with cars made of wire on the eve of his 77th birthday. Mr Mandela treated 2 000 children to food and clothes at a party at an old gold mine outside Johannesburg

New plans for juvenile care and justice system

Political Staff

JOHANNESBURG — The government and the Nelson Mandela Children's Fund used the president's birthday celebrations to announce two new deals aimed at transforming the lives of South Africa's underprivileged children.

The announcement was made at Johannesburg's Gold Reef City pleasure resort — the place where President Mandela got his first job as a mine policeman 55 years ago — and where he celebrated his 77th birthday yesterday.

A drawing competition was held and four children between the ages of seven and 16 years stand a chance of winning 12 years of free education.

The estimated 2 500 children who attended yesterday's cele-

bration had to draw their impressions of yesterday's festivities. The winners will receive bursaries from the president's children fund.

Donations to the President's Children Fund has swelled by R1 million over the past few months, taking it to more than R4 million.

The government announced it is to spend R6 million on a new deal aimed at transforming the lives of underprivileged and homeless children.

Deputy Welfare and Population Minister, Geraldine Fraser-Moleketi, revealed plans to transform the residential care programmes and the juvenile justice system. She said the money would be spent on human resource development in residential care facilities for

children.

She said a ministerial committee, established to set up, design and implement an integrated child and youth care system, had recommended the urgent development and implementation of alternative sentencing and youth programmes to replace whipping and imprisonment.

She said particular attention would be paid to militarised youth, including former self-defence and special protection units or gang members.

"Young people should no longer be allowed to carry guns or other weapons of destruction. They need support. They need jobs. And they need counselling. We can no longer take revenge on our children for the wrongs of the society."

ARG 18/7/95

(253)

Popcru 'willing to settle dispute'

(253)
PORT ELIZABETH —
The Police and Prisons
Civil Rights Union has
said it is willing to settle
a dispute at the North
End Prison in Port Eliz-
abeth out of court.

In response to a
Supreme Court interdict
brought against the
union to stop a go-slow
protest at the prison,
Popcru regional chair-
man captain Welcome
Kwenyama said it was a
waste of taxpayers'
money to take the mat-
ter to court.

Popcru members in-
volved in the go-slow
are demanding trans-
port to and from work.

The Correctional Ser-
vices Department said
the protesters should
await the outcome of a
public service investiga-
tion into the matter.

Capt. Kwenyama said
the prison had definitely
not come to a standstill,
but some duties were
affected by the go-slow.

— Sapa

ARC 19/7/95

POLITICAL BRIEFS

Warders want bus equality

(253) CT 20/7/95

POLLSMOOR PRISON warders living in the northern suburbs have threatened to walk to work if their demand for a travelling allowance equal to that of their colleagues in Mitchells Plain is not met by next week

Warders who live in Mitchells Plain only pay R13,50 per month for transportation to and from work, but northern suburbs warders have to pay R85 per month for a bus which they have hired

Pollsmoor spokesman Captain Mike Green said the warders in Mitchells Plain had applied for the bus years ago, and it had been approved

Nicro project for teens backed

Staff Reporter ~~(278)~~ (253)
CAPE TOWN attorneys have voiced their support for a programme by crime prevention organisation Nicro to rehabilitate teenage criminals rather than punish them

Attorneys' association president Michael Radomsky handed over a R5 000 cheque to Nicro yesterday, praising the organisation's role in re-examining the justice system

With the consent of magistrates, Ni-

cro has taken hundreds of teenagers guilty of petty crimes out of the conventional criminal justice system and placed them in counselling programmes aimed at rebuilding their self-esteem and alerting them to the dangers of crime

ARG 20/7/95
The organisation has claimed a high success rate for its programme, saying few of the youths who have completed it have been brought before the courts again.

Child-care workers 'duped' — protest

HENRIETTE GELDENHOYS
Staff Reporter (253)

CHILD-CARE workers have mounted a protest outside the Wynberg courts to demand that violent juveniles be removed from places of safety.

It was unacceptable that they were "expected to control gangfights, riots and mutinies within dormitories" without the necessary protection, equipment or training, they said.

They claimed they had been "duped" into doing the dangerous job of prison warders.

About 20 child-care workers — who are also members of the National Education, Health and Allied Workers Union (Nehawu) — waved placards during the picket yesterday.

Nehawu shopsteward Alfred Harris said children accused of violent offences such as murder, rape or armed robbery belonged in special children's institutions with strict security, not in a place of safety or in prison.

Places of safety were meant for first offenders, street kids and children with

behavioural problems, he said.

Children were moved to places of safety after the proclamation by President Mandela on May 4 that all un-sentenced children be released from prison.

"We want to give effect to this, but we are not prepared for this decision," said Mr Harris.

The statement said child-care workers were "unarmed men and women who have been duped through legislation into doing the work of prison warders. This is unacceptable and downright dangerous".

The children's actions were not determined by their youth, but by their level of exposure to crime and involvement in gangsterism, said Mr Harris.

"Experts" refused to believe a 14-year-old could be a hardened and violent offender, but "we see 14-year-olds who have committed murder and are hardened criminals who feel nothing to kill".

"We believe if someone has committed murder, he's a murderer, irrespective of whether he is 10 or 20," he said.

ARG 20/7/95

Probe into claims over promotions in prisons

ARL 20/7/95

(253)

EAST LONDON —
Claims of irregular promotions and huge salary increases in the Department of Correctional Services are to be investigated by the Browde commission of inquiry.

Correctional Services spokesman Rudi Potgieter said yesterday that details of all promotions between April 27 and September 30, 1994, had been given to the commission's secretariat.

"The commission will establish, in terms of the constitution, whether these promotions were dealt with correctly or not," he said.

The commission, headed by Mr Justice Jules Browde, was appointed by President Mandela in February to investigate irregular promotions and salary increase in the South African and former TBVC civil services between April, 1993 and September last year.

The commission has so far focused mainly on promotions and salary increases authorised in the Justice and Finance departments of the former Transkei and Ciskei.

Browde commission reports have already led to the demotion of 93 Ciskei revenue clerks who had been improperly promoted to taxation officers. — Sapa

(253)
Seven
CT 21/7/95.
Juveniles
escape

STAFF REPORTER

SEVEN "hardcore" juveniles awaiting-trial, arrested on charges of murder, rape and armed robbery, are back on the city streets after escaping from a Wynberg place of safety

Altogether 18 awaiting-trial juveniles escaped from a locked first-floor dormitory by tying sheets together and climbing from an attic window at Bonnytoun.

Re-arrested

Eleven were re-arrested soon afterwards. The children were placed at Bonnytoun after their recent release from prison in terms of a proclamation signed by President Nelson Mandela.

Meanwhile, child-care workers at Bonnytoun are becoming increasingly demoralised and frustrated as they battle to control the large numbers of juveniles awaiting trial or sentencing whom have been entrusted to their care.

On Wednesday this week child-care workers picketed outside the Wynberg Magistrate's Court to highlight their problems. A similar protest is planned outside St George's Cathedral this morning.

Assaulted

It was disclosed yesterday that besides having to thwart numerous escape attempts by the 100 or so inmates, staff had been assaulted and had threats to their lives by some of the more "hardcore elements" who had been arrested on charges including murder, rape and armed robbery

Bonyntoun staff are also questioning the ages of certain so-called juvenile offenders who they claim are far more "grown-up" than their recorded ages.

Child care worker Mr Dennis Baker said. "We are not trained or equipped to work with these boys, some of whom are clearly hardcore criminals."

Getting ready for the jai noise shock

(253) AUG 22/9/95

■ SIPO Mzimela has begun shaking South Africa's outdated prison system inside out. This is a glimpse into the mind of the former ANC and now IFP man whose greatest anguish is the thought of infants who grow up in prison. A report by **TYRONE SEALE** of our Political Staff.

REHABILITATION of South Africa's brutal, archaic prisons system will be well under way by the end of the year — beginning with the staff.

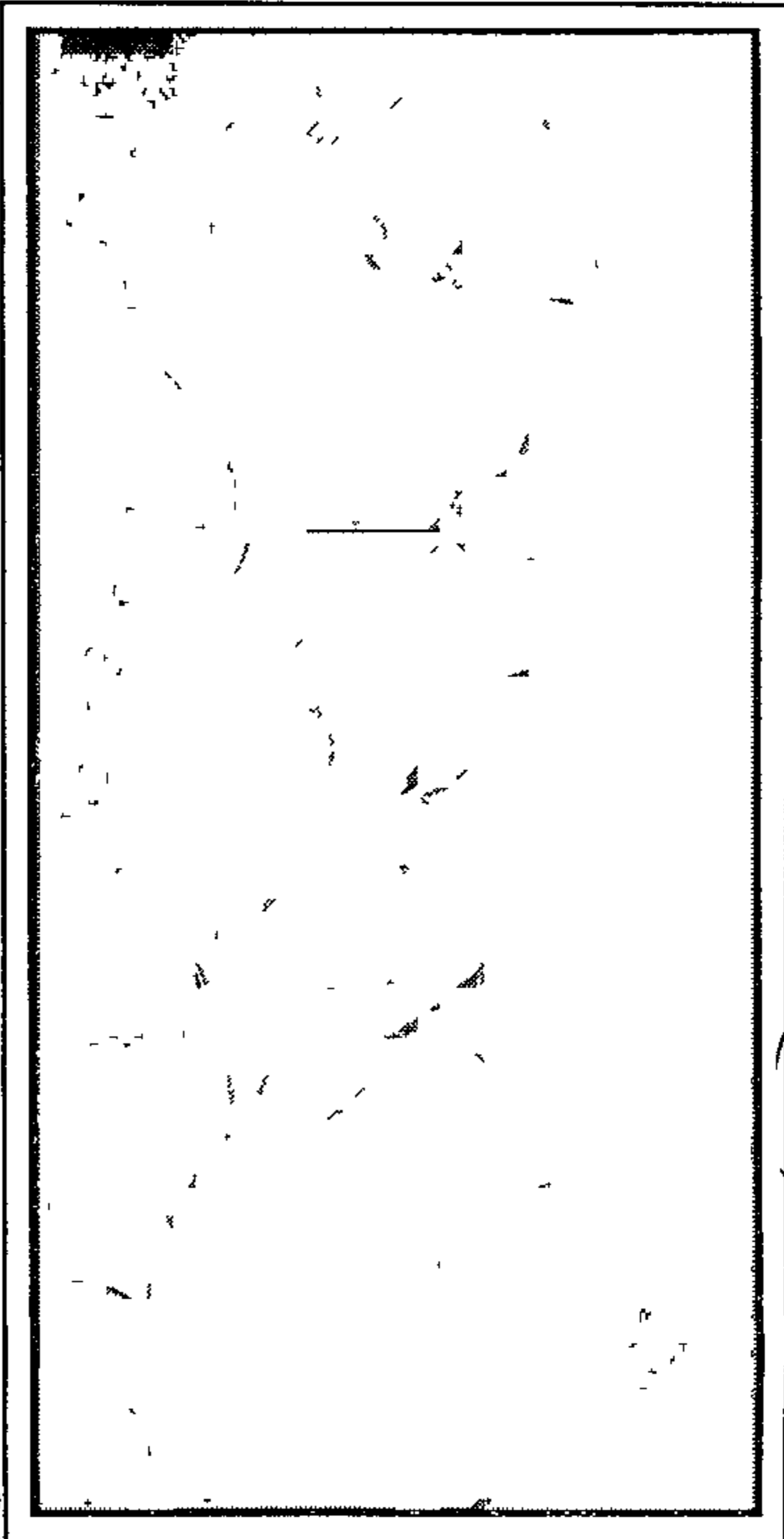
So says the reforming Correctional Services Minister Sipo Mzimela

Prison staff themselves, says Dr Mzimela, are the victims of years of working in "centres of oppression" which stripped them of compassion and understanding and engendered the Old Testament "eye-for-an-eye" approach to the job

"What disturbs me in many of our prisons are the attitudes of our warders and officers. They are the victims. They march, kick, shout and beat people up. That's all they know

"What they forget is that the inmates experience this and then learn this themselves. When they leave there, they are likely to march, kick, scream and beat people up," Dr Mzimela said in an interview in which he reviewed his stint of little more than a year in one of the hottest seats of government

To date he has personally ordered the closures of five prisons, halted any further design and other work on three new jails for the Western Cape, and has lambasted other government departments for their indolence and "slain situ iditi" in



Pictures ROY WIGLEY, Staff Photographer

□ SIPO MZIMELA

providing technical and other support to the department of correctional services

Dr Mzimela said the retraining of prison staff and personnel elsewhere in his department would be centred on respect for the constitution and the bill of rights

Dealing with rehabilitation of prisoners and their captors alike, Dr Mzimela said "If we were to introduce these forms of character-building and self-esteem, and instil discipline, teaching people respect for a whole catalogue of (rights), we are likely to achieve much better results than at present"

He said South Africa was still largely an abnormal society in which people who were unlikely to see the insides of prisons anywhere else in the democratic world were being incarcerated for crimes that did not warrant such harsh treatment

"The only thing we can teach the rest of the world is how not to do things"

Even so, Dr Mzimela is drawing on the expertise and capital of what he cautiously described

as "private donors" who are keen to contribute to reform in the penal system

In addition, he said, he was enjoying greater support from cabinet colleagues like Justice Minister Dullah Omar and Minister of Public Works Jeff Radebe whose spheres of influence were essential to the functioning of his own department

As well as paying attention to reorienting staff and building a new culture of non-militarist discipline in the country's jails, Dr Mzimela will be devoting a great deal of his energy to another issue which, he says, has moved him to tears of anger and compassion

And that's the issue of the nearly 100 infants and toddlers who are sharing prison cells with convicted mothers, the majority of whom would be out serving community-based sentences if Dr Mzimela could have his way

"When they (the children) see males, they are so scared. And, I am, told, because they live behind walls all of the time, their vision is very limited and their hearing is not up to par, because they don't hear cars, buses or see other things. All

they know is the sound of keys being turned in doors. They aren't used to crowds either

"I'm really looking for a solution. That's one of my most difficult tasks"

THE task of turning society's centres of retribution and punishment into centres of rehabilitation and promise first engaged Dr Mzimela in the mid 1970s while, as an African National Congress exile, he studied at New York's General Theological Seminary

He was ordained an Episcopal priest in 1976, and then entered graduate school at New York University to pursue a Ph D in ethics. During this time he was also the deputy ANC representative to the United Nations and the United States

After earning his doctorate, he became rector of the church of the Epiphany in Atlantic City, New Jersey.

His religious ministry frequently saw him performing outreach work in inner-city prisons

Prior to going to the United States, he had lived and worked in several African countries, and had worked and studied in Czechoslovakia and West Germany

In 1984 he left the United States to teach at St Paul's United Theological College in Kenya, his first time back on the African continent after more than 20 years

During his two years in Kenya, the ANC became officially allied with the SA Communist Party

This alliance saw Dr Mzimela resign from the ANC and returning to the United States where he moved to Atlanta, Georgia, to continue his church ministry and to establish the South Africa Education Fund to educate South African students in the United States

In 1990 he was appointed the United States representative for the Inkatha Freedom Party and in 1994 he became the Minister of Works in the Kwa-Zulu government

On May 11 last year Dr Mzimela was appointed Minister of Correctional Services.

He recalls the appointment was first mentioned to him by IFP leader Mangosuthu Buthe-lezi durin a fl

'Ridiculous' jail sentence given to trespasser

After 22/7/95
OWN CORRESPONDENT

(253)
The conviction of a 41-year-old man for trespassing has been described as "ridiculous" by the Department of Correctional Services.

Daniel Mashilo, of no fixed address, was sentenced on Thursday to four months' jail after being found guilty of trespassing by a Pretoria magistrate.

Major Bert Slabbert, spokesman for Minister of Correctional Services Dr Sipo Mzimela, said it was ridiculous for Mashilo to be sent to jail for the offence.

The court found that Mashilo trespassed at Air Force Base Swartkops on May 23 this year.

Slabbert said Mzimela had previously indicated that offences like this one should not be regarded as crimes.

No more eye-for-an-eye in our prisons

(253)

By TYRONE SEALE
POLITICAL STAFF

Cape Town — Rehabilitation of South Africa's brutal, archaic prisons system will be well under way by the end of the year — beginning with the staff, according to Correctional Services Minister Sipo Mzimela.

Prison staff, through years of working in "centres of oppression" which stripped them of compassion and understanding, engendered the Old Testament "eye-for-an-eye" approach to the job.

"What disturbs me in many of our prisons are the attitudes of our warders and officers. They are the victims. They march, kick, shout and beat people up. That's all they know. What

they forget is that the inmates experience this and then learn this themselves," Mzimela says.

To date he has ordered the closures of five prisons, halted work on three new jails for the Western Cape and lambasted other government departments for their indolence. Retraining of prison staff and personnel elsewhere in his department would be centred on respect for the constitution and the Bill of Rights.

Mzimela was ordained an Episcopal priest in 1976, and entered New York University to pursue a PhD in ethics. He was also the deputy ANC representative to the UN and the US.

On May 11 last year he was appointed Minister of Correctional Services.

Star 22/7/95

'COMMUNITY SERVICE' PRISONERS ASSESSED

Parole 'not automatic'

NOT ALL convicts sentenced under the section of the act that allows for serving sentences under community supervision are released. **PETER DENNEHY** reports.

CONVICTS who qualify to serve part of their sentences under correctional supervision "in the community" must first serve at least one sixth of their sentence in prison

Colonel Victor Gresse of Pollsmoor Prison said they had a directive from the Department of Correctional Services in this regard. He was responding to a letter of complaint sent by a group of aggrieved prisoners to the press.

The prisoners complained that although most of them were sentenced under the Correctional Supervision Section and Article 267 (1) (1) of the Criminal Procedures Act, which means the court regards them as suitable candidates for correctional supervision, some had already served more than a

sixth of their sentences in jail but had still not been released

Among the sentences imposed on the youths were five years for murder, two years for attempted murder, 15 months to four years for rape, and between 18 months and four years for theft or robbery

Col Gresse said it was unfortunate that some prisoners were given the impression when they were at court, perhaps by lawyers, that they would only serve a fraction of their sentence in jail, when sentenced under Section 267

"They are given the idea that after they have completed one sixth of their sentences, they will be released

"However, at that point the prison's institutional committee, which we refer to as the parole

ET24/7/95
board, assesses the prisoner and makes recommendations about his release"

Col Gresse said much depended on the board's assessment of each individual prisoner — their behaviour in prison, their participation in programmes with psychologists and the committee's view on the likelihood of a similar crime being committed

Other factors that might prevent the release of an otherwise suitable candidate were the lack of a fixed address, the lack of a family that would support him or her, or of a job to go to

Harsher

Relatively "less serious" crimes, like break-ins, were handled by the committee without referring back to the magistrate. But in many cases where sentences were longer than two or three years, the magis-

(253)
trate or judge was contacted

Moves were afoot to have community figures serve on these boards, Col Gresse said

"We did have some experience recently of working with members of the community, when committees were set up to consider implementing amnesties announced by the government"

He had noticed that in cases like rape or assaults on children, civilians tended to be much harsher on offenders "than we are"

Lieutenant Rudi Potgieter, a spokesman for Correctional Services, said Section 267 had been introduced as an option for magistrates in 1987.

"We are trying to get to a point where you only incarcerate dangerous prisoners," he said. "We want people who make mistakes to serve out their sentence in the community. That way, they don't come out (of prison) as criminals"

400 released youths have fled 'safe' places

ET 24/7/95

(242) (253)

STAFF REPORTER

NEARLY 400 awaiting-trial juveniles, who were freed from prisons and police cells in May and accommodated in places of safety following a presidential decree, absconded from the shelters in the first month of their release.

This was revealed in the latest statistics compiled and released by the department of welfare.

The figures show that from May 4 until June 8, a total of 396 child offenders, many of them regarded as "hardened criminals", absconded from places of safety in the Western Cape, Gauteng and kwaZulu/Natal.

Topping the list of abscondments was kwaZulu/Natal with a total of 214 awaiting-trial juveniles escaping from custody. Places of safety in Gauteng experienced 133 escapes while the Western Cape totalled 59. It is unknown how many were re-arrested.

The Western Cape figure does not include subsequent escapes, including the latest incident last Monday when 18 juvenile offenders escaped from Bonnytoun in Wynberg.

Eleven of the youths were immediately arrested, while seven "hardcore" youths are still on the loose. Most of these suspects were arrested on charges of housebreaking, a child-care worker said.

'Terrorised'

Department of welfare spokeswoman Ms Nicolene Beyers said extra security was being made available to places of safety.

"Children who abscond are usually the older children, many of whom are hardened criminals. They terrorise staff. In future these institutions will only be able to accommodate 'mainstream' juvenile offenders and not Schedule 2 offenders," Ms Beyers added.

Places of safety staff 'need danger pay'

(298) (253) CT 25/7/95

STAFF REPORTER

DANGER pay should form part of the remuneration package of child care workers expected to work with awaiting-trial juveniles, the Democratic Party said yesterday.

DP spokesman on safety and security Senator James Selte said places of safety faced a crisis unless pressing issues were urgently dealt with by the government.

This followed a fact-finding visit by Mr Selte to the Bonnyton place of safety in Wymbury on Friday after last Monday's mass escape by 15 youths.

Eleven were immediately re-arrested but seven are still at large, according to a child care worker.

The Department of Welfare said that close to 400 awaiting-trial juveniles absconded from

places of safety in the first month of the release of about 700 awaiting-trial juveniles from prisons and police cells following a presidential decree in May.

It is not known how many have been re-arrested.

The department said many of the escapers were hardened criminals.

Changes

Mr Selte said that under a new provision in the act awaiting-trial juveniles - some charged with murder and rape - were removed from prisons countrywide to be placed in alternative or more suitable care. Structural changes at places of safety and retraining of staff were urgently needed, he said, but there was a chronic shortage of funds.

Prisons to become education centres

SPECIAL CORRESPONDENT

JOHANNESBURG: The demilitarisation of prisons and the establishment of an Independent Prisons Directorate form the basis of a bold plan to transform prisons. The government, which together with various organisations has formed the Transformation

Forum on Correctional Services, has denied it would "turn prisons into hotels", saying it would change them from prisons to education centres.

Under the chairmanship of ANC MP and chairman of the parliamentary standing committee on correctional services Mr Carl Niehaus, the forum intends to help

fight crime by developing programmes that would ensure that people who are released or let out on parole do not return to jail.

"It makes absolutely no sense to imprison people at high cost, when conditions in prison prevent their growth and development and they often end up returning to society worse than before," Mr

CT 25/7/95

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Niehaus said. It costs between R44 and R50 a day to maintain a prisoner. Mr Niehaus said the forum would address issues such as labour relations, staff training and adequate provision for the development of skills and training for prisoners.

● See Page 5

JUST

Tracker
down and bid



Seven prison warders convicted for mutiny (253)

KING WILLIAM'S TOWN — Seven former Ciskei prison warders have been convicted by a Zwelitsha magistrate of four counts of kidnapping and one of mutiny

In sentencing the seven for holding senior officers hostage, magistrate C J Steiner said

President Mandela had said time and again that hostage-taking to highlight grievances was unacceptable

A sergeant, Nomfuneko Dukisa, found to have played a leading role in the crime, was sentenced to 10 weeks in jail or R500, with an additional 14

weeks suspended for three years

Warrant-officers Ntombek-haya Tobi, Nomalinge Mnyaka, and Nontsike Lelo Nxawe, and sergeants Patricia Simanga, Tamara Ndina and Ntombek-haya Wellem were each sentenced to eight weeks in jail or

a R400 fine, and a further 10 weeks suspended for three years

They held four prison officers hostage for more than nine hours in the Middledrift prison last September in protest against alleged corruption

— Sapa *AKG 25/7/95*



Transformation Forum on Correctional Services chairman Carl Niehaus at the forum's launch in Pretoria yesterday. The forum is made up of government and non-government representatives.

Picture: NICKY DE BLOIS

Changes planned for prison system

Kevin O'Grady

SUBSTANTIAL changes to SA's prison system, particularly in the "physical conditions of prisoners", would be seen during the next year, Transformation Forum on Correctional Services chairman Carl Niehaus said yesterday.

Speaking at the launch of the forum, which is made up of government and non-government representatives, Niehaus said "idleness" in prisons should also be reduced, while work and training opportunities should be improved.

These opportunities would give offenders the chance "to grow and develop" and were in line with the forum's belief that the main aim of corrections should be to prevent prisoners offending again after release.

"It costs between R44 and R50 a day for each prisoner and it does not make sense to have prisons which do not deliver on the money," Niehaus said.

The forum would make "in-depth studies" of problems in the correctional services department and then draw on local

(253) BD 25/7/95
and international expertise to develop a plan for transforming the department.

A set of objectives had already been drawn up and stated that pregnant women, women with infants and disabled people should not be kept in prisons.

The objectives also state that "the use of imprisonment should be the last resort and community-based sanctions should be promoted".

Other issues which would be dealt with by the forum were labour relations and the effective monitoring of prisons by means of a community visiting scheme and the establishment of an independent prisons inspectorate.

It would also suggest the demilitarisation of the department and promote greater co-operation between the three arms of the criminal justice system, Niehaus said.

Representatives on the forum include the department, the Correctional Officers' Union of SA, the Police and Prisons Civil Rights Union, the Public Service Association, the SA Prisoners' Organisation for Human Rights, Lawyers for Human Rights and the Penal Reform Lobby Group.

Sentencing in hostage case

25/9/95 (253)
Own Correspondent

KING WILLIAM'S TOWN — A Zwelitsha magistrate sentenced a Ciskei prison warder to 10 weeks in prison or a R500 fine on four counts of kidnapping and one of mutiny. Another six warders were each sentenced to eight weeks in prison or a R400 fine.

In sentencing the seven for their role in holding senior officers hostage, CJ Steiner said President Nelson Mandela had said time and again that hostage-taking to highlight grievances was unacceptable.

He hoped the sentence would send this message to others.

Sgt Nomfuneko Dukisa, found to have played a leading role, received 10 weeks' imprisonment or a R500 fine, with an additional 14 weeks suspended for three years.

Warrant-Officers Ntombekhaya Tobi, Nomalinge Mnyaka, and Nontsikelelo Nxawe, and Sgts Patricia Simanga, Tamara Ndina and Sergeant Ntombekhaya Wellem, were each sentenced to eight weeks or R400, and a further 10 weeks' imprisonment suspended for three years.

The accused were found guilty of holding hostage four prison officers for more than nine hours on September 22 last year. They claimed at the time to be protesting against alleged corruption at the prison.

In mitigation, the defence said the personal circumstances of the accused and the fact that no violence was committed should be taken into account. All the accused were first offenders still employed by the correctional services department.

Independent directorate set up

Bold effort to transform jail conditions

(253)

STAR 25/7/95

■ BY JOVIAL RANTAO
POLITICAL REPORTER

The demilitarisation of prisons and the establishment of an independent prisons directorate form the basis of a bold plan launched yesterday to oversee the transformation of South African prisons.

Under the chairmanship of ANC MP and chairman of the parliamentary standing committee on correctional services Carl Niehaus, the Transformation Forum on Correctional Services (TFCS) will develop programmes to ensure that paroled or released prisoners do not return to jail.

"It makes absolutely no sense to imprison people at high cost, when conditions in prison prevent their growth and development and they end up returning to society worse than before," Niehaus said.

It costs the Government between R44 and R50 daily to maintain a prisoner.

The TFCS, which has the blessing of Correctional Services Minister Sipo Mzimela and the ANC, consists of the Department of Correctional Services, the Select Committee on Correctional Services, the National Institute for Crime Prevention and the Rehabilita-

tion of Offenders, Lawyers for Human Rights, the Centre for the Study of Violence and Reconciliation, the Penal Reform Lobby Group, the Police and Prisons Civil Rights Union, the SA Prisoners' Organisation for Human Rights and the Public Servants Association.

Niehaus said the TFCS would address physical prison conditions, labour relations, the training of staff — including the changing of attitudes — and adequate provision for the development of prisoners' skills.

"The forum will also look at the breaking down of artificial barriers between prisons and the community, the effective monitoring of prisons through community visiting schemes and the establishment of an independent prisons inspectorate."

The ANC yesterday welcomed the launch of the TFCS, but said some of Mzimela's statements were "done without prior consultation with stakeholders".

Mzimela's "insistence on not issuing condoms to prisoners" flew in the face of the National Health Department's view that condoms should be made available to all members of the public without exception, it said.

KEEP MINOR OFFENDERS OUT OF JAIL — NIEHAUS

'Millions wasted on universities of crime'

CT 26/7/95

(253)

OVERCROWDING in South African prisons is "massive", sometimes up to 200%, says ANC MP Mr Carl Niehaus. **MELANIE GOSLING** reports.

IT costs the taxpayer R5,8 million a day to maintain South Africa's 117 000 prisoners in jails that have been described as "universities of crime"

ANC MP and chairman of the Transformation Forum on Correctional Services Mr Carl Niehaus said in an interview yesterday: "Millions of rands are being poured down the drain. It is the wrong way to fight crime and the country cannot afford it. We have turned our prisons into universities of crime which produce more serious criminals in the end"

He said there were many cases of people imprisoned for minor crimes like illegal trading

"I found a woman who had been in jail in Uppington for six months for illegally trading baskets. She had been given R50 bail

but could not afford it so went to jail. A lot of prison space is taken up by these people," Mr Niehaus said

SA prisons were built to accommodate 97 000 inmates only and in some instances overcrowding was up to 200%

"I have seen massive overcrowding at Pollsmoor, Diepkloof in Johannesburg and at Pretoria Central. In Butterworth awaiting-trial prisoners are so overcrowded that they cannot all lie down to sleep at the same time"

Mr Niehaus said he would like to see magistrates and judges make more use of community service for first-time offenders and people convicted of less serious crimes

Keeping them out of jail would save the country massive bills as community service was far cheap-

er. It would also keep minor criminals out of contact with prisoners convicted of serious crimes

"The number of people convicted for minor crimes who become second- and third-time offenders after being in prison is horrendous," Mr Niehaus said

If the number of prisoners were reduced, more time and resources could be spent on rehabilitating those prisoners who were a real danger to society, he said

Introducing community service did not mean more prisoners would be on the streets, as they were strictly controlled and supervised. Restrictions included house arrest and reporting to the authorities daily or weekly

Democratic Party spokesman Ms Dene Smuts said she wished the prisons initiative every success. "But I think I speak for many South Africans when I say the ANC-led government seems to lavish more attention on criminals than on victims"

WEDNESDAY
JULY 26, 1995 ★

POLITICAL BRIEFS

**Warders want
travel subsidies**

CT 26/7/95 (253)

ABOUT 100 prison warders marched from Epping to Pollsmoor Prison in Tokai yesterday to demand subsidised transport to and from work.

Warders' spokesman Mr Nicolas Grootboom said they handed a memorandum of demands to their commanding officer, but the response was unsatisfactory.

He said they now wanted an interview with the Commissioner of Correctional Services

R5,8-m a day spent on convicts

(253) Sowetan 26/7/95

Sowetan Correspondent

IT COSTS TAXPAYERS R5,8 million a day to maintain South Africa's 117 000 prisoners in jails which have been described as "universities of crime"

ANC MP and chairman of the Transformation Forum on Correctional Services, Mr Carl Niehaus, said in an interview yesterday "Millions of rands are being poured down the drain. It is the wrong way to fight crime and the country cannot afford it. We have turned our prisons into universities of crime which produce more serious criminals in the end"

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Taxpayers fork out millions for the maintenance of prisoners

illegally trading baskets. She had been given R50 bail but could not afford it so went to jail. A lot of prison space is taken up by these people," Niehaus said

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Keeping them out of jail would save the country massive bills as community service was far cheaper. It

would also keep minor criminals out of contact with prisoners convicted for serious crimes

Nicro spokesperson Ms Rosie Shapiro said it cost about R500 to set up a six-month community services programme for one person, including the cost of salaries of supervisors. This was equivalent to the cost of keeping one individual in jail for about 10 days

Democratic Party spokeswoman Ms Dene Smuts said yesterday she wished the prisons initiative every success

"But I think I speak for many South Africans that the ANC-led government seems to lavish more attention on criminals than on victims," she said

Radebe takes Mzimela to task

ARG 27/7/95 (253)

□ Cabinet fireworks over criticisms

The Argus Correspondent

JOHANNESBURG — Public Works Minister Jeff Radebe has asked the cabinet to reaffirm his department's functions and to order Correctional Services Minister Sipo Mzimela to formally and publicly withdraw his criticisms of the Department of Public Works (DPW)

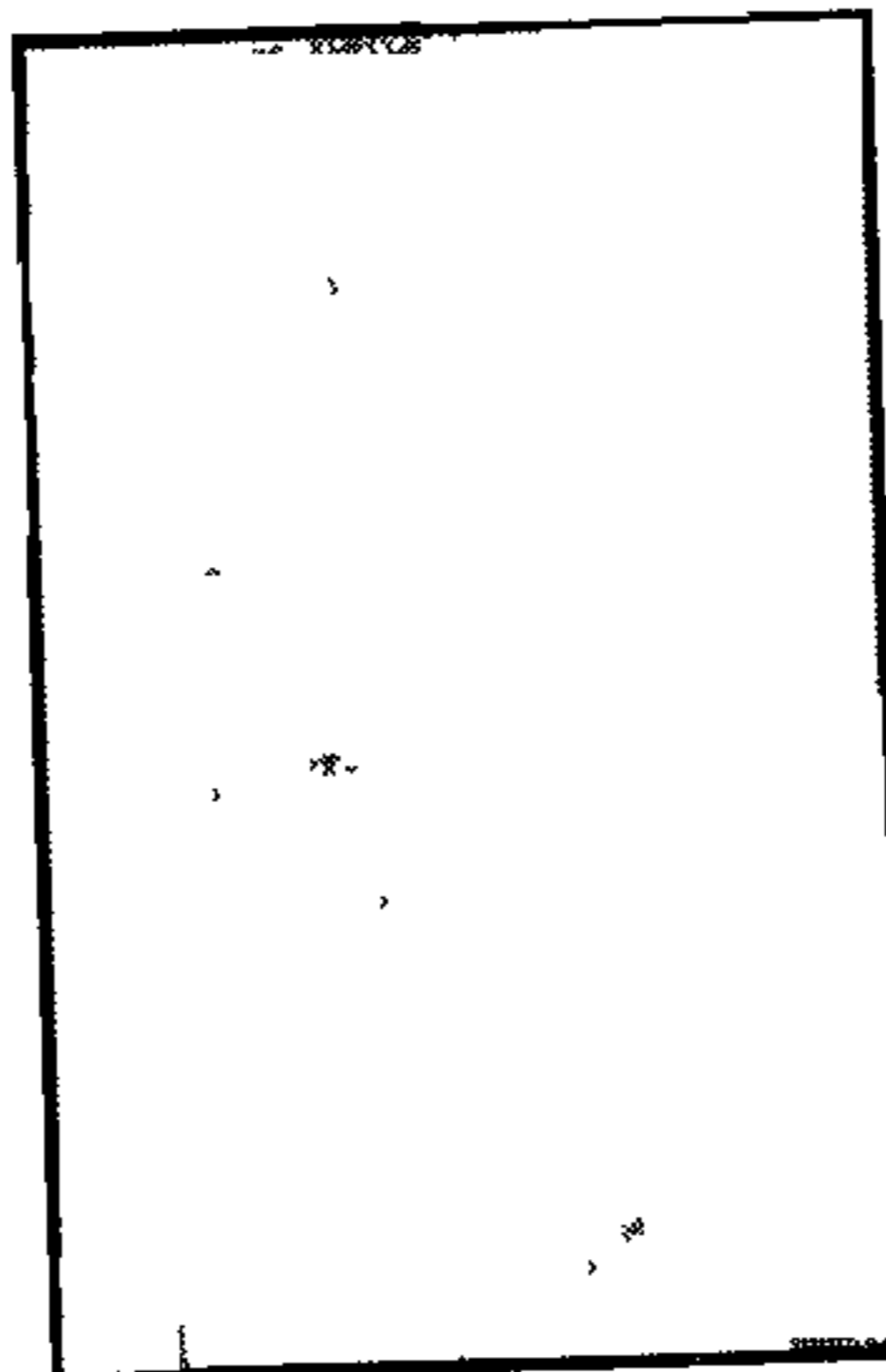
Mr Radebe also asked the cabinet to tell Dr Mzimela that the DPW's functions would not be transferred. He asked that all government ministers and departments be told of the DPW's functions and be instructed to desist from attempting to usurp them.

Cabinet sources said Mr Radebe described Dr Mzimela's statements as false and inaccurate and said the correctional services minister should tender apologies to himself (Mr Radebe), the director-general and the staff of the DPW.

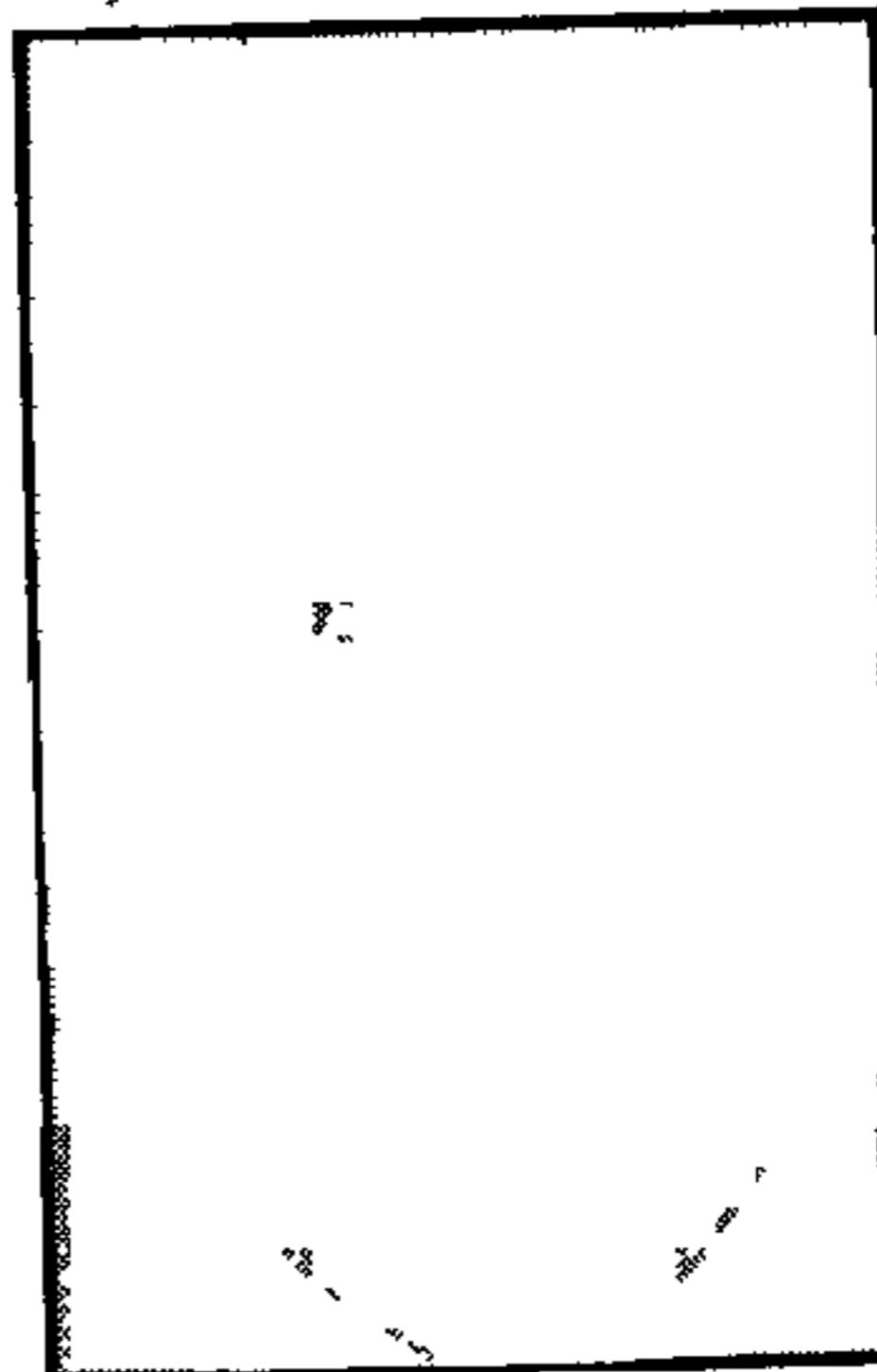
Mr Radebe, it was said, raised concern in a memorandum about inroads being made by other state departments, including correctional services and foreign affairs, on the functions of the DPW.

He warned that attempts by other state departments to usurp the functions of the DPW would lead to duplication of functions, uneconomic utilisation of personnel and the inefficient use of building sites and accommodation with high cost implications to the taxpayer.

Reaffirmation of the DPW's functions would have no finan-



Jeff Radebe



Sipo Mzimela

cial implications, he added.

The matter was taken to the cabinet after public attacks on Mr Radebe by Dr Mzimela, which led to intervention by Deputy President Thabo Mbeki.

Last month Dr Mzimela launched a scathing attack on the DPW, describing its engineers as "ignorant, incompetent and inept". He also attacked the department's designs for the construction of prisons in Goodwood, Malmesbury and Maritzburg, and vowed to stop the building of "unsuitable prisons which were a waste of public funds".

Mr Radebe pointed out to the cabinet yesterday that the plans for new prisons were made after approval from correctional services. He said the motivation offered for transferring functions and

accountability was both presumptuous and unfounded.

He charged that in launching his attacks, Dr Mzimela was not aware of the basis on which the DPW mandate was being executed or that he was ill-advised. He said the consequence of Dr Mzimela's intention to stop current construction of prisons was fruitless expenditure of millions of rands of taxpayers' money in professional fees and cancellation of contracts, an expenditure which would be the responsibility of the DPW.

Mr Radebe said the need to address the provision of correctional facilities should not be allowed to be the platform for political expediency or be used as an instrument for undermining order in public administration.

Withdraw criticisms - Radebe

■ BY JOVIAL RANTAO
POLITICAL REPORTER

Public Works Minister Jeff Radebe yesterday requested the Cabinet to reaffirm his department's functions and to order Correctional Services Minister Dr Sipo Mzimela to formally and publicly withdraw his criticisms of the Department of Public Works (DPW).

Radebe also requested the Cabinet to inform Mzimela that the DPW's functions would not be transferred. He asked that all Government ministers and

departments be informed of the DPW's functions and instructed to desist from attempting to usurp them.

Cabinet sources told The Star that Radebe described Mzimela's statements as false and inaccurate and said Mzimela should tender apologies to himself, the director-general and the staff of the DPW.

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Reaffirmation of the DPW's functions would have no financial implications, he added.

The matter was taken to the Cabinet following public at-

► To Page 3

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(173)

Withdraw criticisms - Radebe

◀ From Page 1

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to the Cabinet that the plans and requirements of new prisons were stipulated after approval from Correctional Services.

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(253)

Go-slow at prison in E. Tvl

■ LABOUR REPORTER

About 300 prison warders at the Barberton prison have embarked on a go-slow after a dispute arose with prison management over transport arrangements and allegations of racism.

The warders were continuing with essential services such as taking inmates to court and feeding them, but were not taking them out to work.

A warder said Police and Prisons Civil Rights Union members

were seeking the reinstatement of free transport for workers on night duty. They were also demanding that prison authorities stop the alleged use of prison buses to transport white warders' children to school. (253)

But Correctional Services spokesman Lieutenant Rudy Potgieter said black children were also being transported in the buses and that it was "short-sighted" of warders to take action before talks could begin.

STAV 28 / 25/75

Minister accused of putting thousands at risk in jails

ADELE BALETA, Staff Reporter

PRISONS chief Sipho Mzimela has been accused of "thwarting" progress made in handling Aids awareness behind prison walls and putting thousands of inmates at risk.

The accusation comes from the Aids Legal Network, which comprises lawyers, paralegals, Aids educators and counsellors, health workers, people who have Aids and human rights activists working toward the protection and advancement of human and legal

rights for people living with Aids.

The network was responding to comments made by the Minister of Correctional Services, Mr Mzimela, in an interview with Saturday Weekend Argus recently.

Mr Mzimela said he would distribute condoms in prisons only when he was given "irrefutable evidence" that there was sexual activity in jails.

The network questioned the minister's continued policy of segregating human immunodeficiency virus-infected prisoners at

night while denying that sex was taking place in prisons.

Network members said the minister ought to accept the reality that sex takes place within prison walls. "We cannot allow people to be sent to prisons which do not ensure that inmates are protected from possible HIV infection."

By denying the need for an adequate Aids and sexuality policy in prisons, they said, thousands of inmates were being placed at risk. They added that the Aids education pro-

gramme undertaken by the department was ineffective, as prisoners were unable to exercise many safe-sex options because they were denied condoms.

Network members said evidence of sexual behaviour had been established through carefully documented international studies.

The network referred to a recent interview with a prisoner on national television at a Transkei prison during a parliamentary select committee visit. The inmate said that sex between prisoners occurred regularly.

Niehaus gets to grips with jam-packed jails

(253) ARU 29/7/95

Most prisoners have finite sentences, are released and because of appalling conditions in jail end up being worse criminals at a cost of R50 a day to the taxpayer.

ADELE BALETA

Staff Reporter

PRISONERS, no matter what their crime, have the same constitutional rights as other citizens, says chairman of the parliamentary standing committee on correctional services Carl Niehaus

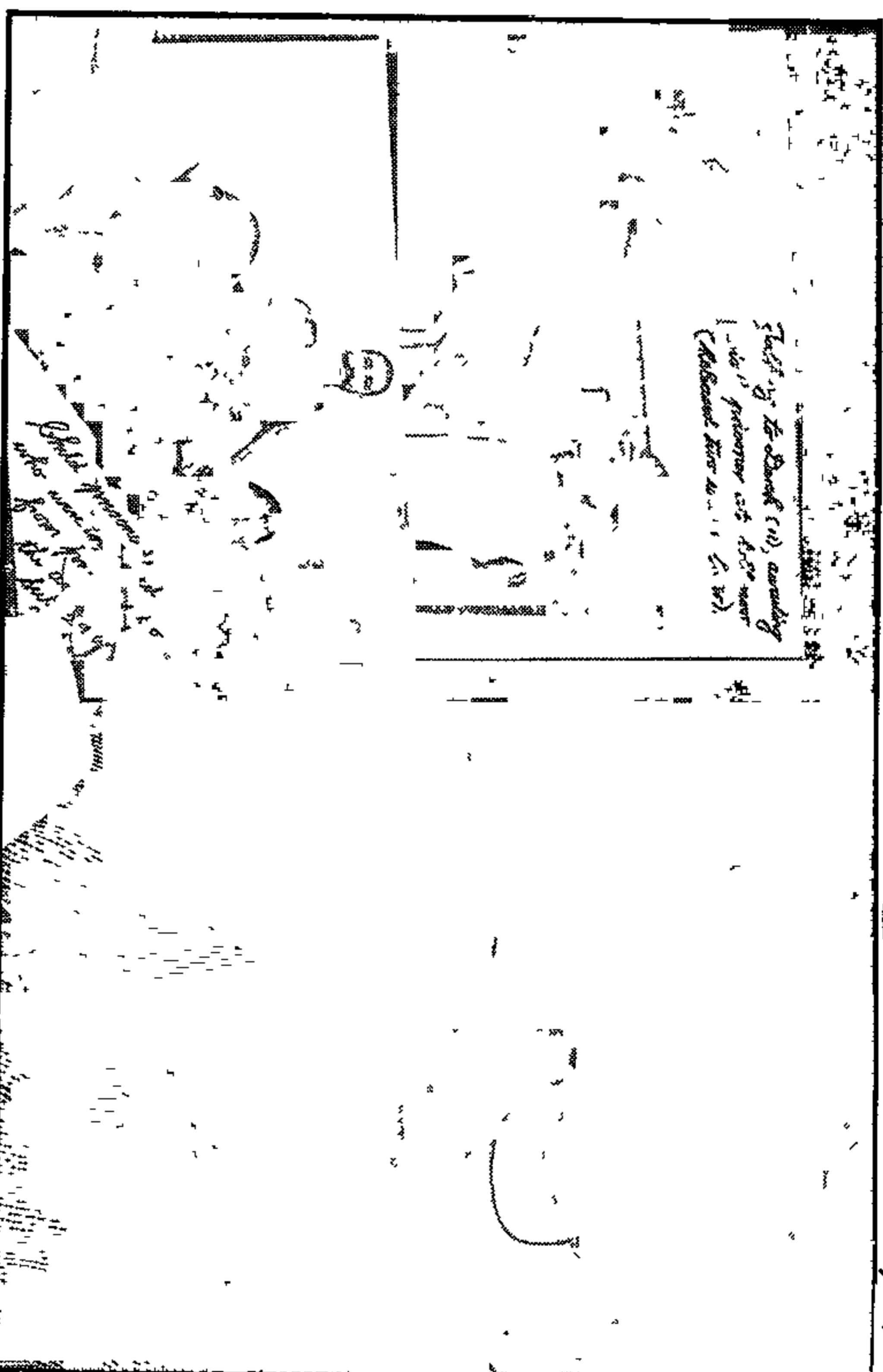
Mr Niehaus, an ANC MP and chairman of the Transformation Forum on Correctional Services, has dismissed critics of stated plans to reform and transform prisons into "education centres"

"We are not going soft on hardened criminals and we are not naive in wanting to change prisons into education centres," he said in an interview with Saturday Weekend Argus

"I am on record for calling for strong and harsh sentences for serious crimes. I have also opposed easy bail. I don't believe that people who commit violent crimes should be let out easily."

"What I am afraid of is that hardened criminals using good lawyers will use the constitution to get released."

He said these inmates could argue that present prison conditions are unconstitutional. "In many cases there are no basic facilities such as ablution blocks. I have seen the prisons which are so



Picture: LEON MULLER, Staff Photographer
 PRISON REFORM: Carl Niehaus believes in basic human rights for prisoners, which, he says, does not mean being soft on hardened criminals

overcrowded that there is not enough room for the prisoners to lie down and sleep.

"Prisoners no matter what their crime were human and were entitled to their rights provided for in the constitution."

But the essence of the issue for Mr Niehaus is that the majority of prisoners are released. "In many cases they are petty offenders who learn violence and aggression because of conditions behind prison walls. Instead of being rehabilitated they become worse. In ef-

fect its costing the taxpayer R50 a day to make a hardened criminal

"We are trying to create facilities in line with requirements set down by the United Nations Organisation. Many prisons such as Pollsmoor and Diepkloof were built as holding prisons and have become permanent prisons."

"Some prisoners who get 20-year sentences only get to exercise once a month. They should get daily exercise. There are no educational facilities which leads

to prisoners becoming idle, frustrated and aggressive." He said gangster violence and sexual assault in prisons was rampant.

"When you have minimum standards in place in prisons a situation can be created where those who want to better themselves can do so."

Mr Niehaus thought it was a good idea for prisoners to repay their victims. "Prisoners could be come productive and contribute to their upkeep as well as compen-

sating victims. This would have to be legally structured and not open to exploitation and abuse. It would need to be handled in conjunction with the Department of Justice."

He said that at present there was no distinction between hardened criminals and petty offenders, but there were too many of the latter.

"The most serious bottlenecks we are facing at the moment is awaiting trial prisoners."

"It makes no sense overcrowding prisons. This leads to mass releases, many of them serious criminals, who then commit crimes like rape and murder."

"These releases have never been properly assessed. The wrong people get out and those that should be released are not. It's been a crisis management system."

What is needed is analysis of the situation, he said.

"There needs to be a careful assessment of our prisons. They are overcrowded and we need to bring the population down but we cannot release 30 000 to 40 000 prisoners at a time."

He said the demilitarisation of prisons and the establishment of an Independent Prisons Directorate formed the basis of plans to transform prisons.

The forum would address issues such as community involvement in a "watchdog" capacity, labour relations, staff training and adequate training and education for prisoners.

"We will also concentrate on establishing full co-operation between the ministries of safety and security, correctional services and justice which at present were too separate," he said.

Not a speck of rust, the car sprayed - an inside job

THABO THULO
Own Correspondent

DURBAN — Leaving a car with doors open and the keys inside in the care of convicted criminals would send shivers down the spines of most motorists. But it's being done.

The cars are perfectly safe. They are left at the Westville Prison in the hands of about 15 inmates who are panelbeaters.

"It makes business sense," said Alan Rowe, a city estate agent who had his car panelbeaten there. "I got a quote of R12 000 in town before going to the prison, where they did a quality job for R6 000."

Hennie Holtzhausen, in charge of industrial activities at the prison, said the prison team had a waiting list of 100. Customers brought their own materials.

He said prisoners brought in more than R5 000 a month, saving the state money while earning themselves a gratuity of about R30 a month.

Prisoners complained they received these payments irregularly. Some said they had not been paid for six months.

Major Holtzhausen said the prisoners' complaints about pay

ARG 29/7/95
were based on a misunderstanding. Newcomers found to be unsuitable for the work were transferred without pay to work where they could fit in better. For the rest, half their payment was kept until their release.

"For their own safety they are not given cash. They buy goods from a tuckshop which deducts the cost from their accounts."

He said sometimes a prisoner did not check his account, then claimed he had not been paid. But he admitted there were also administrative problems which caused delays.

The prisoners are trained by two inmates who qualified before they were jailed. They also remove rust from cars, spray fridges, motorbikes and boats. Inmates are also trained as motor mechanics, upholsterers and signwriters.

Prison is no longer a place of punishment but of rehabilitation, said the acting-head of the prison, Engelo Pete. "The fact that a person has lost his or her freedom and has been removed from friends and family is punishment enough. Our aim is to prepare the prisoners for reintegration into

society after release."

(253)
An example of this change by prison authorities is demonstrated by how it intends treating juvenile convicts. "The idea is to create an environment as close as possible to that of a normal home," said education officer Lorraine Scheepers.

The under-used women's section of the prison is being converted into a youth centre, complete with a school, library and kitchen. "From next year children will spend the days in school, the afternoons at the sport grounds and evenings doing homework before going to sleep, just like those outside," said Captain Scheepers. Eight teachers from ordinary schools have been recruited to assist four prison educationists and are already undergoing orientation.

Captain Scheepers said juveniles would receive free education up to matric.

New teacher Jeffrey Mkhize from Maritzburg said he saw his appointment as a challenge. "My work is to reconstruct and develop the youths so they are able to compete with those outside in the job market."

THE PRISONS DEBATE

Educational pilot scheme offers a beaming ray of hope

(253)
ARG 29/7/95

ADELE BALETA

Staff Reporter

AN Absa bank subsidiary is beaming educational television into Eastern Transvaal prisons in line with the government's aim to transform prisons into education centres

And if the pilot project works it will be applied to other prisons

Robert Emslie, deputy managing director of Africa Growth Network (AGN), an independent subsidiary of Absa, said the network was supplying the prisons with television sets, pre-packaged education programmes and live broadcasts

General Timothy Khozo, provisional commissioner of Eastern Transvaal prisons, said two television sets had been installed at Witbank prison, two at Bethal and another two would be installed for juveniles at Barberton Prison

General Xhoso believes education in prisons is long overdue

"It's time we began to educate everyone in this country," he said

Mr Emslie said "People often turn to crime because they do not have food, are unemployed and uneducated. One reason for sending people to prison is to make sure they are rehabilitated

"It's no good sending someone to

jail to reflect on their sins without training them and offering them the opportunity to become better people"

Mr Emslie said the kind of technology AGN delivers meant it could go into prisons

"We will use live broadcasts and prepackaged material to deliver our education content — adult basic education, numeracy and literacy —"

"We have a TV channel which works on an encoded signal basis like M-Net. We make use of lecturers, teachers and educational NGOs for the content of our educational programmes"

Africa Growth Network's mission is to offer affordable and accessible education and training to the disadvantaged

"There are more than 100 000 people in jails countrywide, many of whom are illiterate youths," a spokesman said

The network came into contact with the Eastern Transvaal's correctional services as a result of a marketing exercise

"We are thrilled that we can offer value to Correctional Services and assist with someone's future who may otherwise have been destitute. We are hoping to expand our involvement in prisons throughout South Africa"

Steps against prison warders recommended

(253)
SFW 29/7/95
By BRONWYN WILKINSON

An investigation into an assault on prisoners during a parliamentary visit to Mdantsane prison in the Eastern Cape two weeks ago has recommended that the Department of Correctional Services take disciplinary steps against warders because of their attitudes towards prisoners.

A statement by the department released this week said a warder had been suspended and would be prosecuted, but it did not mention that the attorney-general had voiced his concern over warders' general attitude.

Quoting from the report, the chairman of the parliamentary committee on correctional services, Carl Niehaus, said the attorney-general had written: "I am perturbed about the attitude of certain of the prison staff as exhibited by their behaviour towards prisoners after the visit by a parliamentary delegation and suggest that the Department of Correctional Services consider the taking of further disciplinary steps."

The report found that it was unnecessary to prosecute anyone for discharging a tear gas canister during the parliamentary visit as this had been an accident.

Get real on sex in our prisons, AIDS

body tells minister

Star 29/7/95 (253)
Prisons chief Sipo Mzimela has been accused of thwarting progress made in handling AIDS awareness behind prison walls and putting thousands of inmates at risk

The accusation comes from the AIDS Legal Network which comprises lawyers, para-legals, AIDS educators and counsellors, health workers, people who have AIDS, and human rights activists working towards the protection and advancement of human and legal rights for people living with AIDS.

The network was responding to comments made by the minister of correctional services in a recent interview. Mzimela said he would distribute condoms in prison only when he was given "irrefutable evidence" that there was sexual activity in jails.

The network questioned the minister's continued policy of segregating HIV-infected prisoners at night while denying that sex takes place in prisons. Members said the minister ought to accept that sex in prisons is a reality.

"We cannot allow people to be sent to prisons which do not ensure that inmates are protected from possible HIV infection," they said.

By denying the need for an adequate AIDS and sexuality policy in prisons, thousands of inmates were being placed at risk. The network added that the AIDS education programme undertaken by the department was ineffective. Prisoners were unable to exercise many safe-sex options because they were denied access to condoms.

Surprise visits to Parkview police cell inmates are welcomed

Star 29/2/95

253

By TROYE LUND

Prisoners' rights and immaculate cell conditions are now a priority at Johannesburg's Parkview police station, where residents of the suburb make unannounced visits to the holding cells, at any time, to interview inmates.

The initiative has been welcomed by the Police and Prisons Civil Rights Union (Popcu) which wants such action made compulsory throughout the country.

"Cells are usually not fit for animals. This will not rehabilitate people but succeed in making them resort back to crime when released," says Popcu's deputy chairman for Gauteng, Vusi Kulele.

But critics of Parkview's initiative say victims of crime should come first. "Criminals have no rights, they forgo them when arrested.

"The system should be concentrating on the vast number of victims of crime," says Norwood Community Police Forum chairman Gerhard Heiser.

Kulele disagrees. "Prisoners are not outcasts. Rehabilitation and reform results from being treated with dignity and respect irrespective of the crime one has committed."

Parkview's cell monitoring group chairman, David Frank, says an emphasis on prisoners' rights combats crime more than it helps criminals.

The *Saturday Star* accompanied him on a monitoring visit.

Frank and his fellow monitor first check the cell register. This establishes who is being held in the cells and what they are being held for.

It also ensures that numbers on the register correspond with the number of inmates as well as ensuring suspects see a magistrate within 48 hours of their arrest. Complaints are then discussed with the station commander.

BRITTS

Warders strike in drugs row (253)

ET 1/8/95

A WILD-CAT strike by Worcester prison warders, launched in protest against a colleague's being searched for drugs, was called off after a charge of trespassing was laid against the police.

The search for drugs by two members of the Worcester dog unit had failed to yield any. Police and Prisons Civil Rights Union spokesman Sergeant Chris Carolissen said.

Pollsmoor (253)

'may be sold'

CT 1/8/95

THE Ministry of Correctional Services says it may sell two of the biggest prisons, Pollsmoor in Cape Town and Westville Prison near Durban, to build smaller jails.

Spokesman Mr Bert Slabbert said Minister of Correctional Services Dr Sipo Mzimela had appointed an adviser to investigate the modernisation of prisons. This "includes the possibility of putting these big prisons on the market".

Police cells 'are not overcrowded'

Ingrid Salgado

(253)
201/8/95

GAUTENG police were experiencing no overcrowding problems in police cells despite having arrested 6 011 people in the past 10 days, police spokesman Lt Jan Combrinck said yesterday.

He said the justice system, police, the national defence force and the community were equipped to deal with the crackdown on crime that formed part of the province's community safety plan.

However, court cases following arrests would take their normal course, since there was "no short-term solution" to crime. The community safety plan was not an once-off project but

was rather a new policing style adopted by the SAPS.

Combrinck said 36 people had been arrested on charges of murder and attempted murder, 34 for alleged armed robbery and theft of a violent nature, 117 for rape, 22 for vehicle hijacking, 169 for housebreaking and 128 for vehicle theft.

Nearly 30 drug-related arrests were made while 406 people were apprehended for theft and attempted theft of a non-violent nature.

More than 1 000 illegal immigrants were also arrested. Other arrests were for arson, assault, illegal possession of firearms and ammunition, drunkenness and indecent exposure.

Police confiscated more than 100

stolen vehicles, 43 illegal firearms and stolen property worth R900 000, he said.

The public had, in most instances, been very helpful and patient when being searched.

However, it was "totally unacceptable" that two officers had been killed during the crackdown and three others seriously wounded, Combrinck said.

One officer had been killed and another wounded at the George Goch hostel in Johannesburg at the weekend when they were attacked by unknown gunmen. Two officers had been stabbed in Louis Botha Avenue in Johannesburg while another was stabbed to death in Daveyton.

Prisons facing Aids 'time bomb'

(253) CT 3/8/95

THE cabinet-approved National Aids Plan, ending discrimination against HIV-positive prisoners, has yet to be adopted by the Department of Correctional Services, Correctional Services parliamentary committee chairman Mr Carl Niehaus said yesterday.

The department was sitting on a time-bomb because of its discriminatory Aids policy and a reluctance to distribute condoms in prisons, he said.

The plan calls for an end to segregating prisoners with HIV/Aids.

Although mandatory HIV testing in prisons had been abolished, those who agreed to testing and were found to be positive were seg-

regated from other inmates, Mr Niehaus said. This made other prisoners reluctant to have Aids tests.

A total of 18 inmates had Aids, and 514 inmates were HIV-positive, Correctional Services spokesman Major Bert Slabbert said, adding that this only included those who had agreed to the test.

Mr Geoffrey Taylor of the Aids Legal Network said the Correctional Services' refusal to distribute condoms was "short-sighted".

He said Correctional Services Minister Dr Sipo Mzimela had asked for "proof" that sex takes place in prison. "But actually we all know sexual activity does take place," he said. — Sapa

Aids Sentence

ep ~~6/8/93~~ *6/8/93* *(253)*
Prisons are Aids hotbeds -
but condoms a clear no no

SOUTH African prisons are ripe for an Aids explosion. And the situation is not likely to improve with the prison authorities' reluctance to distribute condoms to prisoners, Correctional Services parliamentary committee chairperson Carl Niehaus said this week.

It is also clear that the authorities have a blinkered vision of the sexual practices that are taking place in prisons.

"There is substantial free sexual activity going on in our prisons and therefore it makes sense to provide condoms," said Niehaus.

He said that there was a "substantial increase" in aids cases.

Recently, Correctional Services Minister Siphosiso Mzimela said that he travelled to different prisons and asked prison commanders about the extent of homosexuality in prisons.

"They say nothing is

happening, and that you might as well say sex is happening in monasteries and convents," he said.

But what do the prisoners say?

A former long-term prisoner at Westville Prison spoke to City Press about his experiences.

"I was 19-years-old when I started my sentence. On my very first night I was placed in a cell with eighteen other inmates. I had heard stories about prisoners being raped and sexually abused, but I did not think it would happen to me on my very first night.

"As soon as the lights went out I was attacked by three men. All the other men were aware of what was going on but they did nothing. They

told me afterwards that it was a form of initiation that I had to go through before I was accepted into the community.

"It was very painful but I did not cry out and, the next morning I did not report it to the warders because I knew that at night there would be no warders to protect me," he said.

The former prisoner spoke about the unusual social order that is set up in prison around sleeping partners.

"Normally if you are below twenty - or in your early twenties - you are assigned to an older man or someone who has been in prison for a long time. You become known as that prisoner's 'lightie'. I was the 'lightie' of a man

who was serving fifteen years for armed robbery. In return for being his 'lightie' - and providing sexual services - he was my protector. He also provided me with nice things like extra food, dagga and cigarettes.

"This was a style of life that everyone accepted in prison. I was also placed at the Pietermaritzburg prison for a while and exactly the same thing happened there.

"If the authorities say there is no sex in prison they are lying through their teeth because I know of prison warders who also engage in this practice with prisoners."

The authorities' refusal to deal with the problem is due to the moral dilemma that they have to deal

with, Geoffrey Taylor of the Western Cape Aids Training Information and Counselling Centre said.

"The premise of the policy seems to be that sexual activity between people of the same sex is 'immoral' and that prisoners with HIV may be more likely to indulge in 'immoral behaviour'. This moralistic and unscientific attitude, which also underlines the refusal to make condoms freely available in South African prisons, is vulnerable to constitutional authority," he said.

The Department of Health supports the issuing of condoms to prisoners. It hands out information to prisoners, describing the use of condoms.

"Sodomy in prisons does occur, and condoms must be accessible to prevent the transmission of HIV," said Taylor.

The National Aids Convention of South

Africa agrees with the call to revise Correctional Services' policies.

"The problem of HIV/Aids in South African prisons must be viewed in the context of overcrowded living conditions, a prevailing gang culture, inadequate access to health care and a long history of political imprisonment and racial segregation," it stated.

A dissenting voice is the African Christian Democratic Party whose leader, Kenneth Meshoe, said that proof was needed to show that "an unnatural thing as sexual relations between same-sex partners can take place".

"By wanting to distribute condoms in prison the Department has apparently decided that unnatural sexual relations in prisons is acceptable. The individuals that take part in sodomy, willingly and unwillingly, need counselling not condoms."

JAIL RECOMMENDATIONS NOT BINDING

Judges cannot prevent parole of prisoners

PRISON officials are not bound by a judge's recommendations that a prisoner sentenced to life imprisonment should never be granted parole. **CAROL CAMPBELL** reports.

PORT ELIZABETH's "ripper" rapists, who were sentenced to life imprisonment this week, will be eligible for parole in 20 years — despite the judge's intention that they should never be freed

Their sentencing came just a day before tough new legislation, which may eventually enable judges to put criminals behind bars without a chance of parole, was tabled in Parliament

Sentencing self-confessed satanists Frans du Toit, 26, and Theunis Kruger, 20, Mr Justice Chris Jansen ordered that copies of the sentence be given to prison authorities to "make it clear that if any future consideration is given to release them, my intention was that they spend the rest of their lives in jail".

Du Toit, who will be 46 when he becomes eligible for parole, was sentenced to three terms of life imprisonment and Kruger, who will be 40, to life and 25 years' imprisonment

Yesterday the dean of the law faculty at the University of Cape

Town, Professor Dirk van Zyl Smit, said that under the existing system no prisoner sentenced to life could be freed on parole unless agreed to by the National Advisory Council of the Department of Correctional Services

"A judge cannot stop a prisoner from receiving parole but his recommendations at the time of sentencing give the National Advisory Council a good idea of what they should do. However, they are not bound by the judge's original decision."

Helpful

Department of Correctional Services spokesman Brigadier Chris Olckers said the judge's comments in the trial of the "ripper rapists" would weigh heavily against them when they came up for parole

He said it helped the Department of Correctional Services a great deal when judges insisted copies of their sentences be included in the culprits' prison files

The new Criminal Procedure Amendment Bill, which it is hoped

will give the justice system more teeth after the controversial scrapping of the death sentence in June, will now come before the Portfolio Committee on Justice and then the National Assembly before it is made law.

In recent months several judges have voiced their dissatisfaction with the parole system — unhappiness that was highlighted by Supreme Court judge Mr Justice Theo Grobbelaar

The judge discovered, to his horror, that a convicted murderer who escaped two days after his sentencing had already been given a parole date 20-years hence

Despite questioning Brigadier Gert Jonker of the Department of Correctional Services about the meaning of "a life-long sentence", he said afterwards "I am still in the dark"

There is not much clarification about when a person becomes eligible for parole because it really depends on his behaviour in prison

In the case of life sentences a prisoner has to serve at least 20 years before he will be considered — irrespective of how many life sentences he was given. Even then it is up to the advisory board to decide if he is to be freed.

259/8/95

(253)

Draft Bill aims to throw away the key

(253) ~~252~~
Adrian Hadland

BD 10/8/95

CAPE TOWN — Criminals sentenced to a new form of life imprisonment will leave jail only in a coffin, according to draft legislation tabled in Parliament this week.

The Criminal Procedure Amendment Bill, which was proposed by DP MP Douglas Gibson, seeks to toughen the judiciary's sentencing and bail options in a bid to tackle SA's high crime levels.

It states that imprisonment for life may be handed down "without the possibility of parole or release from prison before the death of the person so convicted".

The passage of the Bill through the private members' legislative proposals and petitions committee to the National Assembly's justice committee marks the first time legislation introduced by an individual MP has reached so far in the law-making process.

According to the explanatory memorandum of the Bill, the substance of the legis-

lation was framed "in order to impress on criminals that society disapproves of provisions in the present Act which leads to early parole or release from prison".

The Bill introduces two new categories of imprisonment: a life sentence "which means just that", according to Gibson, and a jail term which excludes parole.

Following the abolition of the death penalty, it was "necessary that the courts should have an additional sentencing option appropriate to aggravated crimes where there are no mitigating factors".

The Bill also compels the court to refuse bail to persons accused of serious offences unless the accused is able to convince the court that a release would not be contrary to the interests of justice.

"The onus of proof should shift to the accused," said Gibson.

The Bill was accepted unanimously in the private members' committee and has been given the support of Justice Minister Dullah Omar.

JONES\$
↑STUDENT
↑UCT

APR 16/8/95
**Prisoners
and staff
in 'need
(253)
of help'**

TYRONE SEALE
Political Staff

A PARLIAMENTARY committee has recommended urgent psychological help for prison staff and prisoners suffering stress after unrest in jails last year

And the committee says legal action should be dropped against those who escaped during riots and later surrendered

However, legal proceedings should proceed against those who did not surrender

The national assembly portfolio committee on correctional services' recommendations follows its study — with the help of public comment — of the final report of the Kriegler commission of inquiry into last year's prison riots

The committee concurs with the commission that amnesty, the new release policy and prison conditions led to the unrest between April 26 and June 13 last year.

In a report tabled in the national assembly, the committee said it was aware that prospects of early release was a perennial issue for prisoners, and that there continued to be a great deal of tension about amnesty, which could lead to further unrest.

"It is therefore imperative that uncertainty about the amnesty issue be removed, and that the government's final decision on amnesty be communicated to all prisoners in a sensitive but unambiguous way"

The report noted that while amnesties granted between June last year and April were meant to mark critical events in the history of South Africa, the crime wave and high levels of recidivism among prisoners who had benefited from previous amnesties, mitigated against granting more substantial amnesties

The committee said even though there was valid criticism of the new release policy, this policy was an improvement on the former dispensation

It also shared the concern expressed by the commission at the inadequate participation by groups outside the department of correctional services in the procedures of the new release policy

It also expressed concern that prisoners were not afforded adequate opportunities to put their cases to the parole boards

□ Report cites rising crime wave

Political Staff

ANOTHER general amnesty that would free 52 000 prisoners should be rejected because of the rising crime wave and the tendency of those released to commit new crimes.

This is the view of parliament's portfolio committee on correctional services in a report tabled yesterday. It also said that uncertainty about amnesties was a major cause of unrest in prisons.

The committee, chaired by ANC MP Carl Niehaus, was commenting on hearings it held on a report by a judicial inquiry into prison unrest chaired by Mr Justice Kriegler.

The commission had recommended a general remission of sentences, subject to a maximum of three years. Its effect would have been to release 52 000 prisoners, about half the prison population.

The committee report argued in response that "amnesty is not a general part of the release policy of the Department of Correctional Services" and that it was "a unique mechanism which is the prerogative of the president and is usually announced to mark an important event in the history of the country".

The amnesties announced by President Mandela on June 10 1994 and April 27 1995 were intended to "mark the transition to a nonracial democracy in South Africa".

"They were not intended to, and could not in any sustainable way, resolve the serious problem of overcrowding in prisons.

"While the amnesties were meant to mark critical events in the history of South Africa, the crime wave and the high levels of recidivism among prisoners who have benefited from previous amnesties mitigated against granting more substantial amnesties," said the committee.

An amnesty should remain the prerogative of the president and it would be inappropriate to create an amnesty resolution committee.

General release policies which were fair to prisoners and which had regard for the protection and safety of communities should be developed.

The committee said it was concerned about the way amnesty decisions were communicated to prisoners. An announcement at Modderbee Prison "added to the already tense and violent situation".

"It was probably a contributing factor to further violence that erupted. These events highlighted the lack of confidence that most inmates had in the department.

"It is evident that years of prison management during the apartheid era had seriously undermined the credibility of the department and special attention should be given to interpersonal communication and communication strategies in order to rebuild confidence," said the committee.

It supported the department's new release policy, but said parole or correctional supervision should be used to avoid sentences being prolonged by the policy.

Thumbs-down for plan to release 52 000 from jails

(153) ARG/16/18/95

Wiley slates Niehaus 'crusade'

(253) ET 18/8/95

THE CORRECTIONAL Services Committee chairman, Mr Carl Niehaus, had abused his parliamentary position to indulge in a "crusade" against the Department of Correctional Services, National Party Senator Mark Wiley alleged yesterday

In an open letter Mr Wiley said Mr Niehaus had to realise society demanded that criminals be punished

"Mr Niehaus must stop his very damaging crusade and start supporting the department to the benefit of all law-abiding

citizens," the NP Senate spokesman on Correctional Services said

Referring to Mr Niehaus' demand that prisoners be given condoms and that HIV prisoners not be segregated, Mr Wiley asked why he had not just given evidence to the working group in 1994 "instead of grandstanding before the press"

He should apologise to Parliament and the department for his "emotive, one-sided and highly destructive public statements" — Sapa

Most prisoners jailed for economic crimes?

(253) CT 22/8/95
SPECIAL CORRESPONDENT

JOHANNESBURG. Most prisoners were jailed for economic crimes and were not all murderers and rapists as portrayed by the media, Correctional Services Minister Dr Sipo Mzimela said yesterday.

Speaking at the Safety and Security Summit here, Dr Mzimela said most criminals committed crimes to survive and would not be in prison if they had the opportunity to get a job.

"The vast majority of inmates I have met committed crimes linked to the economy," said Dr Mzimela.

He said they would not have been in prison if they lived in a country like Taiwan where there was full employment.

"Many people who hijack and steal are not evil or lazy or don't want to work — they have no jobs.

"The country has the resources to create enough jobs and there was a time in our history when there was no shortage of money."

Dr Mzimela said educational programmes and counselling were important factors while prisoners were imprisoned.

"By being taught a skill they regain their self-esteem and dignity and by the time they leave prison they have a new outlook on life," he said.

He said it was a misconception that it was more costly to rehabilitate a prisoner than to punish.

Cheaper

It cost the state R54 a day to incarcerate a prisoner in comparison to R10 a day under Correctional Supervision, in which the prisoner went about his normal life outside prison, but did community service under supervision.

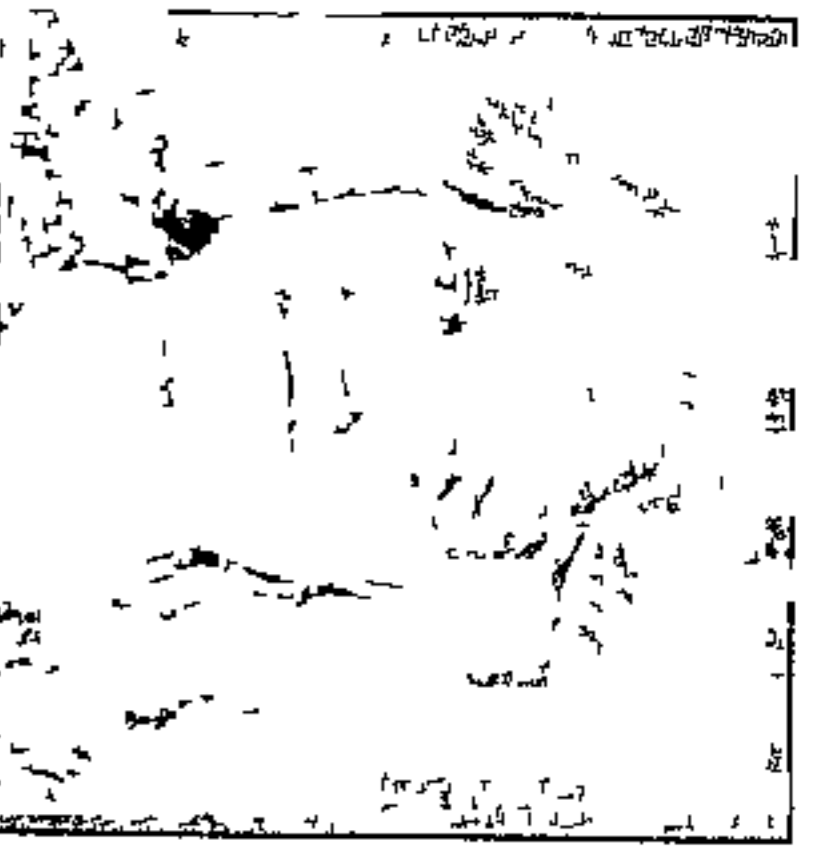
"Unless the economy expands to such a degree that jobs are created and people regain their self-esteem, the prevention of crime is purely academic," Dr Mzimela added.

Popcru threatens mass action

CT 22/8/95

THE Police and Prisons Civil Rights Union (Popcru) would initiate mass action countrywide if its demand for visible affirmative action was not met by September 30, spokesman Sergeant Eddie Johnson said yesterday.

"If the Department of Correctional Services does not deliver, it will experience unprecedented resistance," he said on his return from a national union meeting in Bloemfontein. (251)(253)



Do you feel you have had a raw deal or need help to beat the cheats?
 Then STAR LINE, The Star's hard-hitting consumer service headed by JUNE BEARZI, can help. Send your letters to Star Line, PO Box 1014, Johannesburg, 2000 or telephone all inquiries to (011) 838-2383

Bid to stop fly-by-night builders

Star 22/8/95

HIS GAME IS UP
 A retired soccer star has had the whistle blown on him by angry clients of his home building firm. **JOHN MILLER** reports on this matter and two other home builders who also failed to deliver.

A former Orlando Pirates goalkeeper who ran a home-building venture has refused to play the game with one of his clients after she paid a R15 000 deposit on a house and not a single brick was laid.

Nowatu Nkota of Tembisa said she paid the deposit to Patson Banda in December 1993 when he was running Rescue Kitchen cc from Commissioner Street in Johannesburg.

Nkota said work on her R64 000 three-bedroom house in Walkerville was supposed to start at the beginning of last year.

She visited Banda's office several times and was given excuses about the delay. Finally, she discovered he had closed shop.

Some weeks later when she tracked him down to his home in Orlando West he told her he had started building.

When she visited the stand she found there was not a brick on site.

"I returned to Banda's house and he told me that bricks stacked next to his home were to build my house but the delivery man could not find my stand."

Nkota said she was furious when she again visited Banda's house and noticed the bricks had been used to build a driveway on his property.

"I asked him if he had used my bricks for his driveway but he denied this."

She said Banda later claimed he would sell his home to repay her R15 000.

However, over the last year a letter of demand for repayment, a complaint to Lawyers for Human Rights and a charge of theft all failed to get her money back.

Banda told Star Line on the phone that his contract stipulated



that a client had to pay a minimum deposit of 50% before work would start.

He refused to say what had happened to the money and denied he'd laid a driveway with Nkota's bricks.

After failing to keep an appointment with Star Line Banda refused to discuss the

matter any further as he claimed Nkota kept on changing her story.

When it was pointed out that Star Line believed in printing both sides, of the story he shrugged this off.

A prospective homeowner from Kagiso, Martha Maswazi, said she paid David Mokhehi of the same township a deposit of

R1 200 to build a two-roomed house last year.

But Mokhehi of MDM Builders had not been seen since she handed him the money.

Yet another victim of a construction company, Polly Modiko, said she met Willie van Biljon in December 1993 when she was shown houses he had built in

Fourways.

Modiko said she paid R3 000 on Van Biljon's insistence in February last year and a further two cheques of R1 000 each in May and June to build her Kyalami home.

The following month her home loan of R223 000 was approved and Van Biljon was instructed to

start work.
 A year later nothing has been done.

The National Homebuilders Registration Council, which was established to protect the public against fly-by-night operators or "bakkie builders" as they are known in the trade, has issued several warnings.

Managing director Peter Allsop said builders would be required to apply for registration by September 1 and be registered by November 1.

Once this process was complete builders would be issued with certificates and the public would be entitled to ask for proof of membership.

He said the council would soon publish lists of registered builders.

Registered builders would also have to supply the buyer with a written contract which must include a three-month post-occupation or defects warranty as well as a 12-month post-occupation roof-leak warranty. The builder must also offer a five-year structural warranty which included the foundation, walls and roof.

Allsop cautioned home buyers that many builders offered warranties which could not be backed up by the council as they were registered with other associations.

It would only be possible for the council to back up members' warranties once a Warranty Fund was set up early next year.

"In the meantime we can deregister a builder if he does not repair defects."

Allsop said all deregistered builders would be placed on a blacklist and their names made available to banks and other authorities.

"At this stage Sithole said I would get R90 000, but when Taylor pulled me to one side he said he would give me R110 000."

The woman and Sithole returned to Rosebank after Taylor had certified that the stones were authentic.

She dropped Sithole in Rosebank and returned to her office, where she received calls from Sithole and Taylor urging her to raise the R5 000.

"A friend helped me raise the money and I returned to Rosebank the next morning," the woman said. She said, when she handed

him a "gem stone" deal turned into a nightmare for a Bryanston woman when swindlers made off with her R5 000.

The woman, who wishes to remain anonymous, said she wanted to warn the public who might be conned by shrewd tricksters into buying what appeared to be precious stones.

She learnt the expensive way that the "gems" were in fact pieces of coloured glass.

She said she received a call from a stranger who introduced himself as Brian Sithole, from Zimbabwe, on July 13.

"He wanted to know whether I would be interested in selling jewellery and leather goods."

She said it sounded above board and went to meet the "partners" at a Rosebank coffee shop.

They showed her the attractive shiny stones at the coffee shop and told her she would have to act as a courier between the seller and a buyer at the Benmore shopping centre.

She and Sithole drove to Benmore and met a third man known as Lawrence Taylor.

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Wheeler-dealer goes to ground after Star Line report

Wheeler-dealer goes to ground after Star Line report

TRENDS:
• TOMORROW:
 Children getting when they buy food from the tuckshop?

Mohamed Chothia has gone underground following Star Line articles about his luxury used car scam.

Two days after the most recent article revealed his trading activities and strongarm tactics, he closed down Mayfair Motor Mecca in Central Avenue as well as Malvern Motor Mecca in Jules Street.

Signwriters started painting over the old Mayfair signs and within hours all the cars had

amounts of groceries had been moved on to the shelves of what is now called Central Supermarket.

Star Line established that the supermarket is run by Ismail Lambert, the son of Chothia's close associate Saifee Lambert.

The owner of a shelf-supply company told Star Line he had been contacted by someone calling himself Mohamed Suliman (Chothia uses this name as well as Mr Mohamed) and was asked to fit shelves at the

"I recognised Mohamed's voice immediately and told him that he had not paid me for a job I had done for him previously."

Angry members of the Muslim community have also lashed out at Chothia's business dealings, saying he was running the good name of the community.

One incident which had infuriated people took place at a funeral in Rynsord near Benoni. Star Line was told that one

of the mourners had confronted Chothia about R30 000 which was paid to the Mayfair dealer. Chothia had apparently failed to fulfil his side of the deal. When the mourner, who lives in Brits, demanded an explanation, Chothia allegedly pulled out a gun and threatened the man. Other mourners, removed Chothia from the cemetery.

Recently Star Line reported that Chothia duped clients into handing their luxury cars over to him on the pretext that he had cash buyers. Chothia had

contacted them by reading the "cars for sale" section of the *Autotrader*.

Once he had cars in his possession he refused to pay out his clients. Star Line has established his racket involved cars, valued at millions of rands, belonging to dozens of people.

Star Line has further learnt that Chothia has moved many of the vehicles taken from clients to addresses in Lenasia and Actonville.

One of his victims, Richard Moore of Johannesburg, said

"When he had gone to Chothia's Ermantia home to demand the return of his car the used car dealer had threatened to have him beaten up."

Moore said he was so desperate to recover his white 730i BMW that he planned to advertise offering a R3 000 reward to anyone who could tell him where the vehicle was.

Many of Chothia's victims have court orders for the return of their vehicles. However, they are frustrated as Chothia hides the vehicles. — **JUNE BEARZI**

happy and wanted more cash. "Like a fool I gave him my car radio and two rings."

She and Sihole then returned to Benmore to collect her new-found wealth.

"Sihole got out of the car and said he would bring Taylor to meet me."

"Twenty minutes later I was still waiting and it was then that I realised that I had been taken. I cannot believe what an idiot I have been to fall for one of the most well-known tricks," she said.

However, she pointed out that it was a well organised con and was relatively easy to fall for.

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KEEPING YOU SAFE ON THE ROAD!

Sellers in the Classifieds being conned out of goods

People who use the smalls to advertise and sell goods should be on their guard against accepting bank deposit slips as proof of payment instead of cash.

In the past few months several people have been conned into handing over a range of goods and have subsequently lost tens of thousands of rands.

After placing the "for sale" adverts, sellers received calls from strangers offering to buy the items.

When the seller insisted on cash, the buyer undertook to deposit the money in a bank and send "the driver" to show the deposit slip as proof of payment.

Two advertisers told Star Line they were later told by their banks that the deposited cheque was stolen and had bounced.

Johannesburg restaurant owner Gibson Taylor said he advertised a pie warmer for R1 200.

"The caller told me he would take the pie warmer if it was in working condition and said he would send his driver to collect it. I wanted cash and not a cheque, so the buyer offered to send the deposit slip with the driver. I realised I had been caught a few weeks later when my bank manager told me the cheque had been returned to drawer."

Taylor said that, after placing an

advert describing his experience, almost 30 people responded saying they too were caught.

The Rev Preter Theron, of Mondoor, told Star Line he had advertised and lost a laptop computer worth R12 000. The dominee even phoned his bank to make sure the money had been deposited before handing over the computer.

Two weeks later he found he had been ripped off.

Star Line was told the fraudsters use either a white Mazda 323 or a red bakke to collect the goods.

Meanwhile, Magor Martin Nel, from the Johannesburg Fraud Unit, has advised people accepting deposit slips to hold on to the goods until they are assured by the bank that the money was in their account.

He said the fraudsters used stolen cheques which they deposited and then changed details on the deposit slip duplicates.

Nel warned that these fraudsters often switched number plates on their vehicles, but he still advised people to take down the registration number.

He said another tip to would-be sellers was to take the telephone number of any callers and phone back an hour or two later to make sure they were at the number. — **JOHN MILLER**

Customer is 'chancing her luck'

The owner of a Parkmore carpet cleaning company has accused some customers of chancing their luck.

Last week Star Line highlighted the complaint from Rhona Cunningham, of Darrenwood, who said carpet cleaners had broken her fish tank. Alex Mistic, owner of Big Ben Carpet Cleaners, acknowledged the incident and said he was prepared to compensate

Cunningham.

He said she first told him the replacement tank would cost R150. However, a day later she informed him that she had spent R351. Mistic said that, while Cunningham was quick to cash in on the accident, she was unable to pay him the R85 for the cleaning job. She told him she could only afford it at the end of the month. — **JOHN MILLER**

Prisoners may soon be dining 'a la carte'

et 28/8/75

(253)

JOHANNESBURG Prisoners may be able to eat types of food they like best after a task group investigates prison diet plans

Correctional Services said yesterday the diet plan had already been approved by the Health Department

It includes 12-day cycles of nutrients. Prisoners eat three meals a day consisting usually of bread, porridge, meat and samp

Correctional Services spokesman Mr Barry Eksteen said the task group's investigation was prompted by regional eating preferences. "We need to move with the times and this task group represents just that"

Questionnaires would be distributed to prisoners on their eating preferences and rating of prison food services

The task group, consisting of Health Department employees, the SA National Defence Force, and members of non-governmental organisations, would evaluate food preparation and the quality and quantity of foodstuffs. It would also evaluate existing rationing portions

Anyone wanting to make a submission should write to the Director of Physical Care, Private Bag x136, Pretoria 0001 — Sapa

Prisons aim for 70% black staff

ET 29/8/95 (253)

PRISONS have launched an affirmative action policy which aims to have 70% black staff by the year 2000, the Department of Correctional Services said yesterday.

Currently most senior posts, at the level of major and higher, are filled by whites, while lower ranks are about equally divided between whites and blacks.

The statement said the racial composition of the general population at provincial levels would be used as a guideline for the implementation of affirmative action.

To give momentum to the policy, about 6 000 black warders and sergeants would be considered for promotion to commissioned ranks.

The department would also implement educational, training and bridging programmes to enable "under-represented groups" to compete with their colleagues on an equal footing.

Monitoring committees will be established at national, provincial and command levels to monitor the affirmative action process.

A department spokesman said yesterday no policy of retrenchments or early retirements was envisaged.

Sit-in

A reliable source said yesterday the new policy had sparked a short-lived sit-in by white warders at the Leeuwkop and Bethal jails.

Department of Correctional Services spokesman Brigadier Chris Olckers denied the allegation.

The source said the warders were disturbed after viewing a departmental video on the new policy. The tape allegedly said white warders' promotions would be delayed in favour of black officers. — Staff Reporter

'Warders in brief demo'

■ BY PRISCILLA SINGH
and PATRICK PHOSA

A proposed affirmative action policy in prisons sparked a shortlived ~~sit-in~~ by white warders at the ~~Leuwkops~~ and Bethal jails yesterday, a reliable source told The Star.

Department of Correctional Services spokesman Brigadier Chris Olckers denied the allegation.

(253)
The source said the white warders were disturbed by the new policy after viewing a departmental video tape in which it was outlined. It allegedly ruled out the possibility of whites being promoted for the next three to five years.

The source claimed the warders were coaxed back to work by prison authorities after a couple of hours yesterday.

He said the national commissioner for Correctional Services, General Henk Bruyn, had issued the tape in April. Prison staff were due to view the video prior to an announcement by Bruyn on the new policy last night.

The tape allegedly said white warders' promotions would be delayed to allow for the appointment of black officers.

Olckers said yesterday the department had decided to actively strive towards a black-white 70:30 ratio in prisons staff around the country by the year 2 000. About 6 000 black warders and sergeants would be considered for promotion to the commissioned ranks to give "momentum" to the affirmative action policy.

He could not comment on the issue of white warders remaining stagnant and refused to divulge the content of the tape.

Star 29/8/95

Prisoners go on hunger strike

(253) Sowetan
31/8/95

By Russel Molefe

MORE than 1 000 awaiting-trial prisoners at Kimberley Prison in the Northern Cape have gone on a hunger strike and are threatening to set fire to the institution to get their demands addressed speedily

The prisoners told *Sowetan* yesterday that their grievances were submitted to the prison authorities "a long time ago". They complain about the manner in which their cases are investigated by the police. They say the investigating officers also act as prosecutors in the courtroom during the hearings of some of their cases.

However, Correctional Services spokesman Lieutenant Rudy Potgieter denied there were as many 1 000 prisoners on hunger strike. He said only 120 prisoners had embarked on a hunger strike, demanding to meet prison authorities over their grievances.

Potgieter said some of the prisoners' grievances concerned the Justice Department and the Police Service. He described the situation at the prison as calm.

Police liaison officer in the Northern Cape, Captain Rita Crafford also denied that some police officers acted as prosecutors in prisoners' cases.

The prisoners claimed that the "police prosecutors" also contributed to their being refused bail even for petty crimes such as possession of dagga.

White awaiting-trial prisoners, on the other hand, were granted bail on their first request, the prisoners claimed.

They also complained that their cases were postponed to distant dates but they were never brought to court on those dates. They said this was deliberate on the part of the investigating officers to prolong their prison stay.

The prisoners also complained about prison conditions. Some were incarcerated without being fingerprinted and other procedures were not followed.

Black prisoners don't get bail but whites do

Warder dies in Kuruman racial clash

KIMBERLEY — A prison warder, believed to be white, was killed and seven vehicles were torched yesterday at Mothibistat in the Northwest after a racial clash earlier in nearby Kuruman (253)

Twelve people were treated for broken limbs and open wounds after about 150 whites allegedly attacked about 160 striking municipal workers with knobkerries and whips when they marched into Kuruman yesterday morning. MD 11/9/95

Northwest police spokesman Col Dave George said the situation in Mothibistat

was "under control but tense" at 3 30pm.

Lt-Col Johan Hickman said the Kuruman confrontation took place at about 9am after the strikers emptied trash bins and damaged vehicles and a shop window

He said Northern Cape police commissioner Lt-Gen Johan Deysel had issued instructions that a criminal case be opened in respect of every incident, irrespective of whether people laid charges or not

Hickman said reports indicated the warder killed was in his official vehicle when it was set on fire — Sapa.

Private caterers for prisoners? Things looking up for inmates

By TROYE LUND

South Africa's prisoners may soon be able to dine on cuisine they enjoy and have it prepared by private caterers, says Correctional Services Brigadier George Gordon, who heads a task team investigating prison diets.

The existing National Prisons Diet Plan includes 12-day cycles of nutrients. Prisoners eat three meals a day, consisting of bread, porridge, meat and samp. Gordon aims to make the menu more flexible and varied. The task team includes nutritional, agricultural, financial, logistical and religious experts.

Gordon says the investigation was not prompted by sliding health standards. "We are always evaluating policy. But with the integration of the for-

(253) Star 2/9/95
mer-homeland states we now have five different prison systems. We need to establish uniformity and parity and to be sensitive to religious, medical and cultural preferences."

The main areas to be probed are food preparation, evaluation of the existing national food scale, individual preferences and the financial implications of possible changes. Full or partial privatisation of prison catering services will be examined.

The task group expects to finish its report by December and changes are expected to be implemented on the first day of the new financial year in April. Anyone wanting to make a written submission on prison diets should send submissions to the Director of Physical Care, Private Bag X136, Pretoria 0001.



□ **OLD BUDDIES:** More than a thousand ex-political prisoners, above, who met at Peninsula Technikon early this year to discuss, among other things, the plight of ex-inmates. Namibian veteran freedom fighter Toivo ya Toivo (in white shirt) talks to Free State Premier Patrick Lekota.

□ **HARD LUCK:** Ex-Robben Island prisoner Elliott Mzoli Lwana, left, who died last month. His family is unlikely to benefit from government pensions for people involved in the "struggle" because Mr Lwana, who spent 18 months in jail, did not spend the minimum of five years in prison to qualify for the proposed pension.

Prisoner's diet may go haute cuisine

Staff Reporter

PRISONERS in South Africa may soon be able to dine on the cuisine of their choice and have it prepared by private caterers, says Correctional Services' George Gordon, who heads a task team investigating prison diets.

The existing national prisons diet plan includes 12-day cycles of nutrients. Prisoners eat three meals a day, usually consisting of bread, porridge, meat and samp.

Brigadier Gordon aims to make the menu more flexible and varied. The task team includes nutritional, agricultural, financial, logistical and religious experts.

He says the investigation

was not prompted by sliding health standards

"We are always evaluating policy. But with the integration of the former homeland states we now have five different prison systems. We need to establish uniformity and parity across the country and to be sensitive to religious, medical and cultural preferences," says the brigadier.

The main areas to be probed are food preparation, evaluation of the existing national food scale, individual preferences and the financial implications of possible changes. Full or partial privatisation of prison catering services will be examined.

"We have to ensure hygiene

standards are acceptable and that adequate training is given to catering staff or prisoners who act as waiters. The size of portions and their nutritional value is also crucial," says Brigadier Gordon, who plans to ensure remote places receive commodities easily available in major centres, such as fresh fruit.

Religious groups and non-government organisations have been invited to submit proposals to the team.

Questionnaires will be distributed to prisoners on their eating preferences as well as their rating of prison food services.

The brigadier is adamant that cultural preferences

have to be accommodated as far as finances allow.

"We need to move with the times and this task group represents just that," he said.

The task group expected to finish its report by December and changes are expected to be implemented on the first day of the new financial year in April.

"Physical well-being is a basic human right. This must be respected. Prisoners have to be guaranteed adequate nutrition," he says.

Anyone wanting to make a written submission on prison diets should send submissions to the Director of Physical Care, Private Bag x136, Pretoria 0001.

(253) ARLT 2/9/95

Dagga laws 'by racists'

ORU 6/9/95
SOUTH Africa's dagga legislation had been designed by racists, Correctional Services Minister Sipo Mzimela said. (253) (S)

Responding to questions from National Party senator Mark Wiley in the debate on the Supplementary Estimate to the Appropriation Bill, Mr Mzimela said these people still had the "audacity to give me a lecture on this".

2 juveniles hurt in jail

(253) Sowetan 6/9/95

Prisons spokesman says they are in isolation but not seriously injured

By Russel Molefe

TWO JUVENILE PRISONERS sustained serious injuries and are in isolation after allegedly being assaulted by a senior officer at the Leeuwkop Prison at the weekend.

Sources in the prison this week claimed that the two juveniles, who cannot be named because of their ages, were sent into isolation without receiving medical attention for their injuries.

"The senior officer, after the beatings, ordered that the prisoners be sent to isolation. The prisoners are still in isolation despite their injuries," sources said.

"There is no doubt that the boys have been kept in isolation to prevent them from laying charges. By the time they are released from isolation, the wounds will have healed and there will be no evidence against the officer," sources claimed.

The two juvenile prisoners were allegedly involved in a fight when the senior officer, whose name is known to *Sowetan*, intervened. He accused them of being in possession of knives.

The prisoners were searched but

knives were not found, sources said.

In a fit of anger, the senior officer badly assaulted the prisoners in an attempt to make them produce the knives.

Correctional Services spokesman Lieutenant Rudy Potgieter confirmed that the two juveniles were in isolation. He said this was after the two prisoners had squared off against each other with knives. The prison warders then used "force" and the prisoners were injured.

Medical treatment

"They did not sustain serious injuries. They were given medical treatment at the prison. The department has launched investigations into the incident and the findings will be handed over to the police on completion," Potgieter said.

Sources at the prison however insisted that the two juveniles had sustained serious injuries and alleged they were kept in isolation so that they could not lay charges against their assailant.

"We hope the investigations will be conducted properly and the culprit brought to book," the sources said.

Mzimela must resign, says NP's Wiley

BARRY STREEK

(253) CT 7/9/95

THE statement by Correctional Services Minister Dr Sipo Mzimela that his department was "dead" was so damaging he should resign, the NP's Senator Mark Wiley, said yesterday.

No minister in the history of the country had ever said this about his department, he said.

His call followed a clash between the two in the senate over Dr Mzimela's alleged failure to reply to questions about the administration of his department.

During Tuesday's clash, Mr Wiley said Dr Mzimela was going to destroy his department.

The minister replied, "How can one destroy something that is dead? We want to breathe new life into this department."

"If I had the choice, there are people in positions today I would not want to see in those positions. I inherited a department and the personnel," he said.

By CHERILYN IRETON
London

AN ENGLISHMAN on whose ideals Britain based its welfare state is spearheading a drive to set up an internationally funded Open University on Robben Island.

It would broadcast lessons to those whose education was interrupted or wrecked by apartheid.

A draft proposal by Lord Michael Young of Dartington has been handed to Ahmed Kathrada, who is chairing a cabinet committee that must decide the island's fate when the prison service leaves at the end of 1996.

The distance-learning proposal faces stiff opposition. Commercial tour, hotel and leisure-group operators are willing to pay millions to develop the island as an offshore extension of the Cape Town waterfront.

But Lord Michael's credentials are so impressive, his track record so successful and his plan to fill education gaps so appropriate that the committee will have to give serious consideration to his idea.

At the age of 30, Lord Michael single-handedly wrote the British Labour Party manifesto. Its spirit formed the premise of the welfare state.

He wrote "The people deserve and must be assured a happier future than faced so many of them after the last war." Those words brought from government in 1945 promises of social security, full employment and free health care in Britain.

In the 60s he set up Britain's acclaimed Open University and has since been involved in the establishment of more than 30 institutions, including Britain's all-powerful Consumers Association of which he is chairman.

Today, at the age of 80, he is chairman of the International Extension College. It has 30 open universities, many of which he founded, in its club. It is in this capacity that he is helping the South African

Plans for Robben Island university

(253) ST 10/9/95



PIONEER... Lord Michael wants to teach SA

Picture: ANDREW CROWLEY

Institute for Distance Education to add meat to his plan for Robben Island.

The Open University would not be set up in competition with Unisa. Instead, it would take people at several different levels of education and try to carry them forward.

This would be achieved through radio and television broadcasts from Robben Island, and written self-study aids. But the foundation of the system would be local tutorial centres across the country.

Initial broadcasts would include Namibia, with plans to extend broadcasts

to other southern African countries.

He is confident initial funding can be garnered from overseas educational institutions, governments and foundations. But ultimately the government would have to pick up the tab and would have to make the island's facilities available for free when they are released next year.

There are about 200 houses in good repair, communal buildings, an educational centre, shops and a regular ferry service to the waterfront, all of which

could be used by staff setting curricula, preparing self-study material and involved in the broadcasting.

He believes the Open University should become an essential component of reconstruction in much the same way that education was included in projects aimed at rebuilding Britain, the US and even South Africa after the World War II.

"Education was seen as an extension of the war in that government undertook to right the damage and disruption done during the war. In South Africa soldiers whose education

was disrupted had special rights to free education."

Those who supported the struggle against apartheid and who suffered educationally as a result — including civilian non-combatants — should have a right to some free education from the government, says Lord Michael.

The Open University would not only accommodate students with a matric.

"No one knows how many illiterate people there are. A common figure mooted is between 11 million and 13 million adults — and many of these are people whose education has been disrupted since 1976."

If they are to rejoin the mainstream of society and the economy, a special effort needs to be made to make up for what they've lost, he says.

The easy task for the Open University would be to assist those who have failed matric and who want to have another go after a refresher course.

"The next rung would be people who did not get to matric and had to leave school, and who would now like to go on as adults. Then there are those who have gone through primary school and have not started on high school.

"Probably the majority are those who never got to the end of primary school. If they can't read in their own vernacular, let alone in English or Afrikaans, then obviously they won't be able to make much use of textual study aids. Here the university will introduce them to learning groups where they will be taught functional literacy using audio cassettes and flip charts."

Does he believe government will go for the university? "We've done a lot of thinking and a lot of talking, and believe there is sufficient interest to put forward a costed, serious proposal by year end."

And he's already decided on the call sign that will precede all broadcasts: "This is Robben Island calling."

Bail for Popcru demos

(253) Star 13/9/95

■ LABOUR REPORTER

More than 150 Police and Prisons Civil Rights Union (Popcru) members who marched to John Vorster Square police station yesterday to demand the immediate resignation of Area Commissioner Major-General Frans Malherbe because of alleged racism, were arrested and later bailed out.

Union spokesman Jacob Tsumane, who was one of eight union leaders who staged a sit-in inside the police station after the march yesterday, told The Star from his cellular phone that they were being arrested and later bailed out on condition they leave the police station premises.

"Our lawyers negotiated our release, and were told our court appearance

date will be given soon," he said.

The march, which was coupled with a sit-in by three of the union's members inside the station, was the first leg of a campaign aimed at "rooting out remnants of the racist regime from the top echelons of the police and correctional services," said Wits regional secretary Mondh Madondo.

Jacob Tsumane cited three racist incidents:

■ Assault of black Popcru members at the Hillbrow Police Station in June

■ Malherbe's failure to investigate incidents in which Popcru members were called kaffirs at Booysens police station

■ A directive by Clevelton police station commander that black members only handle cases involving black people

"We have tried on numerous occasions to arrange a meeting with Malherbe but he has failed to meet us. Instead he has told our national office that he will not meet us.

"What we are saying is that the man who is entrusted with removing racism in the ranks of the police is himself behaving in a manner which we cannot allow to continue. He must resign," Tsumane said.

After receiving a memorandum from the marchers, Major Izak Morkel said it would be handed to Gauteng police commissioner Sharma Maharaj.

Another of the union's grievances was the current round of promotions in the service, which it said did not reflect the demographics of the country.

Youths back in jail

Crime Reporter

253

ARG 13/9/95

SEVEN youths awaiting trial who were implicated in a riot at the Siyakhatala place of safety in Stellenbosch at the weekend are to be sent back to jail.

Ruby Michaels, spokeswoman for the province's social services department, said racial tension and gang rivalry apparently caused the riot. Property was extensively damaged and 15 inmates absconded.

In an effort to ensure order at Siyakhatala, seven older youths charged with serious crimes and identified as unmanageable were to be returned to jail, Ms Michaels said.

Since May 8 this year it had been policy not to keep youths in jail, but in this case the Department of Correctional Services would be asked to make an exception.

Doctor was cold-blooded — ex-convict

Stephané Bothma

BD-14/9/95

(253)

(E)

PRETORIA — A young ex-convict who claimed his blood was tested for HIV by correctional services without his permission told the Transvaal Supreme Court yesterday that a prison doctor had told him in a "cold-blooded" manner that he tested positive.

The court ordered the identity of the man could not be revealed.

He is claiming R30 000 damages from correctional services for severe

psychological trauma allegedly resulting from being told the results.

He served two years for theft at the Johannesburg and Pretoria prisons.

While working in the kitchen in Johannesburg prison, he was ordered to report to the prison hospital for blood tests. "I was just told to hold out my arm so that blood could be drawn. Nothing else was said," he testified.

The case would be argued on the grounds that the tests invaded the prisoner's privacy.



am
UPDATE

Police arrest Popcru strikers in Kimberley

KIMBERLEY. — Police arrested about 50 Police and Prisons Civil Rights Union (Popcru) members at Kimberley prison after the strikers ignored a court interdict demanding they remove a blockade in front of the prison and return to work.

A spokesman said police earlier successfully negotiated with the strikers to remove some of the vehicles blocking the road in front of the prison.

About 4pm, the strikers were served with an interdict which demanded they remove the blockade and return to work.

Wardens earlier in the day went on strike, demanding affirmative action in the prisons service. — Sapa.

~~(253)~~ (253) (452)
ARG 16/9/95

Prison test of shame

By BENISON MAKELE

AN HIV-positive prisoner – who told the Pretoria Supreme Court this week he was infected with the virus that causes Aids when he was gang-raped in prison – has brought a landmark test case against the minister of correctional services.

The prisoner – who may not be identified – is suing minister Siphosiso Mzimela for R30 000 for failing to obtain proper consent before conducting an HIV test on a prisoner.

Testifying before Judge Kirk-Cohen in an unprecedented case, the slim but healthy-looking man said other prisoners had taken advantage of his soft-heartedness and raped him.

Two blood tests taken by the prison authorities

Inmate sues minister

had both proved him to be HIV-positive, he said.

"I was traumatised by the experience," he said.

■ According to Ian Dutton of the Aids Law Project at the University of the Witwatersrand, the case is "the tip of the iceberg" as they have many cases involving the testing of prisoners for Aids without their consent

Abuse

"The reason we are suing is that they took our client's blood and tested him without his consent," Dutton said.

Consent meant one had to know what the test involved – and its effects, he

said

Dutton said the Aids Law Project's view was that the treatment of HIV-positive prisoners – who are segregated from other prisoners – bordered on an abuse of human rights.

The project's position is that condoms should be issued to prisoners and that comprehensive sexual education on the dangers of Aids should be undertaken by Correctional Services.

Mzimela has said he sees no need for condoms in prisons – and that he may issue a directive on condoms once he has proof that homosexual practices exist in jail.

■ Dutton slammed this position – because, according to him, the minister issued the directive that HIV-positive prisoners be segregated.

CP 17/9/95

(253)

Affirmative action: fury in prisons

BY MONDLI
MAKHANYA
POLITICAL REPORTER

Tensions over the implementation of affirmative action in the Department of Correctional Services are reaching boiling point in prisons all around the country, correctional services portfolio committee chairman Carl Niehaus said yesterday.

"We are seeing rising levels of frustration and unhappiness around the question of affirmative action, and these are now reaching boiling point," he said.

The tension came to the fore in the Northern Cape early this week, resulting in a two-day strike and the occupation of Uppington prison by warders. The occupation ended early yesterday after a 12-hour meeting between the Police and Prisons Civil Rights Union and the Northern Cape's correctional services commissioner.

In terms of the agreement ending the Uppington strike, warders returned to work yesterday and the provincial Correctional Services commissioner has 21 days to investigate the grievances and report back to Popcru. Also, strikers and union members would not be victimised.

Star 21/9/95

Prisons reach 'boiling point' over affirmative action plans

(253) (25) CT 21/9/95
SPECIAL CORRESPONDENT

JOHANNESBURG Tensions around the implementation of affirmative action in the Department of Correctional Services are "reaching boiling point" in SA prisons, Correctional Services portfolio committee chairman Mr Carl Niehaus said yesterday.

In the Northern Cape this week, dissatisfied warders held a two-day strike action and occupied Upington Prison. The occupation ended yesterday morning after a 12-hour meeting between the Police and Prisons Civil Rights Union and the Northern Cape's Correctional Services Commissioner, with Mr Niehaus acting as mediator.

In terms of the subsequent agree-

ment, the warders returned to work yesterday, while the Provincial Correctional Services Commissioner has 21 days to investigate the grievances and report back to Popcru through Mr Niehaus. Strikers and union members may not be victimised.

Mr Niehaus said there were disagreements between the unions and the department over the interpretation of an affirmative action agreement reached at the policy-making Linda Human Forum. In terms of the agreement the department has to be representative of the South African population within five years.

There were "serious problems" in the department over this "sensitive" issue, Mr Niehaus said.

Wife killer Di Blasi hurries to get back to jail

ARG 22/9/95 (253)

ROGER FRIEDMAN
Staff Reporter

PAROLED Sicilian killer Giuseppe di Blasi, accompanied by his legal counsel's 77-year-old father, had to argue with Correctional Services officials for several hours before being allowed to go to Pollsmoor Prison to start serving his extended sentence.

In an unprecedented step yesterday, the Appeal Court overturned Di Blasi's four-year sentence for the murder of his ex-wife Francesca Gobbi, sentencing him to 15 years' imprisonment instead.

The Cape attorney-general's office had appealed against the lightness of the sentence, the first appeal of its kind in terms of new provisions in the Criminal Procedure Act.

Contacted by his advocate, Michael Donen, with news of the judgment as it was being delivered in Bloemfontein, Di Blasi insisted on honouring the condition of his parole that he return to prison "voluntarily" if ordered to do so by the court. He said Mr Donen should fetch him in

Durbanville immediately and take him to prison

But this was easier said than done

Mr Donen's car was being serviced so he had to ask his 77-year-old father, Cyril Donen, to act as chauffeur. Mr Donen duly picked Di Blasi up and delivered him to a Correctional Services office in Cape Town

Then, Correctional Services officials refused to re-incarcerate him unless they were in possession of an original, signed warrant for his arrest.

There was no judge available to sign the warrant as they were all attending a memorial service for Mr Justice Deneys Williamson — Di Blasi's trial judge whose four-year sentence was termed "disturbingly inappropriate" in the Appeal Court judgment

So Di Blasi was left waiting for about two hours in the office, while Mr Donen sent the parking meter downstairs, and calls and faxes flew around

Mr Donen junior said his client had not been emotional "All he was interested in was that he gave his word, and they

should please let him back into prison."

Finally, the prisons authorities agreed that a faxed (unoriginal, but signed) warrant would suffice, and Mr Donen sent his son and his client to Pollsmoor. Di Blasi was admitted without further incident

Correctional Services spokesman Mike Green said Di Blasi's new 15-year sentence began when he was first sentenced in September 1993. The time he had been on parole — between January and yesterday — would be considered time served.

He would be eligible for parole once he had served a third of the sentence

Captain Green said the Appeal Court's decision to impose a harsher sentence than the trial court was not an indictment of the parole system, which allowed him to be released from prison after serving just 16 months of his four-year sentence.

The parole board's terms of reference were Di Blasi's original four-year sentence — whether considered inappropriate by some, or not — and his good behaviour

● See page 4

Death Row Fury

By Pamela Dubo and Mathatha Tsedu

MORE THAN 350 prisoners on Death Row are still languishing in the Pretoria Maximum Prison - three months after the Constitutional Court nullified the death penalty.

After the court ruling, Justice Minister Dullah Omar said he would "consult immediately" with the Department of Correctional Services to arrange the removal of sentenced prisoners from the row. Three months later the prisoners are still waiting for Omar to decide their fate.

Over the weekend, five of the prisoners went on hunger strike to demand their immediate re-sentencing and relocation to prisons nearer to their homes.

A spoke man for the prisoners said the rest of the prisoners in that section would join the hunger strike today to force the prison and justice authorities to move them to other prisons.

"We were earlier told that we would be moved by the first week of September but nothing has happened. Many of us come from as far as Cape Town and Durban. We have been led to and we want to get out of this section immediately," the spokesman said.

Officials ignorant of strike

Correctional Services spokesman Brigadier Chris Olickers said Omar's media liaison officer Ms Sue de Villiers both claimed ignorance of the strike. Olickers said he would have been informed of the hunger strike "if there was any".

He said, however, that his department was not to blame since the prisoners were awaiting re-sentencing by the Ministry of Justice. Olickers said the Department of Correctional Services had put systems in place to relocate the prisoners.

De Villiers said Omar was still "consulting" with the Attorney-General to see when the re-sentencing could be effected. "Otherwise nothing so far has been finished".

De Villiers could not say how long the consulting would take, only that until then the prisoners would remain where they are.

Olickers denied the allegation that a deadline of early September had been given to prisoners. He said there was no way that the prisoners could have been guaranteed a date of removal since the decision was still in the hands of Justice.

(253) *James*

He, *25/9/95*
Asked for comment on the issue yesterday, Deputy President of the Azanian Peoples Organisation Mr Pande-lani Mefokobodwe said the two departments should transfer the prisoners to ordinary cells.

He said the prisoners were being traumatised by staying in the same cells where they had faced death each day.

Irrespective of whether the two departments are still consulting, they should move those prisoners to prisons with a more relaxed atmosphere," said Mefokobodwe.

He has led out at the Correctional Services and Justice departments, saying they were "out of order". They are using technicalities in order to keep the prisoners in that traumatic place.

Former death row prisoners demand transfer to other jails

SPECIAL CORRESPONDENT

JOHANNESBURG: Department of Correctional Services officials yesterday met representatives of former death row prisoners who are demanding re-sentencing and to be treated like other inmates

The meeting followed complaints by more than 350 prisoners that they were being kept at the Pretoria prison although their death sentences had been nullified by the Constitutional Court three months ago and they were no

ET 26/9/95 (253)
longer death row prisoners

Correctional Services spokesman Brigadier Chris Olckers said on Sunday the prisoners had expressed their concerns to prison authorities last week and had asked for another meeting yesterday

He denied a newspaper report yesterday that some prisoners had gone on a hunger strike

He said the department had told inmates they would be moved to other prisons as accommodation became available

Death row prisoners to be moved

(253) (253)
Sowetan 26/9/95
By Pamela Dube
Political Staff

AFRICAN National Congress MP and chairman of the Parliamentary select committee on Correctional Services, Mr Carl Niehaus intends meeting Justice Minister Dullah Omar and the Minister of Correctional Service Dr Siphon Mzimela to discuss the immediate relocation of former death row prisoners

Niehaus was reacting to reports that more than 350 former death row prisoners were still languishing in the notorious Pretoria Maximum Prison three months after the Constitutional Court nullified the death penalty

On Sunday when five of the prisoners went on hunger strike, Correctional Services shifted the blame to the Justice Department

Correctional Services spokesman Brigadier Chris Olckers told *Sowetan* then that his department was not in a position to relocate the prisoners until the Justice department resentenced them

Niehaus said it did "not help for the two departments to continue blaming each other where people's lives are concerned"

Yesterday Olckers continued to deny that the prisoners were on hunger strike. However, *Sowetan* can confirm that the five were on strike and had put their demands to the minister through the newspaper

Niehaus, who is a leading campaigner for the improvement of prison conditions, said the prisoners should be relocated "immediately. It was tragic that people who spent so much time on death row, should have to embark on a hunger strike to secure their removal from death row prison even after the court nullified it," Niehaus said

Reacting to the reports, Pan Africanist Congress secretary general Mr Maxwell Ndamazanyhanani said it was "disappointing that the prisoners are still in limbo. We look forward to a speedy process in re-sentencing those people so that justice can take its course"

Warders 'set to strike at Pollsmoor'

(253) CT 28/9/95

THE Police and Prisons Civil Rights Union yesterday said staff working the midnight to 8am shift at Pollsmoor Prison would not report for duty.

Popcru spokesman Sergeant Randolph Fortum said staff on the 4pm to midnight shift today would also not report for duty.

Union members "are also not taking prisoners to court", he said.

About 300 members held a lunch-hour demonstration outside the prison yesterday. They held aloft placards proclaiming "affirmative action now" and "away with racist management".

"We say we need affirmative action now and also the reconstruction of the department. We must have forums to participate in the reconstruction," he said.

Correctional Services spokesman Captain Mike Green said the department viewed the union's move as a threat. — Sapa

Fear of escapes as prison staff go on strike

(253) (102)
AAG 28/9/95
JACQUELYN SWARTZ
Crime Staff

OFFICE staff are being used to guard inmates at most of the Western Cape's 20 prisons — and Correctional Services officials fear slackened security could lead to prisoners escaping.

This follows an announcement by the Police and Prisons Civil Rights Union (Popcru) yesterday that staff working the midnight to 8 am shift at Pollsmoor Prison would not report for duty.

Similar action is being taken at about 18 other prisons in the region because of a dispute about affirmative action.

Popcru spokesman Randolph Fortuin said staff on today's 4 pm to midnight shift would also not report for duty.

"This improves the chances of prisoners escaping," said Mike Green, Western Cape spokesman for Correctional Services.

"Security is not as good as it should be because of the number of personnel on strike."

He said 300 guards were on strike at Pollsmoor yesterday — a large number considering most of the 1 200 employees there were office staff.

Captain Green said Correctional Services' main priority was "to keep prisoners behind bars."

"We will carry on trying to keep the community safe from prisoners," he said.

The judicial system is also being affected because protesting union members are refusing to take prisoners to court.

Courts around the Peninsula were noticeably quiet yesterday as no prisoners were transported for appearances. The brown and green uniforms of warders and prisoners were nowhere to be seen and the clanking of prisoners' chains were unheard. Courts finished early as the number of people appearing was considerably shortened.

About 300 Popcru members held a lunch-hour demonstration outside the prison yesterday.

Placards bore slogans such as "Affirmative action now" and "Away with racist management."

"We need affirmative action now and also the reconstruction of the department," Sergeant Fortuin said.

"We must have forums to participate in the reconstruction."

"We are prepared to continue with this action until management comes to us to find a solution."

Captain Green said protesting Popcru members were unhappy about a departmental announcement that it would take up to the year 2000 to fully introduce affirmative action with a 70-30 black-white ratio.

"There have been ongoing negotiations and the department has been working towards this, but Popcru is not happy," he said.

"Our department has a set policy. What can we do about it but carry on negotiating?"

He said Correctional Services were coping with the problem at the moment by employing office staff.

2 candidates for Rhodes job

Star 28/9/95
Two Cape Town-based academics were yesterday named as candidates for the post of outgoing Rhodes University Vice-Chancellor Dr Derek Henderson. The committee for the selection of the new vice-chancellor said yesterday that Professor Ian Bunting, dean of Social Science and Humanities at the University of Cape Town, and Professor David Woods, who is deputy vice-chancellor at UCT, would stand for the post. - Eena

Prisons union declares strike

(253)

Star 28/9/95
The Police and Prisons Civil Rights Union said yesterday that staff working the midnight to 8am shift at Cape Town's Pollsmoor Prison would not report for duty today. Popcu spokesman Sergeant Randolph Fortuin said staff on the 4pm to midnight shift today would also not report for duty. Union members "are also not taking prisoners to court", he said. About 300 members held a lunch-hour demonstration outside the prison yesterday. They held aloft placards proclaiming "affirmative action now" and "away with racist management. We must have forums to participate in reconstruction". - Sapa.

Outcry over SA

Discrimination at prison claims

(253)
JOHANNESBURG Members of
the Public Servants' Association
(PSA) said yesterday they were
working under discriminatory
conditions at the Boksburg Prison
where black workers were given
special treatment.

PSA general manager Mr
Caspér van Rensburg said workers
marched yesterday to hand a
memorandum to the prison com-
mander detailing their complaints.

29/9/95
Sapa



Warders in demo against 'racist' policy

STAFF REPORTER

(253) CT 29/9/95

ABOUT 200 warders of the Police and Prison Civil Rights Union (Popcru) protested in Tokai yesterday against what they labelled racist management

The warders, mostly from Pollsmoor prison, gathered opposite the Blue Route Mall to protest against the lack of affirmative action in the correctional services

Media spokesman for Popcru in the Western Cape Mr Eddie Johnson said affirmative action was not being applied at top level in the correctional services

He said the protest was not aimed at the government but was "an attempt to oust a racist-style regime and management"

A Correctional Services spokesman in Pretoria denied the allegations and said an affirmative action policy was in place

POPCRU PROTEST: About 200 uniformed Popcru prison warders, brandishing placards, gathered opposite the Blue-Route Mall in Tokai yesterday to protest against an alleged lack of affirmative action in the Department of Correctional Services

PICTURE : LINDIZ VAN ZILLA

1929

THURSDAY, 14 SEPTEMBER 1995

1931

THURSDAY, 14 SEPTEMBER 1995

1932

Hansard

Hansard

Staff of various racial groups employed by SAPS

549 Mr A S BEYERS asked the Minister for Safety and Security +

- (a) How many (i) White, (ii) Indian, (iii) Coloured and (iv) Black members of the police left the employ of the South African Police Service during the period 1 May 1994 up to the latest specified date for which information is available and (b) how many (i) Whites, (ii) Coloureds, (iii) Indians and (iv) Blacks entered the employ of the SAPS during this period?

N1183E

The MINISTER FOR SAFETY AND SECURITY

Latest specified date 1995-08-31

- (a) (i) 3 294
- (ii) 125
- (iii) 418
- (iv) 2 330
- (b) (i) 732
- (ii) 81
- (iii) 731
- (iv) 4 940

253

Children in places of safety awaiting trial

550 Mr K M ANDREW asked the Minister of Correctional Services

- (a) How many children awaiting trial were placed in places of safety during the period 4 May 1995 up to the latest specified date for which information is available and (b) (i) how many of these children subsequently escaped and (ii) how many of these children who escaped (aa) have not yet been recaptured, (bb) had previous convictions and (cc) had been charged with crimes involving violence?

N1184E

The MINISTER OF CORRECTIONAL SERVICES

(a) and (b)(i) and (ii)(aa), (b)(ii) and (cc)

This question does not fall within the ambit of my responsibilities

The hon member should approach the Ministers of Justice, Welfare and Safety and Security in this regard

Safeguards for release of awaiting-trial juveniles

551 Mr D H M GIBSON asked the Minister of Correctional Services

- (1) Whether any awaiting-trial juveniles released in terms of section 29 of the Correctional Services Act, 1959 (Act No 8 of 1959), during the period 4 May 1995 up to the latest specified date for which information is available, were released without placing them in the care of places of safety of their families, if so, (a) how many and (b) why,
- (2) whether his Department has any safeguards in place to ensure that such children do stand trial, if not, why not, if so, what safeguards,
- (3) whether these safeguards have been found to be adequate, if not, why not, if so, what are the relevant details?

N1185E

The MINISTER OF CORRECTIONAL SERVICES

- (1) The unconvicted children were not released in terms of section 29 of the Correctional Services Act, 1959 (Act No 8 of 1959) They were brought before court which had to determine whether they should be kept in places of safety or being placed in the care of their families,
- (a) and (b) Fall away
- (2) It is not the responsibility of the Department of Correctional Services to ensure that such children do stand trial
- (3) Falls away

Posts of senior/chief magistrate in Republic/ former TBVC states: parity

552 Mr D M BAKKER asked the Minister of Justice +

- (1) (a) How many (i) senior and (ii) chief magistrates posts existed in the (aa) Republic and (bb) former TBVC states immediately prior to April 1994 and (b) in respect of what date is this information furnished,
- (2) whether he will furnish information on the salary scales attached to each of these posts as at the date furnished in paragraph

1931

THURSDAY, 14 SEPTEMBER 1995

1932

Hansard

- (1)(b), if not, why not, if so, what are the relevant details, in each case,
- (3) whether steps have been or are to be taken to ensure parity between these posts, if not, why not, if so, what steps?

N1186E

The MINISTER OF JUSTICE

- (1) (a) (i)(aa) 87
- (ii)(aa) 13
- (i)(bb) 38
- (ii)(bb) 11
- (b) 1 April 1994
- (2) (1) (a)(i)(aa) R95 517 - 103 185 - 107 019 x 4 848 - 116 715
- (i) (a)(ii)(aa) R126 411 (Fixed)
- (i) (a)(i)(bb) R95 517 - 103 185 - 107 019 - 116 715 (pro Transkei, Venda & Ciskei)
- R97/367 - 99 783 (pro Bophuthatswana)
- (i) (a)(ii)(bb) R126 411 (pro Transkei, Venda & Ciskei)
- R111 867 (pro Bophuthatswana)
- (3) Parity measures issued by the Public Commission were implemented with effect from 1 May 1994 and the salaries of Magistrates in the former TBVC-states have been brought on par with that of the former RSA

presence of asbestos at mines and (b) prevent the presence of asbestos at mines from becoming a health hazard, if not, why not, if so, what steps?

N1188E

The MINISTER OF MINERAL AND ENERGY AFFAIRS

- (1) (a) A research project is presently in progress to determine the "magnitude of significance" of asbestos fibres in diamond mines. Evaluation of samples taken from the first two mines sampled continued the presence of asbestos fibres in the workings of these mines. The levels of asbestos fibre concentrations in these samples were, however, regarded as being of an insignificant hazard to health insofar as they did not exceed one tenth of the threshold limit of two fibres per millilitre
- The following mines have all been sampled in conjunction with De Beers personnel as a joint venture (6 mines)
- Premier Mine
- Finsch Mine
- Koffiefontein Mine
- Venetia Mine
- Kimberley Mines (2)
- (b) (1) Other mines samples (8 mines)
- Rex Diamonds
- Rovic Diamonds
- Star Diamonds
- BKH Mines
- Bellsbank Mine
- Loxton Exploration—Ardo Section
- Loxton Exploration—Du Plessis Diamonds
- Messina Diamonds
- (ii) The results of these surveys are currently being analysed
- (2) No cases have been reported to the Department of Mineral and Energy Affairs. The

Presence of asbestos fibre at mines

554 Mr J J NIEMANN asked the Minister of Mineral and Energy Affairs

- (1) Whether the presence of asbestos fibre which may cause meso-thelioma has been found at (a) certain mines, the names of which have been furnished to his Department for the purpose of his reply, and (b) any other mines, if so, (i) at which mines and (ii) what are the further relevant details,
- (2) whether any persons have been affected by asbestos at any of the above mines, if so, (a) at which mines and (b) how many in each case,
- (3) whether his Department has taken or intends taking any steps to (a) monitor the

- (1) (a) (i) at which mines and (ii) what are the further relevant details,
- (2) whether any persons have been affected by asbestos at any of the above mines, if so, (a) at which mines and (b) how many in each case,
- (3) whether his Department has taken or intends taking any steps to (a) monitor the

MONDAY
OCTOBER 2, 1995 ★

PRISONERS TO BE CLOSER TO FAMILIES

Law on 'death row' convicts to be altered

(253) CT 2/10/95

JOHANNESBURG: Prisoners sentenced to death will no longer be kept on death row and many are to be moved to maximum security jails closer to their families.

THE fate of prisoners who had been sentenced to death probably would be decided in Parliament next year, Mr Carl Niehaus, chairperson of the portfolio committee on correctional services, said yesterday.

He said that during their weekend meeting, the Minister of Justice, Mr Dullah Omar, had indicated that legislation would be introduced next year to determine the position of prisoners affected by the Constitutional Court's ruling that the death sentence was unconstitutional.

He had been told that several former death row prisoners were threatening to go on a hunger strike, or had done so already, in protest against being kept at the Pretoria maximum security prison.

The prison buildings would still be used as a maximum security

prison as prisons were overcrowded and the number of maximum security facilities was limited.

"This does not mean that such prisoners are being kept on death row," Mr Niehaus said.

Prisoners kept on death row had "extremely negative connotations" about the cells and had suffered severe emotional stress, Mr Niehaus said. Conditions on death row were unacceptable for long-term imprisonment.

"It must be taken into consideration that, prior to the ruling of the Constitutional Court, many of these prisoners had been on death row for an unacceptably long period. For the sake of their wellbeing and proper psychological care, it is advisable that they be moved."

Many prisoners were imprisoned far from their families. It was preferable that they be moved to

prisons closer to their homes so they could maintain family contact, Mr Niehaus said.

The Commissioner of Correctional Services, General Henk Bruyns, had assured him that the transfer of prisoners to prisons closer to their families had begun. Not all prisoners could be moved because of the limited number of maximum security prisons.

Mr Niehaus said he was satisfied that former death row prisoners were not being disadvantaged by the delay in introducing legislation determining their position.

"They have been found guilty of serious crimes and are likely to face long periods of imprisonment."

Mr Niehaus is to meet Gen Bruyns again today. Discussions are to include the conditions in which former death row prisoners are being kept. Mr Niehaus also intends visiting the Pretoria maximum security prison this week. — Sapa

ANC: convicts are too far from home

BD 5/10/95

(253) (scribble)

Business Day Reporter

FORMER death row prisoners should be transferred to prisons nearer their homes to improve their psychological wellbeing, the ANC said yesterday.

The organisation said ANC MEC Carl Niehaus visited former death row prisoners at Pretoria Central Maximum Security Prison yesterday afternoon, and also met members of the SA Prisoners Organisation for Human Rights on the need to review the continued incarceration of such prisoners.

The ANC said it was necessary to detain former death row prisoners at the Pretoria prison because other prisons did not have the maximum security facilities to house prisoners convicted of extremely serious crimes.

The prisoners, however, had developed "negative connotations about their surroundings" and it was in this context that the ANC believed they should be moved closer to their homes.

The legal status of former death row prisoners had still not been clarified and the ANC welcomed Justice Minister Dullah Omar's commitment to introduce legislation during parlia-

ment's next session in this regard.

While the ANC remained concerned about prison conditions in SA and would strive to improve them, it was also important to stress the organisation's commitment to drastically reducing the current high crime level.

High crime levels portrayed SA in a negative light to potential investors, hampered the successful implementation of the RDP and projected a false image of instability in the country.

The ANC was committed to ensuring that all newly elected local government structures played a critical role in working with the community to stamp out crime.

Stressing the crime problem could only be solved through a partnership between government, the community, business and the SAPS, the organisation said it welcomed the efforts of police in implementing the community safety plan launched by President Nelson Mandela this year.

The ANC also praised the business initiative on crime and the Gauteng youth anti-crime conference started by Gauteng safety and security MEC Jessie Duarte.

DESPERATE conditions of overcrowding and R60 a day needed to maintain just one prisoner are behind the move

■ BY TAMSEN DE BEER

Thousands more prisoners will soon be back on the streets as the Government, desperate to alleviate overcrowding in jails, prepares to commute many jail sentences to correctional supervision and community service

Carl Niehaus, ANC MP and chairman of the portfolio committee on correctional services, told a press conference yesterday that while he could not give specific figures, "one or two thousand" would be released into correctional supervision "in the next few months"

Saying there were many young prisoners and others who had committed minor offences and should not be in jail, Niehaus stressed that each offender's case would be thoroughly examined before release

"A number of prisoners have not committed very serious crimes. Some can be rehabilitated much better under correctional supervision," he said.

"Official figures show about 11 000 are in prison because they had been convicted for the possession of dagga.

The decision is likely to be controversial since thousands of prisoners have already been released under various amnesties in the past 12 months

Some senior policemen, magistrates and judges have criticised easy parole and reductions of sentences by Correctional Services which have led to early release for many criminals

Niehaus said that young prisoners were often placed in sections with hardened criminals due to overcrowding which saw them "come out worse than before they went in"

He added that the Government was initiating a country-wide re-evaluation of the categories of prisoners and their sentences, saying the conditions in many South African prisons were unconstitutional because of overcrowding

He said the Government was committed to bringing prisons in line with UN minimum standards for incarceration, adding that SA prisons did not meet these standards now. Some 22 000 prisoners were under correctional supervision, and 115 000 in jails built for 97 000

"We would like to inverse those numbers," he said.

Niehaus said it cost the State between R55 and R64 a day to maintain one prisoner. Human rights organisations estimate it

would cost just R12 a day under correctional supervision

ANC deputy secretary-general Cheryl Carolus said the Government regarded this cost factor as "a problem" and wanted to reduce the number of prisoners in jail. She said it would hate to have to build more jails, and that the root causes of crime should be addressed

"We must deal with the socio-economic conditions that cause crime and develop an approach in this country where we are tough on crime," she said

Crime was a result of ineffective policing by the apartheid government, since police "don't have the skills to investigate properly". Large proportions of police budgets had been devoted to "covert activities instead of investigative skills"

Niehaus said measures were being taken to make prisoners productive, citing a hydroponics training programme at Krugersdorp Prison as an example

Turning to the status of prisoners on the now-defunct Death Row, he said 145 of the 289 prisoners at Pretoria's Maximum Security Prison had already been transferred to similar institutions closer to their homes

Death Row prisoners' legal status was still unclarified, but they would be treated as maximum security prisoners until the 1996 parliamentary session could determine their status.

He said the Death Row prisoners had been transferred due to concern for their psychological wellbeing and the negative connotations they had about their surroundings.

Their privileges would be the same as maximum security prisoners, including regular visits, and contact visits with family members, especially children

"Some prisoners on Death Row haven't seen their children for seven years," Niehaus said. He added that vital psychiatric attention needed by former

Death Row prisoners was lacking because of manpower shortages at prisons

DP spokesman on correctional services Douglas Gibson said the "too-early release of prisoners persuaded people that crime does pay"

"I don't have great faith in Correctional Services' judgment in every instance. One has only to think of the number of people who have been released in the last year or two who have immediately committed crimes and are back in jail," he said

But Gibson said he backed correctional supervision. "Society wants to reform people and turn criminals into useful members of society. If it can be done in this way I would support it.

"No one can condone inhuman conditions in prison, but the simple question is: Why don't they build more prisons?"

Another big jail

Release into correctional supervision could include 11 000 dagga offenders

253 Star 5/10/95

Some prisoners on Death Row have not seen their children for 7 years

AMNESTY

Derby-Lewis leads prisoner plea

STAR 9/10/95 (253)

Two requests to the Government have been made by inmates who regard themselves as political prisoners at Pretoria Maximum Security Prison. The first is for improved privileges and has been referred to the Minister of Correctional Services, spokesman Brigadier Chris Olckers said yesterday. The other request, for "immediate temporary amnesty", followed a meeting last Wednesday organised by Clive Derby-Lewis - who was convicted of being party to the assassination of Chris Han - and held under the auspices of the Political Prisoners' Forum. According to an AWB

statement yesterday, the meeting had the support and co-operation of all political prisoner groups at the prison.

Besides a number of political prisoners, others at the meeting included AWB leader Eugene Terre'Blanche, Avril Budd of the Support Police Action Group, Gordon Miles Bhudu of the SA Prisoners' Human Rights Organisation, and SA Communist Party and Conservative Party representatives.

The meeting agreed to ask President Nelson Mandela, Justice Minister Dullah Omar and Correctional Services Minister Sipo Mzimela to grant immediate

temporary amnesty to all political prisoners.

If rejected, they asked for additional privileges for political prisoners, including separation from common-law prisoners, weekly contact visits with families and monthly food parcels.

They wanted to be able to put out their own lights at night, have access to their own computer facilities and to video material of their choice.

The AWB said it supported the prisoners' request for temporary amnesty and the extension of the amnesty cut-off date to May 10 1994 - Sapa

Juvenile facilities 'will be stretched'

Bonile Ngqiyaza

(253)

BD 11/10/95

NO ADDITIONAL facilities would be built or put into service for awaiting trial juveniles in Gauteng until a judicial system placing more emphasis on preventative services was in place, spokesman Frikkie van Rooyen said yesterday.

"Existing places of safety of the department will be used to capacity .. with the aim of ultimately focusing more on community-based alternatives."

He said about 250 awaiting trial juveniles had currently been admitted to places of safety in Gauteng.

The 1994 Correctional Services Amendment Act — implemented in May this year — prohibits the detention in prison of juveniles.

Van Rooyen said a further 100 juveniles were being accommodated at the Meritum Youth Centre as a temporary measure.

The Proteem detention facility near Cullinan would have its capacity extended to accommodate 220.

Van Rooyen said the welfare complex in Soweto would be ready in April to accommodate another 100 juveniles. "Although this complex is being prepared as a children's home and place of safety, juveniles awaiting trial will initially enjoy preference for placement in the detention unit."

SA com install

Susan Russell

COMPANY management are to be responsible for detecting their organisations, anti-fraud consultant Shane Keohane.

Keohane was speaking at a two-day workshop on white collar crime.

The clinic also offered advice on how to structure companies to prevent this type of fraud.

He said in addition to being up to the company's interest to be alert to fraud within the organisation.

He pointed out that forms of white collar crime stamped out completely, it is possible to draw up guidelines and structures to minimise it.

These included a fraud prevention practice and implement agreement in the organisation, regarding other ways of minimising

Prison suicides disclosed

Political Correspondent (253) ARG 11/10/95
THIRTY-NINE prisoners committed suicide while
serving jail sentences during the past three years

This was disclosed in the national assembly by
Sipo Mzimela, Minister of Correctional Services, in
reply to a question by Tony Leon (DP)

Dr Mzimela said suicides had totalled 14 in 1993,
14 in 1994 and 11 between January and July this
year.

Bloemfontein jail closed down

Bonile Ngqiyaza

(253)

BD 17/10/95

BLOEMFONTEIN Prison in the Free State had stopped functioning as a place of incarceration, the correctional services department announced yesterday.

Spokesman Bert Slabbert said Correctional Services Minister Siphon Mzimela had, after a tour of prisons in the area in April, approved the transfer of Bloemfontein Prison's 720 male and female inmates to other jails in

the province because it was "unfit for human habitation". It was "dilapidated and beyond rehabilitation".

Slabbert said a "dire lack of facilities" at the prison had also contributed to Mzimela's decision not to use it after September 1.

"The dining hall was open with a roof and no walls" Toilets, he said, were situated "right next to the dining hall".

The prison was built at the turn of the century, Slabbert said.

'Jail juveniles guilty of serious crimes'

Star 20/10/95

(211) (253)

Cape Town - Justice Minister Dullah Omar said yesterday juveniles guilty of serious crimes should be imprisoned and the law which keeps them out of jail should be changed.

"I am not satisfied with the fact that juveniles who commit very serious crimes should simply be let out, should simply be allowed to go back and become a threat to the community and the safety of the public," he told a news conference.

When the amended Section 29 of the Correctional Services Act came into force last year and juveniles were released from jails to places of safety, many escaped and some returned to crime.

"If it is necessary to imprison such young people, there should be an authority to enable us to do that," he said.

"I myself have raised the issue in the Cabinet. I have said the amendment of Section 29 of the Correctional Services Act, as a result of which this abuse has taken place, ought to be amended. And I think in general the Cabinet is in agreement with this."

"We are looking at an amendment of the law so as to deal specifically with ... serious crime," Omar said.

He said that while the law had generally ensured that hundreds of young petty offenders who ought

not to be in jail were in better care, "there is a problem with regard to serious crime."

"We should not be romantic when we deal with the questions of crime and juveniles (Where) we have young people whose conduct constitutes a threat to the safety of the public, particularly women and children - the safety of the public then comes first," Omar said.

But, he added, juveniles had to be imprisoned separately from adult offenders and had to participate in rehabilitation programmes to save them from becoming habitual criminals -
Reuter

Execution chamber 'like a butchery'

The Argus Correspondent

FOR the Kingdom of Heaven is a man travelling into a far country, who called his own servants and delivered them his goods

These were the words on a religious poster on a wall of Pretoria Central Prison's death row, when a group of journalists was taken on a tour of the place where 2 173 South Africans spent their last days after being condemned to death and the gallows chamber from where they were transported to their final resting place after the executioner had performed his grim task

It was a wet morning and Department of Correctional Services Communications head Chris Olckers and Minister of Correctional Services Sipo Mzimela greeted us with tea, coffee and sandwiches before we left on our macabre journey

Dr Mzimela, who said he had

visited death row before, termed the place barbaric and said the state should not be allowed to take human life

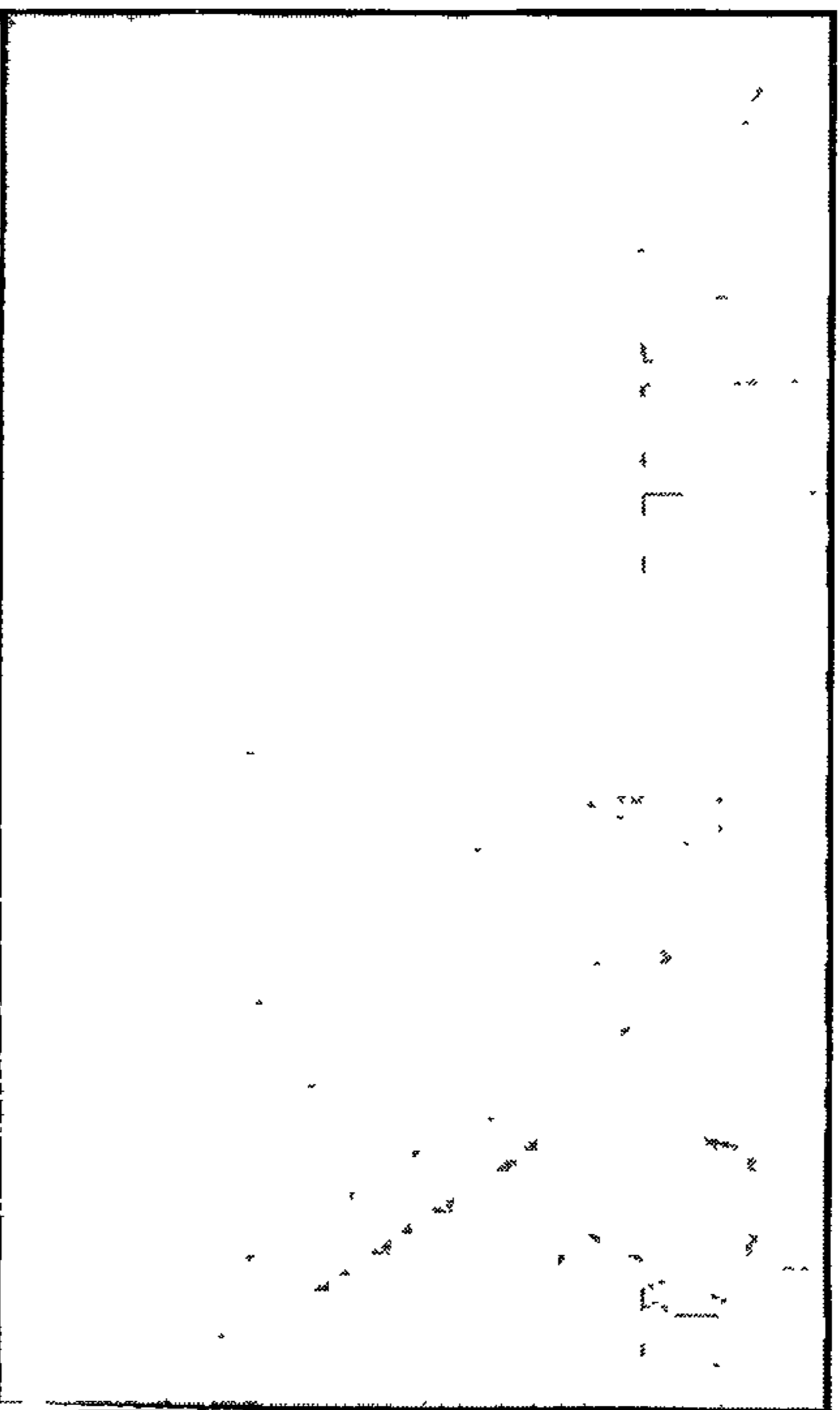
Although the death sentence has been abolished, there are still maximum security prisoners housed in the former death row cells

From the cells we are led to the gallows I counted 51 steps from the bottom of the steps to the room alongside the execution chamber

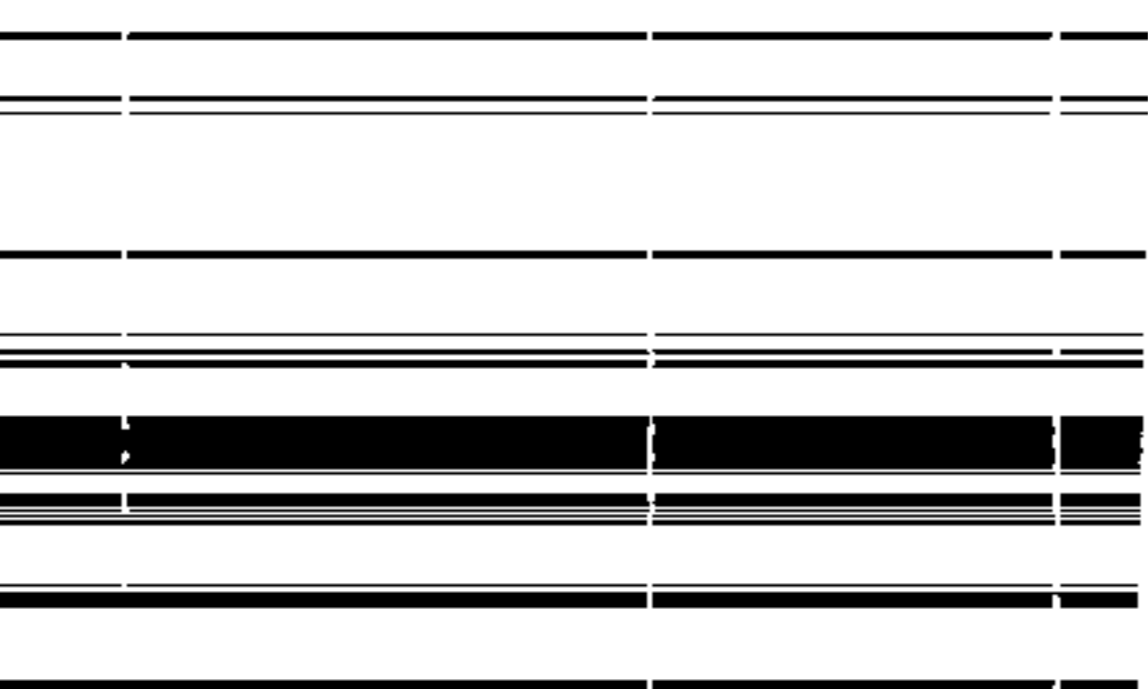
We are told condemned prisoners were brought handcuffed to this room, where they had white hoods placed over their heads

From there warders would lead prisoners to the execution chamber, with up to seven condemned people taking the long walk at a time

The chamber reminded me of a butchery, but where human beings, not animals were executed



THE NOOSE: Minister of Correctional Services, Sipo Mzimela, framed by one of the nooses at the gallows at Pretoria Maximum Security Prison. It has been announced that the gallows will be dismantled



100 go to gallows — and then return

□ *Death Row visit a grim reminder of past*

The Argus Correspondent

PRETORIA — Death Row at Pretoria maximum security prison, where 2 173 people were executed between 1967 and 1989, has been opened to public scrutiny for the first time

Minister of Correctional Services Sipho Mzimela, and the head of correctional services, Chris Olckers, yesterday hosted a visit by at least 100 foreign and South African journalists to the prison

Dr Mzimela said this followed numerous requests by journalists to visit Death Row, including the gallows, and that he had obliged by allowing an open day in the spirit of transparency

"This is historic because it is

the first time so many people have gone to the gallows at the same time — and come back," he said

Dr Mzimela said it had also been decided to allow the visit because the constitutional court had ruled executions unconstitutional and the gallows had become obsolete

He said that the gallows would be dismantled and the space used for other facilities — such as libraries for maximum security prisoners. Prisons were overcrowded and space was needed

Asked why the gallows should not be kept as a monument to the grim past, Dr Mzimela said a decision had not been taken on the matter, but it was possible they

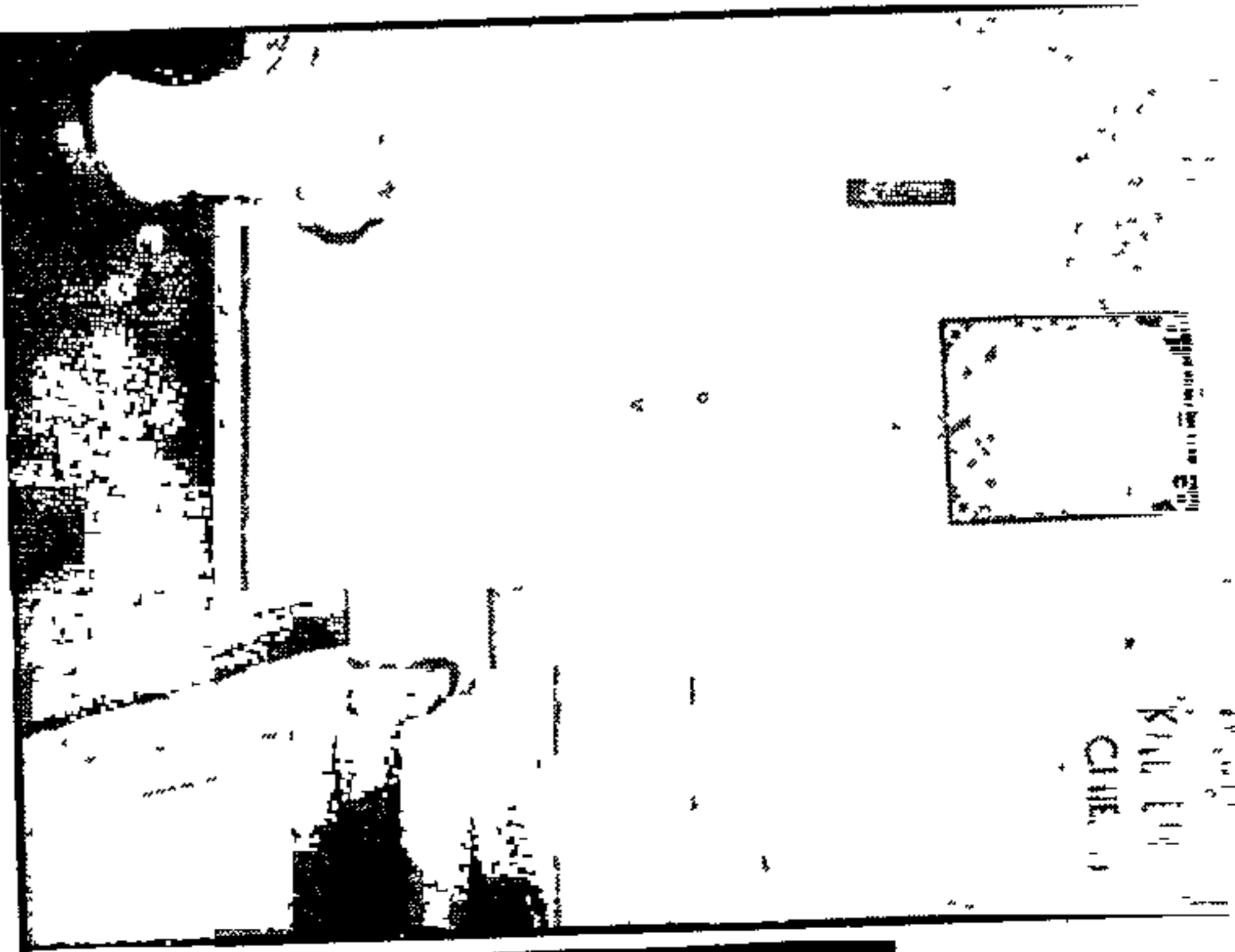
could be moved and placed in a museum

He said the maximum security prison, commissioned in 1967 and designed to hold 342 male prisoners, would continue to be used to detain dangerous criminals

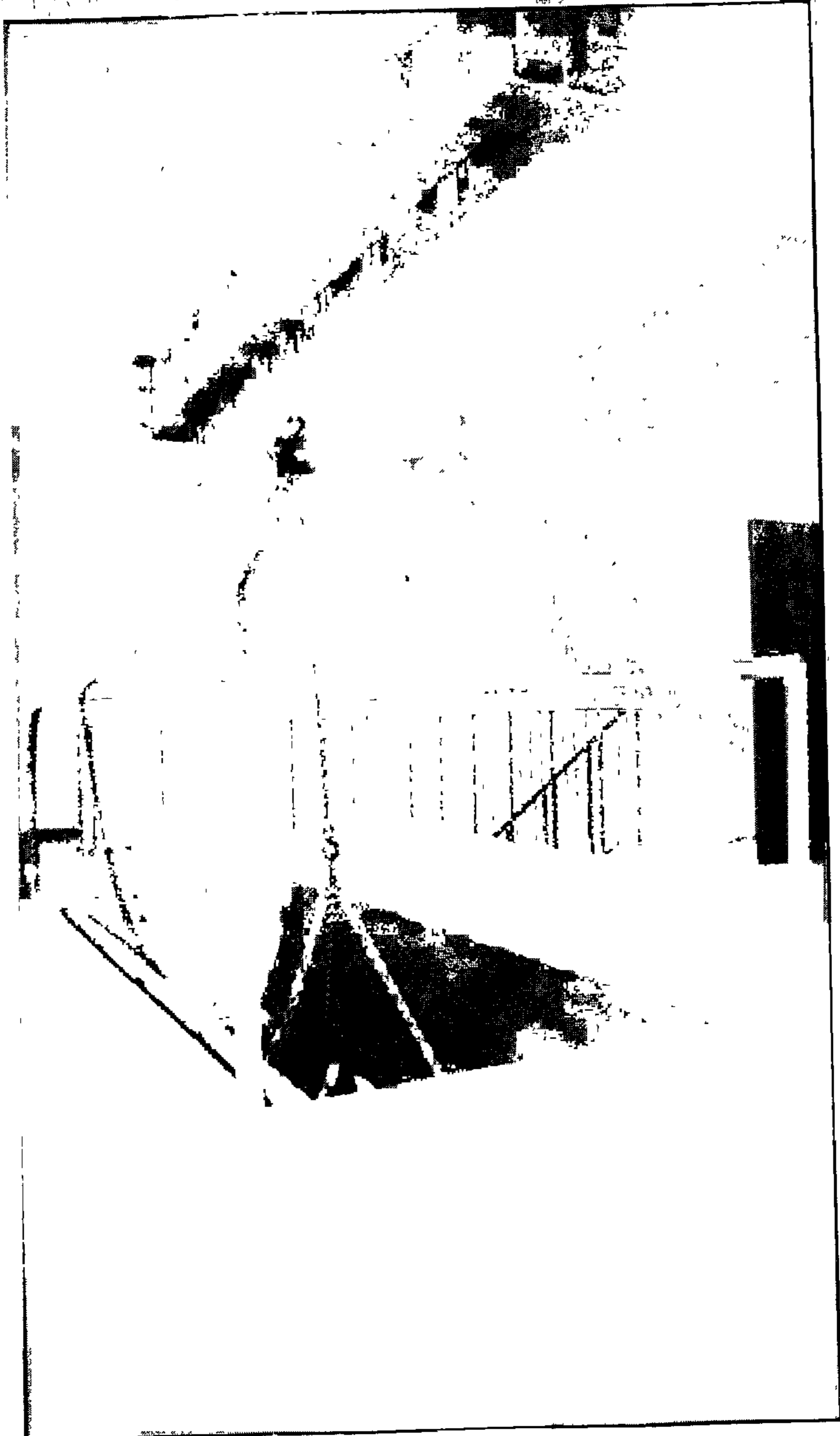
Prisoners who had previously been sentenced to death were now being transferred to prisons nearer their homes. The prisoners would have to appear before judges for resentencing

Brigadier Olckers said those members of the Department of Correctional Services who had assisted in executions did not want to meet the media

He said the executioner had been employed by the Department of Justice, not by Correctional Services



ON THE INSIDE: Even on death row, prisoners kept up their interest in the world outside — in this case in soccer. The occupant of this cell shown to journalists at Pretoria Central prison yesterday showed his preference for Kaizer Chiefs



DEATH CHAMBER: A view of the nooses used to hang the condemned. Up to seven prisoners could be hanged at one time if the need arose.

PRESS MEMBERS TAKE 'LAST WALK'

Pretoria jail gallows to be dismantled

ET 20/10/95

(253)

PRETORIA: Yesterday, for the first time, members of the South African media were shown the path to the gallows trodden by 2 173 prisoners between 1967 and 1989.

THERE are 52 steps leading up from the holding cells to the execution chamber in Section C of Pretoria Maximum Security Prison.

Yesterday, for the first time, the South African media were allowed to climb them to the gallows on which 2 173 people died between 1967 and November 1989.

Following the abolition of the death penalty by the Constitutional Court in June, the gallows is to be demolished.

Seven nooses dangling above two heavy wooden trap doors are a shocking reminder of how formerly the ultimate penalty was administered.

Those scheduled for execution would be led, handcuffed, from their cells at 6 15am to have their identities checked against finger-

print records before being counselled by religious workers.

At 6 55am they walked along a bare corridor before climbing the winding concrete staircase to the gallows room.

The air is laden with the smell of industrial disinfectant and stale body odour.

Hoods

The "7 o'clock walk" would undoubtedly have held the attention of prisoners in the cells in the corridor.

In the gallows room, hoods and nooses were placed over the condemned prisoners' heads, and the executioner pulled a lever.

A double row of sandbags deadened the sound of the trapdoors swinging down.

Correctional Services Minister Dr Sipo Mzimela said at a press conference at the prison yesterday: "I don't think the state has the right to take someone's life, even though some of the people housed here have committed heinous crimes. The gallows is barbaric and belongs in the past."

He said the gallows would be dismantled and the execution chamber and its ante-rooms redesigned for other uses.

It was still to be decided whether the gallows would become a museum exhibit, he said.

Pretoria Maximum Security Prison was built in 1967 to accommodate 342 male prisoners. Women prisoners given the death sentence were normally detained in the Pretoria Women's Prison.

On February 2, 1990, the National Party government led by the then president Mr F W de Klerk, placed a moratorium on executions — Special Correspondent

Floral farewell to island jail

By JAMES BOWYER

ROBBEN ISLAND prison is to be closed down by the end of next year. Neil Fourie of the Department of Correctional Services confirmed this week

A lavish lunch, with special flower arrangements, was held on the notorious island by the Western Cape Warders' Wives Association to herald the closure

Many of them have welcomed the closure of the prison that held President Nelson Mandela and other political activists, but some mourn the loss of their homes and lifestyle.

"I'll be heartbroken to leave," said Annatjie Gericke, who spent almost 10 years on the island as the prison's medical officer.

Terita Steyn, whose husband was an island chaplain for three years, says, their recent

transfer to the mainland has felt like an escape.

"I don't think there is anywhere in the world like the island," she said, with nostalgia, though she added: "But we are all prisoners here."

"On the island we never had to lock our doors," she said wistfully, "and people would often leave the keys in their cars."

The five-course lunch was a farewell gathering for many of the guests. Flower arrangers from the Western Cape produced floral arrangements recalling the island's controversial past. These included flowers and bamboo arranged to symbolise the bars of President Mandela's cell.

The island's remaining 700 prisoners — all common criminals — will be moved.



FLOWER ART . . . Karin Kleinhans, Annatjie Gericke and Salamie Venter with a floral arrangement symbolising the bars of President Mandela's former cell, on Robben Island. Picture JUSTIN SHOLK

'Ganglords the real prison commanders'

□ *Our jails are universities of crime, says ex-convict* ARL 23/10/95 (253)

JOSEPH ARANES
Staff Reporter

PRISON reform cannot come about without the input of ganglords who, armed with cheque books and credit cards, are perceived as the real commanders of South African prisons

This is the view of Wally Wolmarans, who was recently released on parole after serving 20 years of a 25-year sentence for murder. He said while most prisoners would welcome changes to the system, they would reject anything being imposed on them.

Mr Wolmarans was chairman of the national peace committee, which operated in prisons to restore calm after a series of violent riots and demonstrations just before last year's elections. He said that many warders were in favour of change, but that the top

structure of the Correctional Services Department wanted the status quo to continue.

"These people were trained and schooled under apartheid and cannot get rid of their apartheid mentality. They are so used to the government thinking for them that they cannot think and work out strategies or new programmes for themselves.

"We are moving into a new era, yet proposals for prison reforms are being drafted without the input of the inmates."

He said most prisoners felt that the national commissioner of the service, Henk Bruin, was still running the institutions according to the old norms and standards and that Correctional Services Minister Sipho Mzi-mela was his puppet.

Mr Wolmarans, who contravened his parole conditions and

could end up in jail again for speaking to the press, said he felt obliged to speak out as the situation in most prisons was very tense and volatile with gangsters basically running the show.

"There is a great deal of animosity and racial hatred between black and white warders and gang leaders have used this to strengthen their criminal activity both inside and outside of jail.

"They are walking around with cheque books and credit cards and ordering warders to buy and collect goods from the nearby towns. A number of the top gang leaders also arrange for drugs and liquor to be brought into the system by either bribing or blackmailing warders.

"Many serious crimes are being carefully planned in prison

and later executed on the outside."

He said prisons were like universities of crime, where even the most petty offenders were being taught the tricks of the trade by hardened career criminals.

Mr Wolmarans said prisoners were the ones who knew how the gangs operated and how crime was orchestrated and controlled by powerful syndicates from behind bars. He said many wanted to share this information to help improve the situation and conditions in prisons.

A correctional services spokesman, Koos Gerber, said it was not uncommon for prisoners to run to the media to present their own subjective opinions as to what was going on in jails.

Major Gerber said that to suggest prisons could not be operated without the input of ganglords and that they (the gangsters) were the real commanders of prisons was, "to say the least — absurd."

"Prisons are microcosms of the community outside and as in the community, gangsterism is a problem. It is however not condoned and mechanisms are in place to try and limit it as far as possible."

He said Mr Wolmarans was ill-informed about what the policies of the department were and was not aware of the level of interaction between the department and other organisations — who all shared the common goal of having a professionally run prison service.

Pollsmoor boss to aim for openness

Staff Reporter

CAPE Town born Stephen Korabie will soon be taking over Pollsmoor Prison, and aims to remove the aura of mystery and fear which surrounds it, and address staff problems.

Major Korabie, 37, who is currently the commander of the Caledon Prison, will be promoted to brigadier when he takes command of Pollsmoor Prison Command on November 1.

He was born in Retreat and grew up in Wellington. After school, he joined Correctional Services and worked his way

up the ranks, along the way garnering BA degrees in Social Science, Criminology and Penology, and a BA Honours degree in Criminology.

"In the past, and now, the community does not know what goes on in prison — prisons are a community institute, just like schools and hospitals.

"It's my job to guide the staff and work with the community. We can't function in isolation."

Major Korabie said he would welcome input from the community about the prison.

The grievances of the Police and Civil Rights Union (Pop-

cru) about a "misguided or non-existent" affirmative action policy in the Department of Correctional Services should not be seen as "a problem", but as an opportunity for management to address employee problems, said Major Korabie.

"I understand that people have fears — I want to address them, but they must not be scared. We will work through this together to make the department grow," he said.

Pollsmoor Prison is one of the largest in the country, with about 7 000 prisoners.

New detention centres for young criminals

(253) (253)
JOHANNESBURG — A secure facility to detain children facing serious criminal charges would be provided urgently in each province, the Welfare Ministry said. *ARG 11/11/95*

This followed the large-scale abscondment of children awaiting trial from places acting as detention centres since the release from prison and police cells of 2 000 children last May

The critical shortage of secure facilities was highlighted by the murders of Dr Stephan Pon at Johannesburg Hospital and a KwaZulu/Natal political leader. They were murdered allegedly by youths facing other criminal charges

The plan to provide a secure detention facility in each province was approved by the welfare, safety and security, correctional services and justice ministries

Each province would designate an existing facility to be converted into a "secure care centre."

Staff would receive specialist training and would be assisted by teachers, psychologists and social workers

"We are transforming the youth care system in South Africa," the statement said. — Sapa

Omar calls for revamp of laws

~~252~~ ~~252~~ 253

Ladysmith - Laws should be changed to clamp down on teenage criminals, and magistrates' judgments should be cross-checked by community members, Justice Minister Dullah Omar said yesterday

Addressing a public forum in Ladysmith in KwaZulu Natal's Midlands, Omar praised the Constitutional Court decision to abolish the death penalty but said violent crime would only subside once courts were functioning properly.

One of the biggest problems was that courts were lax in giving criminals strict and consistent punishment. Another difficulty was that the majority of criminals was not being apprehended.

"Almost every complaint from the public revolves around the fact that criminals are not being made to account for their crimes," Omar said.

One necessary change in judicial legislation would be to call in community members as court assessors to cross-check magistrates' judgments.

Some magistrates still resisted the idea of court assessors, despite the fact that they would soon be compulsory, Omar said. - Sapa.

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Star 13/11/95

Don't jail children, justice minister urged

Star 14/11/95

253

The National Children's Rights Committee yesterday said it was shocked by Justice Minister Dullah Omar's statement that the law had to be urgently amended to make it possible for courts to imprison young people.

The NCRC said it rejected the premise that children were the problem in South Africa's crime-ridden society.

Children were the vic-

tims of some of the most atrocious crimes of the century, a statement said, yet no mention had been made of the perpetrators being brought to book.

"While we applaud the notion of crime finally being addressed in our country, we are horrified at the minister's statement," spokesman Liz Bennett said.

"This kind of knee-jerk reaction solves nothing. The

solution to juvenile crime is not to send children back to prison but rather to find viable alternatives."

It was the government's responsibility to put young offenders in appropriate institutions which took cognisance of their age and development.

Bennett said it was more urgent to focus on elders who committed crimes against children. - Sapa.

ANC's juvenile Bill a sign of policy shift

BD 14/11/95

(253) ~~278~~

Drew Forrest and Bonile Ngqiyaza

THE ANC plans to use a private members' Bill to outflank the opposition of Correctional Services Minister and IFP member Sipo Mzimela to the imprisonment of certain juvenile offenders awaiting trial.

The Bill, sponsored by ANC MP Carl Niehaus, would make it possible for juveniles suspected of serious crimes to be held in prison. It appears to flow from a toughening of the ANC's stance on crime.

The Bill would revise the controversial amendment of section 29 of the Correctional Services Act early this year which resulted in the release of more than 2 000 offenders under the age of 18 from prison and police cells.

A favoured project of President Nelson Mandela, the measure has run into serious snags because of the nationwide shortage of secure places of care with suitably trained personnel. Many juveniles — some charged with serious crimes — have had to be freed, and others have absconded.

Niehaus said yesterday that the private members' Bill had become necessary because of Mzimela's "reluctance to pass the amendment". If he could not win Mzimela's co-operation, the Bill would go to Parliament in the next session with the backing of Justice Minister Dullah Omar.

Nicola Jenvey reports that Omar

told a Durban news conference yesterday that although responsibility for amending the law lay with correctional services, "the time for passing the buck has stopped".

Omar said that inadequate laws allowing under-aged criminals back on the streets without fear of retribution had to be amended at once.

Correctional services spokesman Maj Bert Slabbert confirmed Mzimela was not in favour of changing the legislation. "The presence of unconvicted juveniles in prison violates international standards, and that's why the president wanted it changed," he said.

The National Children's Rights Committee said it was shocked by Omar's suggested amendment, and rejected the premise that children were the problem in SA's crime-ridden society, reports Sapa.

Meanwhile the justice, welfare and safety and security ministries have approved a R56m programme to provide at least one secure care facility in each province for youngsters awaiting trial for serious offences.

The welfare department said the plan, initiated by the interministerial committee on young people at risk, had been approved and was already being implemented at provincial level.

A meeting of the three ministries on October 26 had asked that the securing of facilities receive the highest priority from the committee.

Jail for youths 'would signal failure by SA'

BARRY STREEK
POLITICAL STAFF

CT 15/11/95

SOUTH AFRICA would have failed its children if the government had to house juvenile delinquents in overpopulated prisons and expose them to hardened criminals, the Minister of Correctional Services, Dr Sipo Mzimela, said yesterday

There was a solution that would not jeopardise public safety or go against international norms, he said.

"The problem lies with the safe and secure detention of these children in the places of safety already established," he said "It is also clear that security at these institutions must be urgently upgraded"

Dr Mzimela's statement followed urgent discussions between the Departments of Safety and Security, Justice and Correctional Services about the release of young criminals before their trials.

The ANC's chairperson of the Portfolio Committee on Correctional Services, Mr Carl Niehaus, has said he is to submit a private member's motion providing for the longer detention of youths under defined circumstances

The Department of Welfare has said places of safety for youths who have committed serious crimes are to be built in each of the provinces.

(278)

(253)

Prison warders strike to have a say in recreational funds

(253) Star 16/11/95 (452)

By LARA SMITH

Striking warders at Modderbee Prison on the East Rand say they will only return to work if their demands to have joint control of the prison's new recreational committee funds are met.

Acting prison commander Col Nollies Nolte said tension between warders and inmates arose when

warders that are members of the Police and Prisons Civil Rights Union (Popcru) demanded an input into the financial status of the recreational committee's funds, run by the inmates

About 100 Popcru members have refused to work in certain sections of the prison since Monday, claiming their lives are in danger

Nolte said last night the warders involved were calling for his immediate transfer from Modderbee and for the democratic re-election of a new recreational committee

Only one prison official, public relations officer, Capt George Enslin, sits on the committee. The rest are inmates who organise collec-

tion of funds for recreational facilities such as a gym, volleyball courts, basketball, softball and soccer fields

The majority of the 3 000 inmates were against the union's involvement and Popcru members then refused to work in any section of the prison except one, where 600 prisoners sided with them.

Fate of juvenile prisoners debated

BY PRISCILLA SINGH
Staff Reporter

The fate of juvenile prisoners hangs in the balance while various ministries debate whether to keep them imprisoned or hand them over to places of safety

Correctional Services Minister, Dr Siphosizwe Mzimela, said he had taken note of the controversy surrounding unconvicted children involved in serious crimes and the calls for certain categories of these juveniles to be detained in prison.

This followed urgent discussions between the departments of Safety and Security, Justice and Correctional Services on the status of alleged hardened young

criminals before their trials.

Carl Niehaus, the ANC's chairman of the Portfolio Committee on Correctional Services, said he would soon submit a motion defining circumstances in which youths could be detained in prison for longer time-spans.

However, the Department of Welfare said places of safety for youths who committed serious crimes were to be built in each of the nine provinces

"But the problem lies with the secure detention of these children in the already established places of safety. It is also clear security at these institutions must be urgently upgraded," said Mzimela.

He added. "Unconvicted children do not belong in prisons where they are exposed to hardened criminals."

In 1993, the Carelse Commission found that responsibility for the detention of unconvicted children lay with the Department of Welfare and not Correctional Services.

The commission also recommended "children should only in highly unusual circumstances be kept in prisons and for as short a period as possible".

"Additional places of safety should be established for these children and existing facilities upgraded to ensure secure care," said Mzimela.

SANITADV

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Full-time teachers to work in prisons

Staff Reporter (253) ARG 16/11/95

FULL-TIME teachers are to be appointed in prisons throughout the country from January 1, the Department of Correctional Services announced today.

More than 100 posts for qualified teachers will be advertised soon in the department's quest to promote the "further upliftment and development of prisoners".

Specific emphasis is to be placed on literacy, numeracy and occupational development skills.

The prisons education drive should be seen as directly supportive of the government's objectives as reflected in the RDP, the department said.

These objectives included ensuring that human resources were developed to the full, creating a climate conducive to rehabilitation and providing infrastructure for the rehabilitation of offenders to enhance their re-integration into the community.

"This programme will go a long way towards ensuring that more inmates will benefit and that more and more will be able to find employment on release, thus curbing further crime," the department said.

Department applies for interdict ordering striking Modderbee prison warders back to work

Star 17/11/95

(253)

The Department of Correctional Services yesterday applied to the Rand Supreme Court for an urgent interdict ordering striking Modderbee prison warders on the East Rand to return to work.

Warders belonging to the Police and Prisons Civil Rights Union (Popcru) have been on strike since Monday, department spokesman Brig Chris Olickers said. The decision to take the dispute to court was made when negotiations deadlocked yesterday, with Popcru members still refusing to work

in some sections of the prison, he said. About 100 warders walked out when prisoners handed a memorandum to acting prison commander Nollies Nole, requesting that Popcru members not take part in union activities in working hours. The warders

also refused to work alongside white warders, said Olickers. The union yesterday handed a list of demands to Correctional Services Commissioner Henk Bryn and these were still being discussed, he said. -- Sapa

Doing time — and making the most of it

(253) ARG 17/11/95

Training at Victor Verster to rehabilitate prisoners

LINDSAY BARNES
Staff Reporter

A PRISONER picks up a helpless, tiny piglet to show to the visitors to Victor Verster Prison

His name is Jimmy Sass and he has just begun serving a four-year sentence at the Paarl prison for beating his wife, who died of her injuries. Sass is learning pig farming as part of his rehabilitation, gaining a sense of usefulness and helping to contribute economically to the prison.

Sass is one of about 1 000 prisoners out of a total of 1 600 who undertake daily duties and training.

As each convict arrives at Victor Verster, they are asked what farm jobs or trade they have an interest in and are placed accordingly.

The 402 hectares of land the prison occupies was previously farmed privately and was bought in 1963 for the purpose of combining farming with the incarceration of convicts.

Victor Verster has an annual budget of R57 million and

18 and 21 and is to be opened soon.

The main aim in the training of prisoners is to help them become useful members of society, a prison spokesman said.

The men are encouraged to use the training facilities and staff, but many do not do so.

Various trades are offered, such as masonry, building, plumbing, plastering, carpentry, furniture manufacturing, upholstery, welding, fitting and turning, spray painting, sheet metal work, wood machining, tractor driving and cooking.

These are taught by warders who come to the prison with a skill, and sometimes by outside trainers.

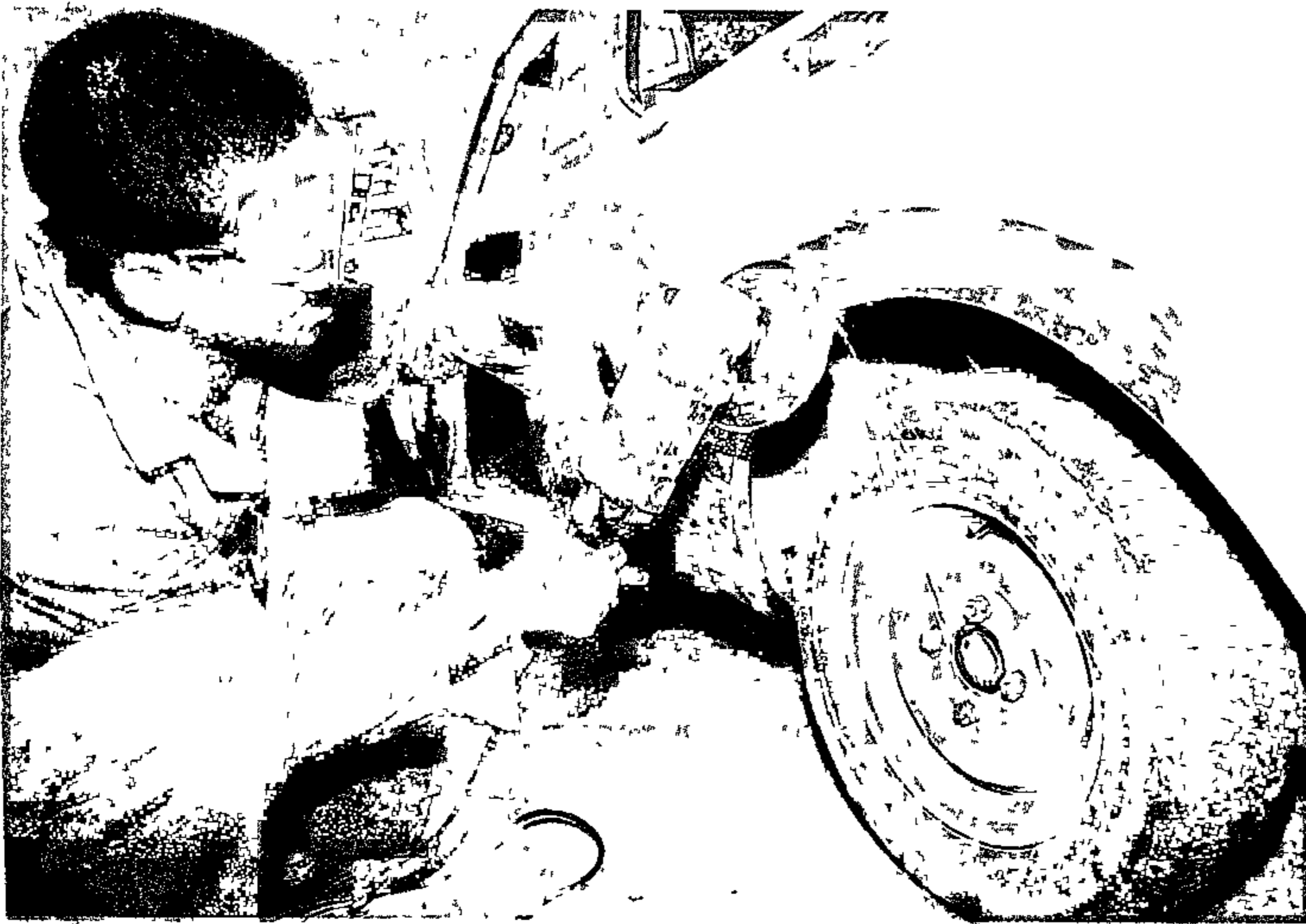
The task of teachers involved in the technical training school is often complicated by prisoners wanting to learn but not being literate.

Their training begins with basic literacy and progresses once the basics have been mastered by all.

"We have had to create our own course to bring the prisoners up to a level where they can start learning a trade," said warden Rex Hart.



FUTURE FARMER: Jimmy Sass holds a day-old piglet. Sass, in prison for assaulting his wife, is learning pig farming as part of his rehabilitation.



LEARNING A SKILL: Glen Maartens grinds down part of a car in the vehicle repair workshop.

imum security block and two medium security prisons

The newest is Medium B, which will hold youths between

Occasionally private companies are employed to give courses in the workshops

The labour of the prisoners makes the system cost-effective and would cost twice as much if commercial labour was employed, said prison chief Dirk du Plessis

In the vegetable gardens a variety of crops are farmed

About 11 000 kilograms of grapes are produced annually and other crops are guavas and citrus fruit

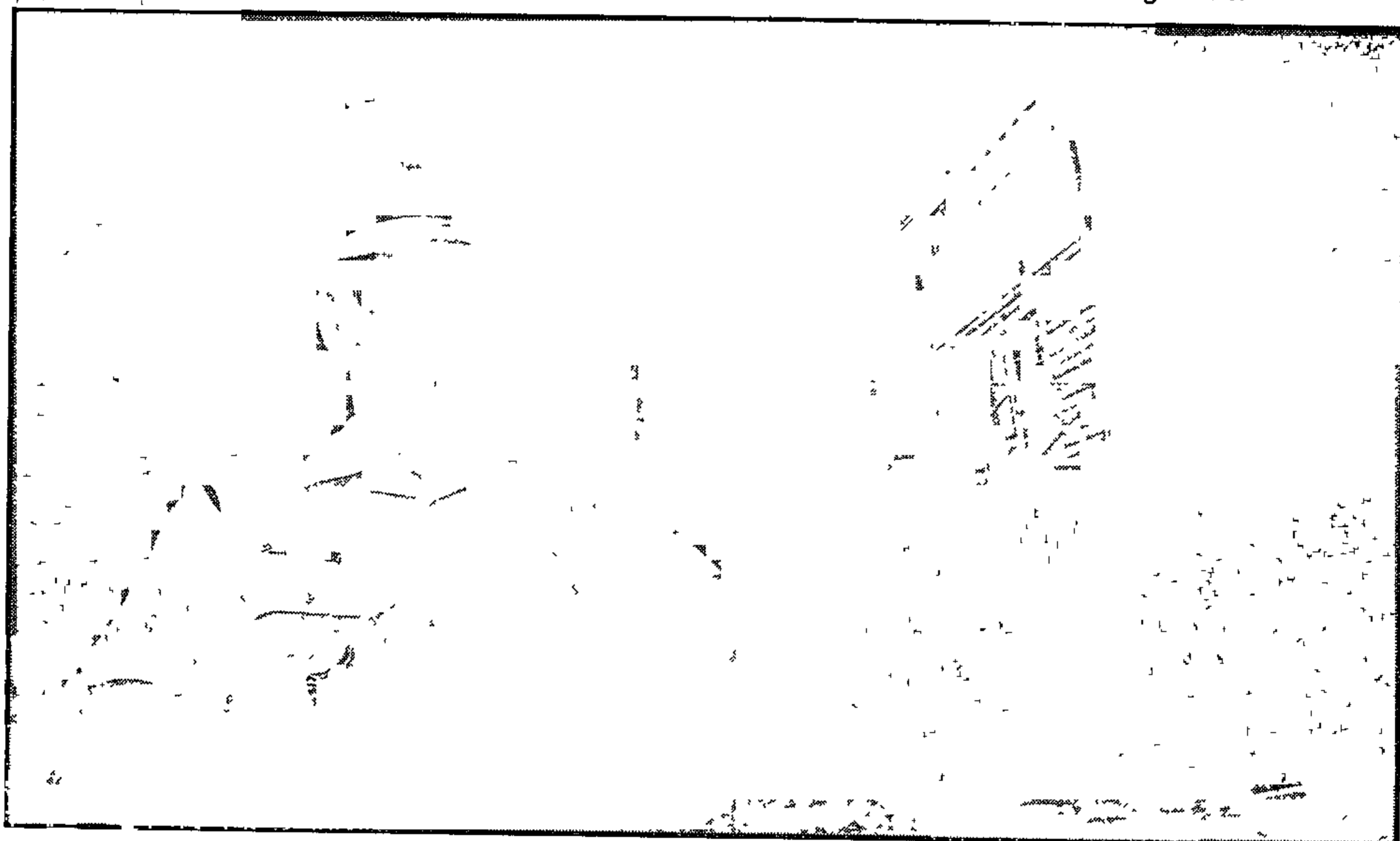
The dairy has 64 cows which produce 1 300 litres of milk a day, while chicken farming yields 320 tonnes of meat a year. Almost 300 000 eggs are collected annually from the 12 500 egg layers

Programmes which help rehabilitate prisoners and reintegrate them into society are run throughout a prisoner's sentence

Their skills training programmes have been successful and the success rate of those on parole is 94 percent, a spokesman said

"If you give a prisoner the type of work he is interested in, he will be enthusiastic at his job," said senior warden Loodewyk Meissenheimer

GUIDANCE: Sergeant Rex Hunt supervises Desmond Olivier at work in the training centre.



THE HOUSE THE PRISONERS BUILT: Prison commander Brigadier Dirk du Plessis stands proudly in front of a wooden guesthouse put together by the prisoners.



REBUILDING: Hannes Willemse and Ndimiso Bomvana renovate an old lounge chair.

Pictures HANNES THIART, The Argus

Fivaz backs
Omar on ~~253~~
child custody
CT 17/11/95

PRETORIA Police Commissioner George Fivaz yesterday welcomed a call for serious juvenile offenders to remain in custody until places of safety were provided, saying the harsh realities of South Africa's present crime situation had to be recognised

"I believe the position adopted inter alia by (Justice Minister) Mr Omar is highly realistic in the face of the violent crime epidemic, in which juvenile offenders play a disturbingly large role" — Sapa

Jail warders decide to carry on strike action

SAW 18/11/95
(152) (253)
Shortly after indicating yesterday that they would return to work, warders at the East Rand's Modderbee prison - who have been on strike since Monday - turned back at the gates, said Department of Correctional Services spokesman Brig Chris Olckers.

The warders, members of the Police and Prisons Civil Rights Union, defied a court interdict ordering them back to work. A charge of trespassing had been laid against them and they would be arrested.

Popercu Gauteng chairman Monwabisi Motto said the 180 warders had never been on strike "They refused to work because their lives were threatened." Motto alleged that prisoners were angered when told by acting prison commander Col Noltes Nolte that warders were demanding to see the financial records of the prisoners' recreation committee

He alleged that warders actually wanted a financial statement of their members' club and Nolte had intentionally misinformed prisoners. The union has, among other demands, called for Nolte's transfer - Sapa

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Nov 18/11/95

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He alleged that warders actually wanted a financial statement of their members' club and Nolte had intentionally misinformed prisoners. The union has, among other demands, called for Nolte's transfer - Sapa

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NP leaders under fire at Cape congress

ST(M) 19/11/95

By NORMAN WEST
Political Reporter

THE National Party's leadership was on the receiving end of stinging criticism from members who yesterday accused it of being lacklustre, unimaginative and out of touch with followers.

One of the most outspoken critics at the NP's Western Cape congress in Somerset West was Local Government Minister Peter Marais, who said the NP had blundered by not fighting the local government elections in black townships.

Rural delegates lashed out at poor communication and NP research director Melt Hamman said the party fell flat when it came to implementing decisions.

Other delegates accused the party of not being visible enough at grass-roots level.

A delegate from Wellington — who spoke on a motion similar to those from Citrusdal, Constantia and False Bay — said the NP's Head Council had to improve communication between the leadership corps, representatives and ordinary members.

They said the NP was not marketing itself aggressively enough.

Mr Tito Brink of the Wellington branch criticised the party's hierarchy for not paying enough attention to the needs of rural voters and grass-roots supporters. He said there was a need for new ideas and initiatives from the party's national leadership. The NP should stop looking for "scapegoats" when it performed badly and rather examine itself to find the reasons.

Agreeing, Mr Hamman said the NP's success depended on better marketing.

"We take the right decisions but when it comes to implementing them, we fall flat," he said.

Mr Marais, a member of the Western Cape cabinet, accused his own party of being "poorly packaged and ineffectively marketed".

Constitutional Court must decide how to limit rights

By CARMEL RICKARD

ST 19/11/95

(253)

FUNDAMENTAL rights guaranteed by the constitution were not incompatible with community demands to be protected from criminals, according to a prominent human rights lawyer.

Ann Skelton, the national co-ordinator of the Lawyers for Human Rights programme on child rights, was commenting on remarks by the Minister of Justice, Dullah Omar, at a national legal forum this week. Mr Omar said he had asked the

Law Commission for help in resolving the tension between these two competing claims. Ms Skelton said that in balancing community safety and individual rights, some people's rights may have to be curtailed so that the rights of the majority can be protected. The Constitutional Court should ensure the curtailment did not go too far.

Mr Omar said earlier he was considering legislation to enable courts to confine young offenders for serious violent crime. Ms Skelton said legislation such as that which saw 2 000 young offenders released from prison and sent to places of safety should not be contemplated until the necessary infrastructure was in place. She backed a committee proposed by an inter-ministerial committee on young people at risk, to establish secure care facilities, which were neither prisons nor places of safety. Mr Omar seemed to propose that young offenders be sent to jail as a temporary measure, but this risked becoming permanent, she said.

Warders' strike ends peacefully

(452) (253)

BY JUSTICE MALALA

Labour Reporter

SAW 20/11/95

The week-long work stoppage by about 180 warders at the Modderbee Prison on the East Rand ended at the weekend and the prison was back to normal last night, acting prison commander Colonel Nollies Nolte said.

The stoppage by Police and Prisons Civil Rights Union (Popcru) members ended on Saturday after prison authorities had agreed to appoint a committee to resolve the grievances that led to acrimony between warders and prisoners.

The warders' return to work ends a week of tension at the prison, during which the union claimed its members' lives were endangered as a result of false information imparted to prisoners by authorities.

The warders went on strike after prisoners handed a memorandum to prison authorities demanding that Popcru members stop conducting union activities during working hours.

Popcru Witwatersrand chairperson Monwabisi Moto said last week that prisoners had believed that the union wanted a financial statement of the inmates' recreation committee, whereas the union actually wanted the prison officials club's financial statement. He claimed Nolte had not been truthful when relaying this information to prisoners, and that prisoners had as a result rebelled against the union's members.

Nolte, however, stood by his initial statement that it was the issue of recreation committee funds that was at the root of the conflict.

On Friday, the warders turned back at the gates of the prison after they had earlier indicated they would return to work in accordance with a court interdict granted to the prison on Thursday. The return to work on Saturday follows an additional interdict granted to prison authorities on Friday.

Magistrate leading inquiry faces corruption charge

Star 22/11/95

(253)

A magistrate recently appointed to lead a government commission of inquiry was arrested on Monday in connection with corruption, the Department of Health said yesterday.

Senior regional magistrate H H van der Watt appeared on Monday on a charge of corruption in the Pretoria Magistrate's Court.

The case was postponed to February 3.

A police spokesman said an amount of R3 150 was involved.

President Nelson Mandela on

August 1 appointed Van der Watt chairman of a commission of inquiry into the Protein Energy Malnutrition Scheme.

"As a precautionary measure, it was decided to relieve him of his responsibilities as chairperson of the commission with effect from Tuesday, November 21," the department said in a statement in Pretoria.

A decision on a new chairman would be taken in due course, the statement added.

-Sapa

Call for special secure facilities for dangerous youths

BARRY STREEK
POLITICAL STAFF

DANGEROUS juvenile criminals should not be housed in prisons or places of safety but in special secure care facilities, city Child Welfare Society director Mr Alan Jackson said yesterday.

Although the national inter-ministerial committee on children

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at risk decided to provide financial support for one secure facility in each province, the Western Cape's Department of Social Services had inexplicably decided not to do this for the time being, he said.

Mr Jackson said in a statement that prison was no place for children, "even for those children who are the most difficult to contain."

"Prison is a university of crime,

especially for young people."

He said these children constituted only about 10% of those in trouble with the law.

The Minister of Correctional Services, Dr Sipo Mzimela, had said South Africa would fail its children if the government had to house juvenile delinquents in over-populated prisons where they were exposed to hardened criminals

"The terrible irony is that convicted children are held under exactly those conditions, and Minister Mzimela does not appear to have any problems with this."

Mr Jackson said places of safety were never designed to hold dangerous juveniles.

"The solution lies not in returning some children to prison, but in providing new social care facilities

(high security alternatives to prison), as a new category of institution alongside places of safety.

"It must be small (up to 20 children), have secure care facilities, have hand-picked staff with excellent conditions of service, and they must receive specialised training from people who are expert at dealing with very dangerous situations," Mr Jackson said.

Employees

blockade

(253)
prison

ARG 23/11/95

MARITZBURG — Thirty Department of Correctional Services employees have blockaded the entrance to the Maritzburg prison to protest against an "abusive" department official.

The protest followed complaints from Police and Prisons Civil Rights Union members, who claimed they had been manhandled by the official.

The officer concerned was subsequently transferred to the provincial commissioner's office, pending the outcome of an investigation into the complaints, the department said in a statement.

By MARLENE BURGER

Police swoop on senior magistrate

POLICE set a trap for a senior magistrate who allegedly coerced a Johannesburg advocate into sharing her fees with him.

Senior Southern Transvaal regional magistrate Henne van der Watt, 54, was relieved of his duties as chairman of an inquiry into alleged irregularities in a government feeding scheme on Monday after he appeared in the Pretoria magistrate's court.

President Nelson Mandela appointed Mr van der Watt to conduct an inquiry into the Department of Health's Protein Energy Malnutrition Scheme.

Mr van der Watt was taken into custody by an officer from the Commercial Crime Unit. No charges were put to him when he appeared in court on Monday and he was released on warning and told to appear in court again on April 15.

However, sources close to Mr van der Watt said he had instructed his lawyers to seek an earlier date for his court appearance "preferably before the end of the year" in order to "clear his name".

Last year, he led the inquiry into corruption and the manipulation of lucrative state contracts for prisons food.

This led to the early re-

tirement of a Correctional Services general and senior public servants found to have been involved in fraudulent schemes which saw prisoners being fed substandard food for a number of years.

The commission's findings also led to a R9-million claim against the state for breach of contract by soya product manufacturers Rodhlon, which lost the prisons contract to Johannesburg-based company ProTol, found by the commission to have given of-

ficials gifts, free holidays and vast sums of money to secure the tender. The case is due to resume in the Transvaal Supreme Court on Tuesday.

A spokesman for the Department of Justice, Pieter du Randt, said Mr van der Watt had allegedly claimed "in a corrupt manner" R3 150 of the fees due to Mrs E Kilian, an advocate appointed to assist him during the inquiry.

Mrs Kilian had laid a complaint and a police trap had been set, Mr du

Randt said

The Department of Health said the only claim submitted by Mr van der Watt since the inquiry began sitting in Pretoria on October 1 was for an amount of R467 in respect of the R10 daily allowance for "entertainment and incidental expenses" to which he was entitled as chairman of the commission.

Mr van der Watt, a candidate for the post of chief magistrate in Johannesburg, would not discuss the matter this week.

The commission will continue to function under the direction of Professor Pauline Khuzwayo, of Medunsa, and advocate N R Rathidhi until a replacement for Mr van der Watt is appointed.

Mr van der Watt is on leave.

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MEC facing charges

THE Mpumalanga MEC for Safety and Security, Steven Mabona, is due to appear in the Pretoria magistrate's court tomorrow on various charges, including one of attempted murder.

Mr Mabona has laid a counter-complaint of crimen injuria against Pretoria

traffic officer Petrus Potgieter. Mr Mabona's bodyguard, a Mr Ndlovu, has laid a charge of assault against the officer.

Pretoria police spokesman Captain Dave Harrington said Mr Potgieter pulled a car off the road near the Loftus Versfeld

rugby stadium at 10.30pm on Wednesday to issue the driver with a ticket for reckless driving. The occupant was Mr Mabona.

The two had words, then in the process of issuing a ticket, Mr Potgieter went to the front of the vehicle to write down the registration particulars, whereupon the car allegedly went forward.

No 'shelter' for streetchildren

ML 27/10 - 2/11/95

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Ann Eveleth

TENNYSON SHANGE spent the last five years helping KwaZulu-Natal's growing numbers of "streetchildren" get back into mainstream life. As a "house-father" at Khayaletu streetchildren's project in Pietermaritzburg, he steered dozens of young boys away from the harsh realities of the streets and back into school.

Shange died recently, stabbed to death outside the shelter by one of the older youths who had been kicked out of the centre for attacking another child care worker. "He had just finished calling the kids in to sleep on a normal Sunday evening when the assailant jumped out of the shadows and stabbed him. He died within minutes," remembers Denis Drennan, coordinator of Youth for Christ, a partner in Khayaletu.

Shange's 20-year-old attacker is just one of a growing number of predators lurking in the corners around child care centres such as Khayaletu. Drennan says the release of some 300 awaiting trial juveniles in the province earlier this year has increased the negative influences on the boys who are trying to get their lives back on track.

Older boys prey on the younger boys and they prey on the even younger boys, making their victims commit crimes for their benefit, demanding a cut of the day's takings and extracting domestic

labour from the minor groups.

"Now, even adult criminals have begun to prey on the boys. They know the boys will only be held for a couple of days, so they make them take the risks," says Drennan. "There are no places of secure care for juveniles, so they are either returned to society or put in places of safety which they just escape from. Now every day there are incidents where boys in our programmes are influenced by the older boys or adults capitalising on the fact that they can't be held."

When Khayaletu staff identified a growing criminality among boys at the centre, they called on the police and government to take action against a list of identified criminal youths.

While the promised police protection failed to save Shange's life, centre chairman Yvonne Spain said the subsequent responses of Safety and Security Minister Sydney Mufamadi, Justice Minister Dullah Omar and Deputy Welfare Minister Geraldine Fraser-Moleketi were positive. "They responded promptly and promised to support our proposals to increase security for the children."

Fraser-Moleketi said the Cabinet has established an Inter-Ministerial Committee on Young People at Risk to deal with the issues facing Khayaletu. Omar recently announced plans to tighten the conditions under which juveniles were released.

PHOTO: ...

PRISONERS... "even they are entitled to a meaningful life."

Prisoners let out their steam

By Joe Mdhlela

IF IN THE PRISONS will no longer be a drudgery, thanks to the initiative of an internationally renowned poet, Ms Elaine Rumboll

Rumboll, who responded to a call by Arts Alive to become involved in organising poetry workshops in jails, is confident that the workshops will go a long way in raising the self-esteem of prisoners

The idea behind these workshops is to "uplift the social and intellectual wellbeing of the prisoners"

In September, Rumboll conducted workshops in Pretoria Central Prison and Diepkloof Prison

Afrikaans poetry

One of the surprise participants was African National Congress MP, Mr Carl Niehaus. He read his own poetry in Afrikaans

At the end of the workshops, Niehaus said "We should no longer think of prisoners as lesser human beings. Every person has a right to express himself or herself, and prisoners are no exception"

Niehaus said while he accepted that the concept of poetry workshops in jails was a good thing, "there was a lot of work still to be done to improve the conditions of our jails"

Prisoners need rehabilitation as a result of inhumane conditions



Carl Niehaus "terrible inhumane conditions."

"Despite the good work done by the workshops, many prisons still need to be rehabilitated from the terrible inhumane conditions presently in existence," Niehaus said
Listen to Rumboll, the initiator of these programmes "Life is a gift life is about winning"



Sol Rachilo all praise for the poetry workshops in prison.

I seem to hear Rumboll saying that even prisoners are entitled to a meaningful life, despite their wayward ways
Indeed, if it is true that life is about winning, Rumboll's seems to be arguing strongly for the betterment of their lot. The prisoners themselves appreciate the work done by Rumboll

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ate the work done by Rumboll
Soweto-born Ms Fikile Nkosi is serving a jail term for armed robbery
She says "Being in prison is hard One no longer sees oneself as a living creature, but a living corpse, cold to the reality of life"

Despite the negative attitude she harbours about prison, Nkosi does not lack hope
She believes the poetry workshops will give inmates an opportunity to reflect deeply about life, its meaning, and the destiny of humankind

"I was a kindhearted person I am now a hard person I was not like this when I first came to the prison," she says
Another inmate at Diepkloof Prison, Ms Patience Khumalo, said about the workshops "The workshop on poetry came at the right time. Not only do these workshops broaden our scope, they also help us to meditate and get our mind off the drudgery of prison life"

Emotions
Clinical psychologist Ms Karen van der Veenen says "The first two and a half months in prison evoke a lot of sadness and depression, giving rise to dangerous tendencies in prisoners"

Given these facts, she concedes however, that it is necessary for the inmates to be kept busy

Therefore, she welcomes the idea of poetry workshops which help to stimulate prisoners to reflect on their own experiences
A noted black poet Sol Rachilo said about the workshops "Being in prison, your mind tends to switch off. The type of exercise that stimulates prisoners through poetry is a commendable one"

Ex-political prisoner and deputy director of the Institute for the Advancement of Journalism, Mr Hugh Lewin, says "This is an important rehabilitation experience for the prisoners, exposing them to new horizons through words"

The motivation for Rumboll to initiate the workshops was the realisation that "life inside" brought with it a range of socially abnormal circumstances
In most instances prisoners find it hard to cope with their circumstances "Poetry is an important cultural and socio-political tool that enables them to deal with their own situation"

"Not only is it a reflection of life on the outside, but it is also an effective medium for the expression of one's innermost fears and hopes," says Rumboll
For more information on Rumboll and the poetry project, watch NNTV today at 7 30pm

Land notices upset farmers

Louise Cook

COMMERCIAL farmers discovered they might be forced off their farms after reading reports of land claims in the media, causing widespread confusion, the SA Agricultural Union (SAAU) said yesterday.

The union said in a report in *The Farmer* that the commission on the restitution of land rights had published notices of new claims only in the *Government Gazette*, without considering the fact that the general public did not read the gazette.

The commission then placed notices in the media. Farmers were then

surprised when they read in newspapers that they might have to move off their land, and this also resulted in "untold misery"

The union asked the commission in future to inform farmers of land claims by personal delivery of notices.

Commission secretary Daan van der Westhuizen said yesterday farmers would in future receive registered letters where possible.

"In terms of the regulations the commission has the option to send a letter, but is not obliged to do so. However, we will follow that procedure wherever we can," he said.

~~(253)~~ (253) BD 28/11/95

Northern rustling 'boom'

PIETERSBURG — Cattle rustling in Northern Province had risen by 145% in the past year, police said yesterday.

Livestock theft unit commander W/O Herman Lubbe said cattle valued at about R10m had been stolen this year. He expressed concern that children were often used by organised syndicates to carry out the thefts. Cattle could be sold off quickly. He said thefts from game farms had increased.

Transvaal Agricultural Union regional representative Gert Ehlers has warned Northern Province safety and security MEC Seth Nthai that farmers would take the law into their own hands if the situation was not resolved. — Sapa.

~~(253)~~ (253) BD 28/11/95

Maritzburg jail chalks up 20th breakout this month

MARITZBURG — Five maximum-security prisoners escaped from Maritzburg prison yesterday, bringing to 20 the number that have escaped from the prison this month

Department of Correctional Services spokesman Lt-Col Andy Anderson said three of the five men had been convicted of murder and other charges.

The five are Alfred Mwelase, 20, Jabulani Mpanza, 22, Jabulani Michael Zuma, 28, Thulam Shadrack Sokhele, 33, and Sipho Vitalis Mahlaba, 27.

Anderson said eight men escaped from the prison on November 11 by sawing through window bars. One was caught at the scene and another at Hammarisdale in the KwaZulu-Natal Midlands four days later. It appeared the escapers had used hacksaw blades. How they had got hold of them was being investigated, he said.

On November 19 seven awaiting-trial prisoners escaped by using steel pipes to force open windows. They made their way across the roof of the prison and fled. They were still at large, Anderson said.

An independent team had been appointed to investigate yesterday's escape.

Anderson said security had been stepped up at the prison. Correctional Services viewed all breakouts with concern.

He said yesterday's fugitives were dangerous and he impressed on the public that they should not confront them. — Sapa

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Subject to Correction

(253) ARG 29/11/95

Prison laws being changed to 'most modern and sophisticated in the world'

The Department of Correctional Services has called for submissions from interested parties in a quest to totally overhaul South Africa's ageing, off-patched prisons act. Staff Reporter ROGER FRIEDMAN spoke to the only "outsider" appointed by the department on to its task group to oversee the process.

DIRK van Zyl Smit, the bespectacled Dean of Law at the University of Cape Town, is confident that once the consultative process is over and the new act written, South Africa's prisons legislation will be among the "most modern and sophisticated in the world."

The Correctional Services Act is not merely undergoing a review or being amended, the Department of Correctional Services explained in a statement this week.

"The project entails a total paradigm shift to align the legislation with international norms and standards, as well as management processes, with due consideration for human rights as enshrined in the constitution," said spokesman Chris Olckers.

"In order to facilitate the drafting of the required legislation, the Commissioner of Correctional Services, General Henk Bruyn, has appointed a task group under the chairmanship of the director of legal services, Brigadier Carel Paxton, including internationally renowned expert on prison law, Professor Dirk van Zyl Smit," Brigadier Olckers announced.

Approached for an interview in the light of the department statement, Professor Van Zyl Smit was embarrassed at being described as an internationally renowned "expert".

But it emerged in the course of the wide-ranging interview lasting several hours that the description was not at all



PROFESSOR DIRK VAN ZYL SMIT: "I don't think that in South Africa, given our constitution and enormous social disparities, and very real disadvantages, the vast majority of those admitted to prison have suffered, we can have a prison system that simply contains people."

Picture ANDREW INGRAM,
The Argus

Not only is he the author of the seminal South African Prison Law and Practice, but he also co-authored Making Standards Work: An International Handbook on Good Prison Practice, accepted in April this year as an official document of the United Nations.

But Professor Van Zyl Smit was decidedly unhappy discussing himself, quickly turning the conversation to the matter at hand.

Obviously, seeing as South Africa had a constitution with entrenched rights, careful thought had to be given to the meaning of those rights with regard to prisons, he said.

"The interesting aspect of South Africa moving toward new prison legislation now

is that in a sense the wheels have turned a full circle."

South Africa played a "prominent role" at the United Nations in 1955 in the drafting of the UN Standard Minimum Rules for the Treatment of Prisoners. And the UN standards played a prominent role in the drafting of the South African Prisons Act of 1959 - later rechristened the Correctional Services Act.

"But the UN minimum standards) was just one source for the South African drafters. The other was, very specifically, the apartheid ideology."

So provisions such as not allowing black and white prisoners to be kept in sight of each other were allowed to creep into the act.

Others that crept in were not allowing a white prisoner to be visited by a black minister of religion, and that all death-row prisoners would get rations on the white scale.

Prison law was further bedevilled from the mid-1960s when political prisoners began challenging the legality of various aspects of prisons regulations.

"Typically they lost, but just to make quite sure the regulations would be amended to ensure that if they tried again they would definitely not succeed.

"The act tended to get encrusted in this way," said Professor Van Zyl Smit.

But, he stressed, "in fairness, from the mid to late-1980s onwards, this process was reversed, certainly as far as race was

concerned.

"So, for example, the provision that death-row prisoners were entitled to rations on the white scale was changed to allow for them to get rations determined by the commissioner.

"Attempts were made to rid the act and regulations of racial prejudice, although the act remained fundamentally the same act as that of 1959," Professor Van Zyl Smit said.

Turning to the present, he said the Correctional Services task group proposed to start its task by looking at the fundamental rights enshrined in the constitution, and to specify how these rights should apply to prisons.

"We would bear in mind international experiences (particularly the German and Canadian models), but certainly we'd like to develop something that is uniquely South African."

The legislation would not only deal with prisons, but with "all aspects of the implementation of sentences and particularly with correctional supervision."

He added that the task group was not working in a vacuum. There were already several other initiatives and groupings working towards the transformation of prisons.

These included the publication of both a white paper and an "alternative white paper", and the work of the National Advisory Council on Correctional Services, the Transformation Forum and the very active parliamentary portfolio committee.

"I hope that in the process of drafting the act, not only will these various groupings comment, but force all of us to crystallise our ideas on a whole range of issues," said Professor van Zyl Smit.

"I would hope that what we end up with will be one of the most modern and sophisticated acts in the world."

Professor van Zyl Smit realises that rewriting the legislation will not provide quick-fix solutions to all the perceived problems - notably overcrowding - afflicting the prison system.

"The act itself cannot change conditions. It can at best provide guidelines," he concluded.

HOW TO HAVE your say on the new act

ARG 29/11/95 (253)

WHILE Correctional Services does not want to restrict representations from interested parties concerning the principles on which the proposed new legislative framework governing prisons should be based, it has identified a number of points of departure

The new legislation should include a clear statement of the general purpose or purposes of the implementation of sentences as its guiding principle. This statement should be formulated in the context of the Reconstruction and Development Programme

The primary focus of any new legislation should be the new constitutional dispensation, and specifically the fundamental rights enumerated in chapter three of the constitution. The new act should specify both what these rights are and how they should be restricted.

The new legislation must ensure that the procedures which it creates for the implementation of sentences meet the constitutional requirements of administrative justice as specified in Section 24 of the constitution. These include complaints, disciplinary and release procedures.

Proposals are requested on the particular issues of principle which are raised by sentences served in the community.

The new legislation will have to deal in broad terms with the powers, structure and governance of the Department of Correctional Services and its relationship to other state departments.

Proposals are requested on the form which the legislation should take, which matters should be dealt with at which legislative level, and what should be done to ensure that the legislative enactments are accessible to those requiring knowledge of them.

Comment is requested on the respective responsibilities of the courts and the correctional system in determining how sentences should be served.

And comment is invited on the Department of Correctional Services' role as an employer including conditions of service, labour practices and other labour-related matters. Specific comment is sought on a proposed code of conduct for all prisons staff.

Submissions and correspondence should be addressed to The Director, Legal Services, Department of Correctional Services, Private Bag X136, Pretoria, 0001. The deadline is January 31 next year.

Massive prison building programme on

The Department of Correctional Services is embarking on a "massive and comprehensive" programme to build more prisons and will also appoint 1 500 new staff early next year, the department said in Pretoria yesterday

"These staff members will be deployed countrywide at new and existing prisons and also at supervision offices to supervise offenders under the community corrections pro-

grammes"

As a "major contributing factor in the fight against crime", three new prisons would become operational next year

In Porterville in the Western Cape a prison with a capacity for 1 400 inmates would be completed soon.

A penitentiary at Brandvlei near Worcester, which would accommodate 350 inmates, was also nearing completion

At Umzinto, KwaZulu Natal, a prison for 350 prisoners would soon be handed to the department and would be functioning by early next year

A fourth prison in Paarl, also in the Western Cape, for 500 convicts was being commissioned, the department said.

Land in Gauteng had been identified for the site of another new prison which would be built soon. - Sapa.

(253) Star 5/12/95

Parties clash over child prisoners

□ *Places of safety 'not secure'*

ARG 6/12/95

ROGER FRIEDMAN, Staff Reporter

A POLITICAL wrangle is brewing over the thorny issue of where to hold juvenile awaiting-trial prisoners alleged to have committed serious crimes.

A spokesman for the Ministry of Correctional Services said Minister Sipo Mzimela (of the Inkatha Freedom Party) might ask President Nelson Mandela to intervene if senior African National Congress officials continued to press for a change in the law that would allow awaiting-trial juveniles to be held in prison.

Dr Mzimela recently rebuffed approaches by the (ANC) ministers of Justice and Safety and Security — Dullah Omar and Sydney Mufamadi — to pilot an amendment to the Correctional Services Act through parliament as an "interim measure".

This prompted Carl Niehaus, the ANC MP who heads the National Assembly's portfolio committee on correctional services, to start drafting a private member's bill to amend section 29 of the act.

Section 29 was changed last year to expressly forbid the incarceration of allegedly dangerous awaiting trial juveniles in prison.

But, during the past year it has become apparent that places of safety are too insecure and just not geared towards holding such a dangerous category of alleged child offender.

Mr Niehaus is on record as saying he still "strongly supported" the principle of keeping awaiting-trial juveniles out of prison and his proposed amendment to section 29 would be of a temporary nature — until secure places of safety were built.

But, Dr Mzimela said the proposed amendment would show "a total disre-

gard for the (United Nations) Convention on the Rights of the Child as well as international rules and guidelines regarding the detention of children, including the Beijing and the Tokyo Rules to which South Africa subscribes"

Said Dr Mzimela: "At the time of the announcement (last May) that unconvicted children will no longer be kept in prisons, it was welcomed by political parties and interest groups over a wide spectrum.

"It is obvious that the problem lies with the safe and secure detention of these children in the already-established places of safety. It is also clear that security at these institutions must be urgently upgraded," he said.

Dr Mzimela said his department had offered to assist the Department of Welfare with the training of staff and the establishment of guidelines. He was even prepared to deploy members of his department temporarily to run security at places of safety.

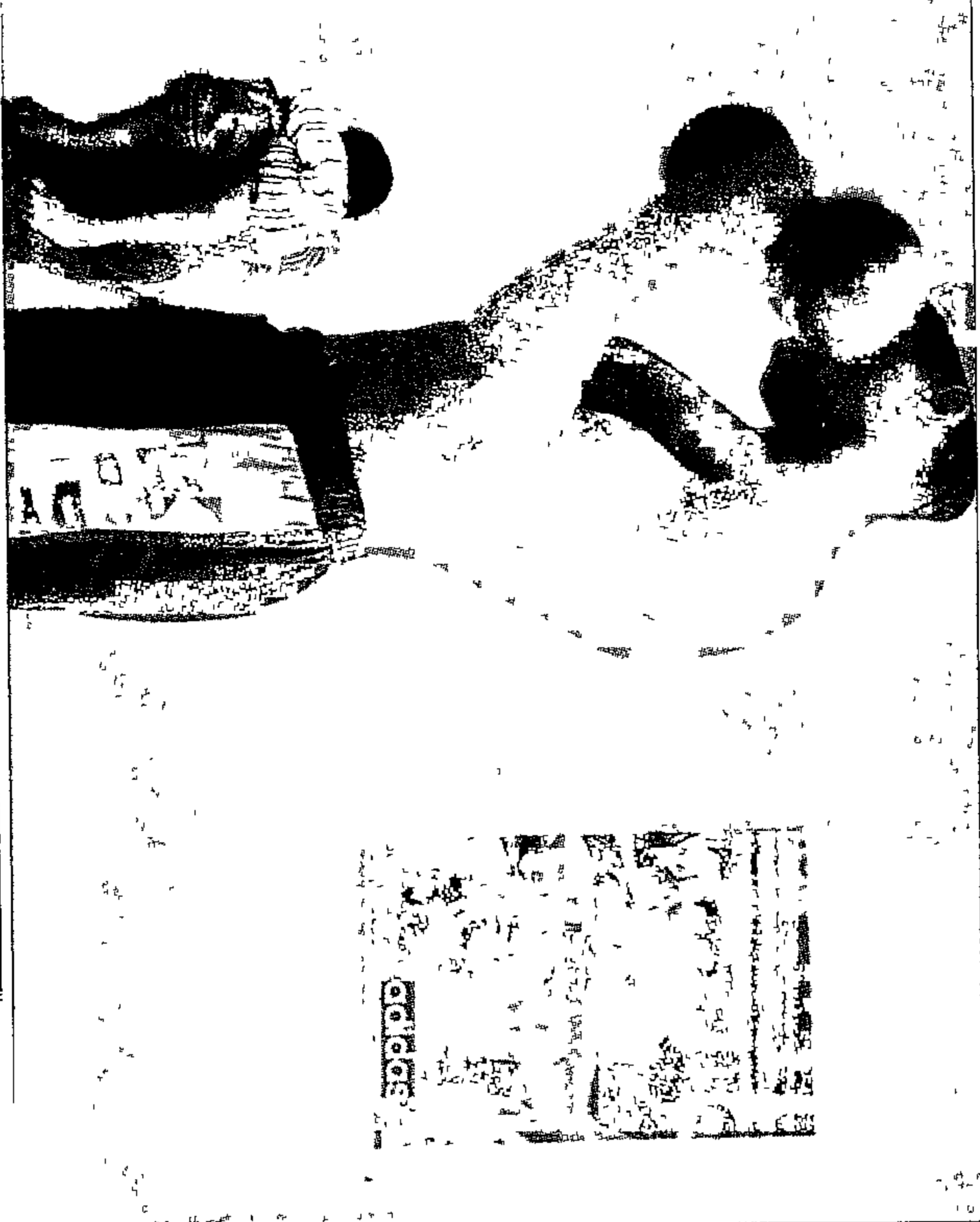
Meanwhile, the director of the Cape Town Child Welfare Society, Alan Jackson, joined the fray, saying: "Prison is no place for children, even for those who are the most difficult to contain. Prison is a university of crime, especially for young people."

Mr Jackson said it was a "terrible irony" that Dr Mzimela stated South Africa would be "failing" its children if the government housed awaiting trial juveniles in prison, when convicted juveniles were held in prison anyway.

He suggested the solution to the problem lay not in returning children to prison, but in providing new, secure care facilities ("high-security alternatives to prison") as a new category of institution alongside places of safety.

It might not be home but at least it's not prison for young offenders

JODI BIEBER



Access to a gym, boxing ring, soccer field, games and computers means that these prisoners could mistake the Meritum Youth Centre for a summer camp

(253) ~~253~~ Star 6/12/95
BY BOBBY BROWN

Impatient youths file pass, each one blurring out his roll-call number on his way to collect his lunch of a soya burger patty, a generous scoop of meale meal covered with sauce and a cup of concentrated juice

Number 529 is a tiny 13-year-old burglary suspect, a softly-spoken boy who hits the punching bag with more determination than anyone else but who is nevertheless given away by the scared expression on his face

It is easy to confuse the Meritum Youth Centre for juvenile awaiting-trial prisoners in Krugersdorp for a summer camp. The 172 youngsters currently at Meritum have access to a gymnasium with a boxing ring, basketball court, soccer field, several board games and computers. A small weekly clinic and D.I.Y. workshops are on the drawing

board

Sporting celebrities often donate their time to tutor the suspected young offenders in such pastimes as high jumping and long distance running. Still, most of the juveniles say they would rather be home than locked-up.

Still, "one youngster who was collected here for a court appearance on a different charge than the one he was in for, was released by investigating officers after a blunder with his files

"The next morning he came knocking on the front door", laughs the PRO for Meritum, Fred Opperman

He explains that it is hard for the staff to show the youngsters care and affection while not becoming emotionally involved. This is easy to imagine when one looks at Number 529, the youngest minor at the detention

This centre, and similar others, was opened in June by the Meritum Group of Companies after Parliament declared that minors were no longer to be kept in prisons with adults, but was financially unable to enforce the new law

There are many different people at the centre and it is of concern to know that suspected petty thieves are housed together with suspected rapists, murderers and habitual criminals

"We have never had any serious violence

"The boys get up to naughtiness and some smuggle in marijuana and dangerous weapons, but we keep an eye on them and try to keep them busy," said Themba Snyman, the senior manager of the six-month old centre converted from a hostel for mineworkers

Many of the youngsters, in tattered clothes and broken shoes, are obviously either from a poor

background or are street children, while others appear to have no need for money

The twins, numbers 543 and 544, whose mother is a teacher and father an engineer, are well-dressed and eloquent 17-year-olds

Both are awaiting trial for allegedly breaking into a car to steal the stereo

"We just want to be home for Christmas and the New Year," 543 said

In the meantime, they have to make do with the cement floors of the nine-sleeper dormitories

The poorer suspects are supplied with everything from clothes to towels, face cloths, soap and bedding, similar to jail

However, civilian clothes, instead of a standard uniform, are worn.

Each one washes and dries his own clothing and much of the work is done on a voluntary basis

Captive fun ... an inmate makes the most of his time lifting weights - one of the many activities to which juvenile awaiting trial prisoners at the Meritum Youth Centre in Krugersdorp have access.

JODI BIEBER



Clean living ... an awaiting-trial juvenile goes about his daily chores, hanging up his washing

Awaiting trial and wishing he were home at Christmas

By **BOBBY BROWN**

One of the youngsters at the Meritum Youth Centre for awaiting-trial juveniles in Krugerdorp is one of the inmates accused of firing the shot which killed a Johannesburg man killed in a hijacking attempt

The accused is a well-spoken teenager who smiles easily and who enjoys all the activities you would expect a youngster to enjoy

"Tennis is my favourite, but I also like soccer and movies. I think Sylvester Stallone is a great actor and haven't missed any of his films yet," he said, adding that he also liked computers a lot

The Star first met the youth, youngest of four children, in Meritum's 10-unit computer room

"He never speaks about the trial to anybody, but most of the other youngsters like him. I like him," said Fred Opperman, the PRO for Meritum

He said those accused of the murder were both very bright and eloquent boys who spent most of their time in the computer room or at the facility's library

One spoke freely of his personal life, but clamped up when we ventured into conversation about the trial

"I cannot speak about that. I am still

only an accused," was all the well-groomed teenager with his feminine eye-lashes was prepared to say

The accused are the only prisoners who do not share their dormitory with others

The rooms are separated by two other dormitories and theirs are also the only units that have bars on the windows and the doors - at the request of Justice Minister Dullah Omar, Opperman explained

"The extra security does not bother me, but I would have liked to be home for Christmas," one youth said

"This is the first year I will be away from home"

He said that his father and his mother were very worried about him and visited him often

He grew up in Soweto, moved to Botswana and back to Johannesburg when his father bought a house in Eldorado Park on the West Rand. The family currently lives in Boksburg

"I could not write my end of year exam, because I did not know I could and when I found out, I could not get my books from my school to study," he said, citing the family's continuous moving as the reason for the discrepancy between his age and the stage he has reached at school

711 prison service officers promoted

ARLT 2/12/93 (253)

PRETORIA. — The Department of Correctional Services today announced the promotions of 711 officers — 453 of them from previously disadvantaged groups.

"The promotions follow extensive consultations with workers' organisations and are linked to the Linda Human Forum on affirmative action, which was commissioned by the department," it said in a statement in Pretoria.

The promotions were an important step in the department's goal of a 70:30 staff

ratio within five years in favour of previously under-represented people.

"It is also fully in line with the principles embodied in the Constitution and the government's stated objectives in terms of a national affirmative action policy."

The statement said all promoted officers complied with set standards of merit and efficiency.

Depending on the availability of posts, some officers would remain in their present command areas but some would be moved. — Sapa.

Act against juvenile crime or resign, NP tells minister

ARC 9/12/75
MARITZBURG — The National Party said Correctional Services Minister Sipo Mzimela should resign from the Cabinet unless he intervened to solve the crisis surrounding juvenile criminals.

The NP's attack followed the release of three juvenile gangsters suspected of murdering a 19-year-old Maritzburg pizza deliveryman on Monday night.

Douglas Comrie, a Debonair's Pizza employee, was stabbed to death, allegedly by the three teenage gangmembers, after offering the suspects

~~288~~ (283)

a lift
The suspects were released into the custody of their guardians on Tuesday because there was no adequate place of safety in Maritzburg. This prompted angry reaction from residents.

NP justice spokesman and Kwa-Zulu-Natal leader Danie Schutte said Mr Mzimela should personally intervene to stop the release of dangerous juvenile criminals, thereby committing himself to solving crime.

"Mr Mzimela must either do something or resign," Mr Schutte said — Sapa

Inmates sue for damages after fight with guards

(253) ARG 9/12/95

Own Correspondent

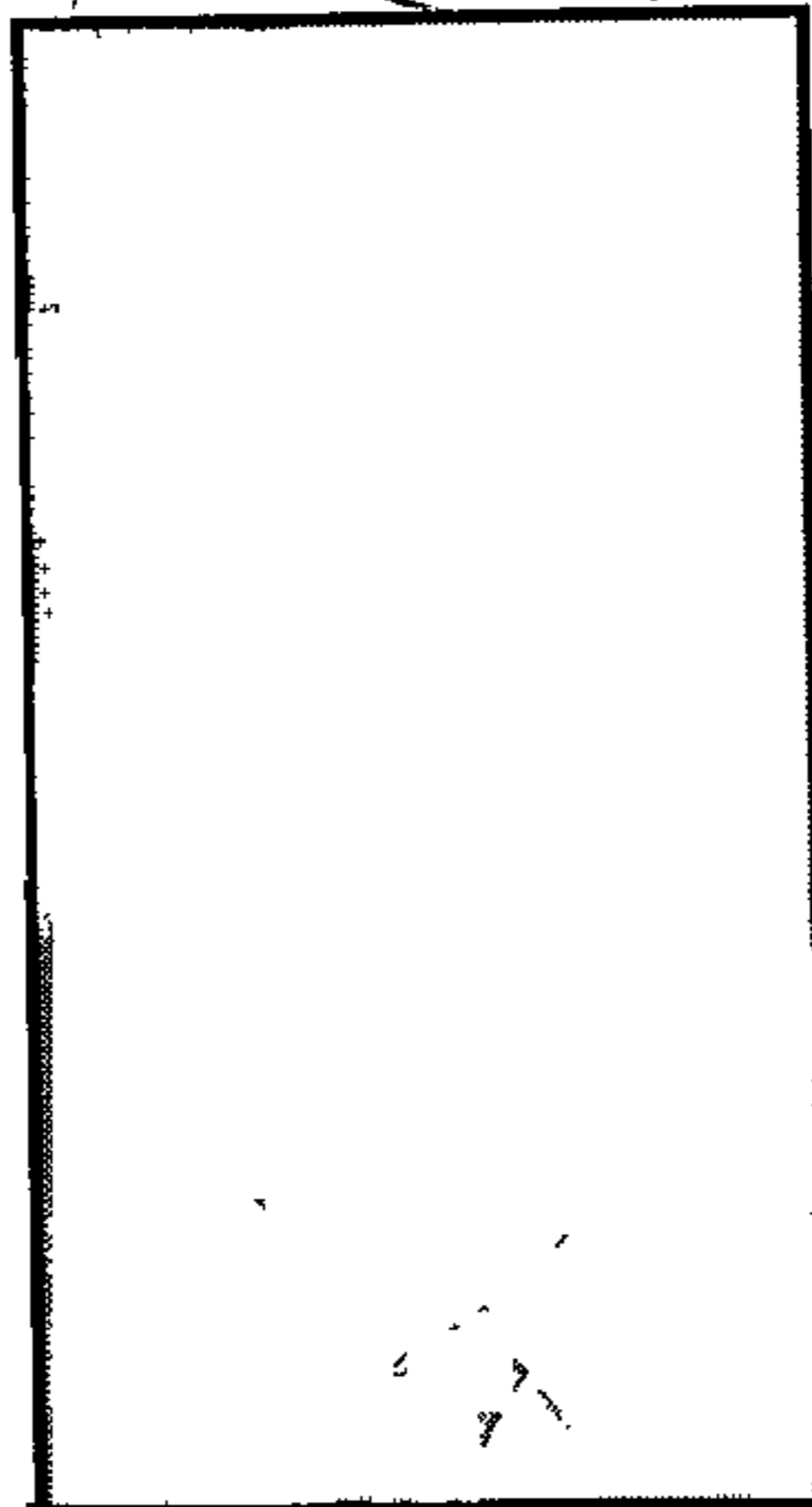
DURBAN — Thirty-nine inmates awaiting trial at Westville Prison in Durban have launched a damages claim of R900 000 for injuries allegedly resulting from a fight with warders earlier this year.

The claims of the prisoners range from R12 000 to R100 000 and were forwarded to Correctional Services Minister Spho Mzimela after all medical reports were compiled and assessed.

Ranjit Purshotam, the lawyer acting on behalf of the prisoners, said the inmates were finally in a position to lodge the claim because they had been thoroughly examined and the extent of their injuries and long-term health established.

"The prisoners are actually quite glad that something is being done about their situation and that steps are being taken to vindicate their rights," he said.

"We have prepared a summons and expect a trial soon."



□ **GREAT CONCERN** Spho Mzimela will act

The incident took place on August 19, when the awaiting-trial prisoners were allegedly assaulted and verbally abused by members of the Correctional Services at Westville Prison.

A fight apparently broke out when an inmate being moved between two cells tried to escape and mobilised fellow prisoners, allegedly sparking a clash between them and the warders.

In the process they received physical injuries, suffered pain and loss of amenities of life, had their rights infringed and some were disfigured, their lawyer said.

Mr Purshotam said medical reports showed the injuries sustained by the prisoners included fractures, bruises, abrasions, lacerations, cuts and swellings.

Mr Mzimela expressed "great concern" after receiving the prisoners' claims and said the matter would receive urgent attention.

Correctional Services liaison officer Andy Anderson said a thorough investigation had been completed and a separate docket had been opened by police.

The warders at Westville accused of the assault are still working on the premises and carrying out their regular duties.

Nov 9/12/95
**'Resign or
curb teen
criminals'**

(253) ~~253~~
Pietermaritzburg — The National Party yesterday said Correctional Services Minister Sipo Mzimela should resign from the Cabinet unless he intervened to solve the crisis surrounding juvenile criminals.

The NP's attack followed the release of three juvenile gangsters suspected of murdering a 19-year-old pizza deliveryman on Monday night.

Douglas Comrie, a Debonair's Pizza employee, was stabbed to death, allegedly by the three gang members, after offering the suspects a lift.

The suspects were released into the custody of their guardians on Tuesday. This prompted an angry reaction from residents. In a statement yesterday, NP justice spokesman and Kwa-Zulu Natal leader Dame Schutte said Mzimela should personally intervene to stop the release of dangerous juvenile criminals, thereby committing himself to solving crime.

"It does not help to amend the bail laws if criminals cannot be detained because of a lack of facilities (of secure safety)," Schutte said.

"Mr Mzimela must either do something or resign."

■ Meanwhile in Durban, 39 inmates awaiting trial at Westville prison launched a damages claim of R900 000 this week for injuries they allege were sustained in a fight that broke out with warders in August.

The prisoners' claims range from R12 000 to R100 000 and were forwarded to Mzimela after all medical reports were eventually compiled and assessed.

The warders accused of the assault are still carrying out their regular duties. — Sapa

Separate justice for juveniles?

~~278~~ (253) ARG 12/12/95
The Argus Correspondent

JOHANNESBURG — The establishment of a separate justice system for juvenile criminals is just one of the changes to the South African legal system under consideration, Justice Minister Dullah Omar has announced

"The abuse of women and children in our country is a matter for serious concern and the law is, at present, being reviewed to see what steps can be taken to protect women and children against abuse," he said at the launch of the 1996 Unicef report called *The State of the World's Children* in Johannesburg yesterday

Mr Omar said children should, as far as possible, be diverted from the formal justice system, and communities should be given the resources and support to rehabilitate these juveniles and reincorporate them into the community.

Other areas of the justice system that needed looking into included the procedures of children's court inquiries, an investigation into legal representation of children in such inquiries, sentencing of sexual abuse offenders, including children who abused other children, the protection and rehabilitation of children from the use of and trafficking in drugs, the question of recovering child maintenance and problems relating to refugee children and the children of illegal aliens

Task groups had been set up to examine these and other aspects relating to the rights of children within the South African legal system, he said

At present, women and children were afforded some protection by the Prevention of Family Violence Act, but the justice department was looking at extending its ambit in a way that would further protect them from the narrow confines of the marriage relationship

TUESDAY
DECEMBER 12 5

ET 12/12/95

Juvenile detention (298) (253) row in spotlight

ANEZ SALJE

THE controversy over the detention of juvenile criminal suspects is expected to come to a head tomorrow when a major press conference is held at the justice ministry in Pretoria

Justice Minister Mr Dullah Omar, Deputy Minister of Welfare Ms Geraldine Moleketi-Fraser and senior prisons officials, along with ANC MP Mr Carl Niehaus, head of the parliamentary portfolio committee on correctional services, will attend.

Reversal

Mr Niehaus has prepared a private member's motion that will effectively reverse the scrapping of the detention in prisons of awaiting-trial juvenile suspects

Such children were transferred from prisons around the country to existing places of safety

However, these proved unsuitable in many cases to contain violent youths, a number of whom escaped only to be rearrested for further serious crimes such as murder, rape, serious assault, car-hijackings and armed robbery

Correctional Services Minister Dr Sipo Mzimela has been opposed to sending children back to prison, no matter how serious the offence, which gave rise to Mr Niehaus' motion

'Youngsters and women need legal protection against abuse'

Star 12/12/95 (253)

By LARA SMITH

The establishment of a separate system for juvenile criminals is just one of the changes to the South African legal system under consideration, Justice Minister Dullah Omar has announced.

"The abuse of women and children in our country is a matter for serious concern and the law is, at present, being reviewed to see what steps can be taken to protect women and children against abuse," he said at the launch of the 1996 Unicef report on The State of the World's Children in Johannesburg yesterday.

Omar said children's cases

should as far as possible be diverted from the formal justice system, and communities should be given the resources and support to rehabilitate juveniles and reincorporate them into the community.

Other areas of the justice system that needed examination included the procedures of children's court inquests, an investigation into legal representation of children in such inquests, sentencing of sexual abuse offenders, including children who abused other children, the protection and rehabilitation of children from the use of and trafficking in drugs, the question of recovering child maintenance

and problems relating to refugee children and the children of illegal aliens.

Task groups had been set up to examine these and other aspects relating to the rights of children within the South African legal system, he said.

At present, women and children were afforded some protection by the Prevention of Family Violence Act, but the justice department also wanted protection for women and children outside the narrow confines of the marriage relationship.

Omar said many South African children had been exposed to a legacy of violence.

Jail riot probe recommends payouts

(253) Star 13/12/95

An inquiry into the mutinous conduct of warders at Mogwase Prison in North West province in March has recommended that payments be made to the family of a prisoner who died and the families of the 13 who were injured in a battle between warders and security forces.

The Mpshe Commission, whose recommendations were released yesterday after an eight-month investigation, identified the perpetrators of the March 10 mutiny and recommended that certain warders be charged.

Copies of the report have been

sent to North West Attorney-General Johan Smit and to prison authorities to consider the possibility of instituting both disciplinary and or criminal actions.

A North West government spokesman said they would study the report.

The commission has also recommended that prison authorities should consider the transfer to other prisons of some warders.

Discontented warders took prisoners hostage on March 10 and seized arms and ammunition in protest against working conditions. — Staff Reporter

Kids may be jailed again

(253) (218) 21/12/95

THE PRINCIPLE that children should not be held in prisons or police cells stands, but public safety must also be taken into account, says Mr Carl Niehaus. **ANEEZ SALIE** reports.



NEW BILL: Mr Carl Niehaus

CHILDREN accused of serious crimes could again be detained in prisons or police cells if a private member's bill is passed by Parliament

At a press conference in Pretoria yesterday the chairman of the ANC's correctional services study group, Mr Carl Niehaus, released details of the bill he will introduce when Parliament re-opens

And Justice Minister Mr Dullah Omar has announced an urgent investigation by the Law Commission into a new juvenile justice system, a more effective sentencing policy and protection for victims and witnesses. The investigation is part of the national crime prevention strategy.

Mr Niehaus said: "While the principle that children accused of offences should not be detained in prisons or police cells remains the goal of a society based on human rights, considerations of public safety have forced us to propose extraordinary interim measures for the protection of the public."

Earlier this year scores of awaiting trial children were released to comply with government policy and international conventions

They were sent to places of safety, from where a number escaped to commit further serious crimes

Mr Niehaus' bill seeks to amend section 29 of the Correctional Services Act of 1959

It proposes that young people

accused of serious crimes may again be detained in a prison, police cell or lock-up, subject to three conditions.

● The offence is a serious one within a category to be determined by the Minister of Justice.

● The presiding officer is convinced that the detention is necessary in the interests of the administration of justice

● There is no suitable place of safety available.

The detention orders would also have to be reviewed weekly by the court.

Mr Niehaus proposes that the measure expire after one year to prevent it becoming a permanent feature of the justice system.

He said: "It is clear the public cannot be protected where potentially dangerous young persons are able to escape from places of safety or to threaten other inmates and those responsible for their care."

Correctional Services Minister Dr Sipo Mzimela is opposed to any amendment, which is why Mr Niehaus, who also chairs the relevant parliamentary portfolio committee, is piloting the bill.

Criminals go free as jail staff walk out

(253)

ARG 15/12/95

JOHAN SCHRONEN, Crime Reporter.

A MASS walkout by prison psychologists, discontented over poor salaries and working conditions, is sending hardened unrehabilitated criminals back into the community.

Top prison officials warned the situation placed the community "back to square one" when criminals were merely "removed from society" for a period and not subjected to corrective psychological therapy before being released.

The severe shortage of psychologists treating prisoners in South African jails could result in aggressive criminals returning to their life of crime on release.

In a statement issued by Correctional Services headquarters in Pretoria, "serious concern" was expressed about eight prison psychologists, representing about a fifth of all the prison psychologists, who resigned this year.

Correctional Services spokesman Chris Olckers said poor pay packages, which had not been adjusted since 1993, were to blame for the spate of resignations.

"Of the 55 posts for psychologists who must serve about 115,000 prisoners — only 43 are filled," said Brigadier Olckers. "And we expect more resignations soon before the financial year-end."

Director of psychological services in the department, Lorinda Bergh said the shortage of psychologists limited treatment to "killing fires where flames spring up" instead of individual therapy.

Mrs Bergh added that a demanding work environment and "ghastly" salaries did not attract a sufficient number of employable psychologists in the first place.

● The importance of psychological care, especially for psychopathic prisoners, was highlighted when "Screwdriver Rapist" William van der Merwe, attacked two hitch-hiking women he had picked up in Muizenberg.

Two years before the attack, Van der Merwe had been released after serving 15 years of a 20-year sentence for five rape counts and four attempted rapes.

In sentencing him, Justice Irving Steyn said that if Van der Merwe, a psychopath, was released early, the blame for any subsequent crime would rest on the psychiatrist who recommended his release.

019/12/95
WP to get facility
for juveniles

253 298

A SECURE care facility will be provided for dangerous juvenile criminal suspects in the Western Cape, contrary to earlier reports that the province has not made provision for such a facility

It will be in an urban area. One in a rural area will be provided later.

This was confirmed by the chief director of social services in the province, Ms Virginia Petersen.

She said money had been requested from the national Department of Welfare to enable them to section off 25 beds at Bonnytoun House in Wynberg, an existing place of safety, and turn it into a secure care facility.

The money would also be used to train existing staff and to employ extra highly skilled staff

"The department refutes the claim that it is not intent on establishing a secure care facility," she said. — Staff Reporter

Cage Criminals in ZOOS — P. Phosa

... and subject them to public humiliation

(253)

ARG 20/12/95

The Argus Correspondent
and Sapa-Reuter

JOHANNESBURG. — Criminals should be caged in a zoo so the public can humiliate them before their rehabilitation gets under way, says Mpumalanga Premier Mathews Phosa.

In a speech to the Ndzundza annual traditional ceremony at Roosenekal, near Lydenburg, Mr Phosa called for "appropriate and severe" punishments for criminals.

He warned that crime inhibited foreign investment and stunted the confidence of local entrepreneurs.

"The time for talking is over. Now is the time for action within an integrated crime-fighting strategy.

"We must publicly humiliate criminals before rehabilitating them," he said.

"We must put them in the zoo so people can go and scorn them," Mr Phosa said.

He warned that a brain drain and unemployment were results of rising crime and said a strategy to combat crime had to include economic planning, job creation, public and private sector involvement and the "strengthening of our security forces' capacity to combat crime".

"The debate about whether or not we have unacceptable levels of crime has become superficial.

"The levels of crime are simply not acceptable."

"While in full agreement with the Constitutional Court and my president on the death penalty, I support wholeheartedly the view that criminals should be appropriately and severely punished to deter would-be criminals," said Mr Phosa.

LAND AND SEA TO BECOME A NATIONAL MONUMENT

Mandela's Robben Island gift

THE NATIONAL MONUMENTS COUNCIL will have custodianship of Robben Island after the government declared it a national monument yesterday. The declaration effectively torpedoes any possibility of the commercial exploitation of the island. **ANTHONY JOHNSON** reports

ROBHEN ISLAND has been saved from commercial exploitation by a government declaration yesterday making the city landmark a national monument.

The move is expected to pave the way for the island and its surrounding marine area being declared a UN World Heritage Site.

The National Monuments Council (NMC) will have custodianship of the former leper and lunatic colony and long-time prison where President Nelson Mandela spent 18 of his 27 years in prison.

Making the announcement, Arts, Culture, Science and Technology Minister Dr Ben Ngubane said "This (declaration) will involve the entire island, together with a stretch of one sea mile surrounding it."

The step effectively torpedoes any proposals to build casinos or hotels for tourists on the island — turning it into an offshore playground that would serve as an extension of the Waterfront.

The announcement was made after hasty moves to gain the blessing of Mr Mandela and his two deputy presidents, Mr Thabo Mbeki and Mr F W de Klerk, yesterday morning.

One government official said Mr Mandela had greeted the news by stating "That is a nice Christmas present."

The leader of a government commission to decide on the future of Robben Island, Mr Ahmed Kathrada, also gave the plan the green light, according to Mr Frans Basson, a spokesman for Dr Ngubane.

The minister said the declaration of Robben Island as a national monument marked the beginning of a process aimed at identifying and recognising heritage sites which were valued by the public.

"Following recommendations from the NMC, I expect legislation to be promulgated for the protection, maintenance and enhancement of the cultural, architectural, aesthetic and historical significance of the island," Dr Ngubane said.

The NMC said last night that the main implication of the declaration was "to remain as much as possible of the island's unique historical, political, architectural and environmental character for future generations".

All alternatives or demolitions concerning any structure on the island or any ecological changes can in future be done only with the NMC's approval.

This also applies to all state departments and the provincial government.

However, the NMC pointed out that this did not necessarily preclude any "sympathetic" developments.

A number of proposals for the development of Robben Island have been raised in recent months and in some cases forwarded to Mr Kathrada's committee.

These include the establishment of a peace institute, an open university and a resistance museum.

Prison

In future, the ship wrecks within the declared area around the island will also be protected and applications for salvage work on any of the vessels can only be done after a permit has been issued by the NMC.

The prison on the island, which housed almost 3 000 of the Nationalist government's political foes during the apartheid era, is due to close at the end of next year.

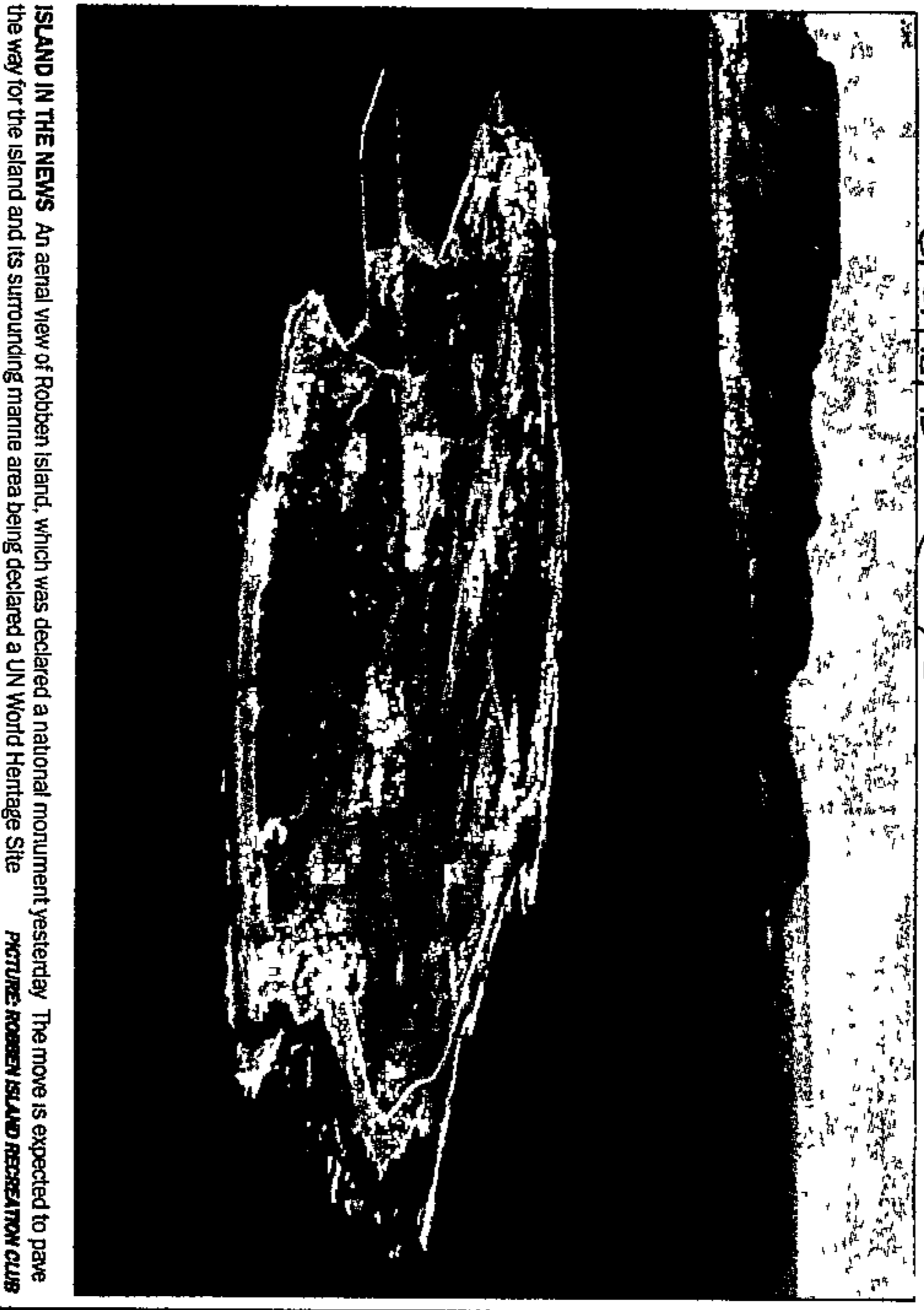
The smaller of the island's two prisons has already been closed and the section in which Mr Mandela and senior liberation movement figures were held has been empty for some years now.

Dr Ngubane said yesterday the island spans various areas of geological and environmental significance.

Of particular geological interest, he said was the exposed imploded base of the oldest slate quarry in the south — evidence of shallow underwater silt deposit estimated to have occurred some 800 million years ago.

The minister said that a report by Cape Nature Conservation had noted that human influence had had a marked impact on the flora and fauna of the island over the past four centuries.

Dr Ngubane said a priority for his ministry next year would be the development of projects and programmes which highlighted the broad spectrum and value of South African heritage.



ISLAND IN THE NEWS An aerial view of Robben Island, which was declared a national monument yesterday. The move is expected to pave the way for the island and its surrounding marine area being declared a UN World Heritage Site. **PICTURE: ROBBERY ISLAND RECREATION CLUB**

Baby stolen from Tygerberg

USA TEMPLETON

A THREE-WEEK-OLD baby was stolen from his mother's bedside in Tygerberg Hospital yesterday by a woman who posed as a nurse.

Mrs Janetta de Wee, 35, of Eerste Rivier, was in ward G2 with her baby son Farrell for an operation.

A woman wearing a nurse's uniform and carrying official-looking papers entered her room at 4:40pm.

Mrs De Wee said the woman told her a doctor on the third floor needed to see the child.

She described the woman as dark skinned, of average height, plump and fluent in Afrikaans.

"I thought she was one of the nurses, but the minute she left the room I knew something was wrong."

Mrs De Wee said she had alerted nursing staff and she and a sister had run down the corridor after the woman, who had already disappeared.

Nursing Sister Regina Boks said a woman fitting the description Mrs De Wee had given had been seen in the baby ward. Mrs De Wee said yesterday "I just want my baby back."

Anyone with information is asked to contact the police child protection unit on 592-2601 or 083-255-6323.



MRS JANETTA DE WEE: "I just want my baby back."

What to call prison that held leaders

By MARTIN
NTSOELENGOE

EX-ROBBEN Island prisoners are divided on whether or not the island's name should be changed to "Makhanda (Makana) University Island"

Makhanda ka Nxele led Ndlambe's anti-colonial forces at the battle of Amalinde in 1818-1819, after which he was captured and imprisoned at the island

He died while swimming the ocean in a bid to escape

Some are in favour of the appellation "University Island" due to the fact that those who were illiterate when the erstwhile apartheid government imprisoned them there, came out as grad-

uates

Gauteng Premier Tokyo Sexwale conceded the public's "right to decide on the renaming of the island", but strongly emphasised that it would be best if the name change was decided upon by those who emerged as "prison graduates" of the struggle

Sexwale served seven years on the island for ANC activities

Rename

Chairman of the Wedela branch of the PAC, Linda Mbambo, said it was important to rename the island because of the island's historical and political background.

He cited the fact that the island became a con-

(253) cp 24/12/95
'Struggle graduates'
divided on renaming
of 'university island'

centration camp for those who resisted imperialism in the olden days

He is a former prisoner on the island, on which he was jailed for PAC activities

Minister for Arts, Culture and Technology, Ben Ngubane, announced on Wednesday that the island would be declared a national monument

Earlier this month it

was also announced that the kidney-shaped island would be closed in 1996

The barren flat, sandy island, eight kilometres from the Cape Town mainland, was a home for political prisoners since the British marooned a sailor there 400 years ago.

The irony of the situation was that the island became a leper colony be-

fore the apartheid government saw fit to declare it a maximum security prison for those who disagreed with their policies

While those who served time there continue to dither over the change of name, the siXhosa speaking peoples continue to believe that Makhanda will one day return to liberate them from the "sheep-eaters" rule

Tycoon in jail

barreak

BY WALLY MBHELE

CP.
24/12/95

(253)

IN THE "most daring escape of the year" Pretoria millionaire Solly Motsepe has been smuggled out of the new prison in Pretoria — allegedly by a white prison warder.

Motsepe was arrested earlier this year for allegedly manufacturing mandrax tablets

Motsepe, a wealthy Mamelodi businessman who was facing charges of dealing in mandrax tablets worth more than R10 million, is believed to have fled the country — although the police say they are not sure about his whereabouts

■ It is alleged that Motsepe simply walked out of prison gates on December 7 — accompanied by a white warder

The name of the warder who is alleged to have assisted Motsepe to escape was disclosed to City Press Brigadier Chris Oikens, spokesman for Correctional Services, told City Press "Motsepe was definitely helped by prison officials to escape"

The police have been given the name of the man who is alleged to have helped Motsepe.

Refused to escape

One of Motsepe's co-accused in the mandrax case — who is also a prisoner awaiting trial — claims that the same warder also offered to help him escape, but that he refused because he believed he would be found not guilty

A prisoner held in the same section as Motsepe told City Press that Motsepe — who was wearing his own clothing, as is usual for prisoners awaiting trial — had been seen entering a warder's office

"He reappeared in a 'tycoon suit' — prison uniform — and was then escorted from the prison by the same warder," the prisoner said

"I was later told that false documents had been prepared to enable Motsepe to work outside the prison — which is not permitted for prisoners awaiting trial"

The prisoner said that the warder who had escorted Motsepe did not work in the section of the prison where Motsepe was held.

■ The escape — which other prisoners have dubbed "the escape of the year" — was apparently masterminded by a prisoner who "is very close to the warder"

"He is the man who is believed to have negotiated the escape with the warder — and they are rumoured to have been paid thousands of rands for the job," a prisoner told City Press

Told about escape

"On their way out, they were seen by many prisoners and some became suspicious when they saw Motsepe wearing a prison uniform," other prisoners said.

Two prisoners reported the matter to the warrant officer in charge of Section B of the prison, where Motsepe was held.

They told the officer in charge that "Solly" had been smuggled out and the officer was given the name of an officer who had allegedly helped him to escape

"A prisoner who was Solly's friend was questioned by the police about the escape," the prisoners said "The police also took the home address of one of Solly's prison friends, and also the addresses of the prisoner's relatives — obviously suspecting that he may have gone there," they said

■ At the time of going to press, South African Police Services superintendent André Wilken had still not responded to City Press enquiries



BUILDING WITH A BOODIE ... Branda Fasela (husky) being held out to an appreciative crowd at the Mashikane Festival in the Superbowi in Mafelo. **PHOTO: MAFIKANE**

PUBLIC SECTOR - GOVT. - PRISONS

1996

JANUARY - JULY.

Four killed in wild gang fight among prisoners

(253) Star 2/1/96

Parts of steel beds, planks of wood and even prison-issue drinking mugs used as inmates savagely attack each other

BY NIKKI WHITFIELD

Four inmates were killed and several others injured in a New Year's Day gang fight at the Barberton maximum security prison.

Prisoners used "anything they could lay their hands on" to get at each other in an incident which is to get the full attention of the Department of Correctional Services (CS) and the South African Police Services, according to spokesman Major Koos Gerber.

He said that prisoners had stabbed, beaten and kicked each other, dismantled steel bunks, used planks of wood and even their prison-issue drinking mugs to attack each other when the fighting broke out at about 10am yesterday.

Two men died in the prison and another two in the Barberton Provincial Hospital a short while later. Another 10 were admitted to the hospital with serious injuries and wounds, while several others are being treated in the prison hospital. One of the injured is in a critical condition and has been transferred to Nelspruit Hospital.

A warder was also injured when CS members intervened to restore order.

Gerber said the warder's leg was broken when he was apparently hit with a plank of wood. His condition is satisfactory.

A massive pre-dawn search disturbed inmates' sleep this morning when warders checked each cell for any weapons that had been smuggled into the prison.

"The situation is returning to normal, although it is still tense - there is always tension where gangs are concerned."

Yesterday's incident, he said, flared up suddenly, lasted for a few frenzied minutes, and then died down.

"Gang-related violence is usually like that - one moment there's nothing, the next all hell breaks loose."

A full investigation is to be conducted by Correctional Services and the SAPS.

The prison has a tragic history of violence and in the 1980s several warders were prosecuted in connection with the deaths of prisoners.

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Demand for inquiry into violence in prisons

(253) BO 3/1/96

PRETORIA — The SA Prisoners' Organisation for Human Rights (Sapohr) yesterday demanded an immediate independent inquiry into the causes of violence at the Barberton and Klerksdorp prisons

Sapohr president Golden Miles Bhudu said four deaths at Barberton on January 1 and three deaths at Klerksdorp on December 16 had brought into focus the right of all prisoners to establish representative bodies in prison as an alternative to prison gangsterism

Police and prison personnel yesterday confiscated several home-made weapons found during an early morning search of the Barberton maximum security prison, correctional services department spokesman Maj Koos Gerber said

Four inmates had been killed during an early Monday morning riot, suspected to have been gang-related.

Gerber said the revolt took place when prisoners were exercising in a prison courtyard. Ten prisoners were injured and a prison warden was hit on the leg with a broom.

Gerber said one of the injured was in a critical condition in Pretoria's HF Verwoerd hospital while another four were recovering in the Barberton provincial hospital

Bhudu said the department's refusal to allow inmates the freedom of expression and assembly was a violation of their human rights and in contradiction of the constitution

It was also against a spirit of reconciliation, reconstruction and nation

building
Gangsterism, Bhudu said, was either ignored or encouraged by the authorities as a way of keeping prisoners preoccupied and divided

Food and medical attention were poor and authorities were negligent in giving prisoners education and training to prepare them for their re-entry of society

"The desperation of inmates has now been vented on themselves and staff members," Bhudu said

Attempts by Sapohr to improve relations between inmates and prison staff had not been successful, Bhudu said Prisoners should be included in the reconstruction and development programme

Gerber confirmed yesterday that fighting had broken out between two gangs at Klerksdorp prison on December 16

Two prisoners had been killed and three seriously injured. Two of the injured had since been discharged from hospital, he said.

Police and the correctional services department are conducting a thorough investigation into the matter.

Gerber said a prisoner was recovering from a stab wound he sustained in a fight between two groups of prisoners at Krugersdorp prison yesterday afternoon

"He received medical attention and had to receive stitches," Gerber said. He said that the fight was probably gang-related.

"It is not large-scale violence," Gerber said — Sapa

Mand...

Plea for inquiry into prison killings rejected

Star 3/1/96

(253)

Authorities and Sapohr clash over gangs in jail after killings at Barberton on New Year's Day

By TAMSEN DE BEER

The deaths of four Barberton prison inmates on New Year's Day in gang-related violence has sparked a dispute between the Department of Correctional Services and the South African Prisoners' Organisation for Human Rights (Sapohr).

The department has rejected a call by Sapohr for an independent inquiry into Monday's incident, saying in a statement that investigations were being conducted by the itself and the SAPS.

"We feel that the investigations done by ourselves and the police will be sufficient to get to the root of what caused these outbreaks of gang violence," said correctional services spokesman Maj Koos Gerber.

There were reports of further gang violence, this time at the Krugersdorp prison yesterday afternoon, when one inmate was stabbed, but not seriously injured.

Three weeks ago, two inmates died at Klerksdorp prison after gang violence.

Police and prison personnel yesterday confiscated homemade weapons found during a search of Barberton prison.

Prisoners used "anything they could lay their hands on" to attack each other, including planks of wood and prison-issue drinking mugs tied to the ends of their belts, a spokesman said about Monday's attacks.

Two men died at the scene and another two at the Barberton Provincial Hospital. Another 10 were admitted to the hospital with serious injuries. One of the injured is in a critical condition at Pretoria's H F Verwoerd Hospital.

Sapohr has criticised the department for not dealing effectively with gang-related violence in prisons, saying inmates should be provided with sufficient representative structures for communication between each other and prison authorities. But Gerber disputed this.

"Sapohr's argument that representative structures, such as itself, will lead to a decline in gang activities inside prison does not

hold water," he said.

Gerber said gangsterism was a reality within prisons since it was a reality in broader society.

"The department is constantly aware of the problem of gangsterism, and constantly seeking to resolve it. Prison management tries its utmost to limit this as far as possible, and from the investigations into these incidents we can determine what makes it possible and try to prevent similar recurrences," he said.

Sapohr founder Golden Miles Bhudu accused prison authorities of being in favour of gangs and of using them as "a strategy of division".

Gerber responded that it was "outrageous" that prison authorities would condone gang activities.

Bhudu added that prison authorities had resisted attempts by the organisation to set up facilitative structures within prisons.

"They won't allow us to sit around the table and come up with valid complaints, grievances and demands," he said.

Prison violence shows up urgency of reform?

(253)

BARRY STREEK
POLITICAL STAFF

CT 4/1/96

OUTBREAKS of gang violence in three prisons had made the safety of all prisoners in South Africa a cause for concern, the ANC said yesterday.

It also called for an independent inquiry into the deaths of four prisoners in fights at the Barberton maximum security prison.

The ANC statement, issued by correctional services spokesman Mr Carl Niehaus, said the party was "appalled" by the deaths in Barberton prison.

Given the death of two inmates at Klerksdorp prison on 16 December, fighting on Tuesday between two groups at Krugersdorp prison, and the Barberton violence, the safety of prisoners is cause for concern. Instances of prison gangsterism and violence serve as a sobering reminder of the pressing need for reform in our correctional services," he said.

Drop in number of convictions and prosecutions

□ Fewer sent to prison, but for longer periods

ROGER FRIEDMAN
Staff Reporter

AS the crime rate and the South African population steadily increase, the number of people prosecuted and convicted is dipping

And, contrary to the popular perception that prisons are overflowing because an increasing stream of offenders are being sentenced to jail, fewer people are being sent there. However, those who are serve longer sentences

These are some of the findings of research conducted by Nicro national research manager Lukas Muntingh, published in the summer edition of Natal University's Crime and Conflict Indicator

Mr Muntingh's research spans the 17-year period between 1977/78 and 1993/94

"Judging by the statistics, the law-enforcement picture in South Africa is dismal. It appears that only a fraction of reported crimes eventually result in convictions," he said

"Furthermore, of the

(253) APR 19/1/96
1 852 223 crimes reported to police in 1993, only 22 percent resulted in prosecutions

"Of the total number of prosecutions (in 1993), 77 percent resulted in convictions. Alternatively, only 17 percent of reported crimes resulted in convictions."

Mr Muntingh found that the total number of convictions fell from a high of nearly 395 000 in 1984/85 to below 320 000 in 1993/94

While 22 percent of all convicted people were sent to jail without the option of a fine in 1978/79, this figure dropped to 15 percent in 1988/89 before recovering to 16 percent in 1993/94

Said Mr Muntingh "The figures show that the number of people sentenced to imprisonment has not increased dramatically, as is often the perception

"Instead, the numbers are decreasing. This seems unusual, since prisons are currently overcrowded, yet fewer people are sentenced to jail terms

"The statistics explain this trend, showing that the length

of prison terms have increased substantially during the past 10 years. Overcrowding is therefore due to offenders spending longer periods in prisons, even though their numbers are decreasing"

While less than eight percent of convicts sent to jail were sentenced to periods exceeding two years in 1989, more than 20 percent were given such sentences in 1993

Mr Muntingh concludes that the decline in prosecution and conviction rates indicates "fundamental problems in basic law enforcement"

These problems he ascribed largely to an understaffed police department with poor morale, understaffed and overloaded courts, and a possible perception among judicial officers that prison sentences were neither effective nor efficient

The quality of cases taken to court for prosecution were "often poor", he said, adding that the proportion of people having their sentences fully suspended had risen from 13 percent in 1989/90 to 20 percent in 1993/94

Prison on cards for juvenile criminals

(253) B/D 19/1/96

Wyndham Hartley

CAPE TOWN — ANC MP Carl Niehaus has launched urgent private legislative proposals to have juveniles accused of committing serious crimes of violence kept in prison

Last year all juvenile offenders, regardless of the crimes they were accused of, were sent to places of safety. However, many escaped and have returned to a life of violent crime

Niehaus said yesterday his private member's Bill, which is presently before a committee of Parliament, was not aimed at confrontation with Correctional Services Minister Sipo Mzimela, who has been internationally criticised for incarcerating juveniles. He said he shared Mzimela's belief that children should be kept in places of safety and not in prisons.

"But we are faced with a critical situation where the interests of

the community also have to be protected," he said. It was for this reason that the measures he had proposed in Parliament were for only a year, while secure places of safety were created as a matter of urgency

"The Bill I have proposed, therefore, says that young people accused of serious crimes can, for the time being, be detained in police cells or jails if the person in question is a threat to the public and where no alternative place of safety exists," Niehaus told a meeting in Cape Town. He pointed out that children should not associate with hardened criminals—it brutalised them and exposed them to recruitment into gangs

Niehaus said the transition to democracy and the liberalisation of SA had opened the way for organised crime such as car hijacking which, he said, was largely dependent on sophisticated international networks.

Dangerous juveniles will soon be heading to jail

Star 19/1/96 (253)

By PATRICK BULGER
Political Correspondent

Cape Town - Parliament is due to consider a new bill to provide for the temporary jailing of dangerous juvenile criminal offenders, according to Correctional Services portfolio committee chairman Carl Niehaus.

He told a lunchtime meeting of the Institute of Citizenship in Cape Town yesterday that the Correctional Services Amendment Bill would provide for the temporary jailing of dangerous juveniles until adequate places of safety had been provided.

He said young offenders ideally should be rehabilitated with the help of their families and communities.

The bill would distinguish between juveniles accused of serious crimes such as murder and rape and those accused of minor

crimes.

Niehaus said the African National Congress believed, and the law stated, that juveniles should be held in places of safety. Last year Niehaus and Correctional Services minister Dr Siphon Mzimela clashed over the release from prison of juvenile offenders who were freed because there were not enough places of safety run by the Department of Welfare for them to go to.

The new bill is a private member's motion introduced by Niehaus and is due to be considered by the Portfolio Committee on Private Members' Bills before coming before the National Assembly and the Senate if it passes the committee stage.

"The bill I have proposed says that young people accused of serious crimes can, for the time being, be detained in police cells or jails if the person in question is a threat

to the public and where no alternative places of safety exist. It is therefore self-limiting in that, as facilities for the detention of juveniles improve, so will the need to keep them in prisons and cells be phased out," he said.

"The reality is, however, that such places of safety as exist in South Africa are, like so many of the institutions we have inherited, hopelessly inadequate to the task.

"The result has been that children run away and that violent children become a threat to others and to society as a whole."

The Department of Welfare is moving with great speed in trying to upgrade places of safety and provide others, and money has been allocated from the Reconstruction and Development Fund for the purpose but, given the size of the task, we cannot expect to see results overnight," Niehaus said.

Jailing of juveniles

'short-term'

(275) (253)
POLITICAL STAFF
CT 19/1/96

THE ANC's private member's bill to jail juveniles accused of serious crimes such as murder and rape was a short-term measure to protect communities, ANC MP Mr Carl Niehaus said yesterday.

Although the principle was that awaiting-trial juveniles should be held in a place of safety, such facilities that did exist in South Africa were hopelessly inadequate.

Mr Niehaus, who is chairperson of the Portfolio Committee on Correctional Services, told the Institute of Citizenship the result had been that children ran away and violent children had become a threat to others.

He said the Department of Welfare was moving to upgrade places of safety and provide others and RDP funds had been allocated for this, but results could not be expected overnight.

"In the meantime, the problem is that children continue to escape or, indeed, because of lack of space, are released effectively on to the streets where they may commit further crimes."

Mr Niehaus added: "The measure is designed to protect communities against young people who threaten safety and stability, while facilities are being prepared."

Crisis

in the Air Force

quit by the dozen to treble pay flying airliners



Picture: ROY WIGLEY, Staff Photographer.

Cape Town Snake Park at Imhoff's Gift in Kommetjie piggybacks a Peruvian lizard. The park opened last month and the first phase includes 30 species. The March, will have chameleons, lizards and an alligator.

■ Air Force pilots are resigning from the service in droves, leaving it severely understaffed and in a real danger of becoming just a third-rate service.

26 (253)
WILLEM STEENKAMP

Staff Reporter

ARG 20/1/96

DOZENS of South African Air Force pilots are resigning to join the private sector, leaving the once-proud air arm of the country's defence well below operational strength, a sad shadow of its former glory.

More than a third of the SAAF's pilots have left and the drain on manpower is set to continue as South African Airways turns to the SAAF to recruit more than 100 pilots needed to staff its expanding fleet.

Sadly, one of the first areas that will suffer because of the reduced number of operational pilots is the vital SAAF rescue-and-emergency service.

Major Fanie Jordaan, acting commander of 22 Squadron at Ysterplaat, admitted that operations had been severely hit by resignations. They have only 65 percent of the full operational number of pilots needed to fly Oryx helicopters.

"To be quite honest, if there was a major fire or emergency at sea we would only be able to run our operations at full effectiveness for about one day. Thereafter we would have to cut back as safety considerations would force us to withdraw pilots to allow them adequate rest."

Major Jordaan said there were also several well-trained pilots who could resign any given month to go to SAA or any other private airline.

"The fact is that a highly qualified pilot in the SAAF who has about 15 years' experience could treble his salary if he moved into the private sector.

"And the problem could simply snowball if we lost flying instructors. This would impact on our training programme, which has already been set back because of the introduction of the new Astra training aircraft."

In a statement issued by the SAAF headquarters in Pretoria the Air Force admitted that 116 trained SAAF pilots had left the service since the beginning of last year, leaving it seriously understaffed — and resignations were continuing.

SAAF spokesman Laverne Machiné said it was estimated that the SAAF would be back to full training capacity by 1997, but even then the Air Force would not be able to replace pilots at the rate they were leaving.

"Resignations have been throughout the SAAF, affecting all squadrons, including helicopters, transport, fighter aircraft and instructors.

Youths will go back ⁽²⁴⁸⁾ to jail ⁽²⁵³⁾

By RAY HARTLEY
Political Correspondent

THE government is to reverse its controversial decision to detain children who have committed serious crimes in places of safety and not in jails.

ANC MP Carl Niehaus said yesterday he was introducing a Private Member's Bill which would allow children to be held in jail if they committed certain crimes. The crimes will be listed by Justice Minister Dullah Omar once the law is passed.

Speaking at the Centre for Human Rights at the University of Pretoria, Mr Niehaus said the measure would expire after a year, with the possibility of Parliament extending it for a further year, "to ensure that it does not become a permanent feature of the justice system".

Parliament amended Section 29 of the Correctional Services Act last year, making it illegal for children to be held in prisons.

But the government has come under fire, with claims that the police had become powerless to act against child suspects, who simply walked out of poorly guarded places of safety where they were held while awaiting trial.

Mr Niehaus said he continued to believe that the decision to amend Section 29 was "morally and legally correct", but added that places of safety were overcrowded and staffed by personnel who did not have adequate training.

Mass action threat over crisis at prison

(253) *Star 24/1/96*
Kimberley - The ANC in the Northern Cape has decided to address the "explosive situation" at the Kimberley prison with mass action, William Steenkamp, the party's provincial secretary-general, said yesterday.

He said white warders had embarked on a revenge campaign against prisoners, beating them "very badly". He claimed that a section of the prison was set alight during the alleged attack.

Earlier a Department of Correctional Services spokesman said

prisoners had barricaded themselves in a cell and set their blankets alight. Three prisoners were slightly injured.

Earlier this week a number of inmates embarked on a hunger strike to protest against the transfer of 10 maximum security prisoners to Bloemfontein. Steenkamp said that when the authorities agreed to return the 10 to Kimberley, the warders went on strike.

The warders barred ANC officials from entering the prison yesterday. - Sapa

Govt slated over juvenile criminals

JOHANNESBURG: The government had shown lack of care in dealing with juveniles who committed serious crimes, Democratic Party Youth president Mr Siphso Moganedi said yesterday

Juveniles who committed serious offences such as rape, murder and robbery should be jailed, not kept in places of safety. They should be kept apart from adult prisoners while in jail.

The government's decision to keep them in places of safety was foolish and wrong, he said.

Sapa

CT 24/1/96

(253)

(278)

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Jail juveniles, urges DP

JOHANNESBURG: The government had shown lack of care in dealing with juveniles who committed serious crimes, DP youth president Mr Siphso Moganedi said yesterday *CT 24/1/96*

Juveniles who committed serious offences like rape, murder and robbery should be jailed, not kept in places of safety

The government's decision to keep them in places of safety was foolish and wrong, Moganedi said. These places were ill-equipped to handle violent criminals.

Moganedi said juvenile criminals should be kept apart from adult prisoners while in jail

Sun Multi-Serve protesters held

WELKOM: Police have arrested a group of Sun Multi-Serve demonstrators outside United Bank here.

Police said some of the protesters were blocking the road and ignored warnings to disperse. Police had no option but to arrest them. *CT 24/1/96*

Other protesters marched on the police station. Sun Multi-Serve investors are demanding that they have access to their accounts which the Reserve Bank has frozen.

Proposal to keep young offenders in jail

CLIVE SAWYER (253)
Political Correspondent

PROPOSED legislation allowing people aged 14 to 18 charged with serious offences like murder and rape to be kept in ordinary jails would be unlikely to be kept on the statute books for more than two years

African National Congress MP Carl Niehaus, the sponsor of the private member's bill which will reverse sweeping legislation passed last year to keep children out of prison, said the law would be reviewed

ARG 29/1/96
a year after it was passed

Mr Niehaus proposed the bill, which will enter its first legislative stage tomorrow when it is put to the parliamentary committee on private members' bills, in reaction to the public outcry against the wave of juveniles who escaped from places of safety last year

He said his bill was an interim measure and would be scrapped as soon as adequate places of safety were provided

The goal was to ensure there was at least one proper place of safety in each province

Mr Niehaus said he was unhappy it had become necessary to propose the new legislation, but it was necessary to protect society

Meanwhile, the ANC has called for the establishment of an independent prisons inspectorate to investigate problems in the Department of Correctional Services and its jails

Mr Niehaus said the department had responded positively to the concept of an independent inspectorate, and plans were in hand to put together a committee to further the proposal

ANC calls for independent jails inspectorate

(253) Star 29/1/96

The process of transformation and reconstruction in the Correctional Services Department should include as a matter of urgency the establishment of an independent prisons inspectorate and a properly structured visitors' scheme, the ANC said in Johannesburg yesterday.

The ANC said it intended to pursue these issues "vigorously" in Parliament through the portfolio committee for correctional services (PCCS).

The statement followed a visit to Kimberley prison on Friday by an ANC delegation, including PCCS chairman Carl Niehaus and Northern Cape ANC secretary-general William Steenkamp.

"The many problems that continue to be experienced in the department, and which are to a large extent due to the conditions of overcrowding and lack of proper facilities and resources in our prisons, highlight the need for an accelerated process of transformation and reconstruction in the department," the ANC said.

"This should include as a matter of urgency the establishment of an independent prisons inspectorate and a properly structured community/lay visitors' scheme.

"It is the intention of the ANC to pursue these issues vigorously in Parliament during the year's parliamentary session through the PCCS."

Call for rethink on prisoners' amnesty

(253) (252)

The ANC has urged the Truth and Reconciliation Commission to consider reviewing the applications of about 2 000 political prisoners for amnesty

The ANC said yesterday it had knowledge of applications pending from at least 2 000 prisoners. These applications could not be finalised after October 8 1990, a cut-off date stipulated in terms of the old indemnity laws

The indemnity laws stipulated that political prisoners in respect of acts committed after this cut-off date did not qualify for release

It was the ANC's view that the cut-off date now was December 5 1993 and that those applications needed to be considered

The previous government had applied the indemnity laws "in a totally unacceptable manner", the ANC said

As a result, many applications for the release of political prisoners had to be refused

The ANC stressed that every prisoner who had applied for amnesty and who fell within the category of a political prisoner should have his or her matter disposed of by the commission as a matter of priority - Sapa

Star 29/1/96

ANC calls for (253) new prisons

inspectorate

CT 29/11/96

An independent prisons inspectorate should be established as a matter of urgency to monitor the transformation and reconstruction of the Department of Correctional Services, the ANC said yesterday.

A properly structured visitors' scheme should also be established, the ANC said in a statement after an ANC group led by Portfolio Committee on Correctional Services chairperson Mr Carl Niehaus visited Kimberley Prison after six days of unrest last week.

The ANC said it would pursue these issues "vigorously" in Parliament.

"The many problems that continue to be experienced in the Department of Correctional Services, and which are (largely) due to overcrowding and lack of proper facilities and resources, highlight the need for an accelerated process of transformation and reconstruction in the Department."

The ANC commended the speedy appointment of a departmental investigation into the unrest but added that internal probes lacked the credibility of independent investigations.

"The ANC will recommend that an independent investigator be included in the investigating team," the statement said.

Prison service probes itself

253

Sowetan 30/1/96

By Rafiq Rohan
Political Correspondent

THE Department of Correctional Services is currently investigating itself following the confrontation between prison staff and prisoners at Kimberly Prison earlier this month. During the incidents prisoners barricaded themselves into one cell, mattresses were set alight, a prison officer was slashed in the face with a blade while a number of prisoners were injured by prison guards following the clashes.

Some of the prisoners had to be hospitalised.

The prison was visited by a delegation from the Portfolio Committee on Correctional Services at the weekend,

led by its chairperson, African National Congress MP Mr Carl Niehaus. Correctional Services has set up an internal investigation into the incidents but this investigation is being treated by the committee with suspicion.

"People investigating themselves is not such a good idea," Niehaus said yesterday.

The ANC also visited the prison soon after the clashes and, it too, was not impressed with the internal investigation.

"Internal investigations lack the credibility of independent investigations," it said.

The ANC said in a statement that many of the problems at prisons result from overcrowding and the lack of facilities.

Call to jail serious juvenile offenders

(253) (253) Star 30/1/96

By **PATRICK BULGER**
Political Correspondent

Cape Town - Parliament will be asked to agree to new legislation allowing serious juvenile offenders to be jailed even though Correctional Services Minister Sipo Mzimela opposes the new bill

The bill allows juveniles accused of serious crimes to be held in prisons instead of in places of safety

Instead of being sponsored by the minister as is normally the case with bills, the draft legislation is being sponsored by the ANC's Carl Niehaus in his personal capacity as MP Niehaus is also chairman of Parliament's portfolio committee on correctional services

Coincidentally, the issue of whether a parliamentary committee can initiate legislation was raised in the Constitutional Assembly's deadlock-breaking committee yesterday. The ANC argued for a limitation of the right of a committee to initiate legislation without consulting the minister

The Correctional Services Amendment Bill will be consid-

ered by the Committee on Private Members' Bills today and is certain to be passed by the ANC majority in preparation for its passage through the National Assembly and the Senate.

Niehaus told a media briefing at Parliament yesterday that he had the backing of the ANC, Justice Minister Dullah Omar and President Nelson Mandela, who had been briefed by Omar Mzimela did not agree with it, however

"The bill has been discussed with Minister Mzimela. The minister feels very strongly about the principle that children should not be in jail. Until now he does not feel he can support this legislation," Niehaus said, adding that the disagreement had not been acrimonious

Last year, several hundred children who had been accused of crimes were released from jail without there being adequate places of safety for them to go to. Some of these children escaped, triggering a heated argument about whether Parliament had rushed in to secure the constitutional rights of children without regard to the consequences

Juvenile prison Bill considered

Wyndham Hartley

(253) (248)
M 30 11 96
CAPE TOWN — ANC MP Carl Niehaus's private legislation to allow juveniles charged with serious offences to be kept in prison will go to a special Parliamentary committee today

This emerged during a media conference given by Niehaus yesterday. He also indicated that there might be a lengthy process of public hearings on the Bill before it becomes law.

Niehaus stressed that he did not want the Bill to become permanent. It was for one year only and applied to children between 14 and 18 years of age charged with serious crimes such as murder, armed robbery, hijacking and rape. During that time he hoped that secure places of safety for offenders could be developed.

The select committee on private members' legislative proposals will consider the Bill today. It is almost assured of approval in the committee, whereupon it will go to the correctional services committee which Niehaus himself chairs. Niehaus also said that the justice system as applied to children should be speeded up.

He stressed that while the Bill said children could be kept in prison, it stressed that they may not be kept in the company of adult criminals.

Nod for bill that would keep juvenile offenders in jail

(253) (253) Star 31/1/96
BY PATRICK BULGER
Political Correspondent

Cape Town - A parliamentary committee yesterday approved new legislation providing for dangerous juvenile accused to be jailed instead of being sent to places of safety

The Correctional Services Act Amendment Bill proposed by ANC MP and chairman of the portfolio committee on correctional services, Carl Niehaus, is a reversal of legislation passed by Parliament last year that outlawed the jailing of awaiting trial juveniles

The bill is being sponsored by Niehaus because Correctional Services Minister Sipo Mzimela does not back it, Niehaus said

"Minister Mzimela feels very strongly that children

should not be kept in jail - a sentiment that I fully share with him - and has indicated that he therefore does not see his way open to support the proposed interim measure

"The hard reality is that while the principle that juveniles accused of offences should not be detained in prisons remains the goal of a society based on human rights, considerations of public safety are forcing us to take emergency interim measures."

The proposed law provides for juveniles accused of serious crimes such as murder, rape, armed robbery and car hijacking to be jailed if there is no suitable place of safety available for detention and if the presiding officer is convinced that detention is necessary in the interests of justice

ALLS WERE GANGS RULING AND MAY PASS THEIR OWN DEATH SENTENCES

In spite of greatly improved prison conditions, gangsterism prevails in some of South Africa's toughest jails and inmates must join up in order to survive incarceration

BY TAMSEN DE BEER

In 1959, Lucas Moloi and four fellow prison inmates formed the Big 5 gang. Or so says the 16-year-old ex-prisoner from the offices of the South African Prisons Organisation for Human Rights (Sapohr) in Johannesburg, where he has come for assistance in finding a job.

Moloi was released from Ceuwkoop Prison, north of Johannesburg, earlier this year after assisting through the gang's quasi-military ranks beyond its upper echelons of "Die Laaste Ou" and "Professor" into retirement.

In prison lingo, Moloi was "op the plaas", a respected old-timer with all the privileges of the gang's protection inside prison. Now back on Johannesburg's streets, he is unemployed, bewildered by the "change in the city" and living with his sister.

"If I don't find work, maybe it will be better to go back to prison," he says.

Moloi bears the scars of prison life - a dent in the skull where he says he was beaten by prison warders in the apartheid years of the '60s. He also wears a faded emblem of his allegiance tattooed on his right hand, a B, a swastika and a 5.

But Moloi's Big 5, rated third in ascendancy to power after the "28" and "26" gangs, is historical - the most hated of the prison gangs because of its commitment to co-operate with prison authori-

or 28 gangs. The Airforce gangs (smaller gangs comprising the Airforce 3 and Airforce 4) were seen as "clean" *mipitas*.

The 28 Gang, South Africa's largest prison gang, was formed under the leadership of a man called Nongoloza at the turn of the century in the old Transvaal.

Nongoloza instilled in the 28s the practice of taking catanites, called "wyfies", and fighting to protect these inmates, apparently chosen for their effeminate looks, lighter skin, or young age.

The 27 Gang was, according to gang legend, formed out of an abhorrence of men being kept as "wyfies" in Nongoloza's gang. Subsequently, the 26 Gang was formed by inmates who wanted to work with money. This move was resisted by the 28s, and only made possible through the protection of the 27.

But, as gang lore has it, a truce was finally reached after much violence, and it was agreed the 26 would be recognised as the child of the 28 Gang.

Ironically, Nongoloza was released on probation in 1914 after assisting prison authorities in their struggle against the gangs. Apparently he later joined the Department of Prisons.

Times have changed, according to Moloi and "Golden Miles" Budhu, founder of Sapohr and



Instruments of death - expertly crafted handmade weapons such as these are popular among gangs in South Africa's jails

prisoners are apparently joining the ranks of what used to be largely black and coloured structures. And with time, the Big 5's historical abstinence from using handmade weapons has also changed.

Prison slang

1. *Big 5* - Prison official
2. *Ward* - Prison ward
3. *Ward* - Prison ward
4. *Ward* - Prison ward
5. *Ward* - Prison ward

Now, says Moloi, the Big 5 "field marshal" will construct

For serious violations of the gang code, members may be sentenced to "toug" (death).

Gang codes vary, but share the requisite loyalty and respect to "gazilaams" (fellow gang members) and are kept in the hypothetical "book", that is passed down by word of mouth by older gang members.

But says Budhu, the contents of this "book" can change at any

given time, when the gang leadership is forced to judge a specific situation.

Budhu attributes much gang-related prison violence to the lack of a formal gang constitution, and recommends formal communication structures within prisons to alleviate the violence.

Communication between prisoners is restricted by the gangs' rules forbidding communication outside of rank, a junior "soldier" may only speak to his direct superior.

HSRC research indicates that the formation of gangs inside prisons must be seen as a combination of two factors: the condition of incarceration, coupled with the nature of imprisoned individuals before they became institutionalised.

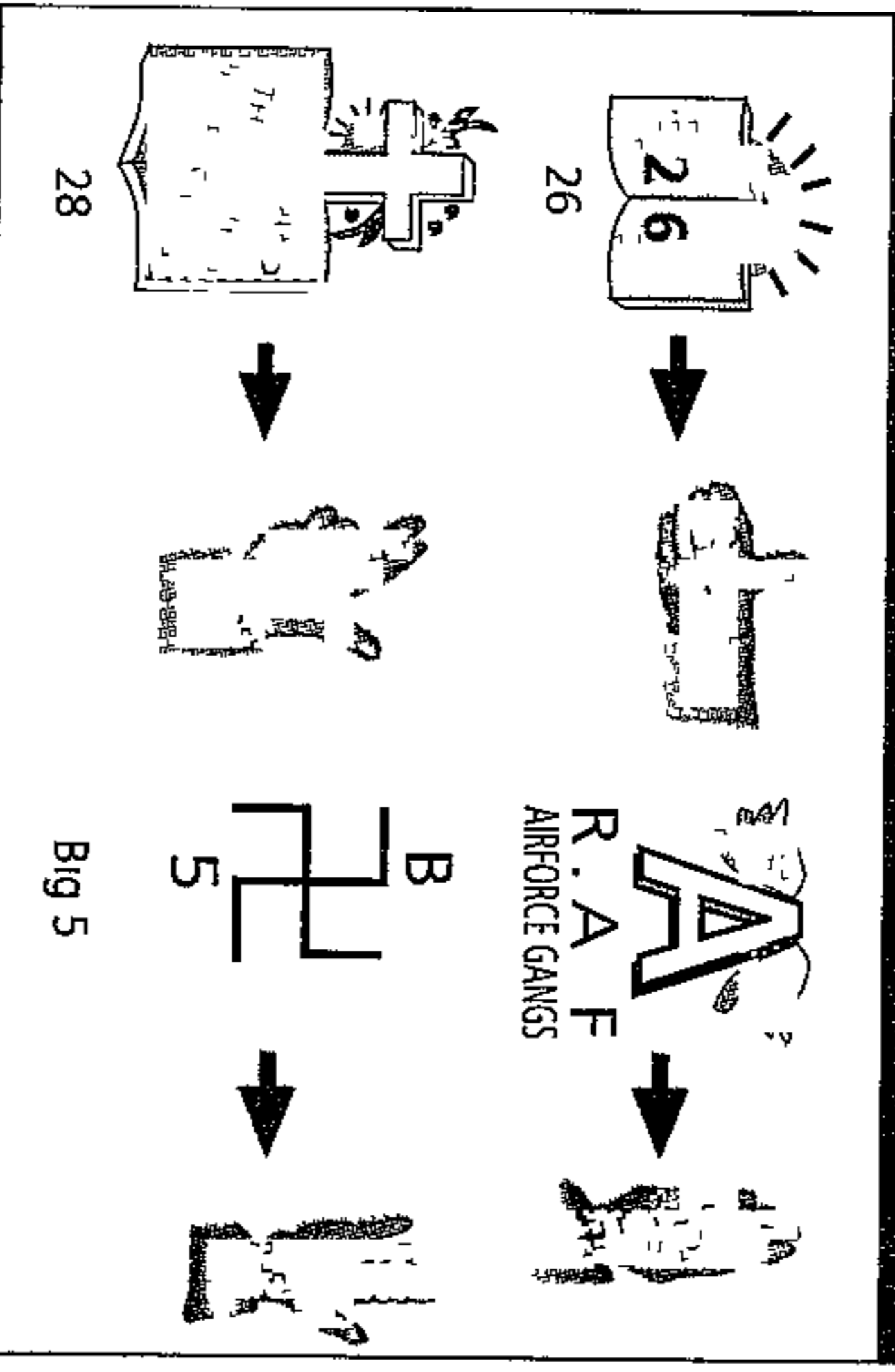
Spokesman for the Department of Correctional Services, Major Koos Gerber, says the high concentration in a confined space of individuals who have transgressed the law increases the likelihood for anti-social practices, especially if prisoners were gang members before incarceration.

For Moloi, gang formation is a way prisoners cope with prison conditions.

But the ex-prisoner says he left Leeuwkoop's Big 5 with this advice before his release: "Now is not the time for gangs".

Asked why he holds such views, Moloi explains that prison privileges - specifically at Leeuwkoop Prison - have improved considerably since he

TATTOOS AND GREETINGS OF SAs 4 LARGEST PRISON GANGS



formed the Big 5 in the late '50s. When prisoners' rights and privileges are granted, "there is less reason to cause trouble", he says. But both Moloi and Budhu agree certain individual prison authorities continue to treat prisoners badly.

"We are treated better now, but some authorities still have that dirty attitude," says Moloi.

Gerber admits it is conceivable that among South Africa's 25 000 prison personnel, certain individuals would keep their old ways.

He also explains that its biggest headache is a lack of manpower, and that South Africa's prison/warder ratio is "one of the highest in the world".

Budhu says the lack of manpower in certain prisons prompts

authorities to use inmates to spy on one another. This, he says, also invokes gang-related violence. Gerber says the department's "hands are tied" in employing more prison personnel due to budgetary constraints.

But in spite of a general improvement in prison conditions, the gang phenomenon is by no means over yet.

Moloi and Budhu estimate 75% of South Africa's prison population are still gangsters.

He adds that awaiting-trial prisoners are now starting their initiation into their chosen gangs even before entering prison.

Correctional Services is preparing to research gangsterism in prisons to find workable solutions to the problem.

Research into the prison number gangs (the 28, 26 and now largely defunct 27) by Doctors J M Lotter and W J Schurink of the Human Sciences Research Council (HSRC) in the 1980s showed that the number gangs' strictest codes were not to "piemp" about prison goings-on to the authorities

But the Big 5, seeking to maximise its privileges and protect non-numbers gang members or *mpatas* from constant victimisation by the numbers, teaches its initiates to "obey" authority, said Molo.

According to HSRC findings, the Big 5 were *vuil* (dirty) *mpatas* in the eyes of the numbers, and often became the victims of the internal discipline process of the 26

Modder B
Prison in
Benoni until
his release in
1989

In 1996,
the practice
of using
younger in-
mates as
catamites is
now a com-
mon feature

of all prison gangs, no longer the reserve of the 28s

In the Big 5 these inmates are called "moscows", in the Airforce gangs, they are "M's", and in the 26 they are "schoolboys"

Prison gangs are still predominantly a feature of maximum security institutions, but more white

vier hoeke (four corners) – prison
nongoloza – 28 gang

franse – non-gang members

klipslaan – sodomy

kampbou – recruiting new members

blood – assault

gazilaam – brother or fellow

member

piemp – snitch

■ Information courtesy of the
Human Sciences Research Council

for the gang
out of
prison-issue
dishes and
other items,
to put the
gang on an
equal foot-
ing with the
weaponry
of the 28,
and defend

themselves from the theft and cunning of the 26

Interestingly, much gang violence in prisons is a part of the internal disciplinary measures gang members must undergo

For instance, a senior gang member who persists in wrongdoing followed by an original of-

death sentence as being trampled to death, or "ganda"

A particularly harsh form of punishment for a junior member who commits a serious offence is "trees are moving", or gang-rape

A minor punishment is "skoeps", where an offender must drink a prescribed number of "scoops" of water and receive a number of blows to the stomach. Such punishment could be seen as fitting retribution for pointing finger or swearing at a fellow gang member

For a similar offence, junior members of the Big 5, may be forced to wear excessive clothing, and undergo rigorous exercise in the prison cell, followed by a reprimand from superiors

Picket to demand release of PAC members

BY MANDLA MTHEMBU

The Pan Africanist Students' Organisation (Paso) and Azanian National Youth Unity (Azanyu) say they will embark on country-wide demonstrations today to demand the release of PAC members and former Apla cadres arrested for alleged political crimes.

Paso and Azanyu members plan to picket at the Johannesburg

Supreme Court, where a memorandum will be handed over.

Other marches are to be held in the Eastern Cape, Free State and KwaZulu Natal, the organisations said.

The demonstrations coincide with a case due to be heard in Bloemfontein against former Apla commander Letlhapa Mphahlele, who was abducted from Lesotho last month.

"The continuing arrest trials

and sentences of these cadres is unnecessary, as the activities for which they are being arrested were committed before the amnesty cut-off date of December 1993," Paso spokesman Siphso Sithole said last week.

He accused the Government of trying to conduct "secret Nuremberg trials against our cadres for fear they will play a role in rebuilding the PAC vanguard".

Star 5/2/96

(52)

(253)

Prisons overcrowded as 27 000 a day await trial

BARRY STREEK
POLITICAL WRITER

THE sharp increase in the number of awaiting trial prisoners — now at a record daily average of 27 000 — had placed a heavy burden on the management of South Africa's prisons, Commissioner for Correctional Services Henk Bruun said yesterday.

He expressed concern at the sharp increase of awaiting-trial prisoners in jails that were already overcrowded.

The awaiting-trial prisoners were all charged with serious crimes and many had taken part in organised violent crimes, so their safe custody was therefore of utmost importance, he said.

"The increase in the number of awaiting-trial inmates can probably be ascribed to the present high crime rate and the crime combating drive of the

SA Police Service as well as the tougher bail conditions now prevailing.

"Another factor contributing to the congestion in prisons is the time it takes to have cases finalised by the courts despite the hard work and diligence of prosecutors and presiding officers."

It was therefore discouraging to learn that even more magistrates were leaving to find other employment.

Bruun said the total prison population was almost 113 000 and prisons staff were working in difficult circumstances to maintain security standards and look after the inmates.

This placed a heavy burden on the management of prisons. The needs of his department, as a major role-player in combating crime, would have to be taken into account when budgets were allocated.

(253)

CT 6/2/96

Prison overcrowding 'creating a security risk'

ARG 6/2/96

JOSEPH ARANES
Staff Reporter

(253)

SOUTH Africa's prisons are so overcrowded and in urgent need of repair that staff say they are finding it hard to maintain security standards and provide proper physical-care services

The Western Cape's 45 prisons are designed to accommodate 14 748 prisoners but hold 20 684

Pollsmoor Prison is worst-off, holding 3 171 when it is designed to accommodate 1 619. There are 2 115 awaiting trial

National correctional services commissioner Henk

Bruyn said the country had nearly 113 000 prisoners. The awaiting-trial figure of 27 000 was an all-time high

"The number of awaiting-trial prisoners can probably be ascribed to the present crime wave and the crime-combating drive of the police, as well as the tougher bail conditions now prevailing," said General Bruyn

"But all this is placing a heavy burden on the prison staff and management who are working under very difficult circumstances to maintain security standards and to render proper physical-care services

in prison

General Bruyn said the lack of efficient space, old and often dilapidated prisons, understaffing and poor salaries were causes for great concern and should get special attention

Western Cape prison services spokesman Mike Green said overcrowding put staff under immense pressure and increased workloads

"Each prison gets a staff complement to cater for the security and other needs of the prisoners, but as the number of inmates increases so too does the ratio between the number of prisoners to wardens

"Part of the thinking of the department is to keep the prisoners active during most parts of the day, but this becomes very difficult and a bit of a security risk when there are so many inmates and few staff members"

Captain Green said problems in the province were compounded when two of the region's prisons were closed during the past six months

But he added that plans had been made for the construction of three bigger, modern prisons which would help to ease the situation. Work on one had begun

Robben Island deserves to be World Heritage site — Unesco

ARC 10/2/96

(253)

JOHN YELD
Staff Reporter

ROBBEN Island has international symbolic value for human rights similar to sites like Hiroshima and Auschwitz and deserves the status of a World Heritage Site under the auspices of the United Nations

This was the message yesterday from Bernd von Droste, director of the World Heritage Centre, the Unesco (United National Educational, Scientific and Cultural Organisation) agency which is responsible for administering the 469 sites proclaimed under the World Heritage Convention

Mr Von Droste, who is visiting potential World Heritage Sites in South Africa as a guest of the Department of Environmental Affairs, said the convention had the most signatories — 144 — of any international conservation-oriented convention

"We hope that South Africa will soon become the 145th state adhering to this convention," he told an audience at the South African Museum after watching a summary of the presentation of the application to have Table Mountain

and the rest of the Cape Peninsula Protected Natural Environment (CPPNE) declared a World Heritage Site

There were very strict criteria governing the declaration of such sites and the application and checking processes were long, cumbersome and difficult, he warned

Table Mountain and the rest of the CPPNE appeared to qualify for nomination on several criteria

These included its huge number of plant species, many of them occurring only here and also threatened "South Africa has some other (biological) 'hotspots' but Table Mountain is crucial as the hottest"

The application also appeared to qualify in terms of the category of significant artificially designed landscapes because of Kirstenbosch

"After walking there early today, I'm more convinced than ever that Kirstenbosch is a very important part of your application," he said

Table Mountain also had the potential to qualify for World Heritage Site status on cultural grounds, as it was an "icon" for both Cape Town and South

Africa, he suggested

Responding to a question as to whether Robben Island was a potential site on its own or whether it could be included as part of the Table Mountain site, Mr Von Droste said either case could apply, but he understood it was not linked in the present application

"Robben Island stands out from many sites around the world for its symbolic value, because of its association with human suffering"

It was a symbol both of people's non-respect for the cultural identity of others and for the non-respect of human rights, said Mr Von Droste

"But, it also stands for hope, reconciliation and the new South Africa, which is hope for humanity as a whole"

Unesco staff believed Robben Island was extremely important

"Therefore, I personally hope it will be elevated to the highest (conservation) level"

Mr Von Droste said he had been highly impressed with the number of significant palaeontological and archaeological sites in South Africa, sev-

eral of which he had visited during his trip

Other than these cultural sites, he had also seen other potential World Heritage Sites in the "natural" category

These included Kruger National Park, Great St Lucia Wetland Park, Hhuhluwe-Umfolozi game reserve and the Tswaing Crater outside Pretoria.

● Environmental Affairs spokeswoman Ingrid Coetzee, who is accompanying Mr Von Droste, said the department was pushing to have parliament ratify the World Heritage Convention during the session which started yesterday

At a separate function last night, Water Affairs and Forestry Minister Kader Asmal — who also serves on the African National Congress's national executive's environmental committee — said the cabinet was likely to decide on the application to mine heavy minerals on the Eastern Shores of Lake St Lucia at its next meeting, within a fortnight.

He described Lake St Lucia as "an ecological jewel"

Put juveniles away – Phosa

By BHEKIE MATSEBULA

MPUMALANGA premier Mathews Phosa has called for the review of the Correctional Services Amendment Act of 1994 (Act 17, 1994) which forbids the detention of unconvicted children below the age of 18 years

Phosa – a qualified lawyer – said this week the Act has given hardened criminals a chance to abuse this Act by using juveniles to commit serious crimes such as murder and robbery

He said when the new Act was passed it did not take long for hardened criminals to realise that juveniles were given lenient sentences even when they had committed serious offences

Tolerated

“This trend will only be stopped if juveniles are made to realise that their conduct will not be tolerated and that the game is not worth the candle. A taste of their own medicine will certainly drive the message home that juveniles who are convicted will not be wrapped in wadding,” Phosa said

Phosa said society was now “fed up” with the brutal attacks meted out by juveniles who knew that they would in the end be given lenient sentences by the courts in terms of the new legislation.

He said juveniles should be separately detained from grown up criminals

Phosa said he does not go well with the issue of granting long-term serving prisoners parole. He said parole ridiculed the judicial system in the country.

He added that it frustrated judges and magistrates.

Star 11/21/96
**No way we'll merge
with Sapu - region**

By DAN RADINKU (253)

THE GAUTENG regional office of the Police and Prisons Civil Rights Union (Popcru) is heading for a confrontation with its parent body during the forthcoming national executive council meeting, scheduled for February 22-25 in Johannesburg.

The hostility is likely to come from the unilateral decision taken by the national body to negotiate a possible merger with the predominantly white South African Police Union (Sapu).

Popcru national secretary Lando Sant was this week reported to have confirmed the merger negotiations.

"The idea of a merger with Sapu is good because it will be in line with the policy of the country which encourages one industry, one union," he was reported to have said.

But Popcru's Gauteng region said the secret negotiations were not in line with the union's policy.

"We are absolutely not in for a merger," argued temporary Gauteng secretary Jacob Tsumane.

National assistance secretary Lefaso Matutoane said Popcru did not need a mandate to negotiate informally with Sapu. He added that he did not believe the two unions could be merged.

R3-m boost for Robben Island

(253)

See paper 12/2/96

By Mathatha Tsedu
Political Editor

NORWEGIAN prime minister Mrs Harlem-Brundtland yesterday donated R3-million towards the establishment of a national museum on Robben Island

Brundtland accompanied President Nelson Mandela on a tour of the island where the South African leader spent 18 years as a prisoner

TV cameras rolled and photographers clicked incessantly as Mandela, standing in the quarry where he had smashed rocks for more than 13 years, also launched the sale of quarry rock from the island to raise funds for ex-political prisoners

The rock, with a certificate signed by Mandela authenticating the stone, will sell for R39,95 at Woolworths stores countrywide from today

President Mandela's visit coincided with the sixth anniversary of his release from 27 years of imprisonment.

Accompanied by his young relative Ms Rochelle Mitrara and Foreign Minister Alfred Nzo, Mandela handed Brundtland a picture and a box of the quarry stone.

He said it was fitting that Norway was the recipient of the first stone as

it had stood full force behind the struggle to liberate South Africa

Brundtland in return donated the R3 million to the museum that will sustain the memories of what she called huge sacrifices by prisoners and the entire nation of South Africa

Mandela also lashed out at whites in SA and said they should stop thinking in narrow racist terms

He was clearly referring to the Potgietersrus racial incident where black children have been refused entry to a school which currently has only white pupils

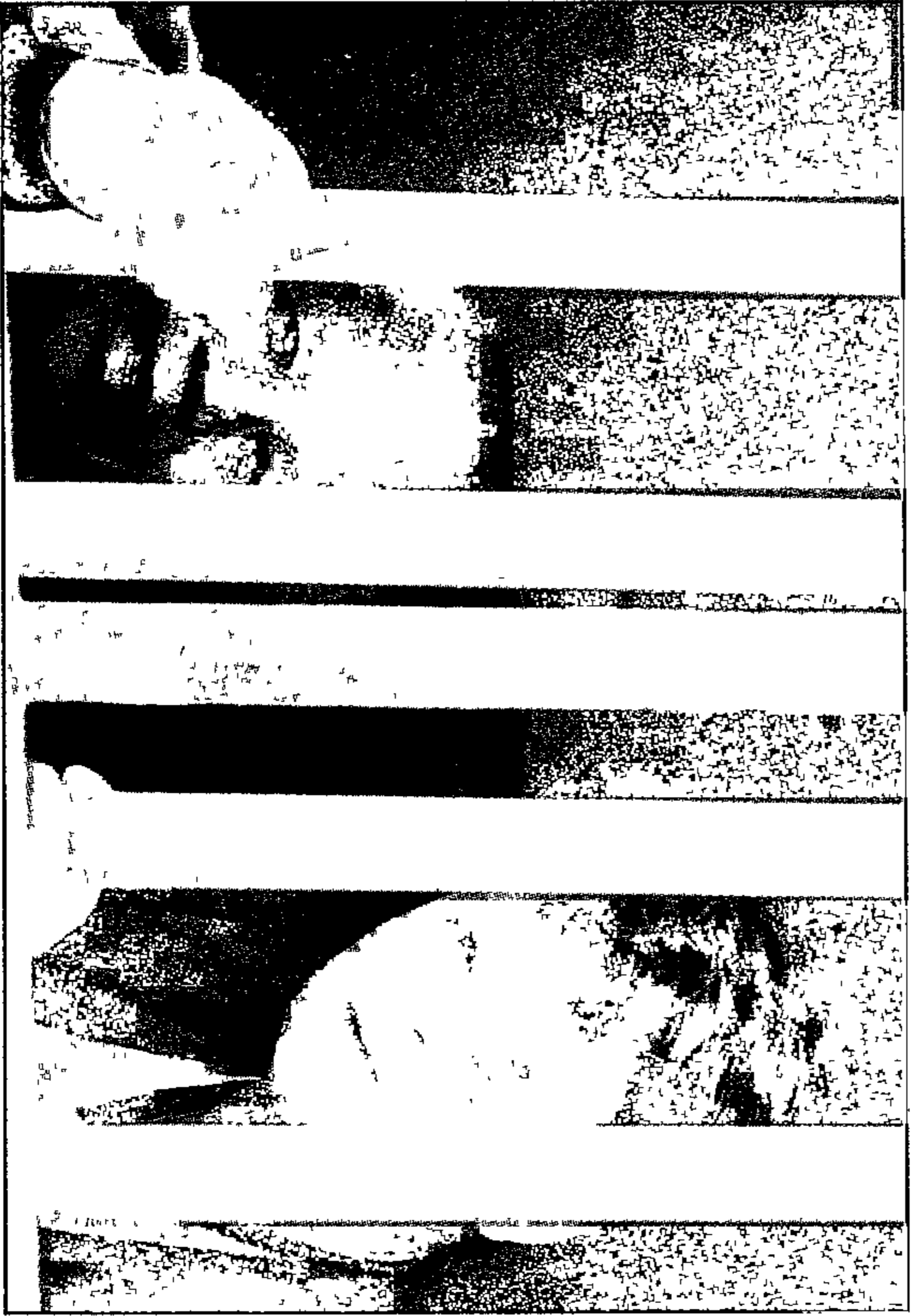
Earlier Mandela visited his former cell and addressed common law prisoners still serving their sentences on the island

New dispensation

There are presently 175 prisoners who will be moved out by the end of the year when the new dispensation on the future of the island will be implemented

The chairman on the Cabinet Committee on the Future of Robben Island and parliamentary councillor in the office of the President, Mr Ahmed Kathrada, said the rock that will be sold "symbolises our seemingly endless struggle for freedom and our eventual triumph towards democracy."

● See also page 4.



President Nelson Mandela shows Norwegian prime minister Gro Harlem-Brundtland the view from the cell he occupied during his imprisonment on Robben Island yesterday - the sixth anniversary of his release from prison.

PIG AP

STOOD TODAY BECAUSE THE COOK'S
RAN OUT, AND I GOT BREA

Youth laws to be passed soon

(253) (253)

CAPE TOWN — Draft legislation providing for juveniles to be detained in police cells and lock-ups should be passed by Parliament by the end of next month

If not, the process could be delayed for several months, the Correctional Services Amendment Bill's drafter Carl Niehaus (ANC) said yesterday.

Written submissions on the detention of juveniles to the committee would be accepted until Monday morning when a joint committee will start hearing oral evidence.

The committee, was "pressed for time" in getting it passed through Parliament, Niehaus said. If it was not debated in the National Assembly on February 29 "it will stand over for a number of months".

The Senate was expected to debate the draft Bill early next month. — Sapa

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Plan to settle rent disputes

Ingrid Salgado

GAUTENG'S housing department has recommended amendments to the Rent Control Act of 1976 to allow for the establishment of mediation boards to resolve disputes between landlords and tenants.

The province's housing and local government standing committee will hold public hearings on the matter next month.

Gauteng housing and administration director Monty Narsoo told the committee yesterday there was evidence of deteriorating relationships between landlords and tenants in the inner city and in areas characterised by backyard shack accommodation.

Changed housing patterns in metropolitan areas meant "inventive measures" had to be sought to manage problems connected with rented housing. Rent control was phased out in the 1970s.

Public works wage deal expected soon

Drew Forrest

CAPE TOWN — Cosatu has resolved internal wrangles over wage levels in the public works programme and is to sign a long-delayed deal with government "within weeks".

Public Works Minister Jeff Radebe said yesterday labour, the civil engineering industry, government and representatives of civil society were at the final stages of negotiations on a framework agreement designed to enhance the use of labour in all government construction projects.

Negotiations on the agreement began in 1994, but were stalled by internal union differences over pay. A one-year deal was concluded in 1993 to allow for pilot projects, which Radebe said had been successful.

Cosatu's head of negotiations Khumbula Ndaba said unionists had been divided over whether workers should receive the same pay levels and benefits as in the formal sector, and over the government's proposal of "task-based" payment. Some had felt that workers should be paid by the hour.

RD 14/2/96

Ndaba said it had been conceded that in the interests of job creation, workers in the public works programme should not expect parity of pay and conditions with their counterparts in the formal sector. The Cosatu executive was also willing to try out the task-based payment system.

Ndaba emphasised, however, that the federation would be pressing for changes to the agreement's provisions on training, which he said were "very weak". Cosatu believed that all employees in public works projects should receive skills training to enhance their prospects of finding work.

He also said the unions would be seeking to sharpen the agreement's provisions on workers' benefits.

Giving details of progress in employment creation, Radebe said a total of 28 158 jobs would be generated by the Independent Development Trust's community employment programme, to which R70m had been allocated from the RDP fund. This would improve the incomes of 100 000 rural people. In addition, R150m had been allotted for 182 projects in the provinces. These were expected to create 18 000 jobs.

POLITICS

One week only for submissions on Bill

Wyndham Hartley

RD 14/2/96

CAPE TOWN — Due to the urgency of the legislation needed to allow minors charged with serious crimes to be held in prison, the public is being given one week to make submissions on the Bill.

The Bill, introduced as a private members' proposal by ANC MP Carl Niehaus, seeks to make it possible as a short-term emergency measure to incarcerate children awaiting trial. It was introduced to the National Assembly's correctional services committee yesterday.

Niehaus, who chairs the committee, later announced that the public would have until February 20 to make submissions. Between then and February 29, when the Bill was scheduled for debate in the National Assembly, the committee would debate the measure. This could include public hearings.

Niehaus stressed that while large numbers of child offenders were not involved — about 700 were released into places of safety and parental custody last year — the legislative measure was necessary because those who had escaped and returned to crime were a danger to the public.

When the Correctional Services Act was amended last year to outlaw holding children in prison, there were many submissions from organisations. These would be taken into account.

It would be difficult for the committee to allow more time for submissions, he said. Submissions (and if possible 40 copies) can be addressed to the Secretary to Parliament, attention Simone Ingerfeld, PO Box 15, Cape Town, 8000.

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Public comment sought on detention of children

Bill proposes police or prison cells for some
(253) (298) ARG 15/2/96

TYRONE SEALE
Political Staff

THE parliamentary portfolio committee has invited public comment on a bill making it possible for children accused of certain serious offences to be detained in police or prison cells

The bill prescribes strict conditions under which such children may be held in detention, including their total isolation from adult prisoners or awaiting-trial prisoners. They must have regular visits by magistrates.

The cut-off date for public comment, written and oral, is next Tuesday, February 20.

The Correctional Services Amendment Bill has been introduced as a private member's bill by Carl Niehaus, head of the national assembly portfolio committee on correctional services.

Last year the Minister of Correctional Services, Sipo Mzimela tabled an amendment to Section 29 of the Correctional Services Act of 1959 to the effect that children should not be held in prison or police cells. It was unanimously supported by both houses of parliament.

According to Mr Niehaus, problems have since been experienced with the implementation of the amended Section 29 due to a lack of adequate, secure care facilities.

Correspondence on the bill should be addressed to The Secretary of Parliament, Attention: Simone Ingerfeld, Box 15, Cape Town, 8000. Ms Ingerfeld's telephone number is (021) 403 3672 and her fax number (021) 461 7969.

Secure centres may see Bill withdrawn

Wyndham Hartley

CAPE TOWN — A Bill before Parliament to allow children awaiting trial for serious offences to be kept in prison will be withdrawn if secure care centres are up and running in time.

Deputy Welfare Minister Geraldine Fraser-Moleketi said yesterday it was hoped that each province would have one secure care centre operational by April.

She said she had an undertaking from ANC MP Carl Niehaus, who introduced the amendment to the Correctional Services Act, that if the centres were ready in time the Bill would be withdrawn.

Fraser-Moleketi, emphasising that SA was a signatory to the In-

(253) (278)
ternational Convention on Rights of the Child, said it was with great regret that there was a need for the Bill.

Niehaus's Bill follows the escape from places of safety of many of the children charged with serious offences following their transfer from prisons last year.

It is an emergency measure designed to be phased out.

Fraser-Moleketi said there had never been secure care centres, as distinct from places of safety, in SA. Her department was working as hard as possible to get them established.

She said the welfare department was also working with the justice department to ensure that children being brought before the

BD 16/2/96
courts should be processed as fast as possible and not be kept awaiting trial.

She also said police and the justice system should target those who used children as "runners" to commit crimes.

Correctional Services Minister Sipo Mzimela lambasted Niehaus's Bill as a regressive step.

He said that following President Nelson Mandela's undertaking to the nation that all children would be removed from the prisons, his department had spent a great deal of time revising the law.

"After the campaigns against myself and my department at the time, there is no way that I can support legislation that is a backward step," Mzimela said.

Multipronged programme for prison revamp

BY JOVIAL RANTAO
Political Reporter

Cape Town - Correctional Services Minister Sipo Mzimela yesterday unveiled a programme to transform the prisons service and promote the rehabilitation of prisoners.

The establishment of youth development centres, "new generation" corrective establishments based on the principles of rehabilitation, the demilitarisation of the Department of Correctional Services, affirmative action, and the retraining and reorientation of staff form the cornerstones of his programme.

"The year 1996 will see the Department of Correctional Services transformed from a military organisation to an ordinary public institution. The safety of prisoners and the protection of the public will still be our number one priority, but we intend replacing punishment with rehabilitation," Mzimela said.

He told a parliamentary briefing that 600 sentenced youths would soon be sent the country's first youth development centre in Newcastle, KwaZulu Natal, for

rehabilitation.

Established with private funds raised by, among others, President Nelson Mandela, the centre would serve as a prototype for the development of similar centres in the other eight provinces.

"Very strong emphasis will be placed on the employment of people who are well grounded in the social sciences. The use of house parents will be introduced. This

Aim is for 'ordinary public institution'

has proved to be very successful elsewhere," the minister said.

The new corrective centres would be based on unit management and direct supervision. "Basically, unit management means the breaking up of facilities into manageable units. For example, 1 000 prisoners will be housed and managed in 10 separate units, each under the care of a supervisor," he said.

(253) 16/2/96
Direct supervision refers to one central control area within each unit. One person has an overview of the entire facility through the use of electronic monitors and equipment," he added.

Mzimela also announced that a decision had been taken to swop military ranks for civilian grades and to do away with uniforms, except in the case of custodial staff who dealt directly with prisoners.

The target date for demilitarisation was March 31, he added.

Mzimela said he had also appointed two deputy commissioners to drive the affirmative action process.

The aim was to transform the department and have "a 70/30 ratio of blacks against whites at all levels of the department" by the year 2000, he said.

He also called for firearms to be banned as part of the strategy to combat crime. " ... There's no reason why any citizen should carry a gun. The drive-by shooting, taxi killings, car hijackings are happening because of guns."

► More parliamentary reports

overdue
22/2/96
writes Carl Niehaus



Review of prisons long

(253) Ashw

Conditions often do not meet our constitutional demands for humane treatment,

South Africa has a long way to go to bring our corrections policy into line with other democratic countries. Our prisons hold a daily average of about 110 000 prisoners in space designed for 88 000.

These are outrageous figures. Society cannot afford to support so many prisoners, nor can we afford to house prisoners in an environment that has, in effect, created a permanent criminal class. Prison conditions often do not meet the demands of our constitution for the humane treatment of all citizens.

While acknowledging this, it must be said that the community's legitimate fears about violent crime should be one of the Government's most urgent priorities. Strong, uncompromising action, accompanied by severe sentences as a deterrent for violent and sexual offences, is absolutely crucial.

The protection of the public and the rights of victims can never be over-emphasised. However, we will never succeed in protecting the public if our prisons are places where offenders are simply incarcerated, without any reasonable opportunity to change their ways.

How do we bring our prisons into line with international standards, while impact-rehabilitative system

The third aspect is that of parole, which is at present an administrative function of the Department of Correctional Services. People are released without proper assessment of whether they have served the sentence intended by the court, and whether they will become, once again, a threat to society. This means that the independence of the justice system and the courts is being seriously eroded.

ing on our crime rate and our extremely high rate of recidivism?

First, we need to move away from our current retributive prison philosophy and use our prisons, not simply as tools for control, but as a holistic way to address the high crime rate.

Instead of baying for blood, we need to decide what it is we want from our prisons. Currently they are places of gang recruitment and terrible violence, where minor criminals rub shoulders with the unredeemed and apparently unredeemable. We need prisons which teach people that there are other ways to engage society without threatening the safety of those around them.

This is a long-term goal, but one we must start to work towards if we are to reduce the sheer numbers of criminals.

he first point leads naturally to the second. Many of the young people who enter our prisons are first offenders. Many others have committed only minor offences. Here they encounter the vicious gang culture that flourishes in these institutions, experience fear and violence and are coerced into joining gangs in order to survive.

Clearly a distinction needs to be made between those convicted of serious crimes and those in prison for non-violent offences. We

Legislation providing for the involvement of the courts and, where possible, the trial judge in decisions affecting parole, is overdue, as are measures to ensure proper supervision of prisoners.

Finally, it is common cause that poverty and dissatisfaction create the conditions for crime. Added to this, in our society, is the legacy of brutalisation we have inherited from the apartheid years. Our society is in need of healing and regeneration. We will

need to classify prisoners and identify those who can be rehabilitated and released into society as law-abiding citizens. The latter need to be given skills, and undergo re-education and proper rehabilitation.

We also need to understand that not every crime committed is one that necessarily requires imprisonment. Society can play an important role in the rehabilitation of first offenders and people convicted of less serious crimes.

This philosophy is also the basis on which a proper juvenile justice system must be developed. The principle must be that juveniles, where possible, be diverted from the criminal justice system. Communities must be given the resources and skills to provide mediation services and find ways of helping juveniles to conform to social norms and standards. Again a clear distinction must be made between those who have committed serious acts and those who have committed relatively minor offences.

What we need to understand, in our fight against crime, is that we do not need more prisoners. We desperately need to reduce the overcrowding in our prisons and reduce the number of offenders in our society. This can only be done if we succeed in reducing the reasons why people commit crimes. Only then can we hope to achieve a society in which we can begin to feel safe. This is not, of course, to say that reforms

should take place at the expense of public safety. In a crime-ridden society, steps must be taken to ensure the safety of the public, while adhering to a moral code that aims, ultimately, to reduce the size of the criminal classes.

The Private Member's Bill I am proposing illustrates the point. The present legislation (Section 29 of the Correctional Services Act) prohibits the detention of awaiting-trial children (between the ages of 14-18) in places other than Places of Safety.

This means that children are kept out of cells and regular jails while awaiting trial and do not come into contact with adult criminals. Although this is the ideal, various problems have emerged. First of all, the Places of Safety are at the moment hopelessly inadequate for the task of securing youngsters, some of whom may be very dangerous indeed.

Secondly, Places of Safety make no distinction among children accused of different crimes. Thirdly, the system is open to exploitation, with gangs and syndicates putting up children to commit crimes on their behalf.

The Private Member's Bill aims to balance safety of communities with the principle that, wherever possible, the correction of children should operate as an independent

never achieve this until we have created a just society in which every individual receives the opportunity to improve his or her life without recourse to criminal or brutal acts.

Only then will we truly be able to say that crime does not pay.

Carl Niehaus is an ANC member of parliament and chairman of the Portfolio Committee on Correctional Services.

Probe into (253)
prison damage

A COMPREHENSIVE report on the causes of damage to the newly built Oudtshoorn Prison had been requested by his department, the Minister of Public Works, Mr Jeff Radebe, said yesterday

The report by a firm of consulting engineers would be received in soon, he said in reply to a question tabled in the senate by senator Mark Wiley (NP)

Wiley said a house built at the prison two years ago could not be occupied because of the damage

CT 23/2/96
Political Writer, Sapa

Juvenile detention Bill (253) faces March deadline (248)

DRAFT legislation providing for juveniles to be detained in police cells and lock-ups should be passed by parliament by the end of March

If not, the process could be delayed for several months, the Correctional Services Amendment Bill's drafter, Carl Niehaus (ANC), said

Written submissions on the detention of juveniles to the committee would be accepted until Monday morning when a joint committee will start hearing oral evidence

The committee was "pressed for time" in getting it through

ARG 23/2/96
parliament, Mr Niehaus said If it was not debated in the national assembly on February 29, "it will stand over for a number of months"

Mr Niehaus, the national assembly correctional services' committee chairman, recused himself for the hearing on this Bill because of his involvement with it.

The private member's Bill emphasises that the detention measures proposed for juveniles are temporary and will expire after one year

The Senate was expected to debate it early in March. - Sapa.

A chip off the old Robben Island cell block

Two ex-political prisoners have become the first to benefit from a special project to market fragments of rock from Robben Island's former hard-labour quarry, writes **MICHAEL MORRIS**

to prison terms on the island. But the memories of that time, of the hard labour and the harsh treatment, remain as vivid now as they were when they emerged at the beginning of the 1970s to years of privation, of struggling to find jobs and battling to make ends meet.

Cape Town - Deep in a cavernous warehouse in Epping, two men sat down this week to a somewhat leisurely replay of the hard labour that was intended to break their spirits - and their political will - on Robben Island three decades ago.

This week, the memories caught up with them when they started work on one of the most unusual reconstruction and development initiatives to have emerged in the past two years: a commercial venture to market souvenir fragments of limestone from the island prison's former hard-labour quarry.

The "Robben Island Quarry Rocks" are being sold, with President Mandela's endorsement, to

raise funds to help tens of thousands of ex-political prisoners who are still struggling after their incarceration on the island.

Each rock is contained in a colourful box, and is accompanied by a certificate of authenticity signed by Mandela. They are being sold for R40 each, with all profits going to help ex-political prisoners.

From this week, even the preparation and packaging of the souvenirs is being used to provide work for former islanders like Njanya and Nzamo.

Clasping a small pick in one dusty hand, and a clod of limestone in another, Nzamo had a sardonic air about him as he bent to his work, recounting as he chipped away the awful time he had spent working in the island quarries in the 1960s.

"This is a good project because it's helping us at last," he said. Njanya sat nearby folding the boxes and inserting the souvenir rocks.

"I was on the island for eight-and-a-half years, from June 1963. Things were very bad in those days. We were kept with criminals and gangsters, and it was dangerous."

In fact, he recalls that the limestone quarry was the "easier" option. "We didn't mind the dust and all that. It was easier than the hard-rock quarry."

In a way, though, the most difficult part of being a political prisoner was to come in the years after his release, when he was restricted to the barrenness of Dimbaza township near King William's Town, and the fate of being almost perpetually jobless.

Today, metal trunks filled with big lumps of limestone, shipped over to the mainland by the prison authorities, are helping to ensure that he at least has some income.

Nick Linnell, director of Leading Concepts, the company behind the initiative, said the initial commitment was to package and market between 50 000 and 60 000 of the fragments.

"Our target is to give the ex-political prisoners R1-million. After that they may wish to take it over as their own concern. That's open for discussion."

The souvenirs are being sold through the company's mail order facility, its eight wholesale outlets and at the Robben Island gift shop. They are soon to be marketed at Cape Town's Waterfront and at airports, as well as internationally, and even on the Internet.

Distinguished Robben Islander Ahmed Kathrada, who chairs a non-governmental committee on the welfare of former island prisoners, noted that the quarry had a special significance for political prisoners - it was the place where the prison authorities were determined to break their spirit and their political commitment.

But the fact that this failed made the quarry - and, now, the quarry souvenirs - a special symbol.

Beyond that, it was also the place where political prisoners shared thoughts, disseminated news, discussed strategies and even "carried on our academic studies. For 13 years we worked there; we talked, we shared things - even with the warders," Kathrada recalled.



MADIBA MEMENTO: Former Robben Islander Vukile Njanya holds a lump of limestone from the Robben Island quarry in which he, like Nelson Mandela, once did hard labour, and the box in which the fragments are being marketed to raise money for ex-political prisoners. PHOTOGRAPH ANDREW INGRAM



VETERAN TEAM: Former political prisoners Vukile Njanya (left) and Nlungwana Nzamo became the first Robben Island veterans to earn money from the project to market limestone from the prison's former hard-labour quarry. PHOTOGRAPH ANDREW INGRAM

(253) Star 24/12/96

CAPE TOWN—The correctional services department was not equipped or geared to deal with unsentenced children, senior staff officer Brig Hannes Kaufmann said yesterday.

Giving evidence before Parliament's correctional services committee, Kaufmann said it lacked proper facilities

Correctional services unable to care for unsentenced children

(248) (253) 2027/2/96
and accommodation.

Prisons were overpopulated by about 20 000 prisoners. Pollsmoor Prison in Cape Town was overpopulated by more than 100%, while awaiting-trial prisoners stood

at an all time high of 27 000. The department had a personnel backlog of 8 106 and only 1 338 of these posts would be filled because of budgetary constraints.

There was a lack of

specially trained personnel to cater for the needs of children.

The department had been allocated funds to care for 95 000 prisoners, but last month's average daily prison population had been 113 810. Unsented children should not be kept in prison, Kaufmann told the committee.—Sapa.

McKenzie slates child offenders Act

ARLT 27/2/96
CLIVE SAWYER
Political Correspondent

253

PROPOSED changes to the Correctional Services Act about regulations for keeping children in prison are insufficiently detailed, Western Cape Police Minister Patrick McKenzie has told the national parliament in Cape Town.

In a submission to the national assembly and senate committees on correctional services, Mr McKenzie said the new amendments addressed only a few of the problems caused by last year's decision not to keep awaiting-trial children in prison.

One problem was that it was up to the state to prove the age of a child.

This was difficult because official documentation was often hard to come by because many births were not registered.

Many children deliberately gave false information and the 24 hours provided to police to check this information was too short.

This meant police had to ask district surgeons to determine a child's age.

"Physicians, however, do not readily commit themselves to a definite determination of age," he said.

Academics at the University of Cape Town medical school, in a report to Western Cape police, had confirmed that DNA typing could not be used to determine a child's age.

A University of Stellenbosch report said that the biological system used to determine bone and dental age was also not 100 percent accurate.

"Given the present circumstances of limited availability in time and expertise, access to a 24-hour service is not possible."

TYRONE SEALE, Political Staff

SOUTH Africa's jails are to be cleared of 30 to 40 percent of "non-dangerous" prisoners because the department of correctional services has a staff shortage of 6 500 through lack of funding.

This means between 39 000 and 52 000 prisoners from a total of 131 000 will be freed in terms of a new initiative which Correctional Services Minister Sipo Mzimela hopes will be launched at the beginning of next year

The new plan is also expected to reduce government spending on prisoners from about R7,8 million a day at present to R1,3 million a day under the new probation system

But prisoners will be released only if they are classified non-dangerous, and many of them would in fact be awaiting-trial prisoners who now number about 30 000

Sentenced prisoners released in this way will be given community-based sentencing options, including house arrest and community work programmes, which are already extensively used by courts as part of penal reform in the country

Mr Mzimela emphasised in the national assembly yesterday that these options would apply only to non-dangerous prisoners and said there was no truth in rumours that amnesty was being considered for 30 000 to 40 000 prisoners

During question time he told parliament that his department had a staff shortage of 6 516

His department had in negotiations with the department of state expenditure sought to eliminate half this backlog in the 1996/97 financial year, but no funds had been granted for this purpose

Mr Mzimela said a four-year plan to delete the backlog, with the 1997/98 financial year as a starting point, would again be negotiated with the department of state expenditure

Meanwhile, he said, the department had introduced a programme to reclassify inmates so 30 to 40 percent of those serving sentences would be given alternative ways of serving these sentences in community work and to be put on parole if they were not dangerous

In an interview today, Mr Mzimela said the existing budget could accommodate the training of a new corps of probation officers and that if the prison population was to be reduced, this would allow the department to transfer jail staff to probation services.

He said his department would also take up with the justice department the question of delays in criminal trials. Some suspects who were awaiting trial and taking up space in prisons could wait as long as a year before they went on trial, after which they could continue to be held while their trials were under way.

State expenditure on prisoners could drop from nearly R60 a day a prisoner at present to about R10 a day a prisoner under the probation system

□ Staff shortages could mean release of 50 000 prisoners

40% of convicts may be freed

ARL 29/2/96

(253)

BRIEFS

Dept of Prisons quits forum

ET 1/3/96 (253)
THE Department of Correctional Services has withdrawn from the forum set up last year to give advice on how it should be transformed, the Correctional Services Ministry announced yesterday.

The forum, headed by ANC MP Carl Niehaus, who is chairman of the parliamentary portfolio committee on correctional services, has clashed repeatedly with Correctional Services Minister Dr Sipo Mzimela of the IFP.

Truth commission may extend its cut-off date

Farouk Chothia

BD 1/3/96 (252)
DURBAN — Truth and Reconciliation Commission member Khoza Mgojo said yesterday it might be necessary to extend the December 1993 cut-off date for investigations into politically motivated crimes in KwaZulu-Natal as political violence had continued beyond this date in the province.

Mgojo said at a news briefing that it "did not make sense" that people were murdered after December 1993 and "nothing was done about it".

He said some KwaZulu-Natal residents had expressed dissatisfaction with the cut-off date. "We might have to revisit the deadline," he said.

Mgojo, head of the SA Council of Churches, is one of two full-time KwaZulu-Natal representatives on the commission. The other is Legal Resources Centre attorney Richard Lyster.

Mgojo said the commission would find it particularly difficult to operate in KwaZulu-Natal as the IFP was opposed to the commission. He had held discussions with the IFP and was "working hard" to address its concerns, he said.

Lyster said the commission would begin hearings in KwaZulu-Natal in mid-April and would tap large amounts of evidence gathered over the years by non-governmental organisations.

The commission would need more resources in KwaZulu-Natal than elsewhere. The commission had obtained offices in Durban and would employ 30 people. Lyster said there would be a witness protection programme.

The KwaZulu-Natal commissioners had also been asked to operate in the Free State.

Ministry leaves prison forum

Tim Cohen

BO 1/3/96

(253)

CAPE TOWN — The correctional services department unilaterally withdrew yesterday from the Correctional Services Transformation Forum, sparking a new war of words between the IFP-controlled ministry and the ANC-led parliamentary committee

The decision, which takes effect immediately, was quickly criticised by forum and parliamentary correctional services standing committee chairman Carl Niehaus.

Correctional Services Minister Sipo Mzimela said: "After careful evaluation of the functioning and performance of the transformation, the minister decided to terminate the department's participation."

"The forum has failed to live up to its promise. Lack of proper inputs and the financial waste to sustain the transformation forum were the main reasons why the minister decided to withdraw the department."

Correctional services spokesman Bert Slabbert denied that the motivation for ending the department's association with the forum was political, despite frequent differences in the past

between Niehaus and Mzimela

The latest conflict took place over a private member's Bill brought by Niehaus which tightens the conditions for the release of awaiting trial juveniles from police custody. Mzimela has refused to support the Bill, which he describes as a retrogressive step

Slabbert said the costs of the forum were made up mostly from the travel and accommodation allowances which the department was paying to members of the commission to assist the forum to hold its meetings.

This assistance, which ran into tens of thousands of rand, would end immediately, he said. It was not the minister's intention to prevent the forum from continuing its discussions, but the department would simply no longer take part in the forum

In reply, Niehaus said the announcement came without any previous indication that Mzimela was contemplating such a move and that it had "serious implications for the urgent transformation of the department".

Niehaus said the ministry had made unsubstantiated allegations, and the forum would respond after its meeting in Pretoria today

Shock

TYRONE SEALE, Political Staff

SHOCKING details of a medical care crisis in South African prisons, especially in the Western Cape, have been revealed in parliament.

Pollsmoor prison has only one trained nurse on call for up to 54 patients at night — and the nurse is also on call for five other prison hospitals.

In the day, the prison has 32 medical orderlies tending the prison hospital's maximum of 54 patients. But at night only one medical orderly is on duty, with the facility to call out the trained nurse.

This evidence was presented today to the national assembly portfolio committee on correctional services by University of Cape Town-based Judith van Heerden, regarded as South Africa's foremost researcher on prison health care.

She told the committee a "truth commission" to expose problems in health care in South Africa could form the basis of ethical training of medical practitioners in general and particularly those involved in prisoner care.

Such a commission could look at the role district surgeons played in prisons at times when prisoners were severely and repeatedly tortured and assaulted.

It could also investigate the gaps existing between constitutional provisions on health care and the quality of health care offered in correctional services institutions.

Dr Van Heerden has researched prison health care in this country and abroad and recently completed a thesis on the subject.

The committee is hearing evidence on a recently published report by a work group that has recommended far-reaching changes to the way health services are administered in South African jails.

Dr Van Heerden told the committee that one of the problems with the existing Prisons Act was its exclusion of police stations from the list of places of detention where health care should be available to detained or sentenced people.

She said that in order for health care to be properly administered in all such institutions, health staff should report directly to the department of health instead of forming part of the custodial or security personnel.

Dr Van Heerden suggested that regular audits be conducted by health professional organisations and medical schools on the state of health care in prisons.

At present, medical orderlies employed in prisons were trained for 12 months, but as the gatekeepers of health care in these institutions, they had no psychiatric treatment, even though imprisonment was considered the fifth most stressful event in anyone's life.

She proposed that all medical practitioners, including general practitioners, be trained in ethics in prison health care which at present constituted the "most fraught situation a doctor could work under".

Apart from constant tension between doctors and prison authorities over custodial concerns and medical concerns respectively, administrative support for doctors was slight.

She cited her own battle, over several months, to establish how many district surgeons the Cape Provincial Administration had employed during a certain number of years and in obtaining details of the basic and refresher courses offered to doctors who worked in prisons.

Jail Medicines

ARS 5/3/96

One trained nurse for 54 Pollsmoor patients at night

(253)

Prison for juveniles bill backed

(253)

BARRY STREEK
POLITICAL WRITER

ET 5/3/96

THE bill proposed by the ANC's Mr Carl Niehaus to allow for the detention of awaiting-trial juveniles in prison was approved yesterday by the Portfolio Committee on Correctional Services.

This means the measure will come before Parliament today despite the opposition of the Minister of Correctional Services, Dr Sipo Mzimela, and the absence of his colleagues from the Inkatha Freedom Party from yesterday's meeting of the committee.

Niehaus, who is also chairperson of the committee, has stressed that the proposed bill is an interim measure until enough places of safety can be built to house juveniles securely.

The Correctional Services Amendment Bill will give the courts the discretion to order the detention of juveniles between the ages of 14 and 18 in prison under defined conditions if the presiding officer is convinced this is necessary in the interests of justice and that no suitable place of safety is available.

The detained juvenile will have to appear before the court every two weeks for the detention to be reconsidered. Juveniles affected will be those arrested for murder, rape and other serious offences.

Change 'well under way' in prison staffing

ARG 6/3/96

TYRONE SEALE (253)
Political Staff

THE department of correctional services is aiming to have a 70-30 ratio of black staff to whites by the year 2000, and this process is well under way, says prisons minister Sipo Mzimela

Dr Mzimela affirmed his department's transformation schedule yesterday in announcing various senior appointments, including that of Pollsmoor commander Steven Korabie, as Western Cape commissioner of correctional ser-

vices with the rank of major-general

He said he was committed to implementing the principles of "meritorious representativeness"

In the past, promotions in the department had been based primarily on apartheid rules. This had resulted in a large number of experienced and competent people being left behind, he said

Dr Mzimela said he was now changing this, and had already appointed two black generals on the level of chief deputy commissioners

During past year, a total of 1 985 black warders had been promoted to the rank of sergeant and a further 453 officers from previously disadvantaged groups had been promoted

All these promotions complied with standards of merit and efficiency, he said

Dr Mzimela announced the following promotions Brigadier Enoch Mkatshwa to the rank of major-general as provincial commissioner for Mpumalanga, Brigadier Pieter Ramashala to the rank of major-general as provincial commissioner of the Free

State, Lieutenant-Colonel W Damons to the rank of brigadier as commander of the Helderstroom Prison Command,

Major M P Sello to the rank of brigadier as commander of Zonderwater Prison, Lieutenant-Colonel BT Nyembe to the rank of colonel as commander of Ncome Prison, Captain H Davids to the rank of colonel as commander of Allandale Prison, Sergeant Tshabalala and SA Magwaza both to the rank of lieutenant-colonel as assistant director labour relations in the department's head office

Mzimela fights Niehaus's Bill

Tim Cohen

CAPE TOWN — In a remarkable debate between an IFP minister and an ANC MP who changed his mind, Correctional Services Minister Sipo Mzimela argued in Parliament yesterday for the retention of laws designed to protect juvenile accused

Apparently stung by criticisms that the ANC was soft on crime, parliamentary correctional services committee chairman Carl Niehaus brought to Parliament legislation to reverse aspects of a law he supported when it was introduced 18 months ago

In a Private Member's Bill, a rarely used method of introducing legislation, Niehaus proposed that unsentenced juvenile offenders accused of certain serious crimes to be kept in jail under strict conditions

The legislation contradicts aspects of the Correctional Services Act which was brought as a consequence of a

(253) BD 6/3/96
move by the ANC, backed by President Nelson Mandela, to ensure that no awaiting trial or unsentenced juveniles were kept in prison

Niehaus frankly conceded that he supported the legislation when it was introduced, but said the fact was that awaiting trial juveniles who were referred to places of safety found it relatively easy to escape and again kill, rape or inflict serious injuries

"Their victims and those who live in fear because of what has happened to others have a right to demand protection from us," he said.

Mzimela said the Bill was "cruel", "evil" and "anti-black child". While white offenders were kept in "hotel-like" conditions in places such as the Constantia Reform School, the Bill proposed putting black children back in jail even before they were sentenced. He denied that there were not enough places of safety for juvenile offenders

The NP and DP supported the Bill

'Unproductive' forum attacked

CAPE TOWN — The reports of the Correctional Services Transition Forum showed that it was nothing more than a "talk-shop", Correctional Services Minister Sipo Mzimela said yesterday. (253)

Briefing the media on his decision to withdraw the department from the forum, Mzimela said he had received no substantive advice from the forum, and it had failed to provide anything concrete. B06/3/96

An example of this was that he had asked the forum to suggest a plan for demilitarising the department and after waiting for four months, he had eventually asked the department to propose a detailed plan itself. This had been done in three weeks and the plan was approved by all stakeholders, including the unions.

The withdrawal would not affect the running of the department in any way and the forum could still make inputs if it wished, Mzimela said.

Participating in the forum had also been a waste of money and energy. Tens of thousands of rand had been spent on travel expenses as well as many man-hours lost due to all the meetings that turned out to be unproductive anyway, he said. — Sapa

INSIDE LABOUR

Is Popcru facing the death sentence?

CT(BR)8/3/96 (253)

TERRY BELL

As bitter rows raged last week within the Police and Prisons Civil Rights Union (Popcru) about a proposal to link up with the South African Police Union (Sapu), the prison department gave recognition to another union.

The Correctional Officers' Union of South Africa (Cousa) is positioning itself to become the warders' union, in line with similar structures around the world.

This would give the understaffed and tension-ridden prison service a single, probably Cosatu-affiliated, trade union representing warders.

In this case, police who are members of Popcru and who tend to dominate the union's leadership, would almost certainly join Sapu — and remain outside Cosatu.

Though desperate attempts are being made to keep the various internal rows under wraps, it seems likely that Popcru is about to implode. Ironically, one of the main reasons for this crisis is the success of the union.

Since it was formed in 1989 by Gregory Rockman, a police lieutenant turned ANC member of parliament, Popcru has played a leading role in the transformation of the police and the prison services.

Now, at least officially, racism is no longer a factor affecting the wages, conditions and promotion prospects of warders and police.

All but three of the many warders sacked or demoted after the prisons strike of 1992 have their jobs back and their ranks have been restored. Some have gone on to much higher positions.

Above all, the government and state against which Popcru railed, is now legitimised.

Many of the prison service activists are bitter. For the most part, they have not benefited from the opportunities that have opened up. The police contingent in Popcru also appears to be drifting towards Sapu, which is not aligned with Cosatu.

On February 23, the issue of amalgamating with Sapu was put on the agenda of the Popcru national executive — to the horror of most of the "struggle veterans". This was one of the issues that led to the executive coup and counter-coup in a Johannesburg hotel late last month.

Amid threats of physical violence, first one armed faction and then another took control until a peace settlement was brokered by Zweinzima Vavi, Cosatu's assistant general secretary.

But the tussles at the top are being replicated down through the ranks, especially within the prisons.

"Struggle veterans" who were prevented by their union activities from improving their qualifications, now find themselves losing out in the promotion stakes to better-qualified warders who "kept their heads down".

This has strong racial overtones, especially in the Western Cape. Many of the lesser-qualified and militant warders are black, most of those being promoted are coloured.

In an apparent effort to equalise "struggle" and formal qualifications, Popcru officials have tried to dictate who should and should not apply for specific posts. Though the initial intention may have been commendable, this has led to abuse and to still more tension.

In the meantime, several former Popcru activists have risen to senior management positions — and still remain union members, with obvious conflicts of interest.

Complicating the whole situation are charges of nepotism and financial irregularity among sections of the leadership. One senior official is alleged to have misappropriated between R80 000 and R300 000.

Such claims form the backdrop to an increasingly bitter battle as a rather incongruous trade union tries belatedly to adjust to the new political reality.

'PROTECT ISLAND'S ENVIRONMENT'

Kathrada urges drop in Robben Island visits

PROPOSALS WILL BE invited from the public this weekend regarding the future of Robben Island, writes **DAN SIMON.**

VISITS to Robben Island — which was declared a national monument late last year — should be scaled down to protect the prison island's unique environment, former Robben Island prisoner and ANC MP Ahmed Kathrada said yesterday

Addressing members of the Institute of Citizenship, Kathrada said he and other former islanders were "amazed" at the increasing number of visitors and groups wanting to visit the island

In August last year Kathrada was appointed chairman of the committee on the future of Robben Island by President Nelson Mandela

He said advertisements would be appearing in newspapers this weekend, inviting proposals on the future of the island



CALL: Ahmed Kathrada, who wants the island environment protected

The proposals could be submitted by individuals and organisations

"All proposals will be discussed and considered on merit," Kathrada said

"We all know of the great significance of the island

"We will take a holistic view to protect its rich fauna and flora and

its rich architecture"

Kathrada said among the proposals received to date was one for a casino

"It's from an individual, but its not Mr Sol Kerzner," he said

A proposal which was being taken far more seriously by Kathrada and his committee was one by Lord Michael Young of Britain to establish an open university along the lines of a "distance learning institution"

"Its a very interesting proposal and we are waiting for further details"

Kathrada said another proposal, which came from an Eastern country, concerned the establishment of a museum and another proposal called for a peace institute.

"While we cannot ignore the hardships and sufferings that so many thousands experienced on the island, we feel that Robben Island should send a message of peace and reconciliation

"How that message is conveyed is for the experts to work on," Kathrada added

Prisoners outraged by 'misuse of funds'

sowetan 8/3/96 (253)

By Russel Molefe

THE Medium A Open Camp at Leeuwkop Prison outside Johannesburg has been plunged into chaos after prisoners accused officials of misusing thousands of rands from prisoners' recreational coffers

The prisoners have been on a work stoppage since Monday and they have threatened violence if action is not taken against the officials implicated in the misuse of funds

The tuck shop, whose profits are used for recreational purposes, has also been forced to close

The prisoners said funds had been misused since 1993 without action being taken against the perpetrators. This was despite the fact that the matter has been reported to prison authorities on several occasions

"We have decided to stop all work in our section until the officials involved are disciplined. We perform hard labour here but when it is time to be entertained according to prison rules, we are told there is not enough money," one prisoner said

A memorandum was submitted to prison authorities detailing the complaints of the prisoners

In the memorandum, the prisoners named some of the officials said to be involved in the misuse of funds. They claimed some officials have confessed to misusing the money

But Correctional Services spokesman Captain Rudi Potgieter said the alleged misuse of funds was only reported to authorities last Friday and had nothing to do with the officials

"The tuck shop is run by prisoners who are members of the recreation committee appointed to this trustworthy position. The matter is being investigated including the amount of money involved," Potgieter said

"Prisons are really like any other soc.a. inst. in the on, such as hospitals," he says, "but in the correctional services we've allowed a situation where the community sees the prisons as something separate from their lives"

"We have to change this Our mission is to protect the community and also help it to develop"

"This mission cannot be fulfilled unless communities get involved in what is happening in prisons because it is to the communities that prisoners go when they are released"

"So, the community will have to start coming into the prisons and we will have to start going out into the community"

He said prisoners should be drawn into what he calls "town hall" meetings with warders to discuss issues affecting their lives And in the correctional services itself, change must happen but at a pace which can be managed.

Commissioner Korade admits freely that his implementation of change in management at Pollsmoor may have been too abrupt

"Management changed from 96 percent white to 50 percent white — and with no token appointments"

"But the sudden change created fears and insecurity on the one hand and high expectations on the other hand"

Managing these had been "quite tricky" but possible because he could deal with the issues himself

As provincial commissioner, he will now have to rely on others and so prefers to move slowly

He also wants greater cooperation between correctional services, the police and the courts

Almost half of Pollsmoor's prison population of 6 200 are awaiting trial

"We need to work out a streamlined process which reduces the time it takes for cases to go through the courts," Commissioner Korade says

As provincial commissioner of prisons, he says his duty is also to address the problems of prison staff.

Picture JACK LESTRADE

□ **SLEUTH:** Assistant Constable Michael Daniels, centre, is presented with the Community Police Officer of the Month award from outgoing Minister of Police Patrick Mackenzie, while Chris Ferndale of the Western Cape Anti-Crime forum looks on.

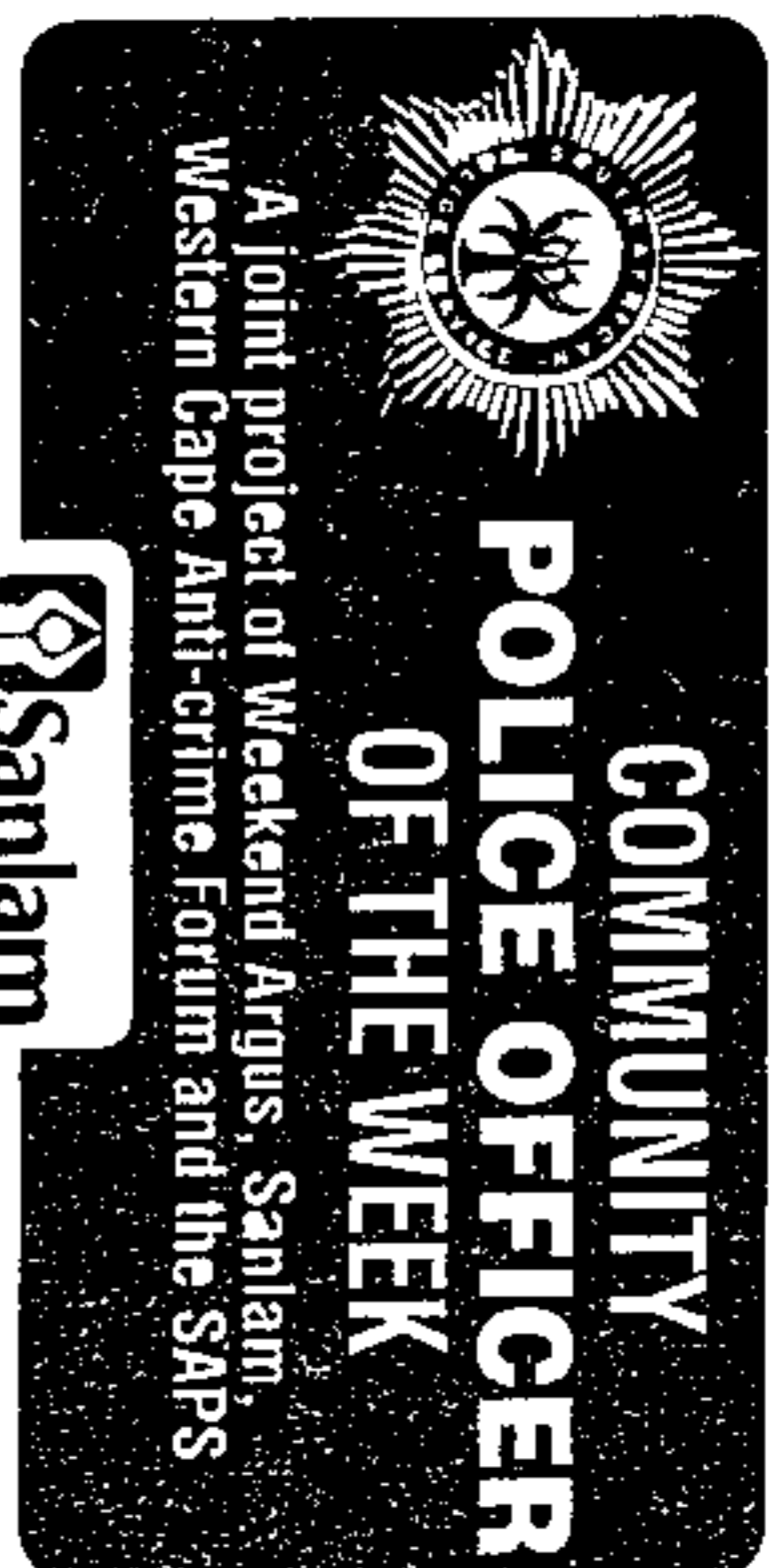
Constable Michael -- Top of the Cops

Staff Reporter

THE first three Community Police Officers of the Week awards have been awarded at a special function in Bellville and a Phillippi constable walked off with the special Community Police Officer of the Month award

In winning the Community Police Officer of the Month award for February, Assistant Constable Michael Daniels of Phillippi now has a chance of being chosen as the Community Police Officer of the Year to be announced in December

The policemen who received Community Police Officers of the Week awards were Captain Johan Conradie of Elsies River and Inspector Pierre Schoeman of Paarl.



Saturday Argus, the South African Police Services, the Western Cape Ministry of Police Services and the Western Cape Anti-Crime Forums, community forums and Sanlam teamed up to identify the best of the province's police

The awards aim at improving relationships between the police and the community as

well as promoting service excellence.

Irvin Kinnes of the Western Cape Anti-Crime Forum said the building of trust between communities and the police would undoubtedly lead to a reduction in crime

"We wish to encourage communities across the Western Cape to reward their police officers who often have to face

bullets to ensure the safety of communities," said Mr Kinnes

Constable Daniels has proved himself to be a hands-on police officer

His knowledge of gangster activity on the Cape Flats and crime-prevention in general belies the fact that he has been in the police service for only five years.

He was instrumental in establishing a neighbourhood watch in the greater Mitchell's Plain area.

His conduct has reflected positively on the police and his concerned attitude towards the community has turned him into a role model.

Outgoing Minister of Police Services Patrick Mackenzie presented Constable Daniels with the award.

Popperu man in charge

Union official takes on task of managing overhaul of Cape prison service

ARL 9/3/96 (253)

Prisons in the Western and Southern Cape are earmarked for a major revamp and the man who has been appointed to achieve just that is the newly appointed Commissioner of Correctional Services in the region — Major-General Steven Koradie.

ESTELLE RANDALL

Labour Reporter

IN a first for the Western Cape a well-known union member has been appointed as the new commissioner of correctional services for the Western and Southern Cape

Major-General Steven Koradie is a member of the Police and Prisons Civil Rights Union (Popperu), a Cosatu affiliate. Commissioner Koradie has been a member of the union for several years including his recent stint as commander of Pollsmoor Prison — a position he held until his promotion to commissioner on March 1

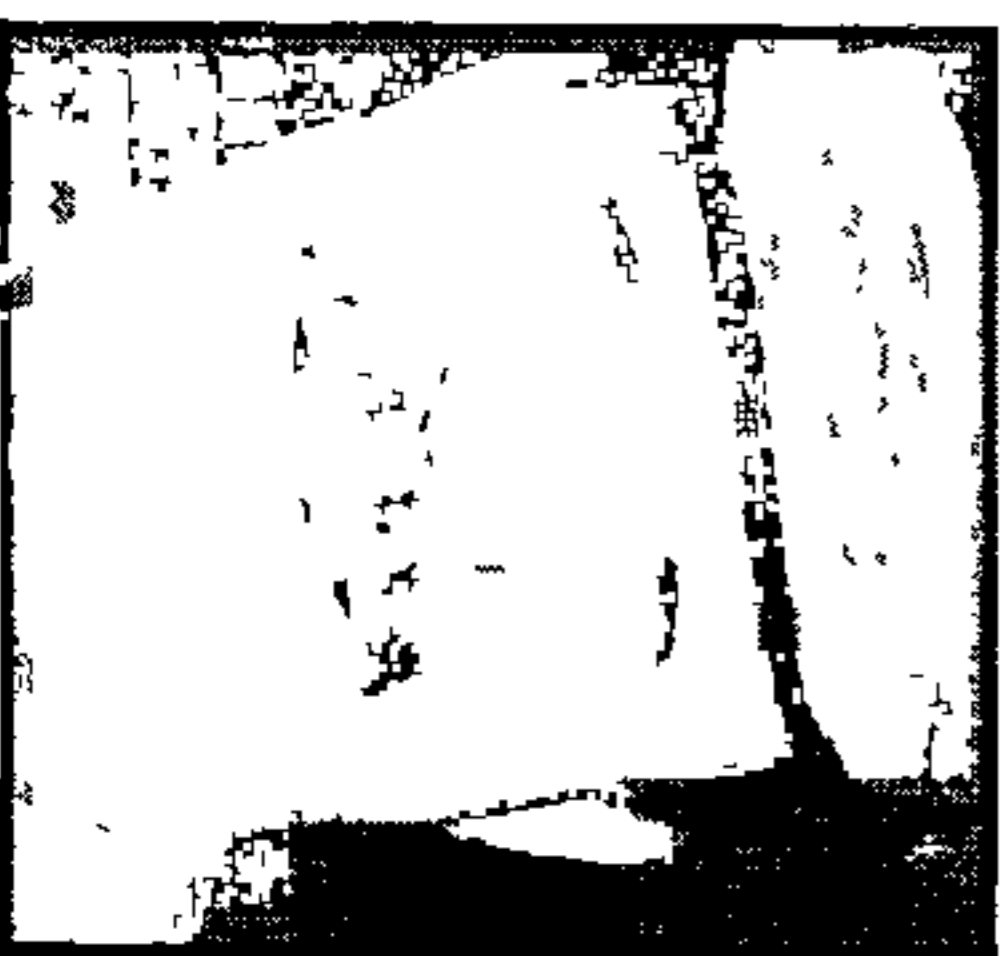
“As commander of Pollsmoor I had to be objective and do what was in the interests of the institution as a whole. I had to deal with three trade unions and couldn't side with Popperu when making decisions about the prison

“Sometimes I made decisions that they were unhappy about but they learnt to understand that this would have to happen. They understood that the union's interests and the prison's interests could not be confused,” he said

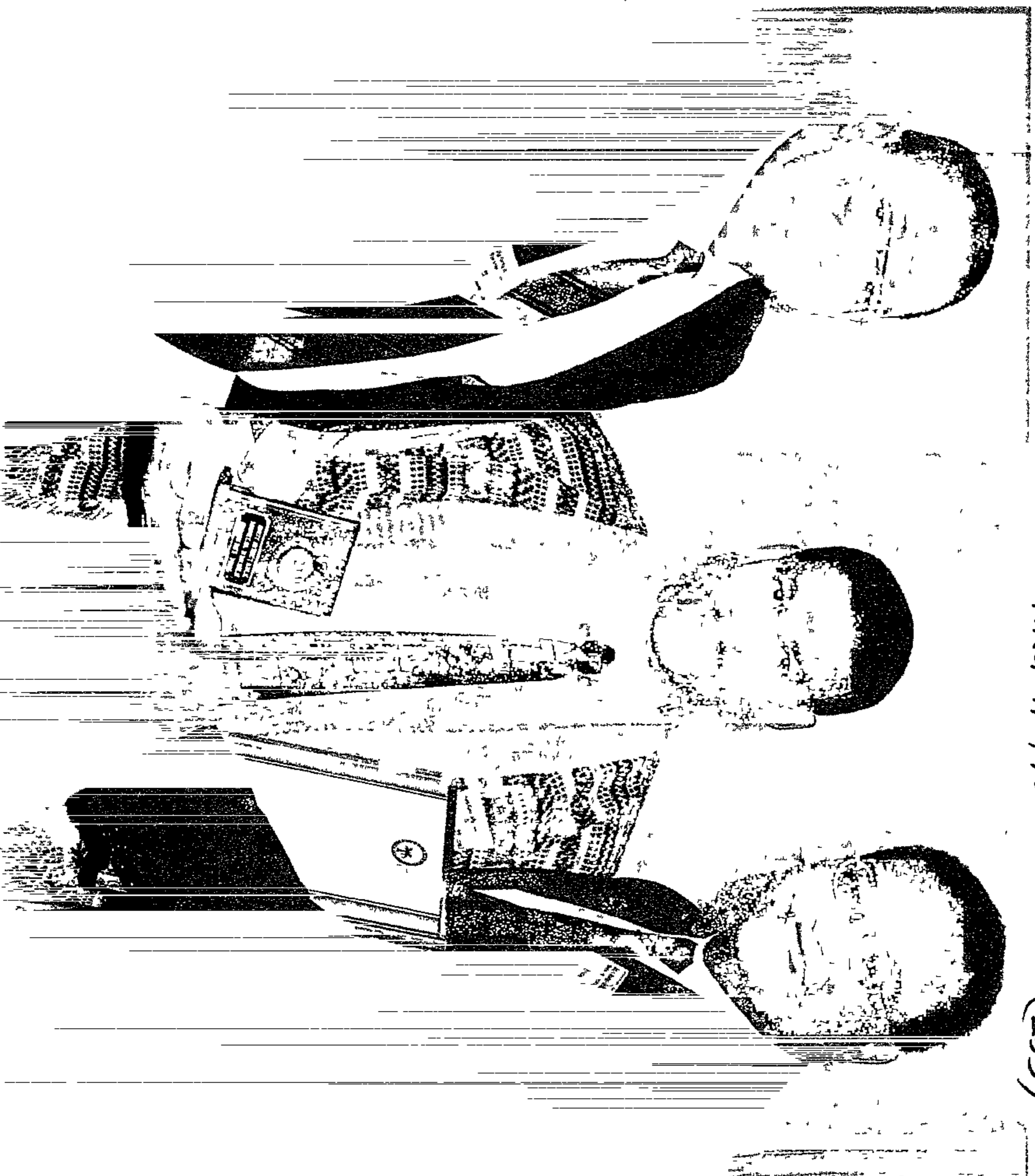
As commander of Pollsmoor — one of the country's largest prisons — he honed the management skills he will be able to draw on as he takes charge of the Western and Southern Cape's 38 prisons with their 5 049 personnel and more than 20 000 prisoners

If he has his way, the prisons are about to shed their old patriarch image. His immediate objectives are to tighten up safe custody for prisoners and to take correctional services through a transformation process

He says this transformation will involve implementing affirmative action, ensuring prisoners are treated humanely and receive appropriate training, and building community involvement in prisons



STEVEN KORADIE:
New prisons boss.





CRUEL, EVIL, LYING? ... Minister Siphon Mzimela and MP Carl Niehaus square up.

A 'cruel Bill' and a 'liar'

By CHIARA CARTER

TENSIONS between Correctional Services Minister Siphon Mzimela and ANC spokesman Carl Niehaus reached boiling point this week, with the Minister labelling draft legislation introduced by Niehaus "anti black child" and Niehaus calling the Minister a liar.

The IFP minister is infuriated by the ANC MP's about-face on laws which protect children accused of crimes and

has dismissed a Correctional Services Transition Forum chaired by Niehaus as nothing but a "talk shop".

Niehaus has in turn accused Mzimela of "political opportunism" and said Mzimela made a serious error when he freed children from prison last year instead of phasing their release.

Although Niehaus last year supported the decision not to imprison awaiting-trial children, his Private Member's Bill seeks as a temporary

measure to allow children suspected of serious offences to be held in prisons - a response to the lack of security at the places of safety where children are held.

Mzimela said Niehaus' proposals were retrogressive and the Bill was "cruel", "evil" and "anti black child".

This week, Mzimela said he had decided not to take part in a forum on Correctional Services because it was nothing but a "talkshop" and a waste of "money, time

and energy".

Mzimela said he was surprised to discover that the forum was funded by the Danes and was concerned that he had no control over how this foreign funding was used. He wanted to avoid a *Sarafina II*-type row.

Niehaus responded by calling Mzimela a liar.

"The Minister knew that the Transformation Forum was funded by the Danish government. If he says anything other than this he is lying," said Niehaus.

(253) CP 10/3/96

Prison workshops 'are places of hope



ET 12/3/96 (253)

POLLSMOOR, a modern prison in a changing society, is offering hope to inmates who voluntarily attend workshops there where they learn various trades. **DIANE CASSERE** reports

N3 (Technikon) qualification. His ex-wife and son still visit him regularly. Would he steal a car again? "Never! It's been a very expensive lesson."

He speaks about the high crime rate on the outside and says this concerns him and the other prisoners. He is also looking forward to seeing the new South Africa. "We have experienced it here too, and it fits like a glove. Everyone gets on very well and the atmosphere is different."

His advice: "Tell the government not to build more prisons, build more workshops for the prisoners."

Another prisoner who was prepared to be identified was Baasie van Niekerk from Namaqualand, who describes his farm home as "a desert".

He received 20 years for armed robbery after desperation drove him to crime. He had a rocky start as a prisoner, but today workshop staff describe him as a top-class sheet-metal worker. As a first offender he was given the 1991 remission of sentence (eight years and 11 months) and will be released in January. "After six years in the workshop, I am fully qualified. I have a future," said Van Niekerk.

Prisoners do their trade tests outside so that their work is up to standard. Another proud boast of the captain's is that they have never had an escapee. He described the safety record at the workshops as "high".

"The prisoners get stimulation here. Unhappiness and frustration are caused when they are idle and have nothing to occupy them."

Other prisoners may be employed in building groups around the prisons, or in work teams that go outside. There are also recreational facilities.

Women prisoners work in the laundry and do other prison chores. They may study and do courses given by outside instructors on subjects ranging from needlework to jewellery making. Workshop-style facilities are still in the pipeline for them.

A VISIT to Pollsmoor prison in Tokai gives us the uneasy feeling that with just a slight administrative botch-up, those chilling gates could close behind us, cutting us off for an uncertain time from the beauty of the surrounding mountains and suburbs.

We are there to look at Pollsmoor today, a modern prison in a changing society where, as many prisoners tell us, the vibrant buzz of the new South Africa has penetrated the high walls.

Our visit is to the workshops of Pollsmoor, where 105 prisoners are in various stages of learning some 10 trades, from starter course to fully qualified tradesmen. The workshops are places of hope and while only a small percentage of prisoners (there are about 6 100 prisoners, including those awaiting trial) work there, it is entirely voluntary and space will be found for those who really want to take part. Many prisoners prefer to spend their incarceration idle.

Captain Johan van der Nest heads the workshops. Prisoners there are all long term, from the A and B classifications who are considered "minimum risk". Van der Nest is proud of the 100% pass rate his training courses can boast.

Everything made in the workshops is for the prison and other government departments. Items range from desks, bookcases, chairs, benches and tables, to clothing, bedding, filing cabinets and food trolleys.

The mechanical section fixes all the prison's cars, lawnmowers and

even the staff bicycles. The prison is an industry in itself, even boasting a small restaurant, Polfyntjie, which is open to the public and staffed by members (as prison staff are referred to) and some prisoners (all minimum risk category so there is not much chance of your wallet disappearing between the soup and the savoury).

Blaine Engelbrecht has been in Pollsmoor since the end of 1989 and was sentenced to 10 years for car theft. His parole hearing, he heard last week, comes up on June 13 and as he has been a model prisoner, he is optimistic. Ironically, before his arrest he was a car salesman. There is about him a hint of what Van der Nest calls "gate fever", the knowledge that you could soon be outside.

"I decided I wanted to do something with my sentence. I had done carpentry at school and thought it would be interesting, so I applied for the machine shop," said Engelbrecht. While we talked to him he agreed to sign a form giving us permission to use his name and photograph him.

He is proud of the fact that he has turned his sentence into an educational opportunity and has even been offered jobs that he can take up on his release.

"I'm not happy in prison, but I am happy in the workshop. I like to help the guys who come in and to pass on what I know — I take pride in that."

Blaine, who previously only had a Std 8 education, is also chairman of the recreation club. He now has his



HOME: Blaine Engelbrecht in his cell. A single cell, however, is a privilege for prisoners who behave well. Others can share with 13 other people, although this is usually only in the first year of sentence.

PICTURES: NIC BOTHMA



AT WORK: A prisoner, with the words "Don't try your luck" tattooed on his neck, hard at work in the workshop

Rightwingers' escape: warders investigated

(253)

Alleged AWB bombers are suspected to have had keys enabling them to unlock their cells, after which they managed to get past checkpoints and razor-wire fences

By ANSO THOM
Crime Reporter

Prison warders who were on duty when four rightwingers escaped from Diepkloof prison at the weekend have been questioned as part of the top-level investigation ordered by the correctional services commissioner.

Correctional services spokesman Brig Chris Olckers confirmed that chief deputy commissioner, functional services, Lt-Gen Timothy Khoza, had visited the prison yesterday to question warders and investigate the "total spectrum".

Olckers could not yet say how

the men had managed to get past the security checkpoints, including razor-wire fences, surrounding the Johannesburg prison.

Police spokesman Supt Eugene Opperman said police had received information from the public regarding the escapers "We are following up all possible leads," he said. A reward of up to R250 000 would be considered as information came in.

Olckers said the men escaped from the single-cell, awaiting-trial section with Solomon Zabane (18), who was facing an unrelated murder charge.

Jan Bastiaan de Wet of Ottosdal, Abraham "Adam" Myburgh

and Nicolaas Clifton Barnard of Ventersdorp, and Etienne Jacobus le Roux of Heidelberg were awaiting judgment in their trial in connection with a series of bombings during the runup to the 1994 election.

The escaped rightwingers, all members of the AWB, were due to reappear in court on March 29. Their cells were found unlocked early on Saturday, indicating they had used keys. They had also sawn through two grille doors and smashed open a door reinforced with a steel plate.

Opperman said the men were dangerous and should not be confronted.

Star 12/3/96

Corpses and car retrieved from dam

By ANSO THOM

Police are probing the possibility of drugs having led to the death of two men whose bodies were found in Leeupan dam near Benoni.

A police source said they had information that the two might have been using drugs before their death. The car was also retrieved from the dam, but the men's belongings had been taken from the boot and left next to the water.

Police spokesman Insp Tommy Thompson said Mohamed Akbar Shaik (34) and Ahmed Shaffer Khan (30) of Actonville went fishing at Leeupan at 6pm on Friday with the intention of returning the same night. At 6am on Saturday their families went to look for them and found the contents of the car's boot on the ground.

Police alerted the water wing and dog unit, who retrieved the bodies and car from the dam.

Thompson said there were no visible injuries to the bodies.

He could not confirm whether the men had been in the car when it went into the dam. The bodies were found about 5m from the car, he said. Postmortems and forensic tests would be conducted.

Storm over threatened land invasions spreads

By NORMAN CHANDLER
Pretoria Bureau

Anger among farming communities in Northern Province, Mpumalanga and the Free State over threatened land invasions has spread to the Western Cape.

The National Land Committee as well as other organisations representing landless or dispossessed people have threatened to invade privately owned rural property if a property rights clause is included in the new constitution, due to be published soon.

A delegation of Western Cape Agricultural Union officials met Premier Hennis Kriel and Local

Affairs MEC Piet Marais at the weekend to discuss the issue, in particular efforts by various organisations to render the Western Cape's Proclamation 5004 unlawful.

W Cape farmers discuss issue

ful. This proclamation guarantees the rights of property owners, and this right was confirmed by Kriel and Marais.

"The delegates agreed that the Western Cape Agricultural Union should continue to work towards

a practical solution to the problem," said the union's president, Chris du Toit, who is also president of the South African Agricultural Union (SAAU).

The meeting is the latest development in an ongoing battle by farmers to protect their property. The Transvaal Agricultural Union has called the Government's proposed land policy "socialist" and "communist", while the SAAU has warned against land invasion, saying farmers will use every form of resistance to oppose the practice.

Thousands of claims to rural land have been lodged by individuals and groups throughout the country in terms of the pro-

posed three-pronged land policy, spelt out in a green paper published last month.

According to the paper, land redistribution is designed to provide the poor with land for residential and productive purposes, land restitution is to restore land and "provide other remedies" to people dispossessed by discriminatory legislation and practice, and the land tenure reform programme is planned to extend security of tenure of all South Africans.

The policy paper also makes it clear that priority to land will not be given to people or groups who take part in land invasions or threaten to do so.

Star 12/3/96

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Govt in talks with business over teen offenders

(253) (~~253~~)

Star 12/3/96

By Jovial Rantao
Political Reporter

The Government has entered into negotiations with business aimed at establishing a joint partnership for the erection of secure care centres for youths under 18 awaiting trial for serious crimes, such as armed robbery, murder and rape.

Deputy Welfare Minister Geraldine Fraser-Moleketi said the move would be part of attempts by the Government and the private sector to combat crime and encourage an environment conducive to economic growth.

"Business has shown an interest in entering into a partnership with the Government and we are identifying areas where they can help us.

"There are a number of ways

in which they can intervene. These include financial support and helping us to identify under-utilised buildings which can be transformed into secure care centres," Fraser-Moleketi said.

She said other avenues being explored included deploying retired businessmen for management duties at the centres. Fraser-Moleketi yesterday met a delegation from the Business Against Crime Initiative to discuss the envisaged co-operation.

She made a presentation to the BACI yesterday and the organisation is expected to forward proposals to Business South Africa.

The deputy minister said there was much help available from the private sector which the Government should take advantage of.

"We need to put pressure on big business to take their social responsibility further and plough (profits) back to the communities in the areas of youth development and fighting unemployment.

"Young people involved in serious crimes need to be rehabilitated, trained and integrated into the workforce. Young people who get involved in crime are exploited by big crime syndicates," she said.

Fraser-Moleketi said the private sector could, in line with the Government's economic growth strategy, make inputs to fight poverty and unemployment. The envisaged youth commission, expected to be established soon, would have a crucial role to play in the development and rehabilitation of young people.

Legal action over denied condoms

TYRONE SEALE, Political Staff

(253)

CORRECTIONAL Services Minister Sipo Mzimela and his department face legal action over the denial of condoms to a prisoner who asked for contraceptives on his admission and who became HIV-positive during his imprisonment.

The Johannesburg-based Aids Legal Network, which is handling the prisoner's case, is arguing that the department of correctional services and Mr Mzimela, through "deliberate indifference", had acted in breach of constitutional guarantees on health care.

The action was today brought before the national assembly portfolio committee on correctional services by Zackie Achmat, head of the University of the Witwatersrand-based Aids Law Project.

He was giving evidence in support of recent recommendations, contained in a department of correctional services report on health care services in prisons, that call for an urgent revision of the current HIV/Aids policy.

ARG 12/3/96

Mr Achmat told the committee the prisoner in question had declared to a prison commissioner that he regularly had sex with other men and that he would require condoms for his stay in prison.

Prisons service lashed for policy on HIV inmates, staff

□ Convict tested positive after condoms refused

TYRONE SEALE
Political Staff

THE policy of the department of correctional services to segregate HIV-positive prisoners against their will constitutes a violation of human rights and does nothing to stem the tide of HIV infection

This was the reaction of the African National Congress to evidence, placed before a parliamentary committee on correctional services yesterday

The evidence dealt with HIV-positive prisoners' involuntary segregation and a lack of confidentiality within the prison environment about their medical status

The committee also heard about the department's refusal to employ HIV-positive people,

one of whom, a warder, is without work after being dismissed, following his testing positive for HIV

The evidence was presented by Zackie Achmat, project head of the University of the Witwatersrand-based Aids Law Project

He told the committee that, arising from this situation, one HIV-positive prisoner had begun legal action against Correctional Services Minister Sipo Mzimela and the department of correctional services after the prisoner had been refused condoms upon admission and had become HIV-positive while in jail.

Mr Achmat told the committee the prisoner in question had declared to a prison commis-

sioner that he regularly had sex with other men and that he would require condoms for his stay in prison

He had had himself tested three or four times during the course of a year in jail and had been found HIV-negative on these occasions. However, the fifth test revealed he had HIV

Mr Achmat said, based on this case, Mr Mzimela could be held directly responsible for the transmission of HIV in the prison context

In its reaction, the ANC said the department's policy had to be changed immediately

"The current policy constitutes a violation of prisoners' human rights, while doing nothing to stem the tide of HIV infection"

(253) (253)
ARG 13/3/96

Cash-strapped prison lobby evicted from office

Star 14/3/96 (253)

BY BOBBY BROWN

The South African Prisoners' Organisation for Human Rights (Sapohr), established and headed by the flamboyant ex-convict Golden Miles Bhudu, has been evicted from its offices in Johannesburg's Khotso House.

A lack of funds has also resulted in the organisation's telephone service being suspended.

Bhudu has threatened to call for prisoners to strike if the Government does not agree to his appeal for financial help.

"We will call for a national strike if we are not assisted. At the moment, we are virtually operating from the pavement," an angry Bhudu said, while moving the last

pieces of furniture from his nine offices yesterday. "We are using the offices and equipment of sympathisers," he said.

Bhudu said Sapohr was five months in arrears with its monthly rent of R2 700 and had been issued with an eviction notice at the end of last month. He said he had sent appeals for donations to organisations all over the world.

Sapohr has been surviving on a R210 000 grant from the UK-based Joseph Roundtree Charity Fund, made when Bhudu established his movement from prison in 1988.

"We have been spending that money very conservatively, but most of it went towards paying for telephone and fax usage. We

get hundreds of letters a day, all of which we have to reply to."

He claimed that President Nelson Mandela's aides were cutting him off from the president.

He said Sapohr was a valuable organisation and could advise the Government on several key issues, which could help to alleviate the problem of increasing crime.

Bhudu said Sapohr supported the strike action of some of its members at Leeukop Prison, who are protesting against alleged misappropriation of their recreational funds.

"Our request to visit the section affected was bluntly refused and we therefore call for an independent investigation into the allegations," he said.



Golden Miles Bhudu ... wants funding from Government.

M+G 15-21/3/96

People who know Diepkloof prison say the AWB men could never have escaped unassisted, reports **Justin Pearce**

(253)

'No one saws out of Diepkloof'

WHILE Correctional Services remain "embarrassed" about four alleged bombers who escaped from prison last week, people who know the jail have poured scorn on initial claims that the men escaped by sawing through security gates.

"I've welded those gates myself, and I know how heavy they are," remarked a former inmate who asked not to be identified. He was talking about Diepkloof Prison, where the men were being held.

In response to the jailbreak by four Afrikaner Weerstandsbeweging (AWB) members, the department moved 12 other rightwingers to the maximum security Pretoria Central Prison.

Immediately after the escape, the department suggested the four had sawn through security gates and broken down a service door at the back of the prison. Since then, Correctional Services has kept quiet about the escape, pending the completion of an investigation.

People who know Diepkloof are adamant that the idea of prisoners escaping by sawing through the gates is completely implausible.

When prisoners receive visitors they are separated by a glass window, so any saws or other tools which they might have used during their escape could only have come from within the prison.

If the prisoners did indeed escape through the service entrance, they

would still have needed the help of a prison official to unlock the gate outside. The service door opens on to a yard enclosed by a high wall, with a gate which is normally unlocked only to admit vehicles.

There are widespread allegations of corruption among prison warders. One paralegal worker who often visits the prison told the *Mail & Guardian* how inmates regularly ask him for money to exchange for favours from the guards.

Right-wing white warders are also said to be a powerful force in the prison. At least four prisoners told the legal worker about warders wearing AWB insignia while on duty. In an affidavit submitted to the Transvaal Supreme Court last year, former prisoner Lucas Bennie Gae stated that he had been called "kaffir" by two officers.

Senior officers at the prison are largely white, while the warders standing guard at the gates are black and of low rank. A senior officer escorting a prisoner through a gate would not be stopped by a junior officer guarding the gate.

Carl Niehaus, chair of Parliament's Select Committee on Correctional Services, has expressed frustration at the department's failure to supply information about the breakout, and said his committee "would take the matter further" if the department does not offer a satisfactory response.

Men with a lot to lose

Justin Pearce

ETIENNE LE ROUX used to install carpets in Heidelberg Nicolaas Barnard, Abraham Myburgh and Jan de Wet farmed in the North West province. These four men, who escaped from Diepkloof Prison last weekend, are among those who could have the most to lose when the Witwatersrand Supreme Court delivers judgment on March 29.

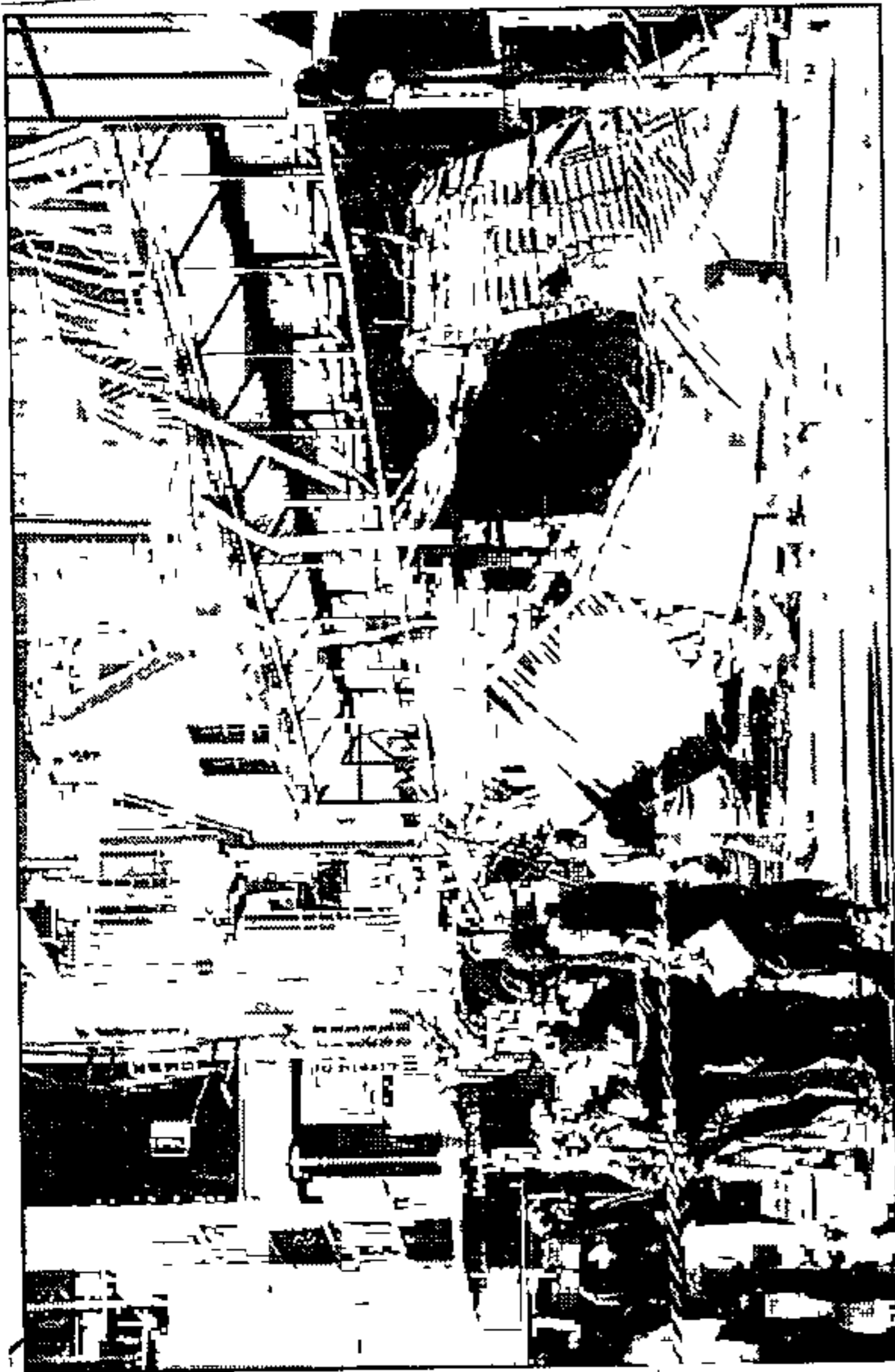
Of the 26 men who originally faced charges in connection with the six bombings before the 1994 elections, 18 are still facing charges, but the four men who escaped from Diepkloof Prison last weekend face the most serious indictment: each of them faces 20 counts of murder and 47 charges of attempted murder, as well as numerous charges relating to the possession and use of firearms and explosives. In total, Barnard faces 96 charges, and the others 95 each.

The crimes of which the men are accused resulted in the death of 20 people in blasts in central Johannesburg,

Germiston and Pretoria, while non-fatal blasts occurred in Randfontein, Westonaria and at Jan Smuts airport.

Following a Constitutional Court ruling on the constitutionality of certain sections of the Arms and Ammunition Act, many of the charges against the original 26 were dropped, but the charges against the four remain much as they were when the matter was first investigated. Three of the other trialists are also facing murder charges.

The accused were arrested in the months following the elections. They were initially refused bail but a lengthy series of appeals and reviews saw them released in August 1994 on bail conditions that amounted to house arrest. They were not allowed to leave home other than for work, church or medical treatment, and had to report to the police twice a day. The four broke their bail conditions to travel to Ulundi, ostensibly to rally support from the Inkatha Freedom Party. They were arrested while travelling, imprisoned and forfeited bail totalling R50 000.



Blast: The explosion in central Johannesburg, one of the bombs for which the AWB escapees are on trial. PHOTOGRAPH: HENNER FRANKENFELD

LINDSAY BARNES, Staff Reporter

TERROR reigns at Brandvlei Prison in Worcester, where warders now have to wear body armour because their lives are at risk from violent prisoners in the maximum security sections, prison officials have disclosed

Gangsters infiltrating the prison from outside were sowing a reign of terror among 80 percent of the prisoners, Correctional Services spokesman Mike Green said

In the past 10 days four warders had been seriously injured in three separate attacks and one of them had been partially paralysed

Warders fearing for their lives frequently did not pitch up for work and this placed additional stress on those who did, said Captain Green

Large quantities of dangerous weapons, including knives as well as dagga and Mandrax, were smuggled into the prison and officials had admitted it was impossible to search each visitor due to a staff shortage

Prisoners were searched daily and all dangerous and banned articles seized

A warder, H.S. De Wet, was hit on the head with a broom on March 11 and suffered a severe skull fracture which has affected his speech and left his right arm paralysed

Last week three warders were seriously assaulted, one of them twice in six days

All four injured warders were hospitalised

Prison commander Koos van Staden blamed rising prison violence on the abolition of the death penalty, among other circumstances

He said hardened criminals were serving sentences of 50 years and more in the maximum security section and those with life sentences had little hope for release

It was here that gang activity was especially rife and warders faced difficult conditions daily

Gangs entered the prison from outside and about 80 percent of prisoners feared them and their "reign of terror", said Captain Green

"But when he belongs to a gang, a prisoner knows he will have certain advantages"

The identification of gang leaders was difficult and the situation was worsened by a staff shortage

Prison officials had asked that prisoners' families and friends refrain from smuggling dangerous items into the prison

Warders were stressed and anxious, and their families were also affected

They were supported by a network of social workers, chaplains and psychologists

"We therefore ask for understanding of — and sympathy for — warders, especially at maximum sections," said Brigadier van Staden

Warders fear for their lives after attacks by violent convicts

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Guards in armour at Worcester prison

Teargas, rubber bullets as jail riot threatens

Staff Reporter

A PRISONER at George Prison has been seriously injured in gang violence and warders used teargas and rubber bullets to quell a threatening riot

Prison staff were alerted to the pending rebellion late last night by a noise in a cell and on investigation discovered an awaiting-trial prisoner had been stabbed four times in the neck

Patrick Williams, 20, being held in connection with housebreaking, was allegedly attacked by cell-mates who had broken a toilet bowl and stabbed him with the shards

He was rushed to hospital and is reportedly in a stable condition, said Correctional Services spokesman Mike Green

A short while later gang members in an adjoining cell got into a fight, breaking lights and plunging the cell into darkness

Entry to the cell was barricaded with steel beds and approaching warders were pelted with large fragments of broken toilet bowls

Teargas was used and rubber bullets were fired to break up the fracas. Two prisoners were slightly injured

The incident is to be investigated internally and by police

Prison queries warders' absence during jailbreak

By PETER De ONNO

ONLY eight of 17 warders turned up to work on the night four rightwingers escaped from Bopkloof Prison.

A Correctional Services spokesman, Major Koos Gerber, confirmed that more than 50 percent of the shift had been absent on March 8.

"The reasons for their absence are being investigated," Major Gerber said.

Prison warder negligence, not collusion, is expected to be cited as a major factor in the escape of the four rightwingers, who are accused of murdering 20 people in pre-election bombings in 1994.

Police said this week they were close to recapturing the Afrikaner Weerstandsbeweging members: Etienne de Roux, 43, Nicolaas Barnard, 4, Adam Nyburgh, 25, and Jan de Wet, 25. But last night all were still at large.

A preliminary investigation by Lieutenant-General Timothy Khoza, the chief deputy commissioner in the Correctional Services Department, had found no ev-

idence that the four escapees were directly assisted by prison staff, said an informed source.

General Khoza's inquiry is understood to be concentrating on the high warder absenteeism on the night of the escape and on whether the rightwingers were checked in their cells between lock-up late on Friday afternoon and 8am on Saturday when the escape was discovered.

The possibility that double doors to at least one of the cells were not locked is also being investigated, along with records of cell searches in the high-security section.

General Khoza will also want to know how the men obtained a hacksaw blade which is believed to have been used to saw through a single bar in each of two grille doors leading from the cells to a steel-plated door leading into a yard within the prison perimeter fence.

The fence, topped with razor wire, was not cut or broken and it is not known how it was scaled by the AWB men and a fifth prisoner, Solomon Zabane, who is also a murder suspect.

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Government must 'face facts'

(253) ~~SA~~ *Sowetan 18/13/96*
HIV-positive former political prisoner throws down gauntlet to politicians about sexual experiences in jail

By Simon Nkoli

I had sex with two warders in Modderbee Prison. One black, one white

LAST WEEK ON THURSDAY I went back to prison for the first time since I was released in 1988. At that time, I had spent several years in Modderbee Prison as one of the Delmas treason trialists. This time I went to Johannesburg Prison as an educator. This prison, especially its section D, I also knew from the many months I had spent there before being charged in 1985.

The Aids workshop that I conducted last week was

held in section D. My experiences while holding the workshop matched those I had had when I was a prisoner myself. It is on the basis of that experience that I would like to expose the ignorance of the government as to what is actually happening behind bars in terms of sexual activity.

Minister of Correctional Services Mr Sipo Mzimela and, no doubt, well-meaning others do a lot of damage with ill-founded assertions that there is no sex in prison or, simply, that prisoners are not allowed to have sex. There are those who know very well that it is happening, but still deny it.

There is sex in prison and we shouldn't be too surprised about it either. Wherever people of the same sex are thrown together, same-sex bonding occurs, just as mixed bonding occurs in cases where the sexes do mix with each other.

When women were left alone in the homelands while their men migrated to the cities to look for work, they bonded with each other. They would support each other, bring their children up together and talk about their husbands together, those who were able to write would even write love letters for the ones who didn't possess that skill. In this process of caring for each other, deep bonding occurred.

Male bonding happens more or less in the same way when men are thrown together, for instance, in prison. One could argue that male bonding does lead more often to sex than the female bonding described here.

It is not known why, although women seem to be better able to suppress their sexual drives in times of "drought" than men, and men tend to equate emotional desires with sexuality.

Sexual release

In addition, prison is a tense, harsh and frustrating environment, which might bring out in both sexes a stronger urge for sexual release than would occur in a relaxed environment.

Homosexual activity among female and male prisoners has been documented internationally, and I know from my experience that same-gender sex happens in prison.

When I had just been detained, a man who was about 60 years old and who had been convicted for 20 years insisted on having unprotected sex with me. I was young and afraid to say no. I had also seen what happened to another prisoner: he had been raped repeatedly by several men on the night I was brought into that prison.

After that, I gained a clear insight of how sexual activity was systematically organised by prisoners and warders alike. For instance, the "boss" of the prison, the most powerful prisoner, would identify a new, young prisoner as his "wife".

Sexual favours

And sexual favours were granted by prisoners to more powerful prisoners and warders alike in return for the little things that make prison life more comfortable.

I had sex with two prison warders in Modderbee Prison. One was black, one was white. Mzimela has said he will not allow us to take HIV-Aids education into prisons, unless it is proven beyond doubt that sodomy is taking place there. The fact is that it exists and that it is one of the major causes of the spread of Aids in the country, as, after doing time, most prisoners go home and resume their normal sexual activity with wives and girlfriends, thus infecting them.

Prevention doesn't need to cost much. We don't need plays like *Sarafina 2* which cost millions. We just need to inform and distribute condoms where it matters, such as in prisons.



Simon Nkoli ... outspoken.

Before it's too late

We also need the support of those whom we see as our leaders. President Mandela has called on the nation to take the Aids issue seriously. As an ex-prisoner, now infected with the Aids virus, I urge the Government to do something now, before it is too late.

Had I known about the basic facts of HIV-Aids, I would not have had unprotected sex with the two warders I would have chosen safe sex.

It is up to the Government and our leaders in the communities, institutions and workplaces to protect society, families, wives, children, warders, and prisoners from the unsafe sexual practices that happen in jail.

● Simon Nkoli, of the *Township Aids Project*, is an Aids educator for gay men and men who have sex with men.

MPPs hear about sex in prison

Rowe 20/3/96 (253)

By Rafiq Rohan
Political Correspondent

If the Minister of Correctional Services doubts that prisoners engage in sexual activities behind bars, he should have been at the Portfolio Committee on Correctional Services meeting in Parliament yesterday where an Aids activist presented evidence that sex does indeed take place in prison.

"We can prove that sex in the form of rape, abuse and sodomy takes place on a big scale in prison," Mr Gary Friedman, head of an Aids education

programme, *Puppets in Prison*, said. Friedman has been involved in an eight-year project that gets prisoners trained as Aids educators through the medium of puppets.

In his presentation Friedman also highlighted the ironic situation that currently exists in prisons where it is acknowledged — by everyone except Correctional Services Minister Di Siphosizwe Mzimela — that sexual activities take place on a very large scale, that Aids is largely transmitted through sexual practices but the use of condoms is outlawed.

"We may teach the prisoners about HIV and Aids and the use of condoms but we cannot distribute condoms," Friedman said.

This dichotomy, he said during his slide presentation, creates difficulty and is cause for "great frustration".

One of the things the Government could look at as a means of lessening sexual activity among prisoners is the question of granting prisoners conjugal rights with spouses or, alternatively, allowing prostitutes to ply their trade inside prisons. This will help to combat rape and sodomy.

"I will support anything that lowers the risk of Aids or HIV," he said.

He said that nowhere in the world has it been possible to wipe out sexual activity where people are kept behind bars for extended periods of time.

He told the MPPs about his programme. He has a select group of 15 prisoners at Diepkloof Prison who have been engaged in a puppet programme that serves to educate prisoners about Aids and HIV.

Friedman invited the parliamentary committee to be the guests at the premiere of *Puppets in Prison* in Diepkloof Prison at the beginning of next month.

Boksburg prison leads the way in giving ex-convicts a new life

(253) Star 20/3/96

By Bobby Brown

Boksburg has become the forerunner in the reintegration of ex-convicts into society by establishing South Africa's first Community and Correctional Services Forum

The forum aims at involving the community in overseeing released prisoners and assisting them to find work so they do not have to return to crime to survive

"Many prisoners are released and do not have a family or a job to go to. We make it our duty to see they do not break the conditions of their release and return to old habits," said the forum's chairman, Harare Mphuthuny

The forum consists of members of the public, civic organisations such as the National Institute for Crime Prevention and Rehabilitation (Nicro), the South African National Council on Alcoholism and Drug Dependence (Sanca) and Correctional Services officials, who initiated the idea in November. The forum is trying to involve police station commanders so that people on parole, probationists and those completing their sentences can be given help where it is needed

Lack of manpower, finance are problem areas

Captain Grant Hill from the East Rand told the forum that finance and manpower were the police force's biggest problems

The forum wants to alleviate the geographical problem of probationists having to report to prison as a condition of their re-

lease. "Some ex-convicts live far from the prisons and it becomes a problem to travel there to meet their responsibilities. They don't have jobs and don't have money, so how are they expected to get here?" Mphuthuny asked. He said

Prisoners need full support on release or they fail

the lack of support systems for released prisoners in society was a direct link to a spiralling crime rate, since prisoners who felt like outcasts saw a return to crime as their only option

He appealed to the police for escorted visits to ex-convicts who lived in dangerous areas as well as for offices at police stations so that ex-convicts could report there, instead of prison

Mphuthuny said the forum was aimed at unemployed people in general, since unemployment was the major cause of crime. "Statistics from prison prove that 90% of the prisoners are in for robbery. This is a clear indication that we are correct," he said

He added that the Community and Correctional Services Forum was a pilot project being assessed by other cities interested in starting their own forums

This was an important development for networking initiatives, he said, so forums could liaise with one another about ex-convicts who moved from one jurisdiction to another. The forum also hopes former prisoners will use skills learnt in jail to find work as labourers on low-cost housing schemes on the East Rand.

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Govt pledge on HIV prisoners

CT 22/3/96

EUNICE RIDER
STAFF WRITER

THE government "may well" address the grievances of HIV-positive prisoners about being kept apart from other prisoners and its refusal to supply them with condoms if the recommendations of a health committee were accepted

Department of Correctional Services Koos Gerber was reacting yesterday to complaints by HIV-positive prisoners which were put to the committee

The committee, set up by the department in October, consisted of representa-

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tives from organisations such as the Red Cross, the SA Nursing Council, the Medical Association of SA, Lawyers for Human Rights, the Aids Law Project and the Department of Health

Gerber said his department supported the national health policy and "the only issues in dispute" were the separation of HIV-infected prisoners and "the non-issue of condoms"

He said the committee's recommendations, which may not yet be made public, "may well lead to policy changes" if the department accepted them. He could not say when this would exactly happen

4 shot as gangs battle erupts at

Polismoor jail

ARG 22/3/96 (253)

LINDSAY BARNES
and PETER MALAN
Staff Reporters

AT LEAST four people were injured, one seriously, in a shoot-out between gang members in the reception area at Polismoor Prison in the second violent clash between visitors there in less than a week.

In a sequel to the shooting, the "jaws of life" rescue equipment had to be used to cut an injured policeman from an overturned patrol van after he and three colleagues were involved in an accident while taking those arrested at the shoot-out for questioning.

They were driving 10 of the arrested men to the Steenberg police station when their van overturned on the corner of Main and Station Roads in Retreat.

The prison's reception area turned into a bloody battlefield yesterday when members of an outside gang opened fire on visitors and injured four people.

Two men were shot in the head and taken to hospital. This was the second violent

incident at the prison in less than a week.

Prisons spokesman Mike Green said that on Thursday last week a scuffle had broken out between gang members in the reception area.

During yesterday's incident, several heavily armed gangsters entered the prison's reception area.

A prison warden, who did not want to be named, said the men entered the waiting area where people were searched before entering the prison itself.

"I was busy searching a woman's bag, when suddenly a shot was fired."

He said the people involved in the shootout then ran outside and continued the shootout in the prison parking area.

"It was such a commotion, I've no idea how many shots were fired. All I know it is went on for quite some time."

Other witnesses said they saw three taxis and a car filled with people arriving inside the gates. The men were openly armed with guns and knives, they said.

A witness to the start of the shootout, who did not want to

be named, said she was standing outside reception when the vehicles arrived.

"I started running. I recognised some of the people as members of [the gang] The Firm." She alleged a leader was among them.

She and others waiting with her ran through the reception building and heard gunshots.

Another man, who also did not want to be named in fear of reprisal, said the first shots were fired at Samuel Kiewiets, a 21-year-old man from Belhar, who was hit in the arm.

When his friend Llewellyn Booyesen, 26, also of Belhar, ran to his aid, he was shot in the head. Teswill Bentham, 18, of Belhar and another youth were slightly injured by knife-wielding men.

The woman said the the injured remained unattended as wardens could not get to them. "The Firm stood over there in the parking lot with their guns out and the wardens would have been shot at if they had come out of the building," she said.

One witness said it took 10 minutes for police to arrive



INJURED: Samuel Kiewiets, 21, who was shot during the clash, is questioned at the scene

Picture: ROY WIGLEY, The Argus

Police spokesman John Steenberg said they had arrested 20 men and confiscated several handguns, among them a 38 Special, a 9mm and a 762 pistol.

Those arrested were put into two police vans and taken to Steenberg police station as there were no empty cells at the prison to lock them in.

On their way to Steenberg police station a van overturned

on the corner of Main and Station Roads in Retreat.

One of the policeman driving the van had to be cut from the wreckage with the jaws of life and was taken to 3 Military Hospital in Wynberg. None of the prisoners was seriously injured.

More than an hour after the incident bloody tracks leading from the prison's reception area to the parking lot were

clearly visible and several spent cartridge shells and even a spent pistol magazine were laying next to a white BMW.

On the other side of the parking lot stood a red bullet-riddled Opel.

Its owner returned from visiting a friend in prison to find the car's windows shattered. Although wardens and police officers appeared to have the situation under control, emo-

tions were still running high. Several visitors remained locked out and were waiting outside the prison gates to complete their visits.

Captain Green said the situation inside the prison had not been affected and wardens had the situation under control.

He said yesterday's and last week's incidents had begun when members of different gangs were visiting

Letter worsens rift

By CHIARA CARTER

Prisons Department split widens as clash continues

MYSTERY surrounds the whereabouts of an acerbic "crisis letter" sent by ANC spokesman Carl Niehaus to the Minister of Correctional Services — the latest in a series of clashes between the two high profile politicians

Major Bert Slabbert, said the Minister had not received the letter

"We are trying to locate a copy," Slabbert said

Feud

The letter not only appeals to Dr Siphho Mzimela to put aside the feud between the two men and meet Niehaus, but also outlines serious problems in prisons

Slabbert said a meeting between the Minister and President Nelson Mandela was "on the cards" to discuss the quarrel between the Inkatha minister and Niehaus, who chairs the parliamentary portfolio committee on Correctional Services and the Correctional Services Transformation Forum

Niehaus sent the letter earlier this week but Mzimela's spokesman, this week replies to a question by Niehaus about trips taken abroad by the Minister's special adviser

Niehaus' letter said there was a "series of unpleasant and destructive disagreements" between himself and the Minister and that "strong, transparent and consultative leadership" was lacking in Mzimela's department

Squabble

Niehaus accused Mzimela of engaging in "one upmanship" over recommendations to reform his department — a charge denied this weekend by Mzimela.

He appealed to Mzimela to meet him and to end the squabble, saying there was a "deepening crisis" in the department.

He said the escape of four dangerous right-wing awaiting trial prisoners from Diepkloof

"You seem to be afraid to acknowledge the work done by the Transformation Forum and for some strange reason want to claim all the initiatives for change as your own," Niehaus wrote.

prison was followed by "disastrous public relations".

"Apparently only seven out of 17 warders who were working night shift in Medium A Prison reported for duty on the night of the escapes.

"From discussion that I have had with Lieutenant-General Khoza this is apparently not an isolated incident. It seems to happen on a regular basis in prisons throughout South Africa. When I visited

Barberton Prison in January, I was informed that on January 1 when five prisoners were killed in a

gang fight there was also a shortage of staff due to absenteeism," Niehaus wrote.

He said prisons were overflowing, leading to speculation that the government would be forced to have a mass release of prisoners.

About 111 000 prisoners were crammed into space intended for 95 000 people and then the situation was made worse by 27 000 awaiting trial prisoners

The prison population might rise to 130 000 by the end of the year

"This has led to speculation that thousands of prisoners will have to be released in a 'bursting exercise' because there will be nowhere to keep them," Niehaus wrote

Time bomb

Conditions in prisons were so poor that the government "faced a time bomb"

Mzimela responded this weekend by saying that he had no intention of ordering a mass release of prisoners, that the problem of overcrowding had existed for 78 years and his department would

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Slabbert Worries Rift

Prisons Department Split Widens as Clash Continues

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Slabbert said a meeting between the Minister and President Nelson Mandela was "on the cards" to discuss the quarrel between the Inkatha minister and Niehaus, who chairs the parliamentary portfolio committee on Correctional Services and the Correctional Services Transformation Forum

Parliament is also likely to discuss the two's relationship when Mzimela

this week replies to a question by Niehaus about trips taken abroad by the Minister's special adviser

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Mzimela responded this weekend by saying that he had no intention of ordering a mass release of prisoners, that the problem of overcrowding had existed for 78 years and his department would

be able to manage the situation.

Last year President Mandela intervened in the clash to persuade Mzimela to meet the portfolio committee

This year, Mzimela has made no bones about his opposition to a Bill drawn up by Niehaus which seeks to allow the authorities, as a temporary measure, to imprison children awaiting trial for serious offences.

Niehaus is furious with the Minister for withdrawing the Department from the Correctional Services Transitional Forum which draws up recommendations for changing the department

SAY CHEESE: Gary Friedman demonstrates the use of a finger puppet to two juvenile inmates at a Soweto prison. In association with the national departments of health and correctional services, Mr Friedman is presently working with juvenile offenders, using puppets to tackle issues like Aids, sodomy, rape, prostitution and gang violence

Pictures GISELE WULFSOHN



6 Popcru leaders may face charges

Sowetan 26/3/96

By Abdul Millazi
Labour Reporter

Independent investigator to look into
allegations of corruption (253)

SIX TOP LEADERS of the Police, Prisons and Civil Rights Union, who resigned last week face criminal charges if the union's investigation into allegations of corruption finds them guilty.

The leaders, Popcru president Mr Mzingisi Moshara, his deputy Mr Roy Govender, vice-president Mr Steven Tyuthuza, general secretary Mr Lando Sam, his assistant Mr Lefaso Matutoane and treasurer Mr Allan Thompson, resigned at the weekend amid allegations of corruption and failure to implement decisions taken at last year's congress.

Popcru has since elected an interim structure to carry out its affairs until new office-bearers are elected in July.

Congress of South African Trade Unions assistant general secretary Mr Zwelinzima Vavi, who had been called in to defuse months of internal conflict within Popcru, said the six would face

legal action if allegations against them were found to be true.

He added that the union had mandated the acting office-bearers to appoint an independent investigator to look into the allegations.

Popcru acting general secretary Mr Raphepheng Mataka said yesterday that the six leaders tendered their resignations to preserve unity and the long-term survival of the union.

Mataka said the union's central executive committee (CEC) at the weekend agreed to work towards building Popcru and implementing the resolutions taken at the 1995 national congress.

The CEC also instructed the national executive committee (NEC) to investigate the possibility of employing a qualified accountant to lead the

finance department of the union.

The CEC, in line with the commitment of working for unity, decided that all members should go back and work for unity on the ground," said Mataka.

The national office-bearers would be required to develop a strategy to ensure active participation by ordinary members in formulating the union's collective demands.

The acting national office-bearers are president Mr John Jansen, Mr Philemon Ntuli (deputy president), Mr Walter Mutepe (vice-president), Mr Mataka (general secretary), Mr Jacob Tsumane (assistant general secretary) and Mr Themba Matsane (treasurer).

Vavi said Cosatu would assist Popcru in improving its leadership structures by using expertise from some of its stronger affiliates.

Puppets push safe sex in jail

But behind bars it's still a no-no

TYRONE SEALE
Political Staff

ARG 26/3/96 (92) (253)

A GROUP of MPs will spend a few hours behind bars at Johannesburg's Diepkloof Prison on April 3 for first-hand experience of one of the greatest, and potentially disastrous, ironies in the fight against HIV and Aids in prisons

Members of the national assembly portfolio committee on correctional services will be guests of honour at a performance of a puppet show conceived by internationally renowned puppeteers Gary Friedman and Nyanga Tshabalala, and written and performed by a group of 15 prisoners aged 18 to 24, who also made the puppets

Funded as a pilot project by the Department of Health's directorate of Aids and sexually transmitted diseases (STDs), the production deals with issues such as sexual violence, STDs and preventative measures and the implications of such for the estimated 111 000 prison population

Predictably, one of the lifesaving measures suggested by the young group of puppeteers in training is the use of condoms, a message about which the Department of Correctional Services has no qualms - as long as no-one actually tries to practise safe sex behind bars

Correctional Services Minister Sipo Mzimela repeatedly has gone on record as refusing to accept that certain prisoners regularly have consensual sex with fellow inmates, saying the only people to seek physical comfort in jail are rapists, who should not be encouraged by means of access to condoms

Briefing members of the correctional services and health portfolio

committees at parliament last week, Mr Friedman illustrated his presentation with a slide show depicting the work that has gone into the pilot project during the past few weeks, from scriptwriting to the carving of the styrofoam puppets

In the course of devising their production, members of the 15-strong Diepkloof puppeteer group simulated, while fully clothed, sex between male prisoners, with violence as a recurring theme

Mr Friedman told MPs it was clear from his work with this group that sexual activity took place "a lot" in prisons, especially among the youths presenting the education programme

Even so, he said, condoms were not freely available in prisons

"It was made quite clear to us (Gary Friedman Productions) that we may teach these people about HIV education and condom use, but that we may not at any stage distribute condoms inside prisons in South Africa"

He said his production was anxious to see the Diepkloof group develop into a company that could share their experiences with prisoners in other jails where similar groups could be launched to pursue Aids and HIV education

He raised a few legislative eyebrows when he referred to a debate in the United States about the feasibility of allowing married prisoners conjugal visits with other prisoners obtaining access to prostitutes

Meanwhile, he said he hoped the Puppets In Prisons programme would succeed

It was funded to the tune of R90 000, which could grow to about R700 000 if the pilot programme was extended to a one-year project involving the country's 250 jails

Popcru executive resigns, interim committee steps in

~~SA~~ (253)
Nomavonda Mathiane

DD 26/3/96

THE Police and Prison Civil Rights Union (Popcru) executive resigned and was replaced by an interim committee at last week's central executive meeting.

Addressing a media conference in Johannesburg yesterday, Popcru's new general secretary Rapheheng Mataka said the officials who had resigned had previously been promoted to positions of captain and senior superintendent in the police, causing their union work to suffer. But they remained members of Popcru.

The meeting also decided that Cosatu should be brought in to help in transforming and democratising the union. Popcru leadership would now attend Cosatu constitutional meetings and other educational seminars and workshops.

A programme would be formulated to strengthen Popcru structures and would also focus on bringing about unity. A recruitment drive would be launched, coupled with campaigns to improve the working conditions of members.

Popcru would also investigate the possibility of employing a qualified accountant to head the union's finance department. Mataka stressed that the rapid growth of the union — from 3 000 members to 44 000 in 1992 — necessitated proper financial administration. Mataka discounted any possibility of Popcru merging with the SA Police Union, saying that most Sapu members were in senior positions.

Answering allegations that the office bearers had resigned because of corruption, Mataka said Popcru had instructed someone to investigate the group.

Urgent call for parole policy ⁽²⁵³⁾ overhaul

'Give inmates incentive to reform'

TYRONE SEALE
Political Staff

SOUTH Africa needs a rigid new parole system that will protect victims of crime, create new incentives for the rehabilitation of prisoners and be safe from manipulation by prison authorities wishing to clear overcrowded jails

These recommendations, by the National Advisory Council on Correctional Services (Nacocs), will form the basis of a parliamentary review of release and parole policy.

The national assembly portfolio committee on correctional services has invited all interested people and institutions to comment in writing, before April 15, on the release policy

Chairperson of the portfolio committee Carl Niehaus said yesterday that severe problems of overcrowding in prisons urgently called for a coherent and effective policy

Prison unrest was often related to dissatisfaction with the release policy, he said, adding that the question of effective disciplinary structures was also of vital importance

Nacocs comprises two judges, senior officials in a number of relevant government departments, and private-sector legal representatives commissioned by Correctional Services Minister Sipo Mzimela to make recommendations on release policy

The legal representatives will be assisted by members of groups such as NGOs

In his report Nacocs chairperson Mr Justice ME Kumleben noted that in the eyes of the public - and more particularly crime victims - parole is seen, with some justification, as a substantial reduction of punishment, even if it is accompanied by stringent conditions

He said there were two conflicting considerations that had to be taken into account

"On the one hand, the judicial officer imposing a sentence and the public generally do not see wish to see its retributive and deterrent effect eroded by early parole

"On the other hand, without a realistic prospect of the grant of parole, there is little or no incentive for a prisoner to become involved in rehabilitative programmes, or to conform to disciplinary rules," he said

The advisory council suggests that while determinate sentences - those for fixed periods, as opposed to life - should remain in force until they are served in their totality, they do not necessarily have to be served fully in prison

The council has recommended that all offenders serving determinate sentences should, subject to certain exceptions, remain in custody until they have served half or 20 years of their sentence, whichever was shorter. After this they should become eligible for parole

The council emphasised that no person should have an automatic right to be placed on parole after serving half or 20 years of their sentence

In the case of a person sentenced to life imprisonment, the council recommended that parole be considered after 20 years has been served in prison

But any person serving a life sentence should be considered for parole on reaching the age of 65, provided 15 years of their sentence has been served in custody. The committee is also opposed to the notion that a life sentence will necessarily mean prison for life

"If life literally means lifetime incarceration, there is no incentive for lifers to behave - they in fact have nothing to lose by committing another murder

"Moreover, any such provision would unnecessarily exacerbate the overcrowding problem and in addition entail the expense of the establishment of frail-care facilities and specialist supervision," Judge Kumleben said

● All written submissions and other correspondence, including requests to present oral evidence to the portfolio committee, should be addressed to The Secretary to Parliament Attention Nomfundo Mpuntsha-Ntintili PO Box 15, Cape Town 8000 - (021) 403 3672, fax (021) 461 7969

New deal for HIV-positive and AIDS convicts urged

(2/3) Star 28/3/96
Cape Town - The correctional services and health committees have urged Minister of Correctional Services Dr Sipo Mzimela to implement resolutions on the treatment of HIV-positive prisoners and prisoners with Aids

A joint statement by committee chairmen Carl Niehaus and Dr Eddie Tshabalala said the committees

also wanted recommendations by the department's working-group re-

port on health care services in South African prisons, which were the same as the resolutions, to be adopted as official departmental policy and implemented immediately

The resolutions and recommendations include that

- Condoms be made available to prisoners as part of an integrated Aids-prevention and education programme

- A comprehensive Aids and sex education programme be developed and implemented as soon as possible

- Special attention be given to ensuring the privacy of all prisoners, with knowledge about whether a person is

- HIV positive being treated as privileged medical information that may not be divulged

to anyone without the formal consent of the prisoner

- Special attention be given to ending the segregation of HIV-positive prisoners

The department must provide the committees with time frames for ending the segregation of these prisoners

- Mzimela must report to the committee on progress made within 21 days

Mzimela's spokesman Bert Slabbert said the Minister would make a decision "as soon as possible" - Sapa

Prisoners to get more privacy

Minister fails to block Bill giving courts power to hold children in jail

(248) (253) Star 28/3/96

Cape Town - A Bill giving courts the power to order suspected child criminals be held in jails or police cells was passed by the Senate yesterday, in spite of a plea from Correctional Services Minister Dr Sipo Mzimela for members to vote against it.

Mzimela said there was no space in prisons to separate children from hardened criminals, while there were enough places of safety for awaiting-trial children, and these could easily be made escape proof.

"It is on your consciences, the question of these youngsters," he said.

"It is your responsibility not just to pass the buck but to

make sure that justice is really done.

"The fact (children) don't sit in places of power like this does not give us a licence to mess their lives up."

ANC Senator Dennis Bloem said his party had backed Mzimela last year when he amended the Act to get awaiting-trial children out of prisons and police cells.

However, Mzimela had not heeded a warning to phase in the legislation.

This led to a public outcry when the children that were charged with serious crimes escaped.

The IFP recorded its objection to the Bill - Sapa

Move to distribute free condoms to all serving prisoners

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~~(253)~~ (253) prisoners with Aids
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ment's working group report on Health Care Services in South African Prisons to be adopted as official departmental policy and implemented immediately

These include a recommendation that condoms be made available to prisoners as part of an integrated Aids prevention and education programme - Sapa

MPs to check jails for condoms

ARC 30/3/96

TYRONE SEALE
Political Staff

MEMBERS of parliament will be visiting jails around the country during the next two weeks to see whether the department of correctional services has reversed its ban on condoms in jails and its policy on the segregation of prisoners with HIV/Aids

The parliamentary portfolio committees on correctional services and health this week jointly adopted a resolution calling on Correctional Services Minister Sipo Mzimela to authorise

the distribution of condoms in prisons and to stop discrimination against prisoners with HIV/Aids

The committees' resolution flowed from evidence presented recently to the correctional services committee by a departmental work group on health care services in prisons, health care organisations and other institutions

In their resolution, the committees urged Dr Mzimela to implement their proposal immediately and to report back within three weeks

Carl Niehaus, chairman of

the national assembly portfolio committee on correctional services, said today that he had not yet heard from Dr Mzimela on the question of the resolution, but that MPs would be monitoring the situation in prisons during the current parliamentary recess

The committee and Dr Mzimela have been invited to a performance at Diepkloof Prison, Johannesburg, on April 3 of an Aids education puppet show which the producers, Gary Friedman Productions, hope will become a permanent feature in prisons countrywide

JARON MURPHY
Staff Reporter

A MASS release of prisoners from South African jails appears imminent because of chronic overcrowding and staff shortages

Senior government officials have warned that a general release of prisoners is "likely" unless immediate solutions are found to the backlog of awaiting trial prisoners

This week, Commissioner of Correctional Services Henk Bruyn warned that the situation in prisons had "reached crisis proportions", with 30 000 awaiting trial prisoners crowding prison cells nationwide, placing strain on security and prison management. He said cabinet might have to consider the drastic measure of "bursting" - releasing prisoners before they had served their full jail terms

There is cell space available for 95 000 prisoners but the prison population of about 113 000 is expected to grow to 130 000 by the end of the year

Two or three toilets, and one or two showers, are shared between every 60 convicts in urban prisons throughout the country.

Correctional Services spokesman Chris Olckers said overcrowding quotas of more than 200 percent had been recorded in some prisons. With a national staff shortage of 6 000, the "last and worst option" of releasing prisoners early might have to be considered

"The overcrowding is bad for staff morale and is not conducive to the rehabilitation of inmates or to maintaining satisfactory relations between prisoners and wardens, and prisoners and prisoners

"What has to be done is to increase the speed of court appearances, but the problem is that courts are under tremendous strain as it is," he said

African National Congress MP Carl Niehaus said the parliamentary portfolio committee on correctional services, which he chairs, was investigating the situation

He said public security was under threat because there was an increased possibility of prisoners escaping

If parole policies were not revised, and the entire justice system not comprehensively re-assessed as "a matter of urgency", "bursting" might prove inevitable, he said

"We are faced with a timebomb which poses a serious risk to the public at large. I don't want to sound alarmist, but if the proper steps aren't taken as soon as possible, piecemeal crisis management may be looked at," he said

"But crisis management is unacceptable. At a time when the government is trying to send out a strong anti-crime message, bursting would only undermine public confidence and defeat this objective"

A spokesman for Correctional Services Minister Sipo Mzimela said everything possible was being done to address the problem and discussions were underway between the departments of justice and correctional services

"We will have to see what we can do to get cases due before court finalised as soon as possible," he said

Prisons may burst - warning that overcrowding could force general release of criminals

AKU 30/9/96

(259)

JAILS IN JAM

Overcrowding prompts look at jail releases

STAFF REPORTER

(253) Star 30/3/96

A mass release of prisoners from South African jails appears imminent because of chronic overcrowding and staff shortages

Senior government officials have warned that a general release of prisoners is likely unless immediate solutions are found to the backlog of awaiting-trial prisoners

Commissioner of Correctional Services Henk Bruyn warned this week that the situation in prisons had now reached crisis proportions, with 30 000 awaiting-trial prisoners crowding prison cells nationwide, placing strain on security and prison management.

He said the Cabinet might have to be approached to consider the drastic measure of "bursting" - releasing prisoners before they have served their full jail terms.

At present there is cell space available for 95 000 prisoners, but the prison population of about 113 000 is expected to grow to 130 000 by the end of 1996

Two or three toilets, and one or two showers, are shared between every 60 convicts in urban prisons throughout the country.



ANC spokesman Carl Niehaus

Correctional services spokesman Brig Chris Olickers said overcrowding quotas of more than 200% had been recorded in some prisons, and with a national staff shortage of 6 000, the "last and worst option" of releasing prisoners early might have to be given serious consideration

"The overcrowding is bad for staff morale and is not conducive to the rehabilitation of inmates or to maintaining satisfactory relations between prisoners and wardens, and prisoners and prisoners," he said

"What has to be done is to increase the speed of court appearances, but the problem is that courts are under tremendous strain as it is"

The ANC's Carl Niehaus said the parliamentary portfolio com-

mittee on correctional services, which he chairs, was investigating the situation.

He said public security was under threat because there was an increased possibility of prisoners escaping if parole policies were not revised, and the entire justice system not comprehensively reassessed as a matter of urgency, "bursting" might prove inevitable," Niehaus warned.

"We are faced with a time bomb which poses a serious risk to the public I don't want to sound alarmist, but if proper steps aren't taken as soon as possible, piecemeal crisis management may be looked at

"But crisis management is totally unacceptable At a time when the Government is trying to send out a strong anti-crime message, 'bursting' would only undermine public confidence and defeat this objective," he said

A spokesman for Correctional Services Minister Sipo Mzimela said everything possible was being done to address the problem, and discussions were under way between the departments of justice and correctional services.

"We will have to see what we can do to get cases due before court finalised as soon as possible," he said.

Mass prisoner releases 'absolutely last resort'

(253) Star 2/4/96

Correctional Services Ministry says it will first speak to other ministries to find ways of dealing with overcrowding

By JOVIAL RANTAO
Political Reporter

The Ministry of Correctional Services yesterday moved to dispel fears that thousands of awaiting-trial prisoners and convicted criminals would be released in an exercise aimed at addressing the chronic overcrowding and staff shortages in South Africa's prisons.

Ministry spokesman Bert Slabbert said the release of convicts and unsentenced prisoners would be an "absolutely last resort" after all other avenues had been exhausted.

He said Correctional Services Minister Sipo Mzimela would approach newly appointed Finance Minister Trevor Manuel soon to request more financial resources to deal with the problem.

He said awaiting-trial prisoners alone - 30 000 of them across the country - cost the Government R1,8-million a day.

"The awaiting-trial prisoners are a problem because they occupy valuable space. It's a problem we have to address," he said.

Slabbert said Mzimela would

also meet Justice Minister Dullah Omar soon to determine whether trials of unsentenced prisoners could be speeded up.

There has also been talk that the Cabinet might be approached to consider the drastic measure of releasing prisoners before they have served their full jail terms.

Prison authorities have already said the overcrowding of prisons has exerted strain on facilities, security and prison management.

The ANC said it was opposed to any so-called "bursting" or a wide-scale release of prisoners as an acceptable or viable response.

It said that not only would such a move undermine the capacity of the state to combat crime and bring about justice, but it would do little or nothing to resolve the problems in prisons.

The ANC suggested instead that, as a starting point, a proper assessment of South Africa's prison population and penal capacity be undertaken.

This would require co-operation and co-ordination between Parliament and civil society.

"As a matter of priority, the

Department of Correctional Services needs to engage with the Justice Department on ways to bring down the number of awaiting-trial prisoners.

"The South African penal system requires broad reform. Unless measures to urgently accelerate that reform are put in place, the current crisis will only deepen," the ANC said.

Expressing its concern about the crisis in prisons and the large number of awaiting-trial prisoners, the ANC called on all government stakeholders - including the Correctional Services Ministry, the portfolio committee on correctional services and the Justice Ministry - to work together to find solutions which did not involve mass releases.

Carl Niehaus, chairman of the parliamentary portfolio committee on correctional services, has warned that public security is under threat because of the increased possibility of prisoners escaping. He said that if parole policies were not revised and the entire justice system not comprehensively reassessed, "bursting" might prove inevitable.

New era sees uniforms, ranks and titles go

PRETORIA CORRESPONDENT

For the first time yesterday, Correctional Services Commissioner Henk Bruyn was not saluted when he arrived at work.

In fact, his staff did not even say "Good morning, General" as they have for years.

Instead, it was a chorus of "Good morning Mr Bruyn" which greeted him as he walked the corridors of his department's headquarters dressed in a suit. Those who greeted him had also lost their crisp uniforms, sitting behind their desks in unfamiliar jackets and ties, or open-necked casual shirts.

The new look is part of the department's demilitarisation process, which came into effect yesterday.

Gone are uniforms, ranks and titles. Only in prisons do personnel still wear uniforms - but then too, minus the rank and insignia

Correctional services spokesman Barry Eksteen said staff working at prisons would continue to wear the existing uniforms until current stock had been depleted.

Only certain key post incumbents, such as commanders and heads of prisons, would wear recognisable post signals.

At this stage, the insignia may be worn only by the commander (four proteas) and the head of prison (three proteas).

All military customs such as saluting, medal parades, receiving or handing over of the national flag, the handing over of command, passing-out parades and semi-military funerals have fallen away.

Nursing staff will dress in the current uniform, but display the insignia of the professional nursing controlling body and qualifications.

All that remains of the old is

the department's own symbols - the badge, flag and sports flag, because they do not have any military connotation.

Eksteen said the department felt that a demilitarised system would better support the treatment and development programmes of prisoners, adding that it would also improve communication and interaction among staff, and between prisoners and staff.

This form of management was also in line with international trends, he said.

He added, however, that the demilitarisation process should not be seen as the discarding of discipline, order and authority in the department.

"Discipline and order are the cornerstone of all correctional systems worldwide and there will still be a code of conduct which must be complied with," said Eksteen.

Cabinet sets up probe into places of safety

TYRONE SEALE
Political Staff

(253) (273)
ARG 4/4/96

THE cabinet has commissioned an investigation into the availability of suitable places of safety where unsentenced children suspected of serious crimes can be held.

The cabinet gave its approval yesterday, shortly after Safety and Security Minister Sydney Mufamadi revealed that more than 50 000 juveniles between the ages of seven and 17 were arrested last year for offences ranging from robbery to rape and murder.

Mr Mufamadi's disclosure was contained in a written reply to a question tabled in the senate by the National Party's Gert Koornhof.

The exact figure of 50 261 is based only on computer-based data from the Crime Administration Services. As this system is used mainly in urban centres, the statistics do not reflect the situation at all urban police stations and reflect even less the situation in rural areas.

The investigation is to be carried out by an existing inter-ministerial committee, under the leadership of deputy Welfare and Population Development Minister Geraldine Fraser-Moleketi, which has been focusing on youth at risk.

Prisons budget 'short by R400m'

STAFF WRITER

THE Department of Correctional Services' budget would fall short by R400 million this year, Commissioner Henk Bruyn said last night.

Speaking on the SABC3 Focus programme in reaction to a report it carried the previous night on overcrowding and inhuman conditions at Pollsmoor Prison, Bruyn said this year's budget was for 97 000 prisoners, yet South African jails already contained 118 000 inmates.

The Correctional Services would be underfunded by about R400m, "and that is just to maintain the status quo", he said. He added that the department had "over the years" not received the attention it needed from the government.

Commenting on the Pollsmoor documentary, Bruyn said South African prisons were all overcrowded. "We have serious problems in all the provinces," he said.

However, Bruyn said the situation at Pollsmoor — which was "209% full" and served 23 courts — was not a reflection of the situation at other prisons.

CT 11/4/96 (253)
He said South African prisons were on "the receiving end" of the justice system, which forced them to deal simultaneously with convicted criminals and a large number of awaiting-trial prisoners — some of whom had waited for up to two years for their trials to be heard.

Overcrowding in South African jails was "directly related" to the 30 000 awaiting-trial prisoners countrywide, he said.

Solutions to the situation had to be approached "on a holistic basis", including working with police and the Department of Justice on the influx of prisoners, and building more prisons.

This was already taking place in Cape Town, and it was expected that a new facility would be opened "within two months".

Bruyn also pointed to serious staffing and training problems, saying the department employed 5 500 warders and professionals who were working under "very trying circumstances".

However, he lauded prison staff for their professionalism, and appealed to them "to keep the boat afloat" until solutions could be found.

● See Page 14.

Hostage drama: 253

Popcru group held

Stowefan 24/4/96
THIRTY TWO members of the Police and Prisons Civil Rights Union, who allegedly held the head of Upington Prison hostage in his office yesterday, were arrested when police discovered the office door was unlocked.

“That was something the police did not expect. They simply walked into the office and told the group they were under arrest,” Correctional Services spokesman Brigadier Chris Olckers said.

He said prison head Ooswald Oosthuizen was not injured. The group allegedly took Oosthuizen hostage at about 7am and refused to allow anyone to enter or leave his office. They demanded that 50 percent of posts at the prison be filled by Popcru members. — *Sapa*.

Striking prisoners present demands

Ann Eveleth

A STRIKE by awaiting-trial prisoners in Durban's Westville prison entered its second month this week. At least six prisoners have escaped and hundreds of others are refusing to attend court proceedings until their demands are met. Topping the prisoners' list of grievances presented to the ministries of Justice, Safety and Security and Correctional Services are the "slow-moving wheels of justice" which they blame for "long and unreasonable" pre-trial remands and overcrowded conditions. They claim some prisoners have been awaiting trial for up to four years. Lawyers for Human Rights representative Minko Shembe confirmed some of the remand periods at issue were "extraordinarily long" and said the worst cases had been referred to the Department of Justice. Barend Heystek, a spokesperson for Justice Minister Dullah Omar, agreed the situation was "very unsatisfactory" but said steps were being taken to remedy the problem. Ministry of Correctional Services representative Bert Slabbert said there were 29 118 awaiting-trial prisoners incarcerated in South African prisons on March 31. This reflected a rise of almost 25% since the same time last year. Figures for Pretoria and Pollsmoor prisons quoted in Parliament by Minister Sipo Mzimela suggested that at least 8% of awaiting-trial prisoners in December 1995 had waited in prison for more than six months and about 24% had served more than four months awaiting trial. University of Natal, Durban Law Professor David McQuoid-Mason pointed out that any pre-trial detention period was "unreasonable" and could challenge such detention in court.

Prisoner

(253)

talks of a *Soweter 2/5/96* life of hell in SA jails

By Gerda Kruger Investigative Unit

THE brutal and bloody operations of South African prison gangs have been exposed in the unique confessions of a long-term member incarcerated at several jails. He entered the system a petty criminal and emerged as a convicted murderer 19 years later.

His account of how the gangs "control" their members and further imprison already incarcerated men, are intimately detailed in an 80-page hand-written manuscript of his life story labelled *Nineteen Years of Brutal Hardship Trying to Play the Deadly Game of Survival in the South African Prison System*.

The manuscript which Willem Jonkers - who can't write - dictated to a hobo, is in the possession of the Investigative Unit of *Independent Newspapers*.

The major facts in Jonkers's manuscript - dealing with his time at Barberton Prison - corresponds with a ministerial investigation into events at the prison where nine prisoners died. All the deaths were linked to gang activities. Included in Jonkers's revelations are:

- His first contact with gangs in Uppington prison when he met members of "The Big Five" gang, notorious for their military hierarchy and for using the "blue boot" treatment, entangling five members kicking their chosen victim to death.

- His initiation in St Albans Prison into the 28s, a gang with a fondness for sodomy, and his sworn commitment to their secret laws as well as the brutal assault on an inmate demanded of Jonkers as a test of his loyalty to his brothers, an act that added six years to his sentence,

- His encounters with other gangs, including the blood thirsty 27s which specialised in executions, resulting in many of its soldiers being sent to the gallows. And the Royal Airforce gang, specialists in escapes, who spend every minute of their day plotting a way out.

- His transfer to Brandvlei prison where the execution of the "judge" of the 28s took place, and how the Supreme Court judge was "guided" by the gang to find only two specific members guilty while the other five escaped justice.

- His promotion through the 28 hierarchy from soldier to sergeant and later captain, with details of the special privileges (including sex) and added duties that came with the new ranks, including the execution of a former gang captain, punished for committing the ultimate sin - having anal intercourse with someone's "wife". This crime sent three gang members to the gallows and added eighteen years to Jonkers' sentence.

- The prison smuggling racket, including the availability of drugs, and the food racket which resulted in many prisoners going hungry for days, with others injuring themselves severely to get to hospital in order to avoid gambling debts.

- The attack on wardens in Barberton prison, causing grave injuries to wardens and prisoners alike and how the execution of the attacks was forced onto five gang members as punishment for not participating in a war.

- A detailed account of an attempted mass escape at Barberton prison, and its dismal failure which led to the appointment of a new major, who became a victim of assault together with more than a hundred others after enforcing more rules, and,

- His eventual incarceration in the "donkergat" (dark hole), a solitary cell without windows where in three years he wasn't allowed to speak a single word to a fellow prisoner.

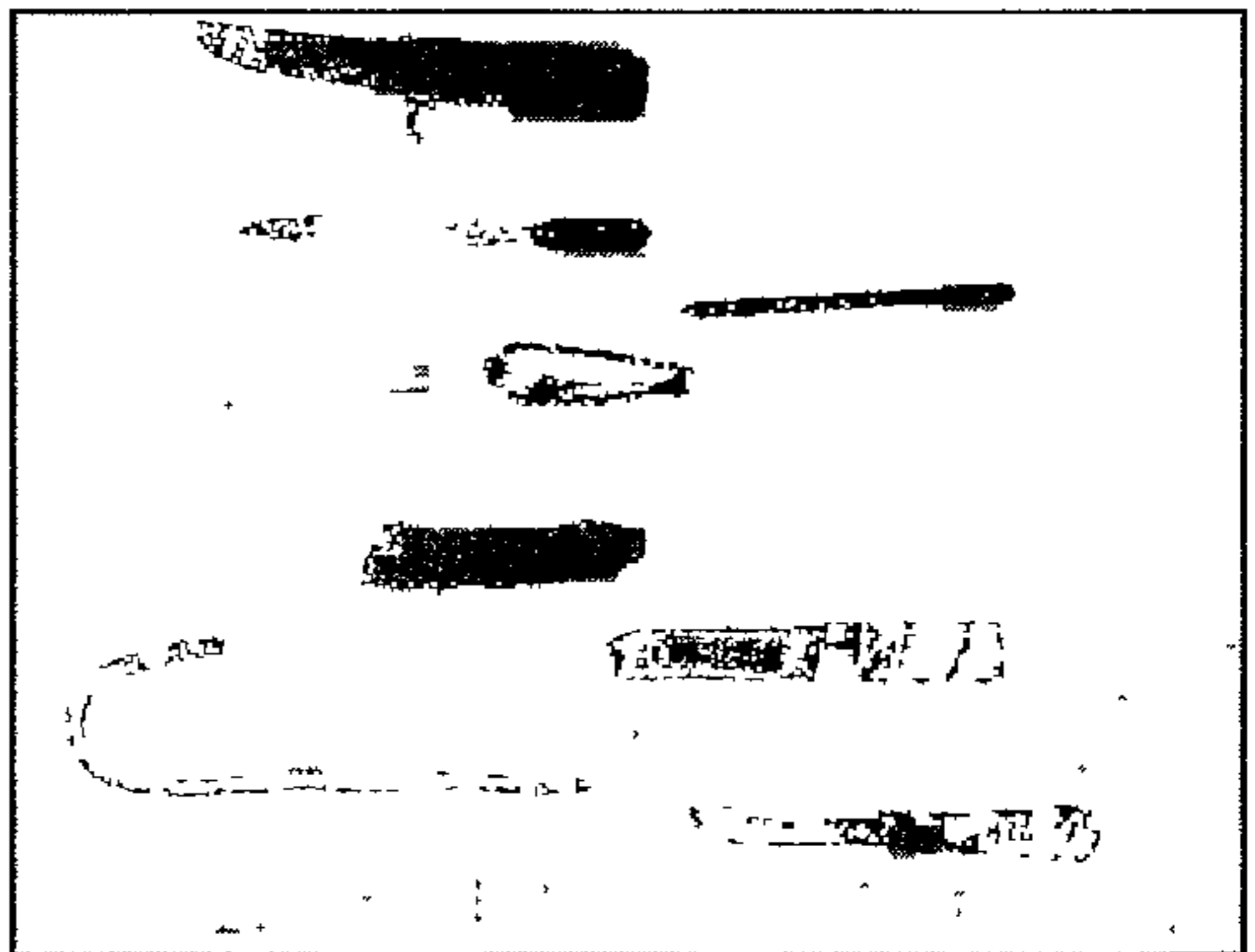
After studying the manuscript, the Investigative Unit requested a meeting with the Commissioner of Correctional Services to obtain a wider picture of prison gangsterism. The interview was refused.

According to Chris Olickers, director of communication services in the Department of Correctional Services, "an interview with an official cannot take this matter any further".

"It is not for the Department to comment on the subjective experiences of ex-prisoners, especially one who has already been released for more than five years," he said.

"The Department does not deny the reality of some of the evil deeds described by Jonkers but the department handles the day-to-day activities of prison life in a responsible manner."

Jonkers, meanwhile has disappeared. According to Correctional Services he is not back in prison. All other efforts to trace him, have been fruitless.



Prison gangs "rule" the country's jails with executions, rapes, assaults and smuggling, according to Willem Jonkers (left), a long-time inmate who describes his 19 years of "hell" in South African prisons in an 80-page manuscript in the possession of the Investigative Unit of *Independent Newspapers*. In it he details his contact with the five different gangs - the 28s, 27s, 26s, the Royal Airforce and the Big Five. Inset: Some of the self-made weapons prisons gangs use to terrorise inmates. See Page 13

Convict catalogues grim years of living hell in country's prison system

By GERDA KRUGER
Investigative Unit

The brutal and bloody operations of South African prison gangs have been exposed in the confessions of a long-term member, incarcerated at several jails, who entered the system a petty criminal and emerged as a convicted murderer 19 years later.

His account of how the gangs "control" their members and further imprison already incarcerated men are intimately detailed in an 80-page, handwritten manuscript of his life story titled *Nineteen Years of Brutal Hardship Trying to Play the Deadly Game of Survival in the South African Prison System*.

The manuscript, which Willem Jonkers - who can't write - dictated to a hobo, is in the possession of the Investigative Unit of Independent Newspapers.

Serious claims in Jonkers' manuscript - dealing with his time at Barberton prison - correspond with a ministerial investigation which probed events at the prison when nine prisoners died in four months with all the deaths being connected to gang activities.

Included in Jonkers' revelations are

His first contact with gangs in Uprington prison when he met members of "The Big Five" gang, notorious for their military hierarchy and for using the "blue boot" treatment, entailing five members kicking their chosen victim to death.

His initiation in St Albans prison into the "28s", a gang with a fondness for sodomy and his sworn commitment to their secret laws as well as the brutal assault on an inmate demanded of Jonkers as a test of his loyalty to his brothers, an act that added six years to his sentence.

His encounters with other gangs, including the bloodthirsty "27s" which specialised in executions, resulting in many of its soldiers being sent to the gallows.

And the Royal Air Force gang, specialists in escapes, who spend every minute of their day plotting a way out.

His transfer to Brandvlei prison where the execution of the "judge" of the "28s" took place,

and how the Supreme Court judge was "guided" by the gang to find only two specific members guilty while the other five escaped justice.

His promotion through the "28" hierarchy from soldier to sergeant and later captain, with

details of the special privileges (including sex) and added duties that came with the new ranks, including the execution of a former gang captain, punished for committing the ultimate sin - having anal intercourse with a "wife".

This crime sent three gang members to the gallows and added 18 years to Jonkers' sentence.

The prison smuggling racket, including the availability of drugs, and the food racket which resulted in many prisoners going hungry for days, with others injuring themselves severely to get to hospital in order to avoid gambling debts.

The attack on wardens in Barberton prison, causing grave injuries to wardens and prisoners alike and how the execution of the attacks was forced on to five gang members as punishment for not participating in a war.

A detailed account of an attempted mass escape in Barberton prison, and its dismal failure which led to the appointment of a new major, who became a victim of assault together with more than 100 others after enforcing more rules, and,

His eventual incarceration in the "donkeygat" (darkhole), a solitary cell without windows where

in three years he wasn't allowed to speak a single word to a fellow prisoner.

After studying the manuscript, the Investigative Unit requested a meeting with the commissioner of correctional services to obtain a wider picture of prison gangsterism, including the unique problems experienced by the Department Correctional Services.

The interview was refused.

According to Chris Olickers, director, communication services, of the department, "an interview with an official cannot take this matter any further".

"It is not for the department to comment on the subjective experiences of ex-prisoners, especially one who has already been released for more than five years," he said.

"The department does not deny the reality of some of the evil deeds described by Jonkers, but the department handles the day-to-day activities of prison life in a responsible manner".

Jonkers, meanwhile, has disappeared. According to the Department of Correctional Services, he is not back in prison. All other efforts to trace him have been fruitless.



Bad memories . . . Willem Jonkers' manuscript covers his time at Barberton prison which corresponds with a ministerial investigation into nine deaths there.

Star 2/5/96 (253)

Gangs' terror rule in SA prisons

253
sawetan 2/5/96

By Gerda Kruger
Investigative Unit

GANGS in South African prisons "rule" the country's jails with executions, rapes, assaults and smuggling

This is according to Willem Jonkers, a longtime inmate who describes his 19 years of "hell" in South African prisons in an 80-page manuscript in the possession of the Investigative Unit of *Independent Newspapers*

In it, he details his contact with the five different gangs the "28's", "27's", "26's", the "Royal Airforce 4" and the "Big 5's"

"Although the different gangs had different laws and often had deadly gang fights, the common goal was always the preservation of the gangs and the mutual enemy was the authorities"

Jonkers eventually joined the "28's" and in his nearly two decades in prison committed, or was an accomplice to, various murders, assaults, gang fights and smuggling rackets

Each of the murders and assaults was carefully planned beforehand and executed with pride in the name of brotherhood

History of the gangs

As part of his initiation into the "28's", he received instructions for eight days solidly by the "inspector" of the gang. A history of the gangs and their different goals and laws formed part of the training

"I was told that the gangs started in 1896. They were gangs that had existed outside prison at first. Many members, however, ended up in jail and continued their gang activities," he wrote

"Two guys founded the '28's' and '27's' and later gave permission for the '26's' to form a separate gang. No other gangs were allowed in jail after that"

According to Jonkers, the "28's" and "26's" were similar. They indulged in sex with "wives" – but anal intercourse was punishable by death. The "28's" later became the largest gang in jail and Jonkers was promoted from soldier to sergeant and later captain

Commenting on rival gangs, he wrote "The '27' gang was notorious for executions. They were really brutal and thirsty for blood and murders

Guards know what goes on in the jails but blissfully turn a blind eye

By the time I went to Barberton, there were only a few of them left. New inmates were not eager to join as most of their soldiers ended up on the gallows

"The leaders – who often called for an execution, but didn't actually commit the act – were struggling to find members to join. The leaders, because of their style, had a relatively huge say in daily life in prison"

Jonkers describes how the privileges of gangsters made him lose his initial resolve not to become one himself

"The Big '5' gang was apparently started by a member of the '26's'. I spent eight months with this gang in a cell in Colesberg prison soon after I was sentenced

"They are notorious for kicking their victims to death and, witnessing the act, I was convinced I would never join a gang. But often going hungry as punishment for gang fights in which I was not involved later made me change my mind. The gangs always had food, made possible by their smuggling network

"The 'B5's' 'blue boot treatment' meant five of them would kick their victim to death. Coloured prisoners who belonged to the gang were especially ferocious and the term 'survival of the fittest' applied literally

"The 'B5's' hierarchy is military. There are soldiers, officers and commanders. Members are very conscious of their bodies and fitness, always busy exercising in the time they are locked up

"One night the 'B5's' were all grouped in one corner of our cell, about to hold a kangaroo court. The process of holding a court hearing and taking on new members is called 'parliament'

"Although they made pains for us not to hear their conversation, they made sure that we could see the punishment being dealt out by the soldiers

"All senior officials formed a circle, squatting head to head. On the one side they were flanked by 'B5' members accused of 'crimes'. On the other side were those already found guilty by the 'B5's'

"Those accused were escorted one by one to the middle of the circle. If found guilty, you were escorted to your place of punishment. If found not guilty, you were set free

"All this activity took place under the noses of the guards, who remained blissfully ignorant. The noise of the games being played by the 'Franse' (inmates who do not belong to any gang) drowned out the activities of the court procedure

"One of the 'B5' soldiers would also stare out the small cell window and at his signal the court would within seconds pretend to be playing a card game

Mercilessly kicked

"A circle is formed and the 'guilty' inmate is brought into the middle and told to sit. The 'fighting general' will softly utter 'Fire'. The accused is mercilessly kicked. If he is fortunate, he has a few seconds to cover his head. If not, too bad

"Punishment continues until the 'general' calls halt. He doesn't have to say 'Halt' and many prisoners have died in this way

"Inmates who survive this ordeal are warned not to say anything to the prison authorities, regardless of the broken face bones, legs and blue eyes. Failure to heed this warning results in a swift and violent death"

In his story, Jonkers also details the emergence of a gang whose members are escape artists. "In later years one other gang was allowed, the Royal Airforce '4'

"They were given permission to exist because they concentrated on escapes, often succeeding. Many of them were re-arrested and then brought news from the outside. For bringing in valuable information, they were accepted

"I spent some time with them in Barberton prison. These members spent all their time working at schemes to escape"

He added "But the authorities know the behaviour of prisoners. They know everyone does what they want and if you don't have a concern in it, you switch off. They understand being inquisitive can cost you your life"



Prisons aim to teach life skills

CT 3/5/96

(253)

DALE GRANGER

MANY released convicts return to a life of crime because of illiteracy, public stigma and unemployment

Correctional Services spokesman Mr Mike Green said yesterday the number of convicts returning to jail was "very high"

Victor Verster has about 1 700 inmates, and for the majority, the most pressing demand is for a basic education — including learning to read and write

When the Cape Times visited the school at the prison yesterday — where prisoners double as teachers — it was found that only

269 had volunteered to study

Facilities are available for 100 prisoners to study matric, but many don't succeed

"We can do our level best but their success has to come from within. If they don't want to learn there's nothing we can do for them," said Mr Tinnie Broodryk, head of education at the prison

Courses in brick-laying, plastering, painting, plumbing and carpentry are offered at a building centre and those who pass are given a DET certificate which is not accredited to the department

In the Sub A class grown men were immensely proud of having

learnt to read and write and enthusiastically showed the Cape Times their work, but teacher Ndumiso Bomvana — serving seven years for robbery — said more help was needed from qualified teachers from outside

Walter Mabaso, 34, who has just learnt to write and is serving 10 years for dealing in dagga and car theft, hopes his skills will secure him work and dreams of owning his own carpentry business

Petrus Nyoka, 41, who is serving six years for theft and will be out in August, said "it was hard at first but now it feels great"

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Teaching Convicts New Business

THREE MASTERBOND fraudsters have initiated a unique prison education scheme, writes
DALE GRANGER

CONVICTED Masterbond fraudsters Koos Jonker, Johan Brits and Johan Winckler are teaching the first-ever small business development programme in a SA prison — to convicts who now plan to revolutionise life inside by making profit selling merchandise to tourists.

Astonishing scenes greeted a Cape Times team which visited Victor Verster prison yesterday after Correctional Services agreed to waive strict rules preventing journalists from interviewing the three former Masterbond chiefs, each serving a 10-year term.

Using four computers, an electric typewriter and a printer donated by Stellenbosch University economics Professors P G du Plessis and I Lamprecht and friends of the Masterbond trio, seven convicts, including murderers, armed robbers and rapists, have passed the course and will graduate at a ceremony at the prison today.

Subjects included accounting, tax, entrepreneurial skills, record-keeping, marketing, tax, law, budgets and how to apply for finance. Each student also drew up a business plan during the 12-week course, written by the Masterbond prisoners based on a course compiled by Prof Du Plessis.

Former Masterbond chairman Jonker, who has 17 years of lecturing experience, said initially when they applied to run the course, prison officials were sceptical.



BALANCING THE BOOKS: Former Masterbond chairman Koos Jonker shows Gerard Asher, 28, who is serving eight years for murder, how he can operate his own business on computer should his dream be realised once he is free

enough to hold all their students. These people systematically robbed and stole from about 20 000 people and should have been hanged for the 16 investors who committed suicide."

"They will never change, they've just thought up a shrewd move to get off early," he said.

The students themselves were unanimous that working on computers for the first time in their lives, and learning to run their own businesses, had given them a new lease on life.

Mr Johan Potgieter, an educa-

I said I would give him this one chance now for the first time, he feels like he has really achieved something."

Williams, who passed second in the class with marks of between 70 and 90%, has a Std 4 pass and wants to start a wood-work factory employing former prisoners after his release.

"My life's been hell. I was a street gangster in Woodstock and I never had a childhood, had no teenage experience or adulthood," he said.

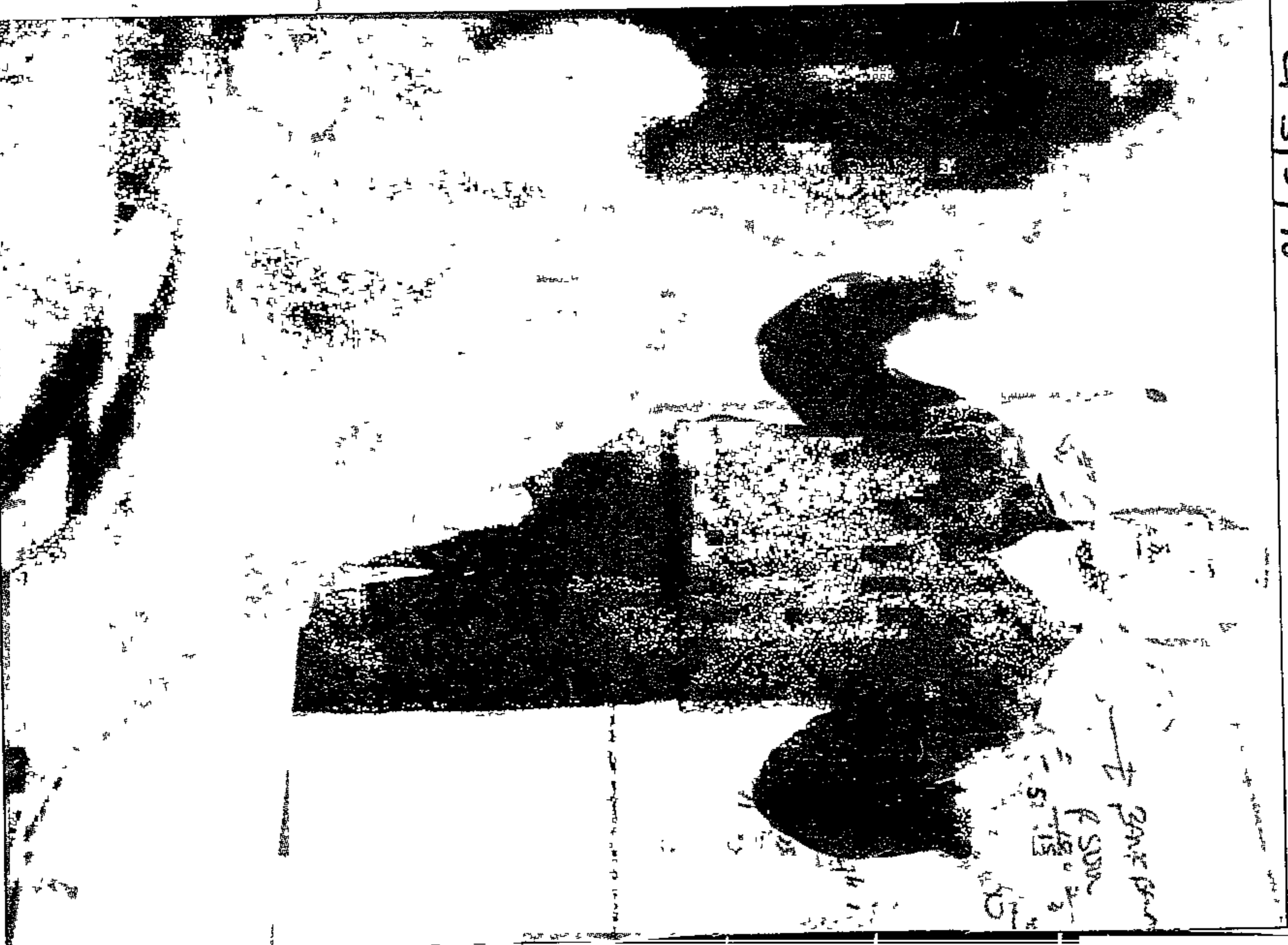
"There's nothing more I can

can be used."

He said the worst aspect of incarceration was the "stigma of being a prisoner" and the "suffering of the family."

The three men are also furthering their own education, Jonker studying for a PhD in town planning, Brits an MBA and Winckler, who also teaches Afrikaans to a group of prisoners and has applied to have a personal computer in his cell, a BA LLB.

Winckler said: "It was an uphill battle to get the computers in and although they're like Volk-



BUSINESS BEHIND BARS: Former Masterbond director Johan Brits speaks to fellow convicts at Victor Verster prison yesterday, the eve of their graduation after a three-month business course taught by the three convicted Masterbond fraudsters

PICTURE: BENNY GOOL

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Crooks teaching crooks how to be crooks?
But approval was granted and officials and prisoners spoken to yesterday were wildly enthusiastic.

Masterbond Victims' Association founder Mr Don MacKenzie, however, was scathing in his criticism. "If they permit them to do that, Victor Verster won't be big transformed Robert Williams, 41, who has served 17 years of his 31-year sentence for attempted murder, armed robbery and illegal possession of firearms, from the most negative prisoner, an instigator, into the most positive prisoner. I have seen."

"I didn't want to put him on the programme. I know him, but nobody's ever helped me since I've been inside, the only people who ever cared are these three guys (Masterbond men). This course has given me a whole new perspective on life."

He always enjoyed lecturing, said Onker, "one doesn't just want to sit here but rather do something where our expertise are postgraduate students in crime but they're very keen to learn."

The plan, which has been sent to Correctional Services heads in the provincial government, is for the prison to keep 50% of profits — 20% to be apportioned to recreation for all prisoners and 30% to the owner of the small business.

● See Page 3



Willem Jonkers
... a long-term
prisoner who
became a leader
of a prison gang.

Only two options for gangsters in jail

By Gerda Kruger
Investigative Unit

GANG MEMBERS IN SOUTH African prisons have only one of two options becoming a "wife" who is subjected to sexual abuse by gang brothers, or enlisting as a "soldier" whose duties include anything from fighting to killing

These "two paths" and their consequences are described in an 80-page manuscript written by a long-term prison inmate, Willem Jonkers. His story is in the possession of the Investigative Unit of *Independent Newspapers*

According to Jonkers, witnessing a brutal assault in prison made him reluctant to join a gang. But continuous gang fights in which "Franse" (non-gang members) were often caught in the crossfire and sometimes killed made him change his mind.

"You were not safe being part of the 'Franse'. All prisoners are punished after a gang fight by being forced to go hungry. It was this that made me decide to join one of the gangs.

"They were much better off, they protected each other and always had food, tobacco and drugs because of their smuggling network.

"I approached the '28s'. On August 16 1975, three months after I applied, I was told that I had been approved. I was told that I could choose between the two roads you could follow in the '28s'.

The difficult road

"The easy road is that of a wife. You are not asked to perform tasks such as assaults (or) murder or become involved in gang fights. The other road, for 'men,' meant performing these tasks. I chose the difficult road.

"My initiation ceremony meant going through a lot of tests. I was called before the 'inspector' who declared me fit to join the '28s'. He made me stretch my arms and legs, cough, do sit-ups, and so on.

"I was then passed on to the 'doctor'. He is the one to veto the road you have applied for. The doctor uses his eight pipes (fingers on both hands without thumbs).

"He stands facing you and puts his right hand's four fingers on your right pulse. This represents the difficult

road. With his left hand he does the same. This represents the easy road.

"Holding you like that, he suddenly drops one of your hands. Dropping the left hand means you are accepted to take the difficult road. Dropping the right hand and you are accepted to take the easy road.

"How he knew what you were ready for, I really don't know. I think it's already a foregone decision which was made by all of them, but carried out by him. Most of the men ordered to go on the easy road were the better-looking guys.

"I was accepted to be strong and ready to go on the difficult road. The whole process took place in the section of the cell which was the sleeping place of the 'doctor' and 'inspector'. It was called the hospital. Injured 'soldiers' also slept in this section.

"A man who was known as 'Germiston' came to fetch me from the 'hospital'. He took me to four others sitting in a circle. They were the 'colonel', 'captain', 'secretary' and 'magistrate'.

Three gun salute

"As I arrived the 'captain' gave the order for them to stand. They were then ordered to give the 'Three Gun Salute'. All of them stomped their right foot three times on the floor. They were ordered to sit and I was told to sit between the 'colonel' and the 'captain'.

"The 'captain' told me that from today I was part of the '*Shonalanga*', meaning we were the ones ruling when the sun sets, as opposed to the '26s' who were '*Apumalanga*', ruling when the sun came up."

According to Jonkers, eight rules regulate the '28s'. These were:

1. Becoming a member means becoming a man,

2. Your family outside jail must be forgotten, also all friends inside jail not part of the '28s',

3. You are bound by secrecy. No detail about the '28s' can ever be told,

4. You are never allowed to give away details of anything concerning the '28s' to the wardens,

5. Whatever the brotherhood does, you do it with them,

... either become a 'wife' and be sexually abused or a soldier and kill

6. The '28s' camp, the place where they sleep, must be protected against the enemy day and night,

7. To carry the "303" (all the secrets of the gang) "over my shoulder" and to strive for their goals, and

8. To never leave the '28s', those that do are killed.

Imaginary uniform

Jonkers describes how he was then presented with an imaginary uniform. "It consisted of a pair of blood red boots with the number 28 printed both inside and out, khaki socks, khaki trousers with a golden buckle and a khaki shirt with three golden buttons of which only two were fastened.

"Then 'Germiston' took me to the 'sergeant' whose duty was to teach me for eight solid days all I had to know. After eight days I appeared before the 'general' who questioned me on the things I had been taught."

A final test for Jonkers in order to be fully accepted into the gang was to carry out orders to assault a chosen inmate. The successful execution of this duty also added six years to his sentence.

His subsequent involvement in the "execution" of the "judge" of the '28s' in Brandvlei prison gained him promotion to the rank of "captain."

"I was given a captain's uniform. Bright red boots, gaberdine trousers, a gaberdine shirt (and) a gaberdine cap with a red ribbon around it with the number 28 inside and outside on every item.

"As a 'captain' I was also given the right to 'drink water', that means to have sex with the 'wives'. I was also given 16 keys of which the sixteenth was a master key.

"This gave me permission to walk into or intrude on anyone talking or any council meeting. As the 'captain' I was also responsible for punishing the 'soldiers'."

Even after Jonker's conversion to Christianity, brought on by three years in a cell without windows and where he was prohibited from speaking to anyone except a warder, the hold of the gangs over him could not be broken easily.

Sowetan 3/5/96 **263**

Star 4/15/96
 A former long-term inmate has written about his experiences inside some of South Africa's most notorious jails. He told GERDA KRUGER about the 'hellhole' of Barberton prison

Barberton prison is known among prisoners as the "hell-hole", where only the fittest survive. There, according to a former inmate, assaults on warders are regularly called for by gang leaders and usually carried out by the gang "soldiers" as punishment for wrongs.

Former long-term prisoner Willem Jonkers, who spent 19 years in several South African prisons and lived to detail in a manuscript his experiences as a gang member, also reveals how the "illogical" decisions made by gang leaders often threatened the lives of gang soldiers and warders alike.

"When I arrived in Barberton I was 39 years old, having served eight years. I had given up all hope of being a free man. The prison was notorious for its cruelty and barbarism.

"I mentally prepared myself but knew that I would find fellow gang members there."

A few days after his arrival, Jonkers says, he was taken to the major of the prison. He said "This is Barberton. You can choose one of two roads. One leads to the *sandkrombers* (blanket of sand, meaning grave), the other is the road home. If you are at the *knoffie* (homosexual in jail) find yourself a man, or a *laaitje* (young boy)."

Jonkers then describes how an act of sodomy unleashed a "bloody war" between the "26s" and "28s" gangs in 1982.

It was sparked by a member of the 28s. He used dirty socks to render a member of the 26 gang half-conscious and proceeded to sodomise him, a deed punishable by death in the law of the

253

26s gang. The victim came to his senses during the assault and started fighting with the attacker. Soon members of both the gangs joined in - but were stopped by the warders.

"The leaders of the 28s started an investigation and were prepared to punish the guilty party. The 26s were dissatisfied and we were bracing ourselves for a total war. Our inspector asked the warder to put the leaders of the two gangs in a cell for the night so that the conflict could be resolved through dialogue."

"He agreed, knowing the chaos that could result from the gang fights."

Blood was on the floor and all over the walls and all over some of us. I was soaked in blood which spurted from a vein cut open from a hurt prison warder.

into the camp accompanied by a warder.

"He started beating those nearer to the gate. Nobody ran away, we stood our ground. Our general retaliated, knocking him flat. The block warder with him was also cornered and given his dose of the beatings, but he managed to escape through a gate."

According to the official report compiled by the committee ordered by then justice minister Kobie Coetzee to investigate these events, Major C H Visser was the head of the prison at the time. The committee's findings on what actually happened corroborate Jonkers' story, with both concluding that Visser was seriously wounded after being assaulted.

"Reinforcements from other jails in the vicinity came, accompanied by a brigadier. They surrounded the camp, armed with pickhandles."

"The brigadier ordered us through a loudspeaker to get rid of our clothes and keep only our tobacco and personal stuff. We did as we were told and with hands over our heads we marched back to jail where, after being given other clothes, were locked up."

This gang war led to yet another war on the warders. "In the cell, something else came to light. The 'inspector' accused five guys of not participating in the attack in the quarry."

"For their disobedience they were given a duty to perform. They had to attack certain chosen prison warders who were targeted for their previous behaviour against the gangs. As they had no weapons, we had to make some."

"We took the silver plates on top of the discardable plastic cigarette lighters and, after making them flat, sharpened them

toothbrushes were taken and melted down to form a handle for these sharpened pieces of plates. While still hot, the plastic was attached to it and so formed a lethal weapon.

"That particular day of the attack, we started out as usual among us alert and waiting for the signal from the general to attack. We went forth and, on the way back, the signal was given, and they attacked those who had been targeted. Chaos reigned again, guards falling over one another in a haste to get away."

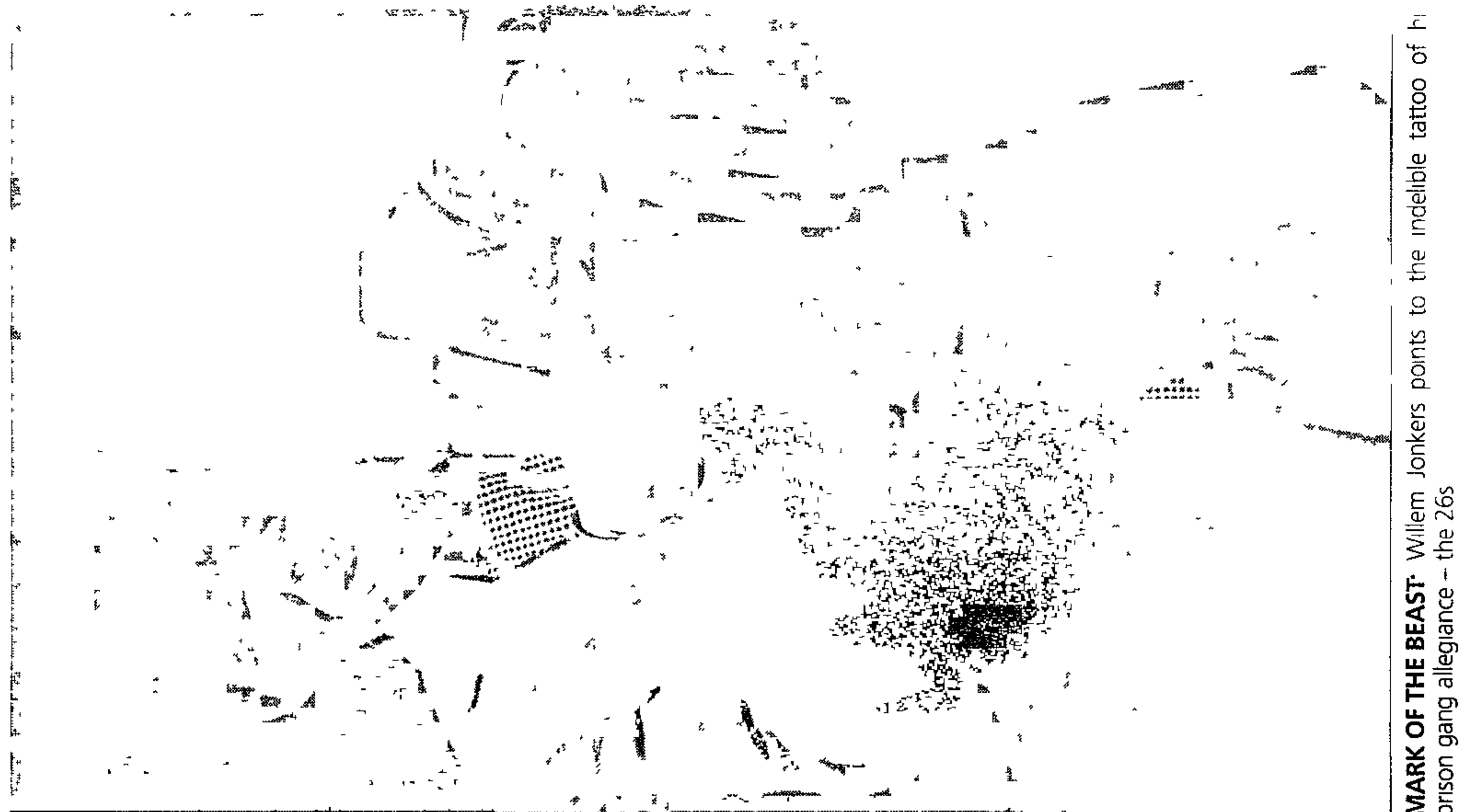
"Blood was on the floor and all over the walls and all over some of us. I myself was soaked in blood which spurted from a vein cut open, blood spurting from a hurt prison warder."

"Reinforcements were called again. This time we were all standing in the corner of the prison yard. A mob of guards came armed with pickhandles accompanied by a major. "The major said he didn't want any more trouble and asked those who had weapons to hand them over. The weapons were thrown back at them. He said that those who attacked the guards must come forward."

"The five that led the attack went forward and were taken away. He gave his guards the order to attack us. They came at us charging with their pickhandles and batons. We did the unexpected, we charged them bare-handed. When we clashed, it was a mess, with blood flowing from pickhandle wounds."

"But in the ensuing battle we managed to take off some of their batons and pickhandles. Now we were the charging force. We drove them back. They ran back behind the gates. Tear gas was shot at us. Live ammunition was used to scare us, shot over our heads."

"We gave up and licked our wounds. The orderlies came and took those who were hurt away. For a while after that, things were back to normal."



MARK OF THE BEAST - Willem Jonkers points to the indelible tattoo of his prison gang allegiance - the 26s

Attempted mass escape and the colonel who 'died for his arrogance'

By GERDA KRUGER

(253)

Strict rules enforced by a new colonel at Barberton prison after a failed mass escape caused the gang leaders to call for the official's execution

His carefully planned murder resulted in utter chaos, leaving three people dead and more than 100 seriously injured

The attempted escape, the attempted murder of the colonel and the consequences are detailed in an 80-page manuscript by former long-term prison inmate, Willem Jonkers

He handed it over to the Investigative Unit of Independent Newspapers

"Members of the Royal Airforce gang, notorious for escapes, started off what ended in chaos. They pretended

one of the inmates in the cell was ill. As two warders entered the cell they were overpowered and stabbed," writes the former inmate

"One inmate took the keys and more than 300 prisoners were released

"All the warders and guards went up the lookout post staring at the prisoners'

"They ordered everyone to go back to their cells. But the prisoners were in a frenzy, kicking, beating and head-butting the gates

"Suddenly a lot of prisoners charged the guards. The guards crouched down and opened fire on the front-runners. One guy was caught by a bullet in the back of his head

"The bullet went in the back and came out in the front, taking most of his face away

"As unexpectedly as the shooting started, it stopped. Blood was everywhere"

The official report compiled by an investigation committee ordered by the then minister of justice, Kobie Coetsee, corresponds with Jonkers' version of the event

It recorded that the death of one inmate was an unfortunate result, but that warders had no other option but to shoot in order to prevent a mass escape of prisoners

Jonkers continues "The following morning we heard that the commissioner of prisons was here in prison

"One inmate was dead, the one that got shot through the head. More than a hundred were wounded, one losing his lower arm

"The next day we saw the commissioner touring the entire jail, walking up and down the passages talking and

making notes"

This riot led to the appointment of a new prison head, who would "die for his arrogance"

"A colonel was especially flown in from headquarters in Pretoria. He was heard boasting to his colleagues: 'I thought you were scared of big strong guys, not these plastic bags'

"He committed the worst mistake regarding the prisoners. That was to undermine and look down on all the guys in his power

"He started putting his jail in order, as he said. He started body searches, literature was taken away, even Bibles, tobacco, cigarette lighters and money. By doing that, he took the last thing which kept all prisoners sane in that hellhole

Star 4/5/96

"He was hated and conspiracy after conspiracy was plotted against him. The different gangs were again united in their common goal, that was to remove this one from active service. It was duly decided that the 26s gang's members had to send out two

soldiers to do this job. "When everything went back to normal, we were taken out to the inner court for exercise and eating

"The colonel stood there chatting with his juniors. The two guys who were sent on the mission to put the colonel out of service gradually made their way to his side

"One soldier, just as he was at a safe distance from one guard, stopped and told him he wanted to talk with the colonel. The other soldier joined him and also requested an 'audience'

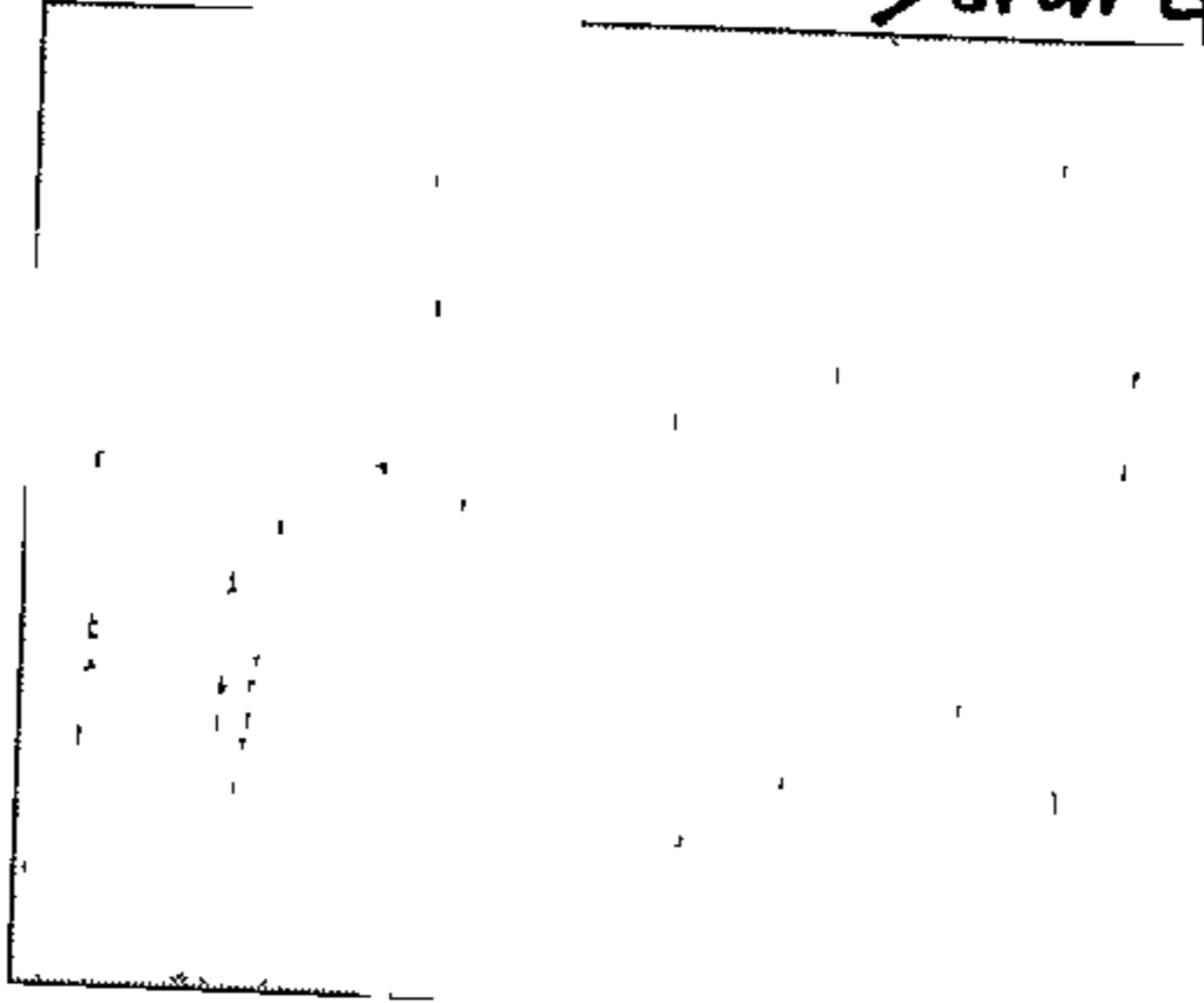
"The colonel, being a very self-assured man, said they should come nearer and not be afraid. They went forward and out came the knives and they started stabbing him. He could do nothing else other than to try and protect his face with his arms, which were also stabbed"

The official report stated that Colonel JA Grundling did not enforce unnecessary or unfair rules

"The events were the result of gang activities. The gang sentenced Colonel Grundling to death for being too strict, but if he didn't enter the yard, they would have chosen someone else"

Shortly after Jonkers handed the manuscript to the Investigative Unit, he disappeared. According to the Department of Correctional Services he is not back in prison. All efforts to find him have been unsuccessful

DEvised IN CAPTIVITY: Homemade weapons confiscated in jail. Gangs in the Barberton prison conspired to execute a hated official



Hansard

Murder	58	(3) whether he will make a statement on the matter?	N363E
Negligent firing of firearm	35		
Negligent handling of a firearm	32		
Negligent loss of a firearm	111		
(Obstructing sheriff in execution of his official duties (Rule 8(3) of Magistrate's Court Rules)	1		
Operating of a brothel	1		
Perjury	7		
Pointing of a firearm	96		
Possession of a dangerous weapon	4		
Possession of a dagger	9		
Possession of stolen property	4		
Possession of unlicensed firearms	1		
Rape	25		
Reckless/negligent driving	6,14		
Resisting arrest	2		
Robbery	22		
Sexual abuse	5		
Sexual intercourse with a person under the age of 16 years	2		
Shoplifting	5		
Sodomy	1		
Stock theft	8		
Theft of cash	149		
Theft of a firearm	6		
Theft of Government funds	3		
Theft of a motor vehicle	9		
Traffic offences	30		
Use of a vehicle without permission	35		
Prevention of Family Violence Act (Act No 33 of 1993) Regulations 3 and 4	1		

206 Mr J A RABIE asked the Minister of Finance:

(1) Whether any tax is collected in respect of (a) the taxi industry, (b) home shops (spaza shops), (c) (i) licensed and (ii) unlicensed taverns/shebeens, (d) private bus services, (e) backyard workshops and manufacturers and/or (f) street vendors, if so, how much tax was collected in respect of each of these categories during the latest specified tax year for which information is available, if not

(2) whether he intends introducing any measures to collect such tax, if not, why not, if so, what measures,

208 Mrs S A SEATON asked the Minister for Welfare and Population Development:

(1) (a) How many places of safety are there in the Republic, (b) where are they situated, (c) what is the accommodation capacity of each of these places of safety and (d) what was the occupancy level at each of these places of safety as at the latest specified date for which information is available,

(2) whether there are any places of safety that are not being utilised, if so, why,

(3) whether any new places of safety are currently being planned and/or built, if not, why not, if so, what is the anticipated completion date of each such new place of safety?

THE MINISTER FOR WELFARE AND POPULATION DEVELOPMENT

(1) (a) 34	(b) Northern Cape—Three (3)	North West Province	70
	Kamberg (3)	Pabalelo Place of Safety	
	Gauteng—Eight (8)	KwaZulu-Natal	100
	Benoni (2)	Excelsior Place of Safety	40
	Krugersdorp	Zakhe Place of Safety	60
	Boksburg	Ocean View Place of Safety	120
	Edenvale	Valley View Place of Safety	130
	Soshanguve	Umlazi Place of Safety	70
	Pretoria North	Pata Place of Safety	72
	Cullinan	Greenfield Place of Safety	
	North West Province—One (1)	Free State	108
	Garankuwa	Tshureletsong Place of Safety	50
	KwaZulu-Natal—Seven (7)	Monument Place of Safety	
	Pinetown	Western Cape	192
	New Germany	Bonnytown Place of Safety	90
	Durban	Vredelus Place of Safety	115
	Dormerton (2)	Outeniekwa Place of Safety	80
	Umlazi	Rosendal Place of Safety	25
	Pietermaritzburg	Nomzamo Place of Safety	115
	Free State—Two (2)	Landelam Place of Safety	45
	Bloemfontein (2)	Tenderden Place of Safety	
	Western Cape—Seven (7)	Mpumalanga	12
	Faure	Ekhaya Lengubula	
	Koelenhof	Eastern Cape	89
	Langa	Siyalinga Place of Safety	45
	George	Protea Place of Safety	90
	Elsies River	Erika Place of Safety	45
	Mpumalanga—One (1)	House Nerina Place of Safety	90
	Private Place of Safety, Evander	Enkuselwem Place of Safety	
	Eastern Cape—Five (5)	(d) On 29 February 1996	
	Port Elizabeth (5)	Northern Cape	80
	Northern Cape	Mimosa Place of Safety	93
	Mimosa Place of Safety	Galeshewe Place of Safety	64
	Galeshewe Place of Safety	Lerato Place of Safety	
	Lerato Place of Safety	Gauteng	30
		House Witwatersrand	79
		Norman House	61
		Jubileum Place of Safety	114
		Tsotososo Place of Safety	89
		Tutela Place of Safety	120
		Van Rhyn Place of Safety	145
		Protem Place of Safety	217
		Mertium Place of Safety	
		North Western Province	49
		Pabalelo Place of Safety	
		KwaZulu-Natal	87
		Excelsior Place of Safety	31
		Zakhe Place of Safety	59
		Ocean View Place of Safety	88
		Valley View Place of Safety	

N365E

Umlazi Place of Safety	117
Pata Place of Safety	56
Greenfield Place of Safety	51
Free State	
Tshireletsong Place of Safety	93
Monument Place of Safety	46
Western Cape	
Bonnytown Place of Safety	201
Vredelus Place of Safety	63
Outnekwa Place of Safety	94
Rosendal Place of Safety	100
Nom/amo Place of Safety	4
Lundelani Place of Safety	83
Tenderden Place of Safety	44
Mpumalanga	
Ekhaya Lengabula	12
Eastern Cape	
Siyalinga Place of Safety	77
Protea Place of Safety	49
Erika Place of Safety	89
House Nenna Place of Safety	36
Einkuselwem Place of Safety	210

sections of the Act or the Regulations are mentioned where applicable

(a) There were 668 shareholders as at 29 February 1996. The details as at this date are

Resident	Number of share-holders	Number of shares held	Percentage of total
Above	5	93 020	4,65
10 000	105	1 050 000	52,50
1 001-	138	576 469	28,83
1 000	43	43 000	2,15
999	302	84 435	4,22
Total (1)	593	1 846 924	92,35
Non-resident	Number of share-holders	Number of shares held	Percentage of total
10 000	12	120 000	6,00
1 001-	16	23 360	1,17
1 000	3	3 000	0,15
1 000	44	6 716	0,33
999	75	153 076	7,65
Total (2)	75	153 076	7,65
Total (1)	593	1 846 924	92,35
Total (2)	75	153 076	7,65
Total of (1) + (2)	668	2 000 000	100,00

Share capital of Bank

The share capital of the Bank comprises two million ordinary shares with a nominal (or issue/paid-up) price of R1,00 each (section 21 of the Act). On 18 March 1996 the shares traded at R0,90 on The Johannesburg Stock Exchange.

The Bank may, from time to time, with the consent of its Board, increase its share capital by the issue of shares upon such terms as the Board may approve (section 21 of the Act). However, since the Bank's inception, the Board has not exercised this power, and as such, the Bank's share capital has remained two million shares since its establishment. These shares are traded on The Johannesburg Stock Exchange and the current price of the shares

is determined by transactions on The Johannesburg Stock Exchange

Restriction of right to hold or acquire shares in the Bank (section 22 of the Act)

No shareholder shall hold more than 10 000 shares in the Bank. Prior to changes to Reserve Bank legislation in 1944, shareholders were permitted to hold more than 10 000 shares.

A shareholder who held more than 10 000 shares in the Bank prior to 1944, may continue to hold those shares, but shall not, as long as he holds more than 10 000 of those shares, acquire any further shares in the Bank. Such a shareholder's votes shall be restricted as if he holds only 10 000 shares.

If at any time the number of shares in the Bank held by a shareholder is reduced to 10 000 or less, the restriction laid down shall apply also to that shareholder.

No shares in the Bank shall be held in the name of or transferred to a nominee.

(b) Within 60 days after the close of its financial year on 31 March each year, the Bank provides the Department of Finance with two copies of a list giving full names and addresses of shareholders and the number of shares held by each, which the Minister of Finance shall within 14 days after the receipt thereof lay upon the Tables in Parliament (section 32 of the Act).

The list of shareholders as at 31 March 1996 will be provided to the Department of Finance on or before 30 May 1996.

(c) The preliminary meeting of the Directors of the South African Reserve Bank on 9 May 1921 considered and approved the draft prospectus for the issue of the Capital Stock of the Bank. The subscription list offering Capital Stock of the Bank in terms of this prospectus was opened on 18 May 1921. The first shareholders of the Bank subscribed for their shares in terms of this prospectus.

No new shares have been issued since 1921 and since 7 April 1922 the shares of the South African Reserve Bank have been listed on The Johannesburg Stock Ex-

change. A transfer of shares occurs when two parties agree to transfer title to the shares. Shares are transferred from the one to the other party in the South African Reserve Bank's register of shareholders upon receipt of a written instrument of transfer by the Bank (regulation 11), subject to the conditions in section 22 of the Act as stated in (a) above. The Reserve Bank's register of shareholders submitted to Parliament, however, does not record the dates on which the current shareholders acquired their shares.

(d) Shareholders are entitled to share certificates (regulation 2) and may inspect the register of shareholders during office hours at the Bank's head office (regulation 4).

Shareholders are entitled to dispose of their shares, provided that the shares can be registered in the name of the new owner in terms of section 22 of the Act, limiting the number of shares any one person or company may hold, and subject to the prescriptions for transfer to the new owner, as set out in regulations 10 to 15. These prescriptions *inter alia* stipulate that the Bank should be provided with a written instrument of transfer accompanied by the share certificate to be transferred to the new owner.

The shareholders may elect 50% (seven) of the directors of the South African Reserve Bank (section 4 of the Act). The other seven, including the Governor and deputy governors, are appointed by the President of the Republic of South Africa after consultation with the Minister of Finance and the Board of the Bank.

A shareholder is, at a meeting of shareholders, entitled to one vote in respect of every 200 shares of which such a shareholder has been registered holder for not less than six months prior to the date of the meeting (section 23 of the Act). In terms of this same section, no shareholder

* shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the

SA Reserve Bank: shareholders

212 Prof B TURK asked the Minister of Finance

(a) How many shareholders in the South African Reserve Bank are there, (b) who are these shareholders, (c) (i) how and (ii) when did they become shareholders, (d) what powers do these shareholders have, (e) to whom are such shareholders accountable and (f) how are new shareholders created?

The MINISTER OF FINANCE

M369E

The South African Reserve Bank Act, Act No 90 of 1989, and the Regulations framed under section 36 of this Act, deal with matters pertaining to the Bank's shares and shareholders. In the answers to this question, the relevant

*29 Dr A P JANSE VAN RENSBURG—Arts, Culture, Science and Technology [Question standing over]

Mortgage Bond Indemnity Fund: granting of loans

*30 Mr M G MASHER asked the Minister of Housing †

- (1) Whether her Department has granted any loans from the Mortgage Bond Indemnity Fund yet; if not, what is the position in this regard, if so, (a) how many and (b) what is the total value of the loans so granted,
- (2) whether she or her Department has laid down any guidelines whereby loans are granted, if not, why not, if so, what guidelines,
- (3) whether she will make a statement on the matter? N568E

The MINISTER OF HOUSING

- (1) No, Mortgage Indemnity Fund does not grant loans. It is a guarantee scheme which guarantees financial institutions against political risk in areas where the due process of law has collapsed.

The basis of mortgage lending is that a loan is granted against the security and value of a fixed asset (residential property). Where, in the case of default by the borrower, the lender cannot exercise its contractually entrenched right to attach and dispose of the property due to a breakdown in the due process of law in a specific area, the state (MIF) will buy in affected properties at fair market value, subject to certain restrictions. This scheme has been introduced as a short term, temporary measure in order to facilitate an early re-entry by mortgage lenders into areas where measures taken to stabilise and normalise the environment, are taking effect. Cover will only be provided to accredited lenders whose credit considerations have been approved by the MIF and adhered to in lending practices.

As a matter of principle, the state should not get involved in covering or indemnifying against normal commercial risks undertaken by private sector institutions such as banks and building societies, in the

- (2) I will be making a statement on the implementation of recommendations contained in the Work Group Report in due course.

Minibus taxis: subsidy

*32 Mr Z D MNGUNI asked the Minister of Transport †

- (1) Whether he or his Department has allocated a subsidy in respect of minibus taxis, if not, what is the position in this regard, if so, what does this subsidy amount to,
- (2) whether he or his Department has laid down any guidelines about how this subsidy is to be spent, if not, why not, if so, what are these guidelines? N571E

The MINISTER OF TRANSPORT

- (1) No subsidy has been allocated to the minibus taxi industry.

The question of economic assistance does not stand alone. It is part and parcel of a comprehensive strategy to resolve the issues affecting the taxi industry, and therefore the commuter, in a sustainable way. I, as Minister of Transport, have steered a proposal through Cabinet, as a result of which resources to the tune of R39,5 million have been approved for this financial year to fund the implementation process.

- (2) Clear guidelines have been laid down as to how this economic and financial assistance will be applied. It would be useful here briefly to outline the context within which these guidelines have emerged.

The National Tax Task Team (NTTT), was established to help solve the problems experienced in the taxi industry. The NTT followed a consultative process to identify the critical problems and to seek concrete solutions. Resulting from this process, recommendations were made to me as Minister of Transport and to MINCOM. The three essential areas covered by the recommendations are

- regulation and control measures,
- training and skills development, and

— economic sustainability and industrial structure

These have been accepted as the basis for addressing the fundamental problems of the taxi industry. Government has now also convened three working groups which will present implementation guidelines within the next few days.

I can also report that the provinces are all on board and have already started giving effect to many of the proposals. Most notably, taxi offices have been established in the provinces to help the industry build capacity and Provincial Registrars offices for the regulation of taxi associations and operators are in the process of being set up. Proposals to be implemented very soon are

- Legislation of illegal operators using sound and responsible criteria
- Amendment of existing permits to normalise taxi operations
- A comprehensive training strategy and programme for operators and drivers
- A draft standard constitution and code of conduct is nearly completed and the taxi industry will then be consulted about it
- Co-operators have been approved by Government both as a mechanism for the economic development of the taxi industry and as the most appropriate structure for channelling financial assistance to it. Other forms of assistance will also be made available to the taxi associations

Unemployment figure

*33 Mr D W MAKHANYA asked the Minister of Labour †

- (1) Whether he or his Department has an unemployment figure for the past financial year, if not, what is the position in this regard, if so, what is the figure,
- (2) whether he or his Department has any strategies or plans to reduce this figure drastically, if not, why not, if so, what are the relevant details,

—be unable to finance his/her studies without a NSFAS award

(b) Financial criteria

Great emphasis is placed on effective means testing of applications without being prescriptive

In general there are five major types of means test

—Calculation of the gross annual family income Some institutions use this as the sole indicator of relative wealth Applicants qualify for aid if their income is below a certain predetermined maximum

—Per capita income This type of test proceeds beyond simple calculation of gross annual family income by taking into account the differences in sizes of families

—Points system This is a refinement of both the above in which the particular

circumstances of family members are taken into account as well e.g. whether a mother is divorced and/or working, whether the student is in institution-owned accommodations, whether other siblings are also at tertiary educational institutions, etc

—Questionnaire and interview In this method skilled interviewers explore the nuances of the family's circumstances and come to subjective conclusions within the parameters of predetermined objective guidelines

—Notional disposable income This system similarly goes beyond gross annual income by taking into account family size and composition and by determining notional what each individual family needs to live reasonably All or part of the notional balance of its income is considered to be available to be used to finance the applicant's studies

Hansard

QUESTIONS

†Indicates translated version

For written reply

Province of Eastern Cape: out-patient divisions

268 Mr G Q M DOIDGE asked the Minister for Health

(1) (a) At which hospitals will the out-patient divisions (OPDs) in the eastern region of the Province of Eastern Cape be built and (b) what are the time-frames involved,

(2) whether the Mount Ayliff Hospital will be considered for upgrading out of the R25,06 million set aside by the Province, if not, why not, if so, what is the time-frame involved?

N469E

The MINISTER FOR HEALTH

(a) Holy Cross, Flagstaff
St Patrick's, Bizana
St Barnabas, Ngqeleni
Bambisana, Lusikiska
Mt Ayliff, Mt Ayliff
Canzibe, Ngqeleni
Rietvlei, Rietvlei

(b) Building work has started on all the projects and the projected completion dates are

Holy Cross	13 November 1996
St Patrick's	1 November 1996
St Barnabas	1 October 1996
Bambisana	20 October 1996
Mt Ayliff	8 November 1996
Canzibe	28 October 1996
Rietvlei	17 December 1996

Continuous assets registers

278 Mr M F CASSIM asked the Minister of Finance

Whether he intends introducing legislation to amend the Exchequer Act, 1975 (Act No 66 of 1975), so as to make provision for all State Departments, functionaries and agencies to keep and maintain continuous assets registers, if not, why not, if so, when?

N480E

The MINISTER OF FINANCE

No Treasury Instructions already make provision for the maintaining of assets registers The responsibilities are allocated as follows

(i) Movable State assets registers—government departments and their functionaries For this purpose a computerised Provisioning Administration System has been developed

(ii) Computerised registers of immovable State properties—the Department of Public Works

Awaiting-trial prisoners: periods in detention

308 Mr D J DALLING asked the Minister of Correctional Services

(a) How many prisoners currently awaiting trial have been held for periods exceeding (i) one year and (ii)(aa) six, (bb) three and (cc) two months and (b) in respect of what date is this information furnished?

N542E

The MINISTER OF CORRECTIONAL SERVICES

The specific information as requested is not readily available It can only be obtained through a time-consuming and manpower-intensive country-wide survey The latest available information in this regard is as follows

(a)	(i)	12 to 15 months	190	
		15 to 18 months	130	
		18 to 24 months	80	
		Longer than 24 months	44	
	(ii)	(aa)	6 to 9 months	1 744
			9 to 12 months	559
		(bb)	3 to 6 months	7 598
		(cc)	exceeding two months available	not available

(b) 31 December 1995

Total prison population (253)

309 Mr D J DALLING asked the Minister of Correctional Services

(a) What is currently the actual total population of all prisons in the Republic, (b) how many of

the said total number of prisoners are awaiting trial and (c) in respect of what date is this information furnished?

NS43E

The MINISTER OF CORRECTIONAL SERVICES

(a) 117 989

(b) 29 838

(c) 30 April 1996

It should be noted that South African prisons only have accommodation for 94 697 persons. Prisons therefore have an average population rate of 124,6%

QUESTIONS

Indicates translated version

For written reply

Minister for Safety and Security: visits outside SA

146 Mr D H M GIBSON asked the Minister for Safety and Security

- (a) How many days in 1995 did (i) he and/or (ii) his Deputy Minister spend outside the borders of the Republic, (b) what was the (i) purpose, (ii) destination, (iii) duration and (iv) cost of each visit and (c) who accompanied him and/or his Deputy Minister in each case?

N287E

The MINISTER FOR SAFETY AND SECURITY

(a) (i) 15 days

(b) *Namibia*

(i) Meeting with Deputy Minister of Home Affairs of Namibia to discuss matters of mutual interest

(ii) Namibia

(iii) 1 day

(iv) R11 070

Denmark

(i) Official visit at invitation of Danish Minister of Justice—focus on training, crime prevention and crime investigation.

(ii) Denmark

(iii) 7 days

(iv) R73 080

Zimbabwe

(i) Establishment of the ICPO—Interpol Sub-Regional Bureau in Harare

(ii) Zimbabwe

(iii) 1½ days

(iv) R8 851,30

Mozambique

(i) Trilateral meeting on cross border crimes SAPS, Royal Swaziland Police and Mozambican Police

(ii) Mozambique

(iii) 1 day

(iv) R2 129

France

(i) Accompany Deputy President Mbeki on official visit to France

(ii) France

(iii) 4½ days

(iv) R19 068

Namibia

Divisional Commissioner W Grové

Director J Mostert

S/Superintendent H van der Merwe

S/Superintendent D Slabbert

S/Superintendent J Jacobs

Denmark

Ms J A Rauch

S/Superintendent J Jacobs

Mr E Daniels

Mr P Moloi

Zimbabwe

National Commissioner J G Fivaz

Deputy National Commissioner Z Lavisa

Divisional Commissioner W Grové

Assistant Commissioner J Wright

Ms J A Rauch

Sergeant J Jacobs

Mozambique

Deputy Minister A Pahad

National Commissioner J G Fivaz

Deputy National Commissioner Z Lavisa

Divisional Commissioner W Grové

Assistant Provincial Commissioner C Spauner

Director C Bignaut

Sergeant Nel

France

Minister accompanied Deputy President Mbeki

Popcru fumes after warders fired over 'affirmative action' strike

Thirty-five prison warders who staged a month-long strike at Upington prison in the Northern Cape have been fired, the Department of Correctional Services said yesterday.

"The dismissal of the black warders can at best be described as an act of naked racism," the Police and Prisons Civil Rights Union said after the sackings on Tuesday.

The warders launched the strike on April 15 to support demands for affirmative action and that half of

the administrative posts be reserved for Popcru.

The department said in a statement that the strikers were fired "as a result of illegal strike actions and criminal offences".

A Northern Cape correctional services spokesman said the action was taken after a series of negotiations had failed to resolve and normalise the situation.

He said the strikers had subsequently ignored a court order to re-

turn to work and an ultimatum from the department. The department then asked the strikers to put in writing their reasons for not resuming duties.

However, the department fired the warders after finding that 35 of them had not presented sufficient reasons for their actions, he added.

Popcru has called for the immediate reinstatement of the warders, saying the department's action was an effort to obstruct change. — Sapa

(15)

(253)

(15)

Star 16/5/96

Jailed fathers challenge release of mothers

Deborah Fine

TWO male prisoners have asked the Constitutional Court to declare a Presidential Act entitling some jailed mothers with children younger than 12 to release as unconstitutional because it discriminates unfairly against fathers

Nigel Prison inmates Peter Stewart and Daniel Kruger applied to the Constitutional Court yesterday for leave to appeal after their previous application to have Presidential Act 17 of 1994 declared unconstitutional was dismissed by the Pretoria Supreme Court.

The disputed portion of the Act granted all imprisoned mothers with

children younger than 12 — bar those who had committed violent crimes — special remission of sentence

Kruger and Stewart, sentenced to 19 years and 16 years in prison respectively for theft and fraud, said they would qualify for special remission under the Act if they were women. The Act violated section 8 of the constitution, which prohibited discrimination on the basis of gender.

Mandela said that when he signed the Act he was motivated by concern for children deprived of the nurturing their jailed mothers would normally have provided. "Having spent many years in prison myself, I am well aware

of the hardship which flows from incarceration," he said.

Kruger and Stewart said fathers also played an important nurturing role and it was "unreasonable" to exclude them from the benefits of the presidential reprieve.

Judge R van Schalkwyk earlier dismissed the men's application on the grounds that the court could not interfere in such a case unless it was satisfied that the Presidential Act had been motivated by bad faith or was so irrational no reasonable executive could have come to the same decision.

The Constitutional Court has yet to say whether it will hear the appeal.

BD 17/5/96 (253)

CONVICTS TO HELP PAY FOR BOARD AND LODGING

Revolutionary plan for prisons

CT 17/5/96

(253)

THE PRIVATE sector is to help build and maintain prisons and create work for prisoners, Correctional Services Minister Dr Sipo Mzimela disclosed yesterday. **HENRY LUDSKI** reports.

THE private sector is poised to start building South Africa's jails, as part of a government plan to stop early release amnesties, cut chronic overcrowding and make prisoners help pay for their board and lodging.

Correctional Services Minister Dr Sipo Mzimela, in an interview on the eve of his budget vote in the Senate today, disclosed that preparations were well advanced to get large companies into the business of building prisons, instead of simply channelling their investment capital into office complexes and shopping malls.

The private sector was also involved in plans to build factories next to new and existing jails. The bold new initiatives are designed to make prisons — currently facing a budget shortfall of R859 million — more self-sufficient and to make prisoners start paying their way, help them provide financial support to their families and compensate their victims.

Mzimela told the Cape Times the new building programme would include privately funded places of safety for youthful offenders. One of these is a youth centre in Brandvlei in the Boland which will be opened next week. Another, funded by the Nelson Mandela Children's Fund, will be opened in Newcastle in August.

Mzimela said his department was chronically underfunded and was being forced to look at more creative ways to cope with the burgeoning prison population, already 20 000 larger than the budget catered for.

"The government simply does not have the money to spend on capital projects and it would be foolish for the department not to look at getting the private sector to invest in projects which at the end of the day will belong to us and the running of which will remain in the hands of the government," said Mzimela.

Giving details of the joint venture initiative, which was "in an advanced stage", and in which there had been considerable interest, Mzimela said the plan was to get companies to finance prisons maintenance.

"We would lease the buildings for a period of about 20 years after which they would belong to the government."

Ruling out any possibility of a mass early release of prisoners to ease overcrowding, Mzimela said the department instead had to implement a releases programme that was tied to a more effective and structured system of probation.

He blamed much of the overcrowding on delays in the justice system, which had resulted in about 30 000 awaiting-trial prisoners clogging prison cells.

"If the Department of Justice can speed up the processing of all unsentenced cases then we would have no problem of overcrowding."

Mzimela said that he could "clearly see a time when prisons will be self-sufficient" and goods would be produced in prisons in joint ventures with the private sector.

"Factories would be adjacent to the prison and prisoners would be able to work an eight-hour day so that they could earn an income that would pay for their board and lodging, allow them to send money to their families and pay compensation to their victims."

Condoms for inmates

17/5/96

(253)

HENRY LUDSKI
POLITICAL WRITER

CONDOMS will no longer be taboo for South Africa's 118 000 prison inmates.

Prison authorities who have until now stuck to the policy that sex in prisons — and the issuing of condoms — could not be "condoned" or "tolerated", have changed their thinking and reversed the policy, Correctional Services Minister Dr Sipo Mzimela announced yesterday.

He had also accepted a recommendation by a working group on health care services in South African prisons that HIV-positive

and Aids inmates not be kept apart from other prisoners.

However, he still had "grave reservations" about this policy given the overcrowding in prisons and the "inherent danger" that it could contribute to the spread of tuberculosis and other infectious diseases.

There are 647 HIV-positive and 23 Aids prisoners in South Africa.

Mzimela said the distribution of condoms, which is expected to start within the next few weeks, would be done in association with the Department of Health.

The distribution would coincide with a structured counselling and educational programme.

Hardened criminals to stay in jail - Mbeke

253

AR G 18/5/96

THERE was no way the government would allow hardened criminals to be released because the Department of Correctional Services did not have adequate funds, Deputy President Thabo Mbeke has said.

It had been agreed within government the construction of new prisons should go ahead, he said during debate on the Deputy President's budget yesterday. Mr Mbeke undertook to see if

the process of building prisons could be speeded up.

In response to criticism that he had misread the situation in Nigeria when author Ken Sarowira and other activists were executed, Mr Mbeke said he alone was not responsible for dealing with the matter.

"Part of the problem, I think, is that we don't know Nigeria and that we don't know the Nigerians

"We only have a picture of who these people are."

Mr Mbeke said he had visited Nigeria once, and spoken to President Sani Abacha to try persuade him to grant the activists clemency.

The Nigerians had told the South African delegation there would be no executions, said Mr Mbeke.

A journalist who had accompanied the South African dele-

gation was present when this was announced, but she was persuaded to refrain from publishing the story in the interests of saving the activists' lives.

"We decided that they (the Nigerians) should make this announcement themselves."

However, the executions had gone ahead.

"We have a continuing responsibility to ensure Nigeria returns to democracy," Mr Mbeke said,

adding that South Africa should not limit its approach to achieve this.

All the countries which have the real means to apply pressure on Nigeria had not acted instead asking President Nelson Mandela to intervene, said Mbeke.

South Africa did not buy oil from Nigeria, nor did Nigerians have any bank accounts in South Africa - Sapa

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253

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Many more could escape from prison if they really wanted to, says minister

By ADRIAN HADLAND

Star 18/5/96

(253)

It was a miracle that more prisoners had not escaped from South Africa's jails, Correctional Services Minister Sipo Mzimela said yesterday.

Addressing the Senate on his budget vote, Mzimela said that while his department was already "plagued" by escapes, many more prisoners could probably free themselves if they were determined to do so.

"In fact, it is a feather in their hat that they are able to discipline themselves and not escape."

Overcrowding and severe staff shortages were the root causes of the escapes, he said. The situation was further aggravated by the indiscipline exhibited by a small section of prison officials.

"We must remember that if we are already understaffed, and then four or five people don't show up for work or show up late or sleep on duty or don't fulfil their respon-



Sipo Mzimela

sibilities, then the problems are exacerbated."

The most dramatic of the recent incidents was the escape of four AWB members from Johannesburg prison, Mzimela said. One of the four had been recaptured

and police work was under way to find the others.

On other prison-related issues, Mzimela said that once work was started on legislation overturning the illegality of homosexuality, condoms could be distributed freely in prisons.

"In our legislation, homosexuality is still a crime. It is therefore necessary to change the law."

Mzimela said that if enough funds were voted to correctional services, the problems of escapes, gangsterism, overcrowding, and the lack of education and training programmes could all be solved by 1999. "We know what the solutions are; the only ingredient lacking is financial backing." If enough funds could be secured, "a third of the problems will be gone by next year, a third by 1998 and by 1999 they will all be gone."

He added, though, that new problems were bound to arise in the intervening period.

Prisons 25% over capacity

Stephen Lauder

BD 20/5/96

273

CAPE TOWN — Prisons in SA housed 25% more inmates than their capacity, Correctional Services Minister Sipo Mzimela has told Parliament in response to a question from MP Dave Dalling.

Accommodation was available for 94 697 inmates countrywide but there were currently 117 989 prisoners. Almost 30 000 of these were awaiting trial. The figures indicated a need to build new facilities, parliamentary correctional services committee chairman Carl Njehaus said, but more prisons would not alone solve the overcrowding problem.

A co-ordinated approach by all involved in administering the criminal justice system was needed, including police, prosecutors, judges and magistrates, and Mzimela's department.

Prisoners needed to be assessed more closely in order to determine rehabilitation and parole programmes, there had to be speedier progress in getting accused to trial and a more consistent sentencing policy which also made use of alternatives to prison.

Probe call after prisoner dies of 'torture injuries'

Farouk Chothia

DURBAN — The IFP demanded yesterday that police commissioner George Fivaz order a top-level investigation of the death of a member who had been detained, after an independent pathologist suggested he died as a result of assault or torture injuries.

IFP spokesman Ed Tillett said Ngiyane Mhlongo, 46, died at Eshowe prison on April 28 while awaiting trial on a murder charge.

Pathologist Dr Reggie Perumal, whom the IFP had asked to oversee a second autopsy after an "inconclusive" postmortem, found that Mhlongo's spinal cord was bruised and there was blood in his neck muscles. This could have been caused by a heavy blow or a twisting motion which had broken Mhlongo's neck, Tillett said.

Perumal said Tillett had quoted accurately from his report. However, it was possible, though unlikely, that the injuries were sustained in a motor ve-

hicle accident, Perumal said.

Tillett said police had given different explanations for Mhlongo's death. One was that he had died in a vehicle accident, a second was that he fell from a bunk bed in his prison cell and the third was that he fell while standing.

KwaZulu-Natal police spokesman Insp Vish Naidu said police were investigating Mhlongo's death. Tillett said Mhlongo was the second IFP member to have died in custody. Mdikelwa Nyawose, arrested in connection with the Shobashobane massacre last month, died of an asthma attack at Westville prison.

If Fivaz failed to act decisively on Mhlongo's death, the IFP would turn it into the "Steve Biko file of the new SA". It had already approached Amnesty International to take up the case.

Tillett said five witnesses had signed affidavits claiming policemen assaulted Mhlongo at the time of his arrest. Team head Capt Mandlenkosi Vilakazi denied he had been assaulted.

SD 21/5/96

(253)

NATIONAL NEWS

HRC wants assurances on convicts

(253) Sowetan

By Lulama Luti 22/5/96

HEAD of the Human Rights Commission Dr Barney Pitjana has written to top correctional services officials seeking assurances that prisoners who report human abuses in prison will not be victimised

This follows a visit to the Krugersdorp Prison at the weekend where an HRC delegation, headed by Pitjana, interviewed five prisoners who were allegedly beaten up by white prison warders on Monday last week

The prisoners are Samuel Monyela, Bongani Nhlapo, Kenneth Mdluli, Sol Mofwa and Godfrey Molefe. They have since expressed fears that they will be moved to Zonderwater Prison near Cullinan as punishment for speaking out about the assaults to the HRC and *Sowetan*

Letter to commander

In a letter to Krugersdorp Prison commander Mr HN Lotter, Pitjana says the HRC acknowledged that it is the duty of correctional services staff to manage the prison and to maintain law and order. However, the commission has a responsibility to investigate any violations of human rights and to take steps to ensure redress for those whose rights have been violated.

After their visit to the prison Pitjana also said the commission had reason to believe that there was a *prima facie* case of violations of human rights against the five prisoners and other inmates. They were considering undertaking a comprehensive investigation of violations of human rights at Krugersdorp Prison.

'I have noted your promise that you will talk to your officers to make sure that nothing will happen to the prisoners concerned. Likewise, you informed us that you will move the prisoners. I wish to advise you that it is our opinion that to do so at this stage would be an intimidation and victimisation which we shall take steps to resist,' warned Pitjana.

Should such assurance not be forthcoming, we reserve our right to take appropriate legal action to protect the integrity of the commission."

Investigation launched into death of prisoner

Farouk Chothia

BD 23/5/96

250

DURBAN — Safety and Security Minister Sydney Mufamadi said yesterday that KwaZulu-Natal police reporting officer Adv Neville Melville would supervise an urgent investigation into claims that IFP member Ngyane Mhlongo had died in prison as a result of torture or assault injuries.

Sapa reports Mufamadi said that Melville would liaise closely with Natal attorney-general Tim McNally before reporting to safety and security secretary Azhar Cachaha.

Mufamadi said if it was found that Mhlongo had been tortured, firm action would be taken against the policemen responsible. The ministry was determined to eradicate any police conduct which violated basic human rights, he said.

Mhlongo was arrested by a central government-appointed special investigation unit before dying at the Eshowe prison on April 28.

Team head Capt Mandlenkosi Vilakazi said he welcomed the investigation, and denied his unit had been involved in torturing and assaulting Mhlongo.

Unit members had arrested Mhlongo on April 17, and had not "seen" him in the week leading to his death. He was an accused with induna Mandlengqondo Mathonsi, also held at the Eshowe prison, in two murder cases.

The IFP earlier called for Vilakazi's suspension pending the outcome of investigations into his unit's conduct. Vilakazi said he "pitied" those who wanted his unit to stop investigating politically related violence in northern KwaZulu-Natal. "Nothing is going to move us out of there," he said.

Vilakazi said he had approached IFP leaders Hugh Lee and Shakes Mhlongo and ANC leader Sam Zwane to provide him with cases to investigate, but they had not done so. The cases he was handling were referred to him by "victims".

Vilakazi said his unit had been operating in the Mandeni area since last May, and had carried out 29 arrests. This was despite the unit having only one vehicle, and that it started as a three-member team.

Vilakazi said the unit had brought about a dramatic decline in violence in the Mandeni area.

Vilakazi also described as "lies" IFP claims that the unit had tortured Falakhe Mkhwanazi. Vilakazi said Mkhwanazi had indicated he would "like to" point out an arms cache. Mkhwanazi led two unit members, along with seven other policemen, to a home where there was no arms cache, and then tried to escape. A policeman from outside the unit fired shots and Mkhwanazi sustained minor injuries to his finger, Vilakazi said.

MICHELLE LERNER
Staff Reporter

A NEW juvenile prison officially opened near Worcester today as the government continued its revolution of youth sentencing

The Brandvlei facility, the Western Cape's first independent juvenile prison, has been built especially to accommodate prisoners aged under 19

The juvenile justice system has been increasingly attacked in the past two years

Critics say convicted children have been kept in overpopulated adult prisons which do not cater for their special needs

The medium-security Brandvlei Youth Correctional Centre functions more like a school than a prison, said Correctional Services spokesman Bert Slabbert

It is one of seven prisons in the country that emphasises education and skills training

while remaining secure

The aim is to prepare South Africa's 9 998 incarcerated children aged under 21 for life on the outside

The Western Cape has 2 421 youths under 21 in prison, not including those in reformatories and other institutions

At Brandvlei, children in green and brown uniforms - different to normal prison clothing - work in classrooms and outdoor training facilities

In one class students learn woodwork and metalwork, while in an open courtyard they learn how to make and lay bricks. Another group plants vegetables and gets training in the latest agricultural techniques, utilising more than 6 600ha of experimental fields

Children learn basic literacy skills, maths, history and science in a structured, full-day schooling programme. Additional classes include leatherwork, small business training and art

"The children get opportunities here that most never had on the outside," said senior teacher Japie Rabe

"When they get out they can really do something with themselves. They have skills. They can find a job. They have learnt responsibility, self-respect and discipline they never had a chance to know"

A select group of children are also ready to launch an in-prison radio station where they will train as DJs. Others participate in music and choir workshops and some get leadership training

The new prison also incorporates a unit-management system, whereby 18 children sleep in each of four communal, dormitory-like cells built around courtyards, each of which have their own dining hall and other facilities. There are four identical sections, with a capacity to hold 288 convicts

Prisons like Pollsmoor could include up to 50 in a cell, which was not conducive to proper management and care, said head educationist Annette de Vries

"The unit management system is better for security, better for organisation and makes it easier to run our programmes," said Mike Green, spokesman for Correctional Services in the Western Cape

"It's like having four small prisons within a single larger

facility"

And unlike at places of safety like Bonny Toun - where staff last month revealed they often felt threatened by inmates - guards, teachers and others at Brandvlei said they felt safe, despite relatively free conditions inside the security fences

The Brandvlei prison has been running since January and was built to replace another juvenile centre which burnt down about a year ago

Correctional Services said all juvenile prisons would be upgraded to operate like Brandvlei

One of the boldest new projects, another juvenile prison, will be launched in Newcastle in August

Although Mr Slabbert would not reveal the details, he said the Ekuseni "youth development centre" would be funded by the private sector through the Nelson Mandela Children's Fund

A pilot project for the country, it will expand already existing programmes as well as introduce new ideas, such as the house-parent concept, to create a more nurturing environment

"For children who end up in prison, it means everything else has failed - home life, reformatories, industry, schools. We need to introduce all the things lacking in their lives and help them start again," said Mr Slabbert



EDUCATION TEAM: Senior teacher Japie Rabe, backed by a team of educationists at Brandvlei. They are, from left, John Joubert, Dirk Bosman, Sjoerd Selder, Deon Lerm, Danie Fourie and Analiza Fourie.



BEHIND BARS: These children at the Brandvlei Youth Correctional Centre are among 9 998 juveniles in jail countrywide, 2 421 of whom are in the Western Cape. Brandvlei was built especially to cater for offenders aged under 19

Prison aims to give

youths a new start in life

(253) ALG 24/5/96



PATHWAYS: Educationist Dirk Bosman, above, helps out as young prisoners at Brandvlei learn bricklaying. Children attend full-day schooling programmes, where they learn practical skills like metalwork and farming, but also literacy, maths, science and history.

Pictures DOUG PITHEY, The Argus

LESS CRAMPED: Right, prisoners stand by their beds as Christie Theron, left, and Hendrik Thys arrive for inspection. The dormitory-like cells at Brandvlei hold fewer inmates than most communal cells.



Popcru plans nationwide march

Mduduzi ka Harvey

THE guarding of prisoners and the functioning of police stations could stop next Wednesday when 45 000 members of the Police and Prisoners' Civil Rights Union (Popcru) plan to stage a nationwide march to protest government's failure to address issues affecting them

Popcru general secretary Rappheng Mataka said the union and the SA Prisoners' Organisation for Human Rights (Sapohr) would embark on the joint march to protest against the intransigence showed by the SAPS and the correctional services department

He said there would be marches in all major centres and memorandums would be handed over to provincial police commissioners

Popcru demands included the implementation of affirmative action and the inclusion of the union in forums where policies were developed and implemented, Mataka said

In addition, they called for the implementation of negotiated agreements, an end to racism against union members and an end to random dismissals of union members

Sapohr spokesman Golden Miles Bhudu said the organisation was fully aware what the consequences could be if prisoners turned around and protested for their daily services, which include daily meals, medical treatment, visits, exercises and recreational activities. Bhudu called on members and awaiting trial inmates who could use this opportunity to run amok, to remain calm and disciplined

(253) BD 30/5/96

The Argus, Friday May 31 1996

 **THE NATION**

Prisons weigh anti-corruption unit to stem soaring jailbreaks

(253) ARG 31/5/96
The Argus Correspondent

THE Department of Correctional Services says it is considering introducing an anti-corruption unit within its ranks to address the huge number of escapes from its institutions.

The Department said in a statement yesterday it did not take prison escapes lightly, and was doing its best to limit them.

It said numerous measures to limit escapes, initiated during 1995, had been initiated.

The response follows a report yesterday in The Star newspaper that more than 100 prisoners escaped from South African prisons each month of last year, not counting those that escaped from police custody.

The department said the anti-corruption unit would have to be introduced in conjunction with the police and Justice Department.

The department attributed escapes to outdated prison structures, the incarceration of "more dangerous prisoners", the higher concentration of convicts serving long prison terms, staff negligence, chronic overcrowding, and a manpower shortage of about 6 000.

Self-defeating violence of wasted youth

There are those who will only know life in the dock, never to enjoy their childhood in a free world

because of the violent crimes they have committed

(253) (253) *Star* 3/15/96

BY BONNIE MLANGENI

In jail they are victims of abuse, in the streets they are regarded as a danger, at home they are often unwanted and, at times, labelled by their own parents as the vil children

These are the thousands of juvenile offenders who go in and out of jail for different crimes, ranging from pickpocketing to murder

Some are as young as seven years old, but mostly they are teenagers

Despite their age, there are those who will only know of a life in the dock, never to enjoy their youth in a free world because of the violent crimes they have committed

lucky enough to be released within a short period, their freedom does not last long. They often struggle to stay out of trouble and be part of normal society. In no time they are drawn into committing other crimes, landing them back behind bars again

According to legal adviser Amanda Dissel from the Centre for the Study of Violence and Reconciliation, this behaviour is not surprising

She says juveniles in prisons are forced to live with strangers in a place where decisions are taken for them and where there is a lot of violence and manipulation.

When they come out they move back to a society that rejects them and their parents give up on them. Once they are outside, they also have to learn new forms of survival, without proper guidance or rehabilitative measures.

The lack of rehabilitation programmes outside prison contributes to an increase in juvenile crimes, she says

So far, the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) is the only organisation which has a programme aimed at reshaping the lives of the young offender. However, its programme is not easily accessible to youngsters in smaller towns

Another problem is that some juveniles come out of jail having learned to master other crimes, says Dissel. This is usually the case with juveniles who shared jail with adult prisoners despite the policy which states that juveniles should be kept separately

The Department of Correctional Services did not want to admit this, saying only that "all measures are taken to ensure that sentenced and unconvicted juveniles are detained separately"

Crimes, may not be detained in prison for more than 48 hours

"But, the lack of sufficient and efficient places of safety has led to a review of these hours," says a Correctional Services spokesman, adding that the department monitored the detention continuously

Countrywide there are only seven juvenile prisons and about 10 prisons that have a juvenile project aimed at training and providing separate accommodation

These prisons have to deal with about 9 000 children sentenced and about 5 000 waiting trial behind bars almost every month

However, Dissel says most of the rehabilitation programmes are not directed at the needs of juveniles

"In some prisons, you find there are not enough teachers and

not enough encouragement to make juveniles part of the rehabilitation programmes. Some juveniles can easily decide that they do not want to attend any programme"

In view of this she says there is a need to review existing rehabilitation programmes and also juvenile sentencing

Restorative justice should be used to make sure that a juvenile is "not only accountable for the crime but responsible" For this to happen, Dissel insists that rehabilitation should happen in the community

"This can also encourage a victim to have a say on the kind of punishment the perpetrator should get. The offenders will have to pay back to the community for their crimes by doing community service and be heavily monitored by society," she says

She believes that society will have to play a role in these programmes and not simply reject juveniles without giving them another chance

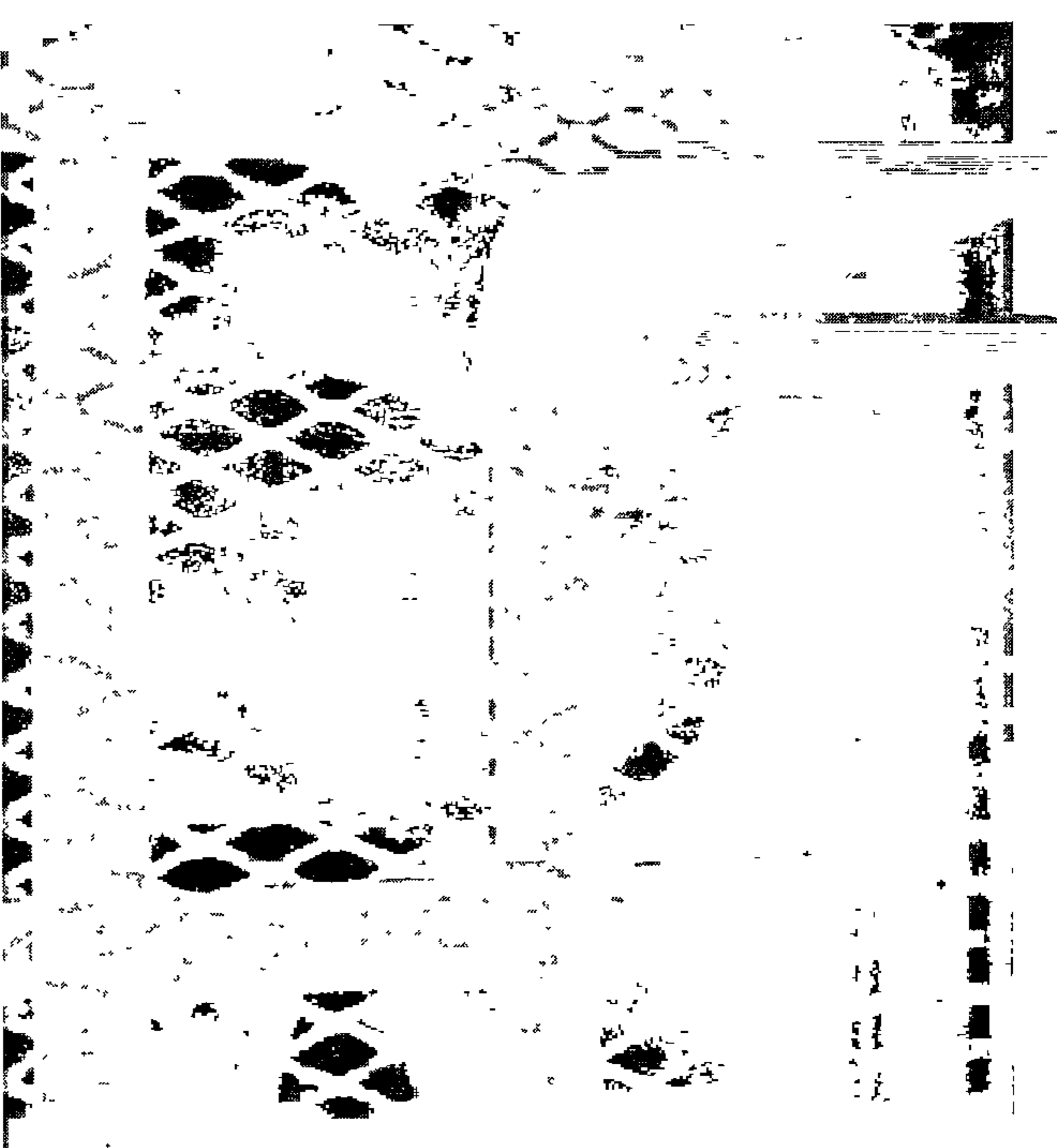
Nicro director Zeenuph Domingo shares Dissel's opinion. She says most juveniles have

the same characteristics "They come from broken homes or have learning difficulties at school. They lack self-esteem and then turn to negative ways of drawing attention"

Domingo stresses the need for societal involvement and a system which will help juveniles reintegrate in the outside world

"We have turned these children into enemies and they see us as targets. This has to change. When they come out of jail they should move back into a society that is more positive towards them"

She says, however, that this will work better if children are given their rights in jail and are being helped to have a positive attitude in life



UNCONVICTED CHILDREN / JUVENILES

YEARS	7-13	14	15	16	17	18	19	20	TOTAL
JULY 1995	5	4	12	14	23	157	1497	1445	4 578
AUGUST	10	8	12	18	20	167	1538	1480	4 776
SEPTEMBER	9	8	12	20	29	157	1532	1487	4 772
OCTOBER	10	11	16	21	22	142	1393	1258	4 157
NOVEMBER	4	7	20	24	29	1397	1341	1239	4 061
DECEMBER	3	12	21	27	38	1690	1529	1454	4 774
JANUARY 1996	6	10	23	44	58	1872	1639	1568	5 220
	4	11	31	52	81	2 107	1 815	1 674	5 775

SENTENCED CHILDREN / JUVENILES

YEARS	7-13	14	15	16	17	18	19	20	TOTAL
JUNE 1995	7	32	126	483	1 949	2 802	3 222	8 621	
JULY	1	7	40	140	501	2 019	2 850	3 235	8 793
AUGUST	1	11	28	118	448	1 981	2 802	3 336	8 725
SEPTEMBER	2	10	40	150	514	2 045	2 940	3 286	8 987
OCTOBER	1	14	33	154	509	2 092	3 015	3 330	9 148
NOVEMBER	1	16	31	152	523	2 096	3 041	3 345	9 205
DECEMBER	1	11	29	148	493	2 037	2 914	3 225	8 858
JANUARY 1996	1	9	39	155	486	2 094	2 959	3 216	8 959

Child prisoners putting strain on SA's correctional facilities

BY BONIGINE MILANGENI
Star 3/15/96

Last month 52 children between the ages of seven and 15 were jailed for serious crimes, including murder, while 76 were awaiting trial in police custody.

The number of juvenile offenders in this age group in jail for violent and non-violent crimes is increasing, statistics provided by the Department of Correctional Services reveal.

The number of jailed children in the youngest age group began to escalate last August after a slight drop in the first part of the year.

Statistics show that more than 35 children between the ages of

seven and 15 are jailed each month. Depending on the severity of their crime, some get sentenced to about 10 years.

Last month, 16 978 unconvicted and sentenced juvenile offenders were behind bars. The highest figure was in Gauteng, which had 2 159 juveniles sentenced and 2 714 awaiting trial.

The lowest number was in the Northern Cape, with 377 juveniles sentenced and 121 awaiting trial.

But according to the department, which considers juveniles to be persons under 21 years old, these figures related to population density.

Correctional Services spokesman Russel Mannabolo said al-

though the overall number of juvenile offenders was dropping slightly, prison facilities were under pressure because there was a huge number of children awaiting trial.

Last year, about 829 awaiting-trial juvenile prisoners were released according to a Correctional Services Act which prohibited the detention of children under 18 in jail or police cells. The law stated that children must either be released into the custody of their parents or kept in places of safety.

However, this failed because of a lack of secure places and children escaping from places of safety, leading to the readjustment of the provision.

Mannabolo said the decision to keep them in prisons was now made by the courts.

In a report released recently by the Department of Welfare, the prevention of crime among youth has been made a priority, and various ways of addressing the needs of juveniles in and outside prison have been sought.

These include protecting juvenile offenders from all forms of exploitation, discrimination and abuse, promoting sports and cultural activities, allowing them privacy and providing education

Women behind bars make the most of their lot

Women adapt better to prison than men and their chances of rehabilitation are greater. To survive inside they treasure their femininity and dream about their other lives, writes **TRISH BEAVER**



SEW EASY: Prisoners while away the time stitching up men's pajamas

She neatly clips his fringe and runs her dainty hands through his hair. She shifts to the other side of the warder, her breasts slightly brushing his neck, and trims a little excess hair from the right-hand side of his head. He makes a comment and she smiles, her eyes flashing girlishly.

It could be a scene from a suburban hair salon - except the woman with the scissors is a murderer. Her name is Char-maine Phillips. She was found guilty of four murders in 1983 and given four life sentences.

Her co-accused, Peter Grundlingh, was hanged for his part in the crimes. She was 19 at the time, with a six-month-old baby.

Now in her early 30s, Phillips is described by the area manager of Kroonstad prison, Koos Basson, as a person who "skrik vir mlks" (is scared of nothing). Phillips has found her niche in the prison hair-dressing salon, where she gives a mean short back on the sides.

Curtains cover the bars on the windows, and the floral uniforms of the prisoners are covered by aprons

The smell of perm lotions and highlight creams permeates the tiny room. Curtains cover the window bars, and the neat floral uniforms of the prisoners are covered by aprons.

Elsa Kruger, head of Kroonstad women's prison, says women prisoners are easier to handle than men. "Women generally accept discipline better than

men. In here they give no problems and we manage to get on with very little fuss."

The women's prison section is a clean unit with no frills. Small feminine touches make the walls less bleak. Due to the relatively low number of women offenders, the communal cells are not overcrowded. The single cells are for A-category prisoners who are given the maximum number of benefits for good behaviour.

This means they can get 48 visits a year. They have unlimited letter privileges and their own diminutive cells. Most of these cells are decorated with

little mementoes from life on the outside. Photographs of children and pets are displayed, and cards sent by penpals and relatives are all cherished.

Those who are not occupied with hairdressing have other tasks to perform. Many are involved in the pajama "factory", where they cut and sew fabric for men's pajamas. The striped garments are sold to raise funds for the Department of Correctional Services. The women get certificates for their sewing after a year-long apprenticeship.

In the laundry, the prisoners wash, starch and iron the laundry of the warders in training at the college across the road.

However, one of the most sought-after tasks is looking after the children in the creche. The children are born in prison

or are taken into prison with the mother, if there are no relatives to look after them. The sign on the door of the creche says "Happy Nappy". The four resident children are a happy lot. When they are not being cuddled and fed, they play on a jungle gym in a courtyard.

Romances between a male and female prisoners can happen. A bare, bleak room is used for contact visits

Kruger says "It's not an ideal environment for them but in some cases they flourish better in here than out there."

She tells how one little boy would follow her around the cells. "When I locked up, he would pretend to look behind me with his toothbrush. He was a natural warder," she laughs.

Kruger's high heels click along the long passages, the keys on her hip clink and the floors clang shut behind her - a firm reminder that there is no escape. Surprisingly, the women are well-groomed and many use their nominal state salaries to buy cosmetics.

Few of the women have weight problems. The food is hardly *cordon bleu* fare. Many have made small changes to their standard uniforms to make them more stylish.

"We don't punish those who get out of hand, we just take away their privileges. In here those privileges can mean keeping your sanity."

Romances between male and female prisoners can happen, Kruger says. "We allow them to marry if they want. But this environment is not a normal one and marriage is something that belongs outside these walls."

A bare, bleak room with a few hardback chairs is used for contact visits. A faded pot of plastic flowers sits in the centre table. It is hardly the environment for passion. But just to be able to hold hands is enough for some. Warmth is largely absent from this place.

Not surprisingly, the church services are well attended. The sermons are a measure of hope for those who despair as time ticks slowly by.

I notice that no one looks outside if they did, they would feel the oppression of confinement. Children ride their bicycles and women walk in the muddy sun with prams. At night, these prisoners paint their nails and survive by thinking that one day they'll be part of it all a gain.



JAIL BABE: Children born in prison are looked after in the creche

AMNESTY LOOPHOLE BENEFITS MOLESTERS

Child rapists freed

in parole bungle

(253) CT 3/7/96

WHAT appears to be an administrative bungle, paedophiles and child killers have benefited from a loophole in an amnesty paper specifically designed to exclude them. **JACKIE CAMERON** reports.



Early releases 'a kick in the teeth' for justice

JOHANNESBURG: It was high time Correctional Services and Judicial officials synchronised their views on crime, criminals and the protection of the community, Public Protector Mr Selby Baqwa said yesterday.

"At the present moment these sections of law enforcement appear to be totally at variance with each other with regard to sentences and sentenced prisoners," he said.

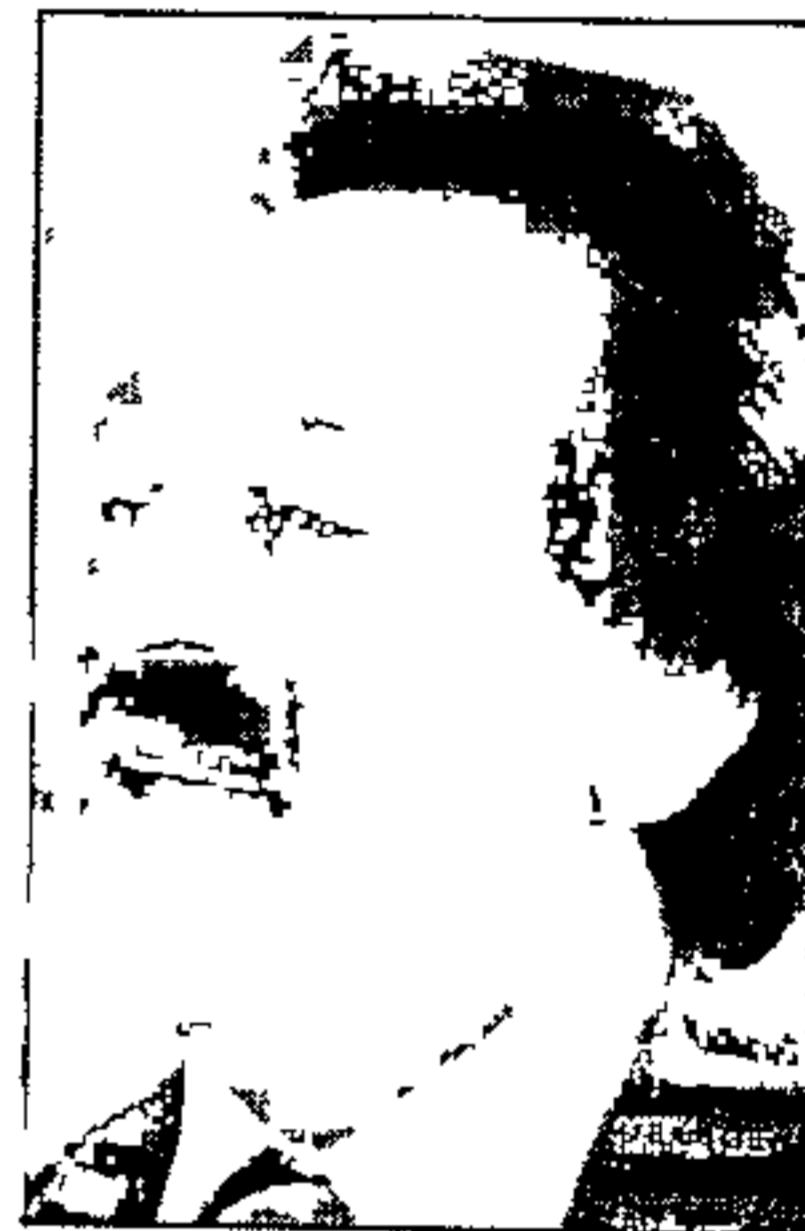
Baqwa was reacting to the early release on parole of high-profile fraudsters Greg Blank and Abdul Bhamjee yesterday morning.

White-collar crime, by its very nature, was very difficult to investigate and specialised agencies such as the Office of Serious

Economic Offences and the police commercial branch were "breaking their backs" to get on top of crime with insufficient resources at their disposal, he said. "It accordingly becomes distressing and disconcerting when people are released without serving even half their sentences. Such action sends a wrong message to both criminals and society concerning white-collar criminals."

Baqwa said the early release could quite rightly be perceived as a kick in the teeth, not only by the police and the specialised agencies fighting this sort of crime, but also by the prosecutors, the magistrates and judges who worked long hours to bring such criminals to book. — Sapa

● See Page 7



OUT OF JAIL: Fraudster Abdul Bhamjee

A HIDEOUS oversight in a Presidential Act passed last year has put prisoners convicted of raping and murdering children back on the streets

Their sentences were drastically reduced in terms of the act, despite a government promise to get tough on child abusers

In April last year President Nelson Mandela announced a special one-quarter remission of sentence, up to a maximum of six months, for all prisoners — except child abusers

But a Cape Times investigation has found that the most dangerous child abusers received the same benefits as other criminals, and only a smattering of people convicted of lesser child-care and sexual offences were excluded from the amnesty.

The most hardened paedophiles and child-killers were granted reductions in their sentences, but those convicted of having consensual sexual relationships with girls under the age of 16 did not benefit at all from the amnesty.

Here's how these dangerous criminals got off lightly. The Presidential Act passed last year to reduce serious overcrowding in prisons explicitly excluded convicts who had contravened two statutory laws, but made no mention of any common law crimes — which include rape and murder — in which children were the victims

The Department of Correctional Services yesterday confirmed that the following convicts were among those who benefited from the amnesty

● Brian Shofer, who was convicted of indecently assaulting 13 boys and sodomising one boy in July 1994, was sentenced by the Wynberg Regional Court to five years' imprisonment. Shofer, who ran recreational clubs for boys, was released on parole in December

● William John Kinnear, of Bonteheuwel, was a 68-year-old church deacon when he was jailed for five years for repeatedly raping a girl over a period of three years. The girl was six years old when the deacon was convicted in July 1994. He was released on bail the following month while awaiting the outcome of his appeal.

● Phillip Collins, of Leonsdale, was sentenced to 16 years' imprisonment for raping four young girls in Elsie's River. He has had six months taken off his sentence but

is still in jail

● André Prins, a former prison warder, who kidnapped, raped and murdered seven-year-old Nesline Deerling of Knysna. He was sentenced to life imprisonment, but is out on bail pending the outcome of his appeal. The amnesty chopped six months off his sentence

● Johan Venter, a former policeman, was convicted of murder in 1994 after he immersed his lover's two-year-old toddler in boiling water. He is still in jail but will serve less time

● Isak Rardien, of East London, got 23 days off his sentence for assault — but will serve all his time in jail for committing indecent acts with four males under the age of 19

A prominent city advocate, who cannot be named for professional reasons, perused the Presidential Act and commented. "The person who prepared this document tried to cover the rights of children but did not get it right. I do not think this is constitutional, because it discriminates against certain categories of people

"A child who was raped is being discriminated against. The situation is ludicrous. An offence in which a 15-year-old child consented to a youngster making love to her is taken more seriously than the rape of a young girl"

A Wynberg magistrate who also studied the Act, said "This is very strange. This must have been done on the advice of someone. I cannot see how they could let something like this happen"

Attorney-General Mr Frank Kahn said "If what you are saying is correct, then child abusers have been released through an administrative error

"The Minister of Correctional Services should then give a full account of what has happened and give us some reassurance that it won't happen again"

A spokesman for the Department of Correctional Services, Mr Chris Olckers, said "The special remission of sentence was granted by the President in terms of section 82 of the Constitution. The Department has no alternative but to implement the stipulations contained in such a Presidential Act."

He said legal staff with the President's office were responsible for the matter and

□ Turn to Page 3

Paarl prisoners stage protest strike

Staff Reporter

~~Star~~
ARG 10/6/96

(253)

INMATES in the medium-security block of Victor Verster Prison near Paarl are refusing to carry out duties in protest against prison policies

A list of 17 grievances had been handed to authorities by the group, most of whom were black, said Correctional Services spokesman Mike Green

He could not say how many people were involved in the action

Two people from Correctional Service

management were to address the group tomorrow

One of the prisoners' main grievances involved the banning of family visits, he said

The work stoppage had begun on Saturday and other prisoners were carrying out the tasks of the strikers, Mr Green said

Prisoners learn skills such as farming, craftwork and technical services as part of their rehabilitation and to contribute economically to the prison

Unhealthy prisoners cost SA taxpayer R9m a year

Kathryn Strachan

(253)
BD 11/6/96

PRIVATE health care for prisoners costs the taxpayer more than R9m a year, Correctional Services Minister Siphosiso Mzimela said in Parliament yesterday.

ANC MP Ismail Cachalia described the expenditure as "outrageous". "This is a waste of taxpayers' money, especially at a time when there is a concerted effort to integrate public health services, and to cut down on unnecessary state expenditure," he said.

The correctional services ministry said prisoners were at times referred to private hospitals by doctors for "more advanced health care". However, it said state hospitals were used as far as possible.

Among the complaints for which prisoners received treatment were accidental injuries, skin disorders and ear, nose and throat disorders.

Cachalia said it was unacceptable that the correctional services department was pumping large amounts of public money into the private health care sector to treat convicted prisoners.

This subsidy was occurring at the expense of providing secure funding to public hospitals which were in need of revenue, he said.

"There is a serious need to restructure prison health care services and to incorporate them into the health department. Mechanisms should urgently be put in place to curtail the over-use of private hospitals by the correctional services department.

"An urgent review is required to guard against any possibility of inappropriate contractual arrangements between prisons and private hospitals," Cachalia said.

JAILS HOLDING DOUBLE CAPACITY

Western Cape prisons bursting at the seams

(253) CT 11/6/96
OVERCROWDING in prisons is a national problem, but it has been most serious in the Western Cape for a number of years, Political Writer **BARRY STREEK** reports.

MASSIVE overcrowding in Western Cape prisons still persisted, Correctional Services Minister Dr Sipo Mzimela revealed yesterday

Pollsmoor Maximum Security Prison and Helderstroom Prison held more than twice as many prisoners as they were built for

Overcrowding in prisons is a national problem, but it has been most serious in the Western Cape for a number of years

This has been exacerbated by the reduction in the number of prisoners on Robben Island and its scheduled closure as a prison by

the end of the year

New prisons at Goodwood, Porterville and Malmesbury, and extensions of existing prisons, are intended to alleviate the problem, but overcrowding will remain

Mzimela, who was replying to a question tabled in the National Assembly by Mr Kobus Jordaan (DP), said there were 21 009 prisoners in the Western Cape on April 30 this year

The percentages by which prisons in the province were overcrowded were Allandale 57,5%, Beaufort West 90,8%, Brandvlei Maximum 41%, Brandvlei Medi-

um 66,6%, Buffelsjachttrivier 28,2%, Caledon 59%, Dwarsrivier 26,3%, George 33,5%, Hawequa 55,8%, Helderstroom Maximum 125,1%, Helderstroom Medium 14,2%, Knysna 91,1%, Ladismith 80%, Malmesbury 66,25, Mossel Bay 70,8%, Obiqua 36,8%, Oudtshoorn New 62,9%, Oudtshoorn 4,3%, Pollsmoor Maximum 100,3%, Pollsmoor Medium A 18,1%, Pollsmoor Medium B 26,2%, Prince Albert 32%, Riebeek West 47,3%, Robertson 42,9%, Staart V Paardeberg 47,8%, Stellenbosch 72%, Swellendam 51,4%, Uniondale 53,3%, Van Rhynsdorp 30,2%, Victor Verster Maximum 67,4%, Victor Verster Medium A 48,9%, Voorberg 56,7%, Warmbokveld 49,6% and Worcester 99%



**TOYING WITH
CAPTIVITY:**
Above, bright
murals and loads
of toys are mak-
ing life behind
bars slightly easier
for one-year-old
Fatiema, who has
her mother and a
Correctional Ser-
vices childminder,
L a v e r n e
Swanepoel, caring
for her.



LOVE THROUGH THE BARS: A note from her children is keeping this 42-year-old mother of four going while she serves a 10-year sentence for buying stolen property. She has already served six years and is expecting to be released on parole within weeks.

TYRONE SEALE

Political Staff

ELTON Abrahams has swapped life in the womb for life behind bars

He was born two weeks ago in Pollsmoor Prison where his 18-year-old mother, Noreen, has been held for six months, awaiting sentencing for house-breaking and theft

Elton's also been able to bond with his 23-year-old father, for whom a visit to the women's medium-security section is just a short walk from his own maximum-security cell where he is serving six months for breaking into cars

Little Elton is one of about 130 babies and young children - on April 30 the official national figure was 133 - in prisons with their mothers. At that stage, there were 11 children, from infants to four-year-olds, in Western Cape prisons

Also by April 30, 36 of the children in prison had been there for six months and less, 41 had been there up to a year, 40 had been there for one to two years, 13 for two to three years and three for just under four years

Figures change all the time as mothers are released and their children placed in family or foster care

Yesterday, the national assembly portfolio committee on correctional services visited the women's section at Pollsmoor to examine new initiatives by the Department of Correctional Services to accommodate and care for imprisoned mothers and their babies

It was a mission of mixed fortunes for committee chairperson and African National Congress MP Carl Niehaus and his entourage, who were clearly impressed with facilities intended to aid with child-rearing, but who also fielded prisoners' harsh complaints about other aspects of life at Pollsmoor

Rita Marks, head of Correctional Services' juvenile offender services countrywide, told the committee that the accommodation of babies and children was fundamentally undesirable and problematic

However, under certain circumstances it was in the child's best interests to be with his or her mother in prison, for an interim period

Pollsmoor's senior professional nurse, Ingrid Oerson, said that from the age of about 18 months children's awareness of their surroundings developed profoundly and that it was desirable, where possible, to remove children from prisons once they reached this mental threshold



Pictures ANDREW INGRAM, The Argus

No bars on child-

rearing inside prison

(753) (498) ARG 12/6/96

Pollsmoor is one of a few jails where the Department of Correctional Services has established Mother and Child Units consisting of sleeping accommodation for mothers and babies or young children, a crèche, in- and outdoor playing areas, a kitchen - where mothers can cook their own food - and visiting rooms.

At this stage the project is confined to Pollsmoor and the Durban, Johannesburg and Kroonstad prisons.

Ideally - and at Pollsmoor this ideal has already been realised - each mother will have access to a toilet and handwash basin, a bed, cot and two cupboards. Kitchens will have a fridge, oven, cupboards, a microwave oven for the warming of bottles, a scullery and a general work space.

The State also picks up the tab for children's medical care, as well as for their physical, speech, emotional and behavioural development.

While the department's social work directorate is developing a course in effective parenting, new mothers are expected to care for their babies on a full-time basis for three months, after which they return to prison chores.

Social workers are constantly liaising with family and other possible foster parents to see to it that children are transferred from jails to good homes.

For Noreen Abrahams and her fellow inmates, the consideration she now enjoys is much more than she expected as a young woman who had crossed the law and was about to embrace motherhood.

"We are treated well. We have some problems with the prison authorities, but our children are getting very, very good care." But, it's still no substitute for motherhood outside. "This is no place to have a child. I must get out of here. I'll see how it goes when I go to court next month."

HOME AWAY FROM HOME:

Above, Nosipho Qingane and her one-week-old son Siphosetu live in a comfortable, homely setting in their Pollsmoor cell.

and it will not exclude any reasonable costs likely to be incurred after this initial period. There is also a cap on lost income of up to R2 500 a month, or loss of support up to R1 875 a month.

Conversely, the existing cap on benefits to certain categories of passengers, which impacts most on users of public transport, is to be removed, and they will now have the same set of benefits as others.

These caps must be understood in the context that they will result in a maximum limit of close to R2 m per claimant.

The final area of reduction in state expenditure will be the removal of "general damages". These are damages—often extremely costly—related to issues like pain and suffering—and they are essentially financial benefits for non-financial losses.

The total package of proposals contained in the draft White Paper will ensure that more benefits flow directly to all victims, it will remove the current discrimination against certain passengers, it will allow for more effective administration of benefits, and it will bring the fund to financial stability with its contingent liabilities covered by the year 2007.

(2) Funding the new system will require an annual increase in the fuel levy of 9%. This is in nominal and not real terms, and assumes a starting level of 12c a litre.

(3) An official statement was made on 31 May 1996 when I launched the Draft White Paper on the MMF. No further statement is contemplated at this stage.

Competition Board: continued existence

*24 Mr F P SMIT asked the Minister of Trade and Industry †

(1) Whether he or his Department has taken any decision regarding the Competitions Board, if so,

(2) Whether the Board will continue to exist, if so, why, if not,

(3) whether the Board will be replaced by another body, if not, why not, if so, what body,

(4) whether he will make a statement on the matter?

N920E

THE MINISTER OF TRADE AND INDUSTRY

(1) No. Such a decision can be taken only after greater clarity has emerged on the type of institutions or bodies that will be necessary to implement and enforce the new competition policy that is currently being fashioned. In the meanwhile, four additional appointments to the Competition Board will be made in the near future.

(2) and (3) A decision on these matters will be governed by the objectives and imperatives of the new competition policy that is eventually adopted.

(4) Yes. This will be done at the appropriate time.

Building of new prisons (253)

*25 Rev M M PHENETHI asked the Minister of Correctional Services †

(1) Whether his Department is considering the building of new prisons, if not, why not, if so, what will be the building cost per prisoner,

(2) whether he will make a statement on the matter?

N921E

THE MINISTER OF CORRECTIONAL SERVICES

(1) Yes

(a) Falls away

(b) The building cost per prisoner is dictated by various factors such as the size of the prison complex, the category prisoner in detention, type of supportive structures that have to be erected and whether the prison is being erected on serviced or new land. According to the latest figures for the new prison at Goodwood, the build-

ing costs amount up to approximately R80 843 per prisoner.

(2) No

Decrease in number of apprentices receiving training

*26 Mr M O ROBERTSON asked the Minister of Mineral and Energy Affairs †

(1) Whether there was a decrease in the number of apprentices receiving training in 1995 compared to the number in 1994, if so, what was the decrease,

(2) whether his Department is investigating possibilities of training more apprentices, if not, why not, if so, what are the relevant details,

(3) whether he will make a statement on the matter?

N923E

THE MINISTER OF MINERAL AND ENERGY AFFAIRS

(1) Yes, in 1994 there were 3 161 apprentices receiving training at the Mining Industry Engineering Trades Training Board (MIETTB), and in 1995 this figure dropped to 3 072, a decline of 2,8%. The MIETTB is statutorily accredited to train and test apprentices and to administer the mining industry's apprenticeship system. The Chamber of Mines is responsible for the functioning of the MIETTB.

(2) and (3) The training of apprentices for the mining industry is entirely industry-driven. The mining industry regulates the number of apprentices it requires and it will identify the number of employees which it will have trained through the MIETTB, as well as the course that each apprentice will be learning.

The Department of Mineral and Energy Affairs has never been involved in the training of any apprentices. The Department of Labour administers the Manpower Training Act, 1981 (Act 56 of 1981), to which all industry training boards, including the MIETTB, are answerable.

What is important is not so much the number of apprentices sent for training each year, but rather how many of them are

passing exams and becoming qualified artisans. In 1994 1 360 apprentices qualified as artisans and in 1995 the figure was 1 119. The pass rate for the two years in question was 74%.

Justice officials: accelerated retirement

*27 Mr B C BESTER asked the Minister of Justice †

(1) Whether his Department intends making an offer to officials in regard to accelerated retirement, if not, why not, if so, what are the reasons for the offer,

(2) whether he will make a statement on the matter?

N924E

THE MINISTER OF JUSTICE

(1) The Department does not, nor does it intend to make an offer to officials in regard to early retirement. In fact the Department is anxious to retain the services of all its personnel, especially professional personnel. However, on 22 May 1996 the Department of the Public Service and Administration made an offer to serving officials (not magistrates and attorneys-general) that they could request that their services be terminated on a voluntary basis with appropriate financial packages. If employees in my Department make such requests, it should not be assumed that they will be accepted. Each application will be considered on its merit. In addition, the needs of the Department and the interests of the administration of justice will be taken into account and only thereafter will decisions be taken. Each decision will be taken in accordance with the prescripts laid down.

(2) I am not in a position to make any statement at this stage except to state that on the one hand I am mindful of the need to be fair to employees. On the other hand, the efficient functioning of the Department is a priority. I shall only be able to make a statement after the receipt of applications, if any.

Visas: pro-democratic groups in Nigeria

*28 Dr B L GELDENHUIS asked the Minister of Foreign Affairs †

Traumatic partings for convict mothers

CT 12/6/96 (253) (253)

BABIES born in prison are taken from their mothers before they reach 15 months, to prevent them from gaining a real perception of the environment. This can be heart-rending for their mothers. **LINDIZ VAN ZILLA** reports

SEVEN MONTH OLD Igshaan Vlotman is in jail. He was born in the women's section of Pollsmoor Prison in November last year.

His mother Vanessa Vlotman is a habitual criminal facing a minimum of seven years in prison.

Igshaan is one of 10 prison babies in the Western Cape and 133 nationwide who were born in prison or accompanied their convicted mothers to prison.

The youngest baby in Pollsmoor is two weeks old and the oldest 18 months.

Vlotman of Matieland, was jailed in August last year on seven charges relating to theft — she will only be eligible for release in 2002, but faces a prison term of seven to 15 years.

However Vlotman's "custody" of her son is almost at an end. Department of Correctional Services policy is to place "prison babies" into foster care as soon as possible.

Babies are transferred from about nine months, and preferably before they reach 15 months. This was to prevent them gaining a proper perception of their prison environment. Pollsmoor medical head Sister Ingrid Oerson said yesterday.

When six months pregnant Vlotman was admitted in August 1995 her one-year-old daughter Waseema accompanied her to prison. Waseema was released earlier this year into the care of family members. The same fate is looming over Igshaan.

Much has been done to

improve the conditions for pregnant mothers and their babies in South African prisons. The portfolio committee on correctional services chaired by MP Mr Carl Niehaus, visited Pollsmoor yesterday to inspect the facilities.

Although ageist having children in prisons, most committee members agree, it was unavoidable. Mr Henry Fazzie said: "We don't like it, but it can't be helped."

Former Pollsmoor inmate Mr Ahmed Kathrada said facilities had improved considerably. The department has certainly made an effort to make conditions liveable for the women and their babies.

Pregnant women and women with babies live separately from other prisoners. There is also sleeping accommodation for both mother and child, a day crèche and indoor and outdoor playing areas.

The head of the women's section of the prison, Mrs Fea Oberholster said: "Prison is a very artificial environment, therefore we try to create a more homely atmosphere which best suits the development of the babies."

Full medical treatment and pre and post natal and family planning programmes are provided. Nappies, clothing, blankets, carriers and cots are also supplied by the prison. However, despite the improved conditions, the trauma of mothers facing separation from their young ones persists.

Vlotman said: "Only the women who will look at Igshaan when he is taken away from me. I am nappy with what I see in prison



CHILD-FRIENDLY Head of the women's prison section at Pollsmoor, Mrs Fea Oberholster and 14-month-old Rifka Cloete who was born in Pollsmoor, at the entrance to the prison creche.

PICTURE: BENNY GOOL

and I don't want him to leave me. Mrs Elizabeth Maputsa, of Strand, holds aloft her two-month-old baby Thabiso who is suffering from a rash. He is under treatment and will be seen by a paediatrician next week. She is nappy with the conditions and

facilities for her and her baby in prison. However, she fears separation from Thabiso. "I want to stay with my baby," she said. "I can't manage on a single cell. I can't manage as she told me that I can't manage my daughter's birth in prison and the possibility

of having to place her in foster care. Her other daughter, aged seven, is living with her stepsister and her son, aged four, with her father. The woman was sentenced to years of manslaughter. Pollsmoor's medical head, Andrea van Rensburg, acknow-

ledged the difficulties facing prison mothers.

Sometimes it's a hard job to motivate mothers to let the babies

leave. "I can't sell the idea of a better life for my child in a foster home," she said.

Correctional Services targets the bad

By GLYNIS UNDERHILL

SAW 15/6/96

(253)

Cape Town - The Department of Correctional Services is setting up an internal anti-corruption unit as it moves to root out corrupt elements in its own ranks and stamp out collusion between officials in the criminal justice system.

Collusion in the criminal justice system is causing a headache for the department, which has been plagued by the falsification of documents as well as escapes by prisoners.

The Department of Correctional Services' anti-corruption

unit will be co-opting justice and police officials to work together to investigate collusion in the criminal justice system, according to ministerial liaison officer Bert Slabbert.

National Commissioner of Correctional Services Henk Bruyn confirmed this week he was aware of possible collusion in the criminal justice system.

While the number of escapes from prison was not considered "unnecessary cause for alarm", Bruyn had personally briefed Minister of Correctional Services Sipo Mzimela on all the aims of the department with

regard to measures to clamp down on escapes.

The minister was satisfied the matter was receiving the necessary urgent attention, said Slabbert. Escapes from prisons were a "standing issue" at senior management meetings. As a result of the suspected collusion between officials, correctional services now tried to make absolutely sure that documents and warrants were authentic.

"If we receive warrants for release, we check with the courts to confirm their authenticity and validity," he said. Fingerprinting

was being used as a sure source of identification. The establishment of an anti-corruption unit in the Correctional Services Department showed its commitment to dealing with this problem.

Correctional services was also working with the South African Police Service and the Justice Department to try to stamp out "networking", said Slabbert.

Meanwhile, the police anti-corruption unit in the Western Cape is investigating collusion between correctional services, police and justice officials in aiding the escape of prisoners. The

investigation was still ongoing, said Andre Campher, head of the unit in the Western Cape.

He said a total of 1 247 prisoners escaped from prisons around the country in 1995. Of these, 417 were escapes from inside prison, 658 escapes from work teams outside prison, and 102 escaped while in transition to and from courts and hospitals.

This represented only 1.1% of prisoners and the escapes should be seen against a daily prison population of 112 000 for 1995, said Slabbert. The escape trends over the past four years were not cause for alarm, he

said. The main reasons for the escapes were old and outdated prison buildings, the higher concentration of prisoners serving long terms, negligence on the part of staff members, chronic overcrowding at prisons, gang activities, and the increase in organised crime syndicates nationwide.

"The Department of Correctional Services has always considered escapes from prisons in a very serious light. This is still the case," said Slabbert. The numerous measures taken to deal with escapes as a matter of priority included unannounced

visits during the day and night to prisons countrywide, by senior management to evaluate security measures.

Other measures involved the identification of weak links in the structures of prison buildings, the improvement of these structures, and the regular informing of prisoners with regard to the negative consequences of escapes, said Slabbert.

"Each and every escape is investigated by the department and such incidents are also reported to the South African Police Service for investigation," he said.

applies

Plan discussed for sentences to reflect jail space

National assembly committee ponders bid to cut prison crowding

CLIVE SAWYER
Political Correspondent

JUDGES and magistrates may have to operate within a "sentencing budget" if an option to be discussed by the national assembly committee on correctional services finds favour

This would mean prison space being a factor when sentences are decided

Introducing this measure could cut down on prison overcrowding, but could also be seen as hampering the independence of the judiciary, said committee chairman Carl Niehaus

Speaking yesterday at a briefing on behalf of the African National Congress study group on correctional services, Mr Niehaus emphasised that "sentencing budgets" were merely an option for discussion by the national assembly committee



EARLY DAYS: Carl Niehaus says "sentencing budgets" are an option for discussion by committee

He was concerned at the effective cut in this year's budget for the Department of Correctional Services

The safety and security department had got more resources

With more effective policing, and Justice Minister Dullah Omar's pledges to make the criminal justice system more efficient, there would be an increase in the number of sentenced prisoners

"Where are they going to go? It doesn't make sense," Mr Niehaus said

It would undermine the programme of fighting crime if prisoners were released after a short time

Putting people in overcrowded prisons, under conditions in which they would become dehumanised, defeated the object of correctional services

Mr Niehaus also called for a re-examination of the justice system with a view to attending to the needs of the victims of crime

(253) ARG 19/6/96

Study raises health concerns over prison-issue condoms

ARG 19/6/96

(253)

CONDOMS could be issued to prisoners without educating them about the dangers of HIV infection and Aids, African National Congress correctional services study group chairman Carl Niehaus said.

Briefing journalists on the study group's programmes yesterday, he said he was concerned about the practical implementation of recommendations that prisoners be issued with condoms.

Education programmes should also be directed at prisons' staff.

If preparations for the programme are not done properly, the distribution of condoms could be more harmful than helpful.

Present parole and release policies "need a thorough overhaul", he said.

The make-up of parole committees, which now only include staff members, should change. "We would

like to see the local community represented on the committee"

This would make the committees more representative and bring about closer co-operation between prisons and the communities they were situated in.

The study group was proposing that the arbitrary credit system being used by parole committees in prisons and whereby prisoners become eligible for parole after serving one-third of their sentences, should be removed.

This should be replaced by a system where prisoners qualify after serving at least half their sentences and people with life sentences be considered after serving at least 20 years.

Life term prisoners' parole would then be considered with the participation of the sentencing court and the victims' families

More use should be made of community service and correctional supervision as alternative forms of sentencing to alleviate the overcrowding problem in prisons, especially if taken into account that about 60 percent of the prison population was serving sentences of six months or less, and at least 25 percent were awaiting trial.

This could be addressed through a sentencing budget where prisons would adjust their space according to the money available to them.

However, if this was accepted it would place constraints on the independence of the judiciary which should not be seen by the public as "getting soft on crime"

The study group also was looking into the possibility of appointing an independent Prison Inspectorate to investigate the many claims of mal-treatment of prisoners. - Sapa.

PAROLE POLICY 'ARBITRARY'

Jail conditions to be challenged

THE GOVERNMENT'S new anti-crime strategies are expected to place further burdens on South Africa's already overcrowded prisons, writes **BARRY STREEK**

CONDITIONS in South African prisons could be ruled unconstitutional, the chairperson of the National Assembly's Portfolio Committee on Correctional Services, Mr Carl Niehaus said yesterday.

A class action by prisoners about their conditions could be expected, he said at a press briefing. Niehaus said the prisons had sufficient funds and accommodation to house 95 000 prisoners, but there were 117 000 people in jail and this could rise to 123 000 by the end of the year.

About 23% of prisoners — 27 000 — were unsentenced and 60% of sentenced prisoners were serving sentences of six months or less. A further 13% were serving sentences of between six months and two years.

New policies were urgently needed to keep most of these people out of prison and greater use of correctional supervision was needed. He said the release and parole policies of the Department of Correctional Services had to be reviewed.

This was particularly urgent not only because of overcrowding but also because the government's new anti-crime strategies and improvements in the justice system should result in an increase in the number of prisoners.

The policies used by local parole committees, which were dominated by prison staff, were causing much conflict and unhappiness, particularly over the credit system, which was applied arbitrarily. He had been to many prisons but had never been given a consistent explanation of the credit system.

The ANC's study group on correctional services believed the release policies should be reviewed to ensure that the credit system was not arbitrarily applied and that prisoners should only be considered for parole after serving at least half their sentences.

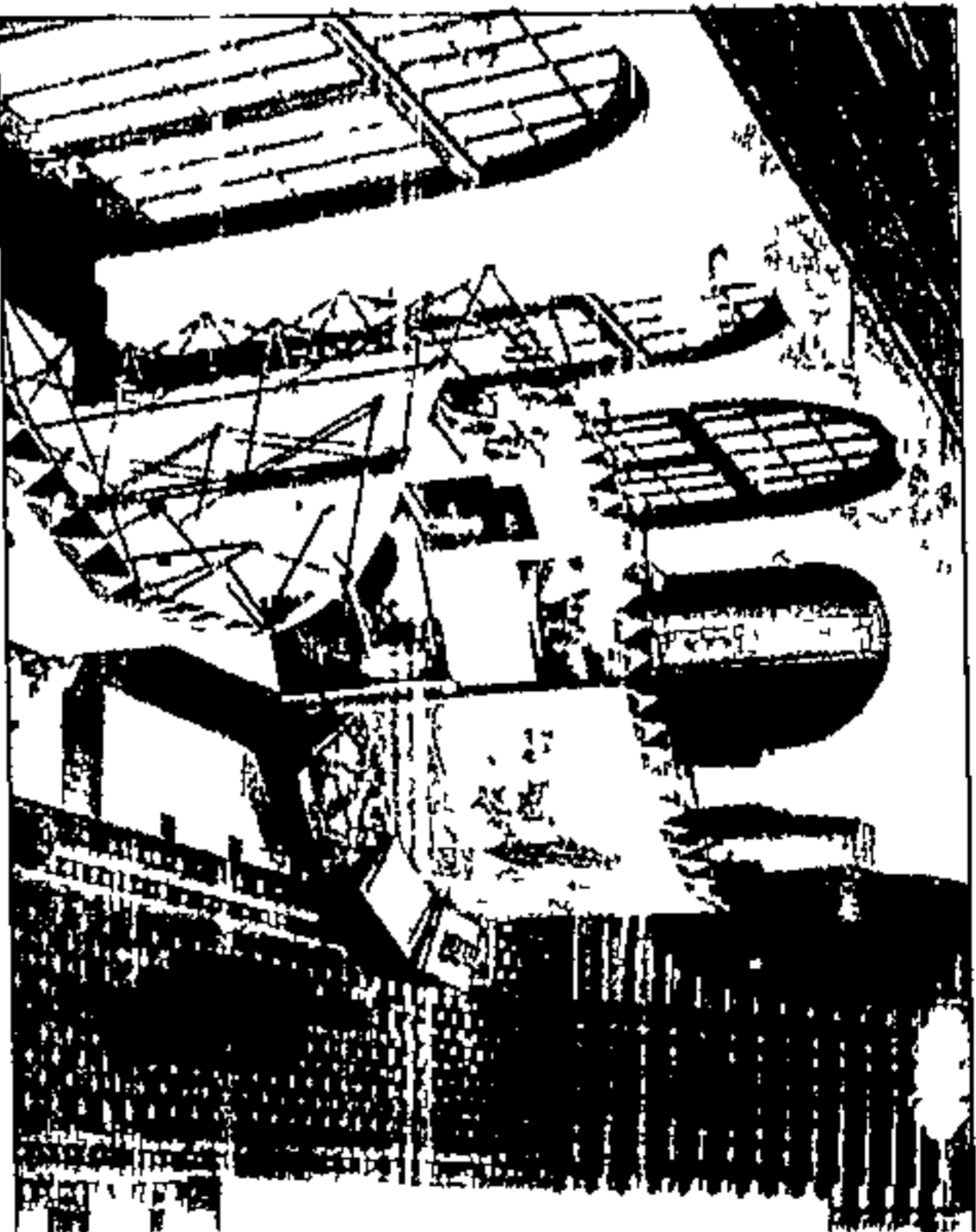
The number of prisoners with HIV/AIDS would probably increase after the abolition of the death penalty, but their possible release should not be considered until they had served at least 20 years, the court which had sentenced them had been referred to and the victims or their families had been consulted.

The make up of the local parole committees should also be changed so that the communities should also be represented.

Two people who had been refused jobs in the Department of Correctional Services because they were HIV positive and a third person who lost his job because he had become HIV positive were taking the department to court.

This action by the department conflicted with the recommendations of the World Health Organisation and acceptable standards, Niehaus said.

Robben Island comes to Parliament



MANDELA'S CELL. The full-size replica of President Nelson Mandela's Robben Island prison cell of a week-long exhibition coinciding with the Correctional Services budget vote debate. The iron bars on the two windows and door are the real thing.

... acting in terms of an ...

Funky garb for juvenile convicts

HENRY LUDSKI
POLITICAL WRITER

YOUTHS in correctional centres will soon sport gear that is as funky and fashionable as that worn by any of their peers on the outside — the blue denim dungarees, T-shirts and tacks are a far cry from the usual drab prison garb

When the Department of Correctional Services said the wardrobe of "students" at a revolutionary new private-sector funded youth development centre would "differ from standard issue", it was no understatement. It certainly got the thumbs-up from pupils who were on a tour of Parliament where plans for the new youth centre

It's what we would wear to go partying," said Beaufort West pupil Regan Rabie. His classmates agreed



FAMILY MEMBERS JAILED FOR MURDER
— Page 3

training school, a range of training workshops and modern sporting facilities

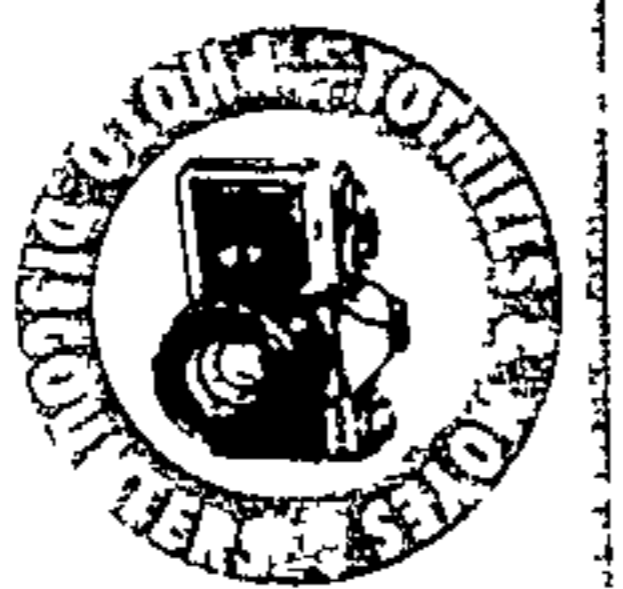
Fkuseni is the product of a partnership between the Mandela Children's Fund, the private sector, and educational bodies responsible for education, training and development programmes for the "students" who will be drawn from prisons in the region

Minister Dr Sipo Mzimela said the centre represented "a good start" in creating prison environments conducive to the transformation and development of young prisoners

A similar centre is in the pipeline for Gauteng and more are planned for other parts of the country including the Western Cape

About 8 000 offenders are being held in seven youth correctional centres throughout the country

At the launch of the project in October 1995 President Nelson Mandela said it would help "offenders to help themselves to participate fully in soci-

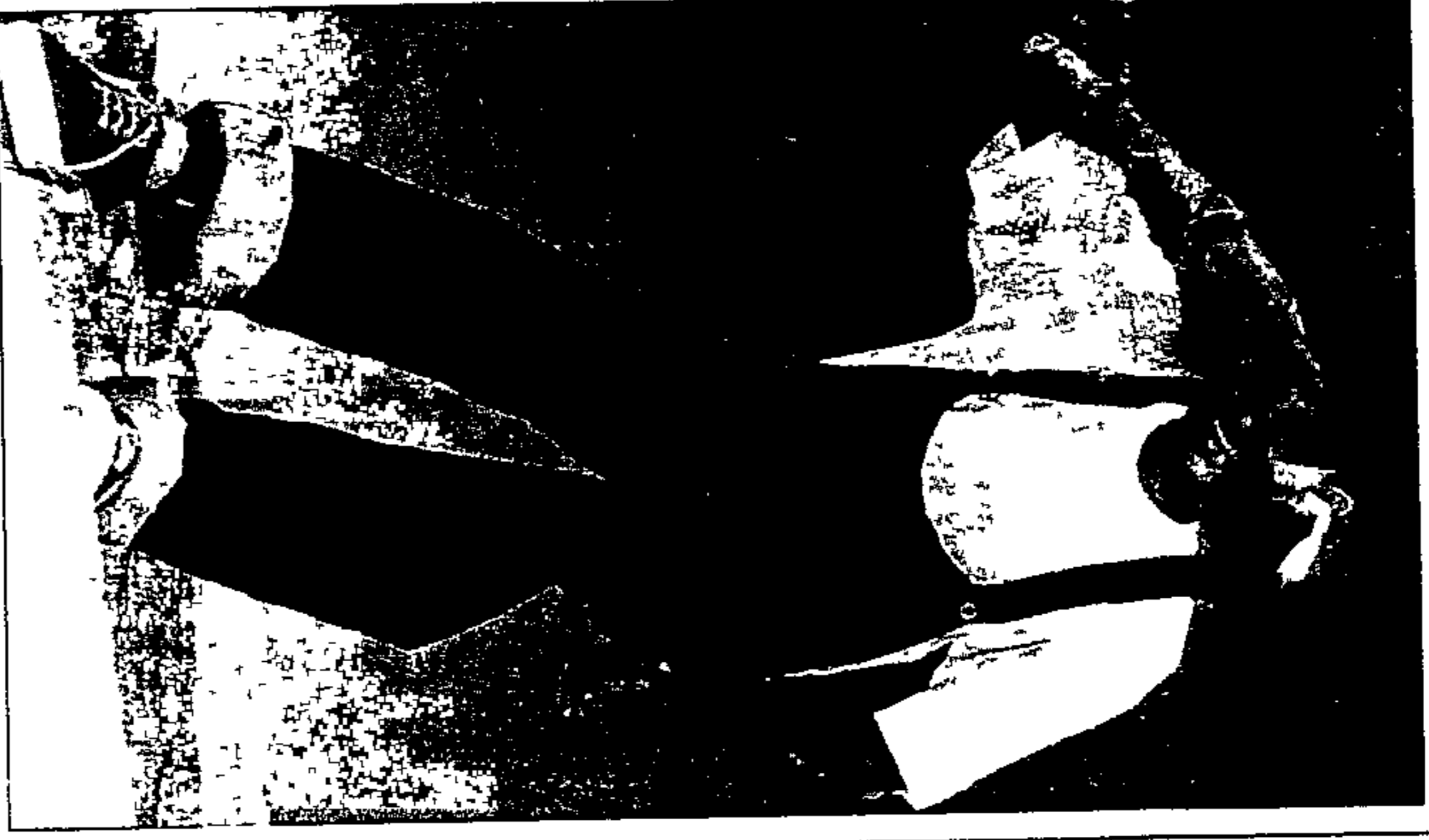


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WINTER SPECIAL

TRENDY GEAR: Regan Rabie, 17, sports the new uniform the Department of Correctional Services will issue to all juvenile prisoners



PICTURE BENNY GOOL

RED TAPE BINDS MINISTER'S HANDS

Ambitious plan for new prisons blocked

ET 21/6/96 (253)
A PLAN TO SELL off Pollsmoor and two other prisons built on prime real estate and to use the money to reform the prison system has been abandoned. Political Writer **HENRY LUDSKI** reports.

AN ambitious Correctional Services plan to dispose of Pollsmoor prison and use the money to build several smaller, more humane and manageable jails in its place has effectively been blocked by bureaucratic red tape

"It's now a dead issue," said a disappointed Correctional Services Minister Dr Sipo Mzimela who took the issue of the possible sale of the land to cabinet level

Three of SA's maximum-security prisons — Leeukop in the plush Johannesburg suburb of Bryanston, Westville in KwaZulu-Natal and Pollsmoor in the Western Cape — add up to 1 200 hectares of prime real estate which would fetch in excess of a billion rand

These hugely-overcrowded and poorly-designed prisons are not part of Mzimela's vision of a new prison system which favours smaller prisons which could be more

conducive to more effective rehabilitation

Mzimela's planned to dispose of the three large prisons and replace them with at least 10 smaller, modern jails on cheaper land on the outskirts of urban areas

What he had not foreseen was that his ambitious plan would be frustrated by Department of Public Works bureaucratic red tape which has now virtually ruled out any possibility of his department disposing of the prisons

In terms of existing government policy other departments would have first option to the stretches of land if it was no longer needed by Correctional Services

Only in the unlikely event of none of these departments wanting to acquire the property, can it be sold. The profits would then in any event go back into the general Public Works coffers.

"It means there is no guarantee that we will be able to use the money from the sale of Pollsmoor to build other prisons elsewhere in the province."

Mzimela has effectively abandoned the idea

Local property developer Pam Golding has confirmed having met Mzimela about the possible disposal of the Pollsmoor property

"We are obviously interested in all state-owned land and we are particularly interested in a number of properties in the Western Cape, including Pollsmoor and the Fernwood parliamentary complex"

Public Works Minister Mr Jeff Radebe told the Cape Times that if Pollsmoor and other prisons were no longer required by Correctional Services other departments would have to be consulted on the best and optimal usage of the land

"If no government department wants the land then we will have to consult other stakeholders and communities before deciding to sell it. And then the money would possibly be used for RDP purposes," he said

40% of SA prisoners in for 'economic' crimes

CT 25/6/96 (253)

JACKIE CAMERON
CRIME WRITER

SOUTH AFRICAN criminals are just as comfortable with a pen and paper as they are with guns and getaway cars — if the prison population is anything to go by

There are almost as many prisoners serving time for what the Department of Correctional Services calls "economic" crimes as there are murderers and robbers paying their debt to society

There are more than 89 000 sentenced prisoners nationwide, of whom about 35 700 (40%) have been convicted of economic crimes — which include fraud and non-violent theft scams — and about 37 500 for "aggressive crimes", a spokesman for the department said.

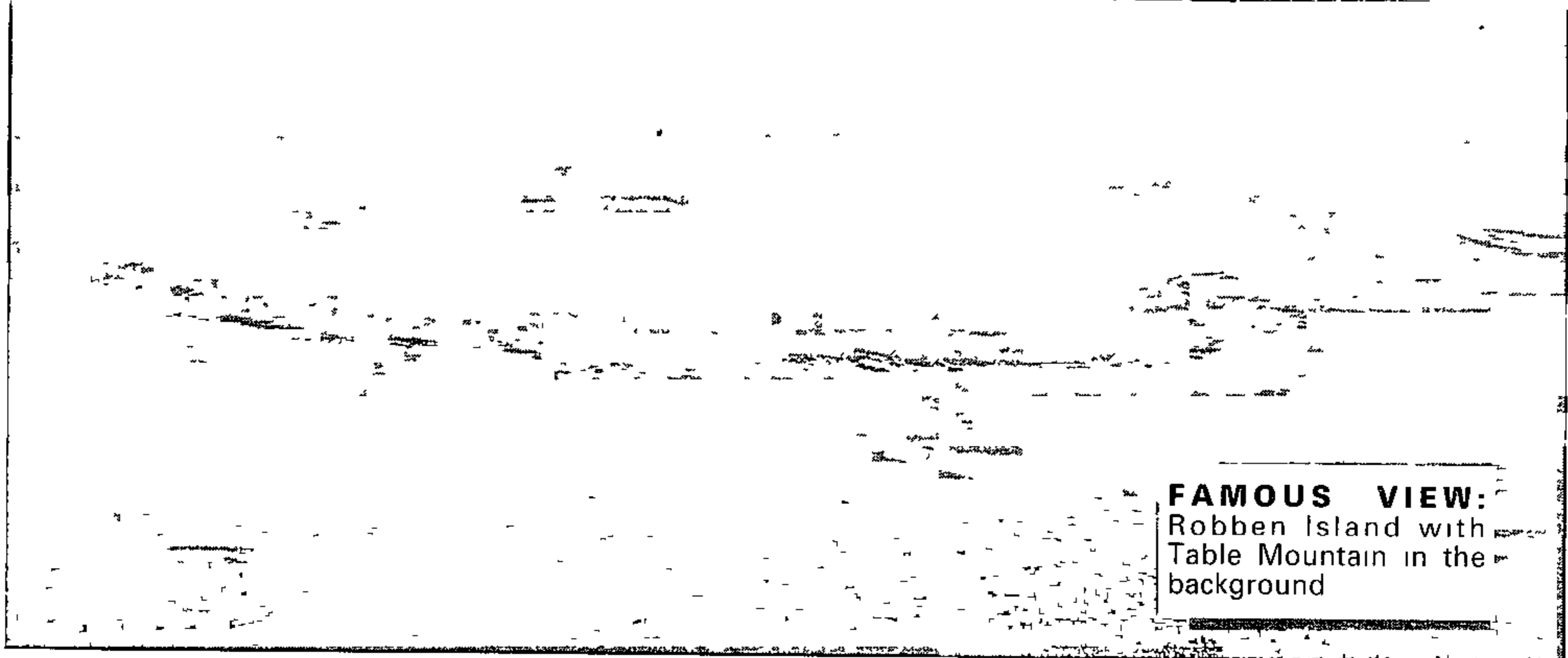
About 9 740 people were serving sentences for "sexual" offences, which include rape and child abuse, and only 3 500 were in jail for drug offences

More than 3 000 people are serving time for crimes which cannot be included in these categories

Meanwhile, according to an international fraud survey conducted by KPMG Forensic and Investigative Accounting Group, most fraud is facilitated by poor internal controls in companies

Collusion between employees and third parties is the second most common element in fraud worldwide

Fraud is also an inherent part of the nature of certain businesses, including financial services, insurance and retail organisations.



FAMOUS VIEW:
Robben Island with
Table Mountain in the
background

Island may become a true 'university'

ARG 26/6/96 (253)

ESANN de KOCK
Education Reporter

PRESIDENT Mandela writes in his autobiography, *Long Walk to Freedom*, that in the years of the struggle against apartheid, Robben Island was known as "the university"

This reference, according to Mr Mandela, was not only the result of what was learnt from books, because prisoners studied there or because many prisoners such as Ahmed Kathrada, Billy Nair, Mike Dingake and Eddie Daniels earned multiple degrees there, but also because of what the prisoners learnt there from one another

Hence the idea to turn this prison island into an Open University, one of the 170 proposals for the future of Robben Island submitted by international and local groups to the Committee on the Future of Robben Island

Chaired by Mr Kathrada, the committee was appointed by Mr Mandela in August last year

The Open University idea has been submitted by author and university lecturer Michael Young, the originator of the Open University in Britain

It is one Mr Kathrada says he is "quite excited" about, "because of the significance of the island and because the idea does not only concern tertiary education"

In fact, if approved, the Robben Island university would be only the third Open

University in the world

Lord Young, of Dartington, visited Robben Island and found that in some cases even the children of warders had no idea of the importance of the island as a significant symbol in South Africa

He writes how he entered a primary school where the children had made a model of the island - peppered with tiny squares for the white houses that had been home to them and their parents

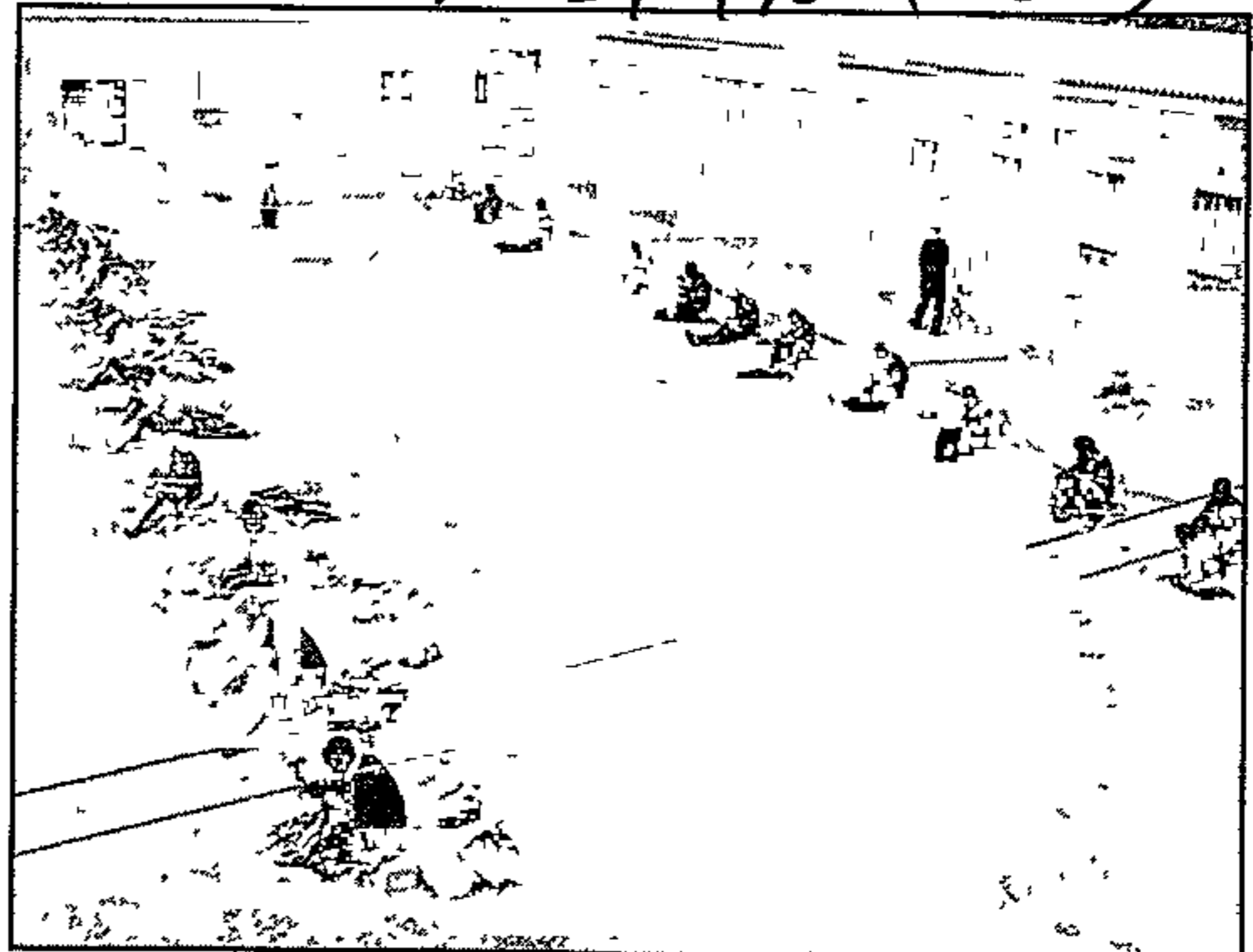
Their view was that the prison - where Mr Mandela and other African National Congress (ANC) leaders were locked up for more than 20 years - did not exist

"The children at least disabused me of one of my stereotypes of Robben Island - that it was a rugged and remote kind of Alcatraz with an equally grim prison"

Lord Young, well aware of businessmen lobbying for a tourist resort and conservationists arguing for a nature reserve, believes the real achievement of Robben Island lies "in the manner in which, even in prison, the wounds inflicted by apartheid began to be healed"

What impresses him about the history of the island is that political prisoners from different backgrounds put their time to constructive use "through an extraordinary effort in education"

They had summoned the resources of distance educa-



AT WORK: Prisoners work sewing mail bags in the courtyard of the prison

tion and open learning to enable them to follow all kinds of courses

The fact that the prisoners extended their education to the warders had meant that the prisoners, in fact, reformed the warders, Lord Young noted "Education was used as part of the process of healing"

He said the hope of many former prisoners was that this was how it would be

Lord Young would like to see "The University" revived in the form of the Robben Island Open University to bring hundreds of thousands of young people to the island on short courses to learn about the new "people's history" of South Africa, and engage in peace studies

He believes it could also serve a large body of students throughout South Africa by educational radio beamed by satellite, and by the other tech-

niques of open learning

"Millions of young adults in the townships and former homelands have missed out on education almost totally in the past 20 years. Many are illiterate, waiting for a lift in their education and in their morale"

"It is a cause that could attract resources from an international community that has been almost as emotionally engaged in the liberation of South Africa as the people in the country itself"

Lord Young says Robben Island could provide an exciting stimulus for the young people "who come from this amazing place, which was a landfall for the first Portuguese explorer in 1488, which was where the first Dutchmen arrived in South Africa 400 years ago, and which was where the first black president of the most powerful country in Africa spent much of his life"

R2,4 BILLION TIED UP IN JAIL LAND

Old rule bars prison reform

ET 26/6/96

(253)

ENOUGH MONEY to build 20 smaller prisons is tied up in land occupied by three outdated prisons, but selling them won't help Correctional Services. **HENRY LUDSKI** reports.

BUREAUCRATIC red tape — and an apartheid-era policy used primarily to prevent black education departments from having first right to empty white schools — is blocking major prison reforms.

The Department of Correctional Services wants to get rid of three massive old-style prison complexes and replace them with smaller ultra-modern prisons.

But its ambitious plans have been scuppered by a Department of Public Works policy that gives other departments first option on the three prison properties, which are on prime land.

If the properties were eventually to be sold, however, the proceeds would go into a general Department of Public Works pool, with no guarantee that Correctional Services would see any of the money.

A valuator of one of the largest South African property companies conservatively estimates that the 1 200 hectares occupied by the three prisons is worth about R2,4 billion.

At today's prices it costs R80 843 to build accommodation to house one prisoner.

The sale of the three prison complexes would allow Correctional Services to build 20 smaller prisons, each capable of housing about 1 500 prisoners.

This is double the number of prisoners now housed at Leeuwkop in Bryanston in Sandton, Pollsmoor in Tokai, and Westville in Durban. This means that at current rates it is costing taxpayers R160 000 to house one prisoner.

About 30 000 prisoners could be accommodated in smaller and more modern prisons without extra cost to the taxpayer if the proceeds from the sale of the three antiquated prison complexes were used to build jails.

A R135-million prison complex being built in Goodwood will house 1 692 prisoners, and three smaller jails are to be built at Porterville, Malmesbury and Baviaanspoort.

Under the previous govern-

What prisons cost taxpayer

● It costs R80 843 to build accommodation for one prisoner.

● There are 118 000 prisoners in jails built to accommodate about 95 000.

● The average daily cost to the taxpayer per prisoner is R68,15, which amounts to R24 874 a year.

● Leeuwkop, Pollsmoor, and Westville prisons accommodate a total of 15 263 prisoners on 1 200 hectares of land valued at R2,4 billion. At current market rates the cost of accommodation for one prisoner at any of these jails is a staggering R160 000.

● R2,4bn would enable Correctional Services to accommodate 30 000 prisoners in about 20 smaller jails that each house about 1 500 prisoners.

ment the Public Works policy was strictly applied to block black education departments from having the first right to empty white schools. Under this policy other departments, including the police

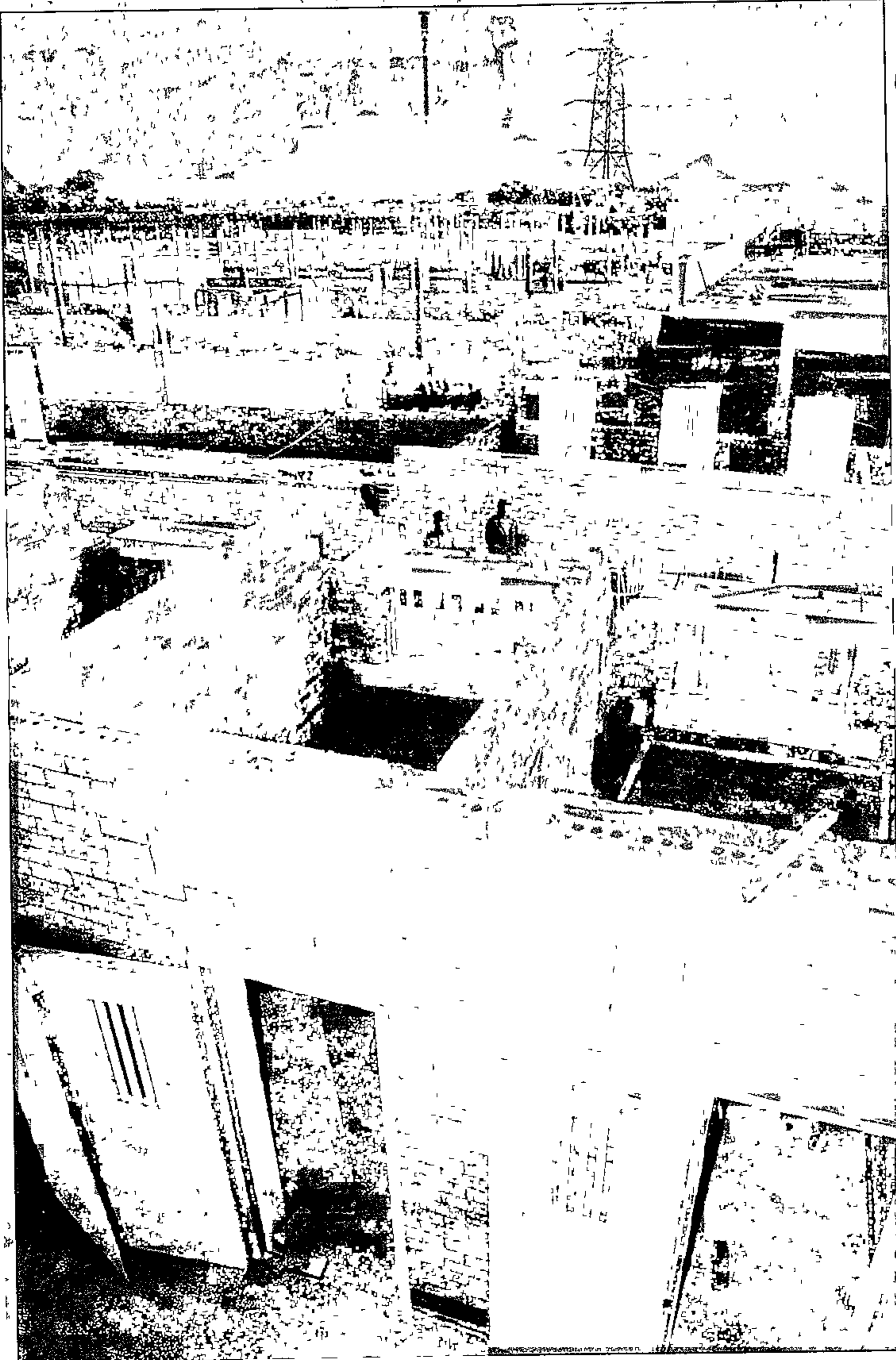
and the defence force, were instead given first option to take over vacant properties.

More than a decade later the same policies are being applied to stop Correctional Service Minister Dr Sipo Mzimela from going ahead with his plans to transform the prison system.

The big prisons have been condemned as being "crime-factories" run by vicious and powerful gangs where warders battle to keep control, let alone mount effective rehabilitation programmes.

Mzimela wants to replace these with smaller prisons with closer links to the community, greater emphasis on rehabilitation and correctional supervision and a more effective system of parole. His other aim is to reduce the prison population, particularly unsentenced prisoners and short-term prisoners and juveniles.

● The annual report of the Department of Public Works reveals that a preliminary audit showed it owned 12 354 properties, including offices, residential buildings, other structures and land, including many in the former homelands. The government is also paying R536,2m annually in rents for buildings.



SMALLER AND MORE MODERN: The new Goodwood prison, which will house 1 692 prisoners, is being built at a cost of R135 million

PICTURE · BENNY GOOL

CRIMINAL JUSTICE AGENCIES MUST BE FULLY INTEGRATED

Joint budget & planning imperative

In 1966, John Vorster sowed the seeds of discord in the criminal justice system when, on acceding to the Prime Ministership, he retained control of the police — for the first time separating law enforcement from the Ministry of Justice

It was personal power play Vorster had used the Justice, Police & Prisons portfolio to build his "strongman" image, and he wasn't about to leave that ladder for another to climb and challenge him

More than that, it was a natural development in the apartheid State's response to the incipient struggle for majority rule. After all, why bother with the courts when, with powers of detention without trial, the police can mop up political opponents without recourse?

The police remained divorced from justice ever since, except for a few years in the Seventies, when Jimmy Kruger presided over both. The subsequent era of P W Botha — his militaristic presidency, expansion of the State Security Council, Louis le Grange's, later Adriaan Vlok's, Law & Order Ministry — served to solidify the police's paramilitary identity, and harden the disconnection with Justice

Thirty years after that first fateful break, the once unthinkable has happened. Vorster's prospect "too ghastly to contemplate" — majoritarian democracy — is a working reality

But the structural separation of criminal justice — the bureaucratic dysfunction that Vorster initiated and Botha refined — remains largely unchanged. It is a systemic fault, and one that is at least as threatening to the success of



Dullah Omar



Sydney Mufamadi

SA's war against crime as all of the manpower and equipment shortages, the training deficiencies and lack of facilities in the police, justice and prisons departments combined

Crime levels have been rising steadily for 40 years, says HSRC criminologist Lorraine Glanz. That may accord with crime patterns worldwide. But while crime has been rising, convictions have declined in SA over the last 20 years at least (see graph)

SA will not be able to counter the growing threat unless it acts decisively to ensure joint strategising, joint budgetary planning and full co-operation between the departments of Safety & Security, Justice and Correctional Services

The measures government has taken or proposed simply do not go far enough. It's not that government is unaware of the gravity of the situation. It has taken

a good shot at addressing the problem in the National Crime Prevention Strategy — a laudable document which presents a comprehensive vision for curtailing crime over the next 25 years

The strategy recognises that crime is not a monolithic phenomenon, there are many kinds of

crime because there are many causes. One can suppress crime temporarily with police action — such as the current police plan which includes an attempt to arrest 10 000 of SA's 237 000 wanted fugitives. But that is like administering aspirin to a car crash victim. To tackle the systemic causes of society's

"pains," one has to act holistically, and involve all relevant authorities — police, courts, prisons, social welfare, defence force, housing, as well as business and the private sector

Business has responded admirably — particularly with the establishment of the Business Against Crime (BAC) organisation that is helping the police and justice agencies to overcome their shortcomings and tackle the problems of crime-fighting and prevention. The 100 BMW patrol cars handed to the Gauteng police is the most visible support so far, but business's most valuable support function may lie in its managerial capacity

BAC has engaged the Justice Department in a six-week exercise to identify and find solutions to major blockages in the processing of priority crime suspects. BAC chairman Wendy Lucas-Bull says at least eight private-sector managerial specialists have been temporarily seconded to Justice for this purpose

Lucas-Bull would not say this, but sources close to the criminal justice system say that without BAC's input the programme might have taken months, if carried out at all. Yet business's capacity to help is limited by the confines of State structures. Departments are often inimical to each other

Justice Minister Dullah Omar seems at odds with his own department. He regularly accuses justice officials of racism and of trying to under-

mine the department's affirmative action policies. Understaffed Attorneys-General, meanwhile, counter that senior appointments cannot be made because suitably qualified black staff are not available. Whatever the truth of all this, these outbursts point to administrative failings within the Justice Department

A further symptom of systemic malaise is Omar's unwarranted public rebuke of

Continued on page 27

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(253)

Continued from page 24

National Police Commissioner George Fivaz last week, for supposedly not informing the Justice Department of the new police plan

Omar and Correctional Services Minister Sipo Mzimela should both have been briefed on the plan, not only by the police but by their own directorates. After all, the police plan is an annual undertaking stipulated in the Police Act for the Department of Safety & Security's budgetary planning. It should have been anticipated by other departments.

What's more, Justice and Correctional Services were both represented on the joint committee that sat for a year to compose the National Crime Prevention Strategy, of which the police plan is a function.

Yet neither Justice nor Correctional Services bothered to budget for implementing the Crime Prevention Strategy this year. Nor has Justice provided for the strategy in next year's draft budget.

Correctional Services has made some allowance for the crime prevention strategy in its 1997-1998 budget, but the department is already R859m in the red this year. Mzimela asked parliament last Friday for a 33% increase to keep his department afloat, but the request drew a frosty "totally unrealistic" from parliament's correctional services portfolio committee.

The police, meanwhile, are hoping to buy a R200m state-of-the-art automated fingerprint identification system that can instantly match prints nationwide. This should significantly improve fingerprint matching. The current manual process takes 14 to 18 days, causing prosecutorial bottlenecks and the often unwarranted release of dangerous suspects for lack of evidence.

Justice, with the assistance of business meanwhile, is planning to buy a national database to keep track of cases and accused. Correctional Services supposedly has a strategy but says little about it. We hear talk of something dubbed "the Butterfly Vision," which will see the erection of new prisons and installation of a computerised database by the end of the century.

But none of these projects appear to be co-ordinated. Duplication of resources is inevitable. Could prisons, for example, not benefit by linkage to the police's new fingerprint system? Could Justice's database be adapted to help the police locate stolen property? There seems to be

no willingness to find out.

In an effort to minimise bureaucratic discord, the National Crime Prevention Strategy has established a joint committee of the Ministers of Safety & Security, Justice, Correctional Services and Defence to formulate crime-fighting policy, and another committee of directors-general to implement the policy. But this is too tentative, and will not overcome the mutual suspicions and animosities that exist between the State departments.

Government must act swiftly and boldly if it hopes to cut through the red tape and inter-departmental squabbles that continue to undermine the criminal justice system.

Mere committee-making is not enough, there must be political as well as

the restoration of justicial fluidity in a country wracked by social discords, which harbour the threat of political instability.

A merger of the three departments is not a solution in itself. But it may be the only way to ensure joint strategic and budgetary planning and bureaucratic co-operation.

The vehicle for achieving this should be the establishment of a permanent secretariat at the highest level of the joint ministry. The kernel of such a secretariat already exists in the form of the Safety & Security secretariat which is headed by lawyer Azhar Cachalia.

This body currently enjoys director-general's status, and should be expanded into a Justice secretariat within, and at

the highest level of, the combined ministry to include the Directors-General of Justice and Correctional Services. This body should also consult closely with counterparts in related departments such as Defence and Welfare.

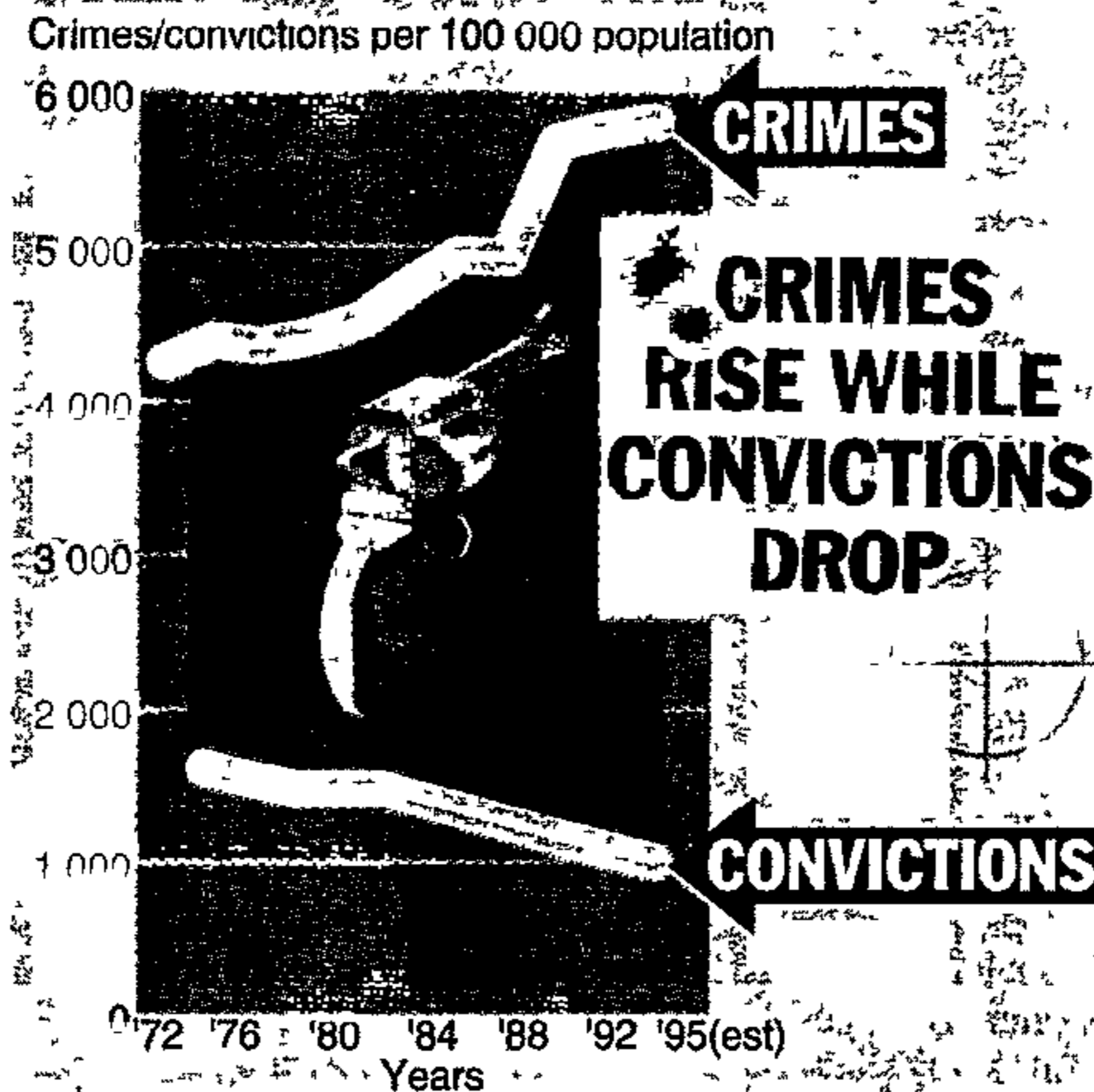
Linking of the police to Justice should not in any way compromise the independence of the judiciary. After all, the prosecutorial functions of the Justice Department have always been successfully separated from the judiciary.

All that would happen is that the police would be drawn into

closer co-operation with the public prosecutors and Attorneys-General to enable a closer working relationship, and consequently better-prepared crime investigations.

ANC officials are slowly coming round to the need to consolidate the justice delivery system, although they still squirm away from the political dimension. A full merger of ministries.

The need to co-ordinate criminal justice is apparent to all concerned, but not yet the need for political and bureaucratic consolidation. We believe you can not have one without the other. Until government acts to achieve that end, the dissension and contradictions will continue. ■



administrative cohesion.

It is necessary to physically combine the police, justice and prisons departments into a single ministry. Each department should retain functional separation under a Deputy Minister.

We recognise that such a step is politically sensitive in the extreme. But it might be tenable if, as a short-term interim arrangement, the three departments were placed under Ministerial control of the Presidency or Vice-Presidency.

This is no indictment of the performances of Safety & Security Minister Sydney Mufamadi, or Justice Minister Omar or Correctional Services Minister Mzimela. But rather a necessary step in

Blank is free – and union calls a strike

(253)

Star 2/7/96

Fury over Blank's release

(S) (253)
from Page 1

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hout, who has been representing Blank, said "There has been no evidence of the so-called irregularities made against my client and the parole was granted favourably with the commissioner respecting his right to privacy". Sapohr spokesman Golden Miles Bhudu warned Correctional Services that "they had gone too far this time"

"If Blank can be released after only 21 months, then thousands of prisoners should be eligible at the same time. Blank's case highlights the gross imbalances and inequality in the release policy. We are mad to hear that he has been released without any scrutiny and without any investigation into the allegations against him"

Correctional Services spokesman Barry Eckstein said that Sapohr's calls for a national strike were "totally irresponsible". He added that the investigation was being conducted by the police and that Blank could be put back in prison if any substantial wrongdoing came to light.

"Blank, like any prisoner, has rights and is entitled to parole when he is eligible for it"

If he's out of jail after 21 months, thousands more are eligible, says prison rights body

By TROYE LUND

Fraudster Greg Blank was released from the Krugersdorp Prison at 7am this morning after serving 21 months of his eight-year sentence, and the South African Prisoners Organisation for Human Rights (Sapohr) have called a national protest strike of their members (currently in prisons) for tomorrow.

This follows the furore caused by Blank's initial parole which was granted three weeks ago and then turned down by Correctional Services Commissioner Henk Bruyn after he was asked by the ANC's Carl Niehaus to explain why the early release was granted.

Bruyn cancelled the first parole after he announced that the parole board had made an "administrative mistake". Prisoners

are meant to have served a third of their sentence before being eligible for parole.

Bruyn also agreed to investigate Sapohr allegations that Blank had been running a business from prison.

After a surprise phone call at 6.30am this morning letting Blank's father know that he would be breakfasting with his son in their Houghton home, Richard Blank said "This is fantastic news. I am so pleased that the commissioner kept to his word that Greg would be reconsidered at the correctional. He is entitled to this."

Blank's father said his son was not willing to speak to the media until he had "relaxed and got a little genuine sunshine".

Advocate Andre Bezuiden-

► To Page 2

Jails quiet after Blank, Bhamjee freed

Stockbroker plans to sue ANC's Niehaus and prisoners' union leader Bhudu for defamation over statements they made. MP Niehaus says he is protected by parliamentary privilege

ALF KUMALO



Those fateful days. Abdul Bhamjee ponders his future outside the Rand: Supreme Court in February, 1992 before being sentenced to 14 years' jail. He was released on parole yesterday after serving less than five years

By Trevor Lund
and Robert Brown

Tails across the country were quiet this morning despite calls for prisoners to take protest action over the "privileged" paroles of fraudsters Abdul Bhamjee and Greg Blank.

The controversy over their release has now led to Blank threatening to sue the prisoners' union leader, Golden Miles Bhudu, and ANC MP Carl Niehaus for defamation over the statements they have made over his parole.

Correctional Services parliamentary committee chairman Carl Niehaus and South African Prisoners' Organisation for Human Rights (Sapoh) chairman Golden Miles Bhudu objected fiercely to the releases saying that they send messages to the public that white-collar criminals enjoyed privileged positions in jail and get released quickly.

Niehaus and Bhudu, both of whom Blank is threatening to sue, raised the strongest objection to Blank's release. They are adamant that he should not have been granted parole until the two investigations into allegations that he unduly influenced the parole board and ran a business from prison had been completed.

Stockbroker Blank served 22 months of an eight-year sentence he received for the dual trading which resulted in Old Mutual being defrauded of R10-million.

70 Page 2

P.T.O.

(253) Star 3/7/96



THYS DILLAART

Home sweet home. Greg Blank, released from jail yesterday after serving 21 months of an eight-year sentence, enjoys the comforts of his luxury Sandton home

Jail protest call over early release ignored in W. Cape

(253)

ARG 3/7/96

Staff Reporter

A CALL for mass action in jails to protest against the early release of fraudster Greg Blank has so far been ignored by prisoners in the Western Cape

Blank was released after serving 21 months of an eight-year sentence

The South African Prisoners' Organisation for Human Rights (SAPOHR) called on prisoners to protest today against Blank's early

release.

But correctional services spokesman Daleen Carver reported that all was calm in prisons in the Western Cape.

"So far we have received no reports of any protest action," she said

SAPOHR president Golden Miles Bhudu said "It all depends on the prisoners. If they do not respond, they indirectly give their support to this early release policy."

Bhudu alleged that the release policy of

the Department of Correctional Services was corrupt and that there was no option for his organisation but to call for mass action.

The only prison protest reported today has been at Boksburg Prison, where inmates refused to go to their mess hall this morning

But a prison spokesman there said the situation was under control and that all the prisoners went back to their sections later

● See page 8

Disobedience at 26 jails over parole system

(253) Star 4/7/96

Calls for revamp as prisoners protest
and officials take flak over
freeing of Bhamjee and Blank

BY TROYE LUND

Pressure is mounting for an immediate revamp of the parole system, amid spreading strike action by prisoners protesting against the release of fraudsters Abdul Bhamjee and Greg Blank.

Thus follows South African Prisoners' Organisation for Human Rights (Sapohr) chairman Golden Miles Bhudu's calls for prisoners to start refusing food and work until the Department of Correctional Services gave a detailed account of the criteria and calculations used to give Bhamjee and Blank parole.

By last night, the disobedience had spread to 26 of the country's 266 prisons, prisons authorities said. An estimated 3 500 of the 118 000 convict population were taking part in the strike.

Prisons in the Eastern Cape, Western Cape, Northern Cape, Mpumalanga, Gauteng and the Free State were affected, said Correctional Services Department spokesman Chris Olckers.

Although only one incident of violence, in Burgersdorp Prison, had been reported yesterday, Olckers said prison authorities would not hesitate to call in police if the situation deteriorated.

He said a previous call for disobedience by Sapohr had ended in several prisoners losing their lives or being injured. The calls for a strike were irresponsible because Sapohr knew that strike action jeopardised inmates' parole.

Olckers stressed that the parole system was under review and that a revamp was imminent. Sapohr knew this and had been invited to make submissions

Gauteng Safety and Security MEC Jessie Duarte said the releases happened at the worst possible time, when the Government was working "feverishly" to ensure the criminal justice system reversed spiralling crime.

NP spokesman for correctional services Ray Radue urged Correctional Services Minister Sipo Mzimela to implement a completely revamped system of release.

Bhudu told The Star that correctional services "had gone too far". Blank and Bhamjee had been released "as soon as possible" after they had served the required third of their sentences. Bhudu

Strike calls deemed irresponsible

was adamant that thousands more inmates would be freed if the same "mischievous" parole criteria were applied to all prisoners.

Parliamentary correctional services committee chairman Carl Niehaus said that although Bhamjee and Blank had served a third of their sentences, the department was under no obligation to release them as soon as possible.

Many prisoners who had served a third of their sentence and did not have investigations pending against them, as Blank did, were still incarcerated.

Niehaus cautioned the Correctional Services Department that it was sending out a message that white-collar criminals enjoyed privileged status in prison and were released sooner.

Mandela's office concerned over child-killer amnesty

STAFF WRITERS

CT 4/7/96

(253)

THE Office of the State President yesterday reacted "with some concern" to revelations in the Cape Times that child killers, rapists, and paedophiles had slipped through a "loophole" in the Presidential amnesty granted last April.

Mr Mandela's office admitted they had been warned by the Department of Correctional Services that it would be impossible for them to determine just who would be excluded from the remission if it applied to common law criminals, because the ages of the victims of common law offenders were unavailable.

In terms of the the Presidential Act last April, Mr Nelson Mandela gave a special one-quarter remission of sentence, up to a maximum of six months, for all prisoners — except child abusers. However, several paedophiles and child killers have now slipped through a loophole in the amnesty paper.

Meanwhile, prisoners around the country

began a hunger and labour strike over what they claim are "unequal and unfair" releases.

By late yesterday afternoon 25 of the country's 226 prisons had prisoners refusing to eat or work in protest against the early releases of Greg Blank and Abdul Bhamjee.

Correctional Services spokesman Mr Chris Olckers said prison chiefs had been instructed to warn prisoners that taking part in the strike would influence their parole hearings and expressed concern that the strike could ignite into violence and deaths.

The former Office for Serious Economic Offences senior advocate who put Blank behind bars, Mr Petrus Marais, said his team's sentencing request had been for the maximum period of correctional supervision — the best way to prevent prison authorities from reducing the sentence — and for a R1 million fine to render Blank financially "unviable".

However, the judge had opted for a jail sentence without the option of a fine.

Prisoners refuse to halt strike

ANDREA BOTHA
Staff Reporter

ARL 4/7/96

(253)

~~252~~

ABOUT 300 maximum security prisoners at Victor Verster Prison in Paarl have refused to return to their cells following the call to protest against the early release of white collar criminals Greg Blank and Abdul Bhamjee

Chris Vermaak, head of the maximum security section, described the situation as "very tense". He added that although the protest had been peaceful so far, tension was mounting.

Prisoners at a number of other prisons in the country have also embarked on protest action.

Prisoners at Victor Verster started protesting yesterday morning, but the Department of Correctional Services was

informed only later that they had refused to go to their work stations and were standing outside in the exercise yard.

In spite of cold wet weather, prisoners continued their action through the night. The prisoners involved in food preparation refused to return to work. This has put extra pressure on prison staff, who have to cook and serve the prisoners.

The prisoners responded to the call by SA Prisoner Organisation for Human Rights (SAPOHR) president Golden Miles Bhudu for prisoners all over the country to start mass action against the early prison releases of Mr Blank and Mr Bhamjee.

They were released on parole after serving a fraction of their sentences.

Victor Verster was the only jail in the Western Cape to have prison unrest so far.

ARG 4/7/96

Parole revamp urged as prison strike grows

The Argus Correspondent

JOHANNESBURG. - Pressure is mounting for an immediate revamp of the parole system amid fears of spreading strike action by prisoners in the wake of the release of fraudsters Abdul Bhamjee and Greg Blank.

This follows calls by the South African Prisoners' Organisation for Human Rights (Sapohr) chairman Golden Miles Bhudu for prisoners to start refusing food and work until the Department of Correctional Services gives a detailed account of the criteria and calculations used to get Bhamjee and Blank paroled.

By last night the disobedience campaign had spread to 26 of the country's 266 prisons, prisons authorities said. An estimated 3 500 of the 118 000 convict population were participating in the strike.

Prisons in Eastern Cape, Western Cape, Northern Cape, Mpumalanga, Gauteng and the Free State were affected, said Correctional Services spokesman Chris Olckers.

Although only one incident of violence, in Burgersdorp Prison, had been reported yesterday, Mr Olckers said prison authorities would not hesitate to call in police if the situation deteriorated.

He said a previous call for disobedience by Sapohr had

ended in several prisoners losing their lives

Mr Olckers said the calls for a strike were irresponsible, as Sapohr knew how strike action jeopardised inmates getting paroled. The parole system was under review and a revamp was imminent. Sapohr knew this and had been invited to make submissions.

Gauteng safety and security MEC Jesse Duarte said the releases had happened at the worst possible time, when the government was working "feverishly" to ensure the criminal justice system reversed spiralling crime.

National Party spokesman on correctional services, Ray Radue, urged Correctional Services Minister Sipo Mzimela to implement a revamped system of release.

Mr Bhudu said Correctional Services "had gone too far". Blank and Bhamjee had been released "as soon as possible" after they had served the required third of their sentences.

Thousands more inmates would be freed if the same "mischievous" parole criteria were applied to all prisoners.

The chairman of the parliamentary correctional services committee, Carl Niehaus, said although a third of the sentences had expired, the department was not obliged to release them at the earliest moment.

Early paroles spark strikes at 25 prisons

Deborah Fine

MORE than 3 000 prisoners at 25 of SA's 226 jails countrywide had refused to eat or work in protest against the parole of stockbroker Greg Blank and former soccer official Abdul Bhamjee, correctional services spokesman Chris Olckers said yesterday

The prisoners' actions were in response to calls by SA Prisoners' Organisation for Human Rights chairman Golden Miles Bhudu for disobedience protests in jails, Olckers said

Bhudu has attacked what he termed the "privileged positions" of white-collar criminals and has accused

the stockbroker of unduly influencing the parole board

Olckers said incidents had been reported at jails in the Cape, Gauteng, Mpumalanga and the Free State, but said that all the protest action had been peaceful

Only one incident of violence had been reported. In Burgersdorp, Eastern Cape, a prisoner had stabbed a warden in the face. The warden was not seriously injured

Olckers said he did not know how long prisoners intended continuing their protests, but said that in some jails the protests had ended by yesterday afternoon

He described Bhudu's call as "totally irresponsible", saying that prisoners' behaviour yesterday would count against them when it was their turn to be considered for parole

NP correctional services spokesman Ray Radue said the release of Blank and Bhamjee had come as a "further shock" to the public

He said the ANC and Correctional Services Minister Sipo Mzimela of the IFP could not continue to make a mockery of the justice system by releasing prisoners prematurely

Lawyers for Human Rights said the

Continued on Page 2

Jails (253)

Continued from Page 1

early release of Blank and Bhamjee highlighted the need for parole criteria to be reviewed and standardised.

Prisoners' anger was understandable as Blank and Bhamjee appeared to have been able to gain credits which other prisoners might have had difficulty achieving.

It is believed that Blank might have benefited from being white, from a wealthy background and having access to large sums of money which had been used to upgrade prison facilities.

Other prisoners did not have these advantages and it was "insensitive" of correctional services to have released Blank in the light of an investigation to

be conducted by the public prosecutor into the decision to grant him parole

Bhamjee could not be interviewed yesterday. A member of his household said that he "wanted to rest for a few days".

Dave Marrs reports that representatives of stockbroking firms threw cold water on any hopes Blank might have entertained of resuming his career, even if the JSE committee was prepared to readmit him as a member.

They said that while Blank had been respected as "one of the best" before his arrest and had paid his dues in prison, few firms would risk losing their clients' trust by employing a convicted criminal.

"He brought his own name and that of the JSE into disrepute. Greg knows how it works. I doubt he'll even give it a go," one senior executive said

Prison bitterness still simmers over releases

(253) Star 5/7/96

Prisoners call off their protest as assurance is

given that Parliament's plans to revamp

the parole system will be speeded up

By **TROYE LUND**

The South African Prisoners' Organisation for Human Rights has called off its prison strike, but is demanding that Commissioner of Correctional Services Henk Bruyn be dismissed

The strike was called to protest against the release of fraudsters Greg Blank and Abdul Bhamjee, who served only a third of their sentences, and resulted in 3 500 inmates refusing to eat or work since Tuesday night

The strike had by yesterday spread to 26 prisons. Maximum-security prisoners at several pri-

sons refused to go into their cells, while other prisons reported cells being set alight

One incident of violence, in which a warder was injured, was reported

Several maximum-security chiefs across the country had described the situation as "very tense" and were preparing to call in the police

Sapohr agreed to suspend its protest yesterday after parliamentary correctional services committee chairman Carl Niehaus assured it that plans to revamp the parole system would be speeded up and given highest priority at the next sitting of Parliament

Public Protector Selby Baqwa announced that he had started an investigation into the release system. He will also investigate allegations that Blank and Bhamjee cultivated undue influence over prison officials

Niehaus said Baqwa's investigations would also determine disciplinary or legal steps to be taken against prison officials

Niehaus said that around midnight on Wednesday, correctional services officials had contacted him to plead for his intervention

Niehaus said Bhamjee and Blank could be put back in jail and charged if their actions had been illegal

Prisoners' strike (253) (812) Sewetan 5/7/96 comes to end

THE South African Prisoners Organisation for Human Rights yesterday called off protest action at prisons

Sapohr on Tuesday called for hunger strikes and disobedience at prisons to protest against the Department of Correctional Services' parole system, but yesterday afternoon its president Golden Miles Bhudu told a Johannesburg media conference that the protest had been called off

After starting on Wednesday, the protest failed to escalate significantly yesterday, with about 3 500 prisoners participating at 27 prisons in six provinces, Correctional Services spokesman Brigadier Chris

Oickers said Prisoners refused to eat, work or obey warders

The protest action followed the early release on parole of high-profile fraudsters Greg Blank and Abdul Bhamjee Bhudu said the authorities were unfairly selective in their approach to releasing prisoners on parole

He suggested more prisoners could be released if the criteria applied to Blank and Bhamjee were applied to all prisoners

Oickers said earlier yesterday that the number of prisoners involved in the protest did not represent a significant increase -- *Sapa*

Prisoners call off strike after talks

Staff Reporter

ARGENT 19/96

THE prisoner protest at Victor Verster Prison near Paarl has ended after successful negotiations between provincial prisons commissioner Stephen Korabie and prisoners, who were holding their protest in the cold, wet prison courtyard

After 38 hours in the cold, inmates had returned to their cells about 8pm yesterday, said Correctional Services spokesman Mike Green

The protest followed the early release on parole of white-collar criminals Greg Blank and Abdul Bhamjee

Mr Green said prisoners had been assured of imminent changes to the Parole Board. They were satisfied with the proposal and had agreed to stop striking

Prisoners call off protests

(253) BD 5/7/96
Deborah Fine

SA PRISONERS' Organisation for Human Rights chairman Golden Miles Bhudu called yesterday for the suspension of countrywide mass action by prisoners to protest against the early release on parole of stockbroker Greg Blank and former National Soccer League official Abdul Bhamjee.

At a joint news conference of his organisation and the ANC in Johannesburg, Bhudu called also for the removal of correctional services commissioner Henk Bruyn, whom he labelled "part of the old oxwagon patrol"

Bhudu said he had called for the suspension of the protest after receiving assurances from public protector Selby Baqwa and the chairman of the portfolio committee on correctional services, ANC MP Carl Niehaus, that a high-priority investigation into the release of Blank and Bhamjee had already begun.

He had been assured by Niehaus — who attended yesterday's news confer-

ence — that government had launched a comprehensive inquiry into the parole policies of the correctional services department.

Prisoners in 26 jails countrywide embarked on hunger strikes and refused to work from Wednesday after Bhudu's claims that Blank and Bhamjee had been released early because of their wealth and "privileged positions".

Niehaus said that the ANC welcomed the decision of Bhudu's organisation to call off its mass action campaign to protest at the paroles.

The ANC did, however, express its dismay at the manner in which the correctional services department had handled Blank's parole.

The department had known that his release was a "very sensitive matter" which would generate strong emotions.

Niehaus stressed that while he respected Bhudu's right to call for Bruyn's removal, his own presence at the joint media conference should not be taken to imply that he or the ANC supported Bhudu's call.

Parole protest: Strike prisons return to normal

(253) (752)
JOHANNESBURG - Conditions at strike-hit prisons across the country are returning to normal

About 25 prisons were affected by strike action on Wednesday and Thursday in response to a call by the South African Prisoners Organisation for Human Rights opposing the country's parole system

The strike was sparked by the early release on parole of fraudsters Abdul Bhamjee and Greg Blank earlier this week

Conditions at Goedemoed Prison in the southern Free State were described as calm after prisoners on Thursday night refused to enter their cells.

Negotiations between the department and 1 200 dissatisfied prisoners, as well as a call by Sapohr president Golden Miles Bhudu's call for an end to strike action, defused the situation, Free State Correctional Services spokesman Johan Massyn said

Mr Massyn said activities were back to normal at the other five jails in the province where prisoners had taken part in strikes

In the Northern Cape protest action at three prisons had stopped But a few inmates at Kimberley prison were still refusing to take food, it was reported

ARG 6/7/96
At the Upington prisoners told authorities they had yet to decide on their course of action On Thursday about 600 embarked on a sit-in - Sapa.

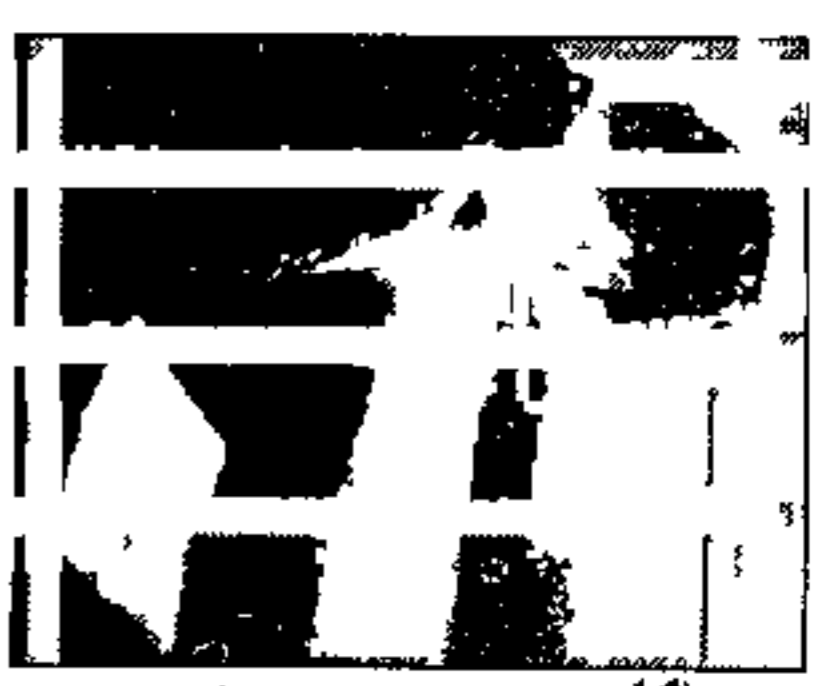
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9/2/96

Prison education keeps freed offenders on straight

(253)

Star

Opportunities initially denied to inmates by society make all the difference, writes Chris Doob



people taking college courses, including between 22 000 and 27 000 prisoners in federal and state facilities

As a result, college prison programmes in many states, including New York, California and Kentucky, have been nearly or totally eliminated and have been curtailed or threatened in such states as Texas, Minnesota and Connecticut

Robert is also correct about the relationship between education and recidivism the more education inmates receive, the greater the likelihood that they will remain out of criminal activity and hence stay out of prison

A study done by the New York State department of correctional services found that male inmates who completed one or more years of higher education in prison

four years after their release had a recidivism rate 20% lower than the average for all male inmates

The office of research and evaluation at the Federal Bureau of Prisons reported a similar drop in recidivism among prisoners who had completed one or more education courses at any level during each six-month period they were incarcerated

Nothing else has the impact on recidivism that education does Yet that reality fails to impress many Americans Some resent that prisoners can receive a free education when other Americans cannot afford it Thus, it seems to me, is an issue worthy of careful analysis

One possible way to overcome this resentment would be for supporters of prison education to build a coalition promoting education subsidies for other low-income groups as well

Another claim of opponents of prison education is that inmates don't deserve it they are considered unworthy, even evil beings - devils incarnate

Challenged by such public reaction, inmates in college programmes are often willing to evaluate their experiences For the most part they take responsibility for their crimes, but they also analyse the circumstances that have led to their present predicament

Robert wrote "One of the reasons why I'm in prison is because I lacked the education to obtain a good job and, therefore, turned instead to criminal activity"

Doesn't that make sense? Under the right - that is, wrong - circumstances, I can readily visualise myself following the path making me (1) a gang member and (2) a lifelong

criminal It didn't happen because I had other chances, and I'm grateful they existed. People make mistakes, but it is widely considered beneficial if they have a chance to make up for them, especially when an opportunity such as the prison college programme helps them understand and alter the circumstances creating their mistakes. Lives are at stake, the lives of people such as Robert who have the courage and intellect to turn themselves from destruction toward effective living. Furthermore, prison education represents a small but useful step toward defusing one of society's most explosive threats a rapidly growing, ever more dangerous prison population - Los Angeles Times News Service

Chris Doob is a professor of sociology at Southern Connecticut State University and author of *Sociology An Introduction*.

Recently I received a letter from Robert, a Texas prison inmate, who is taking a college course where my introductory sociology text is being used. Why, he wanted to know, were college programmes for prisoners being cut all around the country?

The issue was important and troubling enough to prompt me to investigate. One haunting question from the letter stuck with me "Don't people know," Robert asked, "that these programmes are a way of ensuring that when an offender gets out, his chances of staying out are increased?"

Robert's conclusions are supported. Starting last July, an amendment to the 1994 Crime Bill made prison inmates no longer eligible for Pell grants, which have provided federal funding for low-income

OVERFLOWING PRISONS FUEL CRIME CRISIS

(253) FM 12/7/96

New parole scheme scrutinised

The prison service is in an appalling crisis. The early paroles of convicted fraudsters Greg Blank and Abdul Bhamjee last week are but symptoms of the malaise. The fact is that the prison system has all but collapsed in recent years.

With the prisons running about a quarter over capacity and some twice as full, those charged with keeping criminals in jail are dabbling with release schemes to make room in the cells for more.

The prison problem cannot be solved in isolation, it must be tackled as part of a reorganisation of the criminal justice system, as the FM has argued before, to co-ordinate policy and budgets or merge the departments of police, justice and prisons (see *Leading Articles* 28 June).

In the short term, however, the prison problem must be handled on two levels: provide enough jails to ensure prisoners serve their sentences as intended and reorganise the parole system to stop it undermining justice.

There are 227 prisons in SA — only a quarter (56) of which were built since 1976. That's hardly three a year — not enough to deal with the surge in the crime rate and the prison population explosion of the past 20 years.

In the mid-Eighties, the Hoexter Commission reported that pass law arrests had bred widespread contempt for the administration of justice and had removed the stigma from jail sentences. More than four in every 1 000 citizens were in jail, making SA one of the world's most imprisoned nations. For example, in 1983, Fauresmith Prison was 352% full and Vanrhynsdorp 285%.

The latest prison figures suggest an improvement. But the statistics belie the extent of the problem. There are 118 000 prison inmates — and authorities expect

125 000 by the end of the year.

A further 33 000 are on parole or under correctional supervision, which takes the total convict population to more than 150 000 (see table).

The construction of prisons seems unlikely to pick up. Three weeks ago, Correctional Services Minister Sipo Mzimela disclosed that his department was R859m (a third of budget) in the red. Parliament's correctional services portfolio committee, chaired by the ANC's Carl Niehaus, rejected as "unrealistic" the Inkatha Minister's request for a 33% raise in the R2,6bn budget.



Sipo Mzimela

Parole and correctional supervision is the modern approach to imprisonment. It may be the only way to provide some relief — if properly applied, which it isn't. In the US, up to 80% of prisoners in some states are on parole or probation (equivalent to correctional supervision).

In SA, the ratio is 20%. It costs R68,15/day to accommodate a prison inmate against R14,74 to monitor someone on parole or probation.

Correctional supervision or probation is a nonjail sentence assigned by a judge, parole is early release from sentence of a jailed prisoner.

In both instances, the prisoners are under restrictions, usually house arrest and/or community service. They are prohibited from drinking alcohol and supervising officials are empowered to draw blood samples without notice.

But there is one big snag. Ideally, a supervising officer should be responsible for about 25 parolees and probationers. There are only 1 100 supervisors in SA, which translates into a ratio of 1:300. And each day, another 115 prisoners step on to the streets — to make a total of 42 000 a year. How do you administer such a probation or parole policy?

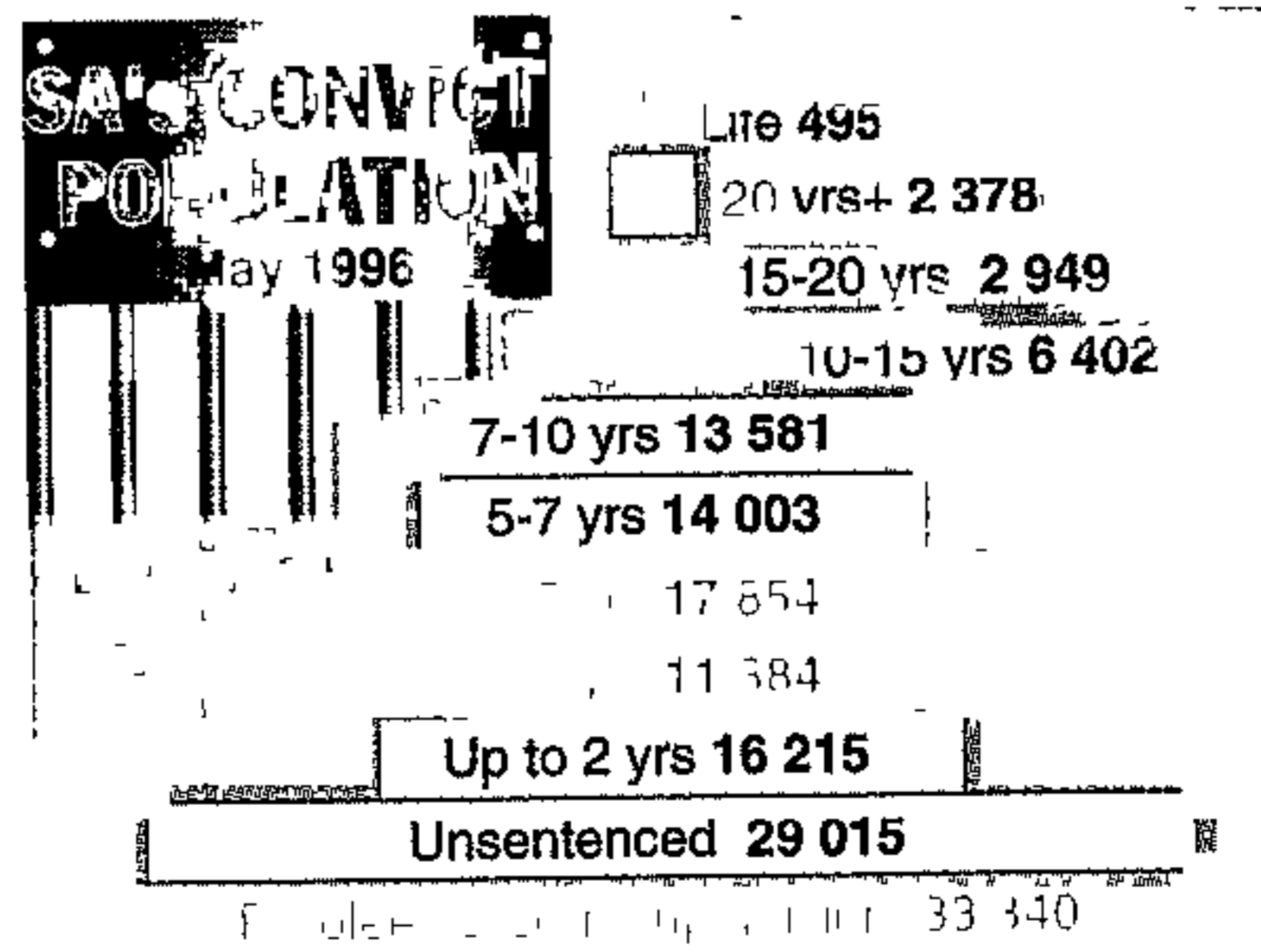
"The prison authorities play with semantics," says Cape Attorney-General Frank Kahn. "They say they are converting the form of punishment when they put someone on parole. But, in effect, they are freeing them because they don't have the staff to police them."

Kahn is an outspoken opponent of current parole practices, arguing that they give the Correctional Services commis-

sioner extrajudicial powers that usurp those of the courts. "When a faceless bureaucrat slashes by half or even three-quarters a sentence handed down by a court, it makes a mockery of the judicial system," he says.

He gets choleric on the issue of blanket remissions and amnesties — of which there have been at least six since 1990 when then President F W de Klerk and later President Nelson Mandela's Government of National Unity started releasing convicts to celebrate democracy.

"We spend millions of rand and years of effort to get a criminal in jail, then Nelson turns 77 or something and the crook is



Total in prison	118 363
Parolees & correctional supervision	33 336
Habitual†	3 357
Others*	730
Total convicted population	151 699

* Death row, mental, debtors, etc
† Sentence indefinite

SOURCE: DEPT CORRECTIONAL SERVICES

out before you know it," growls Kahn

Sentence reductions have been part of the prison scene since the late Fifties. Right up to the early Nineties, it was standard practice for the prison authorities to lop off a third of an inmate's sentence the moment he walked through the gate.

The so-called remission system, however, did not apply to those jailed for life.

Automatic remission was scrapped in March 1994 and replaced with a credits system which enables well-behaved prisoners to earn reductions of their sentences. This "carrot" approach is aimed at providing prisoners with an incentive to rehabilitate and adapt to leading normal, law-abiding lives after release.

But crafty murderers and rapists can earn credits simply "by observing the rules which apply in a prison," says a prison spokesman. While, ordinarily, parole may be granted after a prisoner has served a third of his sentence, the credit system enables the Correctional Services commissioner to cut sentences by 75% or more.

Such sophisticated procedures may be appropriate to a low-crime society inured to the rule of law and democracy. But SA cannot take such risks while it remains one of the most criminally violent societies on Earth.

Mzimela has promised to overhaul the parole procedure before the end of the year. Had he done so before Tuesday last week, neither Blank nor Bhamjee would have been free today. Nor would well-behaved murderers, robbers and muggers be freed as early as they are.

Stockbroker Blank served less than 22% of an eight-year

sentence for his part in defrauding Old Mutual of nearly R10m. National soccer league official Bhamjee served 31% of his 14-year sentence for stealing R7,4m in soccer sponsorships and TV rights.

Both men benefited from blanket presidential remissions which pared down their original sentences, in Blank's case to only five years.

For obeying the rules of their respective prisons and behaving like the gentlemen they probably were before going to jail, each earned good behaviour "credits" which contributed to their early paroles.

"If politicians want to attack the parole system, let them," said Blank after re-

lease, "but I must not be the example because white and rich gives mileage."

Maybe so. But it does appear that race and wealth do play a part in parole determination. Justice officials say black prisoners are usually denied early parole because many parole supervisors refuse to travel into black townships.

So, for the lack of a parole officer, blacks are denied the early release often granted to (mostly white) residents of upper-class suburbs. Parole, therefore, is a "white thing" which contributes to racial antagonism, political posturing and prison strikes such as those which followed Blank's parole.

Public Protector Selby Baqwa has yet to appraise allegations by MP Niehaus and others that Blank bought his way out of prison. If he upholds Niehaus's suspicions, Blank would have to return to prison. But releases such as Blank's and Bhamjee's are not rare.

One of the most outrageous paroles took place in 1993, when Sicilian Giuseppe di Blasi was let out of Pollsmoor after serving less than 18 months of a four-year sentence for shooting dead his estranged wife in Hout Bay.



Carl Niehaus

The prosecution appealed against the sentence and, with the appeal pending, the prison authorities paroled Di Blasi.

His murderous deed had been coldly calculating. For years, he had tracked his artist wife, botching three murder attempts in London, before gunning her down as she tried to flee. Several months after

Di Blasi's parole, the Appellate Division boosted his sentence to 15 years and he went back to jail. The irony is that on hearing the court's ruling, he presented himself voluntarily at Pollsmoor's gates — thereby earning advance credits towards his future release.

The FM has obtained the official recommendations for a new parole system which would be a major step up from the current practice.

The proposals, drawn up by the National Advisory Council on Correctional Services (Nacocs), chaired by Mr Justice Mark Kumleben, would

□ Scrap the credit system,
□ Ensure all fixed-sentence prisoners (excluding lifers) serve at least half their sentences, or at least 20 years of sentences longer than 40 years, before being eligible for parole,

□ Ensure life prisoners are not considered for parole until after 20 years, unless they turn 65 years of age, after which they

may be considered, provided they have served at least 15 years, and provided Nacocs vets all decisions regarding lifers,

□ Remove the authority for parole decisions from the Commissioner of Correctional Services. The commissioner now has the power to grant parole after considering, without compulsion, the recommenda-

tions of the parole boards that sit at each prison,

□ Reconstitute the parole boards, making them statutory bodies independent of the Correctional Services Department or Ministry,

□ Appoint two of members of a local community to the five-member parole board of each prison, to ensure local input in parole decisions, and

□ Insist that the trial record and the "nature of the crime" be considered in all parole decisions.

The proposals, if implemented, would sharply reduce the number of parolees, which in turn would aggravate prison overcrowding, Judge Kumleben's council acknowledges.

But the council points out that "this problem is one relating to the sentencing process and the administration of justice as a whole."

Judge Kumleben's council has deliberately spurned the call by Attorneys-General for judicial control over the parole process. The judge apparently believes this would place undue bureaucratic burdens on the judiciary. His proposals for tightening parole procedures have, nonetheless, been welcomed by senior justice officials.

Tighter parole, though, leaves a singular and urgent challenge for government. It must redesign the prison system to cope with the national crime wave. It must do so in such a way as to contain convicts and transform them into worthy citizens. But, above all, it must do so in a way that protects society from the scourge of crime. ■

CATEGORIES OF SENTENCED PRISONERS

Offences	Total
Aggressive	37 360
Economic	35 810
Sexual	9 320
Drug	3 470
Other	3 110
(Totals rounded)	

SOURCE: DEPT CORRECTIONAL SERVICES

Each prisoner costs taxpayers R65 a day

Mboneni Mulaudzi

(253)

20 15 7 96
Western Cape which had 22,4%
Of all SA prisoners, 25% were
awaiting trial or sentencing, the
journal said SA had a similar
number of prisoners per 100 000
of the population to that in the US

TAXPAYERS spend R23 725 a
year keeping each of SA's 120 744
prisoners behind bars, according
to figures in the latest SA National
Institute for Crime Prevention
and Rehabilitation of Offenders
(Nicro) journal

The journal said the cost per
prisoner had risen from R18,67 a
day — R68 14,55 a year — in
1989/90 to R65 a day. The lion's
share, 24,4%, of the prison popu-
lation was in Gauteng, followed by

About 20 000 prisoners were
released each month, a figure cor-
rectional services spokesman Bert
Slabbert said roughly equalled the
number of new arrests made. The
number of releases varied in dif-
ferent provinces, with about 6 650
releases taking place in Gauteng
monthly

Striking inmates demand phones

ARG 17/7/96
ANDREA BOTHA
Staff Reporter

ABOUT 500 prisoners at the Medium A block at Victor Verster Prison near Paarl are striking against conditions at the jail - demanding, among other things, more telephones.

This follows a protest two weeks ago when prisoners in the maximum security section at the jail joined a nationwide prison protest against the early release on parole of white-collar criminals. Greg Blank and Abdul Bhanjee "Everything is under control at the prison and there is no violence," said Willem Damons, head of Victor Verster Prison.

Negotiations between the inmates and prison authorities failed again last night and prisoners were refusing to go back to work.

Mr Damons said prisoners wanted to see changes before calling off their strike.

"They have now also called for more telephones. There are already two telephones, but they want four. We have already spoken to Telkom and hope to have the new telephones by the end of the week," he said.

The strike began last Friday, when prisoners demanded to know the outcome of an investigation into conditions at the jail, and specifically the functioning of the parole board at Victor Verster.

Provincial prisons commissioner Steven Korable was checking a report made by the investigating team and prisoners would be told of its content as soon as possible, Mr Damons said.

Prisons spokesman Mike Green said prisoners had presented a list of 24 grievances to the department, but that most of their unhappiness concerned the Parole Board and some of its members.

Prisoners back at work

ABOUT 700 prisoners at the Victor Verster jail at Paarl in the Western Cape have returned to their work stations

(253) (162)
The prisoners went on strike at the weekend because prison authorities had failed to respond to a number of grievances presented to them about two weeks ago

Correctional Services spokesman Mike Green said yesterday there had been some problems at the prison and a number of staff members had since been transferred to other sections. - Sapa

ART 19/7/96

Call for alternative punishment to cut costs

Arav 20/7/96 (253)

By JACQUI REEVES

Six years ago it cost the taxpayer R18,67 to keep a person in prison for a day. But with the rising price of petrol, bread and most everything else in the country, it now costs R61,30 a day to keep our criminals behind bars. Over a single year, that works out to more than R22 000 for each inmate.

Chris Olckers, spokesman for the Department of Correctional Services, says these figures are calculated to include accommodation costs, food, medical facilities, and the salaries of prison staff, and are not unusually high.

Keeping these increases in mind, it is not surprising that the department has had its budget increased from R750-million to its current R2,4-billion.

With the prosecutors' work-to-rule campaign causing a paperwork bottleneck in the Justice Department, and new, superpowered police plans intended to arrest thousands of criminals, the state of South African prisons has come under the spotlight recently.

Jonathan Bradshaw, information manager at the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro), believes these huge costs could be avoided by pursuing alternative forms of punishment.

"People tend to think that community service is a soft option, but the criminals do hard work in non-profit-making organisations like community services, and they don't have to be exposed to the criminalising

effect of prison," Bradshaw said.

At the moment there are about 120 700 prisoners in South Africa's jails, but more than 20% of this figure are released every month, either conditionally or unconditionally.

A conditional release is a paroled release, where the prisoner has to report to a police station or a parole officer at regular intervals. The release could also be in the form of a type of house arrest.

"Too often prisoners get off early for good behaviour or through a general amnesty, and these are the people that go on to commit crimes again," Bradshaw said.

"The members of the SAPS are working hard to arrest these criminals, so the officers become

frustrated and demoralised when the criminals are back on the streets in an unreasonably short time," he said.

Olckers, however, disagreed that the monthly release figures were unusual, saying the total number with which the department deals annually explains the figures.

"We (the department) have an annual turnover of 400 000 people per year, so each month certain prisoners become eligible for release. With this in mind, the numbers are not unusual," he said.

The services provided by Nicro for people entering or leaving prison are especially in demand in Gauteng, the province with the dubious distinction of having the highest number of inmates in the country.

R22 000 a year the cost to (253) ARG. 20/7/96 keep one criminal in jail

Weekend Argus Correspondent

JOHANNESBURG - Six years ago it cost the taxpayer R18,67 to keep a person in prison for a day. But, along with the rising price of petrol, bread and most everything else in the country, it now costs R61,30 a day to keep our criminals behind bars. Over a single year, that works out to over R22 000 for each inmate.

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