

P.S. - GOVT. - PRISONS

1998

Lice and leaks for 3 300 packed into Pollsmoor

GLYNIS UNDERHILL
SPECIAL WRITER

Overcrowded Pollsmoor Prison's admission centre is in crisis with 3 300 inmates living in inhumane conditions and dozens of warders on stress-related sick leave.

Of the inmates, 3 000 are awaiting trial and have not been convicted of any offence.

The other 300 have been convicted and are awaiting transfer to other prisons.

Mike Green, supervisor of internal security at Pollsmoor, said the centre was designed to take only 1 650 prisoners and the strain was taking a huge toll on staff and inmates.

The crisis had been exacerbated by the winding down of the court system over the festive season.

Frustration had built up among staff and there were up to 40 warders a day on sick leave, which was frequently stress-related.

ART 2/1/98

(253)

"We are hopelessly overpopulated and understaffed," said Mr Green.

Normally, up to 300 awaiting-trial prisoners were taken to court each day, but over the festive season courts wound down and only between 25 and 50 went to court daily, he said.

"The main complaint is that prisoners aren't getting bail or it is so high that it is out of reach of many, who have not got an income," said Mr Green.

Shane Ismail, a dentist who is on hunger strike after awaiting trial for five months, said in a telephone interview he was covered in a lice rash.

Between 40 and 50 prisoners were crammed into cells which were intended for 20 people, he said.

"The conditions are horrific. This place is condemned and leaking and full of cockroaches and lice. I have a lice rash over my

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Overcrowding crisis for Pollsmoor admission centre

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whole body," he said.

Mr Green said lice and leaks were attended to when reported, but overcrowding was exacerbating the situation.

About 1 800 prisoners were moved to other prisons before the festive season to relieve the overburdened jail, he said.

Dogs and handlers are being used to try and control the hundreds of visitors who go daily to see the awaiting-

trial prisoners, who are not allowed contact visits with their families.

Correctional Services head office refers to the maximum security prison as "the admission centre" because it is home to remand prisoners, who can spend up to two years

waiting for their cases to be heard.

Four of the 12 prisoners who went on a two-week hunger strike in the run-up to Christmas after being held in Pollsmoor without trial for several months were back on a hunger strike, said Mr Green.

ART 2/2/98

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7

Strict parole conditions for escapees

(253)

CP 4/1/98

By JIMMY SEEPH

MORE than 37 000 convicted criminals were sent out of prisons in 1997 to serve their time outside jail, courtesy of the Department of Correctional Services' parole programme

But in the same year, about 6 000 of the ex-convicts failed to honour their parole conditions, with some of them committing other offences while on parole. Some have disappeared and cannot be traced

The 37 364 parolees were part of 108 526 individual cases which had to be considered for parole placement by the department

Russel Mamabolo, spokesperson for correctional services, said the department would soon implement tough

parole measures against prisoners convicted for serious offences such as rape, murder and armed robbery

Mamabolo said the new parole conditions - set out in the Draft Correctional Services Amendment Bill - would compel the department to abide by decisions taken by magistrates and judges on when parole should be granted to certain convicts.

Initially the correctional services determined its own set of rules as to when a convict should be paroled

Mamabolo said the non-parole period may not exceed two-thirds of the relevant sentence or 25 years

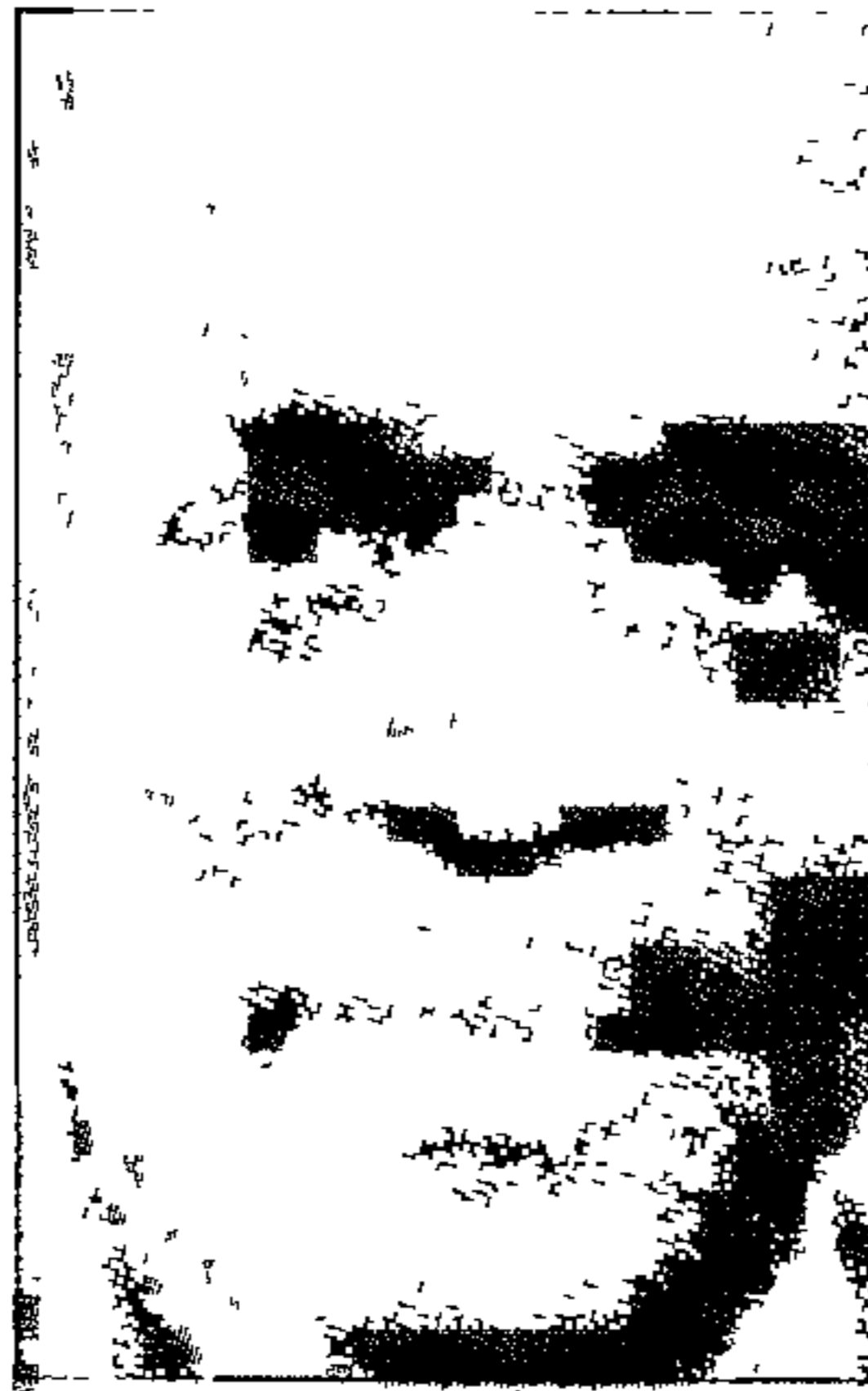
The department had in the past year drawn criticism from the courts for some of its parole decisions

"In view of the seriousness of their offences and the Presiding Officer's (judge or magistrate) remarks upon sentencing, parole will not be easily granted," said Mamabolo

In the past year, non-governmental organisations working closely with the Department of Welfare and Population charged with monitoring the activities of the parolees and their victims, had recommended that the Correctional Services informed victims before certain convicts were paroled

Some of the organisations had also recommended that victims be earlier informed and involved in the process before a convict was given parole

Mamabolo said no decision had been made yet by the department to start involving or informing victims in the process of granting convicts



UNDER PRESSURE? ... Mzimela

parole

Figures on convicts given parole for 1997 come at a time when the Minister of Correctional Services Sipho Mzimela (pictured) and the South African Police Service are facing pressure and outrage from the public on the number of prisoners escaping from prisons and holding cells

Mzimela is expected to announce several measures to stem the rising escapes in the country's prisons

Last year the department took tough measures against those who escaped from jails

The department said once recaptured, the escapee would be forced to spend 80 percent of their sentence before considered for parole

THE GREAT ESCAPE

Hundreds of jailbreaks make a mockery of officials

ELIAS MALULEKE and PREGA GOVENDER

(253) ST 4/1/98

over festive season

ESCAPE

ALMOST 300 prisoners, including rapists, murderers, and armed robbers, have escaped from police cells and prisons over the festive season, leaving law enforcement officials stunned and demoralised.

Senior Superintendent Mohlabi Tlomatsana, spokesman for the police task group investigating escapes, said an estimated 249 prisoners escaped from police custody during December and the first three days of January.

A further 21 prisoners escaped from prisons, according to Correctional Services spokesman Director Barry Eksteen.

Tlomatsana described the estimated number of escapees as "conservative", saying Gauteng, Mpumalanga, the Eastern Cape and the Northern Province were the worst-affected provinces.

The latest jailbreaks have been characterised by a growing arrogance on the part of prisoners.

In one instance, a Correctional Services official waited in vain yesterday for nine escapees who had promised to return to prison on January 3.

Although they were not part of the festive season tally — they escaped in late November — they added to the embarrassment of prison staff by leaving a mocking note which read "We are out for Christmas and will be back on January 3".

In another bizarre incident, a Mpumalanga police officer from Kwamhlanga took two awaiting-trial prisoners to a shebeen for a drink on New Year's Eve. One of the prisoners took the policeman's keys and pistol and returned to the jail to release 23 other inmates.

The policeman was arrested and is due to appear in court tomorrow.

In a third case, four prisoners escaped from a police van because "the door was not locked", according to North West Province police spokesman Superintendent Belinda Kleinhans.

Among the more dangerous criminals and accused who escaped over the festive season are:

● Oupa Sihani and Dennis Ngobeni, held in connection with the R17-million Bronkhorstspuit highway heist,

● Collin Chauke, held in connection with the R18-million heist at the SBV security depot in Pretoria,

● Dan Mabote, accused of raping and killing seven-year-old Mamokgethi Malebane,

● A triple murder convict serving 60 years,

● Abdul Kala, an alleged drugs smuggler, and

● Two members of a drugs and car-hijacking syndicate.

President Nelson Mandela's spokesman, Parks Mankahlana, said yesterday. "The government is gravely concerned at the instances of escapes which seem to be aided by corrupt elements within the police and the justice system."

But, he added "We still feel that the general perception that our police stations and prisons are sieves is an overreaction by a public which is understandably frustrated at the still high crime rate."

Mpumalanga police spokesman Superintendent Doep du Plooy said that about 50 prisoners escaped from Mpuma-

langa police cells over the festive season, including the 25 men who bolted from the Kwamhlanga police cells on Wednesday.

A total of 12 escapees had been re-arrested by yesterday.

Kleinhans said the total number of escapees from police custody was not available, but pointed out that six broke free on Friday alone.

National Police Commissioner George Fivaz and the Minister of Safety and Security, Sydney Mufamadi, could not be reached for comment yesterday.

However, Fivaz's spokesman, Director Joseph Ngobeni, who is also acting spokesman for Mufamadi, said steps had been taken to curb the jailbreaks.

"The South African Police Services in all provinces have identified the cause of the escapes and measures are being taken to correct the situation," he said.

He said each escape was investigated by a special unit.

More red faces and empty cells

BY GILL GIFFORD
Crime Reporter

In spite of promises to crack down on prison escapes, and high level investigations, red-faced police and prison officials seem powerless to prevent breakouts

However, Director Ben Groenewald, head of the task team assigned to co-ordinate escape information at national level, said last month's escape figures were almost 100 lower than November's, and he was confident the decline would continue

"In November 380 people broke out of police custody, while in December we had 298 escapes," Groenewald said

According to the task team's statistics, which are analysed daily, Gauteng has the highest number of escapes, followed by KwaZulu Natal, the Western Cape, Eastern Cape, North West Province and Mpumalanga

Groenewald said overcrowding of police cells was a major problem, with police forced to detain prisoners at police stations for longer than usual because prisons were overfull

Star 5/1/98
"Our research has shown that in some cases awaiting-trial prisoners have been held in police cells for more than a year," Groenewald said.

"We have drawn up new guidelines which have been distributed to all provincial commissioners. Each of them has also submitted a contingency or business plan, and these will be combined into a single national order. But until then we are confident that adequate action is being taken to curb escapes," Groenewald said

Spokesman for national Police Commissioner George Fivaz, Director Joseph Ngobeni, said the crime prevention and response service, a national division currently examining all escapes from custody, had established three main reasons for escapes

"We can generally attribute them to bad facilities, negligence on the part of the police or the involvement of corrupt policemen," Ngobeni said

The latest jailbreaks have been reported in Mpumalanga

Five prisoners involved in a breakout in which 25 prisoners escaped from the KwaMhlanga police cells on New Year's Eve

(253)
were back behind bars at the weekend

The doors to all cells at the Mpumalanga local police station were unlocked by a prisoner who had been taken to a local shebeen on a drinking spree by a policeman

While at the shebeen, a prisoner stole the policeman's service pistol and the cell keys. He went back to the police station and let his fellow prisoners out

Provincial police spokesman Superintendent Doep du Plooy said most of the prisoners were believed to be in the KwaMhlanga vicinity and police were confident that more would be caught soon.

Du Plooy said another two escapes occurred in Mpumalanga on Saturday

Vusi Jerome Khoza, arrested near Barberton for robbery, escaped from police for the second time when he bolted out of the Louw's Creek cells when a policeman opened the door to give him his lunch

Sandile Ndlovu, who was arrested for vehicle theft, broke away when taken out of his cell under police supervision

Du Plooy said both men were still at large

The 'rise and fall' of prison escapes

(253) ET 5/1/98
OWN CORRESPONDENT

JOHANNESBURG: In spite of high-level investigations and promises to crack down on prison escapes, red-faced police and prison officials seem powerless to prevent breakouts.

But Director Ben Groenewald, head of the task team assigned to co-ordinate escape information, said December's escape figures were almost 100 lower than the number of escapes recorded in November.

He was confident that the declining trend would continue.

"In November 380 people broke out of police custody, while in December we had 298 escapes," Groenewald said.

According to the task team's statistics, which are recorded and analysed daily, Gauteng has the highest number of escapes, fol-

lowed by KwaZulu-Natal, the Western Cape, Eastern Cape, North West province and Mpumalanga.

Groenewald said overcrowding of police cells was one of the major problems.

Police have to detain prisoners at police stations for longer than usual because prisons are too full.

"Our research has shown that in some cases awaiting-trial prisoners have been held in police cells for over a year," Groenewald said.

He said custody escapes had been prioritised by the police and by the National Crime Prevention Strategy.

"We have drawn up new guidelines which have been distributed to all provincial commissioners.

"Each of them has also submitted a contingency or business plan, and these will be combined into a single national order.

"But until then we are confident that adequate action is being taken to curb escapes," Groenewald said.

A spokesperson for Police Commissioner George Fivaz, Director Joseph Ngoben, said: "We can generally attribute the escapes to bad facilities, negligence on the part of the police or the involvement of corrupt policemen."

The latest jailbreaks have been reported in Mpumalanga.

Three of the 25 prisoners involved in the breakout from the KwaMhlangu police cells on New Year's Eve were captured on Saturday.

The doors to all cells at the Mpumalanga local police station

were unlocked by a prisoner who had been taken to a local shebeen on a drinking spree by a policeman.

While at the shebeen, the prisoner stole the policeman's service pistol and the cell keys.

He then returned to the police station and let out his fellow prisoners.

Provincial police spokesperson Superintendent Doep du Plooy said: "most of the prisoners were believed to be in the KwaMhlanga vicinity

and police were confident that more would be caught soon.

However, Du Plooy admitted that another two prisoners escaped elsewhere in Mpumalanga on Saturday.

'Research has shown that some prisoners have been held in police cells for over a year.'

Jailbreaks - police to get tough

Source: 6/1/98

(253)

Drastic measures on the cards to curb high rate of prisoner escapes

By Khangale Makhado

THE South African Police Service and Correctional Services are to implement drastic measures to reduce the number of jailbreaks and escapes from captivity by inmates.

Last year alone 1 615 prisoners escaped from prisons throughout the country, raising serious concerns about security measures presently being implemented in prisons.

Those who have escaped succeeded by breaking out of cells, escaping while en route to and from court or while in transit or during investigations and jumping fences at clinics and hospitals.

SAPS National Crime Prevention and Response Service spokesman, senior superintendent Lazarus Mlomo said yesterday that a project has been registered to upgrade 1 410 cells, adding the project was "just about to be completed".

Provincial commissioners have for their part prepared and submitted contingency plans to curb escapes on

ground levels.

"The police and the Centre for Scientific and Industrial Research (CSIR) are looking into the possible implementation of closed circuit television monitors and movement detectors.

"It should however be appreciated that police cells were not designed to accommodate detainees for long periods. In the Eastern Cape some RDP funds had been channelled for the upgrading of police cells and hospital holdings," Mlomo said.

Manpower shortage

Correctional Services spokesman Mr Russel Mamabolo said the main contributory factors to the high number of escapes were negligence by personnel, insufficient electronic aids, poor conditions of building structures, overpopulation of cells and manpower shortage of more than 6 000 staff members countrywide.

"There will be security inspections in prisons during the day and at night. We will also see to the installation of electric fences and X-ray scanners in so-called "high risk" prisons."

Jailbreaks - police to get tough

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(253)

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"There will be security inspections in prisons during the day and at night We will also see to the installation of electric fences and X-ray scanners in so-called "high risk" prisons"

Article lands journalist in hot water

Gauteng Housing and Land Affairs lays criminal charges against reporter, two others

By Sello Seripe

THE Gauteng Housing and Land Affairs has laid criminal charges against *Sunday Times* reporter Elias Maluleke for the alleged theft of confidential documents belonging to the department

The department's legal adviser Peter Maake told *Sowetan* yesterday that the same charges had been laid against two other persons suspected of conspiring with Maluleke in committing the alleged crime. One of them is a suspended employee of the department

The action against the reporter and the two others follows a report in the recent *Sunday Times* edition regarding the appointment of lawyers who would prosecute - internally - suspended Gauteng housing department head, Enos Ngutshane.

The newspaper article also quoted Maake, who has since denied speaking to Maluleke. The report said the lawyers were chosen without following proper tender procedures. The department said the report was "devoid of all truth"

The department would also set up an inves-

tigation team to determine how Maluleke gained access to a locked office

Furthermore, the MEC for Housing and Land Affairs Mr Dan Mofokeng is considering further action regarding the tarnishing of his image by the report. The report said Mofokeng had specifically appointed the lawyers to prosecute Ngutshane

According to the department's spokesperson, Manase Sefatlhe, the appointments were in line with the tender procedures

A senior editorial staff member at the *Sunday Times* yesterday said he could not comment as he needed to get facts pertaining to the article

Greater Johannesburg police media liaison officer Inspector Andy Pieke confirmed that a charge of theft has been laid and said police were investigating

Ngutshane faces several charges, which include failing to call for tenders before making appointments, failing to act against a staff member accused of stealing money from a member of the public and failing to restructure the human resource department

High prison population

MANY prison inmates should not be incarcerated and the prison population should be reduced to ease overcrowding, Justice Minister Dullah Omar said yesterday

Omar was reported as saying in a radio report that there were many people now in prison who should be released. This was confirmed by his spokesman Mr Paul Setsetse

These were prisoners who were not a threat to the community and therefore should not be in prison. Many of them had been granted bail but had not been able to pay the bail, he said

His department, in conjunction with the police and correctional services, was looking at ways of reducing the prison population

"We need to make sure that they appear in

actually fewer escapes in 1997 than in previous years and added that the department was looking at ways of imposing heavier sentences on escapees

A total of 298 prisoners escaped from police cells and jails in December alone, according to correctional services figures

Freedom Front justice spokesman Roster de Ville said the sooner the government realised that the main cause of the high number of escapes was largely a result of its affirmative action policy, the sooner the problem would be solved, De Ville said

It was necessary to return to the system of merit appointments in both the police and correctional services to solve the problem -

Another prisoner escapes

By McKeed Kotlolo

AN awaiting trial prisoner facing a vehicle theft charge escaped from Waterval Boven police station in Mpumalanga at the weekend after a policeman allegedly asked him to wash a state vehicle

Mpumalanga police spokesman Superintendent Doep du Plooy confirmed the escape from police custody of Sindile Ndlovu (30), saying it took place on Saturday morning and that an internal investigation has been launched

- Ndlovu's escape brings to 26 the number of awaiting trial prisoners who have escaped from police custody in the province since New Year's Day. A total of 25 prisoners escaped from KwaMhlanga police holding cells on New Year's Day and five have since been re-arrested

An alleged drunk police sergeant who was involved in the escape of 25 prisoners appeared in the KwaMhlanga Magistrate's Court yesterday for aiding prisoners to escape

Refused bail

Sergeant Ben T Mnguni (34) was refused bail and the case was postponed to February 12 for further investigation

Sources in Mpumalanga said Ndlovu had asked his guard to allow him to fetch soap to wash the car and that was the last time he was seen.

Du Plooy would not commit himself about the allegation except to say "it's possible he could have been illegally asked to wash the State car"

Meanwhile, a media release by Mpumalanga's acting police commissioner Denn Alberts expressed concern at the escapes and warned that serious steps were being taken in all incidents. Policemen involved in the escapes would be prosecuted

Alberts put the 1997 prisoner population in Mpumalanga at 104 376 as compared to 86 906 in 1996

He said last year's escapes from all 97 police holding cells was 330, compared with the previous year's 281. Of the 330 who escaped last year, 160 were recaptured

How to reach Sowetan ...

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INSIDE

Overcrowding is retarding rehabilitation and spawning more criminals. To solve the problem, Martin Schönsteich urges that responsibility for prisons and bail should be taken out of the hands of the state completely

Take private enterprise to jail

(253) Row 6/1/98

RÜVAN BOSHÖFF

South Africa's prison system is facing collapse due to massive overcrowding. Inefficiencies in the criminal justice system, state bureaucracy and a bail law badly applied are to blame.

The answer lies in a radical restructuring of the prison and bail systems to encourage private-sector involvement.

Prison overcrowding is serious. Far from rehabilitating criminals, prisons are rapidly becoming the epicentre of our crime problem. The recidivism rate is extremely high. Only one in eight prisoners does not commit further crimes after his or her release.

There are currently more than 138 000 inmates in our prisons. According to the Department of Correctional Services the projected figure for the end of 1998 is in the region of 156 000. Yet the country's prisons have the capacity to house only 95 000 prisoners.

The department's budget for the current financial year caters for a mere 118 000 prisoners. The prison system, battling with extreme overcrowding and a budget which ignores some 20 000 inmates, is no longer able to cope.

Part of the overcrowding problem has been caused by a slow-moving criminal justice system. Awaiting-trial prisoners spend an average of five months in prison before their trials are finalised. An under-resourced system and the investigating techniques of the police are to blame.

Many police officers tend to arrest first and investigate later. This custom, inherited from the old South African Police, infringes on the rights of those who would not have been charged, had their cases been investigated before their arrest.

Accused who are not granted bail, or cannot afford to pay it, are kept in custody while the police do their investigations. As the detective service is understaffed, and only a quarter of all detectives have been on a detectives' course, such investigations take a long time.

Magistrates are loath to

provide bail money, which is paid back, with a service charge, at the end of the trial.

This has a two-fold advantage. First, a private bail agent is likely to go to great lengths to satisfy himself that the accused would stand trial – by checking up on his background, family attachments, assets, and so on, which the police are too understaffed to do.

According to an American survey, the success of private bail agents in ensuring the attendance at court is 10 times greater than when such an accused is released on public bail. Second, if the accused should break his bail conditions the private bail enforcement agent has a pecuniary interest in tracing him.

Many accused, once imprisoned, find it difficult to raise money for bail. A bail agent could assist by liaising with the accused's family, friends, bank manager or employer. Bail agents might also be prepared to accept property in lieu of cash, something which the South African courts are not prepared to do.

There are obviously accused – those who have no money, assets, family or friends who are willing to assist – whom no bail agent would be prepared to help. Such accused are in a minority, though. Private bail agents would be able to assist a sizeable number of people who are currently costing the taxpayer R70 for every day they spend in prison.

No new legislation would be required for the legal operation of private bail agents in South Africa. For enforcement agents, a minor addition to the Criminal Procedure Act would be necessary to empower peace officers to arrest those who have broken their bail conditions. These could be suitably trained and qualified people, working within the regulated ambit of the private security industry.

■ *Martin Schonteich is parliamentary affairs manager at the SA Institute of Race Relations. This article first appeared in the latest issue of Frontiers of Freedom, published by the institute*

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postpone cases for lengthy periods, on average, cases are postponed for a month at a time "for further investigation".

The resources wasted in investigating after arrest are considerable. For each postponed case the imprisoned accused has to be physically taken to court. His legal representative (normally paid for by the State) has to be present as well. In addition, magistrates, prosecutors, court orderlies and administrative court staff spend valuable time each day postponing cases.

As the Bill of Rights guarantees every accused the right to a speedy trial, magistrates are often not prepared to postpone cases where the investigation has dragged on for too long. Under such circumstances the prosecution withdraws the charges. Once the po-

lice have completed their investigation "the accused is recharged" - weeks or months later. By then state witnesses may be untraceable and the case is withdrawn once more.

The endless postponements and renewed bail applications have set in motion a vicious cycle, in which prosecutors have less time to devote to actual trials, exacerbating the waiting period for the accused in prison.

The situation became critical at Empanzeni Prison in KwaZulu Natal in November. About 220 awaiting-trial inmates refused to go to court in protest against undue delays in their trials. According to the president of the South African Prisoners' Organisation for Human Rights, Miles Bhudu, some prisoners had been awaiting trial for more than two

years. "They have been kept waiting so long it is as good as if they are already serving a sentence," he said.

Amendments to the bail law are fortunately not as draconian as the Government had initially intended. Proposals for a blanket denial of bail for certain crimes were dropped out of concern that this would not meet a constitutional challenge. Such a policy would have added to the considerable overcrowding in the awaiting-trial sections of our prisons.

Due mainly to a tightening of the bail law in 1995, almost a third of all prisoners today are awaiting trial.

One solution to overcrowding is to build more prisons. The Government does not however, have the resources to properly maintain and run the present prison system, let alone

build new prisons. What is required is a private sector initiative to construct and manage prisons. This would reduce state expenditure and most likely improve effectiveness of the prison system by ensuring greater supervision and rehabilitative programmes for prisoners, and fewer escapes.

T

he department has adopted an encouraging approach through its Asset Procurement and Operating Partnership Programme, in terms of which the private sector is to "finance, design, construct, operate and maintain" a number of prisons. Four such prisons are to be operational by April 1999.

Fears that private prison operators would neglect prisoners to maximise profits are

unfounded. The operators will be contractually bound to comply with standards set by the department. Privatised prisons will be accessible to department inspectors at all times.

Inmates of private prisons will also be protected by the constitution, which guarantees conditions consistent with "human dignity" - including exercise, adequate accommodation, reading material, medical attention and visits by family and religious counsellors.

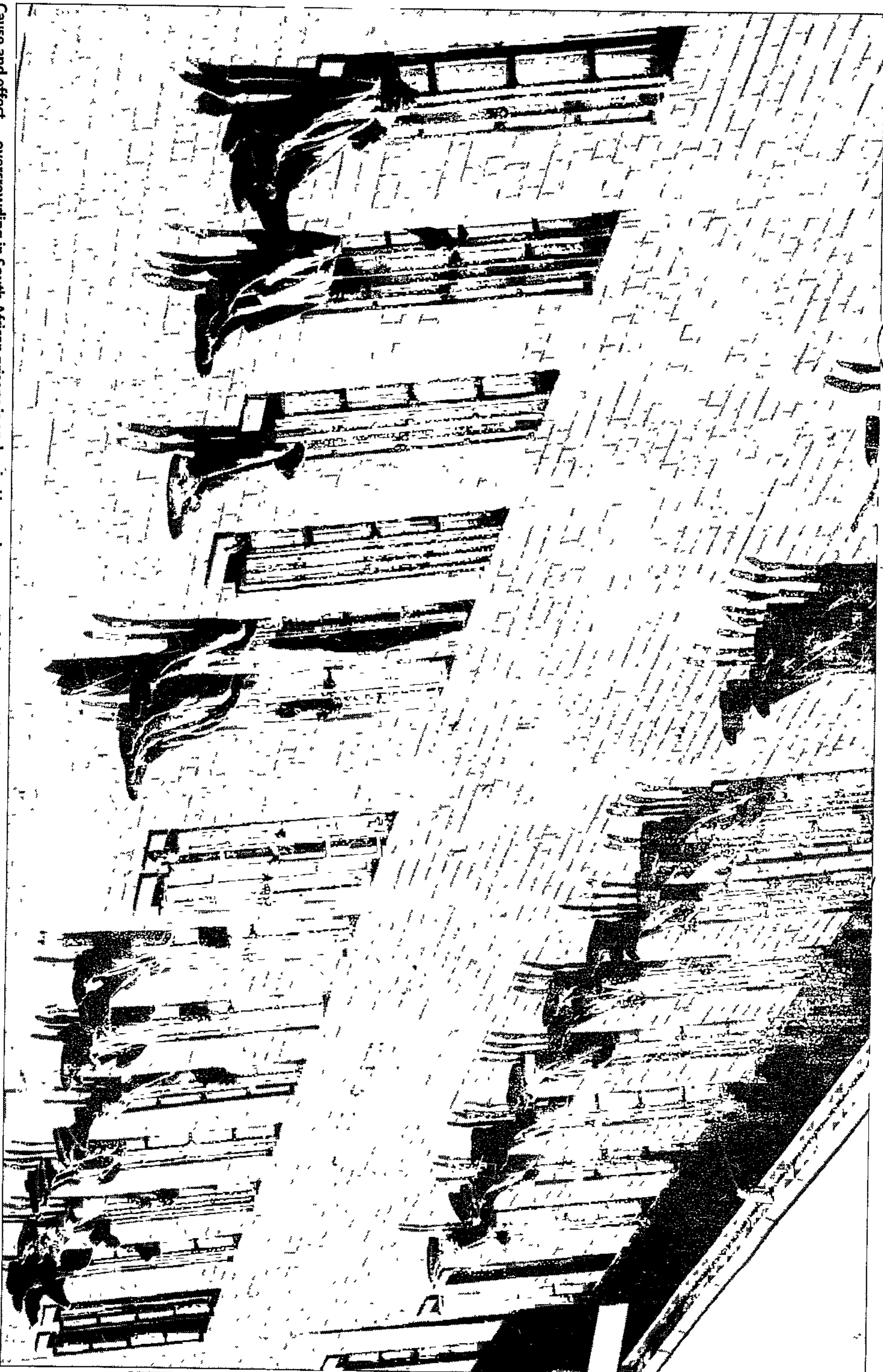
"The department is moving in the right direction. Its privatisation plans are, however, not bold enough. Most, if not all, existing prisons should be contracted out to private operators. Where this is not feasible, services such as the provision of food for prison inmates, and the guarding of the outer perimeter of prisons should be

privatised. This would at least allow warders to concentrate on their core functions of supervision and rehabilitation.

A further method of dealing with prison overcrowding is to have a fresh and innovative look at the bail system. A comprehensive scientific study of bail is currently being undertaken at Pollsmoor Prison near Cape Town. The initial results are surprising. A massive three-quarters of awaiting-trial inmates evaluated at the prison were granted bail but could not afford to pay the amount set - which, moreover, was not particularly high. In 46% of the cases it was less than R500, in 92% the amount was less than R1 000.

Serious consideration should be given to a system of private bail agents as exists in the United States. Such agents

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Cause and effect ... overcrowding in South African prisons is endemic. Here prisoners at Boksburg's Modder Bee prison protest by hanging their legs from their prison cells.

Law may limit jail time for less-serious offenders

Star 6/11/98 (253)

Awaiting-trial prisoners are expected to benefit from new legislation which will put pressure on prosecutors and police

POLITICAL STAFF
Cape Town

Thousands of awaiting-trial prisoners could be released if Parliament passes legislation this year to set a limit on the amount of time those held in custody for less serious offences are required to spend in prison.

While parliament has already passed justice legislation which gives courts little discretion to provide bail to those charged with serious offences such as rape, armed robbery and murder, the new measure is expected to place pressure on prosecutors and the police to speedily bring cases to trial.

The legislation, amending the Correctional Services Act, is expected to be presented to Parliament in the first quarter of this year, according to the Ministry of Correctional Services.

The Justice Ministry is also looking at ways of imposing heavier sentences on escapers.

Speaking on behalf of Correctional Services Minister Sipo Mzimela, Bert Slabbert said 30 000 of the 130 000 prisoners at present in jails were awaiting-trial prisoners.

While Slabbert declined to indicate just how many awaiting-trial prisoners the department wanted to release, he said a significant reduction was needed.

He said the limits to be set on the custody period had to be established by parliamentarians.

Slabbert said the legislation would have to be refined by the correctional services portfolio committee to ensure that a limit was placed on the period for which a prisoner in custody could be held for serious crimes.

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"If the police can't solve the case and the awaiting-trial prisoner is clogging the system, then he must be released," Slabbert said.

Justice Minister Dullah Omar said yesterday that the intention was not to release dangerous prisoners. He said that many had been granted bail but had not been able to pay it.

His department, in conjunction with the police and correctional services, was looking at ways of reducing the prison population, not by releasing people who were a threat to the community, but by releasing those who ought not to be in prison.

SA Prisoners Organisation for Human Rights deputy president Derrick Mdluli guardedly supported the releases but said prison escapes were the result of corruption.

Finger pointed at corrupt prison officials

Star 6/11/98

BY GILL GIFFORD
Crime Reporter

Corrupt prison officials probably helped six high-profile awaiting-trial prisoners escape from the Pretoria Local Prison on December 5, the task team assigned to investigate the jail-break has found.

Anti-corruption unit head Director Stefan Grobler, specifically tasked by President Mandela to get to the bottom of the escapes, said yesterday the team had passed its conclusions, along with specific recommendations to Mandela and the office of Justice Minister Dullah Omar.

The six escapers, all still at large, are: Oupa Seane and Den-

nis Ngobese, arrested in connection with the R17-million armed robbery near Bronkhorstspruit, Colin Chauke, a former MK soldier and one of four men arrested in October following an R18-million robbery at a Pretoria cash-clearing depot; Siphon "Killer" Nkuna and Salashe "Lassie" Sibiyi, suspects in a multimillion rand car-theft syndicate, and Abdul Kafoor-Kalla, arrested after police shut down a major mandrax manufacturing plant.

The findings of the report could not be made public until they had been handled by the relevant ministries Grobler said, but detectives had discovered that corruption was involved.

(253)

"We have strong evidence of corruption, and are moving on to the next step which is to recapture the six men. I am confident we will do this - I just cannot give a time frame," Grobler said.

"We plan to prove the corruption and in order to do this we need to rearrest the six fugitives and, through questioning, get them to reveal their inside contacts - people either in correctional services or the police," said Grobler.

Responding to the report, presidential spokesman Parks Mankahlana said: "The report is also related to criminal investigations, so we cannot make the findings public without jeopardising the case."

Correctional services dept promises action

Stephane Bothma

PRETORIA — As 10 more prisoners escaped from police custody in Mpumalanga yesterday, the correctional services department said it would introduce a range of measures to combat escapes, including monetary and other rewards for prisoners who provided information.

Last year 1 050 prisoners escaped, while 120 prison officials were suspended from duty for negligence or corruption. Five of these had been charged with aiding and abetting escapes, correctional services commissioner Khulekani Sitole told a media briefing yesterday, and more would face prosecution.

Sitole said the escapes from correctional services facilities last year constituted a significant reduction in jailbreaks compared with the 1 345 during 1996. In December last year, 31 inmates escaped compared with the 98 in December 1996 and the 159 in the same month in 1994. "We are proud of this achievement. We reduced escapes despite the loss of 400 skilled and experienced personnel and a general shortage of 6 000 personnel," Sitole said.

Remedial action being taken to combat escapes included more efficient use of electronic aids and equipment, upgraded personnel training, disciplinary action against negligent personnel, informing prisoners of the negative consequences of escape, and the prosecution of escapers and those who assisted in escapes.

Sitole said that with the assistance of the Israeli government, a prisoner informer network would be established. Inmates would receive financial and other rewards, such as reductions of sentence, for informing on fellow prisoners.

to combat escapes
80 7/1/98
(253)

Other actions will be more unannounced visits to prisons by senior staff, including night visits, installation of walk-through metal detectors and scanners in strategic areas, establishment of an anti-corruption unit within the department and amendment of the department's release policy to allow prisoners who escape from custody to be penalised.

Such prisoners in future will have to serve at least 80% of their prison sentences inside prison before parole will be considered, Sitole said.

Electrified fences had been erected at 19 high-risk prisons, he said, and another 21 fences would be put up this year at a cost of about R85m.

Sitole said that factors contributing to escapes from prison were negligence on the part of staff, insufficient electronic aids, the poor condition of buildings, insufficient security fences and lighting, the detention of an increased number of hardened and dangerous prisoners, overcrowded cells, old and obsolete prisons and a manpower shortage.

Statistics released by the department showed that the highest number of escapes took place in June, when there were 117. During October, 92 prisoners escaped, and in November 82 escaped.

Sitole said that the number of jailbreaks had to be seen against the background of a turnover of more than 500 000 prisoners a year and a daily prison population of about 140 000 countrywide.

This included about 30 000 awaiting-trial prisoners.

"Roughly 30% of the escapes are jailbreaks from prison itself. The rest are from teams outside prison, from hospitals and while prisoners are being escorted to and from courts," he said.

prison opened in Pretoria recently, "which serves as a great deterrent to prisoners not to fight or cause trouble", would stay, despite objections from certain organisations.

Sapa reports that yesterday's jailbreaks in Mpumalanga brought the number of escapes since Christmas in that province to at least 48.

Police spokesman Supt Doep du Plooy said the 10 forced open a door at 10am as police were unlocking cells to feed prisoners at the Durkiesdorp police station, about 50km south of Piet Retief.

He said police managed to rearrest four of the prisoners and were still hunting the other six "All of them are illegal immigrants from Mozambique. They are not considered dangerous," Du Plooy said.

He said an internal investigation would be launched into the actions of the policemen on duty.

In the past 20 years, 24 062 prisoners had escaped from SA jails. The worst period had been between July 1977 and June 1978, when 1 859 jailbreaks were recorded.

Sitole said he fully supported a call by Justice Minister Dullah Omar this week for petty criminals to be released from prisons to reduce overpopulation.

Pretoria prison head

goes back to work (253)

PRETORIA — The suspension of Johannes Makgoba, head of Pretoria Local Prison, had been lifted and he would return to work today, correctional services commissioner Khulekani Sitole said yesterday.

Makgoba was suspended during an investigation into the escape of six prisoners from the prison last month.

The department said at the time Makgoba was removed to ensure objectivity for the investigation team.

"I have no conclusive evidence that indicates he helped the criminals escape," Sitole said. However, the decision would be reconsidered should police find evidence that he was involved.

Sitole said one of two awaiting-trial prisoners who claimed Makgoba had given them R100 000 to supply a prisoner with a gun was refusing to make a statement. The other based his statement on hearsay.

The cases of another five prison officials suspended following the escape were still being looked into.

Sitole supported staff at Pretoria Local Prison, saying, "They were not pointed at with carrots, but with a fully loaded gun. Anybody in such a situation can make a human error."

If evidence was found that a prison official supplied the gun, he would be handed over to police. A report containing the findings of a probe into the escape had been submitted to President Nelson Mandela. — Sapa



Correctional services commissioner Khulekani Sitole, left, at a news briefing in Pretoria yesterday on escapes. Also there were department officials Thandlwe Kgosidintse, top right, and Hardy Fourie.

Pictures ROBERT BOTHA

Fewer escape but prison⁽²⁵³⁾ mines still on

ET 7/1/98

PRETORIA: Only 31 escapes from prisons in December — the lowest in the last five years — is still unacceptable, and more remedial action is in the pipeline, says Correctional Services Commissioner Dr Khulekani Sitole

Last year there were 98 escapes, down from 136 in 1995, 159 in 1994 and 101 in 1993

Sitole told a media briefing here yesterday that disused mines might be used as prisons "We are still looking into it. Welkom is a possibility, but the problem is making mines habitable for 24 hours a day"

The department this year would spend R58 million on electrifying fences at 21 prisons to add to 19 high-risk prisons where this had proved a good deterrent, Sitole said.

The department might introduce a prisoner reward/informant system in collaboration with its anti-corruption unit to further reduce escapes.

The reward could be monetary or a sentence reduction, depending on the type of crime, Sitole said, adding that the SA model would be based on an Israeli system

Problems facing Correctional Services were personnel negligence, insufficient security fences and lighting, old and obsolete prisons, insufficient electronic aids. A staff shortage of more than 6 000 was the biggest headache

Sitole said personnel negligence was not necessarily corruption. It mainly referred to problems such as sleeping on duty and not following security directives.

Corruption referred to cases where correctional officers wilfully aided and abetted escapes "These are very few and will always be handled by the SAPS as a criminal matter"

Five such cases were under investigation.

Meanwhile, the suspension of Mr Johannes Makgoba, head of Pretoria Local Prison, had been lifted and he would return to work today, Sitole said.

Makgoba was suspended for an investigation into the escape of six prisoners from the prison last month

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"I have no conclusive evidence that indicates that he helped the criminals escape," Sitole said.

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The cases of another five prison officials suspended after the escape were being looked into, Sitole said. He supported staff at Pretoria's local prison. "They were not threatened with carrots, but a fully loaded gun. Anybody in such a situation can make an error"

If conclusive evidence was found that a prison official supplied the gun, Sitole said, he would be handed over to police. "While there is no evidence, I have to take care of my staff and get them back to work"

He said a report containing the findings of a probe into the escape had been submitted to President Nelson Mandela — Own Correspondent, Sapa

weekend prison escape

Police official to appear in court over

(253) BD 5/1/98

Pule Molebeledi

MPUMALANGA police official is to appear in court today in connection with helping 25 inmates escape from the KwaMhlanga police station at the weekend, while another policeman, from KwaZulu-Natal, has been suspended after the escape of three awaiting trial prisoners last month. The number of escapes, which weekend reports said was nearly 300 from the beginning of December to date, could be much higher as some provinces had not supplied the crime prevention and response services

with their latest figures, Snr Supt Lazarus Tomatsana said yesterday

He said Safety and Security Minister Sydney Mufamadi had shown his concern about the frequency of jailbreaks by setting up a special task team in November to investigate escapes

Ben Groenewald, head of a police research unit into prison escapes, said yesterday that during December, 143 jailbreaks were reported countrywide in which 298 people had escaped from police holding cells, hospitals and from court

The majority — 65% — escaped out of

police cells This was followed by escapes from the courts The rest were from other police premises

Groenewald said the unit's most serious concern was that 70% of escapes were due to police negligence

It was, however, too early to say whether police had been actively involved, Groenewald said

Correctional Services spokesman Barry Eksteen said only 21 prisoners had escaped from prisons during December out of 142 000 inmates

Eksteen said six prisoners escaped at

Stutterheim Prison in the Eastern Cape at the weekend by digging a hole in the floor of the prison.

Four had been rearrested Mpumalanga police spokesman Supt Doep du Plessis said three of the 25 escapees from the KwaMhlanga police station were rearrested on New Year's Day.

The group of awaiting trial prisoners ran away after two inmates, who went to a shebeen with a police official on New Year's Eve, took his keys and gun before releasing the prisoners

Du Plessis said they had also rearrested

nine of the 23 people who escaped between November and December last year

He said a special search team was making progress and further arrests were expected shortly

KwaZulu-Natal police director Bala Naidoo said a police sergeant was suspended following the escape of three awaiting trial prisoners at CR Swart Square police station

Two of the three inmates, who had escaped by cutting prison cell bars, had handed themselves back to police

Naidoo said 11 awaiting trial prisoners

escaped from Kokstad by opening a hole through the wall of the police station using a piece of metal

Another two ran away from Greytown cells after throwing food at the face of the police official feeding them, Naidoo said

North West police spokesman, Supt Belinda Kleynhans, said two people escaped at the weekend in Orkney and Rustenburg

One escapee jumped off the back of a police van while the other escaped from hospital, where he had been receiving treatment, she said

The two had not been rearrested

Gauteng takes tough stand on cell escapes

(253) Star 8/1/98

Steps will include barbed-wire barriers and hourly patrols at police stations

By GILL GIFFORD
Crime Reporter

The Gauteng government plans this week to begin its crackdown on escapes from police custody.

Steps include erecting barbed wire at police stations, hourly patrols of police cells, and the turning of Johannesburg Central police station's holding cells into Gauteng's maximum security holding cells for awaiting-trial prisoners.

Gauteng MEC for Safety and Security Jessie Duarte told The Star yesterday that the crackdown had been formulated and approved during a meeting with provincial commissioner Sharma Maharaj on Tuesday.

Station commanders would also be held directly accountable for escapes from their cells, and guards would be trained specifically for the task of guarding cells.

The clampdown follows a Gauteng Safety and Security Secretariat investigation into police-custody escapes - the results of which mirrored the outcome of the national police task team's recent investigation.

According to Director Ben Groenewald, head of the task team, Gauteng police custody escapes are the highest in the country, with 298 prisoners having broken out in 143 escape incidents in November and December.

Duarte said the secretariat's report identified faulty holding facilities, a lackadaisical attitude to following correct procedures, poor management and police corruption as the main causes of escapes.

"Most escapes, we've found, happen in the station exercise yards - an open area covered only by a metal grille. Every

station will be ordered to place barbed wire over the grille as soon as possible," Duarte said.

Hourly patrols of police cells would be enforced.

"Cell visits are to be done by the senior police official on duty. The register is to be signed by him and witnessed," Duarte said.

A lack of control over visitors and visiting rights is another issue criticised by Duarte.

"From now on, visitors are to be searched and nothing other than clean clothing and food will be allowed through," she said. "Prisoners will be afforded their rights in terms of the constitution and nothing more. The days of cellphones and TVs in cells are over," she stressed.

Every police station in Gauteng would be inspected and an audit done of all locks on cell doors and gates.

A handcuffing policy would also be implemented. All prisoners would be handcuffed on arrest until they were placed in a cell.

"We have also found that senior police officers don't stay on the station premises at night and instead go home and leave a contact number for emergencies," Duarte said.

Cell guards, currently a general police function, would become specific appointments and the staff would be trained for the job.

The problem of station mismanagement and corruption would be stamped out by holding station commanders ultimately responsible for escapes.

"The commissioner assured me that policemen found at fault in cell escapes will be suspended and charged," said Duarte.

Prison project aims to break crime cycle

Nomavenda Mathiane

(253)
BD 9/1/98

JUVENILE offenders would break out of the cycle of crime only if they were given help before they became hardened criminals, management consultant Cliff Matthews said after a visit to Leeuwkop prison near Johannesburg yesterday.

Matthews participated in the Khulisa Project, set up by traditional healer and author Credo Mutwa and Lesley Ann Tingler to build the morale and motivation of inmates at the prison.

Under the programme, inmates are encouraged to tell their stories, read poems and engage in art activities that help to build confidence and self-esteem.

Matthews said he had been cynical about the project when he heard of it on radio, but felt optimistic after interacting with a group of young inmates at the prison. He said he had been impressed by some of the teenagers who seemed to have "intellectually" come to terms with the crimes they had committed.

Matthews, who has been involved in therapeutic work since 1974, said he had not been prepared for what he found at Leeuwkop. He said young people were taking responsibility for their criminal deeds and were trying to change their ways. He wanted to help them to build new lives.

He plans to set up a "self-esteem programme" for youth in Leeuwkop prison this year.

□ **Belinda Anderson** reports that the SA Prisoners' Organisation for Human Rights (Sapohr) in KwaZulu-Natal has called for a week-long peaceful strike by all prison inmates who "work without remuneration and suffer abuse by officials and their children".

The strike, during which inmates would refuse to work or eat, aimed to increase government awareness of gross human rights violations against prisoners, said Sapohr president Golden Miles Bhudu.

The protest was to begin today, but could be postponed until Monday if prisoners could not be mobilised in time.

POLLSMOOR UP IN ARMS

Prisoners threaten to go on hunger strike

CT 9/1/98 (253)

MERELY because they cannot afford bail many poor suspects suffer lengthy incarceration to await trial for petty offences, reports Justice Writer **RONALD MORRIS**.

A WAITING-trial prisoners at Pollsmoor — many arrested for petty offences and unable to afford bail — are threatening a hunger strike if they are not released soon, a Cape Times investigation has found.

There are about 7 000 awaiting-trial prisoners in Western Cape prisons. Pollsmoor is the biggest.

The Pollsmoor prisoners complain they have been in custody for more than three months because they are unable to pay the bail the courts have set for them, that their trials have been postponed by the state for further investigation, or that their own lawyers have asked for a postponement.

However, the Department of Justice moved with speed, and Mr Hishaam Mohamed, regional head of the department, launched an immediate investigation.

He approached the attorney-general, the National Crime Prevention Strategy and the Human Rights Commission to investigate whether it was justified to release awaiting-trial prisoners unable to afford bail.

Mohamed is also to investigate speeding up trials. "If we achieve this, it will assist getting prisoners

to court in time — they arrive at courts at 8 45am and attorneys often need time to consult. And it will lessen the courts' burden. Prisoners think they cannot be charged for contempt of court in their absence."

Meanwhile, Justice Minister Mr Dullah Omar, who first proposed releasing awaiting-trial prisoners, told the Cape Times there would be no mass release of prisoners.

The courts should distinguish between serious crime, including murder, rape, robbery and hijacking, and crimes which could be regarded as non-serious and petty.

To assist, Mitchells Plain Magistrate's Court — regarded as the busiest in the country — now has a Pre-Trial Service (PTS) pilot project to ensure proper administration of the recently amended bail law.

The project is also to ensure the public's safety by not releasing suspects arrested for serious crimes. However, this would not take away the discretion of magistrates to release suspects on bail.

Omar said the PTS system was highly computerised. It had suspects' personal information, including a photograph.

Information, including home

and work addresses, given by a suspect was verified by a PTS team, which comprised court staff, police, correctional services staff and community representatives.

Based on information gathered by the team, the magistrate and prosecutor could then immediately determine whether a suspect posed a threat to the public, would stand trial or interfere with state witnesses.

Omar said a woman arrested for shoplifting was found to have spent three months in custody because she could not afford to pay her bail. She had a fixed address and a family with whom she lived.

"Should such a person spend time awaiting trial in prison?" Omar asked.

The proposal to release those awaiting trial for petty crimes would include attaching strict conditions and obtaining suretyships from their employers.

"We must use the Criminal Procedures Act in a creative way so that people who pose no threat do not end up in prison," Omar said.

Suspects released were given the date of their next court appearance and the telephone number of a member of the team for queries.

This had ensured that the number of people who returned to court for trial had increased dramatically. This, however, was not an excuse for people to break the law, Omar said.

Police

fury over

bail for hijackers

GLYNHIS UNDERHILL

Police fought tooth and nail to oppose bail on an earlier charge against the car hijacker who allegedly took part in the brutal killing rampage in Cape Town after his release from prison.

Their worst fears were realised when Dawood Dastagir, a suspected member of a notorious Cape Flats gang, was implicated in the murderous hijacking rampage this week after he had been granted bail of R2,000 and released on appeal.

Mr Dastagir was shot by police on Thursday night as they hunted down the hijacking gang which sparked the reign of terror. A critically wounded Mr Dastagir died in Paarl hospital yesterday.

Mr Dastagir had been arrested in connection with the hijacking of a truck containing an R1,8-million consignment of tyres in Epping last year, but he was granted bail a month ago. The driver of the truck was abducted and forced to drive at gunpoint while his passenger was tied to a tree in Zeekoevlei.

The investigating police officer fought hard, twice, to successfully oppose bail for Mr Dastagir in the magistrate's court before the appeal court overturned the ruling.

The hijacking gang Mr Dastagir was later alleged to have joined was being sought in connection with the horrific murders of Johannesburg businesswoman Marelise Holmes and her American friend, Edward Keim, and Somerset West couple Mike and Maggie Knott.

The men also were wanted in connection with the abduction of Stellenbosch pastor Andries Manders and his ten-year-old son, Andries.

The other three members of the gang are under arrest and are expected to appear in court on Monday.

The five men are believed to belong to a Cape Flats gang, but police have asked Saturday Argus not to disclose its name.

An upset Detective Inspector Stephen Vermeulen who opposed bail for Mr Dastagir said that he had given evidence in the magistrate's court that the suspect should not be released as there could be intimidation

of the witnesses. This later happened and witnesses could not identify suspects at an identification parade.

"The third time his legal team appealed, they were granted bail and the police investigation was not even completed," he said.

Mr Dastagir did not comply with his bail conditions by reporting to the police station, said Detective Inspector Vermeulen.

Top police officers described the situation as "frustrating" as they were capturing suspects in violent crimes, only to have them released.

A senior policeman, who asked not to be named, said: "It is shocking. We now have four more murders which might have been avoided."

However, Leonard Knipe, head of the serious violent crimes unit, said police "must abide by the decisions of the courts".

"I am a disciplined policeman subservient to the courts and I must accept the decision of the courts, without any query," he said.

But a spokesman for Justice Minister Dullah Omar said the minister was "very concerned" by the granting of bail to people who were a danger to society.

Paul Setsetse, spokesman for Minister Omar, said "That is why the minister has come up with legislation to tighten up the bail conditions so that people who commit serious and violent crimes like rape, murder or hijacking shouldn't be granted bail."

People who posed a danger to society should not be granted

bail and should be locked up until their last court hearing, he added. "The courts and judges have a duty to protect the public by denying bail to people who commit serious and violent crimes," he said.

In a further shock, the three Cape Town university and technikion students who were arrested in connection with a spate of armed car hijackings have been granted bail.

Police confirmed the bail granted to the students ranged from R500 to R15 000. The students could receive life imprisonment if found guilty of a six-week rampage of armed hijackings, in which luxury cars were sold for as little as R5 000 to a syndicate in Durban.

'We now have a further four murders which might have been avoided'

(100)

(253) ARG 10/1/98

Police fury over bail for hijackers

ARG 10/1/98

GLYNIS UNDERHILL

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'We now have a further four murders which might have been avoided'

Outrage over new prison head's suspected criminal activities

By PAUL KIRK (253)

Star 17/1/98
The newly appointed head of Pietermaritzburg prison has been investigated for a number of alleged criminal incidents, including a political murder, assaults and a drive-by shooting.

Russel Ngubo (37) was appointed to the position on Monday by Maxwell Ntoni, the KwaZulu Natal commissioner of correctional services, in the absence of Minister of Correctional Services Sipo Mzimela, who is in the US. Ntoni could not be reached for comment.

KwaZulu Natal Attorney-General Tim McNally said yesterday the investigation involved a case in which Ngubo had been linked to the politically motivated deaths of a Bulwer family on November 23 1996.

Ngubo, who ran the escape-plagued Newcastle prison until his appointment this week, was released on bail from the Himeville courts last year following charges

of assault with intent to commit grievous bodily harm. The charges were withdrawn when two witnesses were murdered by unknown assailants.

An investigation also linked Ngubo to a 1996 drive-by shooting outside the Pietermaritzburg Magistrate's Court. The charges were withdrawn after witnesses refused to give evidence.

Ngubo was also charged with illegal possession of a 9mm pistol reported stolen by correctional services. The department declined to prosecute him.

Spokesman for the Department of Correctional Services Philemon Ntuli said the charges against Ngubo "were part of a frame job. The attorney-general himself told us this. He told us that Mr Ngubo is not guilty of anything." McNally said he had never said anything of the sort.

TO PAGE 2

Prison chief outcry (253)

Star 17/1/98
Ngubo's lawyer, John Wills, said Ngubo was the victim of an IFP smear campaign conducted to discredit him.

Douglas Gibson, spokesman for the DP, said: "The allegations, even if not sustained, must create in the public mind a doubt about his suitability for office." Gibson promised to raise a question in Parliament next month regarding Ngubo's career.

Chief spokesman of the NP, Daryl Swanepoel, said: "If any of these allegations are true, we would insist he be immediately replaced with a person who can rehabilitate people under his care, not join in with their criminal activities."

Disturbed prisoners living in hell

CP 18/11/98 (253)

By PERCY MAKHARAMEZHA

SOUTH AFRICAN taxpayers are paying millions of rands to maintain prison inmates who have been declared mentally disturbed and unfit to stand trial

Although the Department of Correctional Services says there are no ready-compiled statistics to show the percentage of mentally disturbed prison inmates, it is estimated that the number runs into thousands

Currently it costs taxpayers R72 to maintain each prisoner per day

It costs taxpayers another R450 per day to maintain prison inmates who are under observation at the mental hospitals

Mental hospitals such as Weskoppies in Pretoria which are supposed to admit them permanently are full. Superintendent of Weskoppies, Dr Leandre Gauche, said that the hospital's 46 beds in the state president's patients' section were full.

"We accommodate mentally disturbed prison inmates from 83 districts in four provinces. They are sent here from Gauteng, Mpumalanga, North Province and part of the North West," he said

Lack of space at the mental hospitals is causing concern that some of the mentally disturbed prisoners are facing a bleak future as their names do not appear on the hospitals' waiting lists

In some cases mentally disturbed prisoners remain behind bars for up to five years before they are transferred to the hospitals.

City Press this week learnt that the escalating population of mentally disturbed prisoners is allegedly caused by a communication breakdown between the Department of Correctional Services and the mental hospitals

When asked why an Atteridgeville mentally disturbed youth has been behind prison bars for more than two years, the Department of Correctional Services and Weskoppies officials blamed each other

As these prisoners are mentally unfit to stand trial, it is feared that some of them could be behind bars without having committed a crime

In one shocking case of violation

Skhumbuzo Nkosi:

On: Fikile's treatment

“**What baffles me is that after they observed him they took him back to the prison.**”

of human rights, an Atteridgeville family has been battling in vain for the release of their 21-year-old mentally disturbed son who has been in prison for the past two and a half years

The youth, Fikile Nkosi, was taken into police custody in September 1995 for allegedly sodomising a six-year-old boy

The following month he was detained at Pretoria Local Prison after the court ruled that he should be sent to Weskoppies for mental observation to determine whether he was fit to stand trial

After a year in prison he was sent to Weskoppies in August 1996, where he stayed for a month. He

was discharged back to the custody of the prison. On October 16 the court declared him a state president's patient who has to be under the observation of mental doctors permanently

According to the spokesperson of the Attorney General's office, Vivia Jacobs, charges against Fikile were withdrawn. But he is still in prison.

His father Solomon Nkosi said that his son was taken by the police for questioning and returned the same day, only to be whisked away "forever" after two weeks

"We are still waiting to be informed whether there is going to be a trial or not," said Nkosi

He added that the family was concerned when Fikile, who was born mentally disturbed, was not sent to Weskoppies for the whole of 1995. When they inquired about the delay, Nkosi said, they were told that the beds were full

Nkosi said that a year later his family asked the prison authorities to allow them to take Fikile to a private doctor to observe him but they were shunned

Fikile's older brother, Skhumbuzo, said "What baffles me is that after they observed him they took him back to the prison"

Correctional Services director of communication services, Russel Mamabolo, said that Fikile was declared a president's patient by a Court of Law Policy

Dr Gauche said "After we observe a patient we send him back to the prison. The court has to rule whether he could be declared a state president's patient"

Dr Gauche added that when a mentally disturbed person was declared a state president's patient, he became a permanent patient of the mental hospital

"When the patient is better, the hospital can discharge him/her"

CMax treatment for 10 suspects

M+G 23-29/1/98

253

Andy Duffy

Awaiting-trial prisoners are being held at CMax, raising fresh concerns about the rules prison officials follow before putting people into the controversial hi-tech jail

At least 10 suspects have been placed in the maximum security unit since Christmas, and police have played an influential role in the decision to use CMax to hold them

The Department of Correctional Services refuses to name the inmates, number them, or detail their alleged crimes. But it confirms that at least two are suspects in a spate of highway heists which netted villains millions of rands late last year

The department says the awaiting-trial prisoners can be held at CMax until police have completed their investigation, or until the suspects' case goes to court. Their treatment is no different from that meted out to other CMax inmates, though they are given greater access to their lawyers

The Human Rights Commission (HRC), which discovered the new inmates during a routine visit last week, wants to meet national commissioner Khulekani Sitole to discuss the procedures he and his officials use to determine candidates for CMax

The decision to put the awaiting-trial prisoners into CMax follows the escape last month of six other heist suspects from Pretoria Central Prison — a break-out which severely

embarrassed Sitole's department and led to a row with police

"We're concerned that CMax doesn't just become a solution for every problem," says HRC commissioner Jody Kollapen

A department representative confirms police were involved in recommending the suspects go into CMax, but that the final decision rested with provincial and national prison management. "Obviously risk management remains the most important reason," he says

The United States-style prison, which opened in Pretoria last September, is supposed to prevent escape attempts, and isolate prisoners judged incorrigible escapers or a danger to others or themselves

Inmates spend 23 hours a day in tiny cells, shower and exercise in cages and are denied any contact with fellow prisoners. Such conditions have appalled human-rights groups

The department's refusal to justify in detail individual transfers into the prison has also caused trouble. Two convicted murderers, backed by Lawyers for Human Rights, are taking legal action against the department over its decision to transfer them to CMax late last year

But the department, confident it enjoys popular support, has so far ignored such concerns. It adds that CMax numbers have more than doubled since Christmas, and now fluctuates between 40 and 50 prisoners

Prison — a break-out which severely embarrassed Sitole's department and led to a row with police

Amnesty body faces overload

A plan must be formulated to deal with the matter urgently, says the Human Rights Committee

HUMAN RIGHTS COMMITTEE
OF SOUTH AFRICA

The burden of the last few months of the Truth Commission's work will fall on the Amnesty Committee. The Human Rights Committee (HRC) is concerned that based on the Amnesty Committee's record of finalising only 218 matters in two years, it is not feasible that it will finalise the remaining 2 100 cases by its June 30 deadline.

The HRC raised the issue of this massive workload with the Amnesty Committee in November and was provided with measures, envisaged and in place, to meet the deadline. The HRC believes these measures have proven insufficient and ineffective, and is concerned that a miscarriage of justice may result unless its concerns are resolved.

The Amnesty Committee's proposal raised administrative initiatives to expedite both chamber matters, concerning non-gross human rights violations, and hearable matters. First, all chamber matters were to be finalised by December 19. Of the total 631 chamber matters,

about 400 remain undecided.

Secondly, an additional seven committee members were to be appointed by January 5 so that six amnesty panels, instead of two, could hold simultaneous hearings. These panels would need to hear and finalise 2,5 cases a day, in comparison with the previous rate of 6,3 a month. To achieve this accelerated rate, and clear the remaining 1 700 hearable matters, all six panels would need to hold hearings five days a week from January 5 until June 30.

As the Amnesty Committee is still awaiting the appointment of the seven additional committee members, only two panels can presently operate. So far this year, one panel held a one-day hearing, but has yet to finalise the case.

The appointment of the remaining seven committee members poses further administrative problems. The future committee members must be carefully selected to represent the political and racial diversity of South Africa

Previously, appointees have been drawn from those already within the TRC, like three Human Rights Violations Committee (HRVC) members. However, as these three will have been pre-exposed to amnesty cases through their work on the HRVC, they will have to recuse themselves in certain cases, which will cause further delays.

A closer look into the source of delays shows that problems go beyond mere scheduling and staffing concerns to substantive issues regarding how the Amnesty Committee is interpreting its mandate. For example, the delay in chamber decisions is related to the controversial decision to grant amnesty in chambers to 37 ANC applicants.

Opposition parties and the TRC itself questioned how all three Amnesty Committee judges could rule that the group application for non-disclosed crimes met the TRC Act's criteria. The act requires amnesty applicants to make individual, full-disclosures for specific crimes. By granting amnesty to the 37, the committee put its own credibility in jeopardy.

creating a situation where the TRC takes one of its committees to the High Court

In the case of the 37 ANC officials brings public attention to one of multiple criteria in the TRC Act. Other criteria, such as whether the applicant had a political objective, was acting on behalf of a known political organisation, and used means proportionate to the political goal, are also subject to interpretation. Unfortunately, the Amnesty Committee has not handed down a consistent interpretation of these criteria.

Even terms as basic to the act as whether prisoners applying for amnesty must admit they committed the crime for which they were charged is open to interpretation. An examination of this issue reveals the contradictory nature of the amnesty decisions. The Amnesty Committee has gone on record that it is not a court of appeal; therefore, if the applicant is a prisoner and denies having committed the crime, she/he cannot receive amnesty, as seen in the refusal of

amnesty to N Menera for one count of attempted murder he denied having participated in. Yet in a subsequent case, a panel granted prisoners T Madoda and C Ndimisa amnesty for murders they denied committing. With six panels ruling simultaneously, a consistent interpretation of the criteria is essential, lest amnesty decisions be open to countless reversals before the high court.

Little possibility exists that the Amnesty Committee will meet its deadline. While clearly the Amnesty Committee must implement measures to expedite cases, proceeding with rushed, inconsistent decisions will only extend the process to review in the High Court and potentially undermine the TRC's goals of establishing reconciliation and accountability. Although individual amnesty has led to difficult issues, the Amnesty Committee must commit itself to a realistic plan to come to grips with the urgency of the task before it.

■ *The Human Rights Committee is an independent non-governmental organisation which monitors the TRC*

Star 26/1/98

Dream of rehab turns to anarchy

M&G 30/1 - 5/2/98 (208) (253)

Mukoni T Ratshitanga

A high-profile pilot project for young offenders initiated by President Nelson Mandela is descending into chaos, reports on the project claim

One of the confidential reports in the possession of the *Mail & Guardian* has savaged the management of the Ekuseni Youth Development Centre in KwaZulu-Natal. The stinging six-page report to the Joint Education Trust has been tabled for discussion by the centre's board, which is chaired by Minister of Correctional Services Sipo Mzimela, whose department runs the centre.

Ekuseni was initiated two years ago by Mandela as a pilot project for the rehabilitation of young offenders. It received an initial R44-million start-up funds from the Private Sector Initiative (PSI) and the trust. The centre runs educational classes — adult basic education, secondary and tertiary education and vocational training — and includes a therapeutic section and a residential section for custodial care.

"It is difficult to give a consistent or near-accurate assessment of the way classes run at Ekuseni," says the report penned by Hans Mangole, a trust employee who was seconded last year to teach integrated social studies at the centre.

"It is a bit comical, if not tragic. At the most, classes run two or three days in a week. A perfectly normal learning atmosphere prevails. Then the following day chaos breaks loose. For valid or faked reasons, there is constant teacher absenteeism."

The trust and the PSI are two of five partners — the Nelson Mandela Children's Fund, the Ministry of Correctional Services and Rand Afrikaans University (RAU) — that threw their weight behind the centre.

Mangole said the centre could not be expected to run without problems. "There are few places in the world where these things are done perfectly. The fact is Ekuseni does not make any serious attempt to find a way of functioning efficiently."

In his report he describes Ekuseni as "anarchistic" where "both staff and students can do as they please because they are certain nothing [will] happen". And he warns that the centre will "forever experience problems so long as there is no clear policy governing the behaviour of both staff and students."

Mangole also alleges that the centre's three sections — education, therapeutic and custodial — pull in different directions instead of co-operating with

each other. This resulted in the "near abortion" of last year's end-of-year examinations.

"This was primarily because of the lack of a co-ordinated exam timetable for the entire institution." Each section of the centre's education department "either planned exams independently from each other (where there was any planning) or just announced exams unexpectedly to teachers."

The report alleges that the exams were written to save management from embarrassment rather than testing students. "They were a fuss and a great hoax."

Another concern raised by the report is the tension between the "old guard" of the Department of Correctional Services, who prefer the old punitive measures of dealing with young offenders, and a new breed of staffers who believe in rehabilitation.

Another staffer who spoke to the *M&G* this week said the centre's problems raised questions about the department's readiness to transform itself. "The issue for me is whether the department is willing to run such a multi-purpose centre with a strong human rights emphasis as the guiding principle," he said.

Rob Simmonds, another trust employee who was seconded to the centre last year, this week refused the *M&G* permission to view his reports on Ekuseni, saying he required permission from his employer. The trust refused to hand over the reports, saying this action would be "inappropriate". But it is believed that Simmonds's reports were as bitter as Mangole's.

The trust's director, Nic Taylor, said this week that Mangole's report was limited. "The portrait is, of course, a lot more complex and nuanced than Mangole's report suggests and, while he puts his finger on a number of critical shortcomings, his account fails to provide any serious acknowledgement of the efforts and successes of those whose commitment to the vision and principles of Ekuseni goes well beyond the records of those who have failed."

But Ekuseni's director, Peter de Beer, contradicted Taylor's account, saying: "I agree with 90% of the things that are being said in the report. It is a very true and honest report. What I am reading in the report is what I am seeing in my institution."

Taylor offered the *M&G* an opportunity to visit Ekuseni and speak to its inmates, but when an attempt was made to do so this week, the department refused reporters entry to the premises.

Violence rocks jailhouse

Prison security to be tightened after warders are attacked and drugs

(253) ST(CM) 1/2/98

WVETTE VAN BREDA

SES

smuggled in

SECURITY at jails on the Western Cape is to be tightened following several shocking incidents of violence at prisons in the region

This week a Boland prison warder was stabbed nine times in the head by a prisoner being transported to jail in heavy traffic on the N1 highway

And a warder at Goodwood prison had to have several stitches after a prisoner hit him on the head with a heavy mug

A gun was found in the possession of a prisoner working in the kitchen of the same prison

On Monday, warders guarding the main entrance at Pollsmoor were caught in the middle of a tense stand-off between gun-toting members of two gangs, said to be the Sexy Boys and the Hard Livings

A special departmental task team diffused the crisis before any shots were fired. The gangsters left, threatening to return and "finish off their business"

Warders have since refused to work at the entrance without adequate protection and demanded that the gate be upgraded with bullet-proof glass

The task team yesterday found a gun hidden under the spare wheel of a visitors' car at Pollsmoor

Prison management has now undertaken to beef up security at the prison entrances with the installation of electrified fencing next month at a cost of R7,2-million

Also at Pollsmoor this week, 108 bank bags of dagga were found in cereal and powder milk boxes. The owner of the prison tuckshop, Stanford Herbert, 48, and his assistant, Patricia Samuel, 46, were granted R2 000 bail in the Wynberg Magistrate's Court after appearing in connection with the find

Prisons spokesman Eddie Claasen said they were looking at better ways of stepping up security and had made progress

With the establishment of the anti-corruption unit last year, more and more smuggling had been uncovered. A metal detector had been set up, but was not yet operating, at Pollsmoor. Only a few Western Cape jails, like the ultra-modern Malmesbury prison had them

At a Pretoria press conference earlier this month, National Correctional Services Commissioner, Khulekani Sithole said, 120 warders had been suspended country-wide in connection with smuggling, with five resulting criminal charges

He said 40 fencing projects had been, partly, completed, at prisons, with 19 still needing to be installed. Deterioration of buildings was also a problem and made escapes easier

In a bid to curb corruption, and smuggling of drugs and guns, the department had targeted four prisons country-wide, one being Pollsmoor. Modderbee, Johannesburg, and Durban Westville were the other three

CP 8/2/93

Popcru members have had enough!

(251)

By JIMMY SEI PL.

Popcru members will petition
the county board to
throw it into chaos with
the rest of the county board
of the Police Pension and
Civil Rights Board. The
county board is the only
department in the county
that can be held responsible
for the department and the union.

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But Popcru will find it
difficult to do this. Both the
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He said negotiators of both
departments told them they
could not make any commitment
to the union over the budget
because of the current financial year.

We are being well served to
meet the needs of industrial
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Conggo cold-shoulders Jackson

Clinton's special envoy gets short shrift from Kabila

APR 11/21/98

(253)

Washington - President Laurent Kabila of Congo turned away the Rev Jesse Jackson after the US envoy met leaders of the country's opposition, an aide to Mr Jackson said here.

Mr Jackson, who is in the middle of a week-long trip to Congo, Kenya and Liberia, was scheduled for talks with Mr Kabila in the capital, Kinshasa, after meeting representatives of democratic opposition groups.

He is meeting African leaders in advance of President Bill Clinton's trip to the continent next month.

Mr Kabila abruptly cancelled the scheduled meeting, the Jackson aide said, speaking on condition of anonymity.

Mr Jackson's party was uncertain yesterday whether the meeting would be scheduled before he left today for Liberia, the aide said.

While waiting to meet Mr Kabila, Mr Jackson told reporters that advocates for democracy and human rights had expressed "great concerns" about whether Mr Kabila would allow them a role in reconstructing Congo after a brief war that toppled the late Mobutu Sese Seko.

"There is no party participation in the transition. There is no democratic legal structure," said Mr Jackson.

But in spite of "growing fear" that Mr Kabila would renege on promises of fair government, there was "some sense of patience" among opposition leaders that Congo's democracy would stabilise and flourish, he said.

Mr Jackson, Mr Clinton's special representative for democracy in Africa, is expected to return to the United States on Friday.

He will give a report on his findings to Secretary of State Madeleine Albright. He is also due to brief Mr Clinton later this month.

Former Marxist military ruler Denis Sassou Nguesso, whose Cobra militia ousted the Congo Republic's elected president Pascal Lissouba last October, will have talks with President Nelson Mandela in Cape Town today.

The four-and-a-half-month civil war left hundreds dead, thousands more displaced, and destroyed the capital Brazzaville.

On whether the unofficial meeting meant that the South African Government now officially recognised Mr Nguesso's government, presidential aide Parks Mankahlana said "We're not interested in recognising or not recognising him; our interest is in finding a solution to the problems of Africa." - Sapa-AP



ASSOCIATED PRESS
Diplomatic contact: special Africa envoy Jesse Jackson shakes hands with well-wishers outside the US embassy in Kinshasa.

POLITICS

David Greybe

CAPE TOWN — The correctional services department has abandoned the idea of housing prisoners in renovated mine shafts, but was going ahead with plans to use prison ships and city buildings to ease overcrowding, Correctional Services Minister Sipo Mzimela said yesterday.

Idea of using mines as prisons dropped

SA's prison population jumped from 101 000 to 140 979 from January to December last year, which translated into more than 44 000 inmates above capacity, Mzimela told a parliamentary briefing.

He said an investigation into converting disused mine shafts into prisons had shown it would be too expensive "and would not really serve the (necessary) purposes".

Representatives of a private company were in the Ukraine to look at ship hulls the department had previously inspected with a view to converting them into prison ships, Mzimela said. If the vessels were found to be suitable, they could be moored "in one of our harbours" before the end of this year.

The department was going ahead with plans, also in co-operation with the private sector, to convert "under-utilised" buildings to prison facilities, he said. For example, work on Johannesburg's Ponte building could begin this year.

The number of prison escapes had dropped dramatically last year, from an average of 103 a month in the first quarter to 24 in December. The figures excluded escapes from police cells. New electric perimeter fencing installed at many prisons had helped reduce escapes, he said.

While the department would be expanding the concept of the Pretoria C-Max security prison this year, it was hoped that construction on the country's super-maximum security prison at Kokstad would begin before the year-end.

Bid to hasten Ponte prison plan

(253) Star 13/2/98

By JOVIAL RANTAO

Cape Town - Correctional Services Minister Dr Sipo Mzimela says Ponte City, a huge block of flats in Berea, Johannesburg, could soon begin taking in its first prisoners as an urban prison.

Mzimela told journalists in Parliament that the Ponte project was one of the many initiatives through which the Government co-operated with the private sector to create more correctional facilities.

"Once all the plans (regarding Ponte) have been drawn up and other aspects have been accomplished, we will be on our way with Ponte. Work will begin sometime this year," Mzimela said.

Vincemus Investments Limited, the owner, says it wants to turn Ponte City into a correctional service facility, including six courts, a police station and a public clinic.

Goltz Weissmann, an adviser to Mzimela, told The Star that the Ponte project was one of many

the private sector had offered to the Government.

Weissmann said the Ponte proposal seemed acceptable at face value. However, he emphasised that certain technical aspects needed to be investigated.

He said the owners and developers of Ponte would, if successful, sign a service agreement with the Government. In terms of this they would run the prison as a private enterprise, and invoice the state per prisoner per day.

"They will have to present us with a management plan and technical specification," Weissmann said.

Mzimela also announced that the Government had abandoned the idea of turning unused mineshafts into prisons.

"The mineshafts would not serve the purposes that we want. Even if we were to modernise them, it would be far too expensive."

► 'Yes - no' to Ponte

'Yes' and 'no' to Ponte as a prison

(253) *Stm 19/2/98*

Those in favour point to successful US examples, those against say it would be irresponsible

MATTHEW BURRIDGE

Ponte looms overhead like a curved wall. A lift takes visitors from the deserted parking lot into the depths of the building.

Groups of young men lean against the walls of a courtyard with its decaying canopies and a long-defunct disco.

The security guards won't let journalists into the building proper, claiming it may cause trouble for the tenants.

Three tenants say they are deftly moving out, and another says he's only been there a month and is already thinking about leaving.

Vincemus Investments Ltd, the owners, say Ponte City, in lower Berea, has failed as an apartment building and, now in its 28th year, it's showing signs of urban decay.

They want to turn the building into a correctional services facility,

including six courts, a police station and a public clinic.

Lone Paulsen, a lecturer at the Wits University architecture faculty said the inner city is desperately short of housing and it would be irresponsible of the owners to turn it into a high-rise prison.

Paulsen acknowledged that it would be a difficult and complex task for management to revitalise the building, but the fact that people are prepared to live in it – despite its problems – showed it was too valuable to turn into a jail, however unusual.

"The owners should provide more amenities in the building, so a community can be created – which is especially important for people living in a high density area."

Another option, besides demolition, would be for the tenants to

manage the building themselves.

Prisons, like Pollsmoor in Cape Town, are usually built in secluded areas, away from the hustle and bustle of society, so the jailers, in a perfect world, have a chance to "correct" the criminals' behaviour.

Turning one of Johannesburg's most visible landmarks into a jail

talised the surrounding areas.

"In fact the value of property would go up in the area and security and quality of life around the area would improve – it's very safe to live next to a prison."

Stuart outlined the vision for the new building, which involves improved ventilation and air circulation, lighting, convenient access and of course, security.

A landscaped piazza and a copper domed rotunda are also planned as well as the substantial upgrading of the adjoining park.

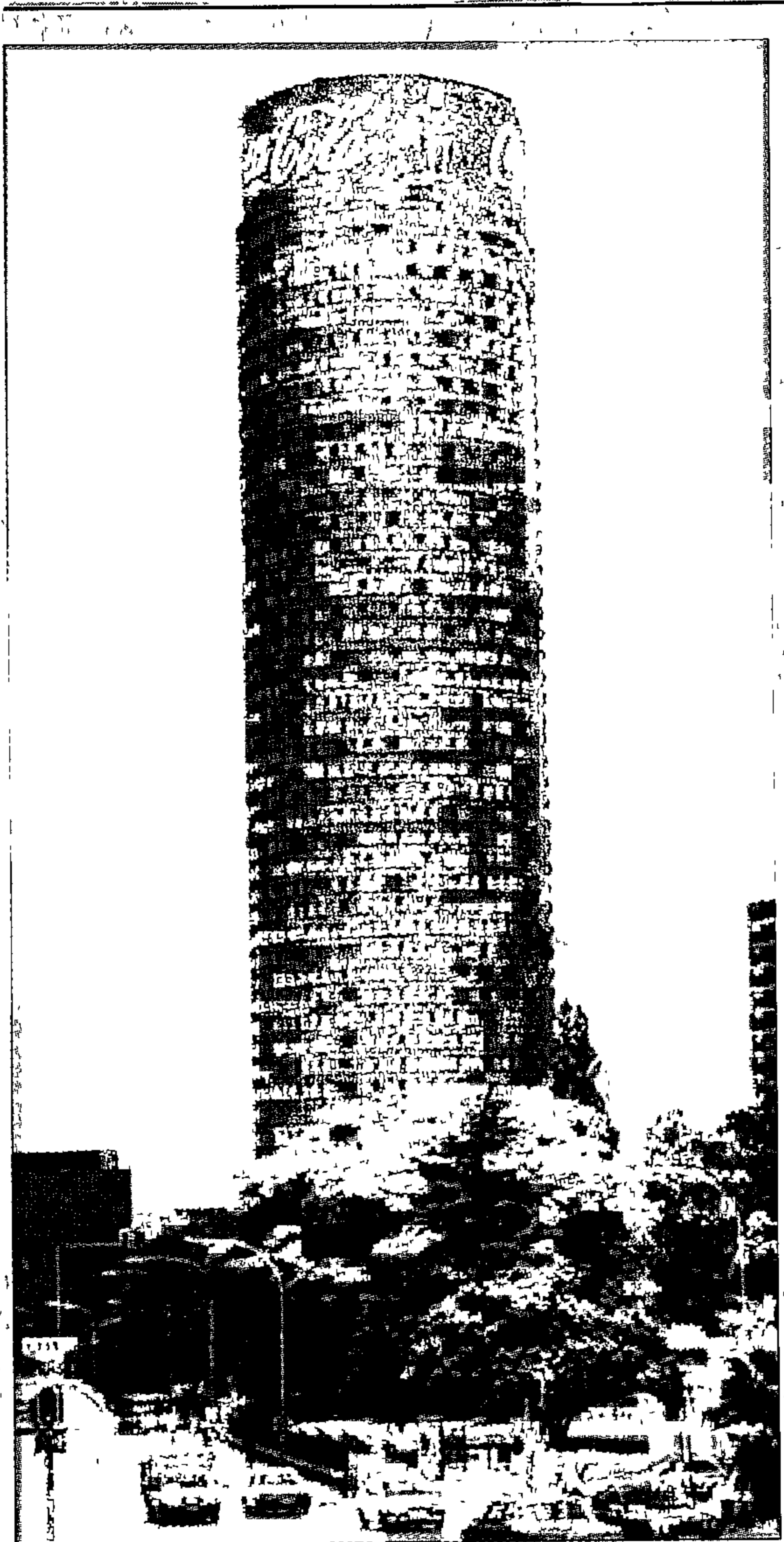
"We have tried for several months, and the previous owners tried for several years, to make the building work – we were both unsuccessful," said Stuart.

"The face of Johannesburg is changing and we think the building will add value to the city. It will create 500 jobs and accelerate the economic cycle of the area – the benefits outweigh the disadvantages."

'Provide amenities, create a community'

Negative perceptions like these, and the eviction of tenants, urgently needed to be addressed, says Don Stuart, spokesman for the owners.

Stuart mentioned Atlanta, Cincinnati and San Diego as some of the modern cities that had "downtown facilities," which had re-



Towering problem ... the future of Ponte in Brea is in the balance. The past two owners have failed to make it profitable and suggest it be turned into a prison – an idea that others think is both unworkable and short-sighted.

Prisons to bar cash to curb bribery

DONWALD PRESSLY

CT 17/2/98
PRISONS are set to become cashless zones in a bid to curb corruption and the bribing of officials to help prisoners escape

In a briefing at Parliament yesterday, the chief deputy commissioner for functional services in the Department of Correctional Services, Mr Steven Korabie, said radical action to further reduce the number of prison escapes would involve the introduction of "smart cards" for prisoners.

Prisoners carried money to buy provisions at tuck shops, he said, but it had been found that some members of the correctional services staff, including warders, had accepted bribes to help prisoners to escape. The card system, which must still be accepted by the cabinet, would allow prisoners to buy provisions.

Correctional Services spokesperson Mr Bert Slabbert said prisoners received money from their families or earned it by doing certain jobs such as work in the prison kitchens.

The department's aim was to achieve "zero" escapes, said Korabie, who was addressing journalists at the start of the week focusing on the government's national crime prevention strategy.

He said the establishment of an anti-corruption unit had played a key role in reducing escapes.

The number of escapes from prisons had dropped dramatically since electric fences had been erected around 19 of South Africa's oldest prisons, many of which had been built in the 1950s and 1960s and were not suited to the 24-hour monitoring of inmates.

The department intended to put up fences at 21 more prisons this year.

A five-metre high perimeter fence is erected about six metres from a 2,4-metre inner fence. The fences are electronically linked to a control centre.

Prison escapes had dropped to 1 050 last year from 1 345 in 1996, 1 247 in 1995 and 1 233 in 1994. An average of 110 escapes a month had dropped to "only 32 in December, 25 in January this year and only 12 so far this month".

Korabie said it would cost the state about R10 billion to adequately house the nearly 40 000 people who were overcrowding the prisons. Steps would be taken to involve the private sector in "diverting" awaiting-trial prisoners from existing prisons.

Many of the 32 000 awaiting-trial prisoners stood accused of "petty" crimes such as shoplifting or drunken driving. Many could not afford bail of as little as R50.

It costs the state approximately R71 a day to feed and house a prisoner.

While the department was investigating the possibility of prison ships to hold awaiting-trial prisoners, he said, the private sector was being approached to take over the provision of prisons for women and juvenile prisoners.

Pressed by the chairperson of the joint standing committee on defence, ANC MP Tony Yengeni, on whether prisoners were not having too much of a good life, including three meals a day and attendance at musical concerts, Korabie said that the department admitted that it could have gone overboard in the past.

However, steps had been taken to simply fall within the provisions of human rights in the Constitution.

Inmates rampage in women's prison

Curb on roaming leads to mass fight between 80 prisoners and action by containment team

By GILL GIFFORD
Crime Reporter

Violence erupted in Johannesburg Women's Prison in Diepkloof yesterday and a reaction team had to be called in to contain 80 inmates who refused to return to their cells.

Correctional services spokesman Rudi Potgieter said a mass fight broke out at 8.45am when the women, who occupy five communal cells, attacked prison guards after a metal grille closing off their section was removed, meaning they would be

locked in their cells at night and would no longer be allowed to roam their section.

Potgieter said the dispute was caused by a policy change. "In the past, long-term prisoners with a good track record were given A-category status, which meant they were granted single cells. They were not locked in at night and were allowed freedom of movement in their section.

"But in terms of the latest policy, prisoners are moved into A-group after only a few weeks. They all want the same rights, and we understandably cannot

have everyone roaming around at night

"It's a high-risk situation for escapes, and makes discipline difficult to maintain. So we decided to treat everyone equally, and lock all cells," Potgieter said.

According to Potgieter, an 18-man response team was called in when the riot broke out. They were required to contain the situation and take the women back to their cells.

"Some of the women poured hot water on the guards and threw knives and forks at them. Two women were slightly in-

jured in the the scuffle and were treated at the prison."

Women inside the prison said the situation got out of control and claimed they were abused by 50 men armed with sjamboks and electric prods who stormed the section.

Fikile Nkosi, serving a 17-year sentence for robbery, said "I came in here in 1992, and I have worked hard for my privileges. Now suddenly everyone's in A-group."

"Today 40 white men and 10 black men came in here. It got violent and some women were hurt - one has stitches on her

head and others had to be taken to hospital."

Two inmates claimed they were hit by the men, naked women were dragged out of the showers, some were shocked with electric prods and others beaten with sjamboks. They also claimed teargas was used.

Potgieter confirmed that a canister of teargas had been thrown, but said 18 men and not 50, had reacted to the fight, and that no sjamboks or electric prods had been used.

Four extra guards were posted at the prison to monitor the situation throughout the day

(253) SA 18/2/98

New care facilities for awaiting-trial juveniles

Juvenile awaiting-trial prisoners will be transferred to secure care facilities from May 10 as it would be unlawful to hold minors in prison after that date, says a government official.

Welfare and Population Develop-

(253) (298)
ment acting director-general Bennie Mokaba said juvenile awaiting-trial prisoners, between the ages of 14-17, would be placed in these facilities.

Other juveniles would be placed in foster care. - Parliamentary Bureau

ARL 19/8/98

ROLEX

MONDAY	VIERNES
MARDI	الاربعاء
GIOVEDI	الجمعة

It speaks volumes about you, in 26 different languages.

Rolex Oyster Perpetual Day-Date, chronometer with President bracelet.

Your watch

RA M 4/216/11

ST(CM) 22/2/98

Prisons department accused of corruption

AYESHA ISMAIL

(257)

COMPLAINTS of corruption and nepotism among senior provincial correctional services staff have surfaced during a recent recruitment drive

The allegations that senior officials and warders recruited their family members, friends

and girlfriends were made by five unsuccessful candidates this week

One of the women complaining said she had applied eight times for a job. The other women sought legal advice after being turned down repeatedly.

The women claimed that warders who sat on the recruitment panel interviewed their family members, girlfriends and

friends. "All their people got in and we were rejected," one woman said. "I have been applying since 1992 for a job. When I asked why I was not accepted I was told that I was not motivated."

"Would I continue applying if I was not motivated?" she asked, adding that some of those chosen were not qualified.

"In one case the wife of the head of recruitment (Hennie

Joseph) had resigned due to stress, but was reappointed last year. She was interviewed by her husband for a job as a warder, but got a job as an office clerk at Goodwood Prison."

The women have complained to the Provincial Commissioner and the Minister of Correctional Services Sipo Mzimela and the allegations were being looked into, said a spokesman.

Red faces over holes in prison security

(253)

Officials insist that measures to cut down police negligence are working

SPAR 25/12/98

VJAY GOVENDER

By GILL GIFFORD
Crime Reporter

Twenty-five prisoners broke out of police custody in five separate incidents around the country by lunch time yesterday, bringing to over 400 the number of escapes this year.

A total of 437 people have escaped from police cells this year - an average of almost eight a day.

Crime Prevention and Response Service spokesman Superintendent Leon Engelbrecht said that in yesterday's breakouts 17 men had escaped from the Hercules police station in Pretoria, one from De Dour in the Vaal Triangle, one from Lenasia in Johannesburg, four from Vryheid and two from Lebogoma in KwaZulu Natal.

Four awaiting-trial suspects and 13 illegal aliens walked out of the Hercules station at 2.55am yesterday after breaking open the cell door with their hands.

Engelbrecht said the police guard left his post to go to the toilet while the men were in the station's exercise yard.

"The area is secured by a solid steel door and another metal door similar to a security gate. When the guard left the area he did not lock the solid door and the prisoners managed to bend the bars of the gate and escape," Engelbrecht said.

He said the police constable was facing charges of negligence. Four of the fugitives were

Breakdown of escapes according to provinces and methods used

PROVINCE	Number of escape incidents	Number of escapees	Cells	Transported	Court	Charge office	Police premises	False identity	Hungry	Investigation	Fearless
KwaZulu Natal	16	38	32	0	1	1	1	0	2	1	1
Gauteng	34	47	13	10	9	4	7	0	2	2	11
Eastern Cape	13	14	4	1	7	0	2	0	0	0	1
Free State	2	3	0	0	2	1	0	0	0	0	0
Northern Province	2	7	6	0	0	0	1	0	0	0	0
Western Cape	28	40	5	0	9	6	15	2	1	2	3
Northern Cape	4	4	0	1	3	0	0	0	0	0	0
Mpumalanga	13	54	15	6	5	1	1	0	1	1	6
North West	12	29	17	3	5	0	0	0	1	1	4
TOTAL	124	236	122	15	42	13	27	2	7	8	34

February 1-24 Countrywide there were 106 incidents involving 201 of them.

* Prisoners who are threatened by other prisoners assuming responsibility for them more serious than their own, were accused of committing

later arrested, and the remaining 13 are still on the run.

The cell-break follows on the heels of a brazen escape by six awaiting-trial prisoners, including four minors, who sawed their way out of the Kabokweni police cells near Nelspruit, Mpumalanga, on Saturday morning.

The suspects were being held on charges ranging from murder and car-theft to assault. Engelbrecht said media attention on cell escapes triggered by the escape of Isaac Mofokeng, the man charged with shooting Max the Gorilla at the Johannesburg zoo, had

sparked a dramatic decrease in station breaks.

"There has recently been a sudden surge in escapes. But we are confident it will be brought under control by

Sudden surge of escapes recently

crackdowns on police negligence as well as the upgrading of station facilities," Engelbrecht said.

"We are keeping a close eye

on problem areas."

According to Engelbrecht, cell visit registers at all stations had to be signed by a duty officer after cell checks every hour. Those found neglecting their duties could be charged.

In January, police Commissioner George Fivaz said the number of policemen facing charges relating to escapes had doubled over the past year. Escapes in 1997 amounted to 0,3% of the 1,4 million people detained by police that year.

Corrections Services spokesman Barry Eksteen said his department was at present exper-

encing a 50% drop in reported prison escapes.

"In the past we averaged about 100 escapes per month from the 142 000 prison population in South Africa.

"And although this is regarded as low, we were ordered to bring the figure down by half - which we have succeeded in doing every month since December," Eksteen said, attributing the decline to new electric fences at prisons.

"This month we have so far had 32 escapes, of which six were from prison and the rest from work teams," he said.

Prisoners to be treated at state hospitals from July

David Greybe

BD 26/2/98 (253)

CAPE TOWN — From July prisoners may be treated only in state hospitals, the correctional services department announced in Parliament yesterday.

The use of private hospitals for prisoners would be permitted only in special cases, and then only after the approval of the correctional services head office or the office of the provincial commissioner, the department told the correctional services committee. It foresaw a system in all provinces in which prisoners were treated "as other patients in the state sector through the primary health care system".

Departmental spokesman Bert Slabbert said the department had acted "because of the general concern that prisoners are being treated too well in terms of the medical privileges they receive and, therefore, appear to be better off inside than outside prison".

An added concern was the often high cost to the state of private medical care for prisoners, Slabbert said.

The department, in a briefing paper, said the state's constitutional responsibility to provide health services to prisoners was being "exploited to an unacceptable degree".

The department was unable to monitor the situation properly, but the appointment of provincial health coordinators "should contribute largely

towards solving this problem".

The department singled out Gauteng as "an area of grave concern". Last month 213 prisoners were admitted to private medical institutions and hospitals in Gauteng while only 46 were admitted to provincial hospitals.

Projects to establish secure wards in Gauteng state hospitals were under way. "In many areas merely identifying wards in provincial hospitals should suffice for the same purpose," the department told the committee.

However, state hospitals were primarily used to treat prisoners in the Free State, KwaZulu-Natal, Eastern Cape, Northern Cape, Western Cape and Northern Province.

In Mpumalanga last month 33 prisoners were admitted to private institutions and 13 to state hospitals. In North West 32 went to private institutions and 28 to state hospitals.

The department, however, foresaw the continued practice where provincial hospitals made use of contracted private specialist services.

"Specialists render excellent services in a cost-effective manner," the department said. "The abuse that undoubtedly takes place should not tarnish the image totally."

The department said the restructuring of health services in prisons was in accordance with national health department efforts to rationalise

Brake on private doctors' referrals

By Ido Lekota

PRIVATE doctors working in prisons are costing the Government thousands of rands by deliberately referring patients to their own practices, the parliamentary committee on correctional services heard yesterday

According to a Ministry of Correctional Services report on medical services for prisoners, there is abuse by private doctors who work on contract in prisons. This includes unnecessary referrals to private hospitals for ailments that can be treated at prison or provincial hospitals

It costs the Government R880 a day to keep a prisoner in a private hospital and only R550 at a provincial hospital, the report revealed

(253) (43)
The Government spent R56,4 million in the 1997-98 financial year on medical services - including R16,3 million for admissions at private hospitals and R6,3 million at provincial hospitals

Committee chairwoman Mrs Limpho Hanu said while it was understood that private hospitals were used for security reasons, there was concern about so much money being spent on private medical services

Meanwhile, a Bill which could see community members having a say in the granting of parole to prisoners, was discussed by the committee

The draft Correctional Services Bill makes provision for the establishment of the independent Community Corrections Board which will make decisions on paroles and community service

The alleged foundation

posing corruption," Maharaj said in response to a motion by National Party (NP) leader Marthinus van Schalkwyk that the

Maharaj denied in a lively debate Schalkwyk's assertion that the African National Congress (ANC) had softened

Clinics brace for loss of high-paying prisoners

Josey Ballenger

PRIVATE hospitals could initially feel the pinch if government restricts prisoners' health care to public facilities, but the hospitals say it will be taxpayers who ultimately take the hit.

Gauteng's largest private-service provider to prisoners — Garden City Clinic in Brixton — was reluctant to give a figure to potential revenue losses, but it, like Berea's Rand Clinic, has a secured ward to separate prisoners from the rest of its patients.

Garden City public relations officer Amelda Swartz said the 35-bed ward for prisoners ran at high occupancy, while Rand Clinic manager Michael Abelheim said its 20-bed ward saw 15 to 40 prisoners at any given time.

"Obviously it is a concern for us because we are a business," Abelheim said, estimating that turnover from prisoners ran to an average R85 000 of the hospital's total monthly R5m

Both clinics said they were likely to pick up private clients quickly to make up for the lost prisoner business, but that government — and thus taxpayers — would end up with a higher bill because the under-equipped public sector would not be able to cope.

The correctional services department raised the possibility in Parliament on Wednesday that from July state hospitals would treat prisoners.

Observers said government could be reacting to an increasingly outraged public which perceived prisoners to be

BD 27/2/98 (253)

treated "better than the average person" because they were often serviced at private facilities, without understanding the financial reasons for it

Swartz said government came to Garden City in the first place (in 1994) "because it was more cost-effective".

Abelheim suggested that instead of taking "costly" and politically expedient action, government should strike deals with the private sector

"Government talks about forming partnerships with the private sector. We believe this is an area where negotiation could take place."

Abelheim said he doubted government would be successful in fully preventing prisoners from going to private clinics: "The provincial hospitals can barely cope already. A lot of them don't have the equipment."

He said that if public hospitals charged less than the private sector, savings would be counterbalanced by the prisoner "undoubtedly" staying in hospital longer. The justice department — thus the taxpayer — pays the medical bills of prisoners awaiting trial or serving sentences

Amnesty International's spokesman Samkelo Mokhele said. "As long as (public) facilities are good, we don't have a problem. But if you compromise the health of prisoners, that is a violation of human rights." He suggested government not take a "blanket decision", but allow prisoners needing urgent or specialist care to continue going to private clinics when justified

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But Mzimela vows to get those awaiting trial released by May 10

(273)

Mag 27/2/98



REPORT
GLYNIS UNDERHILL
PICTURES
BRENTON SEACH

Correctional Services Minister Sipo Mzimela is concerned that a legislative loophole could condemn hundreds of awaiting-trial children to an extended life of hell in South Africa's overcrowded prisons.

But Dr Mzimela has vowed to ensure unsentenced children are released from prison in May.

"After May 10, I will not accept that awaiting trial children are kept in prison," he said.

On May 10, awaiting-trial children are set to become the sole responsibility of the Department of Welfare and Population Development.

Acting director of the department Benny Mokaba said the idea they would try to exploit any legislative loophole was "preposterous".

Every day the unsentenced children remained in prison with adults, was a painful day for him, he said.

Secure care institutions were being built, or upgraded and other options, like foster care for the children who were not a danger to society, were being assessed in anticipation of the May 10 deadline, said Dr Mokaba.

"We will work with Correctional Services amicably in the best interests of the children at large. We will take those children out of prison and put them in a child care system that works," he said.

In May last year, there were only 245 awaiting-trial children in prisons around the country, but the numbers have now soared to 1 400.

Amendments to Section 29 of the Correctional Services Act allow for the detention of awaiting-trial juveniles between the ages of 14 and 18 who are suspected of serious crimes. An extension of the amended legislation gave May 10 this year as the



Arsenal weapons recovered by warders

deadline for the awaiting-trial children to be released.

But Dr Mzimela's spokesman, Bert Slabbert, said his department had discovered that only one section of the amended Section 29 of the Correctional Services Act - the amendment which allows awaiting trial children to be held in police custody for 48 hours - would be repealed.

The way the legislation has been drafted would allow for children awaiting trial for serious crimes to be held in jail after May 10, said Mr Slabbert.

Dr Mzimela is concerned awaiting trial children will again stream into prisons after May 10.

Dr Mzimela claimed in November last year that children as young as 10 were being "dumped" in prison to await trial.

At Nyström Prison in the Northern Province, he was horrified to discover unsentenced children were sleeping in toilets to separate them from adult prisoners.

The majority of the children awaiting trial were being held illegally as they were to be tried for minor offences, he claimed.



Vertical hold: the courtyard at B4 at Pollsmoor where the awaiting-trial boys mingle



Young guns: a group of 14-year-old awaiting-trial children chat to a warder at B4 at Pollsmoor



Tattoo you: 'So young, so good, so bad' 'I'm a self-made millionaire living in prison'

Children must be out by May

On May 8 1995, 800 awaiting-trial children were released from prison in terms of a proclamation issued by President Mandela.

The Department of Welfare claimed the "unco-ordinated release" exacerbated the long standing crisis in the child and youth care system.

Reacting to public outrage at the increase in juvenile crime, Carl Niehaus, former chairman of the portfolio committee on correctional services, introduced a Private Member's Bill which became law in May 1996. Citing an almost total lack of security in the places of safety, his amendment to Section 29 of the Correctional Services Act again allowed 14 to 18-year-olds accused of serious crimes to be held in prison.

The legislation was extended again to May 10 this year, when the legislation prescribes that awaiting trial children must be removed from South Africa's prisons.

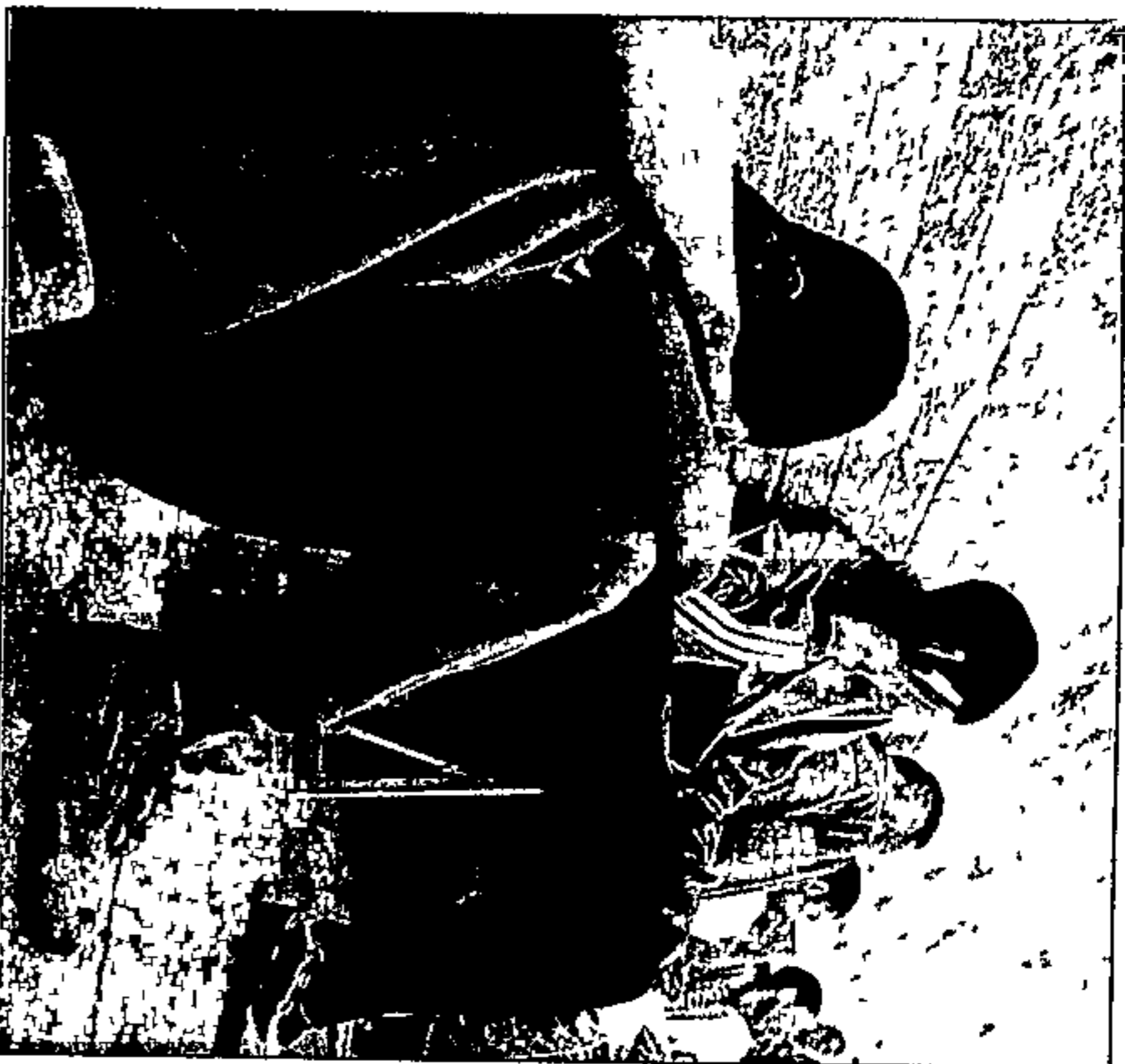
In 1996, the Inter Ministerial Committee on Youth At Risk was asked by the Cabinet to undertake an investigation into state residential care facilities for young people.

KIDS IN PRISON HELL

Awaiting trial means a battle for survival

AR 4 27/2/98

(253)



Long wait children awaiting trial while away the time in a Pollsmoor Prison courtyard

SPECIAL REPORT



The Cape Argus has found that 177 children are awaiting trial in shocking conditions at Pollsmoor Prison. Hundreds of unscarred children are due to be freed on May 10 - but the scars will linger.

BY GYNNIS UNDERHILL • REPORTS & PICTURES PAGE 3

A 14-year-old boy arrested for stealing a bicycle he found at the side of the road has been locked up for six months, while awaiting trial, in the gang-infested B4 section at Pollsmoor Prison.

In the courtyard during our visit, the boy, with a torn shirt and broken trouser zip, hangs out with a 17-year-old arrested for the murder of popular Gugulethu doctor Aadh Moerat.

Watching the murder accused shooting "Kerrin" with his friends, there is nothing to distinguish him from other youngsters awaiting trial for petty crimes.

Although more than 1 400 awaiting-trial children between 14 and 18 are to be released from jails into the care of the Department of Welfare and Population Development on May 10, prison life will leave its scars.

A 14-year-old Transkei boy accused of stealing a pair of shoes is learning the rules of survival. Many of his fellow inmates have tattoos on their bodies to indicate loyalty to the gangs rule in B4.

Tattoos are punctured into the skin with melted rubber and a needle embedded in a toothbrush. "So young, so good, so bad, so what" is a common tattoo theme.

Fourteen-year-olds awaiting trial claimed during interviews with the Cape Argus that some children were raped by gangsters when they were locked up in the cells.

The warders said they took the complaints from children when they opened the cells each morning.

"We act whenever it is reported to us. The fact is the kids are being abused by older kids," said Eddie Johnson, spokesman at Pollsmoor.

"But on the other hand, some children do welcome affection."

Knives and other sharp weapons taken from awaiting-trial children by warders show another side to prison life. Warders said they were forced to conduct anal searches of the younger children for weapons. Younger children were also forced to hide stashes of drugs for older children.

There is nothing else to occupy Pollsmoor awaiting-trial children, as they do not go to school and are locked in their cells from 9pm to 7am.

Prison was never intended for children awaiting trial for petty crimes, but hundreds have found their way into the system.

Correctional Services Minister Sipo Mzamele has claimed police "dump" children in prison and the Welfare Department has turned its back on them.

Sowetan 27/2/98
**Popcru
members
to face
inquiry** (255)

By Mpikeleni Duma

TWO members of the Police, Prison and Civil Rights Union (Popcru) provincial executive committee in the Free State have been suspended pending an inquiry.

Popcru national spokesman Mr Oupa Mmotesa disclosed this week that provincial chairman Mr Motete Mahlatsi and provincial secretary Mr James Mokoena had been suspended for allegedly bringing the union into disrepute.

Mmotesa was reluctant to elaborate on the suspension of the officials, fearing it might compromise the pending commission of inquiry.

Mmotesa alleged that Mokoena and Mahlatsi had breached certain codes and regulations of the organisation.

He alleged that some Popcru officials in the Free State were "no longer seeing eye to eye".

According to Mmotesa, the decision to suspend the officials was taken by the union's national executive committee after a series of complaints from Popcru branches.

Both Mokoena and Mahlatsi declined to comment yesterday and said that would jeopardise their case.

They were waiting to be summoned to the inquiry in order to tell their side of the story and respond to allegations.

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Kahn in talks on awaiting-trial kids

GLYNNIS UNDERHILL
SPECIAL WRITER

(273) (273)

FRG 3/3/98

Cape attorney-general Frank Kahn meets the regional head of justice today to discuss the plight of children accused of petty crimes awaiting trial in Pollsmoor Prison.

Mr Kahn said yesterday the problem appeared to be a lack of accommodation outside prison for the children

A Cape Argus investigation last week revealed that while it is against the law to hold awaiting-trial children accused of petty crimes in prison, hundreds have found their way into the system

"It is a problem of resources and a lack of accommodation. We are as concerned as all the other roleplayers. The magistrates are told there is no other accommodation for the children, so what can they do but send the children to prison?" asked Mr Kahn.

Amendments to Section 29 of the Correctional Services Act currently allow only for the detention in prison of children awaiting trial for serious crimes, like murder and rape

At Pollsmoor, none of the children attend school or take part in any rehabilitation programmes. They are locked up in their cells overnight for 16 hours, from 3pm to 7am

Mr Kahn said yesterday he had set up a meeting with Hishaam Mohamed, head of justice in the Western Cape, to discuss the crisis

Comment could not be obtained yesterday from the Department of Welfare and Population Development, which is responsible for the awaiting-trial children accused of petty crimes

All awaiting-trial children are to be released on May 10, when the amendments to the legislation expire. The awaiting-trial children accused of serious crimes will then become the responsibility of the Department of Welfare and Population Development, which will have to accommodate them.

Meanwhile children awaiting trial at Pollsmoor for petty crimes are being dragged deeper into a criminal underworld.

Gangsterism is rife in the awaiting-trial children's section and those accused of petty crimes mix freely with children accused of serious crimes including murder

Awaiting-trial children described their conditions at Pollsmoor Prison as unbearable

Fourteen-year-olds interviewed said some children were raped in prison, and warders showed a collection of sharp weapons which they found on the awaiting-trial children.

Furore over prison 'jobs for pals'

ART 4/3/98

(257)

NORMAN JOSEPH
STAFF REPORTER

Hundreds of people who applied unsuccessfully for jobs in the Department of Correctional Services claim they are victims of corruption, nepotism and favouritism.

A total of 7 000 people applied for 300 posts which were filled in January

Disgruntled applicants, mostly women, sent a protest petition to Correctional Services national commissioner Khulekani Sithole calling for a probe into alleged mismanagement and incompetence in the Western Cape's recruitment office

Dozens of hopefuls, determined to join Correctional Services, held an informal meeting in Westlake to discuss their problems and asked attorneys for legal advice

They claim senior warders promised applicants posts at Goodwood and Malmesbury prisons, which opened recently.

Department spokesman Kriz Claasen said they were aware of corruption and other allegations and that hundreds of unsuccessful applicants had told the department of grievances

He confirmed a claim that hundreds of application forms had been found hidden in an office after a recruitment officer resigned to take up a teaching post last year

Local jobseekers who applied to the department two and three years ago claimed correctional services gave jobs to "outsiders", mostly people from the Eastern Cape

Some locals, like Leon Walpole of Heathfield, first applied in 1985 and had done so several times since without success. He said

an officer had promised he would be appointed because he knew a warder in the office

Mr Walpole, 31, has three years' experience at the Porter Reform School

Many applicants, who said they had not had replies to their applications, disclosed names of people they alleged had got jobs as warders because they "had the right connections"

They claimed some who had been accepted for basic training had produced fraudulent matric certificates. They claimed recruitment criteria were overstepped recently when a 23-year-old pregnant woman was appointed as a warder and several applicants were accepted after the deadline on January 9 because of "connections"

Mr Claasen said his department had recently set up a national anti-corruption unit to investigate the claims

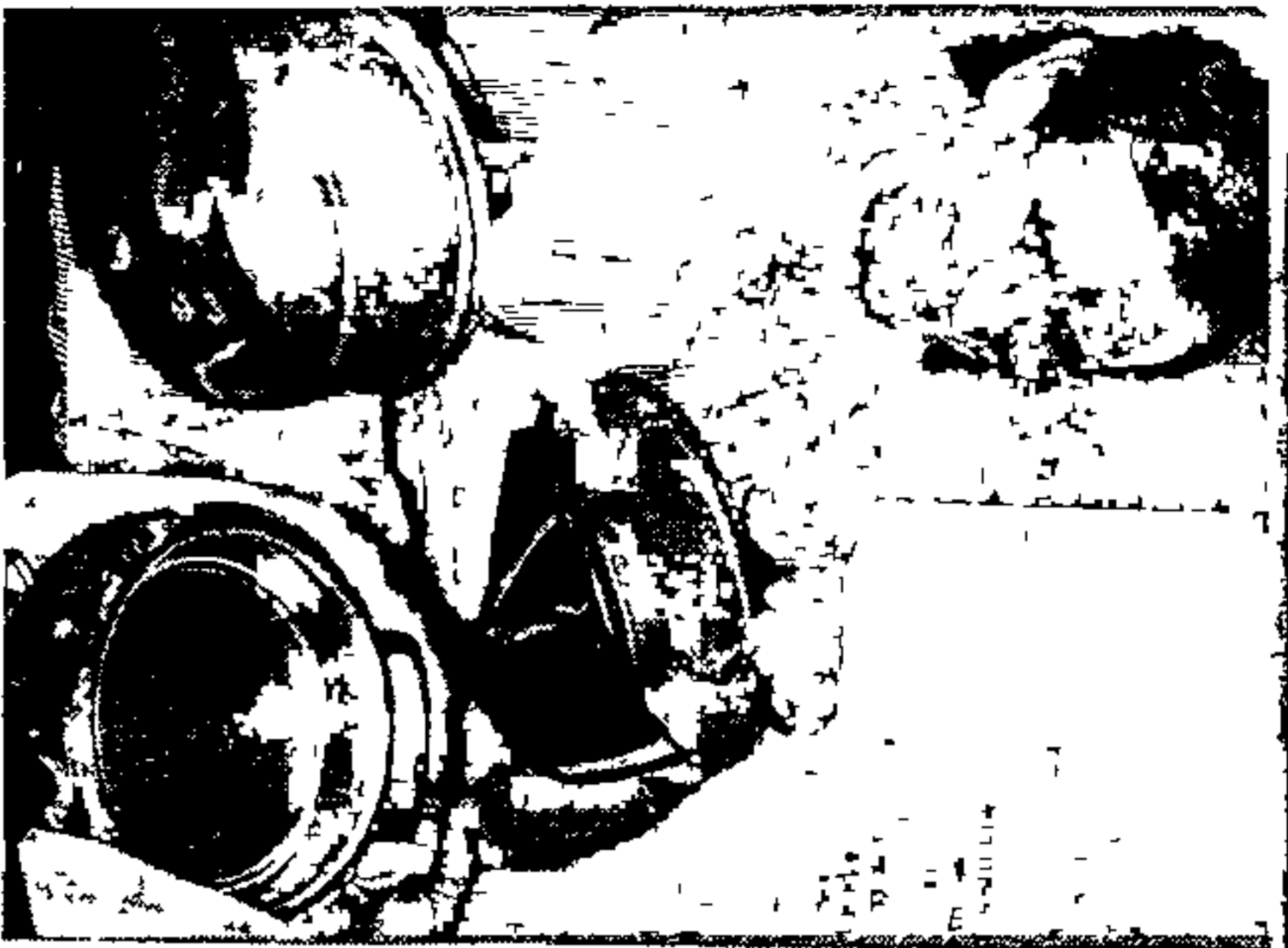
Super-max jails 'dehumanise'

(253) BD 5/3/98
CAPE TOWN — Super-maximum prisons such as the C-Max unit in Pretoria did more harm than good, human rights commissioner Jody Kollapen said yesterday.

Inmates were supposedly sent there because they were dangerous to other inmates and warders, and to prevent escapes, he said in a panel discussion organised by the commission in Cape Town.

However, they were deprived of most rights and simply became more dehumanised because they had nothing to do but read in an unduly harsh and excessive regime. Kollapen also questioned the criteria for sending inmates to these prisons. The commission was concerned that they could simply become a dumping ground for difficult cases.

Another panelist, Allan Berkman, who was jailed for two years in a similar institution in the US for political activities, said super-maximum jails were designed to give the message that anything could happen to inmates because they were "no longer human". Such prisons did not solve the issues of dangerous prisoners and escapes, but simply led to more such prisons being built — Sapa.



Super-max jails 'dehumanise'

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Book supplier says it can prove it is 'clean'

Kevin O'Grady

A MAJOR book supplier implicated in a R74m school textbook scam in the North West education department said yesterday it could prove it was "clean" and did not owe the provincial government any money.

Nasionale Boekhandel was one of the suppliers forensic auditors Gobodo Incorporated recommended should face civil action to recover R9,7m paid without proof of delivery, the Sowetan reported yesterday.

The companies were the subject of part of a report by Gobodo submitted to North West premier Popo Molele by the provincial legislature's public accounts standing committee last month.

The committee decided at the time not to

make public the names of the companies or 10 senior education department officials implicated in fraudulent transactions. The officials have been suspended and are facing criminal charges.

Yesterday's Sowetan article named Nasionale Boekhandel (R1,5m), Ukukhululeka (R5m), KKK Book and Progress Office Supplies (R275 298), Rustenburg Book-sellers (R85 118), and Bophirima, D&D Distributors, Diphogo, Flamingo Book-sellers, Kagiso, San Ban Enterprises and Tommy Ferreira (R2,8m together) as companies which had been wrongfully paid.

Nasionale Boekhandel wholesale division manager Erikkie Nel said the company was unaware it had been named in the report before the publication of yesterday's

article. It was in communication with the provincial government and was willing to co-operate in resolving the issue.

"As far as we're concerned, we are clean," Nel said. He said the company did receive R1,5m payment from the education department on April 10 1996. At that stage Nasionale Boekhandel was owed R276 000, so it was clear there was an overpayment of R1 233 000, Nel said.

This amount was refunded in the same month. "We have documentary proof that we received the money. It was processed through our bank account and through their bank account," he said.

The newspaper report also named several companies as having misrepresented their VAT status.

BD 5/3/98



New bid to solve kids-in-jail dilemma

Justice, welfare seek answers

(253) ~~(273)~~
ARG 5/3/98

GLYNNIS UNDERHILL
SPECIAL WRITER

The problem of children in prison was the subject of a meeting between Western Cape regional head of justice, the three chief magistrates and the departments of Welfare and Education.

Justice head Hishaan Mohamed said yesterday they had worked on a practical guideline to reduce the number of children in prison

A Cape Argus investigation last week disclosed that while it is against the law to send children accused of petty crimes to prison to await trial, hundreds are in jail

The Department of Welfare and Population Development said they were put in jail at the discretion of magistrates

But Jaco Van Renen, chief magistrate at Wynberg, said yesterday that the Welfare Department regularly

told magistrates there was no room for the children at its places of safety

"The magistrates will then in each and every case decide where to detain the child."

Mr Van Renen said children regularly absconded from places of safety, which posed a major headache for magistrates as the children did not turn up in court

Children who had not previously absconded from places of safety and whose parents were in court were usually released into their custody, said Mr Van Renen

"We are concerned about the situation. There is little we can do about it if there are no proper places of safety and no new secure facilities in the Western Cape

"We will ask all magistrates to finalise cases as soon as possible and to look for alternative places of detention. By the end of March, we will be able to see what response we get,"

said Mr Van Renen

Correctional Services Minister Sipo Mzimela claims the Department of Welfare has turned its back on the children and says it is illegal to detain them in prison while awaiting trial for petty crimes

But Ann Skelton, a member of the Inter-ministerial Committee at the Department of Welfare on Young People At Risk, said legislation allowed children to await trial in prison for certain serious offences

Children could also be held in prison to await trial if magistrates believed circumstances warranted it

"Detention of children in prison occurs at the discretion of the magistrate and imprisonment of children is therefore not illegal," she said

All awaiting-trial children are to be released on May 10

They then become the responsibility of the Department of Welfare, which must accommodate them

Super-max jails designed to 'debase, dehumanise,

MELANIE GOSLING

AMERICANS are not telling South Africans the truth about super-maximum security prisons, which are designed to debase, dehumanise and destroy people's minds.

Half the prisoners are mentally ill, and after a spell in super-max prisons, many of those who were same are reduced to "mushrooms".

This is the view of Dr Alan Berkman, an American political activist who spent two years in Marion

Federal Penitentiary, one of 56 super-maximum security prisons in the United States.

Berkman was part of a panel discussion in Cape Town yesterday, organised by the Human Rights Commission, which discussed the human rights implications of South Africa's own "super-max" prison in Pretoria, CMAX.

Mr Frikkie Venter, of the Department of Correctional Services, was scheduled to attend the discussion, but told organisers at

the last minute he was "not allowed" to attend.

Berkman said: "You have to have very clear criteria for who should go to super-max prisons or it lends itself to abuse. They're meant to be for the worst of the worst, prisoners who have violently attacked prison guards or other prisoners. I didn't fit those criteria, but I ended up there."

"Prisoners who go there are usually those who are regarded as a pain to the prison authorities, and

they're put where they are isolated and out of the way."

Berkman is a far cry from the example of a CMAX candidate cited recently by Correctional Services Minister Dr Sipo Mzimela, who told of a prisoner who had slit open the stomach of a fellow prisoner after discovering that the man had swallowed money to avoid having it stolen by inmates. After hauling the cash out of the man's stomach, the prisoner then cut out the man's heart and ate it.

Mzimela said at the time that such criminals belonged in CMAX, and that it was his department's responsibility, and not that of "weak-kneed liberals" to deal with these prisoners.

Human Rights Commissioner Mr Jody Kollaper, one of the panelists, said the authorities could not always be guided by popular sentiment. "We're aware of the need to protect society and other prison inmates, but we've got to ensure that the way we do this does not

make more inroads than necessary into human rights.

"CMAX is an unduly harsh regime which probably does more harm than good," Kollaper said.

CMAX, which opened in September last year, houses 40 inmates. They live in concrete and steel cells 4m by 2m, under the surveillance of warders who can observe them through wire mesh ceilings at all times. They are in their cells for 23 hours a day, and when they leave for an hour's exercise, they are

handcuffed. Their cuffs are removed in the exercise cage.

Berkman says: "The message we got was that we were not human beings and that anything could happen to us at any time because of that. It evoked in me a sense of rage. I wanted to kill someone. Someone in South Africa is not being told the truth about Marion Penitentiary. You will end up destroying people's minds."

Correctional Services was not available for comment.

ET 5/3/98

Destroy

Racism row erupts at prison

Coloured warders unhappy at black promotions

AYESHA ISMAIL

ACCUSATIONS of racism have been made by senior coloured warders at Goodwood Prison against the area manager

However, area manager Patrick Mashabini has in turn accused the warders of being racist, saying they wanted to maintain the status quo

The warders, who did not want to be named, claimed that Mashabini "was hell-bent on having more black staff at Goodwood Prison" and that he was appointing black

people to senior posts for which they were not qualified.

"Some of them have been relieved of their posts because they cannot cope," said a warder

They claimed Mashabini had turned down applications from competent, coloured applicants

"He even appointed black people in the transport section of the prison knowing that they did not have drivers' licences, and they are now being trained to drive on state vehicles," one warder said

"This whole issue has caused racial tension and it can only increase if Mashabini continues with his mission," the warder said.

Mashabini said he was only trying to correct the racial imbalance that existed in the correctional services in the Western Cape

"Those people who have complained to you want the top posts to be reserved for them. When I came here there was not one black person in a senior post. The whole country is moving towards transformation and that is what I am doing," he said

He said it was a pity that people still regarded the Western Cape as a "coloured homeland" and expected coloureds to be promoted above blacks

"I come from the Free State and was told about the racism of coloured people towards blacks. Now I am experiencing it first hand," Mashabini said

He was trying to bridge the gap and bring about racial harmony at Goodwood Prison by organising social gatherings

A spokesman for the Western Cape Department of Correctional Services, Johan Pienaar, said that staff from the Eastern Cape had been appointed to senior positions at Goodwood

"This was based on their CVs which reflected that they were qualified for the posts," he said

Pienaar added that after there had been complaints from colleagues that the black warders were not suitably qualified, Mashabini instituted an inquiry, which was at present underway

He said the drivers were all now in possession of their learners' licences and were committed to getting drivers' licences

"If they do not get their drivers' licences, they will be sent to work inside the prison," Pienaar said

Shame of the jail kids

1 000 youths in Pollsmoor,
while reformatories stand empty

ST(CM) 8/3/98

KEN VERNON

ALMOST 1 000 youths aged from 12 to 18 are languishing in Cape Town's Pollsmoor Prison while Cape reform schools stand almost empty and face closure because they have too few pupils

Figures supplied to Cape Metro by reform school staff reveal that 955 youths under 18 — some as young as 12 and 13 — are at present in Pollsmoor.

At the same time, six reform schools in the Western Cape have more than 1 600 vacant beds but have been threatened with closure by the Western Cape Education Department (WCED) for being under-utilised and too expensive.

Pollsmoor spokesman Chris Claasen confirmed that some of these figures were "realistic". He agreed it was "possible" some inmates were only 12.

Official figures indicate there are more than 10 000 children in South African prisons.

Reform school staff last month wrote to both Minister of Justice Dullah Omar and the Deputy Minister of Education, Father Smangalis Mkhathshwa, expressing concern at the possible closure

However, none of the staff members allowed their names to be used because they have been threatened with dismissal if they speak to the press.

In the letter to Omar, members of the governing body of Porter Reformatory — the oldest reform school in South

Africa — allege that a hidden agenda by the WCED to sell off the school's invaluable 136 ha on the slopes above Constantia is behind moves to force closure of the school.

"The education department is deliberately restricting the flow of youths to Porter to give it an excuse to sell off the land and make hundreds of millions," said one member. Porter school has room for 400 youths but presently houses only 75.

Commenting on allegations that the WCED planned to close reform schools, the WCED chief director of Professional Auxiliary Services, Dr Francois Booysse, said that if some institutions were only a quarter full "this needed to be addressed"

"It costs 7-8 times as much to keep a child in a reform school as it does in an ordinary school," he said.

In the letter to Mkhathshwa, Porter staff said the 1996 interim report of the Inter-Ministerial Committee (IMC) on Young People at Risk stated that reform schools were to be "phased out".

The IMC launched "Project GO" last year in an attempt to ensure no children would be held in prisons by April this year, and since January 1 had placed a moratorium on such action

But the letter to Mkhathshwa says "differing interpretations" of Project GO by various ministries, as well as the fact that the moratorium does not apply to courts and police, means the project has ironically added to the number of children spending long periods in prisons

UWC sees parents on fees

STAFF REPORTER

University of the Western Cape staff will meet students' parents at 10 centres countrywide this week to try to recoup fee debts.

UWC head of finance Herman Rhode said finance staff would be available at Technikon SA offices in Durban, Johannesburg, Pretoria, East London, Port Elizabeth, Umtata, Queenstown, Kimberley, Upington and Nelspruit to discuss payment problems and options with parents.

The offices will be open from tomorrow until Saturday.

"Already, 900 parents have made contact with us about payment of fees

and we will be set up meetings to resolve their problems," he said.

The university's outstanding fee debt has dropped to R27-million from R55-million at the end of last year.

"Money is coming in," Mr Rhode said.

Earlier this month students and the UWC administration agreed that students would make an immediate payment of R2 000 to be accepted at university and R500 to get into residences.

Parents who would like to contact the university about fee problems or set up appointments at fee centres can telephone (021) 959-3518/9 or (021) 959-3520.

ARG 10/3/98

circumstances beyond his control, and then brought the application.

"The president does not claim to be above the law or claim any special privilege attached to his person," he said. "Public interest demands some deference to his office."

He argued that the president should only testify in special cases, those of public importance, and only where a strong prima facie case had been made against him.

The president had submitted a written affidavit in which he rejected the Sarfu claims that he rubber-stamped the minister's decision.

Counsel for Sarfu, Mike Maritz, SC, said the matter was an issue of public importance and a prima facie case had existed when the original order was made that the president should testify.

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Judge 'amazed' by Pollsmoor conditions

NORMAN JOSEPH
STAFF REPORTER

(253)

ARG 10/3/98

at the prison at the weekend.

A Cape High Court judge said it amazed him to discover that only two warders looked after 300 inmates in Pollsmoor Prison.

Mr Justice John Prisman said the Department of Correctional Services, a very important department, was starved of funds and officials worked under great pressure.

Judge Prisman made his comments yesterday after meeting Pollsmoor Prison deputy head John Lategan.

The meeting was called to discuss why prison officials failed to carry out a court order that a man on trial for murder and robbery see a doctor

Officials said the order was not attached to documents which accompanied the man, Mogamat Shafiek Bailey, who became ill in court on Thursday.

Judge Prisman said the Bill of Rights and the Constitution gave prisoners the right to food, books, visits and medical attention.

He ordered that Mr Bailey be taken to a district surgeon.

Mr Bailey, 26, of Mitchell's Plan, is charged with murdering shopkeeper Mohammed Allie Dhansay and seriously wounding his wife Mumtaz.

Mr Bailey is also accused of robbing them of R1 500 in January last year.

The hearing is continuing.

Private care soon off limits to prisoners

Star 10/3/98
BY SHERLEY WOODGATE

The controversial practice of treating prisoners in private hospitals will be phased out from June 30, when people in the custody of the Correctional Services Department will be sent to state hospitals

The only exceptions will be when public facilities are unavailable or inadequate, according to the Department of Correctional Services

The limited private service was in line with the constitution, which states "Everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including medical treatment."

Although this meant that private services were allowed in certain circumstances, a loophole was being exploited "to an unacceptable degree", the department said

In Gauteng, the continued use of private institutions was an area of grave concern

The situation was being addressed by establishing secured wards in provincial hospitals, the department said

The primary healthcare sys-

Loophole exploited to unacceptable degree, says department

tem would also be used

In January this year, 666 prisoners were admitted to hospital - 308 to private institutions and 358 to provincial ones

The ratio of private to public was especially high in three provinces. Gauteng sent 213 prisoners to private hospitals and only 46 to state ones, Mpumalanga sent 33 to private clinics and only 13 to provincial hospitals, and North West had 32 prisoners treated privately and 28 in public institutions.

Correctional services deputy director (medical support services) Maria Mabena said that in some instances it was cheaper to use private hospitals, for instance in the case of open heart surgery, which could mean up to a month in a public hospital but only four or five days in a private clinic.

Clinic Holdings spokesman Amelda Swartz said her organisation had received no official notification that its contract had been terminated.

Approached by the Government to provide a private facility for prisoners, the group had provided a 36-bed, high security underground ward with a very high occupancy rate, she said

Swartz said it was excellent news from a public relations point of view because no one wanted to go to a hospital that housed prisoners

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Criminal ~~(S)~~ justice gets ⁽²⁵³⁾ lion's share of real spending

BD 12/3/98 ~~(S)~~
Wyndham Hartley

CAPE TOWN — Real spending on the departments administering the criminal-justice system will increase almost 2% following the 7,8% increase in funding for the safety and security, justice and correctional services departments in the budget yesterday

The criminal-justice departments are among few in the national government that will get increased allocations from the treasury for the 1998/99 financial year and receive a sizeable chunk of available funds in a tight budget

The increases budgeted yesterday are particularly significant when seen against the substantial increase of almost 15% across all three departments last year.

Particularly noteworthy is correctional services which, on top of an increase in last year's budget of more than 20%, gets an increased allocation again of 26%. This is the largest increase for any department in the budget.

A marked increase in spending and the building of two new prisons is one reason for the large increase and for subsequent increases to the end of the medium-term expenditure framework (MTEF) in the 2000/2001 budget year

The spending is also designed to cope with an expected increase in offenders from 156 000 in the 1998/99 financial year to 200 000 in 2000/01. The cost of caring for the prisoner population of 156 000 is R19 685 each for the 98/99 financial year, a total of R3,070bn.

Police services gets an extra 7%, which is also an increase in real terms, while justice gets a nominal increase of just under 1%, meaning that it effectively gets less money in real terms. Justice will get R18,835m more than last year, with a total budgeted amount of R2,173bn compared to actual spending in 1997/98 of R2,154bn

In his address to the National Assembly, Finance Minister Trevor Manuel said spending on departments administering the criminal justice system would be kept at 7,8% over the remainder of the medium-term expenditure period.

The budget review said the increase in spending on justice was made necessary by increased allocations to the Human Rights Commission, the Gender Equity Commission and the special investigation unit. There had also been a substantial increase in demand for legal aid.

The justice budget also provides R100m for truth commission reparations in 1998/99 and increasing to R200m in 1999/2000 and R300m in the final year of the MTEF.

BUDGET

Private sector participation to be promoted

Robyn Chalmers

GOVERNMENT is to extend the range of infrastructure projects that make use of private sector participation, with the focus on prisons, airports, harbours and roads.

The move was broadly welcomed yesterday by the private sector, which has invested heavily in a range of infrastructure projects, including the Maitopo development corridor and major water and sanitation schemes.

However, analysts said that the private sector was most likely to look to projects where it could make good returns — such as toll roads — where the risk could be forecast and managed.

The Budget Review said programmes such as electrification and telecommunications were self-financing and were able to draw on domestic and foreign financial markets.

However, proposals were under review for the private construction and maintenance of prisons under long-term contract. Private finance and management would be brought in to airports, harbours and roads.

Finance Minister Trevor Manuel said government aimed to extend the delivery of basic services by bringing private sector finance into infrastructure projects.

"Business partnerships are encouraged between municipalities and private concerns for financing, extending, operating and managing infrastructure services," he said. Eighteen pilot projects had been established country-wide. These included water, sanitation, refuse collection and transport projects.

Budget 'shocks' retirement fund institute

Lukanyo Mnyanda

THE Institute of Retirement Funds said yesterday it was "shocked and dismayed" by government's decision to increase the tax on rental and interest income of tax funds, accusing it of breaking a promise to consult widely before making changes.

Institute president Chris Newell said Finance Minister Trevor Manuel's decision to increase the tax to 25% from 17% had come as a shock and could

lead to the closure of some funds as people sought value in other instruments.

He said low-income earners, who would find themselves "paying more tax inside the pension funds", would be hardest hit.

Manuel said in his budget speech that the increased levy would boost government's coffers R1,2bn in the current financial year. The tax was being investigated to "determine the most appropriate method of taxation of the flow of funds through retirement funds".

However, Newell was not convinced and accused government of going above the National Retirement Consultative Forum which was supposed to investigate the taxation of retirement funds.

He said the imposition of a 17% tax two years ago was supposed to be a temporary measure, while the forum investigated the taxation issue. It was not clear if government intended to take the increase in the current year.

The Institute of Retirement Funds says the effect of government increasing tax on rental and interest income of tax funds would be felt by low-income earners who would pay more tax inside the pension funds, taking the sparkie out of the funds.



The Institute of Retirement Funds says the effect of government increasing tax on rental and interest income of tax funds would be felt by low-income earners who would pay more tax inside the pension funds, taking the sparkie out of the funds.

'Extra R1,2bn will not swell province's coffers'

GRAHAMSTOWN — The R1,2bn increase in the Eastern Cape's allocation would not represent a real increase in the amount of money the province would be able to spend next year, Democratic Party MP Eddie Trent said yesterday.

He "did not share the general enthusiasm for the Eastern Cape's R15bn allocation" and was "absolutely certain" the allocation would be less than what was spent by the province in the past fiscal year if the province's overdraft was added to the previous budget.

He said all departments, including those responsible for social delivery, would therefore have less to spend in real terms next year than they did this year. He said he would have to wait until the provincial government released its budget next Wednesday before seeing how the Eastern Cape would deal with these real budget cuts.

Finance and economic affairs department spokesman Khulile Radu dismissed Trent's comments as "groundless electioneering".

Radu said his arguments were "very simplistic" as they did not take cognisance of the fact that the provincial administration has taken huge steps to enact credible budgets which conform to treasury norms and standards.

Radu said the increase in the budgetary allocation was an affirmation of the confidence that the national government has in the leadership of the province and in the financial control systems they have put in place.

Eastern Cape business activist Kevin Wakeford said yesterday the Eastern Cape's "undergarden government" still did not have the capacity to deliver the goods to the "people at grassroots level" and was heading for a mammoth R2bn deficit for 1998/99.

He said the budget was "great in theory and in line with the fundamentals of the growth, employment and redistribution strategy", but that the Eastern Cape would be left in the lurch again at the end of this financial year with pensions and welfare grants unpaid and education in the province still in chaos — ECN.

Comment: Page 15

Home loan penalties 'can be harmful to property market'

Cash increase will help alleviate overcrowding in prisons

BY MIKE MASIPA

(2/11) Star 13/9/98

The Department of Correctional Services has welcomed the 30% increase in its budget allocation for 1998/99, saying it would allow for increased efficiency

and alleviate overcrowding in prisons. In terms of the new medium term expenditure framework the correctional service budget was increased from R3,3-billion to R4,3-billion.

Correctional Services spokesman Bert Slabbert said the increment would enable the department to employ between 2 000 and 3 000 additional staff members to augment the existing 29 000. Slabbert said 80% of the

prisons budget would go to personnel expenditure - including the recruitment of new staff, salaries, and maintenance of prisoners, and the renovation and maintenance of existing infrastructure. The South African Prisons

Organisation for Human Rights (Sapohr) also welcomed the allocation. "Some money should be reserved for projects promoting imprisonment as a last resort," Sapohr president, Golden Miles Bhudu, said.

Jail doors set to slam on hopes of hundreds of kids

Shelter deadline put off again

GLYNNIS UNDERHILL
SPECIAL WRITER

The hopes of hundreds of children awaiting trial in inhumane conditions in prison could be dashed on May 10, the date when they were to have been released into the care of the Department of Welfare.

While some will be moved to places of safety, secure-care accommodation for the majority of children awaiting trial for serious offences such as rape and murder is not yet available.

This is according to the Western Cape head of justice in the Department of Justice, Hishaam Mohamed, who said his office would recommend an amendment to the legislation to allow another year to prepare for the release of all awaiting-trial children.

"We need that cushion once again. It is sad but it is the reality."

In line with the constitution and the UN convention on the rights of children, legislation was passed in 1995 prohibiting the detention of children in prisons.

But because of the lack of alternative facilities, the Correctional Services Act was amended to allow those

(253) aged 14 to 18 awaiting trial on serious offences to be kept in jail. The amendment was applicable for two years and will fall away on May 10 and unless there are further legislative changes, no child will be allowed to await trial in prison.

More than 1 400 unsentenced children are due to be released into the care of the Department of Welfare.

Mr Mohamed said secure-care facilities for children awaiting trial for serious crimes had to be available, as there was a high level of absconding from places of safety.

There was a great shortage of resources and planning was not complete for new buildings or alterations to accommodate the children.

The Department of Justice has been participating in inter-government efforts to prepare for the release of the children and working with the inter-ministerial committee on young people at risk. After widespread consultation, his office would recommend amendment to the legislation to keep in prison children who had committed serious offences.

"We have taken practical measures to alleviate and to bring down the numbers of children in prison. We are saying to government that come

May 10, no miracle is going to happen because of these practical measures, but these measures will have taken us quite far. By May 10, we will be able to see whether they are helping."

Minister of Correctional Services Sipo Mzimela has said he will fight to ensure all children are released by May 10. In interviews with the Cape Argus over the past three years, Dr Mzimela has described conditions some children are enduring in prison as "horrific".

In response to questions whether it can accommodate awaiting-trial children, the Department of Welfare maintains it will be ready for the May 10 deadline in many provinces.

Mr Mohamed said his department saw the problem as an issue requiring a joint and co-ordinated effort by all roleplayers. It should not be seen as the sole responsibility of the Department of Welfare, he said.

As a result of the consultations, all children under 14 who are awaiting trial in prison were to be released immediately, said Mr Mohamed.

■ Nine juveniles charged with murdering 14-year-old bystander Timothy Petersen during a gang fight in Bonteheuwel last weekend are being held in Pollsmoor prison.

ARG 16/3/98



Boksburg Prison inmates Griffith Ziqubu and Richard Direro show some of their handiwork after completing a garment-making course at the prison.

PICS JOE MOLEFE

Convicts taught to be garment makers

By Morgan Naidu

THREE YEARS AGO Griffith Ziqubu was unemployed and unskilled in any trade or job. Following the advice of "friends" who told him how to make some easy money, Ziqubu acquired a firearm and tried to hijack a car.

His subsequent arrest and conviction earned him a sentence of nearly four years' imprisonment in the Boksburg Prison.

With some time to go before his release Ziqubu decided to start preparing for his new life on the outside.

On Friday he was joined by at least 20 other inmates in collecting certificates for completing an intensive course in garment making.

As part of the Ministry of Correctional Services' policy to empower short-term prisoners so that they don't turn to crime when released, the garment-making course was funded by the Ministry of Labour.

A Gauteng-based training college was roped in to provide the instructors and 24 inmates and prison officials on the course with extensive training in sewing, sizing of garments, designing of shirts, trousers, tracksuits and standard issue prison uniforms.

The result was a colourful and skillfully

Sowetan 16/3/98
Prison officials encourage inmates to teach their communities when they are released



Instructor Julia Mgabi found it a challenge helping prisoners acquire skills.

made array of garments which the prisoners will be allowed to use.

"It has been difficult for me in prison and I have had a lot of time to think about what I

want to do with my life when I am released," said Ziqubu.

"At least now I have the skill to make these garments and can go into business for myself when I get out."

The main aim of the inmates' skills courses, say prison officials, is to empower the prisoners, making them worthwhile citizens in their communities.

Prison officials are encouraging the inmates to teach their own community members the skills when they are released.

Course instructor Julia Mgabi says the skills taught to the prisoners will help them get back into society and play meaningful roles.

"They are trained in the use of heavy duty machines and all aspects of garment making. Most of the inmates on the course are confident that with these skills, they will no longer commit crimes when they are released."

The course at Boksburg Prison is a pilot project and other correctional facilities around the country are expected to follow suit.

Course for prisoners

By Morgan Naidu

AS South Africa's prison population increases, the issue of rehabilitation is becoming even more significant

According to Mr Chris Botha of the Gauteng Training College, which has provided a garment-making training course at Boksburg Prison, rehabilitation is not possible unless the inmates are equipped with skills

Botha and his wife Nettie were roped in by the Ministry of Labour to help run the course at Boksburg and equip the inmates with skills that could be put to good use in society.

"These prisoners have been trained in a skill that will enable them to become private entrepreneurs when they leave prison," said Botha. "They will have the necessary experience and knowledge and will not have to join the queues of the unemployed"

Mr Richard Direro, a former taxi owner who is serving time at Boksburg Prison for possession of stolen property, is ready to join his clothing designer wife in business when he is released

"It is important to have the knowledge from this course as I can now utilise this skill by working with my wife," Direro said

Provincial Commissioner of Correctional Services PC Gillingham urged inmates who completed the garment-making course at Boksburg to "be responsible when you return to your communities" He said the best thing inmates could do when released was to teach others the skills they had acquired

Sowetan 16/3/98

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Grass roots education ... paving way for growth.

Equipping young offenders to survive outside a prison

(259) BD 17/12/98
THE world is opening up for about 1 200 young people who are participating in this year's President's Award for Youth Empowerment programme.

This national programme is funded through the activities of participants and by corporate and individual donors. During a period of three years it equips those between the ages of 14 and 25 with the skills they need for future industrial or commercial success in either the formal or informal sector.

Participants include homeless youths, young offenders, rural dwellers, the physically and mentally handicapped and youths from advantaged and disadvantaged backgrounds. Companies make training resources available and mentor young entrepreneurs, who receive seed capital.

The president's award matches youngsters interested in specific fields with appropriate volunteer trainers, organisations and training facilities. One area of focus is its computerate programme, which provides computer literacy training and resources to disadvantaged communities.

More than 2 000 adult volunteers pass on their skills to groups of young people, and 160 organisations have made facilities available for training in business and computer skills, basic motor mechanics, sewing, dressmaking and radio and TV repair.

"Perhaps the most exciting aspect is the Young Offender programme. The youth on the street need us, but the young offenders are in a confined space," says president's award MD Vanessa Westcott. "Our main purpose is to equip young offenders so they don't have to go back to a life of crime."

PARLIAMENT

ALTERNATIVE ACCOMMODATION TO BE IN PLACE

Depot firm on kids freed from jail

SIX INSTITUTIONS in the Cape Peninsula are to be adapted to accommodate the children who will be released from prison on May 9. JOVIAL RANTAO reports



enough accommodation on May 10.

Provinces where special arrangements were being made were Kwazulu-Natal (KZN), Western Cape, Gauteng, Eastern Cape, Northern Cape, North West and Mpumalanga.

She said secure care facilities in Mpumalanga and the Free State would be ready in July, the Northern Cape's in June, the North West's in October and the Western Cape only in 1999. She said six institutions in the Cape Peninsula would be adapted to accommodate children who would be released on May 9.

Also, the Western Cape and the Eastern Cape have received specific financial and

capacity support from the Inter-Ministerial Committee established by the cabinet to expedite the process.

Alternative arrangements were required in Gauteng because the only place of safety — the Walter Sisulu Secure Care — has been filled to capacity.

The highest number of children released from prison will be in KZN, followed by the Western Cape, Gauteng, Eastern Cape, Mpumalanga, North West, Free State and Northern Cape.

Du Toit said plans that were being made included asking churches, communities and non-governmental organisations for help. Accommodation was also being created in places of safety, children's homes, schools of industry and reform schools. All heads of provincial departments of welfare have met to ensure that potential blockages such as the moratorium on staff appointments and finances would be removed. Problems in gaining full co-operation

of police and the Department of Justice were addressed at an Inter-Ministerial Committee on Children at Risk last week.

Du Toit stressed that the objective of the government was not to stop children from being held in prison, but to transform the entire system by instituting early intervention mechanisms to prevent children from entering the system. Emphasis would be placed on crime prevention, family and community preservation.

"We have to transform the entire system if we want to address problems faced by children. Most of the children at places of safety don't need to be there. The centres are used as dumping ground by people who don't know how to deal with children's problems. Project Go will review each case and the children will be transferred accordingly," Du Toit said.

She said not enough attention had been given to safety, health and development of children in prison and places of safety

ALTHOUGH only two provinces will have enough places to accommodate the 1 350 children who will be released from prison on May 9, the Department of Welfare is convinced that alternative plans will be in place to avoid a recurrence of the chaos that erupted after a similar exercise in 1995.

From May 10 it will be unlawful for children under 18 to be held in prison.

Ms Lesley du Toit, project manager of "Project Go", a project concerned with the transformation of the child and youth care system, told the Portfolio Committee on Welfare yesterday that only the Free State and the Northern Province would have



Assurance that accommodation for juveniles freed from jail will be found

By **Joyial Ramtso**
Political Correspondent

Although only two provinces will have enough places to accommodate the 1 350 children who will be released from jail on May 9, the Department of Welfare is convinced that alternative plans will be in place to avoid a recurrence of the chaos that erupted after a similar exercise in 1995.

From May 10 it will be unlawful for children younger than 18 years to be held in prison.

Lesley du Toit, project manager of Project Go, a scheme for the transformation of the child and youth-care system, yesterday told the portfolio committee on welfare that only Free State and Northern Province would have sufficient accommodation on May 10.

Provinces where special arrangements were being made are Kwazulu Natal, Western Cape, Gauteng, Eastern Cape, Northern Cape, North West and Mpumalanga.

Du Toit said secure care facilities in Mpumalanga and the Free State would be ready in July, the Northern Cape's in June, the North West's in October and the Western Cape only in 1999. She said six institutions in the Cape Peninsula would be adapted to accommodate children who would be released on May 9.

In addition, the Western Cape and Eastern Cape had received specific financial and capacity support from the inter-ministerial committee established by the Cabinet to expedite the process.

Alternative arrangements were required in Gauteng because the only place of safety - Walter Sisulu Secure Care - had been filled to capacity.

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8 Nov 19/3/98

The highest number of children released from prison would be in Kwazulu Natal (300), followed by the Western Cape (317), Gauteng (200), Eastern Cape (200), Mpumalanga (121), North West (58), Free State (55) and Northern Cape (53).

Du Toit said plans being made included asking churches, communities and non-governmental organisations for help. Placements were also being created in places of safety, children's homes, schools of industry and reform schools.

All heads of provincial departments of welfare had met to ensure that potential blockages, such as a moratorium on staff appointments and finances, would be removed.

She added that problems in gaining full co-operation of South African Police Service and the Department of Justice was addressed at an inter-ministerial committee on children at risk last week.

Kids in jail: welfare dept catches flak

Magistrates ignoring provisions of the law by keeping children in jail for more than 14 days

By Ido Lekota

LACK OF interdepartmental coordination and bungling by officials, including magistrates, social workers and policemen, have apparently led to under-age offenders languishing in jail in contravention of the laws of the country

According to Section 29 of the Correctional Services Act, no person under the age of 18 shall be held in prison unless the magistrate believes it is in the interest of safety and protection of the public, and there is no secure place of safety within a reasonable distance of the court

However, recent media reports have revealed that certain magistrates, especially in Gauteng, were ignoring the provisions of the law and were keeping children in prison for more than 14 days.

Welfare and Population Development director-general Dr Benny Mokaba said the problem was that even the classification of some of the children as schedule 2 offenders was suspect

"If a 14-year-old grabs a necklace from a victim and is arrested, this is regarded as robbery with violence. But the question is whether the child is actually a habitual criminal who is a danger to society. Magistrates tend to give cases

brush-stroke attention"

Mokaba said if the magistrates were following the procedure on how to classify and place young offenders, most of the children in jail could be taken to places of safety as they posed no danger to society.

The director-general also pointed out that there were secure care facilities in Gauteng, Kimberley, Northern Province and Port Elizabeth where schedule 2 offenders could be placed

"In Gauteng there is the Walter Sisulu Secure Care Centre in Noordgesig," said Mokaba

Serious crimes

Justice Minister Mr Dullah Omar, however, put most of the blame on the Welfare Ministry

"Most of these children are involved in very serious crimes and there are no facilities secure enough to keep them," he said

For example, if there is a young offender in Springbok in the Northern Cape, there is no facility to send him to in the area except in Kimberly - 500 kilometres away," said Omar

The minister also put the blame of having children kept in custody for more than 14 days on the police and welfare officials

A place to call home

LAST YEAR, in response to the tragedy of a young child's death, I indicated that our system of care and protection for children and their families – particularly those abused or at risk of abuse – required and were receiving comprehensive and urgent attention.

I indicated that one death was one death too many and emphasised that welfare and the broader child and youth care system had failed this child and many others.

Indeed, we have been failing children at risk for a long time in our country. And when we fail children, we impact on both their short-term and longer-term wellbeing and the country's economy.

It thus becomes everyone's concern. These are our children and our shared responsibility. The Government, parents, families, communities and every adult citizen has an important role to play.

A Cabinet Investigation Report in September 1996 into Places of Safety, Schools of Industry and Reform Schools highlighted that children were receiving very poor services in a number of facilities and in some cases, were even at serious risk of abuse.

We have about 6 000 children in these facilities. We estimate that we have at least 8 000 children who are homeless and/or live on the streets.

We have about 10 000 children in children's homes and shelters, many of whom have suffered trauma and abuse and require serious developmental support.

We have thousands of children who have been abandoned and orphaned and these numbers grow daily.

We have 1 400 children awaiting trial in prisons. At least 50 percent of these young people are not charged with serious offences but cannot be detained in places of safety because these are either full or understaffed, or in crisis.

The child and youth care system in South Africa (and by definition this means 30 to 40 000 children and families) – as a result of human and financial resource shortages, inadequate access to training for personnel and fragmentation of responsibilities and services between various departments – has been in crisis for many years.

In May 1995, when 800 children awaiting trial were released from prisons into state residential care facilities, this system – which encompasses the whole range of children who need care and protection as well as those who may be in trouble with the law – became a major focus of the Cabinet and the Ministry for Welfare.

The Inter-Ministerial Committee on Young People at Risk (IMC), in which welfare plays a leading role, was set up by Cabinet in 1995 to

(298) (253) Souleman 18/3/98
Anticipating the release of 1 400

children in prison in May, and given the lack of alternative care facilities for such children, the Ministry has now set up Project Go, **Geraldine Fraser-Moleketi** explains....



deal with the immediate crisis and design a new system for young people at risk. The IMC, which I chair, includes Justice, Education, Safety and Security and Correctional Services.

In May 1995 the release of children was included in an amendment to Section 29 of the Correctional Services legislation at the request of President Nelson Mandela. Since then this legislation has been further amended to provide a period to develop the necessary resources.

On May 9 we will once again be faced with the release of children awaiting trial. This time we desire that there should be no crisis and are working to ensure this in all provinces through Project Go.

The IMC and Ministry for Welfare have worked for this moment and we are pleased that the time has finally come when children awaiting trial will be given the appropriate care and protection.

At the same time we want to ensure that society is protected from the small percentage of young people who may be harmful to themselves and others.

The new child and youth care system has indeed been designed and geared to transform.

Since the latter part of 1997, we have been in the process of initiating the transformation of the system in practice at all levels.

These are some of our achievements:

- We have developed the new policy and drafted minimum standards.

- We have established six very effective models, while at the same time providing services to more than 3 000 young people at risk and now intend these to be replicated throughout the country.

We established the secure care programme in 1995 for children in trouble with the law, and while we are concerned that progress with this programme has been slow (having opened only one facility thus far) we would hope to have opened a further six facilities by July.

At least 3 000 child and youth care workers and 500 probation officers have received additional training since 1995. This is an important component which has strengthened our system

Project Go has been initiated to deal with transformation and prioritisation of residential care, finalisation of secure care, urgent and effective probation services, immediate upgrading of reunification services and the effective management of the release of children in May.

As May 9 approaches and we plan the release into alternative secure care facilities of the 1 400 children in prison, provinces need to work on alternative plans in those instances where secure facilities are not yet ready as part of the broader package of services of children. If this is not done, it may lead to serious legislative consideration.

I believe it is important to emphasise to society and all role-players in the field that it is crime that should be under attack and not young people at risk.

According to research on approaches to reducing crime and violence in the United States, 75 percent of 540 police chiefs said the best way was to increase investment in programmes that help young people get a good start.

Putting young offenders in prison in fact, increases the possibility of their committing further crimes.

Our child and youth care system needs to change so that all young people at risk – those who are abused, homeless, disabled, abandoned or orphaned, as well as those in trouble with the law, many of whom fall into more than one of these categories simultaneously – may be protected and receive the necessary programmes and containment that will ensure their safety and growth while, at the same time, protecting our families and communities.

This system needs change so that young people at risk can ultimately contribute to society rather than being an economic or social drain on our country.

As a Ministry, we must be willing to take tough decisions that will in the longer term contribute to social and human development. Such a tough decision is the commitment to transform the child and youth care system.

(The writer is the Minister of Welfare and Population Development.)

Kids must stay in jail for now, ~~213~~ says Omar ⁽²⁵³⁾

ARG 20/3/98
The law allowing awaiting-trial children to be held in prison under special circumstances would have to be re-enacted when it expired on May 10, said Justice Minister Dullah Omar yesterday.

If it was not, about 500 to 600 children accused of serious crimes like murder, rape, robbery, kidnapping and arson would be released on to the streets, because there would be no secure care facilities to receive them.

Mr Omar told the National Assembly's justice committee that he had raised the renewal of Section 29 of the Correctional Services Act at Wednesday's cabinet meeting, and that it would be raised again next week at a joint meeting of the cabinet security and social affairs committees.

It was no secret that he intended to argue there, as he had in cabinet, that the Government should make "no mistake in this matter".

"It is correct that children must be released from prison, but we must not think we will be able to do that by the month of May."

"Therefore we need to take a decision that Section 29 must be re-enacted," he said.

There were about 1,200 to 1,400 children in prisons at the moment, and half of these were charged with serious offences and had to be kept behind bars.

Some of the rest could not be released into their parents' care because they could not control them, and refused to take them - Sapa

S

PARLIAMENT

SHORTAGE OF FACILITIES TO HOLD HARD-CORE KIDS

Row over jailing of dangerous children

(253) (222) et 20/3/98



DULLAH OMAR



JUSTICE wants to keep dangerous children behind bars while Welfare is convinced that there is a more humane solution **ANDRE KOOPMAN** reports

A row has erupted between Justice Minister Dullah Omar and Welfare Minister Geraldine Fraser-Moleketi over the issue of jailed children

Omar said yesterday that it was "absolutely essential" for Section 29 of the Correctional Services Act which provides for the jailing of children awaiting trial to be re-enacted when it falls away on May 10

There were no secure facilities to keep dangerous child offenders such as murderers, rapists, arsonists and carjackers and they could not be let loose on the streets, he said

The section makes provision, in special circumstances, for the jailing of children awaiting trial for serious offences

Fraser-Moleketi whose department has called for the release of children from prison into secure facilities, said yesterday that Omar's pronouncements were "premature"

The welfare department has said that it is convinced that facilities could be found to keep child offenders, after May 10, particularly in provinces such as the Eastern

Cape and KwaZulu-Natal

Fraser-Moleketi said a joint cabinet committee where the matter would be discussed was scheduled for next Wednesday. Only after the cabinet meeting could an "official statement" be made on the government's position

The issue of detention of children in prisons should not be seen in a "simplistic light of containment", but broader issues should be looked at such as programmes for young people in trouble with the law, she said

Omar said yesterday at a parliamentary justice portfolio committee meeting that the welfare department had "worked feverishly" to address the problem of children in prison

He said the department's "Project Go" had made "sterling" efforts to ensure that children were not jailed, but he did not believe that secure facilities could be provided for the containment of dangerous child offenders by May 9. It was "wishful thinking" he said.

While he did not want to see children in prison, it was a simple truth that there were no facilities other than prison to keep

them

If 10 children were released from prison in the Western Cape and KwaZulu-Natal, there would be no secure institutions to keep them

He said the same applied to many other provinces

Omar said he had raised the matter at last week's cabinet meeting and that it would come up again next week at a joint meeting of the Cabinet Security and Social Affairs committees

"I don't think we must look for scapegoats. I think all the departments must work together to address the problem. But we must not make a mistake in this matter," Omar said

There are currently about 1 200 to 1 400 children in prisons, and about half of them have been charged with serious offences

Willy Hofmeyr of the ANC and Douglas Gibson of the Democratic Party said they accepted the need for Section 29 to be renewed.

Hofmeyr, however, proposed that it should be moved from the the Correctional Services Act to the Criminal Procedure Act where it belonged

Chairperson of the committee, Mr Johnny De Lange, said that special provisions could be added to the law to ensure that the rights of children in detention were protected

Cells stripped of luxuries in 'jail hotels'

Inmates protest at raids

GLYNNIS UNDERHILL
SPECIAL WRITER

Hundreds of unauthorised television sets, radios, kettles and electrical goods have been seized from Western Cape prisoners in a crackdown by Correctional Services, which claims inmates treat some prisons like hotels.

The equipment frequently tripped electricity and often was taken apart to be used as lethal weapons against warders or fellow inmates, claimed Eddie Klaasen, Western Cape spokesman for Correctional Services.

The nationwide crackdown was ordered by head office in Pretoria, and Western Cape officials are still conducting surprise raids at prisons.

Unauthorised crockery, cutlery and sporting equipment, including tracksuits and takkies, also have

been confiscated or returned to relatives. The civilian clothes were sometimes used by prisoners to help them escape, said Mr Klaasen.

The searches have upset some Western Cape prisoners, who have complained to the Cape Argus about goods being confiscated.

Mr Klaasen said prisoners were given fair warning of raids and, although there had been initial unhappiness, the issues involved in managing prisons had been outlined to them. Relatives could collect confiscated goods from officials.

In some prisons, inmates were behaving as if staying in hotels.

"We have to go back to policy and manage this privilege system better," said Mr Klaasen. The crackdown, dubbed Operation Search, was not a withdrawal of privileges.

A prison official, who would not be named, said it was necessary to "take the prisons back from the prisoners."

Auditor-general slates Correctional Services Department

The auditor-general has issued a scathing report on the Department of Correctional Services, citing the department for unpaid taxes, bad internal control and unauthorised expenditure of almost R3-million

In a report tabled in Parlia-

ment yesterday, Auditor-General Henri Kluever said there was a wide spectrum of deficiencies, shortcomings and irregularities in the department's accounts.

Meanwhile, financial administration, in the Department of

Health seems to be getting better.

Kluever said that although there was still room for improvement, the department had improved its controls and was making good progress in establishing a sound administration
- Political Staff

(253) Star 26/3/98

Spending on jails ⁽²⁵⁷⁾ to increase 80%

David Greybe

26/7/98

CAPE TOWN — The correctional services department would spend 80% more on building new prisons and upgrading and maintaining existing ones in the 1998/99 financial year, Deputy Minister Dennis Mokotedi told Parliament yesterday.

He told the correctional services committee the department planned to spend R759m in the next financial year compared with the R422m spent this year, an increase of R337m.

The department also planned to spend R647m on building and upgrading prisons in the 1999/2000 financial year, and R808m in 2000/01, in terms of the government's medium-term expenditure framework.

Of the R759m allocated for spending in the 1998/99 financial year, Mokotedi said R414m had already been earmarked for seven projects, including R90m for the first supermaximum prison outside Kokstad in the Eastern Cape and R155m for a new prison outside Empangeni KwaZulu-Natal catering for 1 392 inmates. Other expenditure included:

- R109m on new extensions to the Maritzburg prison (404 inmates);
- R33m on upgrading of the existing Kokstad prison (237 inmates),
- R19m on completion of a youth development centre for 640 juvenile offenders outside Baviaanspoort near Pretoria; and
- R8m on completion of two new prisons near Goodwood (1 692 inmates) and Malmesbury (972 inmates) in the Western Cape

With a prison population of 142 000, it meant there was a shortage of 45 000 beds, correctional services spokesman Bert Slabbert said. The prison capacity in the country's 230 prisons was 97 000.

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Outrage over new jail rules

(25?) Sowetan 2/4/98

By Khangale Makhado

THE South African Prisoners Organisation for Human Rights (Saphor) is contemplating country-wide mass action following an outcry by inmates over a decision by the Ministry of Correctional Services to introduce new control measures. Saphor president, Mr Golden Miles Bhudu told *Sowetan* yesterday the intended mass action was prompted by a circular to all prisons informing inmates of "Operation Search" or "Operation Jigeleza" which will allow authorities random searches of cells.

According to Bhudu, the circular imposed a ban on "family days" whereby prisoners spend half a day with their families on the prison premises.

Work stoppages

Although details of the mass action have yet to be released, insiders strongly believe the protests will assume the form of work stoppages and periodical hunger strikes.

The last time prisoners went on a large-scale strike in various prisons was in March 1994 when they demanded to be part of millions who were to vote in the first democratic elections of April 1994.

Authorities are saying they will confiscate inmates' clothes such as tracksuits and bedding, television sets and radios

During that three-day strike 23 prisoners were burnt to death, 200 injured and damages to prison property was estimated at R3,5million after prison property was set alight.

"Authorities are saying they will confiscate inmates' private clothes such as tracksuits and bedding, television sets and radios.

"This will be done irrespective of the category of prisoners and this clearly indicates that we are going back to the dark apartheid era," Bhudu said.

Bhudu refused to release details of the mass action, saying "everything will be explained at the press conference".

Plan to keep children out of jail

Star 2/4/98

(253) (298)

POLITICAL STAFF

Children in prisons are to be afforded special protection by members of the Correctional Services Department under the supervision of welfare officials until secure facilities are available for all minors awaiting trial, the Cabinet has announced.

Speaking after the Cabinet approved the repeal of section 29 of the Correctional Services Act, which deals with the incarceration of children, Welfare Minister Geraldine Fraser-Moleketi said this legislation would be replaced temporarily by even more re-

strictive rules under the Criminal Procedure Act until alternative accommodation could be found.

This legislation would serve as a measure of last resort and would be repealed as appropriate secure care and other placement options became available. A programme to establish alternative secure care for young people awaiting trial would be operational countrywide within the next eight months.

Regarding the many hundreds of children who are not a potential danger to themselves or to others, the Inter-Ministerial Committee on Young People at Risk

and the Department of Welfare were pursuing community-based options such as professional foster care and residential care in children's homes, schools of industry and reform schools, Fraser-Moleketi said.

On a project which involves the review of all children being held in a place of safety or children's home with a view to returning them to their communities or families, she said significant progress was being made and it was hoped this would provide sufficient accommodation to allow the release of most children from prisons by May 10.

IFP sacks Mzimela from deputy chairman's post

Farouk Chothia (243)

BD 2/4/98

DURBAN — THE Inkatha Freedom Party (IFP) has sacked Correctional Services Minister Sipo Mzimela as the party's national deputy chairman.

In a one sentence statement yesterday, the IFP said it was "pleased to announce" that its national council had decided at the weekend to appoint Arts and Culture Minister Lionel Mtshali as acting national deputy chairman.

The decision came against the backdrop of the council passing a vote of no confidence in Mzimela at a meeting in January after he publicly called for a merger with the African National Congress.

Mzimela repeated the merger call, even after being warned that he risked losing his party post and cabinet portfolio.

However, an IFP source said Mzimela's dismissal was not tied to the merger row. The decision was taken purely because Mzimela was in poor health for some time, and was in hospital recently.

He had been unable to perform his party duties effectively, and had not attended the weekend council meeting.

The Inkatha source said he was unable to say whether IFP leader Mangosuthu Buthelezi would ask President Nelson Mandela to sack Mzimela from the cabinet.

Cabinet OKs ban on jail kids

(213) (213)
The Cabinet has endorsed a decision by the Government to prevent children awaiting trial from being held in jail

ARG 2/14/98
A statement issued by the Office of the President said the decision would see the repeal of Section 29 of the Correctional Services Act, which allows children awaiting trial to be held in prison or police cells

Alternative secure accommodation for children awaiting trial was expected to be in place throughout the country in eight months

Children not considered a danger to themselves or others would be released into professional foster care, children's homes, schools of industry or reform schools from May 10, the statement said

An inter-ministerial project was working at transforming the child and youth-care system - Sapa

Special care for children in prisons

ET 2/4/98

DWN CORRESPONDENT
(273)

PRETORIA: Children in prisons are to be given special protection by members of the Correctional Services until secure facilities are available for all minors awaiting trial, the cabinet has announced. Speaking after the cabinet approved the repeal of section 29 of the Correctional Services Act of children, Welfare Minister Geraldine Fraser-Moleketi said section 29 would be replaced temporarily by even more restrictive rules.

These rules would stay in place until alternative accommodation could be found for all minors. The legislation would serve as a measure of last resort and would be repealed as appropriate secure care and other alternative placement options became available in each province, she said.

Alternative secure care for young people awaiting trial would be available throughout the country within eight months, Fraser-Moleketi said.

Community-based options such as foster care, children's homes, schools of industry and reform schools were being considered for the hundreds of children who are neither potentially a danger to themselves or others.

Fraser-Moleketi said significant progress was being made on the review of each child being held in places of safety and children's homes with the aim of returning them to their communities or families. It was hoped this would provide sufficient accommodation to allow the release of most children from prisons by May 10.

● The cabinet was also briefed by the auditor-general yesterday regarding liaison between his office and the government.

Discussions were held in "a spirit of recognising the independence of the auditor-general and the line of accountability of his office to Parliament", government communications chief Mr Joel Netshitenzhe said. A team consisting of ministers Trevor Manuel, Zola Skweyaya and Valh Moosa are to follow up matters arising from the auditor-general's briefing.

New law still allows kids to be jailed

(253) (208)
DI CAELERS

ARG 4/4/98

Children charged with "very serious crime" such as rape and murder can still be held in prisons while awaiting trial, according to an amendment to the Criminal Procedures Act announced by the Department of Justice.

The new provision, to be drafted during the next few weeks and phased in from province to province, will, however, set down stringent requirements for a court to jail a child.

The amendment will replace Section 29 of the Correctional Services Act, which provides for the jailing of children awaiting trial, on May 10.

The new move was announced yesterday following a meeting between justice, welfare and police officials, Cape Attorney-General Frank Kahn and the Department of Education. It was their second meeting in a month.

The new legislation follows weeks of disagreement between Justice Minister Dullah Omar and Welfare Minister Geraldine Fraser-Moleketi over the issue of jailed children.

Mr Omar had said it was essential that provision be made to jail awaiting-trial children after May 10 because there were no secure alternative facilities for dangerous child offenders, such as murderers, rapists, arsonists and car hijackers, and that they could not be let loose on the streets.

Hishaam Mohamed, the Justice Department's Western Cape regional head, said the new provision would allow children charged with very serious crimes to be kept in prison, where alternative accommodation was not available. He said the children would only await their trials in jail in "exceptional circumstances".

He said while his department agreed with the welfare department that the process of removing children from prison should be speeded up at all costs, "children who pose a danger to the public cannot simply be released".

"While the process of establishing secure care facilities is being completed, it is necessary in exceptional circumstances to keep children in prison. We say this with great regret, but there is no other alternative."

Mr Mohamed was confident that, in the Western Cape, it was possible to reduce the number of jailed children, in a very short time and without endangering anyone. Since March 3, when the departments held their first meeting, 43 children had been released from Pollsmoor prison.

Since that meeting, other progress includes

- Mr Kahn sent a directive to prosecutors and magistrates instructing them to deal promptly with juvenile matters.

- Chief magistrates called on attorneys to give speedy legal representation in juvenile cases. A legal aid officer in court is available as an immediate service.

- There are now special courts for juveniles in Wynberg, Cape Town, Bellville and Mitchell's Plain to address the fact that many children awaiting trial in custody are in the Peninsula.

Courts in rural areas are also giving preference to juveniles.

Was pushed, I didn't jump

IFP council cites ill health, but minister says he is fine

29/5/4/98

CORRECTIONAL Services Minister Sipo Mzimela, who raised the ire of the IFP leadership by publicly calling for a merger with the rival ANC, was pushed out of the top position of deputy national chairman this week - for political reasons, it has come to light.

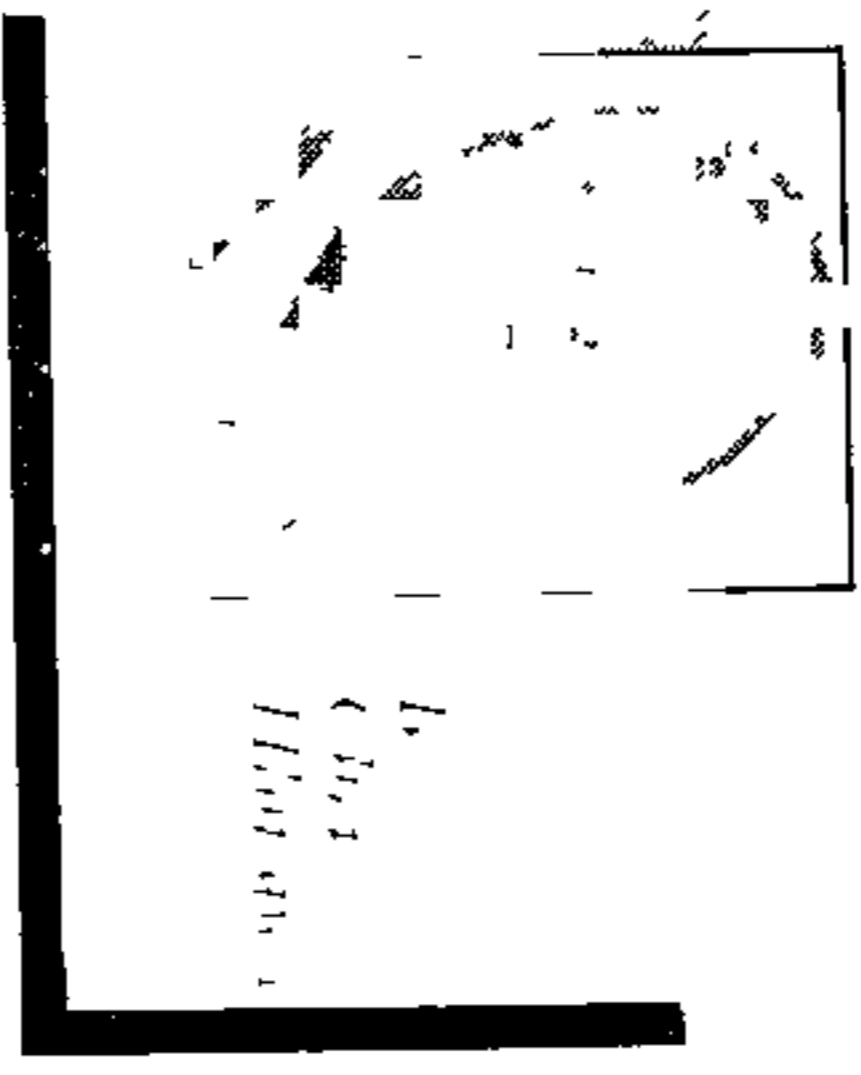
While the IFP national council gave the position to another IFP cabinet minister, Lionel Mtshali, Mzimela's ill health as the reason, the outspoken minister said he was fine.

A sprightly Mzimela, who had been told by some irate colleagues to leave the IFP if he wanted a merger, laughed off the suggestion he was ill. The only illness he was suffering from was "a bout of politicsitis", he quipped.

He had guests and journalists in stitches at the launch of the groundbreaking work and skills programme for prisoners, south of Durban on Friday, when he was questioned about the latest developments around him.

He still believes a merger with the ANC was a good thing for people in South Africa.

He said he did not see any reason



to change his view.

Mzimela, who is also a priest, said "I'm not a prostitute to say one thing today and another tomorrow".

The decision to replace him was taken by the national council last weekend in his absence. A delegation of the council met him at his home at the Umhlanga Rocks suburb of Durban.

They said afterwards he had agreed that he was too ill to continue to function effectively as the party's deputy national chairman.

Reacting, Mzimela slyly suggested there might have been a misunderstanding because "we were speaking in English not in our

mother tongue.

"I'm fine, I think. How can I not be fit when I'm in charge of 31 000 colleagues and 150 000 prison inmates?"

He confirmed he had been admitted for two days for medical tests for "slight things".

He said the deputy chairmanship was not an important post, what was really important was his task - to implement real rehabilitation programmes for prisoners.

Laziness in prison had to stop and prisoners had to acquire skills to contribute to society when they come out.

This will be their way to "say sorry for the damage they had caused," said Mzimela.

The new scheme entails training and using prisoners as bricklayers, carpenters, electricians, plumbers, painters in providing 20 low-cost housing units to the Rainbow Park community in Illovo.

"For the first time in our history, prisoners will be utilised to build houses for a community in need," said Mzimela who laid the first brick in the presence of Limpho Hani, the chairperson of the correctional services parliament.

tary portfolio, and department top brass.

Another national council member was in the soup this week.

The council suspended Muzi Sikhonde, who believes the decision of the highest organ of the party, to remove him from party positions was in fact an "act of revenge", because he had dared to challenge the party's Education MEC Dr Vincent Zulu in court, he told City Press.

"I have done nothing wrong," he said.

There is also a likelihood he may be expelled. Soon after his suspension from the national council, he became a thorn in Zulu's side again - by leading a demonstration of angry teachers against the education department which he described as a "wishy washy department".

The teachers were protesting the controversial dismissal of thousands of temporary teachers in the province.

"The teachers were never told they were being employed on a temporary basis," said Sikhonde, who is also a school principal, a deputy mayor in KwaNongoma and convenor of the provincial education committee of the IFP Youth Brig-

ade.

It is understood now all temporary teachers in KwaNongoma are to be employed when schools re-open after Easter - and principals will be looking from other areas for temporary teachers for posts locals could not fill.

Sikhonde and Zulu have been locked in a year-long battle over another matter - the admission of more than a hundred students into the Gqikazi College of Education, with Zulu opposing them.

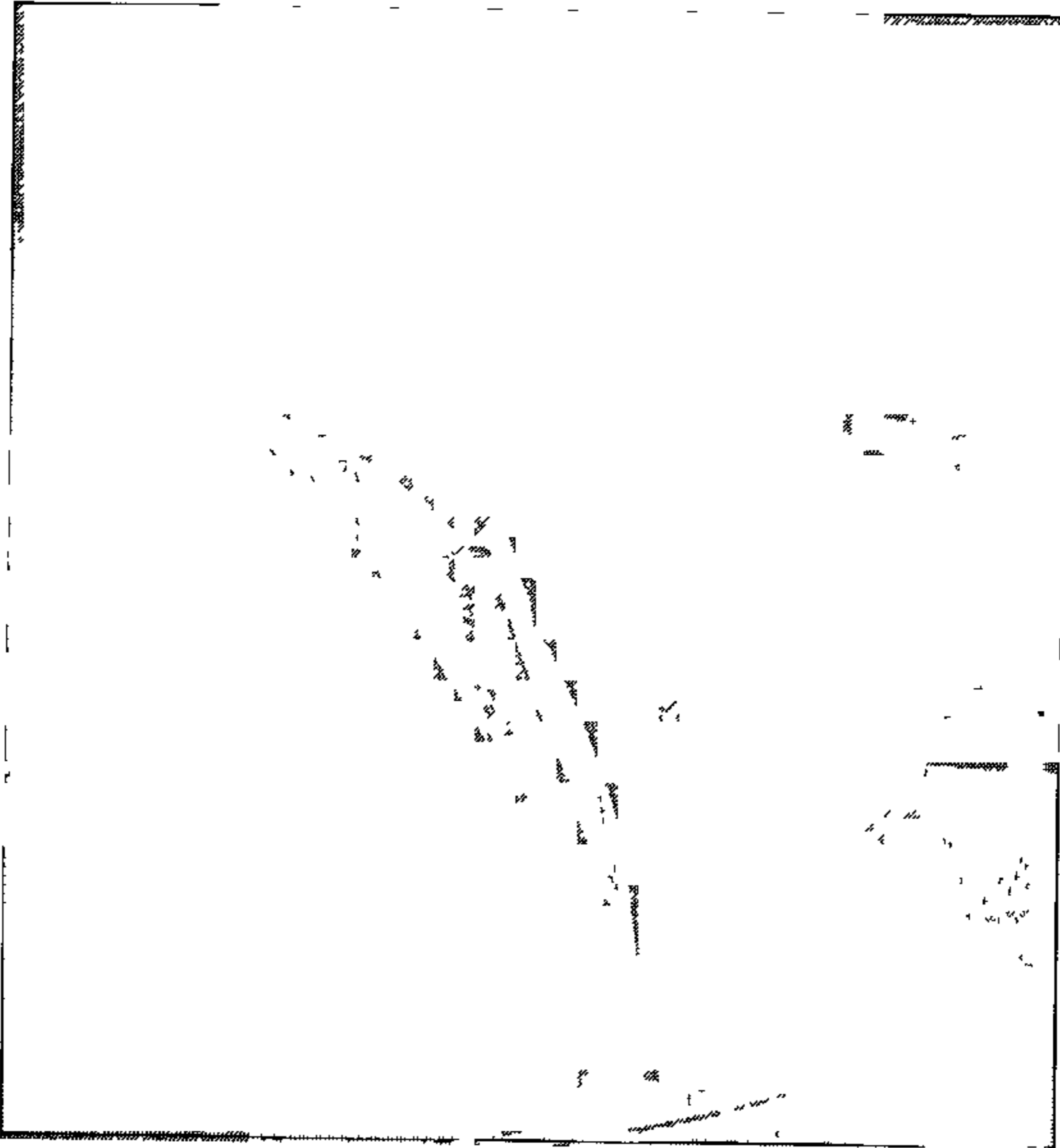
He sought a court interdict to prevent them from enrolling after they had allegedly forced their way in.

Sikhonde had, on the other hand, called for a commission of inquiry into alleged corruption at the college to be set up against the department - "an agreement was reached with the department on the commission but the agreement was not honoured," he said.

He opposed the minister's high court application to prevent the intake of the students and won this year.

His suspension from the IFP this week was a way for Zulu to get back at him, believes Sikhonde "because I won".

Mzimela: I



IN THE COLD . . . Correctional Services Minister Sipo Mzimela, who has laughed off suggestions that he is ill

PAC demands the release of prisoners

Soweto 6/4/98

(253)

By Russel Molefe

SEVERAL hundreds of flag-carrying Pan Africanist Congress adherents, led by the party's president Dr Stanley Mogoba, marched to Orlando Police Station in Soweto yesterday to demand the release of political prisoners.

But the crowd was stopped a few metres from the station by the party's marshals because the permit for the march stipulated that only the leadership of the party would be allowed within a certain radius of the station.

It was Mogoba, deputy president Dr Motsoko Pheko, general secretary Mr Ngila Mwendane, veterans and members of the national executive committee who proceeded to hand over a memorandum to a Superintendent Swarts with instructions that it be passed to the highest level of government.

In the memorandum, the PAC called for the release without delay of its supporters languishing in jails in "inhumane conditions". The freedom fighters were being incarcerated with hardened criminals and constantly abused by prison warders, the PAC said.

The crowd later increased to several thousands when Mogoba and his entourage went to Orlando Communal Hall to celebrate the party's 39th birthday. The celebration was also attended by former general secretary Mr Maxwell Nmadzivhanani and several veterans who were present at the same venue when

the PAC was formed 39 years ago.

Noticeable absentee was outspoken PAC Member of Parliament and chief whip Ms Patricia de Lille and stalwart Mr Gora Ebrahim. Former president Mr Clarence Makwetu was also absent because he has been indefinitely suspended.

Mogoba told the cheering crowd that South Africa would not be the same again after next year's general elections.

"We will reclaim the 10 percent that we should have got in the last elections. I assure you the history of our country will change," he said.

He promised that the PAC would deliver five things quickly: These are unity, non-racism, morality, sound economic policy and redistribution of land.

Mogoba said his party was committed to building the nation on the basis of everyone being attached to this land.

"Many people believe we are the greatest racists on earth. Those who say that know very well that it is a distortion."

He said an economic policy where decisions are "from the bottom going upwards" will serve the poorest of the poor in the country.

"This will be the only way to make this country safe. Today we are afraid of the poor and we put high fences around our homes."

He warned that this country was on a road to nowhere if the people did not recognise the importance of morality.

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Jail party turns violent

A MAN died and two others were seriously injured when a party at Leeuwkop Prison grounds, north of Johannesburg, turned violent on Saturday night.

who was shot six times

A bystander, Godfrey Haywood, was also seriously wounded when he was hit in the chest by a stray bullet. Leaman's brother

New plan to rescue prison children

Star 6/4/98

(253)

Stop-gap legislation on the way, while provinces race to provide places of safety

By Jacqui Flaxman

Temporary legislation, which will allow authorities to hold juvenile offenders in separate prison facilities, will be promulgated soon because many provinces will not have enough places of safety ready by the May 10 deadline.

Gauteng is ahead in providing places of safety for juveniles as provinces rush to remove more than 1 200 children awaiting trial in prisons by then.

At a weekend meeting of the Inter-Ministerial Committee on Young People at Risk, it was reported that Gauteng led the field in renovating and building facilities. Northern Province and the Eastern Cape hope to have their places of safety up and running by the end of next month.

The IMC on Young People at Risk was set up four years ago to counteract the crisis that developed with the unco-ordinated release from prisons, as well as transfers to other institutions, of more than 2 000 children awaiting trial on May 8 1995.

The committee has been tasked with transforming the child and youth care system, focusing on youths who are at risk and who stand the chance of being removed from their families and communities.

Some of the committee's pilot projects have been completed in KwaZulu Natal, the Eastern Cape and Gauteng.

The IMC aims to divert children from the justice system to alternative institutions or programmes to make them accountable for their actions. A pilot project in Durban has, over the past year, re-

ferred 400 children to "diversion" programmes; placed 1 080 with parents, family members or friends on warning, and secured 1 254 children the company of a parent or guardian at their first interview.

It has not been plain sailing for the project. The report said the justice system was in many instances not as ready to "apply the new paradigm of working with juveniles", with police, prosecutors and magistrates often preferring to work "in the old way".

Project manager Margaret Niemand said the project did not meet the urgent needs of Durban's street children.

"Although street children made up 16% of the children seen at the centre (for Durban street children), they were undoubtedly the children to

whom it was the most difficult to provide effective services."

Niemand added that the street children's lack of family support often saw them being left in prisons for relatively minor offences because few other support structures were available to them.

Although efforts to repeal section 29 of the Criminal Procedure Act - the section which allows for the detention of juveniles in prisons - have been delayed, the manager of the IMC on Young People at Risk, Lesley du Toit, said temporary legislation would be formulated.

It would allow for children to be held, although separately from adult prisoners, in prisons until sufficient alternative places of safety were made available.

"The legislation will drop away by proclamation and

provinces by province, as the necessary facilities become available," she said.

Although four pilot projects have been finalised and have submitted reports, the projects will continue operating.

Du Toit said the projects would be turned into learning centres, funded by the Department of Welfare or non-governmental organisations involved in the projects, to develop the capacities of other organisations and communities.

Brian Sokutu, spokesman for the Department of Welfare, said the department, in collaboration with the Department of Correctional Services, would ensure "special and separate treatment" for children in prisons until alternative facilities were available.

Jail rights compromise in question

By Pearl Sépolag (257) 814198

THE SA Prisoners' Organisation for Human Rights (Sapohr) said yesterday it did not expect all prisoners to embark on mass action following re-arrests from most prison authorities that they would ignore the order from the correctional services department to confiscate so-called luxury items from prisoners.

Sapohr president Golden Miles Bhudu said authorities in several prisons, including Klerksdorp and Pollsmoor prisons, informed prisoners they would not strip prison privileges but would conduct random cell and body searches to remove unauthorised items such as knives and dagga.

However, prison authorities denied knowledge of meetings with prisoners, saying they would continue as directed by the department to confiscate luxury items from certain categories of pris-

oners who were not entitled to them.

Bhudu said prisoners were told by prison authorities and area managers that "Operation Jikeleza won't be implemented haphazardly", and they would treat the situation as it developed. The authorities concerned did not want to be mentioned because their actions "are in direct contrast with what the department ordered", he said.

Bhudu said the authorities, such as Sapohr, feared that revoking privileges would result in tensions between inmates and prison warders, who had to deal with the prisoners everyday.

Bhudu called on prisoners on Monday to go on work stoppages and hunger strikes in protest against the department taking away privileges such as television sets, civilian clothing and irons from them.

He could not confirm how many prisoners went on strike yesterday as the situation was difficult to monitor.

Lock-ups with a difference — owners pay for every escape

Stephané Bothma (257) 814198

PRETORIA — Public works yesterday unveiled models of four proposed new correctional services facilities with a difference. Every time a prisoner escapes, the private sector owners of the prisons will have to pay government R300 000.

This R200m public-private sector initiative is for two maximum prisons (one in Bloemfontein and the other in Louis Trichardt), a youth detention centre in Barberton and an awaiting-trial facility in Boksburg, expected to house 5 300 detainees.

The lock-up facilities will be financed, built and managed by the private sector and leased by government on a contract basis for about R6bn over 20 to 25 years. Other such contracts are being considered.

Public Works Minister Jeff Radebe said that the scale models were received this week from four short-listed bidders. "The ball is now in our court. In the next six to eight weeks, my department will be finalising selection of the successful bidders. We plan to reach final closure in the shortest possible time."

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Sapohr calls off planned protest action

Pearl Sebolao (253)

PROTESTS planned by prisoners have been called off after promises by prison heads not to strip prisoners' privileges, SA Prisoners' Organisation for Human Rights (Sapohr) president Golden Miles Bhudu said yesterday.

Bhudu said Sapohr saw no reason to continue with the protest as the prison heads had undertaken not to implement "Operation Jikeleza" as they had been directed by the correctional services department.

However, prisoners countrywide would "be on alert and would know exactly what to do should the authorities renege on their promises", he said.

Bhudu's claims were rejected by the department.

"Everything will continue as normal and we are going ahead with implementing the operation, correctional services spokesman Chris Olckers said. The department would continue to confiscate items such as televisions, civilian clothes and other appliances from prisoners if they were not entitled to them.

He also denied prisoners at Leeuwkop maximum prison went on a work stoppage on Tuesday in protest against the stripping of prisoners' privileges. "Claims by Bhudu that there was a strike at the Leeuwkop prison were untrue," Olckers said.

BD 9/4/98

Luanda resumes talks with Cabinda separatists

LUANDA — The Angolan government had resumed discreet discussions with armed separatist factions in the oil-rich Cabinda enclave to get peace talks off the ground, Angolan press reports said yesterday.

A delegation from Luanda led by Interior Minister

Andre Pitra went to the enclave, on the West African coast north of Angola, late last week. The reports said the delegation planned to meet guerrilla leaders and local traditional chiefs.

The newspaper *Jornal de Angola* said the climate was now right

for the resumption of talks between the government, different wings of the Cabinda Enclave Liberation Front and former National Union for the Total Independence of Angola (Unita) rebels, who battled the government during the civil war. — Sapa-AFP.

BD 9/4/98

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Continued from Page 1

increased spending on imports, "interest rates might need to rise, limiting the positive growth impact".

Negative factors affecting business confidence included the weakness of the rand and slightly lower month-on-month retail sales.

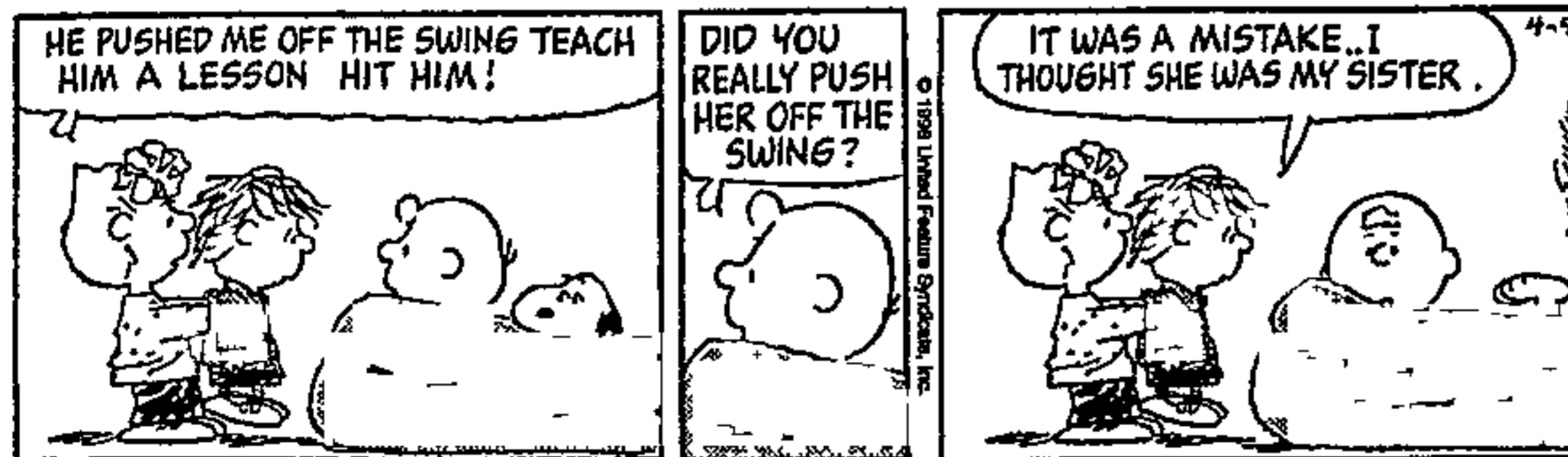
"The economy appears to be on a

plateau at present, with an expected growth rate of about 2% this year. This is not enough to stimulate more foreign investment, create more jobs and redress the inequalities of the past. For that we need above 3% growth."

Van Rensburg said the economy was still constrained by some factors. "What is now needed is a willingness by the government to accelerate the privatisation process as well as the implementation of certain other parts of the macroeconomic reform package."

PEANUTS

By Charles Schulz



Legal flaw keeps kids in prisons

KEN VERNON

At least 600 children will remain in jails — despite change to law

POLLSMOOR Prison's youngest inmate, 12-year-old Willem Stevens, is counting the days until he and hundreds of other children can walk out of their cells — in less than a month.

Or at least they should be, according to an amendment to the Correctional Services Act.

However, while government departments have had two years to prepare for the May 10 date when children legally should no longer be held in prisons, an estimated 600 children will remain in jail after the deadline.

This is because of a flaw in enabling legislation which still makes it lawful to detain the children, according to law experts.

And even if the children were released there would be little or no alternative accommodation. For young Willem, however, the

problem is a lot more serious.

He does not exist, according to official records. He is listed on a Correctional Services computer printout as being Pollsmoor's youngest prisoner, convicted of housebreaking and theft in January, 1997.

But a Cape Metro examination of court records showed the only Willem Stevens was a 37-year-old man who had charges of housebreaking and theft against him dropped before even appearing in court.

The case of the "non-existent 12-year-old" illustrates the confusion and lack of information surrounding children in jail.

According to Ann Skelton, legal consultant for the Inter-Ministerial Committee (IMC) on Young People at Risk, a legislative flaw is at the root of the state's inability to get the children out of jail.

In 1996 the Correctional Services

Act was amended to ensure that no children would be in South African prisons by May 10, 1997.

Hundreds of children were released on that date — with chaotic results. There were inadequate places of safety to receive them and many escaped from custody or simply returned to the streets and reverted to criminal activities, ending up back behind bars.

One year later the government is still unprepared to carry out its own programme, rescheduled to go into operation on May 10 this year.

According to Skelton, the 1996 amendment mistakenly cancelled only one section of the law that allowed children to be incarcerated — leaving other enabling sections still operational — and the kids in jail.

Early this month, more than 23 months after the "flawed" amend-

ment became law, the government announced that it intended to close the loophole with "new temporary legislation".

Even the question of how many children are in jail is difficult to answer as research figures don't tally. A November 1996 study by the IMC found there was a daily population of more than 1 600 children awaiting trial in prisons and police cells countrywide.

But a study by the Community Law Centre at the University of the Western Cape found the number of children awaiting trial in prison on any day in May, 1996, was 829. By December last year the figure had increased to 1 182 a day, it said.

However, these figures were provided by the Department of Correctional Services — the same department that maintained it had a "non-existent 12-year-old" in Pollsmoor. In November 1997, the govern-

ment departments involved in the IMC established Project GO to speed up the transformation of the child and youth-care system and prepare for the release of children awaiting trial from prison.

Project GO gave one of its main aims as ensuring that no children would have to await trial in prisons or police cells after April 1998 — but as that deadline approaches it has become clear it will not be met.

Despite a recent frenzy of activity, National Project GO co-ordinator Leslie du Toit said, that of the estimated 1 100 children awaiting trial in prisons nationwide at the end of February, 600 would not be able to be placed in alternative accommodation by May 10.

It is difficult to establish just how successful Project GO has been in creating viable alternatives to prison for children. While one secure care centre housing 70 chil-

dren has been completed in Gauteng, it appears that none have yet been finished in any of the other provinces.

"It seems as if Project GO is a case of too little too late," says UWC's Julia Sloth-Nielson. "I don't know if the project is working because facts are so difficult to come by. I think the members are committed to making it work, but have been overtaken by the numbers of children still entering prison."

While it may not have been as successful as we had hoped, it is still the only option that is available.

Lukas Muntingh, director of research for the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro), said the IMC had had two years to build secure care facilities "and should have done so".

"It is unfortunately unavoidable to have kids in prison because places of safety are overcrowded and there are no other facilities."

When Steve Tabane (not his real name) walked through the doors of Orangeburg Medium B Prison two years ago, facilities were scarce. Today, he runs a well-equipped library and helps produce a newsletter, Voice of Youth.

Prison life has been stimulating lately," Tabane said at the grand opening of the new facility. He is serving a two-year sentence for theft and malpractice damage to property.

"We spend profitable hours in the library and we have basic computer skills. In the past we used to idle in the courtyard." The 20-year-old from Orlando East in Soweto is, however, concerned that he will not be able to use his newly-learned skills when he is freed in four months' time.

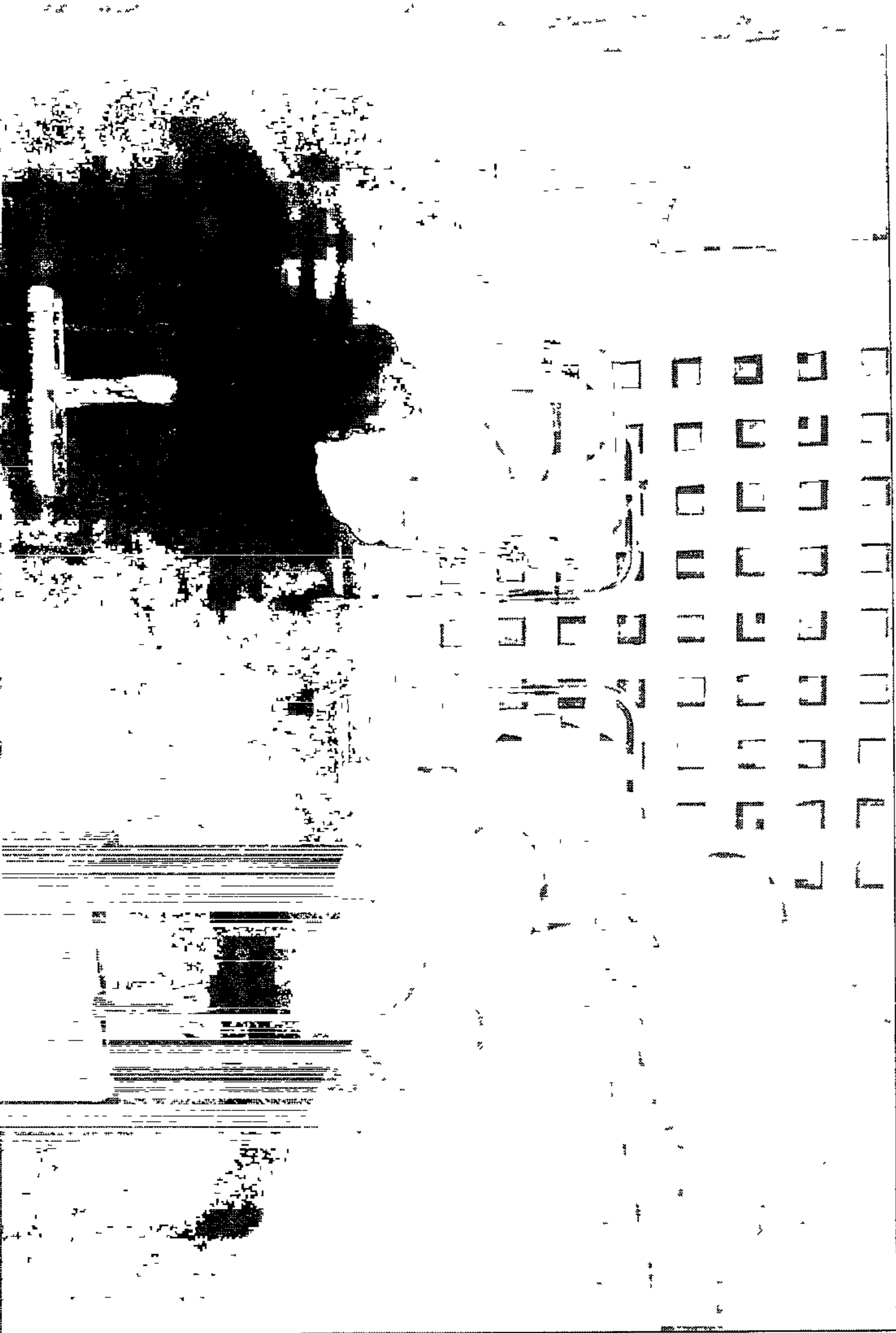
"It is sad to leave the prison with such skills and to battle to find employment. The community and companies should create opportunities for ex-prisoners. We want to show the community that we have been rehabilitated," he says.

Tabane is one of the many juveniles who are being prepared for better lives outside prison by the Department of Correctional Services. The new study facilities they are now enjoying were made possible by a R350 000 Samancor donation.

The young prisoners now have a well-equipped classroom for basic literacy training and a fully equipped library.

They also have a computer room with five computers for literacy training, three "Plato" work stations for presentation of computer-based training programmes up to first-year tertiary education level, a fully equipped gymnasium with a boxing ring (five officers are being trained to manage the facilities), and a pre-fabricated training centre for skills training.

Despite incarceration, the juveniles were cheerful during the ceremony and the choir sang religious songs.



Hands on ... juveniles learn the basic computer skills to prepare for a better life outside prison.



A second chance ... juveniles are being prepared for better lives outside prison by the Department of Correctional Services with new facilities—including a well-equipped classroom, a library, a computer room, and a fully equipped gymnasium.

Skills centres aim to prepare youngsters

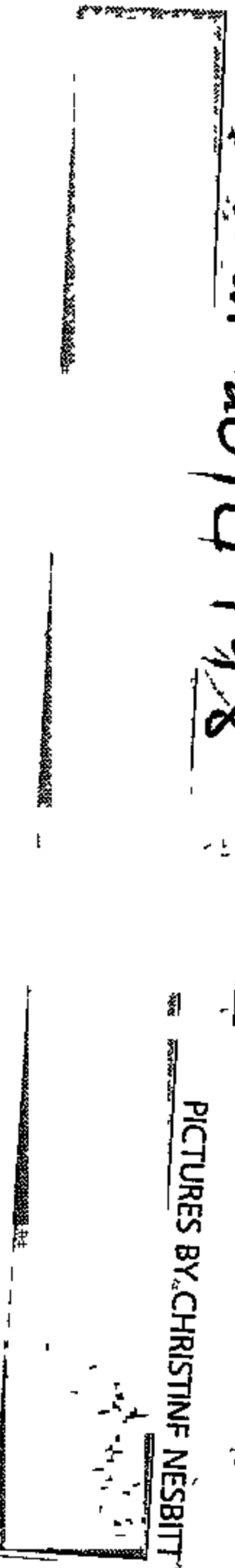
Facilities built with aid of private sector – now convicts no longer need to idle away time in courtyard

(259)

for life after prison

Star 20/4/98

PICTURES BY CHRISTINE NESBITT



CCB affiliates 'formed economic group'

Stephané Bothma

PRETORIA — Two years after the Civil Co-operation Bureau (CCB) was disbanded, members of the covert military organisation had regrouped in an "economic structure with R100m to work with" to stand together against any threat from government, the high court heard yesterday.

Former CCB member Ferdi Barnard, accused of 34 crimes including the May 1, 1989 assassination of Wits university lecturer and anti-apartheid activist David Webster, told the court CCB chief Joe Verster told him about

the formation of the structure

Verster said all ex-CCBs had joined. They wanted to show government that if it dared to take on the group, government would be taking on an army. They needed a structure which could stand up to government."

Barnard, testifying in his own defence, told Judge Johan Els yesterday that he could not say with any certainty that the CCB had not been responsible for the killing of Webster.

Troyeville home.

For the first time yesterday, despite having given testimony twice previously about the assassination, Barnard offered an alibi for May 1, 1989. "I was exercising with my friend Calla Botha," Barnard told the court, but could not explain why he had not offered this alibi before.

Several state witnesses against Barnard testified that he had admitted to them that he had gunned down Webster — and that Botha had driven the vehicle — but this was strongly denied by Barnard yesterday.

but you never raised it at the

Harms commission of inquiry or at the Webster inquest," Judge Els said to Barnard.

The court heard that a month before the Webster killing, Barnard had borrowed a sawn-off shotgun from a friend. Barnard testified that he "tested" the weapon by shooting gun-fowl from the window of a moving car.

Heads may roll over N Province's leaky cells

Pietersburg – The Northern Province department of safety and security has warned that heads may roll after the most recent spate of escapes from police custody.

Sixteen suspects escaped

(2/3) / Jan 30/4/98
during the long weekend.

“We are convinced that the root cause of all these escapes is ill discipline, lack of proper supervision and failure to adhere to internal standing orders,” Safety and

Security MEC Seth Nthai said yesterday

Eight prisoners escaped at Bushbuckridge, five at Acornhoek, two at Rooiberg near Warmbaths, and one in Pietersburg – Sapa

The great escape from death row

ARG 1/5/98 (253) (257)
430 face new sentences

LINDSAY BARNES
STAFF REPORTER

More than 430 "thoroughly evil" criminals - sentenced to hang before the death penalty was abolished - are to return to court to get new sentences.

The process will begin once the Criminal Law Amendment Act of 1997, which allows for the substitution of the death penalty with a jail sentence, has been implemented.

The act was expected to come into effect today, but has been delayed briefly.

The Department of Justice is about to embark on the mammoth task of tracing the judge who presided at each death row prisoner's trial. The judges will be asked to hear argument on re-sentencing and if any are unavailable, others will be assigned by the court.

The process will be costly to the State and is likely to place a heavy burden on the offices of Attorneys-General.

The death sentence was suspended by then-President F W de Klerk in 1990 and abolished by the Constitutional Court almost three years ago.

It has taken this long for new legislation to be put in place to deal with the predicament of death row prisoners.

Paul Setsetse, spokesman for Justice Minister Dullah Omar, said the move con-

firmed the Government's commitment to rid South Africa of the death penalty and remove the "dark cloud" hanging over the heads of the death row prisoners.

Last year prisoners had told Mr Omar of their anxiety about continued calls for the return of the death penalty. They had requested that the process of re-sentencing be speeded up. This was now being done.

In response to a question, Mr Setsetse said his department did not expect a backlash against the process. "All political parties are quite aware the death penalty has been abolished. The death penalty is not a deterrent to crime and is not the solution. An effective criminal justice system is the only deterrent," he said.

Until recently, all death row convicts were held in Pretoria Maximum Prison, but they have since been dispersed to prisons around the country to be nearer their families, in accordance with Correctional Services policy.

In the Western Cape 16 death row prisoners had returned to local maximum-security prisons to await re-sentencing, said Bert Slabbert, spokesman for Correctional Services Minister Sipo Mzimela.

In terms of the amended act each prisoner is to return to the court in which his case

Death row men back in courts

(257) (257)
From page 1 ARG 1/5/98

was heard. Western Cape Attorney-General Frank Kahn said arguments and evidence would be allowed, but no new evidence could be introduced.

Earlier Mr Kahn argued before Parliament that this method was more practical than simply adjusting all death sentences to life sentences.

He said preparation for the step would involve the transcribing of thousands of pages of documents and would take five of his advocates about four months.

Each case would take one day in court. He could not estimate the overall cost to the province.

The crimes of those who got death sentences ranged from murder to rape with aggravating circumstances, housebreaking with aggravating circumstances and robbery with aggravating circumstances, Mr Kahn said.

Most were "thoroughly evil" and many were likely to get life sentences.

Johan Labuschagne, deputy director at the Department of Justice, said that in the case of life imprisonment, parole might not be considered before the prisoner had served 25 years or had reached the age of 65 and served at least 15 years.

To page 3

Tough minimum sentences from today in war on crime

ARGUS CORRESPONDENT

Johannesburg - A new law that sets tough minimum sentences for serious crimes and more than doubles the maximum sentences which can be imposed in magistrates' courts comes into effect today.

The Criminal Law Amendment Act will allow a regional court to impose sentences of up to 25 years or refer serious cases to the High Court, does not allow an appropriate sentence. Until now regional courts could not impose a sentence of more than 10 years for one crime.

"We are confident that this legislation will be sending a clear message to criminals who are committing serious, violent crimes that the law is going to be tough on them," said Paul Setsetse, a spokesman for Justice Minister Dullah Omar.

The provisions will remain in force for two years, after which the president can extend them if the crime rate has not decreased.

Section 51 of the new law sets minimum sentences for serious crimes such as murder, rape, armed robbery and crimes against minors tried in the High Court or regional courts. It also allows the regional courts to impose a sentence of up to 25 years.

The law does allow courts the discretion of imposing a lesser sentence in "extraordinary circumstances" or if the criminal was a child under the age of 18 at the time the crime was committed.

A sentence imposed in terms of Section 51 may not be suspended.

ARGUS 7/5/98

(257)

Prisoners escape in court strike

(~~1998~~) (2000)

ARGUS CORRESPONDENT

ARL 1/5/98

Durban A walkout by orderlies sparked a breakout by prisoners from the holding cells as the Durban Magistrate's Court ground to a halt.

The Durban Magistrate's Court was closed for several hours on Monday as a result of a strike by orderlies. The strike was organized by the Durban Prisoners' Union and resulted in the escape of several prisoners from the holding cells. The court was closed for several hours and the prisoners were eventually recaptured. The Durban Magistrate's Court is a court of law in Durban, South Africa. It is one of the busiest courts in the country. The court is responsible for the trial and sentencing of prisoners. The court is also responsible for the management of the Durban Prison. The Durban Prison is one of the largest prisons in South Africa. It is a maximum security prison. The Durban Prison is known for its high rate of recidivism. The Durban Prison is a source of concern for the Durban community. The Durban Prison is a source of crime and violence in the Durban area. The Durban Prison is a source of social and economic problems in the Durban area. 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Children in prison not on the agenda

PAULA PROUDLOCK
Lack of action over children in prisons is cause for concern

AN INSPECTION of Parliament's programme reveals that children awaiting trial in prison are not on the agenda. This is concerning in light of the expiry on May 10 of Section 29 of the Correctional Services Amendment Act — the section that allows children between the ages of 14 and 18 to be detained in prison while awaiting trial

In 1995, in line with the law and government policy, awaiting trial children were relocated from prisons to welfare institutions. However, a number escaped due to security arrangements not being put in place

In December 1995, Carl Niehaus (ANC), chairperson of the Correctional Services Committee, announced that he would pilot a bill through Parliament to deal with the crisis. The bill would amend Section 29 of the Correctional Services Act in order to allow the impris-

onment of children accused of serious crimes

Niehaus emphasised that the measure was an interim one, designed to give government time to establish secure care facilities. To ensure that it did not become a permanent feature, he proposed that the measure expire after a year. In the plenary debate on the bill, Niehaus said: "In the past there have been many examples of temporary legislation sliding into permanence. The bill provides that after a year Parliament may extend the period for one further year. I want to give notice now that this will not happen automatically."

By August 1996, it was clear that the conditions in the bill, designed to protect children in prison, were not being complied with. Magistrates were interpreting the bill in a way which allowed children accused of minor offences to be detained in prison, children under 14 were being illegally imprisoned, and children's cases were not being prioritised by attorneys and magistrates

In April 1997, the decision to extend was made, with very little discussion tak-

ing place. The welfare committee was not consulted and civil society was not invited to comment. This was a perfect opportunity to hear evidence on how to amend the section to ensure that children's rights were protected properly

By the end of 1997, there were 1 397 children awaiting trial in prison and only one functional secure care facility. Faced with the impending May 10 deadline, the welfare department launched Project Go to free up space in welfare institutions

Although Project Go has been welcomed by organisations working with children, concerns have been expressed at plans to place awaiting trial children and children in need of care in inappropriate institutions. These include reform schools, which have been condemned by the Inter-Ministerial Committee for Young People at Risk.

Despite the launch of Project Go and the welfare department's assurance that it would make the May 10 deadline, the Minister of Justice, after considering the reality of the situation, indicated an intention to re-enact Section 29 into the

(253) 27/4/98

Criminal Procedure Act. However, looking at Parliament's schedule, it appears as if this re-enactment will not be done by May 10. The assumption is thus that government has elected to leave the section on the statute books for the time being by relying on a drafting error in the expiry clause. The error resulted from consequential amendments not being made to the expiry clause after amendments were made to the main clause in 1996.

The argument being advanced is that the clause consequently does not expire and is applicable until repealed by Parliament. What was intended to be an interim measure to give the Welfare Department time to establish secure care facilities seems to have taken on a tone of permanence. A drafting error has bought government time — hopefully to knuckle down and ensure that there is no need for the existence of this extraordinary measure in the future

Paula Proudlock is a legislation researcher for the Human Rights Committee, an independent non-governmental organisation



Killing field: police and onlookers gather in Francis St, Woodstock, on Sunday night after the drug-related shooting in which six people — three of them women — were killed

Jailbreaks down 60% this year

CLIVE SAWYER
POLITICAL CORRESPONDENT
(253)
AR5 5/15/98

The monthly number of escapes from prisons has dropped sharply from 100 to 40 since the beginning of the year, Correctional Services minister Sipo Mzimela told Parliament today.

Speaking in his policy review debate in the National Council of Provinces, Dr Mzimela said the drop was due in part to measures taken to improve security and reduce corruption among warders.

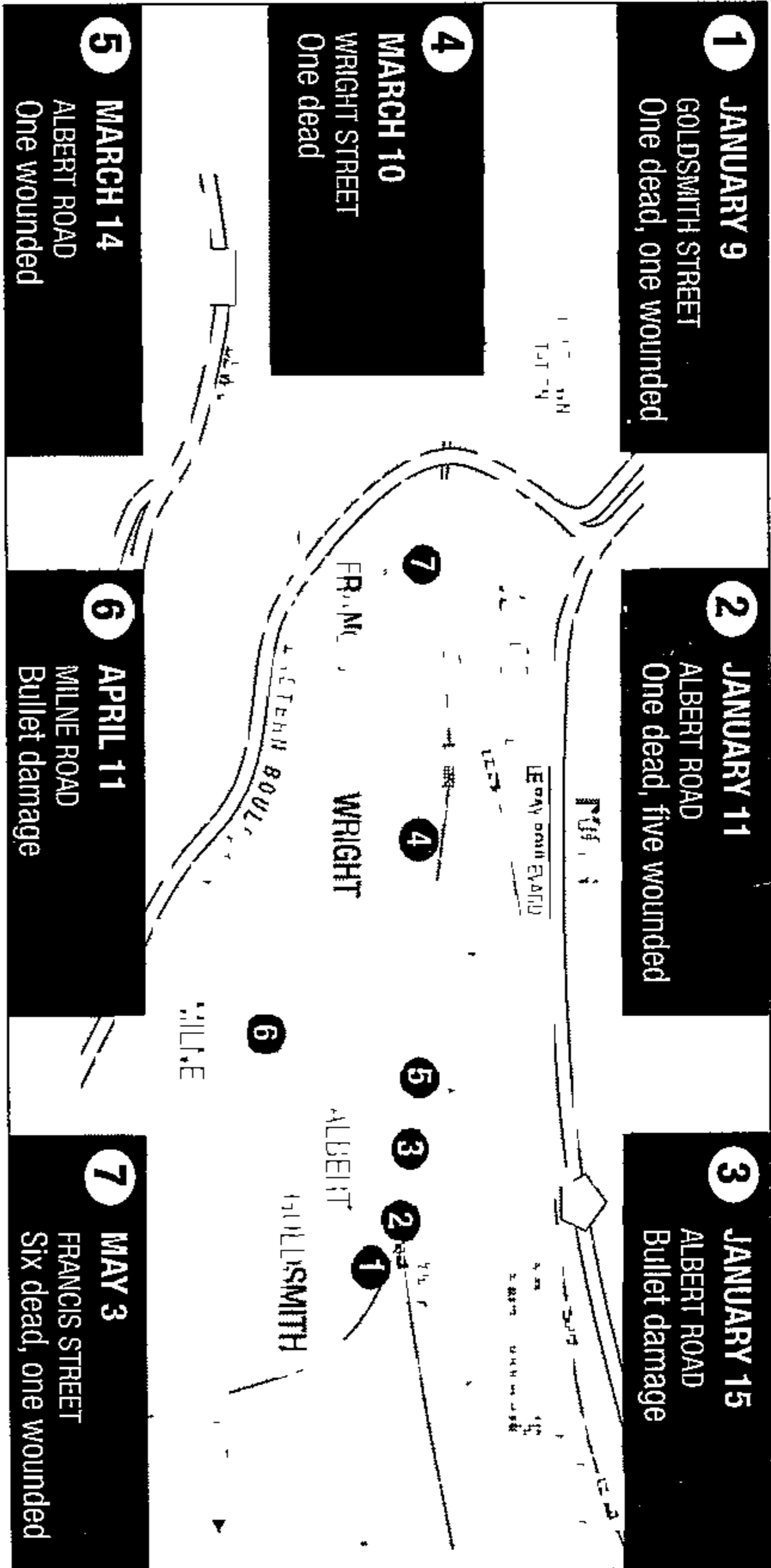
He said plans to release all unsentenced children from correctional services facilities by May 10 were on schedule.

Dr Mzimela said an experiment of electronically monitoring prisoners had had a 97% success rate and would not become standard practice.

He urged courts to consider correctional supervision instead of jail terms, to reduce overcrowding.

South Africa's prisons are designed to hold slightly more than 90 000 inmates but now house about 130 000 prisoners.

Dr Mzimela also vowed to go ahead with plans to convert inner-city buildings into prisons.



Danger zone: nine people have been killed and eight wounded in a spate of drug-related attacks in the Woodstock area since January

Hush over Woodstock's house of death

JOHAN SCHROEN
CRIME CORRESPONDENT

The dust has settled in Francis Street, Woodstock, where a heavily armed gang barged into an alleged drug dealer's house and shot everybody in sight.

The house was the home of Sharief Butler, known as "Pinocchio", who was not there at the time.

The killers, armed with an R5 rifle, a shotgun and pistols, apparently cur-cled the block and then followed a teenage schoolgirl into the house just

after 8pm on Sunday.

They shot the girl in the stomach, then ran from room to room, shooting six people in the head at close range.

In a front bedroom to the right of the passage, two men lay dead. Three women were shot in a bedroom at the back of the house. The schoolgirl survived.

Stray bullets chipped plaster from the walls and shattered a fish tank. Blood and water soaked the carpets and there were bullet holes in the back door.

Francis Street residents were talk-

ing stock of what happened, but were not prepared to talk about it.

A few people expressed shock and dismay, but would not speculate about the motive for the massacre.

"Pinocchio and his boys never interfered with us", said a woman who lives a few doors away.

"We all knew what was happening there, but it did not harm us," she said.

Another neighbour said "A faceless group of cowards not only killed six people, they've also toppled Pinocchio's kingdom. Such a deed does not go without being avenged."



2 News



LEON MULLER

Prisoners will 'appear' while in their cells

BY CLIVE SAWYER
Independent Parliamentary Bureau

Video-conferencing facilities are to be used to allow magistrates to deal with arraignments and first hearings of prisoners without moving them out of police stations or jails.

This is among the innovative steps outlined by Justice Minister Dullah Omar in his budget speech in the National Council of Provinces yesterday.

He said the costs of the video-conferencing project would probably be shared by the departments of justice and correctional services and by the SA Police Service.

A pilot project is to be carried out between the Johannesburg Magistrates' Court and Diepkloof prison.

Not having to move awaiting-trial prisoners would lessen congestion in courts and the possibility of escapes.

Omar said the video-conferencing facilities could also be used for management meetings and training, saving transport and accommodation costs. Changes were being made to the court system, which would result in improved management.

Modern information technology resources were being installed in all 13 attorneys-general offices. Jutastat, a system of recording court decisions on compact disc, would be used to speed access to records and to make preparation for cases and decisions more efficient.

There was no evidence showing a fall in the rate of convictions, Omar added. The conviction rate since 1994 had been about 74%, and there was no reason to believe the 1997/98 statistics would show a drop.

► More reports

ARC 6/5/98
**Plan to
release
jail kids
doused
by Omar**

CLIVE SAWYER
POLITICAL CORRESPONDENT

Justice Minister Dullah Omar has poured cold water on Correctional Services Minister Sipo Mzimela's promise that unsentenced children will be released from jails on May 10.

The contradictory statements of the Cabinet colleagues came during a National Council of Provinces debate on the three criminal justice ministries: justice, safety and security, and correctional services.

Dr Mzimela, in his opening remarks, said that all unsentenced minors would be released from jails by May 10.

This was in terms of changes to the law enacted last year, which required them to be released into alternative care

Their custody would become the responsibility of his colleagues in the welfare and justice ministries, Dr Mzimela said.

But at the close of the debate, by which time Dr Mzimela had left Parliament for a doctor's appointment, Mr Omar said practical problems stood in the way of the children being released.

"The situation is that until secure care facilities are available, such children will have to be kept in prison."

Mr Omar said there was an unfortunately large number of children who had been involved in serious crimes including murder, rape, hijacking and serious robberies.

There had been examples of such children being freed and re-arrested for similar offences.

"While we need to ensure children are not kept in prison unnecessarily, it is the duty of the Government to protect people."

Mr Omar said that trials would be speeded up, and children kept separately from adults.

"It is totally unrealistic to expect that by May 10 children will be released," he said.

Awaiting-trial juveniles will not be freed onto the streets

By CATHY POWERS

Awaiting-trial teenagers will not be arbitrarily dumped on the streets next week after legislation governing their imprisonment is reviewed, government officials said yesterday.

Three years ago there was chaos when about 700 unsentenced children were released - some of them onto the streets because of a lack of facilities - after an amendment to the Correctional Services Act came into effect. Many turned to

crime and others were left to fend for themselves.

There would not be a repeat, said Lesley du Toit, manager of the interministerial committee on young people at risk.

This is contrary to a public perception that from May 10 all awaiting-trial children held in prisons would be released despite alternative detention facilities being incomplete.

Du Toit said the roughly 1 000 unsentenced children between 14 and 18 would remain in prison until alternative faci-

lities were completed.

"There will continue to be children awaiting trial but we want to minimise the risk of children in prison," she said.

"From May 10 the Department of Welfare takes responsibility to provide support services to these children," she said.

The confusion arose when section 29 of the Correctional Services Act, which provides for the imprisonment of children awaiting trial came up for its annual review on May 1, according to Justice Department

spokesman Paul Setsetse.

Concern arose after reports that the secure-care facilities would not be ready by the time the law came up for review.

Section 29 would be scrapped and new legislation drafted by the department, Setsetse said. Children would still be kept in prison, but separately from adults.

There are 77 awaiting-trial juveniles in Gauteng prisons.

Another 675 were in alternative facilities by March, according to welfare officials.

Shon 7/5/98 (222) (278)



Let prisoners smoke dagga – prisons chief

Head of committee deplores Sitole's contention
that the drug makes inmates less troublesome

BY CLIVE SAWYER
Independent Parliamentary Bureau

Commissioner of Correctional Services Khulekani Sitole has sparked a political firestorm by saying that dagga should be decriminalised in prisons because it helped keep prisoners passive.

Sitole made the remarks during a meeting of the National Council of Provinces (NCOP) security and justice committee yesterday.

He told members that prisons where dagga was smoked were less troublesome than jails where clampdowns were attempted.

There was no way that the Department of Correctional Services could prevent the use of dagga in prisons.

In one particular prison

where dagga use had been cracked down on, there had been more trouble than before.

His remarks infuriated committee chairman Mohseen Moosa, an ANC delegate from Gauteng.

Moosa forbade discussion in the committee on the point raised by Sitole, saying he hoped it did not reflect the official view of the Department of Correctional Services.

It was the duty of the department to rehabilitate its prisoners and not produce drug addicts, Moosa said.

In comments during this week's criminal justice debate in the NCOP, Moosa said Sitole's remarks seemed to show there was a problem with the level of seriousness with which some officials undertook the task at hand.

"The primary responsibility of the department is rehabilitation and ensuring that people who come through its system leave as better and more productive citizens."

It was unfortunate that a senior member of the department could make such remarks, said Moosa. He hoped that such comments would be avoided in future.

Rosier de Ville, a Freedom Front delegate from Mpumalanga, asked whether Correctional Services Minister Sipo Mzimela shared his commissioner's views, and wondered what Mzimela's comments were on the fact that warders turned a blind eye to the consumption of dagga.

Attempts yesterday to reach Sitole to explain his views were fruitless.

Awaiting-trial youngsters 'won't be turned loose on the streets'

ARGUS CORRESPONDENT

Johannesburg - Awaiting-trial teenagers will not be dumped arbitrarily on the streets next week after legislation governing their imprisonment is reviewed, Government officials have confirmed here

Three years ago, there was chaos when about 700 unsentenced children were released - some of them on to the streets because of a lack of facilities - after an amendment to the Correctional Services Act. Many turned to crime and others were left to fend for themselves.

There would not be a repetition next week, said Lesley du Toit, man-

ager of the inter-ministerial committee on young people at risk

This is contrary to the impression that from May 10 all awaiting-trial children held in prisons will be released, even though alternative detention facilities are incomplete.

Ms Du Toit said the roughly 1 000 unsentenced children aged between 14 and 18 would remain in prison until alternative detention centres - the secure care facilities - were completed in all provinces.

"There will continue to be children awaiting trial in prison, but we want to minimise the risk of children in prison," said Ms Du Toit.

"From May 10, the Department of Welfare takes responsibility to pro-

vide support services to awaiting-trial children in prison."

The confusion arose when Section 29 of the Correctional Services Act, which provided for the imprisonment of children awaiting trial, came up for its annual review on May 1, said justice department spokesman Paul Setsetse. Concern also arose after reports that the secure care facilities would not be completed by the time the legislation came up for review.

Section 29 would be scrapped and new legislation drafted by the Department of Justice, said Mr Setsetse. Children would still be kept in prison, but separately from adults.

"The idea is to get children in court as speedily as possible," he said.

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(253)

Jail chiefs daga daga Row over proposal to keep prisoners

CLIVE SAWYER
POLITICAL CORRESPONDENT

Commissioner of Prisons Khutulekani Sitole has sparked a political firestorm by saying daga should be decriminalised in prisons because it helped keep prisoners passive.

Mr Sitole made the remarks during a meeting of the National Council of Provinces security and justice committee.

He told members prisons where daga was smoked were less troublesome than jails where clampdowns were attempted.

There was no way that the Department of Correctional Services could prevent the use of daga in prisons, he said. In one prison where daga use had been cracked down on, there had been more trouble than before.

His remarks infuriated committee chairman Mohseen Moosa, an African National Congress delegate from Gauteng.

Mr Moosa forbade discussion in the committee on the point raised by Mr Sitole, saying he hoped it did not reflect the official view of the department.

It was the duty of the department to rehabilitate prisoners and not produce drug addicts, Mr Moosa told the Cape Argus.

In comments during this week's criminal justice debate in the NCOP, Mr Moosa said Mr Sitole's remarks seemed to show there was a problem with the level of seriousness

with which some officials approached the task at hand.

"The primary responsibility of the department is rehabilitation, and to ensure that people who come through its system leave that system as better and more productive citizens of the country," he said.

Mr Sitole said today his remarks had been intended to convey the realities and influence which daga had in prisons.

He said it was not the policy of his depart-

ARG 7/5/98

passive

ment to allow prisoners to smoke daga because it remained a criminal offence and the department had no intention of changing this policy. But because it would be impossible to rid society of daga, it would in the same manner be impossible to rid prisons of daga. Against this background and because of the delicate implications attached to the situation, "I made mention of the fact that the problem could be better dealt with if daga becomes decriminalised".

The Star **Indy** May 8 1998

Pre-trial prisoner figures have doubled

Placing the onus on bail applicants has added to South Africa's jail population

By **CATHY POWERS**

Placing the onus on suspects to demonstrate why they should be released on bail had directly affected the awaiting trial prison population.

The amendment, which came into effect in September 1995, has contributed to the increased population, which has more than doubled over the past four years, according to Michelle Baird, director of the Bureau of Justice Assistance. A parliamentary report by Jasper Noeth, Director-General of Justice, released this week in a briefing to the National Council of Provinces' select committee on security, said the number of awaiting-trial prisoners had increased from 18 000 to 43 000 with very few violent offenders being granted bail.

But Baird said: "Legislation won't be able to distinguish between serious criminals and minor offenders. "The new legislation does not give the court the reliable information that PTS does."

The bail administration pilot project, pre-trial services (PTS), which was begun in the Mitchell's Plain Magistrates' Court last year and is now operating in Johannesburg and Durban, emphasises the efficiency of the administration of bail.

PTS provides courts with a record of the suspect's previous convictions or pending charges.

Baird says the amendments to the bail legislation are only one factor

contributing to the overcrowded prisons. Before 1995 people were not as likely to be arrested for common crimes because the focus was on political crimes. Now the focus has changed, she says.

In Gauteng alone, according to the Department of Correctional Services, there were 15 274 awaiting-trial prisoners - up from 14 630 in January this year. Gauteng prisons are holding 65% more prisoners than they should.

Prisons countrywide are holding 43% more prisoners than they can accommodate, according to the Bureau of Justice Assistance. In January this year 30% of the total prison population comprised unsentenced prisoners and more than 20 000 people were granted bail.

UNSENTENCED PRISONERS IN GAUTENG

January 1995	7 449
January 1996	9 368
January 1997	11 271
January 1998	15 017
March 1998	15 274



Since the scrapping of detention without trial four years ago, the issue of bail in the South African justice system has come to the fore.

With the new constitution the rights of the accused had to be balanced with the risk to public safety, Baird said.

A new amendment which was supposed to come into effect on April 1 this year would introduce a new category of serious crime and make it even more difficult for suspects to obtain bail.

The court had to deny bail in these circumstances unless there were exceptional circumstances, which the suspect had to prove, according to Ron Paschke of the Bureau of Justice Assistance.

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Madiba lights up ex-convicts' hearts as new factory opens

(253)

R30-m US boost for radio firm

NORMAN JOSEPH
STAFF REPORTER

APR 8/5/98

Out on parole and in a job which

gave him the chance to meet President Mandela, William Francis is looking forward to a second chance at life, back in his community.

Mr Francis shook hands with Mr Mandela yesterday in Montague Gardens when the president officially opened the Baygen Power Group factory which employs and empowers former offenders

The factory, which produces wind-up torches and radios, is run jointly by the Liberty Life Foundation and the National Institute for the Prevention of Crime and Rehabilitation of Offenders

Mr Francis, 39, of Mitchell's Plain, who is married with three young children, has five of 18 months on parole left before he can relax after a seven-year jail term for housebreaking

Mr Francis said he was eager to start afresh with his new-found skill "This company has nothing

against me or people like me. I feel proud to be here, especially after meeting with Mr Mandela."

After executing his famous Madiba jive to the tune of *Viva Mandela* sung by company workers, Mr Mandela said: "With 10 000 prisoners being released from prison each month, successful reintegration is a burning necessity

"If they are rejected by potential employers and the rest of society, reintegration is made much harder

"Many return to crime or become dependent on the charity of others. Stable employment can break this cycle."

Western Cape police commissioner Leon Wessels pledged his support for the company which employed, trained and reintegrated former convicts into society

He said he was very impressed with the constructive programmes to rehabilitate people

The project would contribute towards normalising society, said the president, and it was good to see people being rehabilitated



On-the-spot demo: Florida Erasmus shows guests how a wind-up torch works

ED WEST
DEPUTY BUSINESS EDITOR

The BayGen Power Group, a Cape Town company which makes and sells wind-up radios and torches, has landed another giant investor as a shareholder, the Washington-based WorldSpace Corporation.

WorldSpace plans to deliver news, information and entertainment to 46 billion people by the turn of the century through a new satellite-based digital audio broadcasting system

The corporation bought a 10% stake for R30-million yesterday because it believed the company's radios could be used by consumers to receive WorldSpace's services all over the developing world

BayGen says the R30-million will be used to expand the company before it lists on the Johannesburg Stock Exchange in the next two years. Last year, US group General Electric P&P Lion Trust bought a 30% stake

CAPE ARGUS, FRIDAY, MAY 8, 1998



OBED ZILWA

Meeting on the 'outside': former Beirut hostage Terry Warte meets former prisoner President Mandela at the BayGen factory opening



THE LIGHT: Baygen Power Group's production director Purcell Lakey, demonstrates wind-up torch to President Nelson Mandela.

PICTURE: BENNY GOOL

Ex-prisoner project hailed

CT 8/5/98

ROGER FRIEDMAN

(293)

PRESIDENT Nelson Mandela yesterday hailed South Africa's first business enterprise dedicated to the empowerment, employment and reintegration into society of former criminals and their families and abused women as just the type of creative strategy required to rebuild the nation's soul

The groundbreaking project has been funded jointly by the Baygen Power Group — which holds the international rights to wind-up, battery-free radios, torches and other devices — and one of its major shareholders, the Liberty Life Foundation

A 49% share of the operation, which trades as Reintegration Employment Concerns, has been donated to Nicro (the National Institute for Crime Prevention and the Reintegration of Offenders), and 25% to a workers' trust. The workforce will ultimately total 100.

"With 10 000 prisoners being released each month, successful reintegration is a burning necessity," Mandela said. "If they are rejected by potential employers and the rest of society, reintegration into society is made that much harder. Many return to crime or become dependent on the charity of others. Stable employment can break this cycle."

By bringing together business and Nicro, the project had opened the way to finding "lasting, genuine and creative solutions which help chip away at the mountain of challenges we face." It helped bring the disadvantaged into the economy, and would boost SA exports and so strengthen the economy, Mandela said.

One of the guests at the opening, Mr Terry Waite, the former Church of England envoy who was held hostage in Lebanon for five years, said the project was "in a sense a microcosm of precisely what is needed in South Africa: investment, employment, production that is ecologically sound and rehabilitation for those who have fallen foul of the law."

Other important guests at the occasion were Baygen (international) non-executive director Lynda, Baroness Chalker, Body Shop boss Mr Gordon Roddick, and Mr Noah Samara, chairperson of WorldSpace Corporation, which on Wednesday became the latest big-spending member of the Nelson Mandela Children's Fund President's Club.

● See Business Report

Juvenile offenders a Welfare case

THE Minister of Correctional Services Dr Sipo Mzimela said in his budget vote in the National Assembly yesterday that the media had incorrectly reported that unsentenced children held in prisons throughout the country would be released next week when the legislation providing for their detention expired.

He had, in fact, said the responsibility for child and juvenile offenders would fall on the Department of Welfare from May 10, he said.

Mzimela said his department wanted to see an end to the detention of unsentenced children in prisons — which he described as a “diabolic act” — until proper accommodation was found. CT 8/5/93

The Correctional Services Act of 1959 would be re-drafted and would be tabled in Parliament soon.

He said that when the act was passed by Parliament South Africa would join the community of civilised nations.

Mr Douglas Gibson, of the Democratic Party, said the minister had handled the issue wrongly and had caused the trouble in the first place with “his irresponsible release of young persons from prison”. — Parliamentary Bureau

'The thing I long to hear is my parents scolding'

GARY VAN DYK
Special Correspondent

"There's one thing I long to hear - the sound of my parents scolding because I didn't do the dishes"

"I would love to hear a dog bark. I'll give you some advice, make the best of your freedom - God gave you freedom, don't let a judge take it away"

A month ago the writer of these words had no idea that he could put his feelings on paper. The only alter natives in his life had led to crime.

Luckily Eric (not his real name) has been part of a unique project at Pollsmoor prison for awaiting-trial youths in the past month.

Boys are taking part in workshops including drama, visual art, music and dance, video literacy, youth advocacy and personal development, organised by B4 (before), an organisation that operates under the auspices of a group known as Creative Education with Youth in Trouble, or Cred.

Cred works towards the rehabilitation of young offenders by networking with various community-based artists, youth workers and non government organisations.

Riaan Rheeder of the Department of Correctional Services, who heads the B4 section of the prison where the boys being are held, said his staff had been concerned about having no programme for the children and there being no formal activities except videos and a few kerem boards.

"Sometimes we have more than 150 boys here and once the few games have been dished out there is nothing for the others to do."

"During this pilot project there has been a marked difference and there have been a lot fewer fights."

Michael Wentworth, one of the project facilitators, said the motivation for this approach to fighting crime was linked to creative education, and that the arts were vital to



Stepping out: Lindi Mkhona of Gugulethu takes awaiting trial juveniles through their paces in KwaVaino dancing as part of the B4 project

Intellectual development.

"Many youths in prison feel they have been neglected and forgotten and lose all hope for their future."

"Apart from exposing them to various disciplines in the cultural arts we have also introduced many skilled and creative people from the community to act as inspiration and role models," he said.

Walking around the B4 section it was easy to see the transformation taking place. It hummed with activity as the boys prepared for a festival of their new experiences.

In a corner a group of writers were huddled together with a facilitator, reading their poetry and essays.

The sound of penny whistles and recorders strummed above the rhythm of a goema drum as the musicians worked through kwelela live sounds.

Colourful scenes jumped out of the work of youths in an art class. Dance is another important activity.

The project is supported by Dutch development agencies Kinderen in de Knieel and Kinder Postzegels, but Mr Wentworth said South Africans were needed to sustain it.

The section urgently needs games, sporting equipment, musical instruments and art supplies.

Riaan Rheeder, the head of the section, can be contacted at 700 1234.

For information about the B4 project telephone Mr Wentworth or Valda Lucas at 47 1999 or 47 5339, office hours



Listen up, a goema drum keeps rhythm for this group of young Pollsmoor musicians

Millions earmarked to build awaiting-trial facilities for kids

ELYNIS UNDERHILL

The Department of Social Services in the Western Cape plans to spend millions of rands building a new care facility for children awaiting trial for violent crimes.

The department intends demolish the Rosendal House at Faure and building a new facility on the site. But work has not yet begun as the

department has only recently earmarked R2,8-million for the project, and is depending on R4-million from the Department of Welfare and Population Development.

Melanie Kelly of the Western Cape's social services department said there had been "severe budget cuts", which had prevented the department from providing running costs for a secure-care facility

'No mass exodus' of youths from jail

Mzimela statement 'misleading'

ELYNIS UNDERHILL

Special Writer

Correctional Services Minister Sipo Mzimela is at the centre of a row over the anticipated release of hundreds of unsentenced children from jail on Sunday.

Various roleplayers yesterday hit out at Dr Mzimela for "misleading" people by announcing that 1 400 awaiting-trial juveniles would be released on May 10.

The Western Cape Social Services Department has also come under fire from Child Welfare head Alan Jackson, who accused it of botching the planned release of 300 unsentenced children.

"They have known for 2 1/2 years the children were to be released from prison on May 10, but little progress has been made."

However, Mr Jackson congratulated Justice Minister Dullah Omar

for ensuring that, in the absence of facilities, children awaiting trial for serious offences would remain imprisoned.

Had these children been released, they would have been a danger to the public and to their own well-being, he said.

Confusion began when Dr Mzimela claimed in Parliament this week that prison doors would be opened for unsentenced children this weekend when the Department of Welfare and Population Development assumed responsibility for them.

His spokesman, Bert Slabbert, told the Cape Argus he was still seeking clarity on the issue.

But Melanie Kelly, Western Cape Social Services Department manager of Project Go, which was set up to transform the child and youth care system in South Africa, said yesterday there would be no mass exodus of juveniles from prison on Sunday.

Child inmates to stay until facilities built

ELYNIS UNDERHILL

Special Writer

Unsentenced children will remain in prison until suitable secure care facilities are built, says Correctional Services Minister Sipo Mzimela.

But the responsibility for unsentenced children would move from his ministry to the Department of Welfare on May 10, the day changes to the

Correctional Services Act come into effect.

"We will continue to house unsentenced children until proper housing is found for them."

Speaking in his budget debate in the National Assembly, Dr Mzimela said efforts were being made to find a suitable candidate to be South Africa's first inspecting judge of prisons. It had been hoped to find a

Millions earmarked to build awaiting-trial facilities for kids

ELYNIS UNDERHILL

Miss Kelly is the Western Cape manager of Project Go, established to fast-track the transformation of the child and youth care system.

"We are now going all out to put up the new secure-care building, which should be ready in a year and a half," she said.

Rosendal House would then take 80 boys charged with "schedule 2" serious offences like murder or rape

Few of the provinces were ready to take children awaiting trial from prisons as they did not have secure-care facilities available, as had happened in the Western Cape.

Room would be found in places of safety for 70 to 80 children awaiting trial for non-violent crimes, she said.

An extra 30 beds would be opened at Bonnytown place of safety in Wynberg for children awaiting trial.

day there would be no mass exodus of juveniles from prison on Sunday.

The provincial department planned to release up to 50 children awaiting trial for non-violent crimes into places of safety over the next few days, she said. Juveniles awaiting trial for non-violent crimes would be released when places of safety had been upgraded.

Miss Kelly said children awaiting trial for violent crimes would be kept in jail until Rosendal House at Faure had been rebuilt with secure care facilities to accommodate them.

"We will not have a repeat of the unco-ordinated release of awaiting trial children, as we did in 1995."

"Unfortunately, as a result of the confusion around what Dr Mzimela said, everybody now thinks the unsentenced children will be released on Sunday, which is not the case," said Miss Kelly.

able woman candidate, but none had been willing to take the job.

The judge's post, set up by legislation approved some time ago, will have free access to all institutions controlled by the Department of Correctional Services.

He repeated earlier calls to the judiciary to consider community supervision for offenders to ease the burden on overcrowded prisons

Millions earmarked to build awaiting-trial facilities for kids

ELYNIS UNDERHILL

"Bonnytown has one of the lowest abandonment rates, and is one of the more secure facilities," she said.

The Lindelani home in Stellenbosch would be upgraded to take 60 more children awaiting trial.

Forty-nine children escaped from Sykakhatala home in Stellenbosch and Bonnytown in Wynberg after they were released from prison by proclamation in 1995

Plea for provincial prison powers

(253) B08/5/98

David Greybe

CAPE TOWN — If government wanted to beat crime, it should give provinces greater powers to deal with crime and build prisons, the Inkatha Freedom Party (IFP) said yesterday.

Speaking during the correctional services budget vote in Parliament, the IFP's Sybil Seaton called for "a provincial competency in correctional services".

This would mean appointing correctional services MECs and greater powers for provincial commissioners, Seaton said later.

Provinces should be responsible for administering all but serious criminal matters "such as murder, rape, armed robbery and economic fraud". They should also decide how many prisons to build.

The National Party and the Democratic Party did not support Correctional Services Minister Sipo Mzimela's budget vote of R4.4bn — up 30% from last year — but the African National Congress (ANC) and IFP did.

Gert Oosthuizen of the NP accused Mzimela of lacking transparency and accountability in his dealings with cabinet colleagues such as Justice Minister Dullah Omar and Welfare Minister Geraldine Fraser-Moleketi, as well as the correctional services portfolio committee and his own party's study group, on the issue of juvenile awaiting-trial prisoners.

Douglas Gibson of the DP said the time had come for Mzimela to be "diplomatically removed". He has become a liability to his party, and he is not doing an effective job as a minister.

Mzimela said the media had wrongly reported that he had said all-awaiting trial children would be released on Sunday.

"Let me make it clear," he said. "No child will be released onto the streets unconditionally on Sunday." What would actually happen was that the welfare department would take over responsibility for awaiting trial children, but the children would be released only when "proper and alternative ac-

commodation has been found".

Sapa reports that President Nelson Mandela said in Cape Town yesterday that with 10 000 prisoners being released from SA prisons each month their successful reintegration into society was a burning necessity.

Opening a factory that employs former prisoners, relatives of jailed breadwinners and abused women, he said that if ex-prisoners were rejected by employers and society, reintegration into society would be that much harder.

Mandela said the Baygen factory was a model of partnership between government and business. With the equity shared by the National Institute for Crime Prevention and Reintegration of Offenders, a workers' trust, the Liberty Life Foundation and Baygen, the project extended profit sharing to the workers at the same time as providing training.

Correctional services said yesterday a C-max section was being built for 100 prisoners at Helderstrom prison near Caledon.

No bail - go directly to jail

Unsentenced inmates can be incarcerated for five years or more, adding to the overcrowding

By JACKIE CAMERON



SARDINE STYLE. Awaiting-trial prisoners packed in at Pretoria Local prison

Photograph: ANDY KATZ

A 36-year-old Soweto father of four has cost taxpayers R24 000 - because he cannot pay his bail of R400

This man has spent two years behind bars waiting for his trial to start, despite a court decision that he should be released into society.

He shares a cell, equipped with a toilet and shower, with more than 50 men at Pretoria Local prison.

He worked as a mechanic but lost his job, and his wife, when he was arrested for allegedly killing a man in a fight over a girlfriend. His relatives are supporting his children and cannot afford to help him.

Also at this prison, a 39-year-old Sothangwe man is desperately hoping that his hawket wife will be able to save the R400 for his bail. Taxpayers have forked out more than R2 500 to feed and keep him sheltered at this prison since February.

He was a waiter at a Pretoria restaurant when he was allegedly

caught attempting to defraud his employer of R8 000

"My wife cannot afford to visit me. She has to work on the streets so that we can feed our children. I want to get out of here. I've been sick since I got here. There are 37 people in the cell, and there's very little food," he said.

As an overworked police service tries to keep up criminal investigations swiftly, and the equally stretched courts sometimes take more than five years to bring criminals to book, prisons are bursting at the seams.

Pretoria Local prison has three times the number of prisoners it was designed to house. This means one warder is responsible for guarding 50 prisoners, Pretoria Local head Johannes Makgoba said.

Men share mattresses and grubby bedding in many of the cramped cells. Toilets, which are not private, are overworked and rundown, and there are queues for the shower. The prison was designed for 2 216 prisoners but currently houses

4 700. This is 218% over capacity.

"The staff hasn't doubled. They're allocated according to the official capacity of the prison. The shortage of staff obviously contributes to the security risks. Our escape rate here is low. Prisoners also fight. Overcrowding is a huge problem and we cannot do anything about it. Most of our prisoners are unsentenced."

"We never know how many we are getting from the courts. We cannot refuse prisoners. I try to send sentenced prisoners elsewhere to make room for the new ones coming in."

South Africa has the world's second highest prison population, per capita, after the US, Department of Correctional Services spokesman Barry Eksteen says. New jails are being built, but are not expected to be sufficient to cope with the mushrooming number of prisoners.

SA Human Rights Commissioner Helen Suzman is fighting for the improvement of prison conditions, and recently visited "People's Poet" Mzwakhe Mkhuli, who described con-

ditions at Pretoria Local prison as "deplorable". He was moved to this prison after a hunger strike at Pretoria Maximum Security prison.

"C-Max is a pretty bad prison, well beyond the conditions set by the United Nations. Conditions are worse at Pretoria Local. The overcrowding is not the fault of the Department of Correctional Services, the justice system can't cope," Suzman says.

"Unsentenced prisoners have fewer privileges than sentenced ones. They can only receive visitors on Mondays, Wednesdays and Fridays in normal office hours. Most prisoners are from working-class families, so their visitors have to give up a day's work, and sometimes pay, to go to the prison."

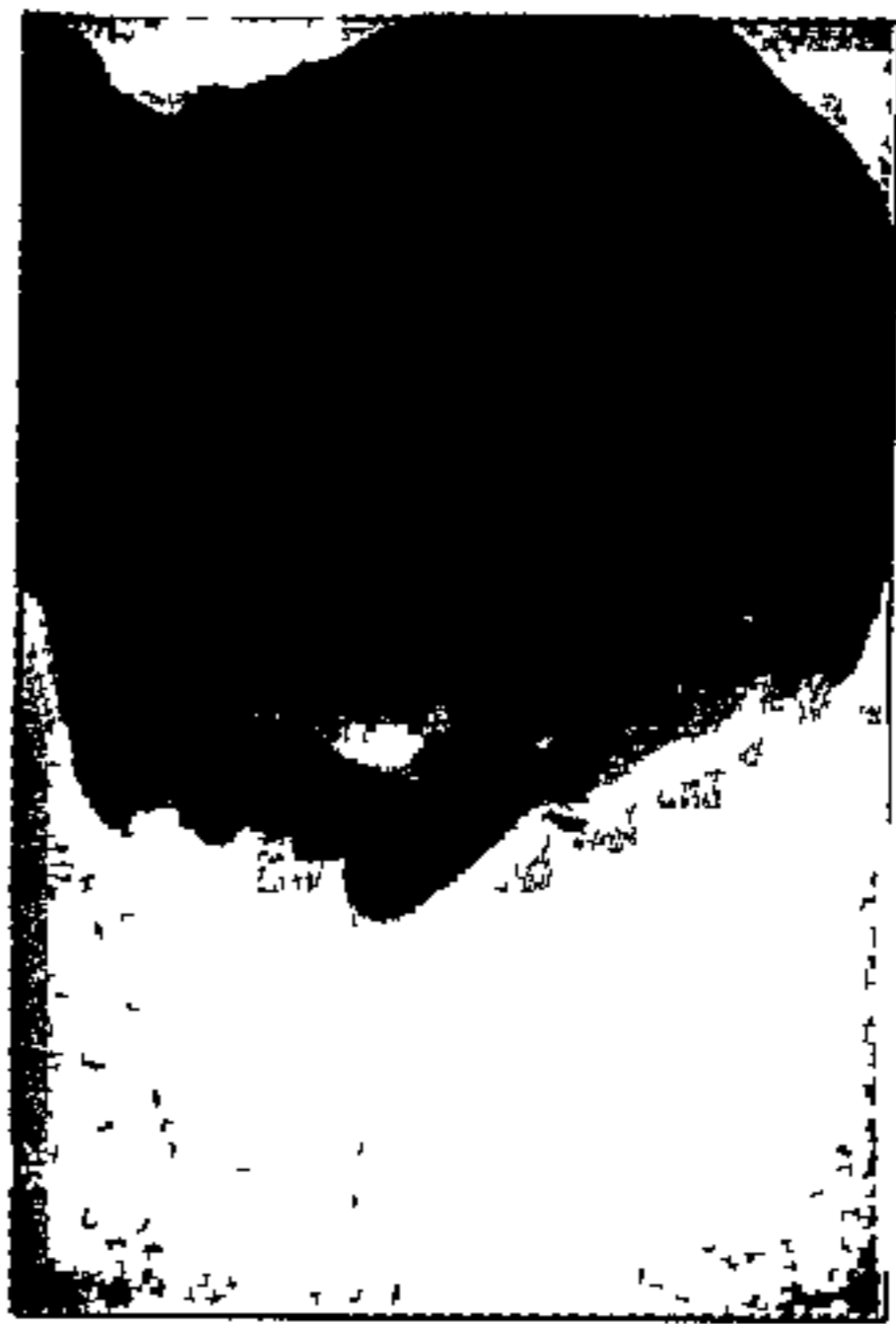
Suzman adds: "It's all very well to deal with the crime situation with laws that tighten up bail and parole. That pleases the public, but the situation needs to be dealt with at the receiving end. Unsentenced prisoners are not guilty - it's too bad they get the worst part of the deal."

From the ashes of destruction - healing

Forced removals and traumatic childhoods determined the futures of MK cadres

BY CHARLENE SMITH

The Solomon Mahlangu unit was Unkikonto vesizwe's most elite and most successful unit. Without exception, the childhoods of the unit's members influenced the course they would take as adults and members of MK.



ABOOBAKER ISMAIL: Regrets the civilian deaths and casualties caused by the Church Street bomb

Shank, who now lives a quiet life as a businessman in the KwaZulu Natal town of Kingsburgh, was recruited into MK in 1982 and for five years was one of its bravest and most successful operatives. From 1988 to 1993 he was responsible for the storage and distribution of weapons inside South Africa.

While the average "Jitespan" of an MK unit operating in South Africa was six to eight months before they got killed, were arrested or were recalled across the borders, Shank, working alone, went undetected, only revealing his role at the TRC in Pretoria this week. He survived for so long precisely because he was on his own.

It was a tight and highly disciplined unit. Although it had a pruned view of not attacking civilian targets, operatives in the field were ultimately left to make their own assessments, according to evidence.

Shank was the Soweto uprising on June 16 1976, and after a brief detention during which he was severely beaten, he left the country and went into exile.

He sees his attack as part of a war, in which he belonged to a military force doing its job, and the "so-called enemy" got the better of him.

Clarence was a fighter controller who directed air force missions with the help of radar.

He concentrated on teaching aerodynamics and air defence, which had always been part of his work.

He is reserved and intensely loyal, particularly to Aboobaker Ismail, the man who would become his military commander, and who was a childhood friend.

Shank also does not appear to have suffered the private distress some unit members experienced at having to testify before the TRC.

In one instance, however, extensive reconnaissance of the Mobil refinery in Durban by Ismail and his unit "showed that although it was possible to attack this target, it could endanger the lives of the civilian population living in the area in the event of a vapour cloud explosion".

He led the operations against Sasol 1 and Sasol 2 in 1979, which were among the most significant ANC military attacks - and where there was no loss of life.

Clarence was a fighter controller who directed air force missions with the help of radar.

He was too busy getting back on his feet and learning to "get to the bathroom without falling over a toilet" in "one huge boy scout adventure".

Clarence married a woman he had "vaguely known" for years after a romance developed during her visits to him in hospital.

For the crack unit's head, Aboobaker Ismail, it was the political involvement of his parents that had a profound impact on him.

Ismail stated that attacks on the Arnott and Camden power stations and the transformer station north of Pretoria on the Cahora Bassa line were "not carried out on the spur of the moment or on a whim of a particular individual, but were based on months of careful preparations".

Ismail added that during high school he travelled from Vrededorp to school in Lesaia. "Daily we passed through Soweto and I asked myself why we lived in different areas to African people."

Under Ismail, special-operations-trained units carried out attacks on the SA Air Force headquarters in Pretoria in May 1988, the Church Street bomb, which led to 19 people, including 11 military personnel, being killed, and other incidents such as the attack on the Voortrekkerhoogte military base.

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In the words of Ismail, codename Rashid, it "was designed for maximum-impact attacks which would simultaneously inspire the oppressed while weakening the regime and the country's economic base through directed strikes against strategic economic and military targets as well as enemy personnel".

Ismail was the successful bombers, who preferred to work alone

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NEVILLE CLARENCE: "It was a rewarding experience meeting Aboobaker. We were both apprehensive and I could read so many subconscious things in our handshake. There was so much sincerity and willingness to put this behind us."

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BY PETIA KROST

Neville Clarence praises 'humane' ANC conduct during liberation war



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Overcrowded

Star 9/5/98 (253)

We pay R5-million a month to keep prisons

By JACKIE CAMERON

He's 17 and his dad won't pay R500 for bail to get him out of Pretoria Local prison. He has been there for more than six months. His stay in jail has already cost the taxpayer more than R16 000, and he hasn't even pleaded to the charges in court.

This teenager is among the thousands of unsentenced prisoners who are clogging jails nationwide because they are unable to pay small bail amounts - at a staggering cost in Gauteng alone it's costing more than R5-million a month.

The costs to the taxpayer of the flailing justice system are rapidly mounting: the R1-billion spent on feeding and housing awaiting trial prisoners in jails nationwide every year is enough to pay the annual salaries of the entire Western Cape or KwaZulu Natal police service.

More than one-third of the 15 500 awaiting trial prisoners in Gauteng should not even be behind bars - the courts released them from custody on small bail amounts - but they cannot scrape together cash to get out of the system.

The prison population has increased by

50% over the past two years and seems set to continue mushrooming. Dire overcrowding means that the constitutional right to human dignity is being flouted.

In a bid to alleviate the shocking conditions in many local jails, the SA Human Rights Commission is to lobby the Department of Justice and judicial officers to review the cases of all unsentenced prisoners who have not been able to pay bail.

They are also poised to challenge the regulations which effectively give unsentenced prisoners fewer rights than sentenced ones; for example, unsentenced

prisoners may only receive visitors during working days, and they cannot study.

SAHRC commissioner Jody Kollapen told the *Saturday Star* that the Commission would appeal to judicial officers and the Department of Justice "to either release on warning or reduce bail where appropriate in the case of people who have been unable to pay their bail."

"Bail amounts of R500 and less do not serve as a deterrent if someone wants to abscond. It's problematic to keep people in custody who, because of poverty, are unable to pay bail," he said.

There are some 45 000 people, of the total 145 000 prison population, currently awaiting trial in jails around the country. We are not saying that all 6 500 prisoners in Gauteng who cannot pay bail should be set free. We are saying that there must be some sort of judicial review. The courts should inquire why crime suspects have not paid bail," said Kollapen.

"The prison system is falling apart. The buildings are not being maintained and toilets and showers are not working."

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■ FROM PAGE 1

"The Correctional Services Department staff are demoralised, and cannot cope with the overcrowding. Prison heads say planning is impossible because they receive no notification from courts about the number of prisoners who will be arriving at the end of each day."

The Department of Correctional Services says at least 1 100 prisoners have been waiting behind bars for more than two years.

Most (1 063) are awaiting trial in the Western Cape, which indicates that the wheels of justice have turned more slowly in this province than any other.

Gauteng has the highest number of unsentenced prisoners, 15 541, followed by KwaZulu Natal with 7 826, and the Eastern Cape with 5 238. The Western Cape is next on the list with 4 979 unsentenced prisoners.

Human Rights Commissioner Helen Suzman appealed this week to the Department of Correctional Services to revamp

its policy on visitors. "The prisons are terribly overcrowded. It's a bad situation and it will be made worse with the toughening up of bail conditions and the tougher new parole system."

"We need to find solutions to the crime problem, but more than just the toughening up of bail and parole. Those kind of things might satiate the public."

"The crime situation needs to be addressed at the punitive end. We need more accommodation for prisoners."

A spokesman for the Ministry of Justice, Paul Setsetse, said: "The new pre-trial bail programme, which includes a bail officer who investigates the circumstances of an accused, is aimed at providing magis-

trates with thorough information to help them make decisions.

"This system has been implemented in Cape Town and has already helped to alleviate the burden at Pollsmoor prison. It has started in Johannesburg and, this week, in Durban. We are continually working on improving the system."

Magistrates this week told the *Saturday Star* that dropping bail for people suspected of committing less serious offences would not alleviate the problems in the courts or the prisons.

They also warned that it was only a question of time before a provision in the Criminal Procedure Act, which would compel the state to financially compensate people who have spent an unreasonable amount of time awaiting their trial, was tested by an aggrieved "accused".

Tony Levitt, spokesman for the Association of Regional Magistrates of South Africa, said: "The courts are functioning at less than 50% capacity. We need to speed up trials."

"A lot of problems add up to the delays; for example, forensic evidence and fingerprints take a long time to process, and we wait for a long time to receive the criminal record of an offender."

"Labour issues also contribute to the problems. In Durban, for example, trials have been delayed because of the sporadic strike action by police orderlies."

Experienced magistrates and prosecutors have also resigned after being wooed to the private sector by better pay.

Lawyers for Human Rights spokesman Dr Vinodh Jaichand said he supported proposals that low bail amounts should be dropped altogether.

"We need to find more cost-effective ways of dealing with the crime and justice problems. Everything the state proposes seems to demand large sums of money. They're not translated into reality because of financial constraints."

The courts are operating at less than 50 percent of their capacity

Counting the cost of SA's bail system

Awaiting-trial prisoners 'should not be behind bars'

JACKIE CAMERON

He's 17 and his father won't pay the R500 bail to get him out of Pretoria Local prison. His six-month stay in jail has already cost the taxpayer more than R16 000, and he hasn't even pleaded to the charges against him in court

The teenager is among the thousands of unsentenced prisoners who are clogging jails nationwide because they are unable to pay their bail

The cost to South Africa's prison system is staggering. Gauteng spends more than R5-million a month to keep the awaiting-trial prisoners in jail, while the Western Cape spends R5,3-million a month

The costs to the taxpayer of the failing justice system are rapidly mounting. The R1-billion spent on feeding and housing awaiting-trial prisoners in jails nationwide every year is enough to pay the annual salaries of the entire Western Cape or KwaZulu Natal police service.

More than one-third of the 15 500 awaiting-trial prisoners in Gauteng should not even be behind bars - the courts released them from custody

on small bail amounts - but they could not scrape together cash to get out of the system

The prison population has increased by 50% over the last two years and seems set to continue growing. The subsequent overcrowding means that the constitutional right to human dignity is being flouted

In an attempt to alleviate the conditions in many local jails, the SA Human Rights Commission (SAHRC) is to lobby the Department of Justice and judicial officers to review the cases of all unsentenced prisoners who have not been able to pay bail

They are also poised to challenge the regulations that effectively give unsentenced prisoners fewer rights than sentenced ones; for example, unsentenced prisoners may only receive visitors on working days and they cannot study

SAHRC commissioner Jody Kollapen said that the commission would appeal to judicial officers and the Justice Department "to either release on warning or reduce bail where appropriate in the case of people who have been unable to pay their bail"

"Bail amounts of R500 and less do not serve as a deterrent if someone wants to abscond. It's problematic to keep people in custody who, because of poverty, are unable to pay bail," he said

More than 45 000 of the total 145 000 prison population are prisoners awaiting trial

More than 15 500 of those awaiting trial are found in Gauteng prisons - and about 6 500 are behind bars because they cannot scrape together enough cash to pay the relatively small bail amounts.

"It costs R5-million per month just to pay for awaiting-trial prisoners in Gauteng who have been granted bail but haven't been able to pay.

"These people should not be behind bars, and taxpayers should not be having to pay for them," Mr Kollapen said

"If you grant someone bail of R100, you may as well release the person on his or her own recognisance. It is financially and legally illogical to keep them behind bars. It's the poor who can't afford these bail amounts

"We are not saying that all 6 500 prisoners in Gauteng who cannot pay bail should be set free. We are saying that there must be some sort

of judicial review. The courts should inquire why crime suspects have not paid bail.

"The prison system is falling apart. The buildings are not being maintained and toilets and showers are not working

"The Correctional Services Department staff are demoralised, and cannot cope with the overcrowding

"Prison heads say that planning is impossible because they receive no notification from courts about the number of prisoners who will be arriving at the end of each day"

Statistics released by the Department of Correctional Services reveal at least 1 100 unsentenced prisoners have been waiting behind bars for more than two years

Most of these prisoners (1 063) are awaiting trial in the Western Cape, which indicates that the wheels of justice have turned more slowly in this province than any other

Gauteng has the highest number of unsentenced prisoners, 15 541, followed by KwaZulu Natal, 7 826, and then the Eastern Cape, 5 238

The Western Cape is next on the list with 4 979 unsentenced prisoners.

ARG 9/5/98

(293)



FIGHTING Helen Suzman

OWN CORRESPONDENT

Johannesburg – A 36-year-old Soweto father of four has cost taxpayers R54 000 – because he cannot pay his bail of R400

The man has spent two years behind bars waiting for his trial to begin, despite a court decision to grant him bail. He shares a cell, equipped only with a toilet and shower, with more than 50 men at the Pretoria Local prison.

He lost his job and his wife when he was arrested for allegedly killing a man in a fight over a girlfriend. His relatives are supporting his children, but cannot afford to help him.

A fellow inmate, a 39-year-old man from Soshanguve, is desperately hoping that his hawker wife will be able to save the R400 needed to pay his bail. Taxpayers have already forked out more than R2 500 to keep him in prison since February.

The man earned his living as a waiter at a Pretoria restaurant until he was allegedly caught trying to defraud his employer of R8 000.

"My wife cannot afford to visit me. She has to work on the streets so that we can feed our children. I've been sick since I got here. There are 37 people in the cell, and there's very little food," he said.

As an overworked police service struggles to tie up criminal investigations swiftly and the equally overworked courts take up to five years to bring criminals to book, prisons are bursting at the seams.

Suzman to keep a 'beady eye' on SA's bursting prisons

(253)

AKG 9/5/98

The Pretoria Local prison has more than twice the number of prisoners it was designed to accommodate. It currently houses 4 780 prisoners, 218% over the official capacity of 2 216, according to prison head Johannes Makgoba.

Men share mattresses and grubby bedding in many of the cramped cells. The toilets are overworked and run down, and the prisoners have to queue for the shower.

One warder is responsible for guarding 50 prisoners, said Mr Makgoba.

"The staff hasn't doubled. They're allocated according to the official capacity of the prison. The shortage of staff obviously contributes to security risks. But our escape rate here is low," said Mr Makgoba.

"Overcrowding is a huge problem and we cannot do anything about it. Most of our prisoners are unsentenced.

"We never know how many we are getting from the courts. We cannot refuse prisoners. I try to send sentenced prisoners elsewhere to try and make room for the new ones coming in," he said.

South Africa has the world's second highest prison population per capita after the United States, according to Barry Eksteen, a spokesman for the Department of Correctional Services.

He said new jails were being built, but were not expected to cope with the mushrooming number of prisoners.

Helen Suzman, a SA Human Rights Commissioner, is fighting for the improvement of prison conditions, and recently visited "People's Poet" Mzwake Mbuli, who described conditions at Pretoria Local prison as "deplorable". He was moved to the prison following a hunger strike at Pretoria Maximum Security prison.

"C-Max is a pretty bad prison, well beyond the conditions set by the United Nations. The conditions are worse at Pretoria Local. The overcrowding is not the fault of the Department of Correctional Services; the justice system can't cope," said Mrs Suzman.

"Unsentenced prisoners can only receive visitors on Mondays, Wednesdays and Fridays in normal office hours. Most prisoners come from working-class families, so their visitors have to give up a day's work, and sometimes pay, to visit to the prison."

Mrs Suzman said "It's all very well dealing with the crime situation with laws that tighten up bail and parole, that pleases the public. But the situation needs to be dealt with at the receiving end. Unsentenced prisoners are not guilty. It's too bad they get the worst part of the deal."

The Department of Correctional Services told Mrs Suzman that their hands were tied, so she plans to "go to higher authorities".

"We will visit Mbuli again to let the authorities know we've got our beady eye on the problem," she said.

Super-jail for gangs

100 most dangerous criminals in Cape to be incarcerated in new maximum security prison

AYESHA ISMAIL

(2/13)

ST (CM) 10/5/98

ters

security prison

CAPE gang leaders who commit violent crimes will find themselves in the Cape's first C-Max prison, where they will be held in solitary confinement for 23 hours a day, enjoying "only the essential minimum human rights as enshrined in the Constitution"

Correctional Services spokesman Eddie Claasen said a section of Helderstroom's maximum security prison would be converted and upgraded into a C-Max prison

"It is specifically designed for violent and disruptive prisoners, dangerous gangsters, drug dealers, prisoners who have killed fellow prisoners, warders and policemen, fugitives, and prisoners who have been classified as dangerous in terms of the Criminal Procedure Act," Claasen said

Thirty highly trained warders will look after about 100 high-risk prisoners who will be housed at Helderstroom

The announcement came as Justice Minister Dullah Omar promised to introduce the "toughest legislation yet proposed by this government" to crack down on gangs and other forms of organised crime

The Organised Crime Bill, which he hoped to steer through Parliament this year, would make it an offence to participate in any organisation that had committed serious offences, Omar said in a statement on Thursday

Claasen said a project team was inspecting the prison to get the C-Max section ready before the end of the year

C-Max prisoners are kept in harsh conditions, which include

- Solitary confinement for 23 out of 24 hours,
- Cell lights being kept on day and night,
- Iron grills above the cells which are patrolled by armed guards,
- No television viewing; and
- No smoking

Claasen said that at present prisoners were committing senseless acts of violence against warders, and escapees attacked members of the community

"It is as a result of this and the fact that a more violent type of criminal is at present being held in prisons that it had become necessary to establish a C-Max project in the Western Cape," Claasen said

Strict criteria will apply for transferring a prisoner to a C-Max

"Our commitment to preventing crime and protecting the community against extremely dangerous criminals is being demonstrated by building a C-Max in the Western Cape," Claasen said

Human Rights Commissioner Jody Kollapen said his organisation was keen to visit Helderstroom's C-Max once it is ready

He expressed concern about the 23 hours solitary confinement for C-Max prisoners

"Total idleness and no human contact can cause serious damage to the prisoners. I ask the question did the authorities not go a bit too far in dealing with the concerns of the community? My answer is yes. C-Max goes way beyond dealing with those legitimate concerns," Kollapen said

Legal flaw keeps children in jail

CHILDREN awaiting trial were not moved from prisons yesterday as envisaged. Welfare and Population Development Minister Ms Geraldine Fraser-Moleketi said.

However, over the next few weeks all young people awaiting trial in prisons and police cells and not charged with serious offences would be transferred to appropriate programmes and facilities, she said.

Fraser-Moleketi said the Cabinet remained committed to the view that prisons were not for children.

But because of a flaw in Section 29 of the Criminal Procedures Act, children were not transferred out of prisons yesterday and nothing would change immediately with regard to the status of children awaiting trial in prisons.

Section 29 would be repealed as soon as alternative legislation was in place, Fraser-Moleketi said.

An estimated 1 200 children over

14 years and under 18 were currently awaiting trial in prisons under section 29.

Fifty-five percent of these young people had not been charged with serious offences and could be transferred as soon as appropriate welfare programmes or facilities that were available, Fraser-Moleketi said.

The other 45 percent were young people more likely to be transferred to secure care facilities, or other appropriate residential care facilities.

Until such time that children awaiting trial were no longer held in prisons, the Ministry of Welfare would assume greater responsibility for services and support to them.

Over the past four months, through the "fast-tracking" Project Go, more than 200 awaiting-trial children had been moved out of prisons to residential care facilities, she said. - Sapa.

South African 11/5/98



Crammed jails 'may hit inmates' rights'

POLITICAL CORRESPONDENT (253)

Correctional Services Minister Sipo Mzimela has conceded some prisoners' human rights may be infringed by bad conditions and overcrowding in jails.

He was replying to questions in the National Council of Provinces by James Selfe, a Democratic Party delegate from the Western Cape

Mr Selfe asked whether the conditions under which prisoners were

kept were in accordance with the constitution and whether any prisoners had said they were considering legal action on the issue

Dr Mzimela said although efforts were made to ensure all inmates were detained in accordance with the constitution, deficient infrastructure and serious overpopulation in prison might hamper this.

He had not received any representations about possible legal action

Replying to other questions by Mr

Selfe, Dr Mzimela announced that he intended privatising two prisons - the Ekuseni and Baviaanspoort youth development centres

Dr Mzimela said that in privatising prisons, tender processes and procedures which applied to the acquisition of services by the state would be followed

Potential bidders had been asked to submit proposals for the financing, design, construction and operation of correctional facilities

DP's voluntary police service bill for House

(259) AAG 13/5/98
POLITICAL CORRESPONDENT

A draft law proposed by Democratic Party MP Douglas Gibson to enable people to do voluntary national service in the police is expected to be formally introduced in Parliament soon.

The committee on private members' legislation earlier gave the go-ahead for Mr Gibson's Police Services Amendment Bill to enter the parliamentary process

The DP yesterday released proposals to reprioritise police spending and to use law enforcement resources more efficiently

The proposals are to be forwarded to Safety and Security Minister Sydney Mufamadi and police chief executive Meyer Kahn.

DP believed there were seven "open doors" in the criminal justice system through which criminals could move without fear of the consequences

One of these was poorly managed and under-resourced policing. The problem was not just that there were too few police.

"We have inadequate training; lack of equipment and an excessive allocation of officers to jobs other than crime-fighting"

Strike by warders at Leeuwkop Prison is over

By GILL GIFFORD
Crime Reporter

A wildcat strike by union members calling for the removal of Leeuwkop Medium C Prison head Sam Gomba ended yesterday afternoon after warders had blocked food deliveries to the prison for two days.

The strike, which started at about 7am on Tuesday, intensified yesterday when warders took to stoning prison officials' cars and blocked bread and milk deliveries.

Between 25 and 30 members of the Police and Prisons Civil Rights Union (Popcru) on Tuesday demanded that Gomba be removed from his post, and spontaneously embarked on a work stoppage.

Department of Correctional Services spokesman Rudi Potgieter said Popcru members employed at

Leeuwkop, in Midrand, managed to get hold of duplicate keys and locked warders, who refused to join the strike, in a prison yard.

"Later in the day, other warders with keys, who were not part of the strike, managed to release the trapped warders, who were set free in time to serve prisoners their breakfast," Potgieter said.

The striking Popcru members were met by area manager Rams Ramaboa on Tuesday afternoon but no resolution was reached.

The strikers continued their actions yesterday by blocking the prison entrance. More warders joined the protest and locked the entrance to Leeuwkop.

"Prisoners called us from inside and said the gates are locked, no food is going in, all visits have been stopped, and people needing medical treatment have not been

seen to. It is unacceptable to have prisoners suffering because they are caught in the middle of an internal warders' grievance," said South African Prisons Organisation for Human Rights spokesman Golden Miles Bhudu.

Popcru Gauteng secretary James Makapane said the strike ended late yesterday afternoon after members met with Gauteng correctional services commissioner Patrick Gillingham.

"It was decided that the strike would end, pending the outcome of an investigation into Gomba's appointment. We are happy with this assurance," Makapane said.

Popcru members were not satisfied with Gomba's appointment last year because, they claim, the post was not advertised and Leeuwkop staff were not given a fair chance to apply for the position.

Star 14/5/98

'No more room for prisoners in jails'

David Greybe

CAPE TOWN — No more prisoners would be allowed into SA's already full jails from the end of next month, the correctional services department told Parliament yesterday.

Chief deputy commissioner Steven Korabie blamed the police and the justice system, particularly the courts, for the crisis in SA's jails. Sloppy police investigative work led to cases being re-manded which resulted in awaiting-trial inmates clogging the country's 243 jails — built to house 96 000 inmates but bursting at the seams with 146 000, Korabie told the correctional services portfolio committee.

Awaiting-trial inmates accounted for 40 000 of the total. It was costing the state R3,5m a day to house the 50 000 overpopulation.

Added to this was a prison staff shortfall of 6 000 and it was clear the department was operating in a management crisis mode which put the lives of both staff and inmates at risk.

"The police do not do their work. The courts do not do their work. A majority of inmates that go to court are not found guilty." The shortage of magistrates and prosecutors made the problem worse and the criminal justice system had to be overhauled.

"In a month-and-a-half's time we will tell the police and the courts that we will not allow any more inmates in our prisons," Korabie declared. "We will close our prison doors."

Before whisking "nonserious" suspects to jail, police should be compelled to investigate cases thoroughly. Based on current building and extension plans, 14 388 extra prison beds

would be available by 2001. However, he cautioned: "We will never be able to build our way out of this (overcrowding) situation." The department was dealing with the symptoms of problems, instead of the root causes. More education was needed at the primary level such as schools and the home.

Korabie said it was time government considered granting amnesty to petty criminals. Inkatha Freedom Party committee member Hemanthkumar Neeraho supported the call, but said to prevent a "media fuss" over the issue the department should draft a proposal for the committee's approval, which could then be taken to the cabinet.

Korabie said being drunk, urinating in the street or stealing a bicycle were among petty crimes. Petty offenders were often unable to pay even R50 bail and ended up in custody for months

INDEPENDENT PRESS

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Commission slams jail conditions

Sowetan 15/5/98 (253)

By Khangale Makhado

CONDITIONS at the Pretoria Local Prison, where overcrowding is estimated at 220 percent, raise serious doubts about whether human dignity can be maintained there.

This observation was made by the South African Human Rights Commission (SAHRC) after a visit to the prison by commissioners Mrs. Helen Suzman and Mr Jody Kollapen on Wednesday.

In a statement released yesterday the SAHRC said it was shocked to discover that although the holding capacity of the prison was 2 276, there were 4 800 inmates in the cells.

The prison has in the past weeks been in the spotlight after allegations that warders were assaulting prisoners. Correctional Services officials have also complained of understaffing, saying it is difficult for a handful of warders, especially at weekends, to maintain law and order.

"It is clear to us from the visit, our observations and inspection as well as random discussions with prisoners and prison management, that the situation in this prison is totally unsatis-

factory and that no prisoner should be held under the type of conditions we observed.

"It was highly likely that the criminal justice system will generate more custodial awaiting-trialists in the coming months. This scenario will simply exacerbate an already hopeless situation and the consequences could be catastrophic," SAHRC spokesman Mr John Mojapelo said.

Other observations were that

- Most cells meant for 28 to 30 people held between 50 and 55

- Cells had a single toilet, a urinal and a shower for two people

- Most toilets were not in proper working order, many of the showers were totally inoperative and in most cells no hot water was available

- Numerous allegations of serious assaults on prisoners were made by Mzwakhe Mbuli, who has details in his possession of the victims and alleged perpetrators

- That there were no social work, psychological services and study facilities for unsentenced prisoners

The SAHRC has recommended that the Correctional Services and Public Works ministries should repair the facilities.

Prison vastly overcrowded, rights commission finds (253)

11/15/98

Kevin O'Grady

PRETORIA's prison was overcrowded by 220% and almost 4 000 of its 4 800 inmates were awaiting trial, rather than sentenced, prisoners, an investigation by the SA Human Rights Commission found this week

Commission spokesman John Mojapelo said commissioners Helen Suzman and Jody Kollapen visited the prison and found that 3 924 prisoners were awaiting trial. The 876 sentenced prisoners, who were held in a different section, were also awaiting trial on other charges

Mojapelo said the prison's holding capacity was 2 276, which translated into an overcrowding statistic of 220%. This affected living space for prisoners, as well as other facilities such as toilets, showers, kitchen and dining facilities, blankets and utensils

"It is clear to us from the visit, our observations and inspection, as well as random discussions with prisoners and prison management, that the situation in this prison is totally unsatisfactory," Suzman and Kollapen said

The commissioners found that most cells held between 50 and 55 prisoners, though

they were designed for between 28 and 30 people. Each cell had a single toilet, a urinal and a shower capable of accommodating two people

"Most of the toilets were not in proper working order, many of the showers were totally inoperative and, in the majority of the cells we visited, there was no hot water available," the commissioners said

There were also insufficient beds in all cells and, in many instances, three inmates shared two beds

The commissioners also visited "people's poet" Mzwakhe Mbuli, who is awaiting trial on charges of armed robbery. They said he made "numerous allegations of serious assaults on prisoners by warders"

Mojapelo said the commission recommended that the correctional services and public works departments "take urgent steps to restore the prison to a state of good repair" and that an independent SA Police Service investigation be appointed into Mbuli's allegations

It also suggested that the justice department review the cases of suspects who had been granted bail but who remained in custody

Awaiting trial Prison jam

(2/57)
ET 18/5/98

RONALD MORRIS
JUSTICE WRITER

MR PATRICK Tokwe, of Nyanga, has been in Pollsmoor Prison for two years. He has not been convicted of any crime, but is waiting for a court date. His alleged offence? Breaking into a car.

Tokwe is just one of thousands of awaiting-trial prisoners clogging up the system. Held on petty charges in some cases, they are unable to afford even a small amount for bail. They are held in overcrowded prisons as the justice system struggles to process the mass of people waiting for a trial.

Last week Mr Steven Korabie, deputy commissioner of the department of correctional services, bluntly told Parliament that no more prisoners would be allowed into jails from the end of June.

Korabie stated the police and the criminal justice system and said sloppy police work led to cases being postponed and resulted in awaiting-trial prisoners clogging the jails.

The country's jails, built to house 96 000 inmates, now hold 146 000, of which 40 000 are awaiting trial.

Korabie told the correctional services portfolio committee that the excess prison population was costing the state R3,5 million a day.

The *Cape Times* visited Pollsmoor to speak to some awaiting-trial prisoners.



STUCK: Emile Adams has been awaiting trial since January in the maximum security section at Pollsmoor Prison on charges of housebreaking and theft.

Tokwe said he was arrested on May 20, 1996. He said no trial date had been set yet and he had been refused bail. "I'm innocent. I have tried several times to make bail, but murder and robbery detectives claim I will not stand trial."

Mr Emile Adams is also in the cell. He has been awaiting trial on charges of housebreaking and theft since January this year.

Adams, 28, of Bridgetown, Athlone, has been granted bail of R300 but cannot pay it and his family, to teach him a lesson, is not prepared to help.

PICTURE KIM LUBBROOK

Mr Hoose Mayungu says he was arrested in June last year. It is alleged that he was a member of an emerald and diamond smuggling syndicate.

He was not granted bail and no complainant has come forward. Nor has a trial date been set. Mayungu says he is married, has a fixed address and cannot see why he has not been released.

With few warders to control the burgeoning prison population, the awaiting-trial prisoners spend most of their days crowded inside their cells.

● 'Who will guard the guards?' - See Page 11

TOO MANY PRISONERS, TOO FEW WARDERS

Who will guard the guardians?

ET 18/5/98

(257)

POLLSMOOR PRISON is one of many jails in the country wrestling with overcrowding. But now a pre-trial service is being introduced. Justice Writer **RONALD MORRIS** reports.

OVERCROWDING at Pollsmoor Prison has led to immense frustration among the awaiting-trial prisoners and to the assault, threatening and taunting of warders, of which there are too few.

The frustration is aggravated by awaiting-trial prisoners having only an hour of exercise a day.

In a corner of one cell is a single shower, enclosed with a flimsy curtain, and a single toilet. Privacy is a luxury.

Last Tuesday, there were 285 awaiting-trial prisoners in a section designed for 158.

Section C housed prisoners awaiting trial. It had to accept an

town. Some of them had to be moved daily to prevent them from conspiring to attack other gang members or warders.

Pagad members also had to be kept apart from the gangsters.

In this section, six warders had to deal with 300 prisoners — when there were no staff members off on sick leave. However, because of the high risk factor, the passages in this section were patrolled by two dog-handlers.

In one section, five warders could be responsible for 400 prisoners.

"A warder is often the doctor, psychologist, mother and father of a prisoner

some had to take sick leave to recover.

When they reported for duty they did not know what awaited them. Morale was very low and the stress levels high.

Mr Mario Kleyv, one of the dog-handlers, said being a warder also affected his social life because he had had to leave night clubs when he was recognised by one of his former charges.

"The prisoners threaten warders with knives, swear at them and taunt them. Should a prisoner attack a fellow inmate with a knife and the dog-handlers see this, they cannot set the dog on the aggressor because the prisoner would drop the knife. Should the handler not call the dog off he could face criminal charges," he said.

MIM LUDBROOK

Durham



separate them from the gangsters who often robbed them of money and clothes they received from visiting family members

Warder Mr. Freddie McKay said most of the awaiting-trial prisoners in Section C were there for petty crimes — two had been arrested on a charge of fraud and many illegal immigrants on criminal charges

Section D housed hardened criminals and members of the most notorious gangs in Cape

and also sees to it that he is fed, gets exercise and showers," McKay said

"Warders sometimes have to help a prisoner with money so that he can at least get in touch with his family. We want to move away from the old system of aggression. We believe in talking to prisoners and listening to them."

Warders worked a 12-day stretch with two days off. However, they did not get enough rest and

Friday morning, Section D was searched and three knives were seized, along with several blades, sharpened pieces of metal, dagga and pieces of electrical wire

The warders said contraband was often smuggled into the prison and knives were wrapped in toilet paper, covered in vaseline and inserted into prisoners' rec-tums so that the metal detectors at the entrances did not pick them up

POOR HAND: Nazoe Saile, of Belhar, who claims he has been awaiting trial for two years after his arrest on charges of murder, attempted murder and armed robbery, holds a deck of cards prisoners use.

The Department of Justice has already recognised the problem and has introduced a pre-trial service in which a thorough investigation — co-ordinated among police, prosecuting staff and justice officials — is made into a suspect's background

Fingerprints are taken when a



CROWDED HOUSE: Some of the prisoners in Section C of the maximum security section of Pollsmoor Prison at the steel gate to their cell

person is arrested and given to the local criminal records centre. A fingerprint expert then identifies the person — in case a false name has been used — and a criminal record is available within hours

If he/she has been arrested on a petty crime and cannot pay bail, the suspect is released on strict conditions with constant monitoring

Pre-trial services have been highly successful in Mitchells Plain, one of the busiest courts in the Peninsula, and are to be implemented in other centres, thereby reducing the overcrowding in jails



HIGH-RISK AREA: Dog handlers Mario Kleyn (back) and Andries Snyman patrol Section D of the maximum security section that houses gang members awaiting trial



ABLUTION BLOCK: An awaiting-trial prisoner near the single shower and toilet in a cell that is designed for 18 prisoners, but which, because of overcrowding, holds up to 40 people.

New image for improved Reaction Units

VUYO MNTUYEDWA

CT 21/5/98

THE country's 89 Reaction Units are to be renamed Emergency Support Teams, and to be restructured and retrained from the beginning of July until October, Deputy Director of Security, Hendrick Steyn, said at a meeting of the Portfolio Committee on Correctional Services yesterday.

Steyn said he was aware that some members of the units had in the past not complied with standards which led to deficiencies in their performances. Retraining would play a major role in changing that.

The units, he said, would deal with crisis situations such as riots and hostage-taking and to "stabilise situations".

There would be no women on the teams.

"Two representatives from each reaction unit will be trained as trainers. They will then retrain their own units during September/October 1998," he said.

The units are distributed as follows: Eastern Cape 19; Mpumalanga 14; Western Cape 13; Gauteng 11; KwaZulu-Natal 10; North West seven; Free State six, Northern Cape six, and Northern Province three.

Trade training for inmates

CT 21/5/98

(253)

PRISONERS are to be trained in trades to combat gangsterism and to benefit the department of Correctional Services and the community.


Frikkie Venter, the director of prison services, said this at the Correctional Services portfolio committee yesterday.

He said the objectives of prison labour were aimed at reintegrating inmates into the community, to combat idleness and to strive for self-sufficiency among the inmates.


Venter said that during the 1997/1998 financial year, the department generated R3 million by hiring out prison labour; R2m from prison workshops such as carpentry, welding and motor mechanics, and R1m from agricultural farms owned by the department.

He said improvements in prison labour would include hand-craft skills development and involving of communities for more job opportunities. — Parliamentary Bureau

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Shap's for snaps

by TERRY PORTER

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Redesign mooted for prisoner privilege system

VUYO MNTUYEDWA
PARLIAMENTARY BUREAU

A DRAFT proposal for the redesign of the privilege system for prisoners was presented to the Portfolio Committee on Correctional Services yesterday, aimed at ensuring a safe and disciplined environment for prisoners and warders.

Prison service director Frikkie Venter said a uniform privilege system had to be established to deal with overcrowding, the various privileges, categories of prisoners, abuse and misinterpretation of the current system and security risks.

The privileges deal with visits to inmates, purchases at tuckshops,

making telephone calls, the number of letters written or received, toiletries, stationary, money, private television, books and clothing.

He said the main aims of the proposed privilege system were to minimise the possibility of corruption, the inflow of unauthorised articles into prisons and to establish an effective privilege system.

"Depending on behaviour, an inmate may be promoted or demoted according to a set of criteria" to various privilege groups.

He said the proposals were sent to provincial commissioners, area managers, prison chiefs, trade unions and the Human Rights Commission for their contributions.

Govt firm on lease exploitation

ANDRE KOOPMAN
PARLIAMENTARY BUREAU

PUBLIC WORKS MINISTER Jeff Radebe warned yesterday that he would come down hard on private and public officials who exploit the government in lease agreements.

Speaking in the NCOP during his budget debate he said: "We are not going to be a money-making market for unscrupulous landlords and corrupt officials who end up smearing the name of the property sector and public service."

"The message we wish to send out is a simple one — the government will no longer be exploited in the area of lease agreements."

A specialised unit to combat fraud and corruption would be established in his department, Radebe said.

The unit would work with improved internal audit structures aimed at reducing waste, duplication, poor accounting and delayed payment procedures.

The initiative followed successful programmes introduced over the last two years which had led to revamping the department's leasing policy. An audit had revealed "enormous problems" with the leasing system.

New measures and controls at national level had resulted in significant improvements and savings to the state, Radebe said.

State land should be managed as a state asset in a way that allowed the government to identify and dispose of superfluous property that had become a liability. Sale of public land should be determined within the framework of the reconstruction and development of the country, Radebe said.

The impetus behind disposal of land

should not be short-term financial gain for the state, nor should it be speculative and irresponsible. "We will not act as a glorified estate agent with an eye on the commission we can make."

A number of steps had been taken to ensure that a major portfolio such as state property does not become subject to "knee-jerk policies aimed at the short-sighted alleviation of so-called provincial budget shortfalls". Provincial legislatures should be in no doubt that revenue from the sale of superfluous state assets should flow back to the central revenue fund according to normal procedures.

"Regardless of their physical location, state assets remain state assets, and any benefit that accrues from their sale or otherwise shall be determined by the state itself according to constitutional requirements."

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Proposals to curtail prisoners' privileges ⁽²⁵³⁾

David Greybe

CAPE TOWN— Prisoner privileges, including cash, food from outside and television, will be severely curtailed under proposals released yesterday by the correctional services department

The department told the parliamentary correctional services committee that the reason the privilege system was rewritten was that the current system, because of overcrowding, was abused and posed security risks

It said prisons housed "a more violent type of inmate" these days which meant a stricter prisoner privilege system was needed

Under the proposed system, no sentenced prisoners would be allowed to

own private television sets, watch M-Net, play TV games or receive any food from family, friends or relatives. Pets would not be allowed for certain prisoners and all prisoners would be allowed to own only battery-operated radios and cassette players. Prisoners also would not be allowed "nose rings" as they signified membership of one of the Western Cape gangs

The more dangerous prisoners' cash allowances would be cut by half and they would not be permitted to practise hobbies, wear jewellery or join prison choirs. Unsentenced prisoners would also face certain restrictions

Consultations with the Human Rights Commission, heads of prisons, unions, provincial commissioners and

the portfolio committee would be completed next month, director of prison services Frikke Venter said

The problems with gangs and the high incidence of corruption, including bribery, meant the present privilege system had "got out of hand", departmental spokesman Bert Slabbert said

Venter said the new system would ensure "a safe and disciplined environment" for prisoners and staff members

He said that by the end of the year the department hoped to introduce the first "cashless" prison in SA, based on the smart card

The portfolio committee said it would submit its comments on the document to the department after further discussion

BB 21/5/98

Prisoners — health workers to stage pickets

By Justice Mohale

HEALTH services will come to a standstill today at Johannesburg's Helen Joseph Hospital to protest against the proposal by the Correctional Services Ministry to have prisoners treated in public hospitals.

Health workers fear that the plan will impact on the safety of other patients and hospital staff.

Chairman of the Medical Advisory Committee at Helen Joseph Dr Martin Smith said workers would stage pickets outside the hospital's administration offices.

Smith said treating unguarded prisoners in open wards posed a serious threat to the security of health workers, other patients and visitors.

"The entire idea will lead to mass resignations of health workers and some will refuse to treat the prisoners," he argued.

The health workers demand that prisoners should not be treated in open wards; that there be some form of protection for other patients and staff; and that prisoner patients be accorded the right to confidentiality, privacy and decent health care.

Smith said if the Government failed to accede to their demands the workers would embark on extensive labour unrest.

"Ensure our safety and we will ensure the best medical care for those in need, ignore our objections and face further collapse of health provision at Helen Joseph," health workers stated in a petition they had prepared.

Spokesman for the Correctional Services Ministry Mr Russel Mamabolo said the official transfer of prisoners from private to public hospitals would start on July 1.

He said the Government had come under heavy criticism from the public for treating criminals in private hospitals.

"As a result, a decision was reached between Correctional Services, the South African Police Service, Public Works and the Health Ministry to transfer prisoners to public hospitals for medical attention to save taxpayers' money," explained Mamabolo.

The Democratic Party stated it wanted an assurance that prisoners only be treated in secure wards with adequate safeguards for staff and patients.

Sowetan 22/5/98

Victims' friends hand fresh Helderberg claims to TRC

(252) MFG 22-28/5/98
Ann Eveleth

A list of 30 former and current parastatal officials and employees who allegedly played a role in the Helderberg air disaster has been handed to the Truth and Reconciliation Commission.

Commission representative Christelle Terreblanche says the list came from the Friends of the Victims of the Helderberg, which has played a "large" role in the commission's decision to investigate the 1987 disaster, in which 159 people were killed.

The group has also presented the commission with new evidence about the crash, Terreblanche says. The commission intends to probe questions which remain unanswered more than 10 years after the South African Airways (SAA) flight crashed into the Indian Ocean.

In an appeal handed to the commission last July, the group claimed the crash was "cold-blooded murder". It blamed the former government's efforts to evade detection of its "regular conveyance of highly dangerous cargo, for some considerable period, over certain of SAA's European and Far East routes", in contravention of sanctions.

This theory has been supported by independent forensic scientist Dr David Klatzow, one of 11 people invited to appear before the truth commission's closed investigative inquiry from June 1 to June 3.

The truth commission's chief investigator, Dumisa Ntsebeza, says the inquiry will probe "aspects relating to the nature of the Helder-

berg's cargo and the three-year investigation that culminated in an inquiry by Judge Cecil Margo".

Margo's inquiry failed to establish the cause of a fire which broke out on the plane before the crash, but rejected allegations that the aircraft had carried secret cargo.

Friends of the Victims of the Helderberg says those named in its submission to the truth commission include 18 people "directly involved in the planning and execution" of the crash; seven who "voluntarily co-operated in the very extensive 'cover-up'" which followed; and five who were "not involved [but] were rapidly and cunningly put in place immediately after the crash".

A representative of the group who is a former SAA employee says management ignored his warnings nine days before the crash that the airline should cease its transportation of dangerous cargo.

He blames the Helderberg's failure to attempt an emergency landing when the flight encountered problems on fears that the cargo would be discovered by foreign aviation officials.

Ntsebeza says "former and current Armscor agents and members of subsidiaries" are among those invited to appear before the inquiry.

■ The Associated Families of the Rietbok Aircraft Tragedy asked the truth commission this week to explain its failure to institute a similar probe into the 1967 SAA *Rietbok* crash. The group said it had met truth commission investigators, but had received no response to its appeal.

Suffer until proven innocent

MAG 22-28/5/98

(253)

With a clogged-up justice system, prisons are bursting at the seams with remand inmates.

Angella Johnson
braves 'Sun City'

The first thing that hits you is the smell. It is the same in every prison: a rancid aroma of cleansing fluid, stale sweat, urine and more than a whiff of despair which clings to your senses long after you have left Johannesburg's overcrowded remand jail, 'Sun City'.

It is here that awaiting-trial inmates, including 1 071 juveniles, while away their time in cramped cells crumbling under the strain of housing more bodies than they were built to contain.

In one graffiti-covered ground floor cell designed for 20, some 55 people huddle together against the brisk morning air. It is 6:30am and prisoners are being rounded up for their court appearances.

"Thirty-five of us slept on beds last night," complains Peter Molepo, a rape suspect who has been on remand for 11 months. "The others had to make do with the concrete floor, and it was bitterly cold."

The battleship-grey metal bunk beds with their stained paper-thin mattresses are allocated on a first-come-first-served basis. The blankets are also in short supply. And they have not been washed for six months.

"Our laundry is broken and we can only air them in the sun at the moment," said an apologetic Flora Monama. She is head of operational services at the prison and appears sympathetic to prisoners griping about their ablution facilities.

"These men share one toilet, one shower and two handbasins, and it is the same in all the cells. Overcrowding is a problem even in the kitchens because we have only been allocated pots to cook for 2 500 and we have more than 6 000 locked up."

Monama encourages the inmates to air their grievances, and Molepo does not hesitate. "We are remand prisoners and therefore technically innocent under the law, yet we get worse treatment than sentenced convicts."

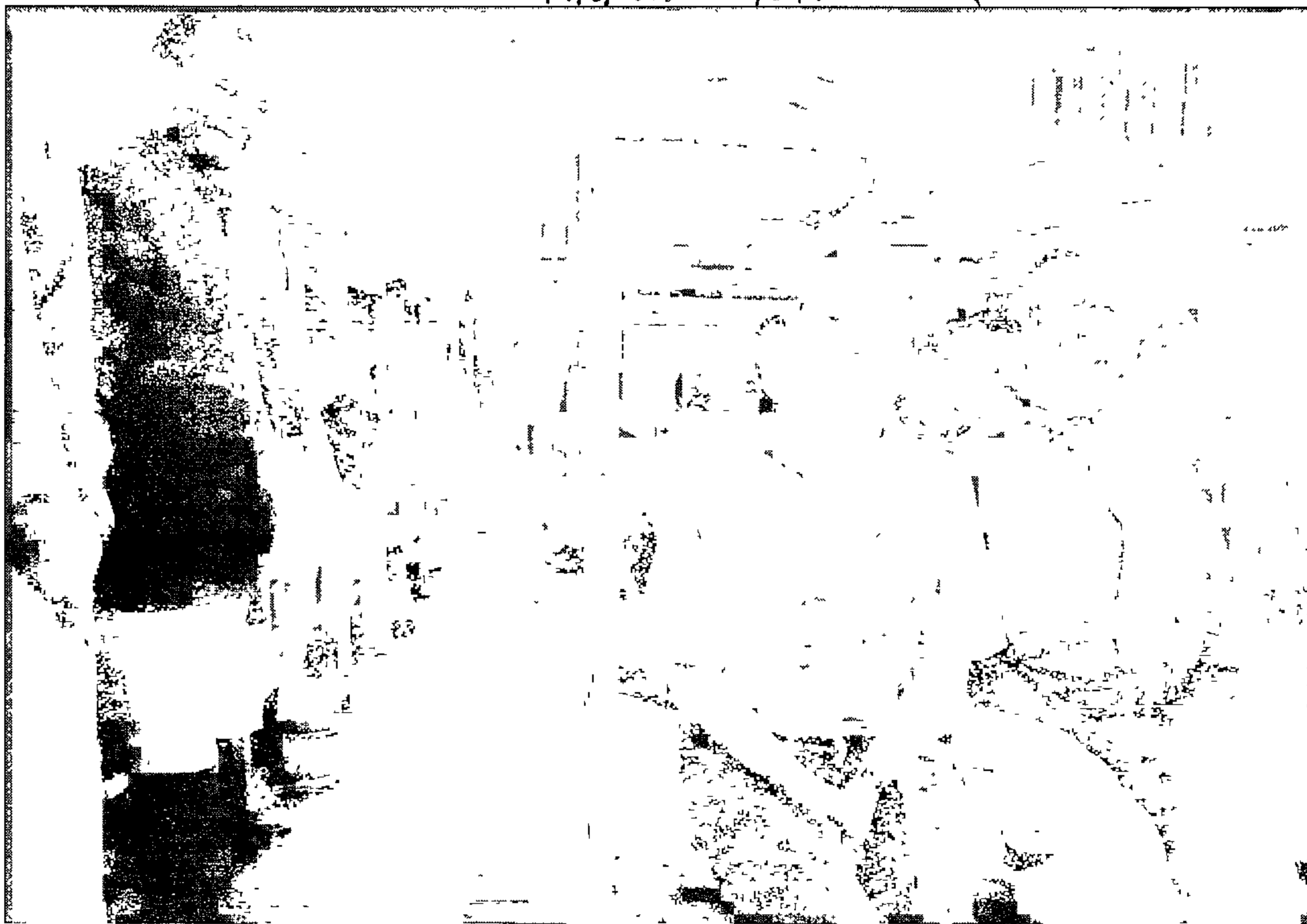
"If you really want to use the toilet and there's a queue, most of us end up pissing in the shower. We're not asking for luxury, but a civilised society doesn't treat untried people this way."

The man in the bunk next to him bemoans the removal of public telephones last October. Warders later explain that Telkom removed their equipment because it was habitually vandalised.

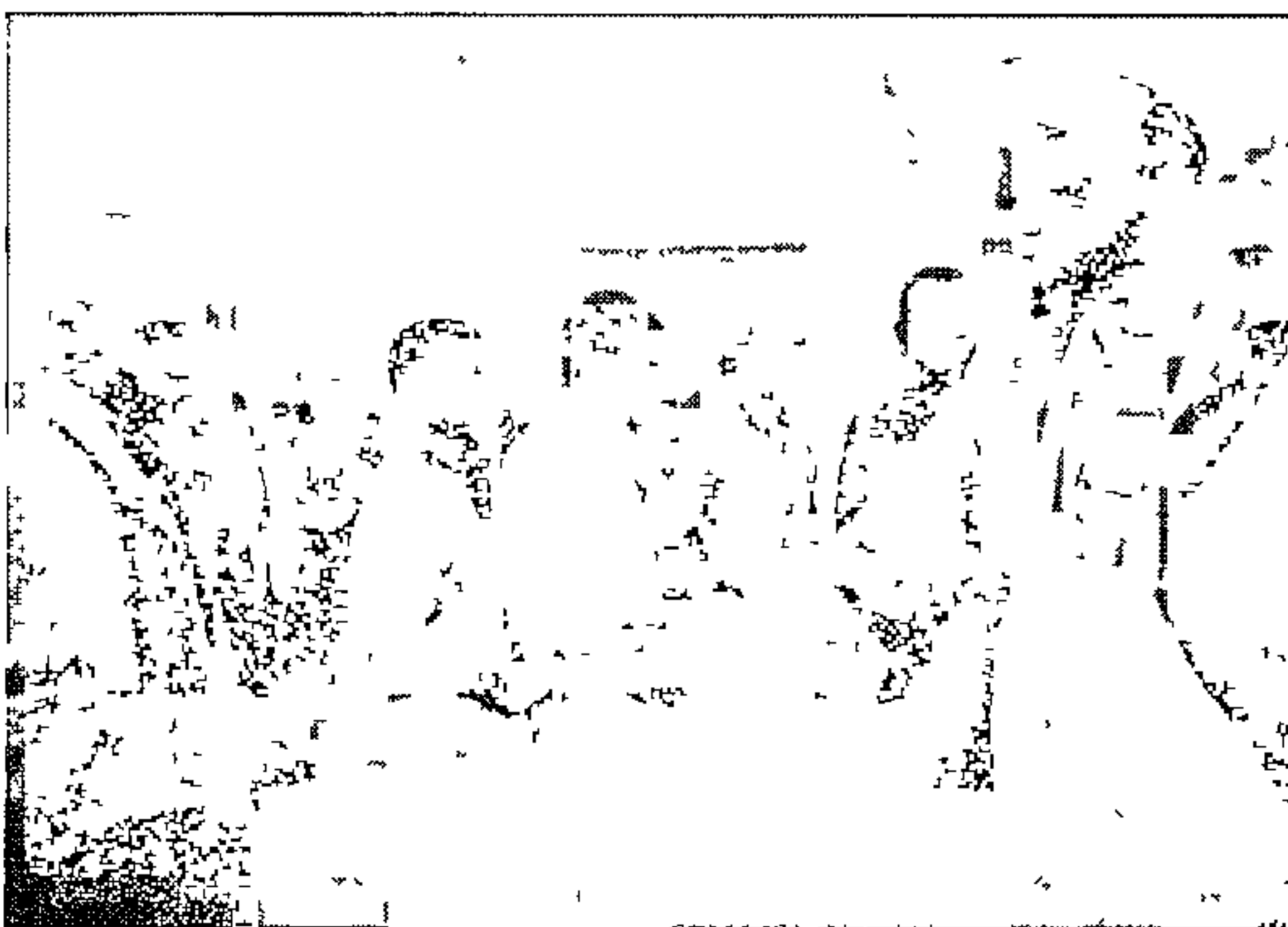
Another inmate holds up his hands to reveal festering rash-like sores creeping from his fingers. "I'm sure it's something I picked up here," he cries.

"We try to keep the place clean, but it's hard when you don't even have water during the day. Listen to the coughing. If one person catches a cold, we all get it."

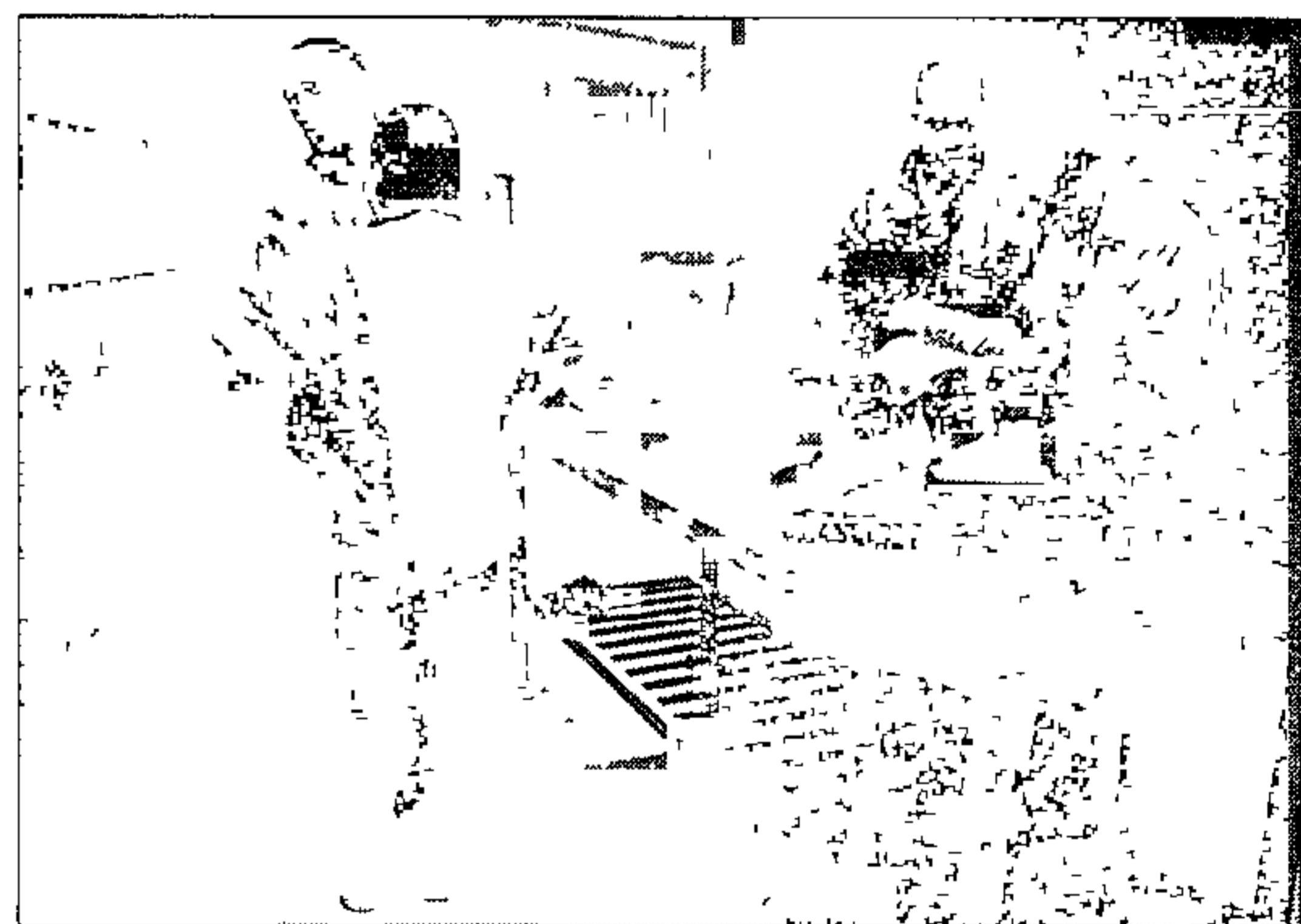
The head of the prison, Gregory Mhlathe, has warned of the possibility that a serious contagious disease could spread through the jail



Smiles for the camera: Beneath an upbeat veneer lurk fears that inmates could become so disaffected by the crowded conditions they could resort to rioting. PHOTOGRAPHS: RUTH MOTAU



Many mouths to feed: One man, in need of food and shelter, remained hidden in the prison for over a month.



In justice's antechamber: Although prisoners are searched and taken to court on a daily basis their trials are repeatedly delayed.

like wildfire. "We had an outbreak of chickenpox last year which hit several prisoners in a section and we were lucky to contain things by isolating those affected."

Mhlathe says another feared scenario is that inmates could become so disaffected by the conditions that they resort to rioting, or taking warders as hostages to highlight their plight. "It's a miracle we have not had anything terrible up to now."

Arguments like these have spurred the Department of Correctional Services to warn that a crisis is looming over many penal establishments battling with overcrowding — due largely to about 50 000 remand prisoners. More than half of them are awaiting trial for petty offences such as drunkenness, assault and urinating in the street. Some are first-time offenders, locked up because they cannot afford to pay bail of as little as R250.

"We want to highlight this problem because our members cannot

continue to work in such stressful conditions," says Erns Kriek, acting area manager for Johannesburg prisons. He believes it's not a question of building more prisons, but of finding other ways to punish minor offenders.

"We need programmes like a bail-bond agency where people can borrow the money needed, or electronic tagging [a form of computerised house arrest]," insists Kriek, whose cigarettes and address book are picked from his pocket as he tours the juvenile sector.

He adds his voice to those who want to see an overhaul in the judicial process to speed up cases, even if it means holding night courts.

As it is, remand prisoners can spend years clogging up the system. Taiwanese businessman Jordan Hsu has been waiting two years and two months for a trial. He is in for kidnapping a man who owed him R32 000 in illegal gambling debts.

Magistrates refused him bail

because he is not a South African citizen, but Hsu is a permanent resident with family and businesses in KwaZulu-Natal. "I'm not a hardened criminal," he grumbles. "They could just take my passport, then I wouldn't be able to leave the country."

He is not the longest awaiting-trial inmate at the Johannesburg jail. That title appears to be held by Mandla Magodla (32) and Wandile Tsandu (28), who have each notched up 31 months. They are alleged to have been part of a hijacking syndicate.

"We've been to court so many times we can't remember," says Tsandu. "They keep delaying because either the magistrate's not available, the cops are out of town, or the cases are still being investigated."

They have just learned that vital evidence against them has gone missing. Even if acquitted, they will still have served considerable time in custody.

Overcrowding means that the

prison's 342 staff members cannot properly control activities in the jail. Smuggling, drug use and other types of abuses go largely undetected.

It also makes it easy for people to get lost in the system. One man remained hidden (it was suggested he enjoyed the free food and shelter) for more than a month.

Inmates argue that another by-product of the congestion is widespread corruption among the prison's staff — and the authorities agree this is a problem.

According to a 46-year-old Sydenham man who is in for fraud, everything costs money. If you want a bed, it's R5, if you want a blanket, it's R5, if you want to make a phone call, it's another R5.

"When I came here two weeks ago, 46 of us were packed into a police van like sardines. I had this guy on my lap and he fainted twice because of the lack of oxygen," he says. "If they treated cattle like that, there would be a public outcry."

'Let me spy for you, Motshekga'

A US-linked consultant offered to advise on the premier's security, writes Stefaans Brümmer

A private security adviser this year made a bizarre proposal to spy on behalf of Gauteng Premier Mathole Motshekga

The *Mail & Guardian* is in possession of a draft contract between the premier's office and security consultant Bob Power — composed in consultation with Abel Rudman, frontman for military intelligence during the apartheid era

Motshekga this week claimed Rudman "is not my friend", but documentary evidence shows an evidently cosy relationship spanning several business ventures

Rudman's apartheid-era military work was exposed in 1991 when it was revealed that a newspaper he owned in Botswana was a front for the then South African Defence Force. Strangely, he claims to have been an African National Congress member since 1990

The *M&G* has a copy of a letter written by Power to Rudman on January 16 this year, four days before Motshekga's inauguration. It proposes services including "personal security" and "appropriate surveillance exercises and security input on circulation of confidential documents"

On January 27, Power submitted a draft contract between his consultancy, Power Corporate Consultants, and the premier's office. It listed services to be rendered to the premier, including "surveillance", "personal security", "investigations", and "discreet areas"

On January 24, Power wrote a confidential assessment on the premier to his Washington partner, Edward Badolato. A retired United States marine colonel still well connected in the US security establishment, Badolato is president of USAfricon, a private security and intelligence outfit that consults with US companies wanting to do business in Southern Africa. Power runs the local arm of USAfricon.

Power this week denied the contract with Motshekga's office was ever signed. But whether he performed the spying service or not, it could have led to a dangerous scenario: a South African premier bypassing official intelligence and police agencies and in the process exposing sensitive information to a private operator with strong foreign links.

Power and Rudman's relationship goes back to at least May last year, when Power wrote to Rudman proposing to consult on a resort development

planned by Rudman in Motshekga's home area of Modjadji. At about that time, Motshekga also became involved in the resort project.

Power this week told the *M&G* that his proposal to Motshekga, via Rudman, came as a result of his doing the assessment on Motshekga for Badolato. He says he contacted Rudman, whom he already knew from the Modjadji project — and whom he understood to be "a very close adviser" or "consultant" to Motshekga — to gather information for the assessment.

Power said Rudman asked him to make proposals on security for the new premier. "I was under the impression Abel [Rudman] was wanting to streamline things [for Motshekga's administration] through various committees. One of them would have been a security committee where from time to time they would need the services of a private security company."

Power made his written proposal to Rudman, followed by the draft contract. Power denies the proposal was to spy for the premier, claiming that "any security consultancy uses these terms [used in the draft contract]". He claims he assumed the matter would be "in the public domain" and go to tender. Power claims nothing came of the proposal, and that he never performed any of the services outlined in the contract.

In 1996 and last year USAfricon negotiated with Thebe Investment

STRICTLY CONFIDENTIAL

SECURITY FACILITATION AGREEMENT
ENTERED INTO
BY AND BETWEEN
THE OFFICE OF THE PREMIER OF THE GAUTENG LEGISLATURE — MR
MATHOLE MOTSHEKGA (hereinafter referred to as "OP")
AND
POWER CORPORATE CONSULTANTS CC
Registration Number CK94/11834/23 (hereinafter referred to as "the Facilitator")

1. Vetting and screening
2. Surveillance
3. Personal security
4. Monitoring of the security situation in South Africa
5. Liaison with the South African Police Service and private security
6. VIP protection of visitors, etc
7. Briefings and threat analysis
8. Investigations
9. Legal aspects of security
10. Supervising, managing and facilitation for specific security programmes
 - 10.1 Casinos
 - 10.2 Taxi wars and
 - 10.3 Farmers
11. Advice and assistance on security in general
12. Discreet areas

Corporation subsidiary Vuna Industrial Holdings — a company close to the ANC — to start a joint-venture security company. Thebe this week confirmed cutting off negotiations.

But USAfricon seems to have had a degree of success with the Inkatha Freedom Party. Early last year it sponsored Minister of Correctional Services Sipo Mzimela to speak in Washington. A well-placed political source says USAfricon has tried to make deals with the South African Po-

lice Service and that in the process it has been in contact with Deputy Minister of Safety and Security Joe Matthews, also an IFP representative.

IFP MP Koos van der Merwe has acknowledged to the *M&G* that he has acted as "lawyer and adviser" to Rudman.

Motshekga's representative, Makhosini Nkosi, this week commented: "We do not know that person, as the office of the premier, and no money has been paid to him."

Premier denies personal links with MI agent

Stefaans Brümmer

Mathole Motshekga this week denied he was close to apartheid-era military intelligence frontman Abel Rudman — but the *Mail & Guardian* has documentary evidence of a meeting at the Gauteng premier's house where shareholding in a resort development was discussed.

The *M&G* published details a fortnight ago of Motshekga's involvement in a series of business ventures led by Rudman, and of a R50 000 cheque which Rudman wrote Motshekga last year during the bitterly contested race for the provincial African National Congress chair.

The ventures centre around three companies, Kara Cultural Developments (which plans to develop a R250-million resort at Modjadji in the Northern Province), Kara Agricultural Products and multimedia publishers Kara Interactive Solutions. "Kara" refers to a philosophical discipline of which Motshekga is the prime local exponent.

Motshekga this week broke his silence, telling the *Sowetan* the R50 000 was a donation by Rudman to the Lobedu, Motshekga's "tribe" which owns the land at Modjadji where the resort development is planned.

The premier claimed the money was used to buy sewing machines for a community project. He was quoted as saying Rudman was not a personal friend, but that he had done legal work for him. Motshekga practised as a lawyer before taking office.

The *M&G* has a copy of a letter from Rudman to empowerment company Umnotho weSizwe on February 24. In it Rudman repeats a share offer on the Modjadji resort, referring to discussions the previous day at Motshekga's house.

Dear Sir

MODJADJI PROJECT: OFFER TO TAKE UP SHAREHOLDING

Our meeting with your Mr. Esrom Matambuye at the residence of Dr. Mathole Motshekga on 23 February 1998 refers

We offered you, in our letter of 21 January 1998, the opportunity to take up 49% of the shares in Kara Cultural Developments (Pty) Ltd. This offer was made in all sincerity and to our minds afforded you a unique opportunity to be involved in a project which will establish definite proof of the African rebirth

The meeting took place more than a month after Motshekga's inauguration as premier. It is considered irregular for a premier to continue private legal practice after taking office.

Auditors Coopers & Lybrand discovered the R50 000 cheque last August during a forensic audit of another multimedia publishing company Rudman managed at the time, Vantage Multimedia Communications. The audit was initiated by information technology group Q-Data, the majority shareholder in Vantage, because of concerns about Rudman's management practices.

Coopers & Lybrand found Rudman had used more than R600 000 from Vantage accounts to fund his attempts to start the Modjadji resort development — a venture in which Vantage had no stake, but in which Motshekga was heavily involved by then.

The auditors' findings led to an order for the liquidation of Vantage being granted in November — but only after a disciplinary inquiry, which Rudman did not attend, found him guilty of irregularities and recommended his dismissal. Disciplinary inquiry chair Nazeer Cassim accused Rudman of dishonesty, break-

ing a number of statutes, and theft.

Said Cassim, a senior advocate who served as an acting judge this year: "It is clear Rudman used Vantage funds for the benefit of [his Modjadji project] to the extent of R650 343. This transaction, like so many others in respect of which evidence has been tendered, is in my view theft. In a normal society I would expect a man such as Mr Rudman to be prosecuted and to be dealt with so that commercial morality can be restored."

Motshekga's explanation to the *Sowetan* — that the R50 000 was for a sewing project — is at odds with what Rudman told Coopers & Lybrand during the forensic audit. Rudman maintained at the time that the payment was a "marketing expense" in terms of Kgatelepele, a venture which Motshekga helped set up between Vantage and elements of the ANC Youth League. The plan was for Kgatelepele to market Vantage's multimedia systems to the government.

If indeed the money went to the Lobedu community, it is questionable whether Rudman had the right to use Vantage funds to make the donation. Vantage creditors would probably be en-

titled to demand Motshekga repays the money. The *M&G* was given a third explanation by two well-placed company sources: they said there was talk of a R50 000 "campaign donation" at the time. One source, who was involved in the Kgatelepele venture, said it was inconceivable that Motshekga could have rendered services worth R50 000. The cheque was made out in favour of Motshekga personally.

Meanwhile, Rudman needed a new vehicle for his multimedia operation after his dismissal from Vantage. He found it in Kagiso Investment Trust division Kagiso Publishers, which started up Kara Interactive Solutions in February, to be managed by Rudman. Insiders say Motshekga recommended Rudman to Kagiso.

Kagiso this week acknowledged bewilderment at allegations about Rudman's past, saying it had handed the matter to its lawyers with a view to reconsidering the partnership. Said Kagiso Publishers CEO Steve du Toit: "It is unacceptable for us to have an association with someone like this, if the allegations are true."

Motshekga's acknowledgement to the *Sowetan* this week that he did legal work for Rudman raises a serious possibility of a conflict of interest. Motshekga was brought to Modjadji by the Lobedu community last year to safeguard their interests in the Modjadji development — and to guard against exploitation by Rudman.

■ Rudman was in Tanzania this week and not available for comment before publication. Earlier, he acknowledged a "close relationship" — but not a commercial one — with Motshekga. He said he could "not remember" a campaign donation to Motshekga, and denied any wrongdoing at Vantage.

Helen Joseph Hospital staff threaten to resign rather than treat prisoners next to other patients

By ANISO THOM

Health Reporter

Despite assurances from the Gauteng health department, Helen Joseph Hospital staff were scheduled to protest this morning against treating prisoners in open wards with other patients.

Some doctors and nurses at the hospital have indicated

they would rather resign than treat prisoners in the same wards as other patients or treat prisoners shackled to hospital beds.

"We have no problem with treating them but we certainly won't treat patients shackled to beds or in unsafe situations," said chairman of the medical advisory committee at Helen Joseph, Dr Martin Smith

He said no decision had yet been made after nine months' negotiations between the departments of health, correctional services, safety and security, and public works

This followed a decision last month that to save money, prisoners would, as from July 1, no longer be treated at private institutions but, rather at state hospitals.

Dr Frew Benson, director of medico-legal services at the Gauteng department of health, said there were two processes involved, the creation of secure wards at seven hospitals, and the identification of safe procedures for the treatment of prisoners

The provincial cabinet approved the creation of these wards, with the first phase tak-

ing place at Helen Joseph and Kalafong hospitals with 20 safe beds per hospital.

But Benson said the process had been delayed at the level of public works, which needed to invite tenders. Indications were that the wards would be ready only by January. He added that management at Helen Joseph had not yet indicated whether such a ward was available.



Jail break Prisoners watched 63 fellow inmates receive certificates at a graduation ceremony at Leeuwkop prison yesterday.

Education scheme gives prisoners alternative to life of crime

BY RAPHAEL BANDA

For years, prisons had a reputation for producing graduates in crime.

This is set to change, however, with the introduction of a programme which will make convicts employable upon their release.

A group of prisoners at Leeuwkop Prison, north of Johannesburg, yesterday became the first beneficiaries of the programme, which is being run and sponsored by the Production Management Institute.

As their families watched, the

63 prisoners strode proudly onto the podium to receive their certificates in management courses.

Then they paused for photographs with officials, who encouraged the participants to aim high in life. Family members and relatives were there to celebrate with them, and expressed relief that the convicts would have something to keep them out of crime once they were released.

"I am quite happy I didn't know how to control him when he was outside," said one mother who witnessed the

graduation of her son, a juvenile who may not be identified.

"The outside world is very tough," she added.

Nathaniel Malakane, attending the graduation of his foster son Simon Ngcobo (19), hailed the programme as a great break from the days when he was a convict in the 1960s.

"This is really going to reduce crime. A person is taught to do something when he is out of jail. This didn't happen in the past," he said.

A prisoner who received a full certificate after completing

the three stages of the course said some inmates were pressured by gangs not to enrol.

The Star was also told by juvenile prisoners that some of their colleagues refused to study, arguing that they saw no need to study in prison when they had failed outside.

Production Management Institute chairman Dr Frank Carlisle said his organisation was committed to providing prisoners with an education, in the form of production skills, in order to give them something concrete to take with them when they left the prison

yards for the real world.

The programme is the first of several pilot projects around the country launched by the institute with a R750 000 sponsorship.

Carlisle explained to the 63 graduates that employment-equity legislation provided that prisoners, like any other South African, would not be discriminated against.

He said the institute had built up a database of private and public sector companies that had undertaken to give consideration to prisoners taking the courses.

Jail hunger strike over privileges

(253)

STAFF REPORTER

ARG 26/5/98

Four prisoners at Drakenstein Prison in Paarl are on hunger strike.

Vovo Midikane, Sipho Mvula, Ntisi Kelelo and Maetso Gobodo have written to the National Assembly demanding the withdrawal of the prison head and the replacement of D-section staff

They have agreed to meet prison officials today on condition that MP Lumpho Hani mediates. Prison officials say the strike, which began last Wednesday, is in response to Project Jikaleza, a programme to crack down on the abuse of privileges.

Johann Pienaar, spokesman for the Commissioner of Correctional Services in the Western Cape, said prisoners in groups B and C had been getting group A privileges and "this programme is designed to stop that".

Visiting rights were a main focus of Project Jikaleza. Group A were the only inmates allowed contact visits. Inmates in groups B and C who might have been having contact visits were now no longer allowed them. All prisoners were allowed non-contact visits

The only visits mentioned in the inmates' letter are visits between prisoners, a privilege which has now been stopped.

Students set Venda varsity campus alight

ARG 26/5/98

Johannesburg - Students at the University of Venda set fire to buildings at the campus after vice chancellor Gessler Nkondo refused to give them R500 000 for a student ball.

Professor Nkondo said students had refused to accept R380 000 for the party and also demanded that the suspension of the Students Representative Council be quashed.

He estimated damages at R100 000 - Argus Correspondent

Probe into how gunmen entered murder hearing

DURBAN — The justice department inquiry is investigating security at the Durban High Court where five people were gunned down during a recess in a taxi murder case last Thursday.

The director of human resources for the justice department in KwaZulu-Natal, Thinus Hartze, said the inquiry would look into allegations that gunmen had passed through security at the courtroom.

A Sunday Tribune report alleged that the men had passed undetected through metal detectors at the court entrance, and that state advocate Anton Steynberg had requested a recess after seeing the armed men entering the court.

During the break, five people were killed in a gun battle outside the court. They included police sergeant Craig van Zyl and two of the gunmen. Of the 10 wounded, one was accused Eric Khumalo, charged with the murder of taxi boss Moses Geaba.

There were initially four accused, but on April 29 Sakhophi John Khumalo and Bongani Bonginkosi Mathobela were killed in an attack in Greytown.

Steynberg said he had tried from early on Thursday to get police to guard the court because of threats of violence, but they arrived only during the break.

Police spokesman Captain Vishnu Naidoo said Steynberg was supposed to confirm on the Wednesday, the day before the court case, whether police were needed at the court. He said Steynberg had not contacted the police in this regard. — Sapa.

Wards at public hospitals secured for prisoners

Josef Ballenger

(253)

THE public works department had taken steps at the weekend to secure certain Gauteng hospitals wards to treat prisoners as from July 1 as part of a national pilot project, but several aspects of the plan still needed to be worked out, the provincial health department said yesterday.

This followed objections and a letter of protest to the health department last week by staff workers at the Helen Joseph Hospital in Johannesburg in which they warned that they would not work

under "life-threatening" conditions with dangerous prisoners.

Frew Benson, director of the Gauteng health department's medico-legal services, said both the police and correctional services had conducted studies which showed government — ultimately, taxpayers — would have saved if prisoners had gone to public hospitals rather than private facilities in the past few years.

However, the plan to secure wards with barred windows, reinforced doors and cameras by July at two hospitals — Helen Joseph and Pretoria's Kalafong — had

been thrown off track by delays in the public works department, responsible for funding.

On Friday, they entered into a lease agreement. A tender process for the upgrades must be followed. In the meantime, the health department had begun identifying beds at various hospitals for use with temporary security measures from July. "We might not be able to physically secure (wards), but we will provide more manpower with SAPS or correctional services guards," Benson said. "We need to see public workers are not put at any undue risk."

Advocate for suspended deputy speaker warned of contempt

NEILSPRUIT — The Ngobeni commission of inquiry into corruption in Mpumalanga's legislature repeatedly warned deputy speaker Cynthia Maropeng's advocate yesterday to not show contempt towards the commission.

Advocate MB Molefe was warned to stand while speaking to

commissioners and to stop challenging rulings after he insisted the commission was asking leading questions and prejudging his client with its line of questioning.

The deputy speaker has been suspended from the legislature and African National Congress after allegedly using her position to

enrich herself.

Legislature speaker Elias Ginindza was yesterday questioned about two grocery purchases of R10 000 and R9 000 allegedly made by Maropeng, including large amounts of personal items and a series of travel or vehicle allowances. — Sapa.

Convicts graduate with management training certificates

THE first group of convicts to undergo full academic training in management graduated at Leukop prison north of Johannesburg yesterday.

A group of 30 short- to medium-term inmates and a few prison warders collected production management science certificates. Another 20 inmates received intermediate certificates.

The graduates were the first crop of students to complete successfully the joint training scheme between the Professional Management Institute of SA and the correctional services department at various SA prisons.

The mood was buoyant in Leukop's mess hall as the inmates received their certificates and spoke from the podium. Many said it was the first time they had been exposed to formal education. Families cheered and clapped enthusiastically.

Institute chairman Frank Carlisle said the prison project had taken four years to get off the ground.

"It is good that prisons teach practical applications like bricklaying and carpentry, but in this technological day and age it is important that we equip prisoners with the theoretical back-

ground to production and production science. That is where the need lies for our economy," he said.

According to the one of the prison's lecturers, Walter Lucas, the course was popular among inmates. "Only class A inmates are allowed to attend. It has inspired some competition among prisoners to improve themselves and their behaviour records."

The course is free, and the minimum entry requirement is standard eight and the correct aptitude. It includes human resources training, front-line management skills and

Classes for inmates take place in the morning and Lucas said that on average results from the prison were far higher than for any of their campuses "on the outside".

Correctional services deputy director of education and training Frans Strydom said the training instilled prisoners with higher values and restored their dignity.

"We have high hopes for this project. We hope our levels of reconviction will drop and (that it will) help ease the congestion in our prisons." — Sapa.

'Authorities can't stop prison gangs'

VUYO MNTUYEDWA
PARLIAMENTARY BUREAU

258
CJ 28/5/98

PRISON authorities are powerless to stop gangsterism in prisons, Amos Hlongwane, Director of Community Corrections, said in the portfolio committee on correctional services yesterday.

Hlongwane said gangsterism was one of the major problems in prisons and that once an inmate joined a gang it was hard to "resign" unless transferred.

"Prison gangs are almost as old as prisons. Each of these gangs has its own motives or convictions upon which its activities are based," he said.

Hlongwane said there were different types of prison gangs:

- Twenty-sixes, who rob other prisoners
- Twenty-eights, who are "wyfies" or "boywives"
- Big Fives, who collaborate with warders
- Air Force, who plan escapes

Hlongwane said new prisoners were warned regularly about the disadvantages of gangsterism, and gang members or leaders were separated if gang activity was noticed.

Overcrowding contributed to the easy recruitment of new inmates into gangs.

Lity Neerahoo of the IFP said prisons should be tough and implement a strict code of conduct.

Nkosinathi Fihla of the ANC said that to curb recruitment into gangs new prisoners should not be mixed with hardened criminals. The major reason for the rise in gangsterism in prisons was idleness. Recreation should be compulsory.

Hlongwane said 57 assaults and eight deaths had been reported in prisons last year.

The future actions and strategies of the Department of Correctional Services would depend on the outcome of the Organised Crime Bill, which makes gang membership a criminal offence.

He said it was time to create legislation that enabled law enforcement and prosecuting agencies to combat gangsterism effectively.

Prisons 'are soft on gangsters'

David Greybe

(297) 15028/5/98
CAPE TOWN — The correctional services department was accused in Parliament yesterday of being soft on gangsterism in prisons.

Correctional services committee chairman Limpho Hani, echoing an all-party view, said after a briefing on prison gangs that the department seemed reluctant to act against gangs.

A number of MPs accused Amos Hlongwane, director community corrections, of effectively "defending" gangs in prison by painting a picture of a department helpless and ill-equipped to curb them. Hlongwane's suggestion that the Organised Crime Bill also deal with prison gangs was rejected.

Hlongwane said the department was invited to participate in drafting the bill. Its "future actions and strategies" on prison gangs depended on the outcome of discussion on the bill.

The committee said the department

should rather implement a code of conduct for inmates and warders which would outlaw gang membership.

More important than tougher legislation, said MPs, was departmental commitment to stamp out prison gangsterism. A code of conduct would give the authorities enough power to act.

Hlongwane said that about 80% of gangsters in prisons belonged to four main groups: the 26 Gang, the 28 Gang, Big Five and Airforce. Prison gangs assaulted fellow inmates and staff, sometimes fatally, and engaged in sodomy, robbery, prison escapes and the use of dagga and other drugs.

Gangsters intimidated prison staff "to promote gangsterism", he said.

Hlongwane said it was difficult for gangsters to resign from gangs in prison because they then effectively "sentenced themselves to death" under gang rules. Overcrowding in prisons also made it extremely difficult to isolate gangsters from other inmates.

Legislative glitch means many children are behind bars illegally

BY MELANIE PEIERS

While the country celebrated Child Protection Week, hundreds of children remained behind prison bars waiting for politicians to decide their fate.

It is now illegal to detain awaiting-trial children in prison. Yet 1 000 children nationally are still behind bars, due to an "error" in the current legislation.

The expiry date for detention was supposed to be May 10, but because of a hitch in section 29 of the Correctional Services Amendment Act, which allows children between

the ages of 14 and 18 to be detained in prison while awaiting trial, it could remain a permanent fixture.

Paul Proudlock, a legislation researcher with the Human Rights Committee, said the Government had "bought itself time" by electing to rely on a drafting error in the bill that could have the effect of turning an interim measure into a permanent feature of the country's criminal justice system.

Proudlock pointed out that by August 1996 it was clear that the conditions set down in the act, designed to protect children in prison, were not being complied with.

In April last year, the decision to extend the period of detention for children in prison was made with little discussion in Parliament or the public arena.

Magistrates were interpreting the act in a way that allowed children accused of committing minor offences to be detained in prison. More so, children under the age of 14 were being illegally held in prisons, and children's cases were not being prioritised by defence attorneys and magistrates.

Proudlock explained that, as the act stood now, the clause could not expire and was thus applicable

until repealed by Parliament.

According to a cabinet statement on children awaiting trial, the Inter-Ministerial Committee on Young People, which includes the departments of justice, welfare, correctional services, education, safety and security, and public works, has established new programmes to secure care for young people awaiting trial. These will come into effect soon.

KwaZulu Natal, Eastern Cape, Northern Cape, Northern Province, Free State and Mpumalanga will all have secure care ready by August this year.

SAW 30/6/98

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New move on children in jail

ARG 2/6/98

(SAB) (253)

Pretoria – Sweeping changes are in the pipeline to ensure that juvenile offenders are kept out of prison wherever possible, Justice Minister Dullah Omar said today.

In a statement to mark the International Day of the Rights of the Child, Mr Omar said a project committee of the South African Law Commission was finalising the draft of a new juvenile system modelled on modern, internationally acceptable standards and rules.

Mr Omar said the Justice Department had identified practical measures to ensure greater realisation of children's rights.

"Magistrates and prosecutors are today sensitised as never before to the need to keep children out of prison wherever possible. When, as a last resort, a child has to be kept in prison for good reason, such child shall be kept separately from adults.

"Unfortunately, due to the terrible legacy of the past, adequate and appro-

priate facilities are still not always available. This is particularly so with regard to children who commit serious crimes and pose a potential threat to society. The secure care facilities are still inadequate and so children are still being held in prison," said Mr Omar.

Preparation of legislation to replace the existing section 29 of the Correctional Services Act was in its final stages and would be promoted in Parliament this year.

"In terms of the new law, children may only be kept in prison for defined serious crimes and only as a last resort. Special measures will ensure that they are kept separately from adult offenders and they will be assisted to ensure that they do not fall prey to a life of crime."

For serious crimes, children would have to face criminal trials. But steps would be taken to ensure legal representation and no contact with adult offenders, he said.

"The requirements of the Conven-

tion on the Rights of the Child will be observed. This law will be placed before Parliament by early 1999."

Mr Omar said the Justice Department was deeply concerned about increasing violence against children and women, especially sexual offences.

"Magistrates and prosecutors will deal severely with such crimes. At the same time stricter and tougher laws are in the pipeline. The new law on domestic violence has been drafted and is awaiting Cabinet approval. Far too many children are victims of domestic abuse and violence."

A new maintenance law would also be debated in Parliament later this year, the minister said.

A pre-trial services project had been introduced by the Justice Department in Mitchell's Plain, Johannesburg and Durban, and would be extended to other courts. Through this project, children who had to testify in court would find solace in the waiting rooms. – Sapa

Creating competition is vital in prison privatisation

Government must be clear about what it wants to achieve by privatisation of prisons, otherwise it could be throwing away money, writes **Simon Barber** in Washington

STRAPPED for cash and space to house its swelling population of felons, SA is turning to the private sector to build and run prisons

It is now more than a year since the first bids were solicited. Public Works Minister Jeff Radebe announced in early April that deals for two maximum security facilities, a youth detention centre and a pretrial lock-up would be announced within a matter of weeks

Aside from complaints by the National Black Contractors' Forum that it and a US partner, National Correctional Services of South Carolina, were unfairly excluded from the short list last year, this seems to be one privatisation programme that has generated little debate. That is odd given that many people instinctively feel the criminal justice system should be a state responsibility

However, the farming out of prison services to private contractors, while generating some complaints from inmates and state-employed jailers, appears to be working tolerably well in the US, Australia and UK.

In the US there are more than 130 private prisons housing 120 000 prisoners in 27 states. The slammer range from maximum security to holding pens for illegal immigrants. The industry's big players include Corrections Corporation of America and

Wackenhut Corrections. The latter is in the SA bidding. In the first quarter of this year it generated net income of \$3.7m on 2.5-million "compensated resident days" (the number of prisoners it held in the US and Australia multiplied by the days it was paid to hold them), more than double the amount it recorded in first quarter 1997. This is an expanding sector.

Unlike in SA, there has been much argument in the US over whether prison privatisation is cost-effective. The General Accounting Office, Congress's fact-finding arm, found no conclusive evidence of taxpayer savings in a 1996 study. More recently, the Reason Public Policy Institute, a libertarian group, claimed average savings of 10% to 15% on operating costs.

Comparing public and private institutions raises apples and oranges issues. One state where a fairly scientific assessment has been possible is Louisiana, which deliberately set out to get an answer by building a laboratory in the late 1980s. Three structurally identical prisons holding medium-security prisoners. One, Avozelles, was run by the state and the other two, Allen and Winn, by Wackenhut and Corrections Corp respectively. Authorities at each were required to produce standardised reports.

253) BB 3/6/98

The results were significant. Over five years, state-run Avozelles cost \$26,60 per inmate per day to operate, while Allen cost \$22,93 and Winn \$23,49. The privately run institutions did better in other ways, too. In terms of recorded incidents they were safer places for prisoners and guards, who were fewer in number and more efficiently used than at Avozelles. Also, prisoners at Allen and Winn were more likely to complete basic literacy and vocational training courses and qualify for early release.

Avozelles scored slightly better on preventing escapes (there were none), recorded fewer rapes and did a better job of controlling drug abuse. It also provided prisoners with a broader range of recreational and educational choices.

On balance, though, Wackenhut and Corrections Corp did a better job for less, not to mention a more civilised one—they are more subject to inmate lawsuits than the state and motes would cost them money in repairs and reparations. One interesting difference while in all three cases the majority of inmates were black or members of minorities, at Avozelles the guards were mostly white. The private companies hired a more diverse group.

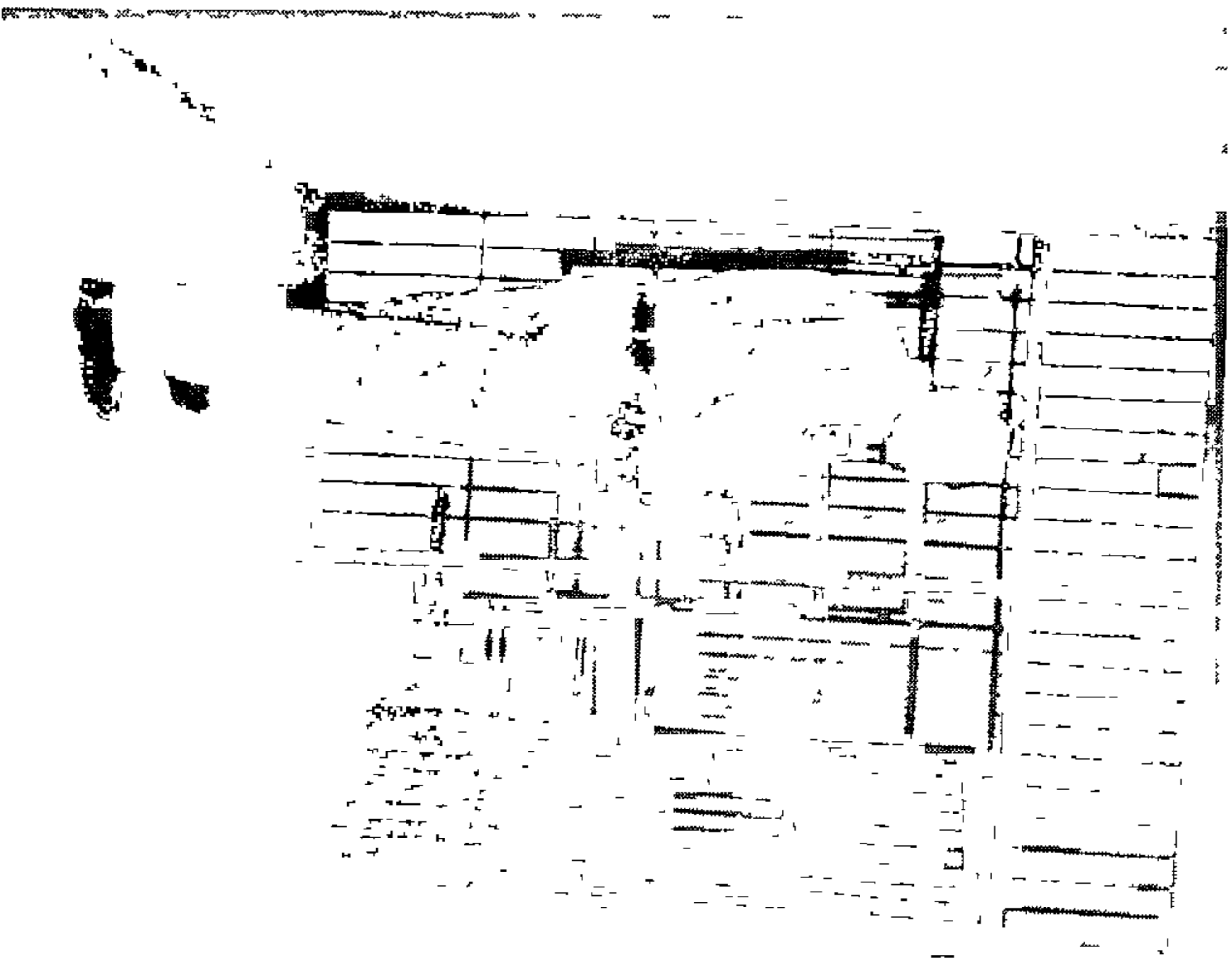
The Louisiana State University researchers decided that "pri-

vate prisons have a definite place in any state's total prison system". But they stressed the importance of the "dynamic competition" between the three establishments, each of which was vying to produce the best outcome—the two firms were competing with each other as much as they were competing with the state.

"This competition has led to measurable cost savings for Louisiana," the researchers concluded. "However, under no circumstance should Louisiana or any other state completely privatise its prison system or, worse yet, contract with any single vendor. To do so would eliminate the dynamic competition and with its loss, the quality or quantity of services provided might decline and the costs rise."

That is an important point for SA, whose leaders have long proven themselves somewhat dense on the virtues of competition. There is little question that market principles can work to produce better prisons, but in establishing a market for prison services, government must be very clear about what it wants to achieve and establish rules under which competing firms will be rewarded for meeting those goals and replaced if they do not. Just tossing keys and fees to the cheapest bidder would be no advance

SAs overcrowded jails to go private



Reform schools to be scrapped

M+C 5 - 11/6/98
The issue of child criminals has become a major source of embarrassment for the government, writes **Andy Duffy** *(257)*

The Western Cape is poised to scrap special schools for hundreds of child criminals, despite the growing number of children in jail

Provincial education department officials have told staff at several of the 15 reform schools and schools of industry that closure is imminent and that they should take retrenchment packages. Surviving schools are to be cut down.

A departmental plan tabled last month for the Porter Reform School, the province's largest such institution in terms of capacity, would see staff cut from 144 to less than 30.

The reshape plans, expected to be unveiled this month, come at a delicate time for the government — just as its attempts to transform child and youth care begin to gather pace.

The Ministry of Welfare and Population Development has been trying to shift hundreds of children out of prison into alternative care. Such facilities, however, are limited.

More than 2 600 youngsters, aged from seven to 17, were being held in prison at the end of April — up about 40% since last year. The number of awaiting trial child prisoners — the target of the ministry's attention — rose 10% to 1 309 in the first four months of this year.

The provincial education department declines to be drawn on its plans. Chief director in the department's special directorate, Frans Booyse, says cuts "will depend on the need for residential schools for children at risk — a drop in the numbers at a school will have an effect on the staff establishment."

The numbers held in the schools have fallen by 30% in the past six

months, to 1 550. Porter has just 100 children in its care, less than one-quarter of its capacity.

The interministerial committee leading the initiative to reform child and youth care says some of the schools must go, and the others must reshape. Committee representative Leslie du Toit says just three of the schools are up to standard on facilities and training — an argument backed by independent observers.

The interministerial committee has effectively halted the transfer of children to most of the schools. Child offenders instead are being sent to alternative care facilities, back to their families, or to jail.

"There are very solid reasons why certain schools aren't being used," Du Toit says. "However grim Pollsmoor [prison] is, we're not about to take children out and put them there [in the schools]."

Few of the schools' staff will comment openly because they fear disciplinary action. The South African Democratic Teachers' Union and the National Education and Health Workers Union have already clashed with Booyse's officials. The unions' support among the staff is also weak.

But some staff say the province has starved schools of the funds needed to upgrade. They believe the province is more interested in saving money than providing adequate care.

The province last year spent nearly R90-million on the schools. Several of the schools are situated on prime land.

The unions have approached the parties in the interministerial committee — the departments of correctional services, education, health, justice and welfare — to raise their concerns, so far with little success.



Nowhere to go. Reform schools in the Western Cape, such as Porter in Tokal, are to be closed down or reshaped, and their pupils to be released or put in prison. PHOTOGRAPH. RODGER BOSCH

The issue of child prisoners has become a major source of embarrassment to the government, given the importance it attaches to the Constitution and to human rights.

Child prisoners are routinely raped, kept with hardened adult criminals and, particularly in the Western Cape, drafted into gangs.

Correctional services figures show that the number of sentenced and unsentenced children between the ages of seven and 18 held in prison tripled to 2 500 between December 1995 and December 1997.

Minister of Justice Dullah Omar said this week that sweeping legislative measures are planned to keep children out of prison. Few alternative facilities are currently available, however.

The Ministry of Welfare and Population Development took over responsibility for awaiting trial prisoners from correctional services last month. But its attempts to transfer children into new, secure care facilities have been hampered,

largely due to the provinces' failure to build them.

The Western Cape welfare department has so far shifted 50 of the 190 awaiting trial children in Pollsmoor to established places of safety. Its new facilities, with room for another 80 children, will only be completed later this year.

Du Toit says every province should have a secure care facility by the end of this year. The role the provinces' special schools will play in the new system is unclear.

Reform schools such as Porter house sentenced serious offenders who have committed crimes such as murder and rape. They represent nearly two-thirds of such schools in South Africa, and were established and funded along racial grounds. Young offenders were sent to the schools from across the country — a practice now also halted.

A report by the interministerial committee two years ago found most of the schools were understaffed and underskilled. In some cases, children's

basic human rights were violated.

Du Toit says few of the schools have taken any steps to improve since the report was published.

"We're not going to have children transferred to them because children in these facilities are already at risk," she adds.

The province recently allocated 100 new places for awaiting trial children, but provincial officials say negotiations with the education department centre on using just one of the 15 special schools.

The interministerial committee report also found that most children in the special schools were being held for too long. This prompted a committee initiative dubbed Project Go six months ago to unblock the system.

A collapse in communications late last year led the schools to release about 800 of the children — apparently because the province told them to free up space for awaiting trial prisoners. Many of those released have since been jailed.

Dilemma over awaiting-trial children

By VUYO MINTUYEDWA

A month after the Government's deadline for the removal from prison of children awaiting trial, the number of children held in prison has increased dramatically, the portfolio committee on welfare heard yesterday.

Lesley du Toit, speaking from the office of the manager of the Inter-Ministerial Committee on Young People at Risk, said at present about 1 400 children were awaiting trial, while at March 10 there were about 1 200 children in prison.

She said one of the main problems faced by the Department of Welfare was the shortage of facilities to house the children, inability to cope with

the high number of children being sent to awaiting-trial prison cells by magistrates, and the lack of probation officers in provinces where secure care facilities were available.

Main problem was the lack of secure care facilities

Secure care facilities, she said, would soon be opened in KwaZulu Natal, Eastern Cape and Northern Province.

In September more care facilities would be opened in Northern Cape, Free State, North West and the Western

Cape, Du Toit added.

Paul Setsetse, spokesman for Justice Minister Dullah Omar, said legislation dealing with the incarceration of juveniles was being drafted and would make provision for awaiting-trial children to be held separately from hardened criminals.

Setsetse said children who had committed serious offences would still be kept in prisons.

Mary Turok of the ANC said the Department of Welfare had to move ahead as speedily as possible to get awaiting-trial children out of prison and should not wait for legislation to be promulgated.

"I do not get the feeling that the whole thing is on the boil," Turok said.

(253) STAR 11/6/98

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50 prisoners build 22 houses in 28 days

(203)
By PERCY MAKHARAMEZHA

ep 21/6/98
WHEN the Minister of Correctional Services, Dr Sipo Mzimela, recently laid a brick for the first low-cost house built in Lovu, south of Durban, he urged prisoners to continue where he left off for the sake of their own rehabilitation.

The minister's commitment to give prisoners labour training bore fruit when 50 Durban Westville prison inmates built 22 low-cost houses in Lovu in less than a month.

The prisoners worked four hours a day for 28 days to ensure that the R330 000 housing project, funded by the Provincial Housing Development Board of KwaZulu-Natal was successful.

Initiated by Mzimela in April, the project was aimed at enabling the prisoners to acquire hard building skills while benefitting the Lovu community, which gave it overwhelming support.

The housing site's developer, James Byrne of BGM Housing, said the project gave the prisoners an opportunity to learn construction skills which would help them to gain employment in future in the construction field and prevent them from resorting to crime.

"I support the initiative as it represents our contribution to the overall effort of breaking the cycle of crime in our province," Byrne said.

Acting Deputy Director of Housing for the Coastal Region, Robert Sibuya, said that the quality of the houses was impeccable.

"Within a mere 28 days, working only four hours each day, these prisoners were able to build 22 one-roomed houses, each with a sink, shower and toilet with water-borne sewerage," Sibuya said.

He added that the housing department trusted that the project would serve as a model for future housing projects.

Correctional Services turns jailbreak tide

By JIMMY SEEPE

THE DEPARTMENT of Correctional Services which last year came under severe criticism for "leaking prisons" - where a number of dangerous convicts made daring escapes - appears to be winning the fight

The latest figures released to City Press this week confirm this

The turning point comes at a time when escapes from the South African Police Service's holding cells seem to be showing a steady increase

In the past six months, the number of escapes from the country's prisons have been reduced to 223 as opposed to last year's staggering figure of 1 050.

(253)
ep 5/7/98
SAPS figures on escapes from police holding cells are still not yet available they are expected to be published in a quarterly review by police management

In the past, Gauteng and the Northern Province followed by the Eastern Cape experienced the highest number of escapes from police cells

The success by the Correctional Services comes after the department installed electrical fences at various prisons in order to turn the tide against escapes

Already 19 electric fences and X-ray scanners in what have been described as "high risks" prisons have been installed - at a cost of R35 million

The installation of electric fences at 21

prisons - at a cost of R53 million - is expected to be completed towards the end of the year

Measures introduced by the department have had the effect of greatly reducing the number of escapes from 100 a month in the previous two years

Department spokesperson Russel Mamabolo said the escapes from Correctional Services are now much lower than in any other period in the past 20 years

Mamabolo said the department had set itself a target to decrease the number of escapes by 50 percent since October 1997

"Management is committed to this and positive results are already being experienced"

METRO NEWS

Little jailbirds of Pollsmoor give wing to reform

AYESHA ISMAIL

(253)

ST (CM) 5/7/98

MURDERER Talep Lewis wept when he had to say goodbye to the first baby birds he had hand-reared in Pollsmoor Prison

Lewis is one of 13 prisoners involved in a bird project initiated by the prison's deputy director, Wikus Gresse

The walls of the Medium B block are adorned with colourful paintings of birds. The atmosphere is relaxed and prisoners walk around with birds perched on their shoulders

Lewis, serving seven years for murder, said he had become more relaxed since he began rearing birds in February

"I now know what my wife had to go through in bringing up our five children," he said, looking fondly at his three lovebirds

"I get these birds when they are a couple of days old I have to monitor them every two hours and feed them.

"Some night this entails waking up every two hours. It's just like looking after a newborn baby"

Lewis nurtures the baby birds until they are able to eat on their own

They are then handed over to other prisoners who play with them to keep them tame

Once the birds have matured, they are sold to the public or to fellow prisoners

"I remember the day I had to hand over my first four babies," said Lewis

"I'm not shy to say I cried"

His birds had become his companions and he no longer felt the need to watch television day and night, Lewis said

The birds need to be weighed daily and Lewis has to make meticulous notes about their progress

"One thing is for sure — the day I

walk out of this prison I am going to be one of the best fathers on this earth," he said

"I just hope that my children will forgive me for what I've done in the past"

Gresse, a bird-lover who breeds parrots, introduced the project to see what effect the birds would have on the prisoners

"I'm pleased and proud to say that it has had a positive impact," Gresse said

"Looking after the birds is like therapy for them"

Half of the sale price of the birds is pooled and shared among members

of the prison bird club

"This teaches them how to take notes, keep books and handle money," Gresse said

Two bird breeders, Elsa Hoffman and Gill Edge, have been teaching the prisoners to hand-rear the birds.

The inmates no longer regarded them as trainers but as fellow bird-lovers, Hoffman said

"We come from different backgrounds, but the one thing we have in common is that we love birds," said Hoffman

There are plans to introduce the programme to other sections of the prison



BIRDMAN OF POLLSMOOR: Taliep Lewis says caring for his lovebirds has made him the best father on earth
Picture: AMBROSE PETERS

CT 10/7/98
Govt appoints
judge to watch
(253)
over prisons

A JUDGE, who will inspect and report regularly on the treatment of prisoners and conditions in the country's 242 prisons, has been appointed by President Nelson Mandela, it was announced yesterday.

In a statement, Judge J.J. Trens-grove, who was appointed on June 1, said the establishment of the Judicial Inspectorate — an entirely independent statutory body — is a totally new concept in the field of Correctional Services in South Africa.

It will inevitably take some time for the basic infrastructure to be put in place, he said.

Legislation requires the inspecting judge to appoint one or more independent prison visitors for each of the 242 prisons after public nominations and consultations with community organisations.

The inspecting judge will only receive and deal with complaints submitted to him by the National Advisory Council, the minister, the commissioner or a visitors' committee and in cases of emergency, from independent prison visitors.

His office will not deal with individual complaints until the independent prison visitors and inspectorate have been appointed.

— Justice Writer

New inspectorate set up to monitor conditions in prisons

13/7/98 (253)

By FIKILE-NTSIKELELO MOYA

Prisoners suffering at the hands of their jailers could have respite after the establishment of the Independent Inspecting Judge, an office set up to improve conditions in prisons

Mr Justice John Trengove, who was appointed last month to head the judicial inspectorate, said on Thursday the of-

ice was established to promote transparency in the Correctional Services Department and to do away with the image of prisons being run along military lines

He stressed the new body was independent of the Correctional Services Department

The judge is expected to appoint independent prison visitors and inspectors who would

make unannounced visits to the 242 jails in the country to check on the plight of inmates and the conditions in prisons

The public and interested groupings like the SA Prisoners' Organisation for Human Rights, a lobbyist for better conditions for prisoners, and the Police and Prisons Civil Rights Union, would be invited to participate in the office's work

Prisoners lose right to vote in election

(253)
Linda Ensor

DD 14/7/98

PRISONERS and permanent residents will be prevented from voting in next year's general election in terms of the Electoral Bill due to be tabled in Parliament this week.

Desmond Lockey, chairman of Parliament's portfolio committee on home affairs, said this provision was a departure from the 1994 elections.

The bill sets out the rules and regulations for the elections in all three tiers of government.

Lockey said the inclusion of prisoners on the voters' roll would have been expensive, and if they were enfranchised at national level, they would be entitled to vote also at local and provincial level. It would be difficult to organise council representation for them.

The constitution provided that only citizens were entitled to vote. After five years, permanent residents could apply for citizenship.

The bill provides for a common voters' roll with provincial and municipal segments, and has an enabling provision empowering the independent electoral commission to promulgate regulations providing for special votes.

He did not foresee much political opposition to the broad principles of the proposed legislation except one relating to the exclusive use of the green identification card/book for voting purposes.

The sole use of the bar-coded book or card was recommended by the commission and caused an uproar among opposition parties who believed that thousands of voters who had not yet received them would be excluded by the measure. They called for the acceptance of all identity books.

Commission spokesman Victor Dlamini said the Human Sciences Research Council — commissioned by the IEC to conduct a survey on the number of people possessing the green ID book — was due to report at the end of the month.

Four new prisons a step closer to reality

Louis Trichardt, Bloemfontein and Boksburg to get new jails

STAFF REPORTER

The pressure on overcrowded prisons could soon be reduced following an announcement yesterday that three companies were on the short-list to build four new jails.

The successful companies are South African Custodial Services, Ikwezi consortium, and Lungisa, all of which are in line to be awarded tenders to construct the jails.

The new jails were expected to be better run, and at cheaper operating costs than South Africa's existing prisons, Public Works Minister Jeff Radebe said in Pretoria yesterday.

He added that the successful

companies would be paid to build, maintain, finance, staff and operate the jails, in co-operation with the Correctional Services Department.

The tenders are for two maximum security jails in Louis Trichardt and Bloemfontein, each with 1 500 beds; an awaiting-trial jail in Boksburg with 1 500 beds; and a youth development centre in Barberton with 800 beds.

The four jails would increase the existing national capacity of jails, currently 96 000 beds, by 5 300 beds.

"This (is) a completely new way of procurement and gives effect to the Government's approach of inviting private enterprise in partnerships to

deliver much-needed public services," Radebe said.

Killian Masipa, chief director of client services in the Public Works Department, said he expected the buildings would cost between R200-million and R300-million.

The chosen companies would have 15 months to complete construction of the jails, and Masipa hoped the companies would be able to advise the Correctional Services Department on making improvements in their regular prisons.

Bert Slabbert, spokesperson for Correctional Services Minister Sipo Mzimela, said: "The private sector are more business minded and can run prisons more cheaply than we can."

Negligence blamed for escapes

By CATHY POWERS

Negligence on the part of both the police and the Correctional Services Department may have contributed to the escape of three Bulgarian car-theft suspects en route to the Johannesburg Regional Court.

The three - Ivan Pramatov (28), Magrit Ivanov (23) and Ilie Petkov (38) - escaped while they were being driven in a police car to court from Diepkloof Prison on Monday.

They apparently missed the two scheduled buses transporting prisoners to court that morning.

Police and correctional services officials gave conflicting reports about why the three missed the buses.

Police said they were notified by correctional services that the three men had missed the bus and the police had to make arrangements to transport them.

Correctional services said police had advised them not to put the men on the buses because they were regarded as dangerous.

The handcuffed men - facing 36 charges of motor vehicle theft, possession of ammunition and fraud - produced a gun and fired a shot in the car, forcing it to leave the road. They seized the car keys, forced the policemen out of the car at gunpoint and fled in the vehicle.

An internal investigation into the escape has been launched, according to Johannesburg police spokesperson Mary Robertson.

Director Azwindini Nengovhela of the provincial commissioner's office said it was premature to speculate on which of the two departments was responsible for the escapes.

'Absence of checks opens doors to convicts'

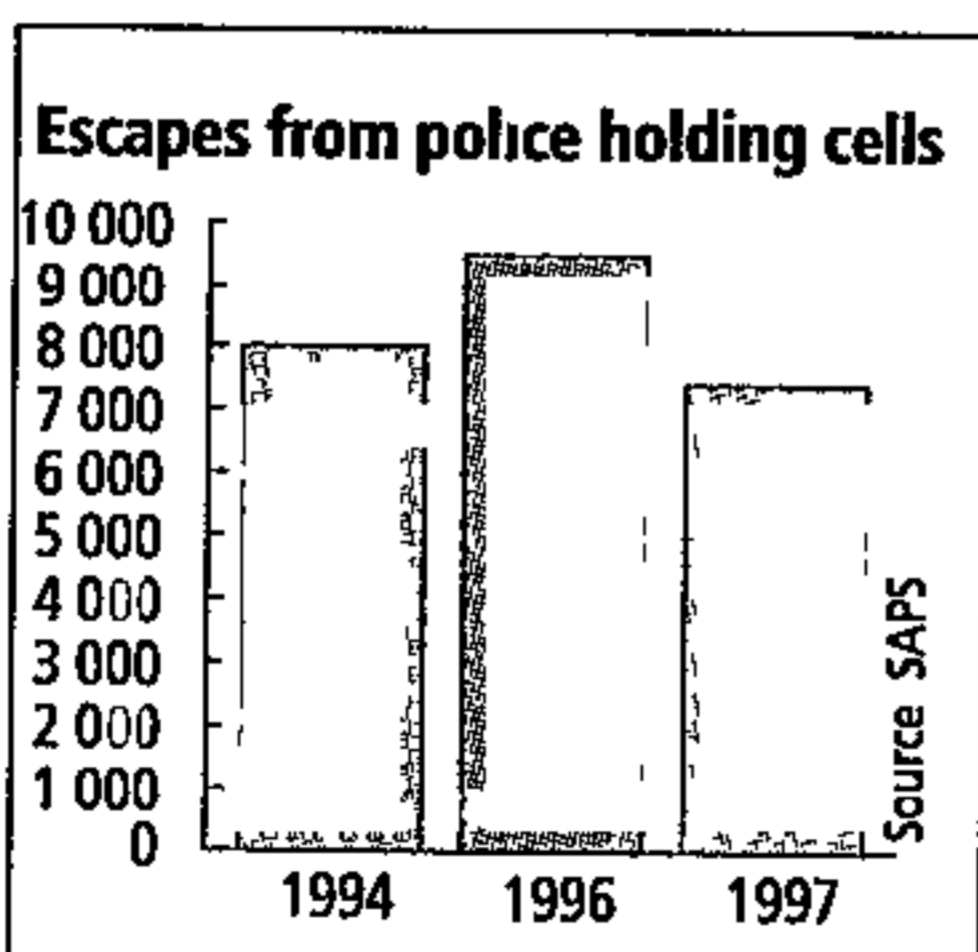
By CATHY POWERS AND GILL GIFFORD

There are insufficient monitoring mechanisms to guard against prisoner escapes, the Institute for Security Studies said yesterday.

"In both the police and correctional services departments there are not the right kinds of checks and balances and monitoring mechanisms in place," said senior researcher at the institute Antonette Louw.

She said the extent of corruption and complicity in the escapes pointed to management problems in both departments.

Correctional Services Ministry spokesperson Bert Slab-



bert said staff complicity in prison escapes was a matter of great concern.

He said the department had established an independent anti-corruption unit this year. An independent inspecting judge, Mr Justice John Tregrove, was appointed last month to head the unit. Independence

was necessary to prevent cover-ups during investigations, Slabbert said.

According to Correctional Services spokesperson Rudi Potgieter, 268 prisoners escaped from correctional services custody in Gauteng last year. The majority of them escaped when they were outside the prison - in hospital, at court or in work teams.

According to SAPS provincial spokesperson Siphon Ngunane, 1 192 prisoners escaped from Gauteng police cells last year.

A mere 18% (226) were re-arrested and 310 departmental prosecutions were launched against staff regarding the escapes.

SA to get private prisons soon

Simon Barber

DD 17/7/98

SA IS close to having its first privately run prisons with the announcement that US-based Wackenhut Corrections and a local consortium of black women investors have provisionally won a public works department tender to build and manage a 1 500-bed pretrial lockup in Boksburg

Florida-based Wackenhut, one of the world's largest private security firms, and its local partners are also in the running to build and operate a planned 1 500 inmate maximum security facility at Louis Trichardt.

Their competitor for that deal is a group headed by UK security firm Group 4, currently government's first choice for a second maximum security prison to be opened in Bloemfontein

Government has named SA Custodial Services as its first choice for the Boksburg project based on its design, management and local content proposals, Wackenhut spokesman Pat Cannan said yesterday

(253)
Wackenhut and its partners would be responsible for all aspects of the Boksburg facility from design and construction to prison management, hiring of guards and overall security. The Kensa group, headed by Zanele Gama and Edna Khosidingake, is to have special responsibility for rehabilitation, prisoner education and building maintenance, Cannan said

African Merchant Bank is to help arrange finance. Wackenhut, which runs 47 private prisons in the US, the UK and Australia, will also put up a substantial portion of the investment itself. The company reported record revenues of \$71,3m in the first quarter.

The overall value of the prison deals depends remains unclear. A US embassy cable last December cited a figure of R10,7bn over 25 years.

A recent study of a state prison and two private ones in Louisiana found the private institutions to be significantly more cost effective, safer for both guards and prisoners and to do a better job of rehabilitation.

Private sector helps alleviate jail conditions

By Gershwin Chuenyane

OVERCROWDING by about 50 000 prisoners in South African jails has prompted the Government to go into partnership with the private sector in an effort to alleviate the problem

Correctional Services spokesman Rudi Potgieter said yesterday that South Africa had 231 jails countrywide and a daily prisoner locked-up roll of 146 000 in jails designed to cater only for 96 000 prisoners

"Countrywide we have 231 prisons with an approved accommodation to cater for 96 000 prisoners, but our daily prisoners lock-up is 146 000. One can imagine the overcrowding we are experiencing. All facilities including showers and kitchens were designed to cater only for 96 000," Potgieter said

Public Works Minister Mr Jeff Radebe

announced earlier this week that the state tender board had approved the final short list of selected tenders for four new prisons to be provided under the Asset Procurement and Operating Partnership Systems scheme

Successful bidders, who are in line to be awarded the tender to construct Louis Trichardt Maximum Security Prison, Bloemfontein Maximum Security Prison, Barberton Youth Development Centre and Boksburg Awaiting-Trial Prison, were named as the South African Custodial Services, Ikwezi consortium and Lungisa

The two maximum jails and the awaiting-trial prison would each have 1 500 beds, while the youth development centre would have 800 beds. The four jails would increase the current national capacity of prisons of 96 000 by 5 300, Radebe said

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8/17/18
Kwame Ninsin

Freedom gladly deferred by those in training

By TWEET
GAINSBOROUGH-WARING

Most prisoners will do anything to get out of jail early — they appeal against their sentences, apply for parole or simply escape. But now some prisoners at Pollsmoor in Cape Town actually want to stay in jail longer than they have to. It's not because the prison food is so great or the weather outside is so bad, but because, while in jail, they are receiving top-class skills training they could not hope to get when they leave.

So after their release, the prisoners are allowed to return to jail every day to complete their training programme. The Triple Trust Organisation began its prison skills training programme at Pollsmoor a year ago, giving a short course to teach women prisoners the rudiments of running their own businesses.

Triple Trust spokesperson Ruth Martin said that, with the help of the prison authorities, the trust then introduced courses teaching prisoners leatherwork and sewing — for men and women.

She said this was aimed at giving prisoners some skill they could use when they were finally released. Long-term prisoners and warders, were trained as trainers in leatherwork and sewing.

Five successful courses have already been completed, each catering for about 50 prisoners. Martin said some of the prisoners had found the courses so stimulating that they opted to return every day after their release in order to finish the course.

There have even been cases where former inmates have returned to attend the graduation ceremony, she added. Paul van der Merwe, who co-ordinates the programmes, said the courses were open to prisoners with a year or less to serve.

9 000 prisoners to be released as part of special remission (253)

MARCO GRANELLI
POLITICAL CORRESPONDENT

Pretoria - About 9 000 prisoners are to be freed from Monday thanks to President Nelson Mandela's 80th birthday

The release forms part of a six month special remission of sentence granted by Mr Mandela to all prisoners as part of his 80th birthday celebrations

Correctional Services Minister Sipho Mzimela said there were about 9 000 prisoners with six months or less of their sentence still to serve who would be released from Monday.

It should take about two weeks to release those most directly affected by the reprieve

The sentence reduction is valid for all prisoners and parolees except mentally disturbed inmates and those who have escaped and are still at large today

Awaiting trial prisoners and unsentenced inmates are not covered by the remission

Dr Mzimela said yesterday that any escapers who gave themselves up before midnight last night would also qualify although he doubted the remission would compel any prisoners at large to return to their cells where they would face further charges for escaping

He said the remission was a sen-
*23

ARLg 18/7/98
tence reduction not a pardon. Prisoners who will be released will remain on parole under normal parole conditions.

Commenting on whether the reprieve flew in the face of attempts by the Government to get tough on crime and criminals, Dr Mzimela said he thought the gift would have positive spin-offs.

"In the last four years the Government has not granted any kind of remission, which is rather unusual, and this is a step that has been carefully thought out

"It does not conflict at all with the Government's intention to stamp out crime. In fact, it sends out a positive message - the carrot and the stick - that while we are determined to fight crime we do not want to appear to use draconian measures.

"We also want to encourage people to improve their behaviour knowing there is some light at the end of the tunnel," he said

Correctional Services Commissioner Khulekani Sitole said he welcomed the move as it would help ease overcrowding of prisons.

"This will ease our accommodation problems. Getting 9 000 out of the system brings us down to 139 000 prisoners which is 39% over what the prisons were designed for"

He said prisoners would be informed of Mr Mandela's gift last night
*24



HISTORIC ISSUE: Leonard Overmeyer of Metropolitan Life shares his copy of yesterday's Cape Argus special Mandela birthday supplement with pupils at the Luthlaza High School in Khayelisha. Metropolitan helped with the distribution of the supplement to Cape Flats schools
Picture: ANDREW INGRAM
*25

Parties criticise prisoners' release

Stephané Bothma

PRETORIA — Opposition parties reacted with "amazement and shock" at the weekend to government's decision to release 9 000 prisoners from the country's jails as part of a special six-month remission of sentence granted by President Nelson Mandela to celebrate his 80th birthday

The move, announced by Correctional Services Minister Sipo Mzimela on Friday, would affect all prisoners who had been sentenced by July 17, with the exclusion of mentally disturbed inmates and those who had escaped and were still at large on that date

The release of the prisoners would have no significant financial implication for the department, he said "As these inmates leave, others will take their place," he said

The Democratic Party (DP) said the step made a mockery of the criminal justice system and was a slap in the face to the victims of crime

The party's correctional services spokesman James Selfe said the DP was shocked and saddened by the decision

The party had repeatedly said that SA's crime problem would not be resolved until criminals had a reasonable expectation that they would be caught, tried and convicted and that they would serve the sentences handed down by the courts, Selfe said

The National Party said it was amazed that the remission was granted to all prisoners. The party would have preferred if murderers, rapists, armed robbers and child molesters had been excluded

The African National Congress (ANC) expressed confidence in government's decision

MO 20/7/98 (253)
"The decision would not have been taken lightly and without due consideration of the best interests of society and the prisoners affected," the ANC said

The ANC was also confident that the correctional services department would take whatever steps necessary to ensure the released prisoners were properly reintegrated into society

The release of prisoners starts today and should be completed in about two weeks, Mzimela said

He emphasised that the release was not a pardon and that the inmates, most who would have been released before the end of the year in any case, would in effect be on parole

Mzimela said he believed the move would have positive spinoffs and that was not in conflict with government's intention to stamp out crime "In fact it sends out a positive message — the carrot and the stick"

Mzimela said government wanted to encourage people to improve their behaviour, knowing there was some light at the end of the tunnel

The granting of remission of sentence was not an unusual step, Mzimela said. Over the past four years, the ANC government had not granted a remission of any kind, he said "This is quite unusual"

Correctional services commissioner Khulekani Sitole said the release would to some extent help to ease overcrowding in prisons, bringing the prison population down from 148 000 to 139 000

The SA Prisoners Organisation for Human Rights spokesman Golden Miles Bhudu said that while his organisation welcomed the move, the releases would only postpone the problem of overcrowding, not solve it

Top brass to meet after spate of escapes by awaiting-trial prisoners

Star 20/7/98

(277) (277)

By MBANGWA XABA
Crime Reporter

Provincial heads of safety and security departments are to launch separate investigations to determine how 18 awaiting-trial prisoners escaped from police custody in various parts of the country at the weekend.

Police spokesperson Super-

Conduct of policemen to be probed after 18 flee from custody

intendent Martin Aylward confirmed that eight awaiting-trial prisoners escaped in Gauteng, four in the Western Cape and six in the Eastern Cape.

However, he would not comment on individual escapes, but said it was procedure to investigate the conduct of police officers during the escapes.

Aylward said strong action would be taken if members were found responsible

Investigations to establish how the prisoners got away would be launched this week.

In Gauteng, eight awaiting-trial prisoners got away from Muldersdrift police cells on the West Rand at about 10pm on Saturday after the prisoners cut through the bars of their cell with a saw

All eight were due to appear in court today. Police said seven of the men were being held in connection with house-breaking and theft and one for assault

On Friday, four awaiting-trial prisoners escaped from the Mitchell's Plain police cells on the Cape Flats, also by cutting through their cell's bars with a saw

One of them was rearrested but the other three were still at large. The rearrested suspect, who faced charges of house-breaking, was caught on Friday.

The names of those on the run from police are Faizel

Solomons, wanted on theft charges, Bradley Davids, on a robbery charge; and Patrick Fransman, who was arrested for being in possession of dagga

A police officer, Sergeant K Ncapayi, who was removing empty dishes from a cell at the Grahamstown police station in the Eastern Cape, was over-

Overpowered policeman robbed of revolver and tied up

powered by six prisoners

He was robbed of his service revolver and R400 before he was tied to a mattress. The six were being held for suspected housebreaking. They escaped from the cell area by going through the parade room and jumping through an open window.

Prison head back at work

Wally Mbhele

The head of a KwaZulu-Natal prison who was recently suspended after his alleged involvement in the death of a prisoner is back at work

Minister of Correctional Services Sipho Mzimela promised an inquiry into the actions of Sipho Dlamini, head of the Ingwavuma prison. Prisoners claim they were not informed that the

inquiry had been constituted, who was heading it or who was asked to give evidence. Prisoners who made the allegations against Dlamini said they were not approached.

The *Mail & Guardian* reported in May that Dlamini was linked to the death of a prisoner, Mduduzi Ntembe Mzimela and the chair of the parliamentary portfolio committee on correctional services, Limphe Hanu, made an unannounced

visit to the prison, after which Dlamini was suspended.

They ordered an investigation into Ntembe's death and other allegations against Dlamini, including that he ran a business inside the prison. "The [preliminary] findings were that, although it seems Dlamini was assaulting prisoners, there is no concrete evidence he is directly linked to Ntembe's death," said Mzimela's representative, Bert Slabbert, in May.

Prisoners told the South African Prisoners Human Rights Organisation (Saphor) that on May 18 they saw Dlamini kick and whip Ntembe with what looked like a sjambok.

Saphor said Ntembe was rushed to hospital, where he was treated and discharged on the same day. A day later he complained of stomach pains. His pleas for medical attention drew a hostile response from Dlamini. According to Saphor, it was only

the next day, after Ntembe had lain motionless in his cell throughout the night, that Dlamini ordered that he be taken to hospital, where he was certified dead on arrival. It later emerged that Dlamini had apparently misled his superiors when he claimed Ntembe died at the hospital.

Local police who were asked to investigate possible charges of culpable homicide against Dlamini apparently did not even start the investigation as they feared Dlamini.

At the time of going to press, Slabbert could not comment, saying Mzimela was taking the matter up with correctional services National Commissioner Khulekani Sithole.

MHG 24-30/7/98

(253)

(10)

An apology to fellow scribes

Ferial Hatfajee

As former law and order minister Adriaan Vlok came clean before the Truth and Reconciliation Commission this week, a smaller act of absolution was happening in Potchefstroom

Willem Boshoff, a destitute 58-year-old, has apologised to journalists Laurence Gandar and Benjamin Pogrund for his role in a trial which chalked up a dark age for media freedom. He was a key witness among a score of white prisoners who perjured themselves to discredit the media — with the result that for the next 10 years, no newspaper in South Africa was prepared to report on prison conditions

Pogrund, a *Rand Daily Mail* reporter at the time, wrote a 1965 exposé on a prison system so decrepit it would not have been out of place on the set of *Midnight Express*. It also lifted the lid on the torture of political detainees. The state trotted out white prisoners like Boshoff who claimed that conditions were good, that the toilets were clean and that training and rehabilitation opportunities were available to all prisoners. Their whitewash worked and Gandar — *Rand Daily Mail* editor at the time — and Pogrund were found guilty. Earlier this year, Pogrund appealed for these sentences to be expunged from court records.

Today Boshoff is a sad and lonely figure whose conversation is peppered with the names of Afrikaner icons he

claims were close to him in other times. He spends his days looking for Joffel van der Westhuizen (a former defence chief) and Louis Luyt (former rugby supremo) to see if they will help. "I need a new set of dentures.. and maybe a couple of hundred rands."

But the decision to apologise and make public his role is spurred, apparently, by a higher calling. Boshoff is a frustrated journalist who spends his days penning news stories for a knock-and-drop newspaper in Potchefstroom and writing flyers for local butcheries. He regrets his role in the fall of fellow scribes

"I wish it was possible to turn the clock back 33 years. It could have saved lives.. Like that [Steve] Biko chap. As my life is coming to an end, I want to *dareem* [at least] leave a clean copy behind. I want to tell them I'm very, very sorry."

Boshoff and his companion, Bruce Manthey, live in a room in somebody else's house. Their kitchen — a table, a paraffin stove, a selection of tins, enamel mugs and plates — is hidden behind the door. Their two beds are covered with threadbare blankets and the washing hangs from a line strung across the room

Their dreams are contained in boxes and Tupperware containers: Manthey's felt-tip markers, the religious pictures and poems he sells. Boshoff's plans for stories he will write and sell fill three boxes

The two have been caught in the crosswinds of change. Sheltered employment and the welfare net

24-30/7/98

provided by apartheid is not available any more. Boshoff's apology is part of making a space for himself in the new South Africa.

In the 1960s, Boshoff was a member of the Afrikaner Jeugbond. He ended up in Pretoria Central prison on fraud charges and served as a clerk because he was a white and educated inmate.

"One day, Kallie de Haas, a lifelong friend, brought me a personal message from John Vorster. He wanted me to assist the state. He said it was my National Party and Afrikaner duty to testify against the *Engelse pers* [English press]"

And he did, taking the stand for two days under the watchful gaze of Helen Suzman. She doesn't remember Boshoff specifically, but she does remember the troop of prisoners who came to be about the conditions she had witnessed and which had formed the basis of the *Rand Daily Mail's* investigation

"I twisted the truth," acknowledges Boshoff. "Prison was bad enough for whites. It was worse for blacks, but it was utterly miserable for white political prisoners like Bram Fischer and Harold Strachan."

Boshoff got three years knocked off his five-year sentence. He was also given generous credit facilities after Vorster's aides put in a word with his bank manager.

The bespectacled old man drifts back to a different time. Before he asks for some money for his story, he says. "I want to apologise with deep regret for siding with the wrong side"



Wrong side: Willem Boshoff (right) and his companion, Bruce Manthey, are caught in the crosswinds of change. PHOTO: MADINE HUTTON

New bid to contain juvenile offenders

Star 28/7/98

By JOVIAL RANTAO
Political Correspondent

Legislation which prevents youths suspected of committing serious crimes such as rape, robbery, murder and hijacking from being released, because of a shortage of secure care facilities, has been tabled in Parliament.

Justice Minister Dullah Omar has tabled the Criminal Procedure Amendment Bill which replaces Section 29 of the Criminal Procedure Act, which was repealed from the statute books on May 10, making it illegal for youths under the age of 18 to be kept in jail.

The new bill would, once passed by the National Assembly and the National Council of Provinces, allow the state to keep youths suspected of committing serious crimes in police cells pending their appearance in court.

According to the draft legis-



Minister Sipo Mzimela

lation, the state would have to provide the court with a written report setting out reasons for the detention and an explanation as to why it was necessary to detain the young suspects in police cells.

The bill is a stop-gap measure by the Government to pre-

vent serious young offenders, who cannot be kept in jail, from being released.

It has also been viewed as an interim measure pending the legislative recommendations of the South African Law Commission in its investigation into the establishment of a separate juvenile criminal justice system which, among other things, will deal with the detention of juveniles.

Correctional Services Minister Dr Sipo Mzimela has warned that he might be forced to release the young offenders from prison because it was unlawful to keep them there.

The legislation gives courts the power to imprison youngsters who commit serious offences while on trial on similar charges.

Courts would however be required to provide reasons for ordering the detention of such offenders.

A young second offender can

only be detained in prison if:

- His or her detention is a measure of last resort as contemplated in the constitution
 - Such a detention is necessary in the interests of the administration of justice and the protection of the public or the offender
 - There is a substantial likelihood that the person, on conviction of the offence which he or she is alleged to have committed, could be sentenced to a jail sentence of more than two years.
 - No secure care place of safety is available within a reasonable distance from the court for the offender's detention.
- The detention of young offenders in prison would be reviewed at intervals of 14 days.
- Once the bill becomes law, all unconvicted people under the age of 18 will be brought to court, where the place of their detention will be decided.

New law to protect youth in detention

By Ido Lekota

THE plight of arrested juveniles who face being assaulted and abused while detained in police cells with adult criminals is to be addressed following the Government's introduction of the Criminal Procedure Amendment Act.

The Bill was tabled last week and is to be discussed in the portfolio committee of Justice today.

In terms of the Bill only juveniles between the ages of 16 or 17 who have committed serious crimes such as rape, murder and armed robbery can after their first appearance in court be held in custody.

Such custody, however, will be in prison and not in police cells. This is aimed at protecting the juvenile because, unlike prisons, police cells normally do not have the facilities to provide safety for children.

On the other hand, the presiding officer can only order for the detention of such a juvenile after he has been satisfied that detention was the last resort aimed at ensuring the fair administration of justice. Otherwise the juvenile could still be sent to a place of safety.

The detention order has to be reviewed after every 14 days, whereupon the detaining officer would have to give further evidence as to why the juvenile must remain in custody. The

officer will also have to provide reasons for the delay in the disposal of the case.

The Bill, however, makes provision for the detention in police cells of juveniles who have not yet appeared before the court.

This may happen in cases where the accused cannot be placed in the care of their parents or guardian.

Such detention can also be the option if there are no places of safety available or if it is deemed necessary and in the interests of justice.

However, in such instances the officer must ensure that the accused appears before a court within a period of not more than 48 hours.

Stewart 28/7/98

(253)

Terms set for youths in cells

JOVIAL RANTAO
PARLIAMENTARY BUREAU

~~277~~ (277)
ET 28/7/98

LEGISLATION which prevents youths suspected of committing serious crimes such as rape, robbery, murder and hijacking from being released because of a shortage of secure care facilities has been tabled in Parliament

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Justice Minister Dullah Omar has tabled the Criminal Procedure Amendment Bill. It replaces section 29 of the Criminal Procedure Act, which was repealed on May 10, making it illegal for youths under 18 to be held in jail.

According to the draft legislation, the state would have to provide the court with a written report setting out reasons for the detention and why it was necessary to detain the suspect in police cells.

The bill is a stop-gap measure by the government to prevent serious young offenders, who cannot be kept in jail, from being released. It has also been viewed as an interim measure pending the recommendations of the South African Law Commission based on its investigation into the establishment of a separate juvenile criminal justice system.

Correctional Services Minister Sipo Mzimela has warned that he will have to release the young offenders, along with all other juveniles, from prison as it will be unlawful to keep them there.

The legislation also gives the court the power to order that juveniles, who commit serious offences while on trial on similar charges, be detained in prison.

Poor investigation

a strain on prisons

CT 4/8/98 (253)

SLOW and faulty police investigations are straining the resources of the Department of Correctional Services an official in the department told Parliament yesterday.

"Awaiting-trial prisoners make up 30% of the prison population and cost the taxpayer millions of rands that could be spent elsewhere," A Hlongwane told the Joint Committee on Safety and Security in his submission on the White Paper on Safety and Security.

Often, after they had spent long periods in prison, no conviction could be secured against them.

Hlongwane also said the Justice Ministry should decriminalise certain so-called social crimes that did not threaten public safety.

Anthony Minnaar, from Technikon SA's public safety department, slammed the White Paper for displaying "a worrying lack of detail". Of particular concern was its silence on the "privatisation of policing" and policing in rural areas.

But Safety and Security Ministry secretary Azhar Cachalia said many details requested were management related. "There are millions of management problems. If the White Paper got into those, we'd have an encyclopaedia" — Parliamentary Bureau

Society must reintegrate

With no halfway houses for rehabilitation, the cycle of crime will continue, contends Sarah Oppler

(Cap) Sarah 11/8/98

It has become a convention in all modern democracies to pardon offenders on days of national importance, but it does not encourage the general public to either feel safer or think that the Government is making an effort to control crime.

The public's perception of the criminal justice system is already negative and releasing 9 000 prisoners compounds this sentiment.

Much of the debate on the release of the 9 000 misses the point that the alleged killing of an elderly couple and the raping of a 14-year-old girl by ex-offenders who were released, is not the result of early release but the severe lack of reformation and reintegration programmes offered by the Department of Correctional Services to prisoners.

The fact remains that these prisoners would have been released in six months time anyway.

The amnesty granted to these 9 000 men and women has been highlighted by

the media because it was part of President Nelson Mandela's 80th birthday celebrations. Yet, the public never heard of the approximately 9 000 prisoners released each month, who similarly are not prepared for freedom.

South Africa does not have halfway houses, where offenders are helped to be reintegrated back into society. Perhaps then it should not be surprising that ex-offenders commit crime, because of unemployment and the inability to adjust to the world outside prison.

The cycle of crime continues as first-time offenders learn more about committing crime while in prison and, when released, quickly return to prison having committed a second offence.

One of the prisoners who was recently released said that she did not want to leave prison for the life outside where funding for herself would be impossible without resorting to crime. She emphasised that despite confinement and harsh conditions there is food, hot showers and free healthcare in prison.

Surely the Government would save

money in the long term by developing alternative sanctions for select groups of offenders, including diversion, victim/offender mediation and restitution and compensation programmes at all prisons instead of having the same criminals pass through the criminal justice system time after time.

South Africa needs to develop a more flexible and varied system in which punishments are tailored to the individual offender.

Alternative sanctions have treatment components directed at employment, addiction problems and family/relationship problems. Such treatment appears to have a significant effect on reducing recidivism in other countries. Yet, the expense of such alternative sanctions must be taken into consideration.

Before such programmes can be implemented, however, solutions to severe overcrowding, staff absenteeism and gangsterism within South African pris-

ons must be found. Although it has been argued that the release of the 9 000 will help alleviate prison overcrowding, the effect will be minimal since in the majority of prisons the awaiting-trial section is generally more overcrowded than the sections for sentenced prisoners.

South Africa's awaiting-trial prisoners make up about a quarter of the prison population. In Pollsmoor prison in Cape Town, almost half of the prison population are awaiting trial. Statistics from Pretoria Central prison show a more serious situation with almost 4 000 of its 4 800 inmates awaiting trial.

The two main reasons for such a crisis are the inadequate application of the bail law, implemented in September 1995, and deficiencies in the criminal justice system which are contributing to the declining conviction rate.

Clearance rates (the number of cases handled by the police which are referred to court, withdrawn, or unfounded), to the total number of cases either cleared or undetected have a significant effect on the conviction rate. Police statistics

prisoners

reveal that between January and June 1997 aggravated robbery had the lowest clearance rate with 77% of cases remaining undetected.

The appointment of Dr Ben Skosana as Minister of Correctional Services should ensure that the department continues to address fundamental problems and focus on developing reintegration programmes for prisoners. Skosana has a major task ahead, as he will be trying to change the poorly managed prison system during the runup to the next general elections.

The pre-election period in 1994 was characterised by simmering prison disturbances. While the political context has changed dramatically, continued overcrowding, poor relations between warders and prisoners, and alternatives to imprisonment, mean the possibility exists that prisons will once again be characterised by unrest.

■ Sarah Oppler is a senior researcher with the Institute for Security Studies

Prisoner releases 'botched'

Embarrassed government officials say new legislation is on the way

By ADRIAN HADLAND
PARLIAMENTARY CORRESPONDENT

The Government admitted this week that the early release of more than 8 000 prisoners to mark President Nelson Mandela's 80th birthday had been handled badly.

Facing a storm of public and political protest in the wake of the releases last month, and a number of serious crimes that followed shortly thereafter, newly appointed Correctional Services Minister Ben Skosana agreed that "mistakes" had been made.

Skosana told the National Assembly during a special debate on the issue that future sentence remissions would involve more extensive consultations and would be co-ordinated by a new, independent remissions committee.

"With hindsight, we could perhaps have approached the consultation process differently. It could have been done more extensively," Skosana said. "We believe we can learn from the mistakes of the past."

Pressed during question time earlier in the day on what consultations had taken place prior to the "bursting", Safety and Security Minister Sydney Mufamadi refused to elaborate, saying only that he had been "officially informed".

Democratic Party MP Douglas Gibson said the release had been characterised by an "extraordinary lack of cohesion" between government departments which had led to errors. Some prisoners with outstanding warrants of arrest had been released regardless, Gibson said.

"The left hand doesn't know what the right hand is doing."

Other opposition parties, includ-

ing the PAC and the IFP, also took the Government to task for what MPs called the "botched release".

The Government should "apologise to the people of South Africa for such an ill-conceived idea," said NP leader Marthinus van Schalkwyk.

Said IFP MP Sybil Seaton: "We cannot afford to release unrehabilitated prisoners. It is our duty to ensure law-abiding citizens feel safe in their own country. We should be doing everything we can to protect them."

Government embarrassment at the mass remission was clearly evident during the debate.

In spite of the hour-long discussion being termed a "matter of public importance", only one ANC cabinet minister, Health Minister Nkosazana Zuma, was present. She did not participate and, indeed, spent most of the debate chatting with friends in the backbenches.

More critical

ANC MP Wilhe Hofmeyr, however, admitted that the Government needed "to look more critically at criteria for remission. I think we should do that."

He added, however, that new legislation would prevent similar mistakes being made next time.

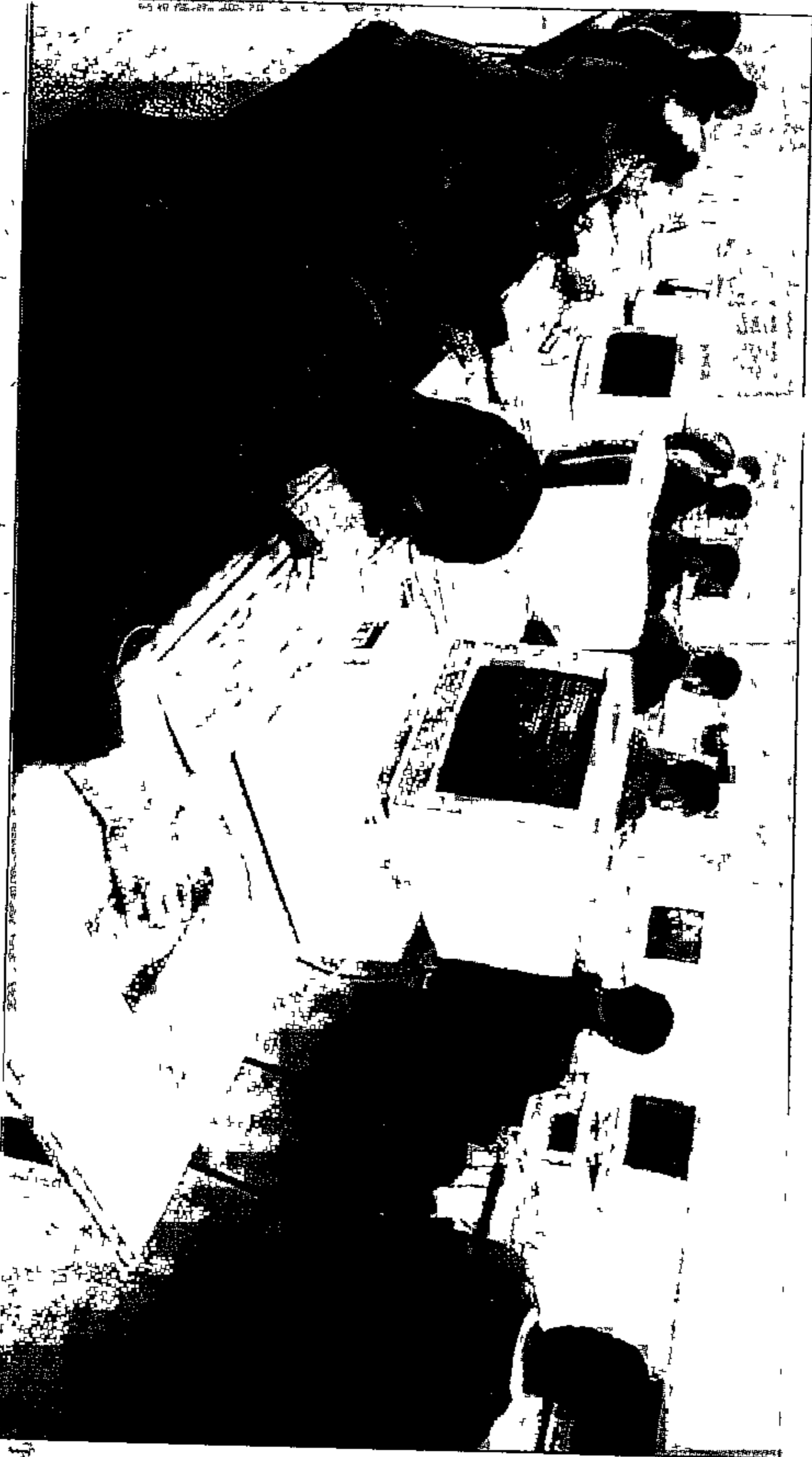
"It was the ANC that reformed bail legislation and created a category for which there is no parole," Hofmeyr told the National Assembly.

"More prisoners are serving a larger part of their sentences than before. The system is going to improve. We are going to see to it that crime does not pay," he said.

Skosana said a new correctional services bill would create independent parole boards with greater powers to decide which prisoners would be released early.

Project to boost prisoners' skills

Polismoor aims to equip inmates for life outside



Learning the basics: Polismoor inmates hard at work in the new computer business centre

BRENTON GEACH

NORMAN JOSEPH
STAFF REPORTER

(2573) ARG 17/8/98

When two top Correctional Services officials unveiled a glittering plaque to open a training centre at Polismoor, it signalled the start of a long-term effort to have a positive effect on over-crowding in the prison.

Polismoor Area Manager Freddie Engelbrecht and Chief Deputy Commissioner Steven Korabie officially opened the new building, where job skills' training will be offered to prisoners.

Mr Engelbrecht said that when prisoners acquired entrepreneurial and job skills, they would be able to set up a business on their release from jail - and hopefully not return to crime.

"We will not see a decrease in over-crowding immediately, but the centre will have a long-term effect," Mr Engelbrecht said.

"It's all about developing inmates' skills so that they can start a business

once they leave prison," Mr Engelbrecht said.

Polismoor Divisional Education and Training head Godfrey Clayton said the centre aimed to develop specific skills, combined with business and entrepreneurial training within the informal trade.

The biggest group of prisoners fell between the categories of short to medium term sentences - from six months up to five years.

Mr Clayton said the aim was to involve these sentenced prisoners in the training programme. It was hoped there would be greater impact by reaching a larger group within a shorter period.

Mr Engelbrecht said more people could acquire a skill within the informal trade than the artisan trade.

Mr Engelbrecht said the skills training could be divided into basic carpentry, metalwork, bricklaying, plastering, painting, decorating and pottery. There is also a computer business centre, and academic classes will be offered.

CAPE ARGUS, MONDAY, AUGUST 17, 1998



Instructor: prisoner A J Oliver, who makes cane furniture, will teach other inmates

Broke Public Works all but grinds to a halt

(173) (253) (253) ST(BT) 23/8/98
GOVERNMENT SPENDING

By CAROL PATON

THE massive backlog of maintenance and repairs to property owned by the Department of Public Works, which at the last count stood at R7.8-billion, looks set to spiral even further with the suspension of all operations in some provinces owing to budget cuts.

The largest regional office of the department, which covers Gauteng, Mpumalanga, the Northern Province and the North West, has suspended all maintenance contracts and will carry out repairs only if these are "ultra-life threatening", regional manager Bongani Khonjwayo said this week.

Repairs or renovations that do not constitute such a threat will be delayed until the next budget year.

Owing to the suspension of maintenance contracts, government departments which used to call on contractors to do repairs will no longer be allowed to do so. Requests will have to be made to Public Works, which will determine their priority and urgency.

In a memorandum to staff, Khonjwayo said there was no guarantee that repairs, even those with an "immediate health and safety implication", would receive approval.

Worst affected by the budget crisis will be the army, police, prisons and

courts, which are the major clients of the Department of Public Works, and which rely on it for repairs and renovations.

According to the Departments of Justice and Correctional Services, many buildings are already in a neglected and dilapidated state.

For instance, 459 prisons are in need of repair — 336 need urgent attention.

The suspension of repair work would pose "a security and health risk to inmates and staff", said Correctional Services spokesman Chris Olckers.

Gerrie du Preez, deputy director general of finance in the Department of Public Works, said the department had been granted a budget of R529-million for repairs during 1998/9 although it had requested R1-billion.

To overcome the R7.8-billion backlog, which was estimated in 1996, R1-billion a year for the next 10 years was needed, officials said.

However, it is hoped that the compilation of a national register of assets and the disposal of redundant state property will provide resources to address the backlog.

Shock treatment for kids in serious trouble

Visitors cook up cover for drug traffic

Behind electrified barbed wire, Pollsmoor children await day in court

Barbed-wire electrified fencing is being erected around the grim building housing children awaiting trial in Pollsmoor Prison.

A senior prison official shakes his head in disapproval. "It reminds me of a Nazi camp. We are trying to move a way from that. We are more interested in promoting a human rights culture," he says.

Behind the steel door, the picture is even bleaker.

Children between 14 and 18 wait for their day in court in conditions unfit for humans. In gloomy, damp cells, windowpanes are smashed and cold air chills the bones of the youngsters huddling on their bunks.

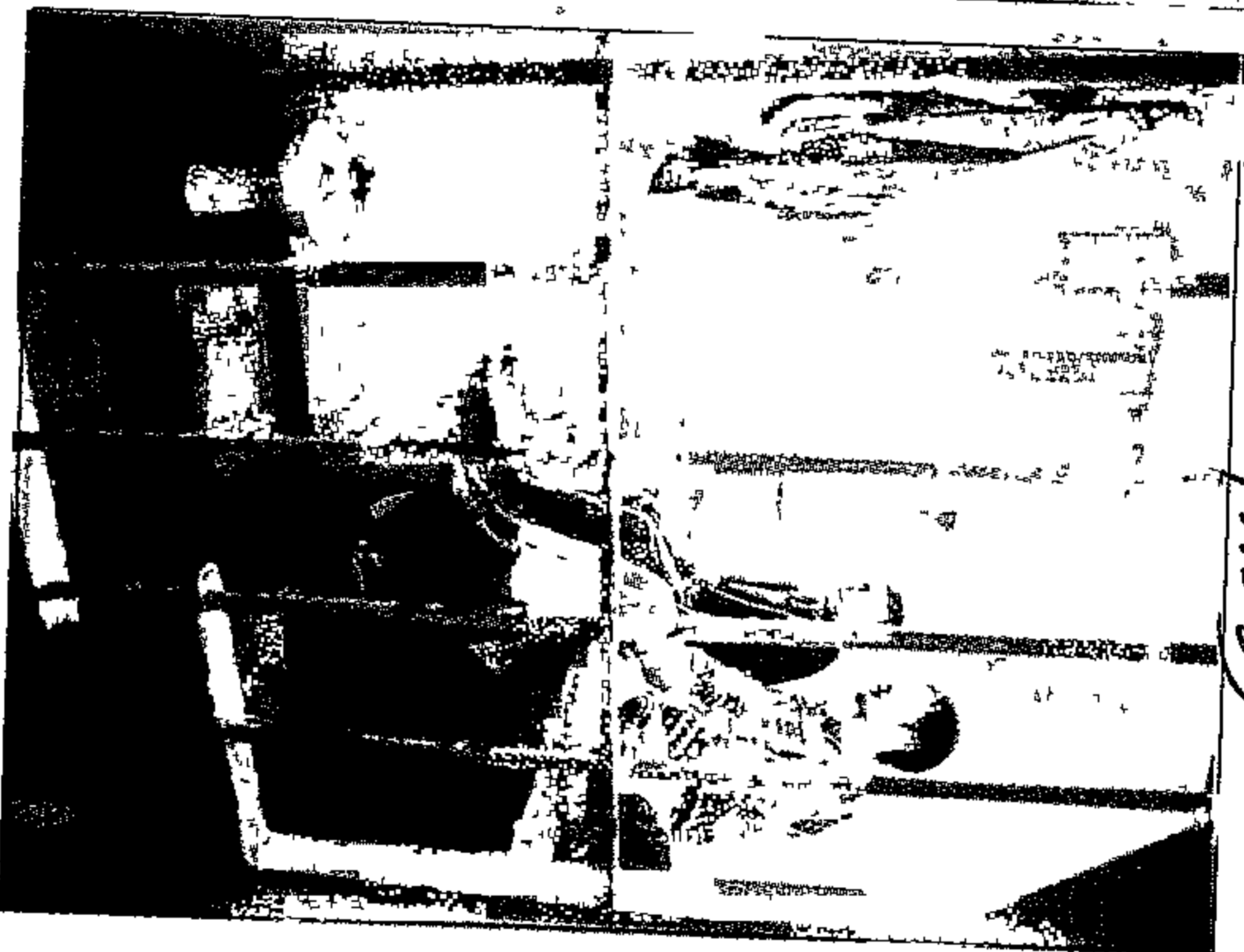
Here and there fluorescent lights are broken, wires dangling from the ceiling. Children awaiting trial in Pollsmoor do not go to school and are locked in these cells from 3pm to 7am. Those accused of petty crimes are thrown together with those accused of violent crimes.

Gangsterism thrives in these conditions and drug abuse is rife. The situation is dire, yet the number of children being held in Pollsmoor is



Inside looking out: awaiting-trial children in Pollsmoor do not attend school

ROY WEALE



Monotony: there is little to occupy these men

was a continuing process and the number of awaiting-trial children in Pollsmoor could be rising because crime was increasing.

"We are making progress. The reason for the rise could just be that there are more children in conflict with the law," she said.

Most of the children accused of petty crimes had been moved out of prisons and Project Go would continue assessing children until March.

An amendment to the Criminal Procedure Act allows children charged with serious crimes, such as rape and murder, to be held in prison when other accommodation is not available. Children should await trial in prison only in exceptional circumstances, according to justice officials.

But statistics given to the parliamentary portfolio committee on justice showed that the number of children awaiting trial in prison was 1 300 and climbing, illustrating the inability of the courts to process cases speedily, said Sheila Camerer, National Party spokeswoman.

ART BY ROY WEALE 25/8/98 (253)

Visitors are smuggling drugs into Pollsmoor Prison by concealing them in cooked chickens or cakes and handing them to prisoners. Dagg and Mandrax, the most popular drugs, have also been found hidden in rugby and tennis balls.

While 10 Correctional Services staff have been suspended for drug offences in the past two years, up to four visitors a week are caught trying to smuggle drugs to prisoners. If prisoners are not hooked on drugs before they go to jail, they will certainly be exposed to dagga and Mandrax in Pollsmoor.

Correctional Services area manager Freddie Engelbrecht, the man who has declared war on drugs at Pollsmoor, estimated up to 70% of the 6 500 prisoners were taking drugs.

"We find drugs in cooked chicken, in cakes, and rugby and tennis balls. Sometimes visitors try to conceal the drugs in sealed tins or chip packets," said Director Engelbrecht.

The 10th prison official to be suspended in the past two years for



Reports by GYWNIS UNDERHILL

easing
 Supervisor Johan Truter said there were 160 before May. Then the number had dipped to 100 as more were moved back home or to places of

safety. But the figure has steadily risen to 160 again.
 He said the reason for the rise could be the increase in crime, because social workers involved in

Project Go, which is kickstarting the transformation of the child and youth care system, were doing an admirable job moving children out of prison. From May 10, the responsibility

for awaiting-trial children was handed to the Department of Welfare. But instead of children being released into secure care, as was widely expected, Correctional Services agreed



A long haul: Shaun Shearon has been an awaiting-trial prisoner for three years at Pollsmoor

ROY WIGLEY

The long wait

Department of Correctional Services statistics reveal that 1 100 inmates need prisoners have been awaiting behind bars for more than two years.
 The Department of Correctional Services said that the number of inmates awaiting trial in the Department of Correctional Services has increased from 1 100 in 2001 to 1 100 in 2002. The Department of Correctional Services said that the number of inmates awaiting trial in the Department of Correctional Services has increased from 1 100 in 2001 to 1 100 in 2002. The Department of Correctional Services said that the number of inmates awaiting trial in the Department of Correctional Services has increased from 1 100 in 2001 to 1 100 in 2002.

to keep them until alternative detention centres were found.

Melanie Kelly, manager of Project Go in the Western Cape, said yesterday that transforming the system

The Criminal Procedure Amendment Bill before the committee raises the minimum age for children held in prison from 14 to 16 and limits magistrates' discretion in jailing children

smuggling drugs into Pollsmoor Prison was caught last week

The going rate at Pollsmoor was R50 for a Mandrax tablet and R150 for a bank bag of dagga

Prisoners earn ration of dignity

Pollsmoor Prison admission centre head John Jansen did more than listen to complaints from awaiting-trial prisoners about being victimised, raped and assaulted – he set about improving the deteriorating conditions they endured.

"We had to try to protect the prisoners from themselves," he says

And this is where Joanna Flanders, a trainer with the non-government Centre for Conflict Resolution, entered the picture, offering courses on resolving tensions

"When I came here, prisoners awaiting trial had many complaints about the prison

"But recently one cell of prisoners re-arranged the furniture three times. They no longer have pictures of nude women on their walls. The

results are manifesting in many ways," she says.

"The prisoners are taking a pride in their grooming, for example, and learning that physical violence is not the only way of solving a problem."

What the prisoners in the decaying quarters wanted to show the Cape Argus was their display of coarse blankets shaped into fan-tails and placed neatly across the bunks.

For Mr Jansen, who grew up in shack settlements where he witnessed violence, this show of pride is one small step forward

A founder member of the Police and Prisons Civil Rights Union, he became a warder to try to restore human dignity to prisoners

"When I came to the Pollsmoor admissions centre, it was chaos. Prisoners were running up and down the

corridors. There was no control over them

"Now, at least, tensions are not so high. We do things in a different way now," he says

What he has also done is separate gangsters from others awaiting trial, which has reduced violence

Prisoners had been paying protection money

"Assaults among inmates has radically decreased and so has absenteeism among warders," he says

Prisoners awaiting trial have in past interviews declared the admission centre "a condemned building" and complained of lice and cockroaches, but Mr Jansen says that situation has improved

"What we want to do is restore to these people the dignity that was taken away by the previous system."

Straight to hell, no trial

SPECIAL REPORT



GLYNNIS UNDERHILL

For three years Shaun Shearon, 33, has been awaiting trial in Pollsmoor Prison admission centre, where overcrowding forces some to sleep three to a bed and 60 to live in cells meant for 18.

The amount of time he has spent behind bars awaiting trial on their charges has given him certain privileges. While thousands of others are crowded in dark dormitory cells, Mr Shearon sleeps alone in a damp single cell. Most of the other awaiting-trial prisoners are locked in larger cells crammed with inmates.

The dungeon-like admission centre was designed to take 1 690 prisoners, but the number has soared to 3 800 - and climbing. The problem is exacerbated by many of those awaiting trial being unable to pay bail. They languish in prison for months, even years.

Mr Shearon's records show he completed a sentence for housebreaking and theft three years ago. His trial on the latest charges has been postponed repeatedly and he has been denied bail. He tells his story gingerly under the watchful eye of warders, all the while touching his injured hand, the result of a fight with a fellow inmate. During his stay in jail, his wife has left him for another man.

"There is no justice system. The magistrate who heard my bail application has a record of refusing bail. Why can't they give us a fair trial? After all these years only my dad comes to see me," he said.

Most unsentenced prisoners are let out of their cells for an hour's exercise a day. With only a "Kerrim" board game or TV set to occupy them in the cells, violence is common. The head of the admission centre, John Jansen, described the overcrowding as "truly desperate".

"We have met Attorney-General Frank Kahn to discuss the overcrowding crisis. We want to see what can be done about bail for not-so-serious crimes," he said.

(R73) ARG 25/8/98



Jailhouse chock-a-block: cells for Pollsmoor's awaiting-trial prisoners are horribly overcrowded and damp. In some cases 60 men are crammed into a cell made for 18 people, forcing inmates to sleep three to a bed, which he has been denied. As one of the few privileged awaiting-trial prisoners, he is let out of his cell each morning and helps keep prisoners' court lists up to date as he idles away the years. At 2.30pm he is locked up for the long night ahead.

Mr Jansen said it hurt him to see prisoners treated this way, before they had been found guilty of any crime. Prison authorities had discussed the possibility of closing to new admissions and saying "no more". A tour of the centre is a nauseating experience. Corridors are pungent with urine and smoke as inmates burn long toilet-paper

rolls to light cigarettes. Three sets of eyes peer out of the single cells, when there should be only one. Visiting the dormitory cells is like going to hell and back. Many windows are broken and heavy bars are stuffed with clothing to keep out the cold. Washing hangs drying over the beds, strung over the fluorescent lights that are

working. The concrete floors are icy and the conditions shocking. But it is the sea of faces in the cells that is haunting. The conditions can at best be described as inhumane. By contrast, a visit to Mr Shearon's neat single cell is a relief. The walls are bare but for pictures of his three children. He is fighting to be allowed visits from his children.

More reports and pictures, page 3

ROY WHELETT

done - another R4 million must be

AKT 28/8/98

Thousands of prisoners too poor to pay bail

Many languish in jail for years

STYNNIS UNDERHILL
Special Writer

More than 20 000 awaiting-trial prisoners who could be free are in jail because they cannot afford to pay bail.

"It is unjust for poor people to be held in prison simply because they cannot afford to pay bail, and it may be a violation of their constitutional rights," says a new report by the Bureau of Justice Assistance.

The high number of unsentenced inmates in prisons like Pollsmoor may be the result of delays in finalising cases in court, the report says.

A study by the bureau last year found that 75% of the awaiting-trial prisoners sent to Pollsmoor from Mitchell's Plain courts had been granted bail but could not pay

A Cape Argus investigation published this week found the Pollsmoor Prison admission centre was bursting with 3 800 awaiting-trial prisoners although it is designed to take only 1 690.

Many cannot afford bail and as the justice system can be slow to process cases, they languish behind bars for months and even years.

The Bureau of Justice Assistance, a joint initiative of the Ministry of Justice and the New York-based Vera Institute of Justice, said there was no compelling reason for people who had been granted bail to be in jail.

Imprisonment of people entitled to bail discriminated against poor people, it said. Unsentenced people who remained in prison in spite of being granted bail generally did so because they were too poor to pay the bail

amount set by the court.

The national prison system built to accommodate 99 407 prisoners is housing about 143 000. The awaiting-trial population exceeds 43 000.

Michelle India Baird, director of the bureau, said yesterday the pre-trial services project launched a year ago had been successful and would be extended.

Its aim was to improve the bail system and lighten the load on prisons.

The project, which began in the Mitchell's Plain magistrates' courts, offers an alternative to cash bail in cases where magistrates decide it is appropriate to release accused people until they go to trial. Instead of being locked up because they cannot pay, they are released on warning and monitored by the bureau.



Planned law gives govt powers to jail juveniles

AD 8/9/98
Wyndham Hartley

CAPE TOWN — The National Assembly's justice committee is poised to rule that children accused of the most serious of crimes be kept in prison regardless of how young they are if a secure care facility is not available and to demand a report on the progress being made in establishing these facilities.

The committee is currently deliberating on the Criminal Procedure Amendment Bill which attempts to regulate the detention of juveniles accused of crimes.

Committee chairman Johnny de Lange said a report on progress made in creating secure facilities for the detention of juveniles accused of crimes was vital for those making the laws.

He said magistrates were being placed in an invidious position at the moment where they were faced with releasing juveniles who were a serious threat to their communities — or placing them in centres from which escape was simple — or detaining them illegally in prisons.

He asked officials drafting the committee's official report to the National Assembly to include a paragraph

(248) (253)
asking the ministers of welfare and justice to report on progress being made with the creation of secure facilities for "high-risk juveniles".

De Lange said he did not want an orphanage from where these hardened young criminals could simply escape, but a "jungle gym and a sand box surrounded by barbed wire".

De Lange said the choice facing the committee was to approve a clause in the bill that would allow a child younger than 14 years to be locked up in a prison if he or she was accused of a serious crime and if a secure facility was not available.

Serious crimes include murder, rape, committing robbery when armed with a firearm or other dangerous weapons, kidnapping and illegal drugs and firearms dealing.

Another option was to say that only juveniles between the ages of 16 and 18 could be put in prison in the absence of a secure facility. Those younger than that had to be placed in a secure care facility or released into the custody of their parents.

De Lange said the committee would have to make a political decision on the matter this week.

Top cops to hold indaba with 'doubting Thomases'

By JIMMEESEPE

FOUR national deputy commissioners in the South African Police Service are to meet on Tuesday with members of the Black Officers Forum in Pretoria to try and heal a serious rift that has developed in the senior management structure over appointments and transfers.

The call for the meeting comes barely a week after the officers forum objected to several senior appointments which were recently announced and claimed that certain officers were creating jobs for pals.

Since the publication of allegations of irregularities in the appointment of senior personnel by the Press last week, the national commissioner has been faced with a barrage of other accusations regarding the pace of transformation in the police. A meeting between members of the officers forum and the four national deputy commissioners will attempt to heal the rift between the two parties. The four are deputy national commissioner Zoliza Laviza, Morgan Claretty, John

Bid to end widening rift between factions in SAPS

Manuel and Mike Bester

National Commissioner George Fivaz has requested another meeting with the forum on September 28.

The two meetings follow Fivaz's scathing attack on some senior officers in the SAPS, whom he accused of being undisciplined and unethical. Fivaz said the undisciplined officers included those who accused top management of blocking transformation in the service.

It seems that the sole objective of these members is to promote their personal interests under the guise of concern regarding transformation. These members are using insubstantial and unethical methods to sensationalise their fabricated and unfounded stories based on malicious lies, rumours and ignorance.

(ATI) CP 20/9/98

Fivaz said some officers tasked with transforming the service were doubting Thomases, who were apparently unable to deliver.

President of the officers forum, Director Mpho Mnutle, said the forum found it odd that Fivaz traded insults about them in the media and at the same time requested a high level meeting.

Regarding Fivaz's statements, Mnutle said "the national commissioner has once again chosen to vilify members of the service who are fighting an uphill battle for the transformation of the SAPS and improved service delivery to our communities."

Mnutle said the forum would not be distracted by Fivaz's trade of accusations against them and they "will continue to embrace the policies of this government whether he calls us ill-disciplined or not."

"We refuse to be intimidated and treated in the same old way by the apartheid police management, who treated blacks as non-entities. In the apartheid era, when blacks fought for freedom and democracy, we were called terrorists."

"Today when we fight for the implementation of government policies and transformation, we are called ill-disciplined, unscrupulous, unethical and doubting Thomases."

The forum asked how Fivaz explained a commission of inquiry into racism in the police service, a labour dispute by the unions regarding affirmative action and the Auditor General's report on unauthorised expenditure in the service.

Assistant Commissioner Zeldi Holtzman, who is in charge of the police's equity and affirmative action programme, this week reportedly told Parliament's safety and security committee she had encountered endless problems in her attempt to transform the service. She said some members in middle management were frustrated and believed there was a faction resisting change.

One of her main problems, she said, was that the cost of transformation was not covered by the police budget.

'Prison hunger strikers brutally

Retired judge looking into allegations of assaults on dozens who said they had been denied water

BY EMEKA NWANDIKO

A retired judge is investigating allegations of brutality by warders who reportedly used teargas, shock batons and whips to suppress a hunger strike by inmates protesting against appalling conditions at Johannesburg Prison in Diepkloof.

About 60 inmates staged a hunger strike in protest at being denied access to water for a period of up to four months, blocked toilets, overcrowding and the cessation of weekly visits by prison authorities

The hunger strike, which took place in the C section of the prison's medium B complex - fondly known as "Sun City" - in June, was staged after an undisclosed number of prisoners fell ill after drinking water from portable fire extinguishers because they had no access to running water.

According to sources close to the prison authorities, the strike was suppressed, before it could gain momentum, on its second day by five warders (whose names have been disclosed to the *Saturday Star*). They allegedly wielded knobkerries and shock batons. Teargas

was said to have been used to daze the protesters in their cells before the warders were alleged to have assaulted the hunger strikers.

The *Saturday Star* has learnt that retired judge J J Trengove is heading the investigation as part of his brief as head of the Office of the Inspecting Judge, which was set up in June to look into allegations of corruption and complaints of poor conditions in the country's 242 jails. His report is expected to be released within a few weeks. Although Trengove has no executive power to suspend or fire corrupt warders, he can make recommendations to the

minister of correctional services. According to the Prisoners Organisation for Human Rights (Sapohr) up to 14 prisoners were assaulted and some were taken to hospital.

Prisoners housed in medium facilities are deemed by the Department of Correctional Services not to be a security risk. Inmates in the C wing include common-law prisoners serving sentences from six months to 10 years.

The prison was built to house 2,500 inmates but is crammed with 6,000. Three months after the hunger strike was suppressed, Sapohr claims that conditions inside the

prison have not improved and that the former hunger strikers are being victimised by warders.

Xoliswa Falati of Sapohr said: "Some of the prisoners are still being abused. One has complained to us that he was assaulted by the head of the prison. We also have reports that conditions inside Johannesburg Prison contravene the Kam-pala Declaration (on prisoners' rights, which South Africa signed in 1996)."

Falati said Sapohr had been denied access to the prison despite repeated requests to monitor conditions there.

When the *Saturday Star* tried to get in touch with Gregory Mohlathe, the head of the prison, to ask about the allegations, a subordinate said he was away at an award ceremony.

A former inmate of the prison claimed it was a common occurrence for prisoners to be assaulted by warders. The inmate was detained for six days in March after claiming he had been wrongfully arrested. "While I was there they would beat me up," he said.

Asked whether he had done anything to provoke the warders, he replied: "I don't know the reason

why they beat me. I was often assaulted by two warders at different times of the day - even if I was walking with someone.

"According to them (the warders) they would beat someone up for making a mistake. If you went to buy some cigarettes from a warder, other warders would beat you as you went."

A spokesperson for the Department of Correctional Services said "24 prisoners went on hunger strike because of water conditions. There have been no complaints about any assaults and no charges have been laid against any warders involved."

for weeks

beaten

Exodus of cops leaves Gauteng force weaker

Civilians now doing administration work at police stations

Legislature News
By ELIAS MALULIKE
Gauteng Editor

MT MORE than 3 700 members of the South African Police Service in Gauteng have resigned since the ANC came to power in 1994, Gauteng Safety and Security MEC Paul Mashatle told the provincial legislature last week.

The police in Gauteng had 7 000 vacant posts, he added.

His department was addressing the shortage of law enforcement officers at police stations by employing civilians to do administrative work

Mashatle said in a written answer to questions from Peter Leon, Gauteng leader of the Democratic Party, that his department intended to employ 456 new police officers by January next year to help address the shortage of manpower.

Component management services had been hired to look into the shortage of law enforcement officers and lack of other resources.

Between 1995 and last May 160 police officers committed suicide in

Day of Committees which sit for business at the Gauteng Legislature this week

TUESDAY

Petitions and Public Participation Committee, Room C 9 am

THURSDAY

Development Planning and Local Government Room B 9 am
Sports Recreations Art and

Legislature

Culture, Room C, 9 am

Agriculture, Conservation and Environmental Room A, 9 am

Education Committee, Room C, 9 am

Public Transport Roads and Works Committee, Room A 1 pm

FRIDAY

Housing and Land Affairs, Room A 9 am

Health, Room C 9 am.

Gauteng, he said.

Since 1994, 292 police members had been killed in the line of duty in Gauteng.

Mashatle said trauma counselling was available to police personnel 24 hours a day and was only a phone call away.

In order to combat crime and bring down the alarming number of car hijackings, Mashatle said, his department was hiring more informers to help police identify possible suspects.

In addition, education

programmes were being taken to the people through the community policing forums.

Mashatle said his department would monitor the reports of vehicle hijacking cases to identify flash points.

To further help reduce crime, his department would set up more roadblocks, carry out air observations, and utilise the traffic department and the SANDF.

Case dockets involving arrested suspects linked to syndicates and hijackings would be given priority

and would be monitored

□ THE Gauteng Government has set aside R46 million to upgrade government buildings, including 37 provincial hospitals.

This amount was budgeted for programmed services, but was R24 million short of the amount recommended by the National Health Facility audit.

The MEC for Transport and Public Works, Joyce Kgoali, provided these and other details in a written reply to questions from National Party MP, A S Kahn.

Kahn wanted to know what the backlog of maintenance and repairs to property owned by the government was, which department was affected the most, and the effect of such a backlog.

Kgoali said government buildings received regular attention except for the 37 provincial hospitals and three libraries.

In reply to another question, she said her department has engaged the services of a consultant to compile an assets register of all immovable and movable state-owned property. It would be completed by next June, she said.

Security in prisons tightened

(253) Sowetan 30/9/98

By Gershwin Chuenyane

THE Ministry of Correctional Services, which has greatly reduced the number of escapes in recent times, is to tighten security at all prisons to ensure that no prisoner escapes from next year

According to officials of the ministry, the number of escapes has been reduced from last year's monthly average of 89 to about 28 this month

The intention of keeping prisoners securely locked up and other moves regarding the ministry, was made known at the ministry's National Conference on Service Delivery at the Human Sciences Research Council conference centre in Pretoria this week

Mr Peter Ramashala, deputy commissioner of offender control, said "Our goal is to ensure a safe and secure environment for the incarceration and guarding of prisoners"

Ramashala gave a detailed breakdown of monthly prison escapes since 1993 and put the mean average for the

past five years at 101 prisoners a month

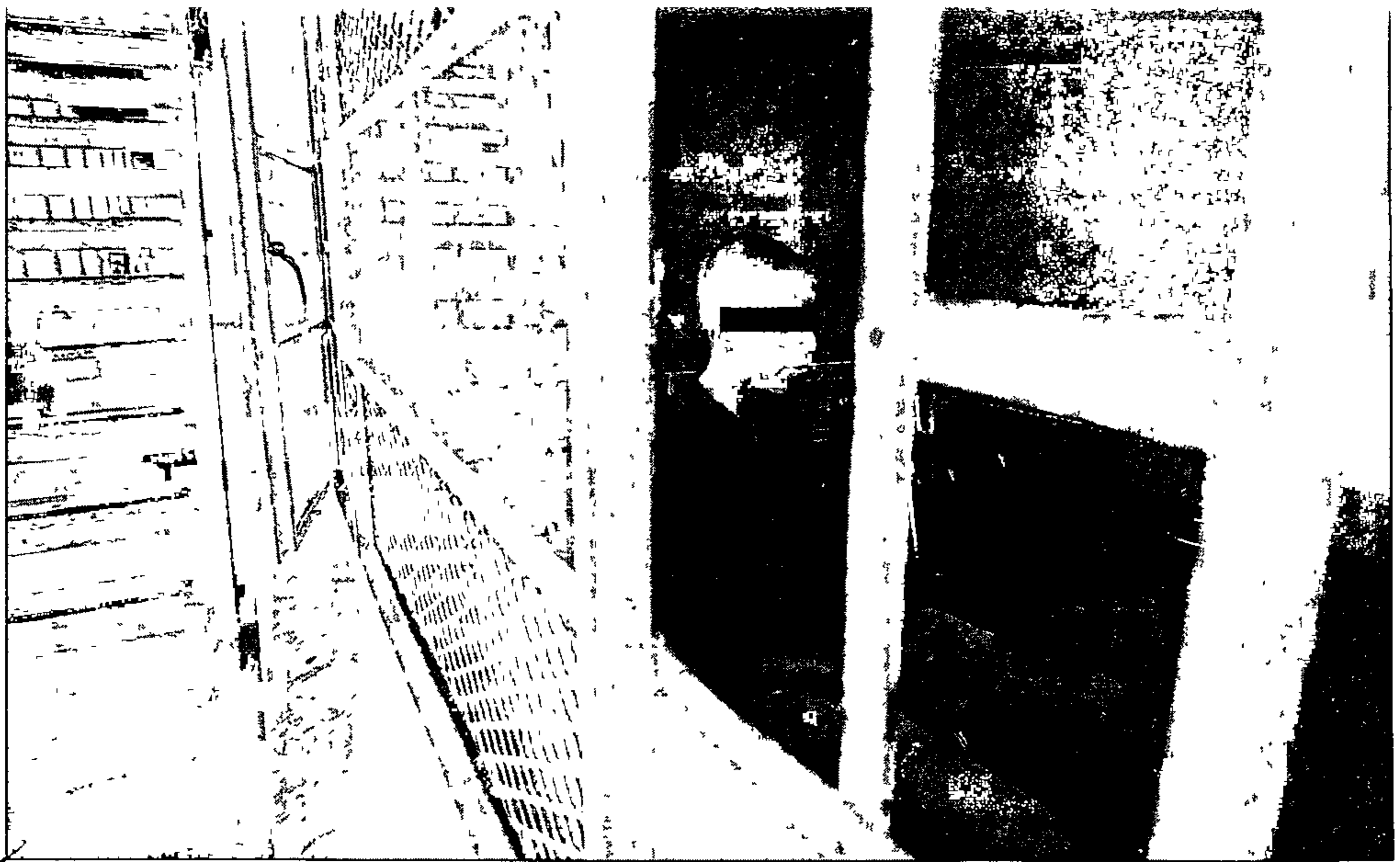
The following are the monthly averages for the last five years 1993 (97), 1994 (103), 1995 (104), 1996 (112), and 1997 (89)

"The ministry set itself the target of bringing down escapes by about 50 percent during 1998. At this stage the average escape rate (January to July 1998) is 40

Zero escape rate

"The ministry is striving for a zero escape rate. At this stage a further reduction in the target by 50 percent is foreseen. This will represent an anticipated average monthly rate of about 28 achieved this month," he said

Correctional Services Minister Mr Ben Skosana said the ministry's policies were based on the "Batho Pele" principle. It would try to deliver on, among other issues, reintegration of offenders, development and growth of offenders, parole supervision and the issue of corruption in the ministry



HOPES AND DREAMS: One of the boys at the William Porter School takes a moment to reflect on the past and a second chance for a future.

PICTURE: MUJAHID SAFODIEN

Porter School looks to business for funding

Second chance for lost dreams

ET 30/9/98 (257)

PRISCILLA SINGH
EDUCATION WRITER

THE William Porter School of reform has taken the first step to getting the private sector involved in keeping the institution running as a valuable and necessary part of the community.

Last night the school invited speakers from the community, local government, the justice department and business to address a public meeting on partnerships between the business world and schools.

Principal Vincent Walters told the *Cape Times* yesterday that South Africa would never have the "luxury of the education of the past without the involvement of the private sector".

"There is no money to drive education to the standards we want. There is no money in the state coffers, but there is a lot of money in the private sector.

"As a special school, we are capital-intensive because of the level of care and attention that is given to the pupils sent to William Porter," he said.

The Porter School, as it is also known, was established 116 years ago by the first attorney-general of South Africa, Sir William Porter, who stipulated that school should not apply any racist practices.

However, in 1900 white boys were moved into another building, and in 1902 Porter House was built for white boys.

Until 1995, it remained an institution for

whites only. It was the first reformatory in South Africa. After 113 years of white rule, the first black principal was appointed.

Now the reform school, among others in the Western Cape and the rest of the country, is threatened with closure because "they cost a lot of money to run".

Walters said the reality was that most serious crime offenders were under 18. Schools such as Porter were crucial because they kept children out of prisons and offered them a better opportunity for rehabilitation.

Boys at the school had been found guilty of offences such as theft, assault, rape and murder.

"Porter has always believed that children must never be put in jail. These boys are the real victims of apartheid because they come from displaced communities, and most of them have dysfunctional families.

"When a boy is sent to us by the courts, the first thing we teach him is how to tell the truth, and we show him unconditional love and acceptance.

"We offer them skills-training and trades, so that when they leave us they are equipped to look for a job with the proper backing.

"Now you tell me if they will get that from a prison. That is why we are meeting with the private sector — to keep our school going.

"We already have business partners who are willing to inject about R500 million into the education and development of Porter," Walters said.

MARK (not his real name) got involved with the wrong crowd during his mid-teens and, before he knew it, he was hooked on cocaine, dagga and alcohol.

But he was not always like that, the 18-year-old insists.

"When my father remarried, my stepmother and her two daughters rejected me totally and my father didn't really have a say in the matter, but was hurt and disappointed when he found out.

"He died in February last year and my stepmother refused to have anything to do with me and I didn't care about life anymore," he said.

The turning point in Mark's life came when he was caught stealing money for drugs from a friend's house and charges were laid against him. He was found guilty six months ago and sent to the William Porter School for 18 months.

"I miss being outside (of the school), but it is good that I am here because I have learnt a lot. I am studying engineering science and hope to get my diploma before I leave next year. I will never go back to that life again. One of the psychologists from the school has offered to put me up in his home when I get out.

"My message to kids out there is don't get into the wrong track. We all have long futures, don't mess it up. Some people don't get a second chance. I was lucky."

He added that he probably wouldn't have survived if he was sent to an adult prison, and that the Porter School has helped him get his life back together with hopes and dreams he thought he had lost for ever.

A

Suspension of repairs puts prison staff, inmates at risk

Business Day Reporter

BD 6/10/98 (253)

CAPE TOWN — The suspension of repairs at 18 prisons because of budget cuts posed security and hygiene risks to inmates and staff, Correctional Services Minister Ben Skosana said yesterday.

Ninety-two prisons were in need of repair, said Skosana. Of those cases, 20 were urgent. He said in written reply to Dr Gerhard Koornhof of the National Party that repairs had been suspended at a number of prisons until the 2000/1 financial year.

The 18 prisons affected were:

- Four in the Free State Brandfort, Edenburg, Frankfort and Ventersburg,
- Three in the Western Cape Obiqua, Tulbagh and Robertson,
- Three in KwaZulu-Natal Engcobo, Ladysmith and Stanger,
- Two in Gauteng. Leeuwkop and Nigel,
- Two in the Eastern Cape Old Wellington (Umtata) and Stutterheim,
- Two in the Northern Cape Calvinia and Douglas,
- One in the Northern Province Nylstroom; and
- One in the North West Klerksdorp

Responsibility for any injuries suffered by inmates or staff because of the suspension of repairs would lie with correctional services, Skosana said

Tough new legislation to keep 'hardened' accused kids behind bars

LENORE OLIVER
High Court Reporter

Children under 18 who rob, rape and kill will be kept behind bars until the end of their trial, according to new legislation.

Previously, no child under 18 could be detained, but according to amendments to the Criminal Procedure Amendment Bill, those who

pose a serious threat and are "the most dangerous and hardened awaiting-trial children" will be detained.

The new legislation, with certain conditions, has been passed by the National Council of Provinces

Another new piece of legislation passed by the NCOP is the Witness Protection Bill, which aims to provide better protection for witnesses involved in court cases.

In addition, a witness protection directorate is to be appointed by Justice Minister Dullah Omar in his department

The bill extends protection to witnesses in inquest proceedings, commissions of inquiry, special tribunals and the police's independent complaints directorate and provides for temporary protection not exceeding 14 days, until a final decision is made

on a protection application
This will enable a witness, where the risk of safety is high, to be placed under protection immediately

Mr Omar said intimidation of witnesses could not be allowed to continue. In the past, many prosecution cases failed because witnesses were intimidated against giving evidence
"We are determined to create an environment in which witnesses will

(257) (258) ART 12110/98
be able to testify without fear, reprisals or intimidation"

People who committed serious crimes had vested interests in preventing disclosure of the truth and then embarked on campaigns of intimidation.

The new legislation on detention of children includes conditions to ensure that a child may be detained only for the shortest period of time,

and he kept apart from people over 18
It also compels the authorities to make sure children are kept in conditions that take their age into account
Mr Omar said. "The legislation was drafted with the rights of the child and the right to a crime-free society in mind"
He said the incidence of juvenile violence and criminality was an unfortunate, increasing reality

Behind bars

Adults sucker juvenile jails

Serious offenders are beating the system by lying about their age to avoid prison

Special centres for under-age defendants are filled to the brim with hardened criminals who are up to 30 years old, reports **JOHANNES VOGL**.

Star 24/10/98

A Saturday Star investigation has revealed that many supposed juveniles in South African places of safety or jails - where they serve lighter sentences because of their age - are not under 18.

Many are older than 18, but have deceived welfare officers, detectives, magistrates and doctors. And difficulty in determining their age has led to an official document discrediting district surgeons from testifying on age in courts to avoid humiliation by defence counsels.

Many of these cheats could be escaping punishment for serious crimes ranging from rape to murder. Recently, nine Tembisa women were gang-raped and tortured by a group of "juveniles" - who were then released into the custody of their parents. But community members and the police have serious doubts about the real ages of the offenders.

Many such offenders have no respect for their parents anyway and the ruling makes it much easier for them to continue as criminals.

Chaos

Bizarre instances like these are occurring daily. "Juveniles" who are in conflict with the law escape just punishment, because they believe the law is on their side and perceive chaos to be reigning in the criminal justice system.

Scores of detectives across Gauteng told the Saturday Star how difficult it was to establish the correct age of a suspect. The methods used to determine age also raise serious questions about police investigations themselves. Some detectives said they would "just look at a person" and form an opinion of their age.

"If a suspect did not look too old, I would not even bother further," an

investigating officer said.

The Saturday Star asked policeman and court officials to judge the age of various people on photographs. Many mistook a man in his 30s for a juvenile.

If it weren't for the seriousness of the offences, it would have been a joke to see how gullible officials were when dealing with determination of age.

Several "juveniles" at a local detention centre this week openly boasted how easily they had deceived officials.

One "juvenile" said he was in the centre for "something serious," but did not want to elaborate. His reason for duping officials

was that it was "ten times better" to be at the centre than in jail. The secure care centre caters for juveniles awaiting trial for offences such as murder, robbery, arson, rape and hijacking.

The problem of adults posing as "juveniles" stems from what many see as the "collapse of the system which deals with crime in general and juveniles in conflict with the law specifically."

A senior welfare official said there seemed to be no effective monitoring or co-operation between the various departments, which made it easier for people to "fall through the system".

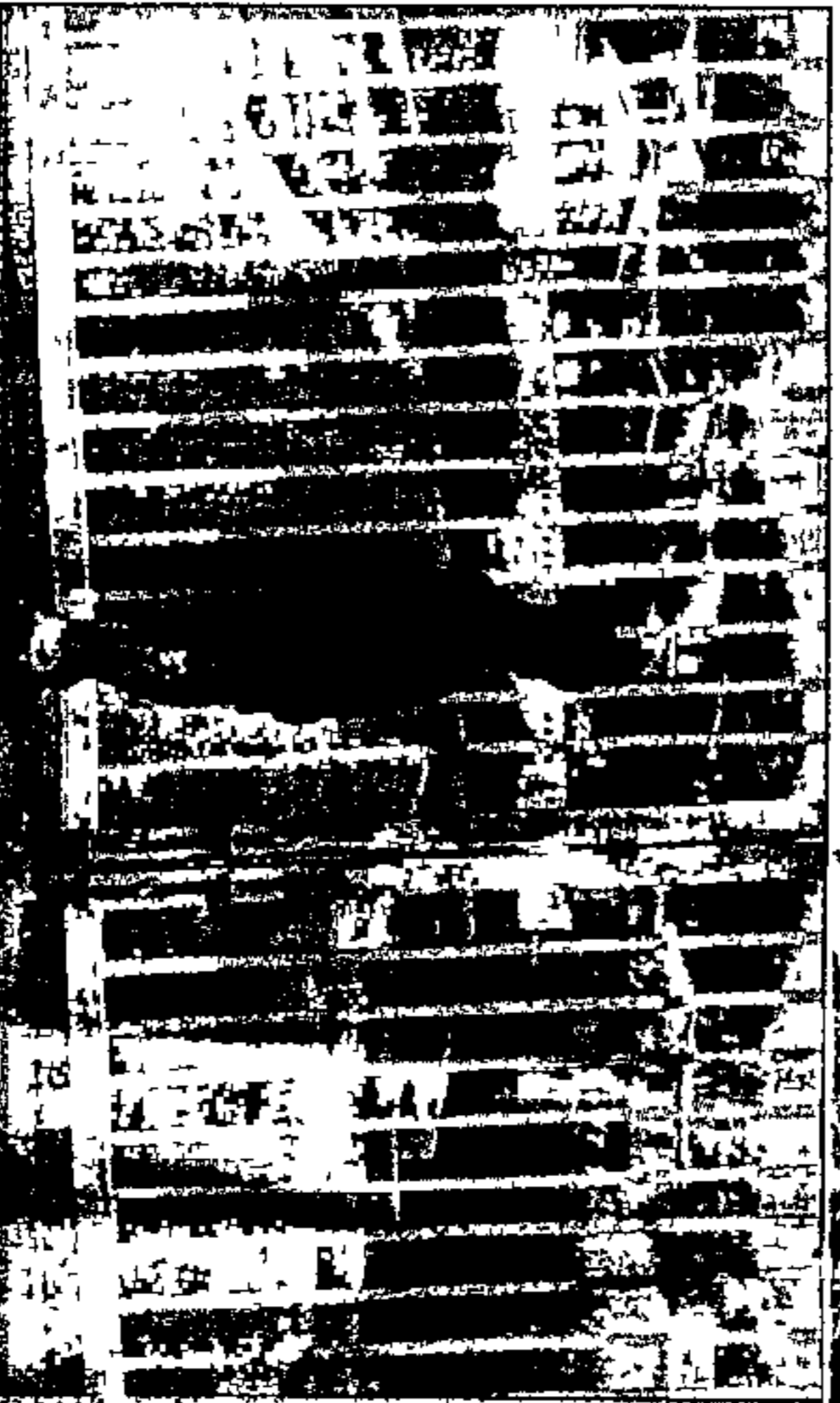
Statistics of juveniles in conflict with the law differ drastically, the Department of Correctional Services, SAPS's and Welfare Department's numbers do not tally with one another.

NO DUMMY

RIGHT: A mature-looking juvenile with a dummy in his mouth jitters at the Walter Sisulu Secure Centre. He shows no interest in joining others in gardening as part of their rehabilitation.

BELOW: A special centre, the circumstances leading to juveniles' posing as adults were probed. But adults who pose as youngsters undermine their effectiveness.

Photographic: JOHANNES VOGL



abuse - are, without being alarmed, on the verge of total collapse," the document says. The lack of expert knowledge in dealing with criminal offences and the lack of co-ordination between the various departments have led to widespread confusion and a lack of strategy.

Police spokesperson Sergeant Mananda Radidziva said the juvenile issue was a serious problem. "The process of age determination was time-consuming and complicated. Identification parades sometimes took several hours to complete.

"If there is any doubt as to the real age, a birth certificate or ID should be obtained from the parents. But this is sometimes where the heart of the problem lies. The parents are sometimes under threat from their children to lie, or they protect their children because they benefit from their illegal gains. What else can a policeman do than to believe the parents?" he asked.

Radidziva said that if the documents could not be traced, the suspect would be taken to a district surgeon. But the police were so over-worked that they seldom had time to do this.

District surgeon Nthunho Mshini said it was difficult to establish age. "The best and most effective way is by taking x-rays, but they are expensive and the method is normally only used in serious cases."

Dr Thabo Nkomo, head of the district surgeon's office in Hillbrow, said it took years of experience to make an accurate judgment about someone's age. Her department did not always have doctors with enough experience to make a good assessment.

The official guidelines for district surgeons say: "Even the most comprehensive medical and x-ray examination can only help to determine an approximate age. Physical adult development differs from race to race and person to person."

The document containing the guidelines reveals another shocking state of affairs. It advises district surgeons to "evaluate the responsibility to perform any future criminal forensic duties after (some have been) publicly humiliated in court by defence counsels."

Recommendation

The probation officer should then make a recommendation to the court. Ganda Brown of the Department of Welfare in Gauteng said "a place of safety", to which children who are at risk are sent, differs from a "secure care centre", where juveniles who are in conflict with the law are incarcerated.

There are four such centres in Gauteng. The Walter Sisulu Centre at Noordridge is a modern one and with the law, all of whom have committed scheduled offences such as rape, robbery and murder.

Sandra Madela, chief social worker at the centre, said they dealt with the children as if they were innocent - until proved guilty.

Staff would sometimes mix groups of children so that the children who were awaiting trial would not feel rejected by society and might therefore be more easily rehabilitated.

Social worker Susan Rammekeva said the centre encouraged good behaviour through a grading system from which juveniles could graduate. She claimed that the behaviour of most juveniles had improved after they had been admitted to the centre.

"The juveniles are participating in various sports, attending school in the centre and have enough recreational facilities," she explained.

Welfare workers revealed that there had been a dramatic increase in the number of juveniles in conflict with the law since the July school holiday and that all the detention centres were full. Some juveniles were still being kept in prison, and the government was also making use of the Dynamu Youth Centre because the other centres are full.

But while the centres seem to be working well, the problem of "juveniles" duping the criminal justice system continues: a timebomb waiting to explode.

PUBLIC SECTOR - GOVT. - PRISONS
1998 - 1999

Five escapes a month is 'okay' at Cape prisons

JOHAN SCHROENEN AND ANDREA WEISS
STAFF REPORTERS

Correctional Services have set themselves a target of "losing" no more than five prisoners across the Cape region a month, says the department's spokesman, Eddie Claassen.

He said the breakout of 30 awaiting trial prisoners from the medium A section at Pollsmoor Prison yesterday and the escape of two convicted criminals who brazenly walked out of the medium B section on Sun-

day posing as visitors, had "messed up" the department's "acceptable rate" of escapes.

Mr Claassen said the department was proud to have such a low "escape target" seeing there were 28 prisons in the Cape region.

"Many inmates also take advantage of relaxed security while working in agricultural work teams or during court appearances and hospital visits," said Mr Claassen. "It all contributes to an unfortunate steady escape rate which we try keep below five a month," said Mr Claassen. Meanwhile Correctional Services have

launched a top level internal investigation to run in tandem with criminal cases against the prisoners who escaped yesterday.

By late yesterday 19 had been recaptured. The two who swapped their prison overalls for civilian clothes during visiting hour on Sunday are still on the run. The search for the escapers continues today.

Those who broke out yesterday were also wearing ordinary clothes as they were awaiting trial. Western Cape Community Safety Minister Mark Waley has called for awaiting trial

prisoners to be given special clothing so they can be identified easily if they escape.

He said it was a scandal that the workload of the police was being stretched "beyond breaking point" because of the inability of the Correctional Services to keep prisoners in custody.

"This department, once the shining light of all government departments in terms of discipline, dedication and efficiency, is now being made to look ridiculous," he said.

ART 3/11/98 (253)

TV sets and visits cut to make overcrowded jails more

GLYNIS UNDERHILL
SPECIAL CORRESPONDENT

Prison authorities claim overcrowding and staff shortages have prompted the removal of certain privileges from prisoners to make jails more manageable.

Threats of widespread prison unrest followed the removal of privileges, beginning last weekend and leading to a two-day hunger strike at Zonderwater Prison outside Pretoria.

The United Prisoners of SA union has described the withdrawal of prisoner's privileges as a violation of their constitutional rights, claiming some prisoner's possessions had been "stolen" by prison authorities.

Barry Eksteen, media spokesman for correctional services, said there was space in jail for 99 000 prisoners, yet there were as many as 140 000 behind bars.

Correctional services had only 31 000 prison staff and there was a staff shortage of 6 000. As part of the crackdown, television and other electrical appliances had been removed from prison cells, the number of visits a prisoner might get had been scaled down and a ban had been placed on bringing food and other goods into prisons.

ARLT 3/12/11/98

As visitors walked out of Pollsmoor Prison, Mr Eksteen said that while prison escapes had decreased due to a tightening of security, the break-out of 30 awaiting-trialists at Pollsmoor yesterday had been a blow. Nineteen had been recaptured by last night.

manageable

Prisons report tells of fun and games

BY JACKIE CAMERON

Prisoners spend much of their time smoking dagga, playing cards and having sex - and it would seem that they enjoy the lifestyle so much that they return to prison for more.

Despite South Africa's reputation for ranking among the world's worst countries for having the dirtiest, most overcrowded jails, more than half the prisoners serving sentences have been behind bars before.

Thus is according to an alarming report, by the Institute for Security Studies (ISS), which warns that our methods of punishing criminals are not deterring rapists, robbers and murderers from committing crimes again.

The report was released this week as a number of prisoners allegedly embarked on a hunger strike in protest at a new "privilege system"

implemented to reduce safety risks and escapes.

A Pretoria High Court judge recently rejected an interdict, by a prisoner, to halt the removal of television sets and other electrical appliances used by inmates.

Minister of Correctional Services Ben Skosana said this week "A perception was created that prisons are becoming like hotels and that prisoners enjoy more privileges than ordinary citizens."

The privilege system was "becoming a security threat" because drugs were concealed in oranges, and guns were hidden in chocolate cakes. Luxuries, including television sets, were contributing to "extremely high" electricity bills and were a "serious fire risk."

The most severe measure was that we had to stop food from outside being allowed to sentenced

prisoners," Skosana said.

The ISS report, written by Sarah Opler, lashed out at the government for "downplaying concerns" about prison escapes - at least 100 people escape from jail each month - and suggested other statistics released by officials were misleading.

Opler said "The problems in South Africa's overcrowded prisons are slowly building, with potentially explosive consequences. It seems that the government, in the run-up to the 1999 elections and in the face of perceptions of the crime wave, is being retributive in its methods of punishment to appease its citizens."

It was "making plans for bigger and better prisons and tougher bail and longer sentences."

Opler said the "harshness of prison life", limited recreational and educational facilities, gangsterism and intimidation "suggest that

prisons may not be the ideal means of dealing with criminals, since many return to the community to

commit further offences. The boredom experienced by many awaiting-trial prisoners is hard to imagine. It seems that much of their time is spent playing board and card games, and smoking marijuana, which is readily available.

"Idleness leads to further problems frustration, fights and attempts to escape. Some prisoners stay in such an environment for months and years, waiting to appear in court because of the overloaded system of justice."

Opler said the high incidence of sex in prisons - an estimated 65% of convicted prisoners engage in sexual activity - was of great concern because many who have been infected with HIV "will in time return to the community."

A jailbird's life of sex and drugs

JACKIE CAMERON

Prisoners spend a lot of their time smoking dagga, playing cards and having sex - and it seems they enjoy the lifestyle so much that they want return to prison for more

Despite the reputation of South Africa's jails as being among the world's worst, dirtiest and most overcrowded, more than half the prisoners now serving sentences have been behind bars before.

An alarming report by the Institute for Security Studies (ISS) warns that South Africa's methods for punishing criminals are not stopping rapists, robbers and murderers from committing crimes again.

The report was released this week as a number of prisoners allegedly embarked on a hunger strike to protest against a new "privilege system" implemented to reduce safety risks and escapes.

The hunger strike follows a decision by a Pretoria High Court judge

recently to turn down an interdict by a prisoner to stop the removal of television sets and other electrical appliances used by inmates.

Ben Skosana, the Minister of Correctional Services, said this week "A perception was created that prisons are becoming like hotels and that prisoners enjoy more privileges than ordinary citizens."

The privilege system was "becoming a security threat" drugs were concealed in oranges brought by visitors, and guns were hidden in chocolate cakes.

Luxuries, including television sets, were contributing to "extremely high" electricity bills and were a "serious fire risk."

The most severe measure was that we had to stop food from outside being allowed in for sentenced prisoners," Mr Skosana said.

The ISS report, written by Sarah Opler, lashed out at the Government for "downplaying concerns" about escapes - at least 100 prisoners escape from jails each month - and suggested that other crime statistics were misleading.

Highlights of Ms Opler's report are:

Police statistics, which show that the number of crimes reported to police is declining, are not an indicator that the police are winning the battle against crime.

Instead, they show that victims are losing faith in the police's ability to catch criminals and are no longer reporting incidents to the authorities.

The conviction rate is on the decline. Almost half of the cases of attempted murder, robbery, rape and serious assault in court were withdrawn in the first six months of this year.

More than 75% of robbery cases "remained undetected" for the first six months of last year.

More than one-third of killers are never identified. Statistics for January-June 1997 reveal that about 40% of murder cases "remained undetected."

Longer sentences have been imposed for sexual offences and some violent crimes.

Teenagers and children are still being housed in prisons - despite the Government's promises to keep them out of the clutches of hardened criminals - because provincial authorities have not found alternative accommodation for them.

The burgeoning number of awaiting-trial prisoners has contributed more to the increasing prison population than the number of convicts sentenced by the courts.

A lack of evidence in court was a "symptom" of bad police management and a "brain drain" from detective branches.

Prosecution drawbacks included a shortage of experienced prosecutors. The prosecutors are also overcrowded.

Ms Opler said "The problems in South Africa's overcrowded prisons are slowly building, with potentially explosive consequences."

It seems that the Government, in the run-up to the 1999 elections and in the face of perceptions of a "crime wave", is being retributive in its methods of punishment to appease its citizens."

It was "making plans for bigger and better prisons and implementing tougher bail and longer sentences."

Ms Opler said the "harshness of prison life", limited recreational and educational facilities, gangsterism and intimidation "suggest that prisons may not be the ideal means of dealing with criminals, since many return to the com-

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The boredom experienced by many awaiting-trial prisoners is hard to imagine. It seems that much of their time is spent playing board and card games and smoking marijuana, which is readily available.

"Idleness leads to further problems. Frustration, fights and attempts to escape. Some prisoners stay in such an environment for months, (even) years, waiting to appear in court because of the overloaded system of justice."

'Drugs were concealed in oranges and guns were hidden in cakes'

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Ms Opler said the high incidence of sex in prisons - about 65% of convicted prisoners engage in sexual activity - was "of great concern" because many infected with HIV, the virus that causes AIDS, "will return to the community."

Although many may blame the

Department of Correctional Services for the severe overcrowding in prisons, it is evident that this is a problem that emanates from the criminal justice system as a whole.

"The department needs to provide a better environment for prisoners, particularly recreational facilities, and must improve its methods of reintegrating prisoners into the community," Ms Opler added.

Meanwhile, anger among prisoners was mounting this week after the Pretoria High Court turned down the interdict to prevent the withdrawal of privileges.

Prisoners claimed they had embarked on a hunger strike to protest against the action, and that this was spreading to prisons around the country, including the Western Cape.

But Barry Eksteen, of the Department of Correctional Services, insisted prisoners were cooperating with the implementation of the new privileges system.

RRG 7/11/98

(2/11/98)

'Prison services lack discipline'

CT 11/11/98

(253)

ANDRE KOOPMAN

GIVING new meaning to the word "cellphone", a prisoner was found to have a telephone line leading from a prison office into his cell. This and other startling incidents of corruption in the criminal justice system were listed by high-level officials attending the public sector anti-corruption conference in Parliament yesterday.

The conference is divided into six commissions and several panels, with the criminal justice commission headed by Safety and Security Secretary Azhar Cachalia, Justice Minister Dullah Omar and Yacoob Abba-Omar, deputy CEO of the Government Communication and Information System.

The commission was told that bribery and corruption was rife in the correctional services.

Transvaal Attorney-General Jan

d'Oliviera said the "almost complete lack of discipline in the prison service" resulted in inordinate difficulties in getting prisoners to court in the major centres. "It is apparent that the prisoners are ruling the warders."

He said prisoners in Johannesburg had complained that they were not being fed and on investigation it was found that the group of prisoners controlling the cooks were selling the food to other prisoners.

Chairperson of the Justice Committee Johnny de Lange said "weak systems just about accounted" for every problem, including the flow of contraband into prisons.

National Director of Public Prosecutions Bulelani Ngcuka said the problem was compounded by prison authorities playing one gang off against another.

A Correctional Services official said there had been a breakdown of

supervision by managers. Corruption was centred on smuggling, the fraudulent early release of prisoners by corrupt warders and escapes.

A big problem was warders borrowing money from prisoners, contrary to regulation, and then refusing to pay, which led to a breakdown of authority.

Omar said the major problem of disappearing case dockets had been drastically reduced with the introduction of new procedures.

Corruption among magistrates and prosecutors was extremely rare, he said.

Cachalia added that not all incidents actually involved corruption, because many officials were intimidated with threats, especially by criminals in the areas where they lived.

A prison official confirmed this, saying it had been found that a

warder involved in a mass breakout had been intimidated by prisoners who had been his boyhood friends.

Deputy national police commissioner Zoli Lavisa said problem areas in the SAPS included escape from custody, medical aid fraud, payments to "ghost informers" and motor vehicle clearance certificate fraud.

Investigative fraud such as rigging a crime scene to make a murder appear to be suicide was also cause for concern, the commission was told.

Discussing why corruption occurred, Cachalia said the simplest explanation was that people commit crimes if they think they can get away with them.

"We have to increase the premium to make it extremely dangerous to deal in corrupt practices," he added.

● See Page 7

Mpshe breathes new life

Milestone in prosecution transformation

By CHRIS HLONGWA

IN WHAT has been described as another key appointment by "super attorney-general" Bulelani Ngcuka, Pretoria advocate Joseph Mokotedi Mpshe will this week replace controversial KwaZulu-Natal attorney-general Tim McNally

Mpshe has handled high-profile cases in his tenure on the Truth and Reconciliation Commission, including the amnesty applications of Clive Derby-Lewis and Janusz Walus, who murdered Chris Hanu

He has also in the TRC worked closely with Advocate Chris MacAdam, recently appointed deputy director of public prosecutions in the region

Said MacAdam "He has an intimate understanding of the situation in the province, the importance of the witness-protection programme and has dealt with many hit-squad cases"

McNally, who has been under fire for his management style and alleged failure to successfully prosecute big fish in political violence, attended the media conference to announce Mpshe's appointment on Friday

McNally said he could not comment much because Mpshe's appointment was news to him but he did offer any assistance and support the new man may need

Justice Minister Dullah Omar said Mpshe's appointment was a transformation-milestone and would bring much-needed credibility to the prosecution system

He said prosecutors in the province have not always enjoyed the support or trust of the community "They have, therefore, been severely hampered in their duty of successfully prosecuting those involved in criminal activity, a situation which has far too long proved a weak link in the fight against crime," said Omar

Mpshe's appointment could anger some political parties because he is a member of the ANC's Mabopane branch He does not, however, hold any office in the party

One of his many challenges will be to win the support of political parties

"I will be meeting leaders of the parties in the province soon I want everyone on board," said Mpshe, who emphasised that he would prosecute anyone, be they ANC or IFP members

He will have to win the support of the staff in the attorney-general's office

Mpshe said he would also prosecute where McNally failed to do so, but he did not give details

Mpshe has worked as regional prosecutor in the former Bophuthatswana, where he served as regional prosecutor, district and regional magistrate and chief magistrate

He lectured in law at Vista University and in 1992 was admitted to the Pretoria Bar A member of the Black Lawyers' Association, he went into private practice in 1994

Between 1994 and 1995 he served as chair person of the Mabopane negotiating forum In 1995 he served on the commission of enquiry into prison warder mutiny at Mogwase prison



IMPARTIALITY... KwaZulu-Natal's new attorney-general Mokotedi Mpshe says he will prosecute anyone, be they IFP or ANC

■ Pic: COURTESY DAVID BARRITT AND ASSOCIATES

No moratorium for debarred lawyers

By CHRIS HLONGWA

CP 29/11/98 (259)

BLACK lawyers who have been expelled by the High Court and prevented from practising, are unlikely to benefit from the proposed moratorium on disbarments

After a day-long meeting in Pretoria this week, discussing the proposal by the Black Lawyers' Association, which had expressed concern about the number of black attorneys struck off the roll, the Law Society of South Africa (LSSA) resolved to oppose "any blanket moratorium".

"The council re-affirmed its view that attorneys who are found, after due disciplinary investigation, to have acted dishonestly or unprofessionally, must be punished in order to protect the public

"Therefore a blanket moratorium on strikings cannot be supported," said co-chairpersons Dr Willie Seriti and Esme du Plessis in a statement

The issue of the high incidence of expulsions of black lawyers, including notable examples like prominent but recently disgraced lawyers Linda Zama, Kwenza Mlaba and Nomalungelo Makhaye, has sparked fierce debate in legal circles

Du Plessis said the issue of those already disbarred by the High Court was not even been debated

"We cannot undo what has been decided by a court of law," she said. However some new cases could be treated differently as the LSSA decided to debate fully the question of punishment at the summit of its council in February next year

"The workshop proposed by the Black Lawyers' Association was also supported as an opportunity at which all stakeholders could participate. The object of this workshop will have to take a holistic look at all aspects of disciplinary proceedings and to consider other sanctions in addition to strike-offs," said the Society in a statement

The workshop, planned for April next year, will also look at ways to assist attorneys to reduce incidents which cause them to be disciplined

"In the meanwhile provincial law societies will ensure that disciplinary tribunals will be fully representative and that the surrounding circumstances leading to disciplinary action against an attorney will be investigated with a view to provide appropriate remedial support and assistance," said the Society

Du Plessis said a disbarred lawyer could also re-apply for admission through the High Court if he or she could show that he or she had been rehabilitated and when the LSSA did not oppose the re-application

Crisis for S African prisons

By Claire Keeton
Feature Writer

The overcrowding, assaults, rape and other human rights violations committed inside prisons will no longer be hidden behind locked doors this year if the Office of the Inspecting Judge is effective.

This office which falls under the Judicial Inspectorate, has already started training independent inspectors responsible for prisons and intends to have employed all of its staff by next month.

"Our priority is to get inspectors into the field as soon as possible and to concentrate on prisons which are overpopulated," Inspectorate secretary Gideon Morris told *Sowetan*.

Morris said more than half of the unsentenced prisoners visited recently by the Inspecting Judge, Justice John Trengrove, had been awaiting trial for over a year. The judge visited Johannesburg Prison in Soweto and Pollsmoor Prison in Cape Town.

The delays in the courts aggravate the escalating problem of overcrowding and Trengrove has met with the director of public prosecutions, Balelan Ngcutka, about this.

Formal Investigations

But Morris said they had not yet started formal investigations, since they were waiting for their computers to be linked to the Ministry of Correctional Services to assist in identifying the worst prisons.

They are also waiting for a report by the Chief Inspector of Prisons, Christine Ngwenya, who visited prisons in December.

Meanwhile, the first group of 12 independent inspectors are being trained in what to concentrate on during their inspections at a pilot project in Paarl. Morris said their priority was human rights and the inspectorate has developed a training manual.

The inspectors, who will hopefully be in the field by March, will be supported by lay people appointed as "independent prison visitors", according to Section 25 of the Correctional Services Act.

"They will come from the community and act as the eyes and ears of the community," said Morris. "They will be based at their local prisons and will deal mainly with day-to-day complaints."



The overcrowding of prisons, so common in South Africa, will hopefully be exposed with the deployment of independent inspectors throughout the country who will monitor prison conditions.

He said the Judicial Inspectorate is calling for nominations for the independent prison visitors, to be appointed on contract, from community organisations. These visitors will be paid for the number of hours they work, which will depend on the demand in their area.

The South African Prisoners Organisation for Human Rights (Sapohr) president, Miles Bhudu, said the organisation welcomed the new system.

"We are in constant contact with the office (of the Judicial Inspectorate) and would like to see some of our members serving in their structures," said Bhudu. He said while the inspectorate was only required to report to the Minister

of Justice and the President, Sapohr, as an autonomous organisation could inform the public.

Bhudu said his organisation had been told about widespread abuse and victimisation inside prisons.

"The prison regime (post-1994) has just taken over where the old regime left off and it's even getting worse."

He said the treatment of awaiting-trial prisoners, for example, with drawing their "privileges" for security reasons, was one example of this.

"They should not be blamed for the ills of the system. It is wrong constitutionally. They are only suspects, innocent until proven guilty," said Bhudu.

Correctional Services spokesman Russell Marnabolo said there were 50 013 awaiting-trial prisoners at the end of October 1998. Nearly 12 000 of them were juveniles, and 16 663 were being held in Gauteng.

Human rights lawyer Advocate Rudolph Jansen is challenging the conditions in which unsentenced prisoners at the Pretoria Female Prison are held as unconstitutional.

"The prison is denying them access to the ordinary library system and even allowed to sing in the choirs and their amount of food has been drastically reduced," said Jansen.

"The ministry claims their privileges have not been altered. That is not true."

He said the situation was very difficult for prisoners, many of whom are later released as the state does not have a case.

Jansen said the prison authorities seemed to be overreacting to unmanageable conditions.

"The overcrowding is enormous (though) it is the fault of the judicial system, not the prisons."

He said that cells in Pretoria, designed to house 30 to 40 people, had three times as many inmates.

Pretoria-based Jansen, who is working on a penal reform project with Lawyers for Human Rights, said the Ministry of Correctional Services only allowed selective and controlled access to prisons.

"They refused us visits and refused permission to) bonafide interests," said Jansen. "They are not showing the real overcrowding."

Distinct Impression

He said, "I have the distinct impression that the judiciary in the Pretoria area, which has a strong custodial relationship, is ignorant about prison conditions. They have a duty to visit the prisons."

A visit by *Sowetan* to the Johannesburg Female Prison failed to secure access to the inmates since the prison head, Mamoshabe Thobatha, would not allow a visit without authorisation from the head office in Pretoria.

But the Commissioner for Correctional Services would not grant *Sowetan* permission to interview one of the inmates, according to Vusi Shabalala from the media liaison section.

"The issue of overcrowding and the fate of awaiting-trial prisoners has been extensively covered before," Shabalala said.

Bhudu said the Sapohr - which is committed to improve prisoners' conditions - was trying to organise a recognition agreement with the Government.

He said this could help prevent abuses, corruption and even escapes. "We could get information about escapes that prisoners do not want to give to cops and channel it to the right people," he said.

"The Government and correctional services will never succeed if they want to go it alone," he said.

Vast decline in prison (2/3) escapes

Star 15/12/98

BY PHALANE MOTALE

Crime Reporter

A new hardline approach by the Correctional Services Department has cut prison escapes by two-thirds, but police cells continue to leak suspects unabated.

By the end of October, 380 prisoners had escaped from jails this year, compared to 1 345 prisoners in 1996 and 1 069 in 1997. The majority escaped when they were outside prison.

The sharp decline came about in spite of the steady increase in the prison population, which was 118 731 in 1996, 135 000 in 1997 and 139 000 this year.

Analysts attributed the drop to improved security, tougher punishment for recaptured convicts and better training and monitoring of staff.

But SAPS statistics showed that while police have made strides in arresting suspects nationally, by the end of September 2 737 of these suspects had escaped before standing trial. Last year 937 prisoners escaped from police custody, compared to 1 345 in 1996.

Research by the Institute for Security Studies (ISS) found that both the SAPS and Correctional Services had insufficient monitoring mechanisms.

Professor Ben Smit, a criminologist and police science expert at Unisa, said: "Police are in most instances still holding dangerous suspects in weak and old-fashioned facilities."

Provincial police spokesperson Captain Siphon Ngubane said the problem could be solved if cells were upgraded to maximum-security status and regulations were followed.

Prisons chief faces suspension after allegations

Stephané Bothma

Sitele denies corruption charges, claiming they are the result of a vendetta

PRETORIA — Correctional services commissioner Khulekani Sitele said yesterday he intended to suspend KwaZulu-Natal's prisons chief, Thandwe Kgosidintsi, for allegedly making claims of corruption against him.

A host of allegations made against Sitele are currently being investigated by the auditor-general.

They include that he was financing a private soccer team from departmental funds, spent R3m on participation at the Police and Fire Games in Canada last year and undertook unauthorised overseas trips. It is also alleged that transfers and promotions in his department were irregular.

The investigation was launched after a document, containing the claims against Sitele, was sent to Deputy President Thabo Mbeki and the Mail & Guardian newspaper last week.

Sitele denied all the allegations yesterday, claiming they were the result of a vendetta against him by Kgosidintsi, who was transferred to the province on December 1 from her position in Pretoria as the department's chief deputy commissioner of human resources.

"It is with regret that I must inform you that I decided to afford Kgosidintsi two days from today to give reasons why she must not be suspended from duty."

"I have ample proof she is the author of the document both to the newspaper and to the deputy president," Sitele said.

"I have no objection if anyone exposes corruption of any sort, but if it becomes a personal vendetta in order to derail her transfer and to hide irregularities, I deem it necessary to take such serious steps to avoid further damage to myself and the department," Sitele said.

He said Kgosidintsi was herself being investigated for financial irregularities and mismanagement of funds. He said the allegations against him might have been an attempt to divert attention from Kgosidintsi's own situation. Kgosidintsi had already been served with a letter informing her of her intended suspension, he said, but stressed the move was not an attempt to silence her.

Sitele welcomed the investigation and said that he and the department would cooperate fully.

Addressing the allegations, Sitele said he did not own a soccer team. He had sold his share in the Spartak team in May this year. He said, however, that he was in the process of buying the soccer team Farway Stars.

About participation in the Police and Fire Games last year, Sitele said the total cost had been R641 000, but that no state funds were used. Participants funded the event themselves. He said each of his overseas trips had been approved by his minister at a total cost of R265 100.

All transfers of senior personnel were considered by the policy board of the department and staff members were consulted, Sitele said.

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NUMBER OF ESCAPEES FROM SAPS CUSTODY IN 1998

Province	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
E Cape	40	73	44	27	63	45	25	59	30	62	73	45	586
Free State	6	26	15	37	19	16	19	21	31	23	15	26	254
Gauteng	51	88	67	40	74	58	84	78	60	73	83	46	802
KZN	70	62	59	77	57	61	84	43	99	101	69	84	866
Mpumalanga	61	43	22	20	34	22	24	42	16	49	43	31	407
N Cape	4	4	7	3	2	11	7	4	7	13	12	10	84
N Province	9	9	14	2	20	9	20	8	24	19	12	16	193
North West	29	22	34	31	22	10	12	22	21	37	20	22	282
W Cape	42	33	—	25	14	15	23	48	24	36	28	33	344
Total	312	360	285	287	311	247	298	325	312	413	355	313	3818

Supplied by SAPS national commission research centre

SA police (259) cells leaking like sieves

Sowetan 11/1/99

By Muzi Mkhwanazi
and Charity Bhengu

AN AVERAGE of 100 prisoners escape from police holding cells each month with the lack of facilities at South African police stations cited as a major contributory factor

According to national police statistics, 3 818 prisoners escaped from police holding cells in the past 12 months

The Institute for Security Studies (ISS) maintains that police cells are not designed to hold the high numbers of detainees or to cope with the often lengthy periods of detention

ISS says overcrowding contributes to escapes

Also poor buildings and insufficient security — such as no fencing and bad lighting — decrease the ability of police to detain prisoners and prevent escapes

The ISS says police stations should be upgraded and enclosed with barbed-wire fencing to eliminate escapes and the smuggling-in of weapons which are used in the escapes

Meanwhile, Johannesburg police spokesman Inspector Mark Reynolds has admitted that major police stations in Gauteng do not have cameras and photographic units

Reynolds cites Johannesburg Central

police station as one of the stations with no photographic facilities

"It would be ideal to take photographs of every suspect. However, such facilities are not always available. At the Brixton murder and robbery unit every suspect is photographed because the unit has such facilities at their disposal," Reynolds says

"We may take photographs of suspects in some cases, however, such facilities are not always available

Reynolds adds that in most cases, taking a suspect's photograph depends on the investigating officer or the seriousness of the crime

Investigating officer

If an investigating officer feels that photographs are needed he will arrange that they be taken

● In a report in *Sowetan* last Wednesday headlined "Lax security blamed for death of cops", Soweto police spokesman Captain Richard Luvhengo was quoted as saying the policemen who were killed in an ambush while transporting prisoners knew the profile of the prisoners and should have taken precautionary measures

Luvhengo has since pointed out that it was not the dead officers who would have known the prisoners' profile, but officers at Jabulani Police Station where the prisoners were being held

Steps cops follow in an arrest

JOHANNESBURG police spokesman Inspector Mark Reynolds has given a step-by-step sequence of what happens when a suspect is arrested

● At the scene of the arrest the police officer must identify himself or herself and inform the suspect why he or she is being arrested,

● The officer will then read out to the suspect his or her rights, which include the right to remain silent and the right to make a statement before a lawyer. If the suspect elects to make a statement, the officer will remind the suspect that such information could be used as evidence,

● At the police station the suspect will be given an opportunity to contact next-of-kin or his or her lawyer,

● The suspect has a further right to request a court appearance on the first opportunity, which is normally within 48 hours after the arrest,

● If a suspect is caught red-handed, a docket is opened against him or her by the arresting officer. If the suspect is arrested after the case has been opened then a docket is opened on information provided by the complainant,

● Fingerprints of the suspect will be taken,

● Where possible, depending on the seriousness of the crime and the availability of facilities, a photograph of the suspect will be taken,

● Then a warning statement is read to the suspect and he or she is further asked whether he or she wishes to make a statement at the police station or not, or if or she would rather choose to do so in court or in the presence of his or her lawyer,

● On less serious cases bail can be set at the police station or a suspect can be released and be warned to appear in court, or pay an admission of guilt fine at the police station or bail can be granted at the police station, and

● The suspect is detained in a police station cell and taken to court within 48 hours

Fight to keep children under 18 out of prison gains momentum

(253)

Star 6/2/99

By LUNGA NGQENGELE

The long fight to keep children under 18 years of age out of prison will be over if an amendment to the Child Care Act is adopted during the current session of Parliament.

The amendment, to keep children who are awaiting trial or sentencing from being held in prison, forms part of the government's response to various forms of child abuse occurring in South African prisons. It also serves as an urgent interim measure to facilitate the transformation of the child- and youth-care systems in the country.

Mike Masutha, legal adviser to the Ministry of Welfare, said the rationale behind the bill was to keep child suspects or young criminals away from prisons to prevent them from being exposed to hardened criminals.

"The youth-care system will be designed to have rehabilitating effects, while also providing the opportunity for the probation officers to assess that particular child offender," said Masutha.

The bill also introduces tough measures against child sexual exploitation by criminalising commercial sexual exploitation of children.

It penalises any person who sexually abuses a child, a person who sells children for commercial sexual exploitation, and any person who owns or rents the property in which the sexual exploitation of children occurs.

Lesley du Toit of the Department of Welfare and Population Development said although the concept of secure care facilities had been in place since 1995, her department was looking to introduce the recognition of such places by all law enforcement agencies.

"What this legislation will do is force everyone to report any sexual exploitation of children which takes place in or around his or her place, or face the law for neglecting to do so," she said.

However, the bill is expected to be only temporary, as more comprehensive child-care legislation is said to be in the pipeline.

According to senior state law adviser Gordon Hollanby, of the South African Law Commission for Child Justice Legislation, experts are busy with investigations into a review of the Child Care Act, and looking at drafting a comprehensive child code to be tabled in Parliament next year.

The Correctional Services Department welcomed the bill, saying it was long overdue. Spokesperson Barry Eksteen said his department had received copies of the bill this week, was distributing them among its structures, and would hold a workshop on Monday to discuss the effects the bill might have within the department.

He said, however, that the department supported moves to keep children away from prisons.

■ See Page 9

Notorious gang leader's escape from jail not noticed for 9 days

JOHANNESBURG A notorious gang leader is back on the streets after escaping from custody for the third time — and this time around, prison officials didn't miss him for more than a week

Zakhele Joshua Radebe, alias Mdala, was seen walking around Thembisa on Friday by a member of the public, who telephoned the local police

When the police checked with warders at the Modderbee prison, they were told that Radebe had not answered to his name during a monthly roll call on 28 January — nine days before he was spotted in Thembisa

Police had not been alerted to the escape by the prison to the escape and the first they heard that Radebe was on the run was when he was spotted by a member of the public

The man escaped with two other prisoners

Radebe was to have stood trial in the Thembisa Regional Court on 15 March on a charge of murder, three counts of rape, four of attempted rape, kidnapping, possessing a stolen vehicle and two counts of escaping from custody.

Detectives say they believe Radebe will try to obtain a firearm.

— Own Correspondent

(253)

ET 8/2/99

Police beef up security for transporting prisoners

By Muzi Mkhwanazi

POLICE have tightened security in the transportation of prisoners awaiting trial from police stations to courts

This follows last month's brutal killing of two policemen while they were transporting about 20 prisoners to the Protea Magistrate's Court in Soweto

Sergeant Elhas Senwamadi and Sergeant Christopher Sithebe, who were unarmed, were killed when they were fired on at a traffic light near the Jabulani Flats

Meanwhile, three suspects who are alleged to be responsible for the killings, appeared briefly in the Protea Magistrate's Court yesterday

Ralph Mazibuko (22), Mfusi Lawrence Dube (22) and Siphwe Mayekiso (20), all of Emmnden in Soweto, appeared before Ms C Persutum facing two counts of murder and a single charge of illegal possession of firearms and ammunition

They were not asked to plead and were remanded

Source from 9/2/99

(253)

Both Mazibuko and Dube will be held at the Johannesburg Prison, while Mayekiso, who is still required to help with police investigations, will be held at the Protea police station

The three will appear in the Johannesburg Magistrate's Court on February 26

Monitored

Yesterday *Sowetan* monitored a police van which was transporting prisoners to court from the Jabulani police station

A back-up car was used to escort the prisoners, the policemen who were transporting the prisoners had reliable information about the accused and were heavily armed

Two of the officers, Inspector Kamal Premhid and Sergeant Samson Lusunzi, said the decision which made it the responsibility of individual police stations to transport prisoners to court would go a long way to improving safety standards



Police took no chances with awaiting trial prisoners Ralph Mazibuko, Mfusi Lawrence Dube and Siphwe Mayekiso, who were taken to court from Protea police station handcuffed to one another. The three are alleged to have been involved in last month's ambush in Jabulani, Soweto, which claimed the lives of two policemen who were driving prisoners to court.

PIC MBUZENI ZULU

11/2/99

Impoverished offenders in prison worry minister

Business Day Reporter,
Reuter and Sapa

CAPE TOWN — Correctional Services Minister Ben Skosana said yesterday he would approach cabinet to find alternative ways of dealing with impoverished offenders whose inability to pay bail and fines was aggravating overcrowding in SA's prisons.

Skosana said the country's 235 prisons had place for 99 000 inmates, but were forced to accommodate 146 000. This was despite nine new prisons opened since 1994 and the impending completion of one at Empangeni and another at Kokstad.

Overcrowding encouraged gangsterism and corruption, hampered the rehabilitation of criminals and had a negative effect on prison staff.

Deputy prisons commissioner Steven Korabie said it was unacceptable that druglords could pay

their way out of prison, while minor offenders without the means to pay R50 bail "had to stay in the system".

The aim was a more fluid approach, facilitated by the National Crime Prevention Strategy and the Integrated Justice System. One option was the more extensive use of community sentencing by courts.

Skosana said the electronic monitoring of prisoners on probation would probably be introduced this year, following the successful pilot of electronic monitoring of offenders in Gauteng, using 10 000 offenders convicted of lesser crimes. Contract specifications had been finalised and Parliament had given the go-ahead.

The system would result in cuts in the state's costs and avert the need for increasing numbers of prisons and prison staff.

With SA jails bursting at the seams as more than

146 000 people sit in cells designed for 99 000, the tagging scheme could prove both a safety valve and a money saver, Skosana said.

Skosana said the rate of escapes from SA prisons was cut by more than 50% last year, from 1 200 to 497. Electric fences had been erected at most major prisons, and staff members found to have assisted escapes were disciplined.

Skosana said up to 10 000 SA petty criminals could find themselves wearing electronic tags by the end of this year, the Correctional Services Department said on Monday.

"The introduction of electronic monitoring of offenders in SA will most probably become a reality during the course of 1999," he said.

"Research and planning are in an advanced stage and the first pilot project has been carried out successfully," he said.

PS 9/2/99

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Prisoners to be 'tagged' and released

(253)

This is one of the plans to alleviate overcrowding in prisons: 146 000 people in space designed to accommodate 99 000

By MARCO GRANELLI AND
VENILLA YOGANATHAN
Cape Town

About 10 000 petty prisoners may be "tagged" and released each year if the Department of Correctional Services gets the go-ahead to expand its programme of electronic monitoring of offenders.

As part of its plan to reduce overcrowding in prisons, and following a successful pilot project in Pretoria, the department hopes to kick off its electronic monitoring programme for offenders out on parole from this year.

It is expected that each year 10 000 prisoners convicted of "less serious crimes" will be released on parole and electronically monitored through devices attached to their arms.

Correctional Services Minister Ben Skosana said start-up funds had already been secured and the department was only awaiting parliamentary and Cabinet approval to implement the system on a wider scale.

In Gauteng, 150 prisoners have been tagged with electronic arm or ankle bands linked by computer to a central control point, according to Correctional Services spokesperson Barry Eksteen. The system allows the department to "put tabs" on parolees and also makes monitoring easier and more effective, he added.

Skosana told a media brief-

ing yesterday that his department envisaged expanding the first phase of the project to about 10 000 offenders who had committed petty crimes.

He said the tracking of offenders and parolees via the tamper-proof bracelets was one way of alleviating prison crowding.

Another plan to ease pressure in prisons was the release of prisoners convicted of petty crimes, and prisoners awaiting

“
The rich are outside because they can pay bail
”

trial in prisons because they could not pay low bail amounts. Skosana said he had already approached Cabinet for approval for this plan as well.

“We are of the opinion that various short-term measures can be taken to alleviate the severe problem of overcrowding. Categories of prisoners we have in mind and which we feel can maybe be dealt with natively are prisoners who not afford fines and amounts of R200 and less, as well as certain people awaiting trial.”

He said while he was aware that this seemed to run contrary to the Government's zero tolerance attitude, as well as the tightening of bail conditions, he believed many people who did not deserve to be behind bars were in prison while others who did deserve to be incarcerated walked free on bail.

“The rich are outside because they can afford bail of even R10 000 but the poor are in jail because they cannot pay bail of R50.”

Skosana said there were currently 146 278 prisoners in South Africa's 235 prisons which were designed to accommodate only 99 000 inmates.

“Overcrowding and lack of space remain one of the most pressing challenges we have to face.”

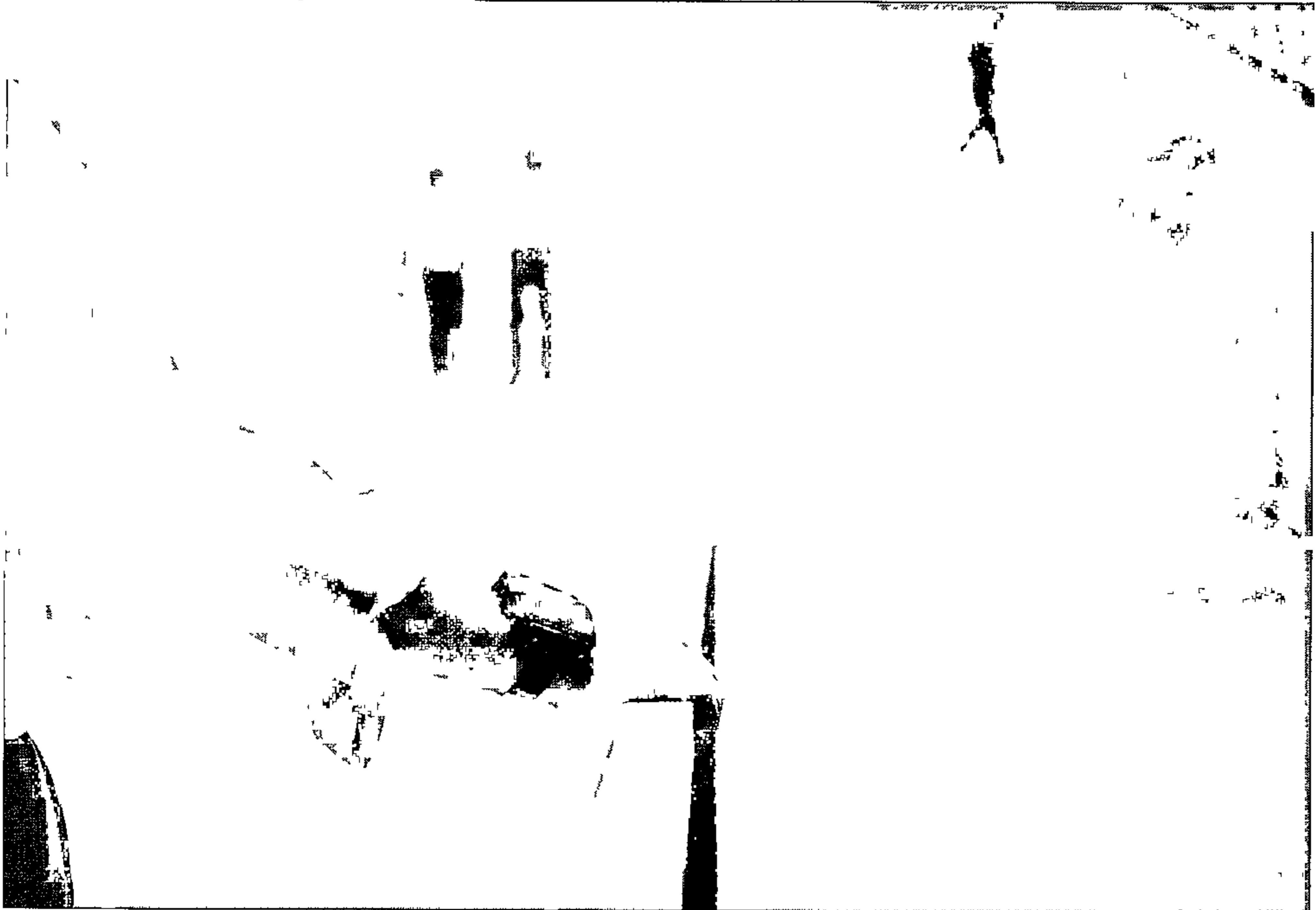
“The high density of prisoners in most of our institutions inevitably impacts on the behaviour of inmates.”

“It promotes corruption, has a negative effect on our staff, hampers the application of rehabilitation and treatment programmes and encourages gangsterism, homosexuality and many other social ills.”

Meanwhile, nine new prisons, including a maximum security prison for KwaZulu Natal at Mankstad, which would be more secure than the G Max prison in Pretoria, are to be built to help alleviate the overcrowding problem, said Skosana.

Star 9/2/99

NEWS



TAGGED: The electronic bracelet can be worn on the wrist or ankle. It is designed to "tag" released prisoners.

PICTURE: THE STAR

Prisoner 'tagging' project proposed

CT 10/2/99

(253)

OWN CORRESPONDENT

JOHANNESBURG. The R56 million prisoner "tagging" project could kick off within six months if the cabinet accepts the proposal and the tender process runs smoothly, the Department of Correctional Services announced yesterday.

Minister Ben Skosana announced this week that 10 000 prisoners would be released annually with electronic bracelets to

keep track of their movements.

The proposal has already received the blessing of one of its previous opponents — the SA Prisoners' Organisation for Human Rights.

"It will be an excellent project if it is properly run and administered, if proper, not unsightly devices, are used, and if it is not done to label a parolee or insult them when out on parole," said SAPOHR spokesman Golden Miles Bhudu.

The tagging system works out cheaper than keeping an offender in prison. It costs R15 a day to monitor an offender electronically as opposed to the R80 a day cost of keeping a person in jail.

A pilot tagging project that started in 1996 involving about 300 offenders proved to be successful and cost-effective, said the department's assistant director of monitoring, JS van der Merwe.

Only three prisoners cut off

their bracelets and absconded.

The 10 000 parolees would not be released all at once, but in small numbers gradually throughout the year, said Van der Merwe.

The tagging system could also be used for awaiting-trial prisoners or in cases of interdicts where, for example, a wife who had an interdict against her husband could get him tagged and have a monitoring device at her house to alert her if he came into the vicinity.

Prisoner tags could be in place in six months

Pilot project proves electronic monitoring is cheaper than jail

Star 10/2/99 (253)

By Vivian Marry

The 856-million prisoner "tagging" project could kick off within the next six months if the Cabinet accepted the proposal and the tender process ran smoothly, the Department of Correctional Services said yesterday.

Minister Ben Skosana announced this week that 10 000 prisoners, tagged with electronic bracelets to keep track of their movements, would be released annually.

The proposal has already received the blessing of one of its previous opponents, the SA Prisoners' Organisation for Human Rights.

"It will be an excellent project if it is properly run and administered - if proper, not unsightly devices, are used, and if it is not done to label a parolee or insult him when out on

parole," said Sapoitr spokesperson Golden Miles Bhudu.

The tagging system works out cheaper than keeping an offender in prison - it costs R15-a-day to monitor an offender electronically as opposed to the R80-a-day cost of keeping a prisoner in jail.

A pilot tagging project, begun in 1996 and with about 300 offenders, proved to be a successful and cost-effective way of monitoring people on parole, according to the department's assistant director of monitoring, JS van der Merwe.

Two systems were used in the pilot project. A drive-by system involved officials driving past the prisoners' homes to ascertain if they were at home.

In the other system prisoners had transmitters attached to their phones and their movements were monitored from a central control room.

Only three of the prisoners cut off the electronic bracelets - fitted to their ankles or wrists - and absconded, he said.

With the drive-by system, the prisoner's absence only becomes apparent when officials drive past. With the telephone monitoring system, on the other hand, officials are alerted as soon as an offender leaves home without authority.

Van Der Merwe said the release of the prisoners would be a matter of getting the right type of people back into the community while keeping the dangerous ones behind bars. "There will be many control mechanisms in place and there will be a full qualifying process. We won't just let them out. It is not a special remission."

The 10 000 people on parole would not all be released at once, but gradually throughout the year, Van der Merwe said.



DEBBIE VAZBEK

Keeping tabs... the electronic bracelet which can be worn on the wrist or ankle of prisoners released on parole.

Mogoba defends his view on punishment

PAN Africanist Congress president Bishop Stanley Mogoba said yesterday he was unapologetic for his view - expressed in a letter to the media on Monday - that consideration should be given to amputating the limbs and ears of serious criminals

Scourge of crime

"We need corrective measures (and) if it means that criminals have to have their hands and their ears and their feet cut off, I don't mind if everything else has failed," he told journalists and diplomats at a briefing in Cape Town

Mogoba said he wanted to make very clear that he opposed capital punishment, but it was not enough for political leaders to merely say they were sorry about the scourge of

crime in the country

"I am saying no to capital punishment, but I am not going to stop here and say OK, nothing else

"What I have said reflects some of the views I have held for a very long time"

On Monday, in a three-page letter to the media, Mogoba said the country had to fight criminals "with all that it takes"

"We must knock them on the head, cut their ears, legs or whatever is the offending part of the body," Mogoba urged "Finally, we must go for the head"

At yesterday's briefing, Mogoba said that when he heard that criminals' limbs were amputated in Malaysia, he "did not like it", but he did like the peace which had resulted from such measures

"I have not come across anybody who has got a better way of speaking the language to criminals that they understand"

He laid the blame for high levels of crime squarely at the door of the Government, and said his suggestions to resolve the problem were motivated by his love for South Africa and the desire to do something to address the concerns of ordinary people, who were being "terrorised by criminals"

Other ways

"We are not excluding this at all, this cutting of limbs, but we don't like it

"We would like the Government to come up with other ways to ensure we don't cut off people's limbs," he said - Sapa

(253) Sowetan 12/2/99

Groups favour vote for prisoners

Mar 16/2/99

By EDWIN NAIDU

Voting is a fundamental human right and prisoners should be given their say like all other South African citizens, say several non-governmental organisations

National director for the Human Rights Committee, Venita Govender, said being able to vote was a fundamental human right and should extend to prisoners as well.

She said the electoral act and the constitution stated that any citizen older than 18 was an eligible voter and prisoners were not excluded.

Earlier this month the Cabinet decided not to allow prisoners the right to vote, a decision supported by the ANC, which said criminals lose some of their rights when convicted.

Lawyers for Human Rights convener Rudolph Jansen said the organisation supported the principle of giving prisoners the vote since many behind bars were affected by decisions politicians made at a national and provincial level.

He said voting rights should be given as part of the rehabilitation of prisoners and dismissed the argument that democracy would be weakened if prisoners were given the vote.

"As far as democracy is concerned, there have to be very compelling reasons why someone's rights are taken away," he said.

Two prisoners at the Johannesburg prison have filed papers in the High Court against the Independent Electoral Commission because they want to vote in the election.

The Legal Resources Centre lodged the application on behalf of Kies August Arnold and Sibongile Pearl Mabutho, both of whom are members of the South African Prisoners Organisation for Human Rights. The case will be heard on February 22.

27 000 more prisoners, but 2,8% less money

Wyndham Hartley

CAPE TOWN — The correctional services department will have to cope with an estimated 27 000 more prisoners in 1999/2000 with 2,8% less money than it spent in 1998/99

It will receive R5,05bn this year

Last year it spent R5,2bn, of which R750m was used for capital projects. The allocation for capital works is expected to go down to R463m in 1999/2000.

The offender population increased from 145 000 in 1995 to 221 000 in 1998/99 and the figure is projected to jump to 329 000 by 2001/02. This means that it will have

more than doubled in the six-year period.

Given current and budgeted provisions for prison capacity, this implies that the prisons were 117% full in 1995/96 and that their population will increase to 155% at the end of the 1998/99 financial year.

The department was planning to introduce electronic monitoring of prisoners as part of its community corrections programme to slow the growth of the prison population.

"Properly implemented this could slow the growth of the prisoner population to 198 000 by 2001/02," it said.

This could reduce overpopula-

(253)
tion to an estimated 174%, compared with the projection of 205%.

Statistics in budget documents also showed a substantial increase in the number of awaiting-trial prisoners to 48 000 in 1998/99. This was expected to leap to 540 000. The daily cost of keeping a prisoner has, however, increased only 3% in real terms, from R83 to R86 a day.

In an attempt to deal with the projected increase in prison population numbers, the department is negotiating with the private sector for "asset procurement and operating partnerships which it is hoped will create 5 300 more beds in four pilot projects."

BD 18/2/99

KZN prisons chief forced by Popcru members to lie low

By ZAKHELE SHIBA

ROGUE elements of the Police and Prisons Civil Rights Union (Popcru) may finally have succeeded in driving out KwaZulu-Natal's Commissioner of Correctional Services, Thandiwe Kgosidintsi - not only from her position, but also from the province.

Correctional Services Commissioner Khulekani Sitole this week said Kgosidintsi has been granted special leave with immediate effect.

It is understood the department is considering placing her elsewhere, outside the province.

The chief deputy commissioner of functional services, Stephen Korabie, was temporarily appointed as KwaZulu-Natal commissioner on Friday with effect until April 30.

On the same day that Kgosidintsi was granted leave, a court interdict against 34 staff members was obtained from the Pietermaritzburg High Court by Correctional Services.

The 34 are restrained from assaulting, molesting, abusing, intimidating, threatening or obstructing any Correctional Services employee in KwaZulu-Natal.

They are also barred from entering the department's offices and have until March 11 to respond.

In her affidavit, Kgosidintsi said she had been called "a liar and a bitch" and was spat on by the warders who made her kneel down when they burst into her office last month.

Correctional Services spokesperson Barry Eksteen said a supportive team would be deployed in the province to assist Korabie in the interim.

He said an acting department head would soon be appointed in Pietermaritzburg. Vacant managerial positions would also soon be filled.

Kgosidintsi was the subject of intimidation by Popcru members, who have openly defied her since she took office last year.

Since last year she has twice been physically removed from her office by Popcru members. This resulted in Correctional Services suspend-



HARD TIMES... The Commissioner of Correctional Services, Khulekani Sitole, has a major problem on his hands

ing Pietermaritzburg prison head Russel Bhekani Ngubo and the provincial head of personnel services, Charles Ndumo.

Twelve other prison staff members who were also linked to disruptions at the prison will be served with notices soon.

Ngubo, an ANC councillor in Impendle, was suspended because he is facing a charge of attempted murder related to a drive-by shooting.

Last year he was granted bail of R5 000 for the shooting of Thembinkosi Ngwenya and Goodenough Shange near Bulwer in October.

Eksteen confirmed that Kgosidintsi was at home "because it is difficult for her to resume her duties with such a high level of intimidation in Pietermaritzburg".

Kgosidintsi said her "forced removal" by Popcru members had made it impossible for her to lead a normal life and "it has affected my personal life and that of my two children at school".

"I don't know what will happen tomorrow. There is a high level of uncertainty and I sometimes think of leaving KwaZulu-Natal. I am not planning my future, but I live from day to day."

Opposition to her appointment was sparked by allegations that she did not have "proper qualifications" for her new job.

Kgosidintsi has admitted it was her first appointment in prison work. She is a qualified human resources practitioner.

Eksteen said Kgosidintsi had not laid charges of intimidation against the prison staff who removed her from her office.

Popcru spokesman Siyavuya Jaftha said the union welcomed the department's decision to suspend Popcru mutineers "because we will allow justice to take its course".

Jaftha said Popcru had no objection to Kgosidintsi's appointment in the province and would take action against its unruly members.

Kgosidintsi is the fourth official to be forced to leave the Correctional Services offices in Pietermaritzburg.

CS 21/2/99 (953)

'Enormously costly' for prisoners to vote

Taryn Lamberti

BD 23/2/99

JUDGMENT was reserved in the Pretoria High Court yesterday in a case brought by prisoners who want the Independent Electoral Commission (IEC) to enable them to register and vote in this year's elections.

Arnold August, who is serving a long-term prison sentence, and awaiting-trial prisoner Veronica Mabutho have asked that the IEC and the departments of home affairs and correctional services make all necessary arrangements to enable them to register as voters for the elections.

The prisoners based their application on the right "of every adult citizen to vote in elections", provided for in the constitution, as well as their rights to equality and human dignity.

They also said there was nothing in the relevant legislation which precluded them from registering to vote.

Former IEC chairman Judge Johann Kriegler said in an affidavit before court that in terms of the Electoral Act the person applying for registration as a voter had to do so in the voting district in which the person is "ordinarily resident".

He said it would be "enormously cost-

ly and time-consuming" to allow prisoners to vote within the prisons and then to transport their ballot papers to the various places from which they came.

The prisoners pointed out that the IEC was empowered by the Electoral Act to make regulations it considered "necessary or expedient in order to achieve the objectives of the act".

In terms of the act, voters unable to register in their places of residence can apply for special votes in certain circumstances, including physical infirmity or disability or pregnancy or if they are out of the country on government service.

Kriegler said given the financial constraints imposed on the IEC the commission was experiencing tremendous difficulty in funding special votes.

The prisoners said the IEC would violate their constitutional rights to vote, to equality and to human dignity, if it did not make the necessary arrangements to facilitate the voting and registration of prisoners.

Kriegler said the IEC was not obliged to make special arrangements, "different from those that are made for the general body of voters", to enable prisoners to register.

More than 8 000 juveniles in jail

By Charity Bhengu

MORE than 8 527 South African children are languishing in jail for crimes ranging from murder, car hijacking, robbery and drug trafficking to rape, the Department of Correctional Services said yesterday

This was against the United Nations' Convention on the Rights of the Child which advocated that juveniles had a right to be diverted away from jail to avoid the stigmatisation of children and to promote accountability and rehabilitation

The United Nations Children's Emergency Fund (Unicef) said juveniles were subjected to 'unspeakable atrocities' in adult jails. They were raped, assaulted and likely to return to society as hardened criminals and housing them with adult prisoners was self-destructive and self-defeating

Correctional Services spokesman Mr Vusi Shabalala said "Children are extremely vulnerable and can be

easily influenced by adults and hardened criminals. They have to be taken care of in a separate and safe environment that is also specifically designed to be conducive to development and positive change"

Of 8 527 juveniles in jail, 1 822 were in KwaZulu-Natal, 1 629 in Gauteng, 1 287 in Western Cape, 1 168 in Eastern Cape. Other provinces had fewer than 600 young offenders in their jails.

About 3 866 of these children have been charged with car theft, bank robbery and housebreaking, 2 943 with murder, assault and gun-related offenses, 875 with rape, 179 with drug trafficking and 664 with petty crimes.

The number excluded 4 242 children awaiting trial. They were removed from jails after the launch of Project-Go in 1996 and transferred to care centres, foster homes and others returned to their families in line with the Department's child and youth care system

Welfare Department spokesman Mr Anton Fischer said "Despite positive changes, there is still concern about the increasing number of children awaiting trial in prisons which is totally unacceptable and must receive attention"

Fischer said Project-Go was a mechanism to fast track the transformation of children in trouble with the law and it had proved through development assessments, that "we can make a difference in their lives"

Project-Go has cost the department about R33 million for building and upgrading alternative care centres for children last year. So far, only 1 792 children are accommodated at these centres

In Gauteng, R2,8 million was used for the building of the Walter Sisulu centre. In Eastern Cape, R3,5 million was spent to upgrade a number of residential care facilities.

About R5,9 million went into the building of the Kroonstad secure care centre

In KwaZulu-Natal, R4 million was spent for the Excelsior secure care unit. In North Province, a number of houses were upgraded into secure care centres. In Mpumalanga, Hendrina Child and Youth Care Centre was build

In Western Cape, places of safety were upgraded into secure care units and Northern Cape upgraded the Molehe Mampe secure care centre

SOWETAN 23/2/1999

Sapohr to appeal ruling

By Ido Lekota (253)

THE South African Prisoners Organisation for Human Rights is to appeal to the Constitutional Court to grant the country's 140 000 prisoners the right to vote in the forthcoming election

This follows a decision by a Pretoria High Court judge yesterday to dismiss an application by lawyers on behalf of the prisoners calling for the Independent Electoral Commission (IEC) to make special arrangements for them to register and vote in the election

In his ruling Judge Johan Els said trying to register all the prisoners throughout the country would present the IEC with insurmountable logistical and financial difficulties

The judge said all citizens had a right to register as voters and to vote 'but if an individual committed a crime which deprived him of the opportunity to register and vote, the IEC could not be held responsible'

The predicament in which prisoners found themselves was of their own making, said Els

Sapohr president Mr Golden Miles Bhudu said Els' decision was 'unconstitutional because the fact that the state did not have the necessary resources to give the prisoners an opportunity to vote was not of their making'

Bhudu also said the Constitution gave

"everyone above the age of 18 years, including prisoners, unlimited rights to vote"

The Sapohr leader said Els was using a stale argument in saying the IEC did not have the resources to make a special arrangement for prisoners, because the IEC had just received R730 million extra funding from the Government

He said his organisation's lawyers would lodge their application with the Constitutional Court by next Wednesday

Recuse himself

Bhudu said they would ask former IEC chairman Judge Johan Kriegler (who is now a Constitutional Court judge) to recuse himself when the application was made. This, according to Bhudu, was because as chairman of the IEC Kriegler had been against giving the prisoners the opportunity to vote

Asked to comment on the judge's decision, Human Rights Commissioner Mr Victor Kollapen said the question of prisoners voting rights was a complex one

"It is intrinsic to democracy but, on the other hand, there is a strong argument that prisoners, because they have committed a crime, lose certain rights including the right to vote" said Kollapen



Golden Miles Bhudu

Number of children held in W Cape jails soars - as youth

GLYNIS UNDERHILL
SPECIAL CORRESPONDENT

The number of children awaiting trial in prisons in the Western Cape has doubled in the past year - in spite of efforts to remove them from a system widely felt to be inhumane. Such children were to have been released from prisons on May 10 last year, yet the number held continues

to soar. A total of 418 are in prison - up from 205 last June.

Progress in keeping children out of jails in the Western Cape has been blighted by a lack of secure care facilities, a shortage of social workers and resources to work with families when children are sent home, and a slow criminal justice system.

Alan Jackson, director of child welfare in the Western Cape, said that hundreds of children had been

diverted from prisons by the provincial Social Services Department in the past year.

Research had shown children who had been returned to their families often became repeat offenders.

It was a harsh reality that children were now being arrested for more serious offences.

"They simply get their revenge on the system, because they know they can get away with whatever

they want. The present approach is soft on children committing crimes and does not work.

"Children learn crime is acceptable and begin to feel untouchable, until they commit a very serious crime - by which time it is too late."

The number of children awaiting trial in Western Cape prisons rose from 205 on June 10 to 394 by the end of December, he said.

Melanie Kelly, Western Cape

Social Services Department manager of Project GO - part of a programme to transform the child- and youth-care system, said by January the number of children held in prisons in the region had reached 418.

More than 700 unsentenced children were diverted from prisons to other secure institutions, or to their homes, between July and November last year.

An amendment to the Criminal

(253)

(448)

AR 113199

Procedure Act allows children charged with serious crimes - such as rape and murder - to be held in prison when other accommodation is not available.

But justice officials said children should await trial in prison only in exceptional circumstances.

Where possible, children awaiting trial for more serious offences were held in institutions. As many as half of the children, mostly first-

time offenders, had been sent home to await trial, but many were re-arrested for other offences.

Arrests of young offenders rose from 1 331 in June last year to 1 444 in November.

"We need a humane but firm minimum-tolerance approach, involving diversion programmes that are tried and tested and can accommodate all offenders," said Mr Jackson.

CRIME gets worse

POLITICS

(253)

Popcru threat may mar poll

By Jimmy Seepe

CHAOS and disruption could mar the policing of the country's elections following a threat and ultimatum to the South African Police Service by a union to stop the proposed appointments recently advertised

The threat was issued by the Police, Prison and Civil Rights Union (Popcru)

A high-level meeting is to be held between representatives of Popcru and the SAPS next week after the union declared a dispute with police management

Popcru's national organiser Mr Peter Nkuna told *Sowetan* this week that his union had filed for arbitration in terms of the Police Act and Police Regulation with the Independent Mediation Services of South Africa

A date has already been set for next Friday to discuss the terms of reference between SAPS and Popcru representatives

Popcru has accused the police of a breach of agreement previously reached between itself and

the SAPS over the restructuring of the service

Yesterday, the SAPS human resources management refused to discuss the pending action by Popcru. SAPS communication officer, Strim Govender, said "due to the sensitive discussions between police management and labour it is premature for us to respond"

Govender, however, said "The current arbitration notice by Popcru is about the implementation of the affirmative action programme in the SAPS and this process will be followed in terms of the Labour Relations Act"

The union has also called for a moratorium to be placed on advertisements for three new divisions announced last year by Police Commissioner George Fivaz after consultation with Safety and Security Minister, Sydney Mufamadi

Nkuna said the positions were advertised without following the affirmative action provisions and guidelines agreed upon within the SAPS

"We have decided to continue with arbitration and our lawyers met this week with the

police's legal representatives on the matter," said Nkuna

He said police representatives urged Popcru not to go for arbitration to see if some of the contentious issues they had raised could not be handled internally "We are adamant that the arbitration process could only be stopped if our demands are fully met"

Some of the demands include the implementation of all agreed provisions contained in the affirmative action document which had not been implemented

"They should stop the process advertising the posts until they have agreed to implement the affirmative action provision," he said "They should stop all the activities that undermine affirmative action such as the continued training of a minority group which has already benefited from the system as opposed to historically disadvantaged members"

Nkuna complained that even though many white members had been granted severance packages they were still employed by the SAPS

66/5/5 moratorium

MTG 5-11-3/99

Prison doctor beats a hasty retreat

(253)

Susan Purén

The almost complete collapse of medical care for prisoners, and the dangerous circumstances under which a district surgeon serving Leeuwkop prison was forced to work, saw her quitting the position last week with only 24 hours' notice.

Dr Liz Levendig, a former member of the Defamees' Parents Support Committee in the 1980s, says what is happening to prisoners in need of medical care is a "tragedy".

Levendig, who served at Leeuwkop for seven years, says the final straw was when she was told that a warder was no longer available to escort her during her rounds.

Since mid-1998, no Leeuwkop prisoner is allowed to get treatment at a private hospital and state hospitals are turning inmates away because of overcrowding.

One of the prisoners affected by the chaotic state of medical care at Leeuwkop is convicted killer and former Afrikaner Weerstandsbeweging brigadier Phil Kloppers, who has been wheelchair-bound since he was allegedly tortured by police after his arrest in 1994.

He takes 18 tablets a day, mostly for pain. An essential high-risk operation to relieve his pain has been turned down by prison authorities.

Kloppers said he was told there is no money to pay for the operation, but correctional services representative Rudi Potgieter denied this was the case. Potgieter said the area manager at Leeuwkop told him that Levendig had said Kloppers did not need the operation.

Potgieter also said a recent investigation by the department's legal representative, advocate Leon Kleinschmidt, into alleged human rights abuses at Leeuwkop found that Kloppers was receiving medical care and medicine as prescribed.

Levendig says she is not aware of any investigation and has never met Kleinschmidt.

"How was it possible to check on somebody's medical care if you don't speak to his doctor?" she asked. "The operation was turned down due the fact that funds are limited."

The pharmacy at Leeuwkop was recently closed for three weeks. Patients had to rely on relatives to bring them medication — although this is forbidden by prison regulations.

'Convicts should earn their own keep'

Chain gangs, hard labour mooted as means to force prisoners to become productive

PETA KROST

Communities plagued by crime and concerned politicians said this week that prisoners should be forced to do hard labour and work in chain gangs so that "justice can be seen to be done".

The Government agrees and wants to put prisoners to work - but it says, constitutionally, it cannot condone hard labour.

Khulekani Sithole, the Correctional Services Commissioner, said 70% of sentenced prisoners would be

put to work this year, instead of lazing around prison yards.

"It is time they became more productive," said Barry Eksteen, speaking for the commissioner.

But the Pan-Africanist Congress's Dr Stanley Mqogoba called for harsher measures. "I demand that they do punitive hard work to ensure they don't think they are living in paradise."

Lampho Hani, the chair of the parliamentary portfolio committee on correctional services, said "Inmates must be utilised for the

benefit of the country and earn their keep."

Golden Miles Bhundu, the president of the South African Prisoners Organisation for Human Rights, agreed that prisoners should work for a living and that a percentage of their earnings should go to their victims. But he said "Chain gangs and forced labour are out of the question."

Mr Eksteen said according to regulations, a prisoner could not refuse to work. He admitted that most prisoners spent their days lazing about

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(2173)

and that, even if there was work to do, the prisons did not have the staff to police it properly.

"At this stage there are far more prisoners than there are jobs and we are looking to find more."

But the proposed in-house prison projects might not satisfy the taxpayer.

It costs R80 a day for the upkeep of one prisoner, which translates into R11,7 million a day to keep 146 000 prisoners under lock and key. But the real problem is the 54 000 awaiting-trial prisoners, who can-

not be forced to work. Awaiting-trial prisoners cost the country almost R5-million a day.

While communities affected by violent crime have called for the Government to bring back chain gangs and forced hard labour, the Government has refused because it would be unconstitutional.

Meanwhile, the Correctional Services Department and the Government have been criticised for allowing prisoners to "enjoy themselves in prison", getting free food and a roof over their heads.

Angry victims see prison as a "holiday camp" and have called for harsher measures.

A father watched as three men raped his two daughters in front of him. The men were each sentenced to 10 years in prison. However, the father believes that is not enough.

"My daughters' lives have been destroyed while these bastards are sitting pretty in prison, taking drugs, having fun with their new-found friends. I want them to suffer. Prison authorities say forcing prisoners to do hard labour is impos-

sible, but last year prison authorities removed certain prisoners privileges. M-Net was banned and pets were removed.

"Only people who have never been to prison, think it could be a nice life," Mr Eksteen said.

He said Sipho Mzimela, the former minister of correctional services, had organised a team of prisoners to build houses. Although the project was successful, the unions objected, saying the prisoners were "taking bread from innocent people's mouths".

Costs of no death row

Taxpayers foot the hefty bill of prisoners formerly sentenced to death

By DERRICK LUTHAYI

GOVERNMENT opponents are crying foul that former death row prisoners are languishing in jail, enjoying free board and lodging which costs taxpayers R13 million a year. There are 454 prisoners who have been formerly on death row, each being fed at R80 a day and doing absolutely nothing.

This means that R36 320 is spent on the prisoners per day which is more than R13,25 million a year. The death sentence was abolished in 1995 and since then it has cost taxpayers more than R40 million to maintain them.

United Democratic Movement (UDM) Eastern Cape deputy provincial leader Cedric Frolic said the reinstatement of the death penalty would definitely save the government a lot of money.

"If you look at the financial implications of keeping murderers in jail for the rest of their lives, the death penalty would definitely save the government millions of rands."

But Frolic also warned of the need for an efficient judicial system in which prosecutors are properly remunerated.

This, he said, would help ensure the death penalty was "appropriately implemented."

Frolic said that as soon as the UDM was voted into Parliament it would call for a referendum on the death penalty and abortion so that people could decide.

The IFP also believes there should be a referendum on the issue of the death penalty.

African Christian Democratic Party (ACDP) spokesperson and MP, Jo-Ann Downs said the constitution should be amended to allow for the death penalty.

"It is costing taxpayers a fortune to keep these people."

Downs suggested that those formerly on death row be put to work to earn their keep.

"We believe in the death penalty. The constitution should be amended."

"However, we also believe in life because of some situation, who should not be sentenced to death."

They should be hired out and not be kept at taxpayer's expense.

"Prisoners should not get free board and lodging," Downs pointed out.

But it is not only those opposed to the abolishment of the death sentence complaining.

Even former death row inmates are concerned about the slow wheels of justice.

A letter smuggled out of Sun City Prison (the Johannesburg Prison) from a group who call themselves Concerned Former Death Row Convicts says they decided to complain to City Press about their predicament in the hope that it will get a response from the Justice Ministry.

These prisoners say that when they were transferred from Pretoria Maximum Prison on October 3, 1995, they were promised re-sentencing, but this has not happened.

Promises of social and psychological programmes have also not materialised, they said.

The group also complained that they were only allowed three visits a month.

Justice Minister Dullah Omar's spokesperson, Paul Seisete, said legislation provides for "Directives" through which the Legal Aid Board can provide legal aid to people who have been sentenced to death in the past.

He said these directives still have to be tabled in Parliament and published in the Government Gazette before these conversions of sentences can take place.

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"DIRECTIVES" .. Justice Minister Dullah Omar to table new legislation



HEAT WAVE

the speakers delivered...

■ Pic: MIKE MZILENI

Prisons' boss runs up bill of R500 000 in two years

CP 7/2/99
(243)

By ELIAS MALULEKE
News Editor

THE Commissioner of Correctional Services, Dr Khulekani Sitole, has spent a whopping R500 000 on overseas trips and travelling expenses in just two years.

The commissioner's spokesman, Barry Eksteen, said the trips were taken with ministerial approval.

"The commissioner is serving in numerous bodies involved in correctional services matters and he went overseas to attend meetings of such bodies," Eksteen said.

But according to a memorandum drawn up by disgruntled senior Correctional Services staff, the trips were private ones undertaken at state expense. A copy of the memorandum has been given to Deputy President Thabo Mbeki's office.

Eksteen confirmed that the matter was now being investigated by the auditor-general, Henri Kluever.

He stressed that the trips were undertaken mostly during the reign of former Correctional Services Minister Dr Sipo Mzimela.

The new Correctional Services

BIG SPENDER...
Prisons' commissioner Dr Khulekani Sitole



Minister, Ben Skosana, who apparently put the brakes on Sitole's extensive travelling, admitted in a written answer to a question in the Council of Provinces that, between December 4, 1996 and December 13 1998, Sitole had visited several countries and cited "business" as the purpose. He went to

□ **India and Israel** from 13 to 23 May 1997 "to investigate the role played by the private sector in correctional services" (R30 500)

□ **America, Britain and Denmark** "to investigate correctional services-related issues and to attend the Police and Fire Games in Denmark" from June 24 to July 17 1997. (R35 000)

□ **America** from 10 to 14 August

1997 "to attend a congress" (R30 500)

□ **America**, accompanied by two officials, "for studies" from November 12 to December 14 1997 (R74 000).

□ **Canada and Britain** from 11 to 27 March 1998 "to attend a conference in Canada and to discuss correctional services issues with stakeholders in London" (R47 000)

□ **Australia** from 24 to 30 May "to study prison conditions" (R24 000)

□ **Hungary and Israel** from 17 to 25 June "to attend conferences" (R65 900)

□ **America** from 9 to 13 August 1998 "for a meeting with the American correctional services union" (R55 000)

□ **Canada** from 8 to 9 September 1998 "to attend an international meeting" (R32 000)

□ **America** with an official from his department from 31 October to December 4 1998 "to attend an international conference on the training of correctional services personnel" (R85 000)

□ **Israel** from 6 to 13 December 1998 "for a semi-official visit" (R8 500)

New plan to make prisoners work and walk

BY MARCO GRANELLI
Pretoria Correspondent

Prisoners will in future be made to walk 4km and work at least three hours every day, as part of authorities' tougher measures in the country's jails

Prisons Commissioner Khulekani Sitole said in Pretoria last night that the compulsory work and physical exercise formed part of prisons' "back to basics" campaign, which began late last year

As part of the campaign, prisoners' privileges have been cut drastically and private televisions and telephones were banned in November

"Prisoners should walk and prisoners should work instead of lazing around prison yards or their cells," Sitole said

He was quick to point out that the new work requirements - which are still in the planning phase - were not forced labour,

which was outlawed in South African prisons many years ago "It's not forced labour - it's required work," he said

Sitole explained that if prisoners refused to walk or work, it could affect their grading - and with it their privileges and even their release date

Prisoners make their way up the grading system based on good behaviour and co-operation. Only Grade A prisoners are eligible for early parole

Currently prisoners can refuse to work. Those who choose to work are employed six hours a day on general cleaning duties or on prison farms, or in kitchens and workshops

On his plans to compel prisoners to walk, Sitole said he had picked up the idea while on a visit to United States prisons, where inmates exercised by walking around the yard or perimeter fence

He said details of this were

still being worked out because South African prisons did not have perimeter fences. Prisoners would be "encouraged" to walk around the yard

Prison authorities were also reassessing the food which prisoners received "We need to balance life in prison with life outside. If people don't get to eat meat every day outside prison, then why should they get to eat meat every day here?" he said

"We are not running hotels - we are running prisons"

The clampdown on privileges hit the headlines this week when prison authorities cancelled the wedding of Chris Ham assassin Janusz Walus as part of a ban on prison weddings

Sitole remained firm on this "I'll allow weddings over my dead body - or if the Constitutional Court decides I'm mad" Prisoner rights organisations have already threatened to take the matter to court

Spar 12/13/99

(253)

Prison cleans up and improves after damming report

Journalists find that conditions for mothers and toddlers are reasonable

By GILL GIFFORD
Crime Reporter

President Nelson Mandela has requested a full report into the living conditions of female prisoners with young children.

This follows a report in the *Saturday Star* that babies and toddlers of female inmates at Johannesburg Prison were living in appalling conditions.

The report said babies were being fed milk and medication that had expired and food which leads to allergies and diarrhoea, while mothers were shoddily treated by medical personnel and forced to live in mosquito-infested surroundings.

Following the report, provincial commissioner Thami Nxumalo visited Johannesburg Prison, formerly known as Diepkloof Prison, to find out what is happening in the section occupied by mothers with toddlers and babies over six months old.

Nxumalo found two areas of concern: the storage facilities for baby food were found to be substandard and the prison was full of mosquitoes.

Correctional Services Department spokesperson Russel Mamabolo said the food storage situation was immediately corrected and kitchen staff had also been requested to prepare toddlers' food closer to meal times to limit the time that prepared food is left standing. The dredging of a nearby

dam - a breeding ground for mosquitoes - was well under way yesterday.

Nxumalo yesterday ordered that the prison sections housing mothers and pregnant inmates be opened to four journalists, who were invited to inspect the premises and interview inmates.

Johannesburg Prison is home to 26 children under three years old. Pregnant inmates and those with babies under six months are kept in the hospital section of the prison.

The *Star* interviewed several mothers who said they had few complaints regarding prison conditions, with the major concern being mosquitoes.

The babies and toddlers generally appeared well fed and in good health. When questioned on allegations of rampant diarrhoea among the children, inmates said some mothers and children had suffered from a bout that had since cleared up.

Inmates were served generous helpings of beef stew, pap, mashed carrots and green squash. Prisoners questioned out of the hearing of staff members agreed that the meal was standard.

New mothers said they were given adequate provisions for their babies.

Sister Gloria Livi, who heads the hospital section, said prisoners with babies were given three meals a day. Pregnant and breastfeeding women were allocated extra food and milk.



Safe and sound - toddlers are returned to their mothers after a day of play at a nearby creche outside the Johannesburg Prison grounds.

Star 16/7/70
JEBBIE YAZBEK

Authorities deny kids in prison get poor treatment

By Charity Bhengu

THE Department of Correctional Services yesterday refuted claims that babies who were forced to live with their incarcerated mothers at Johannesburg Prison are being subjected to poor living conditions.

This follows a report in a weekend newspaper in which it was claimed that the babies had contracted illnesses because of inadequate food and unhygienic conditions.

The claims were allegedly supported by the South African Prisoners Organisation for Human Rights (Sapohr)

However, spokesman for the Department of Correctional Services Mr Russel Mamaholo yesterday dismissed the claims as "vague" and challenged Sapohr to give specific names of prisoners concerned.

Yesterday the department invited the media to the prison's female section to inspect the cells and interview some of the inmates.

The head of the prison's female section, Mrs Mamoshabe Tloubatla, said the staff was managing well.

"There is sufficient food, toys, clothing and medication for the expectant women as well as mothers and

children."

However, some pregnant female prisoners complained of "being starved" and "overworked".

They said they were given small rations of food at 8 30am and 2pm before being locked up at 3pm for the night.

The two meals were not sufficient, and going without supper kept them "awake throughout the night", they said.

A woman who is seven months pregnant said "We sometimes have to get down on our knees to scrub and polish the hard, cold floor. We think this is too much for a pregnant person." She asked not to be identified.

In response to this, Sister Gloria Livi of the female prison hospital said: "They are only responsible for cleaning their rooms and not the whole section of the prison. Their work is like a daily exercise and not hard labour."

Livi confirmed that the pregnant women had two meals a day and a snack in between. She said this was sufficient. She said the meals were from 8 30am, a snack at 11am and then lunch at 2pm.

The prisoners where then locked up at 3pm for the night.



A female prisoner stands outside her Johannesburg prison cell with her nine-month-old baby.

The woman was seen by the media during a visit organised by the Department of Correctional Services. The media visit was organised in response to claims that babies, forced to live in prison with their mothers who are serving sentences, are subjected to poor living conditions.

PIC ANTONIO MUCHAVE

School stabbing to end up in court

VRYBURG High School will ask the Matfeng High Court this week to review a decision by the North West education department not to expel grade 9 pupil Andrew Babelle, who is accused of stabbing a matric boy about a month ago.

The school's lawyer, Mr Paul Colditz, said the urgent application was scheduled to be heard on Thursday.

Babelle (19) was suspended from

primary committee subsequently found that the attack on Erasmus was premeditated and recommended that Babelle be expelled.

The department rejected the recommendation last week, saying Babelle's disciplinary hearing had ignored a number of "indispensable issues". Babelle returned to class on Friday.

Vryburg High School governing body deputy chairman Mr Erik de

"We believed at first that the court proceedings would be lengthy, which could have meant that Andrew would be at school for the entire year.

"Since the case will be heard this week, we decided to allow him to remain in class until the school term ends next week," De Bruin said.

The provincial education department cited apparent irregularities in Babelle's disciplinary hearing as the reason for its decision not to expel

Prisons must offer light in

The public yearns for revenge, but experts feel there must be rehabilitation of the

Star 17/3/99 (2)

Public sentiment about crime has reached such extreme levels that PAC head Bishop Stanley Mogoba was prompted recently to call for criminals to have their arms and legs chopped off. Arguing from their visceral standpoint, the South African public would vociferously agree.

Lock the colls and throw away the key, is another popular sentiment. Criminals, after all, have brought it upon themselves.

These are clearly over the top emotional responses to a worsening crime situation.

Lukas Muntingh of Nicro said it was to be expected from a public, frustrated by what they perceive as a lack of action.

But in a country where more than 70% of prisoners are in prison for two years and are then released, according to the Centre for the Study of Violence and Reconciliation (CSVR), we as the public have a duty to look objectively at how criminals in prisons are treated and to scrutinise prison conditions.

It is the criminals' experiences in prison that they bring back to society after finishing their term, and these largely further criminality.

Amanda Dissel of the CSVR says the integration and rehabilitation of these criminals who serve a maximum of two years in prison can only be achieved if prisoners are treated humanely.

"You can't inculcate a sense of responsibility, worth and human dignity if you are treating people in a way that negates all of those," Dissel said. "If you don't respect prisoners as people you can't expect them to leave prison and treat others with respect," she added.

Muntingh agreed. "You can't take people out of society and expect them to adapt by some magic wand and fit into society as if nothing has happened. If you warehouse them (criminals) you are furthering the criminal element."

Muntingh found the short-term prison sentences particularly worrying. Prisoners serving short terms had enough time to "learn the tricks of the trade" and were exposed to gangs, rape and other forms of abuse, taking these back into society with them months later.

"We're imprisoning far too many people, especially for short periods. My question is what do you hope to achieve with a six- or three-month prison term?"

"The brutalisation of prisoners in prison is sufficient to damage a person for life."

Given this, prisoners' rights are



crucial - not just for the benefit of the prisoner but for the benefit of the society they return to. Ours is now a culture in which human rights guide us, the Bill of Rights

protects us and the constitution places duties and gives rights to both the state and its people.

The constitution entrenches the rights of prisoners. Conditions of

detention, it says, should be "consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading

material and medical services. Even if these are provided in South Africa, it's not all a free ride. That offenders are

While much emphasis must be placed on removing the social causes of crime such as poverty and lack of education, perhaps we should consider different forms of justice which bring victims and perpetrators together.

One of these forms of justice is restorative justice. The restorative process, pioneered in Australia, was introduced in Britain recently to put the brakes on teenage joyriders. The process gives those on the receiving end the power to make the punishment fit the crime.

Culprits, who are largely superfluous in the court battle, are brought face to face with victims,

Community courts could restore justice

and decide what adequately compensates them for their loss.

Community courts are another form of restorative justice. The SA Law Commission held workshops on the issue last year but the commission's Maureen Moloai said at present there was no legislative provision for community courts and a discussion paper will be released in April. The idea is to have closer community participation in the trial and sentencing of the offender.

"The informal courts identify

responsibilities to meet needs and to promote healing and enforce values by using social pressure. Restorative justice and reintegrative shaming are two important tools of the enforcement process," according to the discussion paper.

"Both the African and international experience show that community courts work well where there is limited jurisdiction," said Vinodh Jaichand, director of Lawyers for Human Rights.

But Jaichand has reservations.

The difficulty with alternative systems is that they could take over the justice administrative system because they will be a "just" alternative.

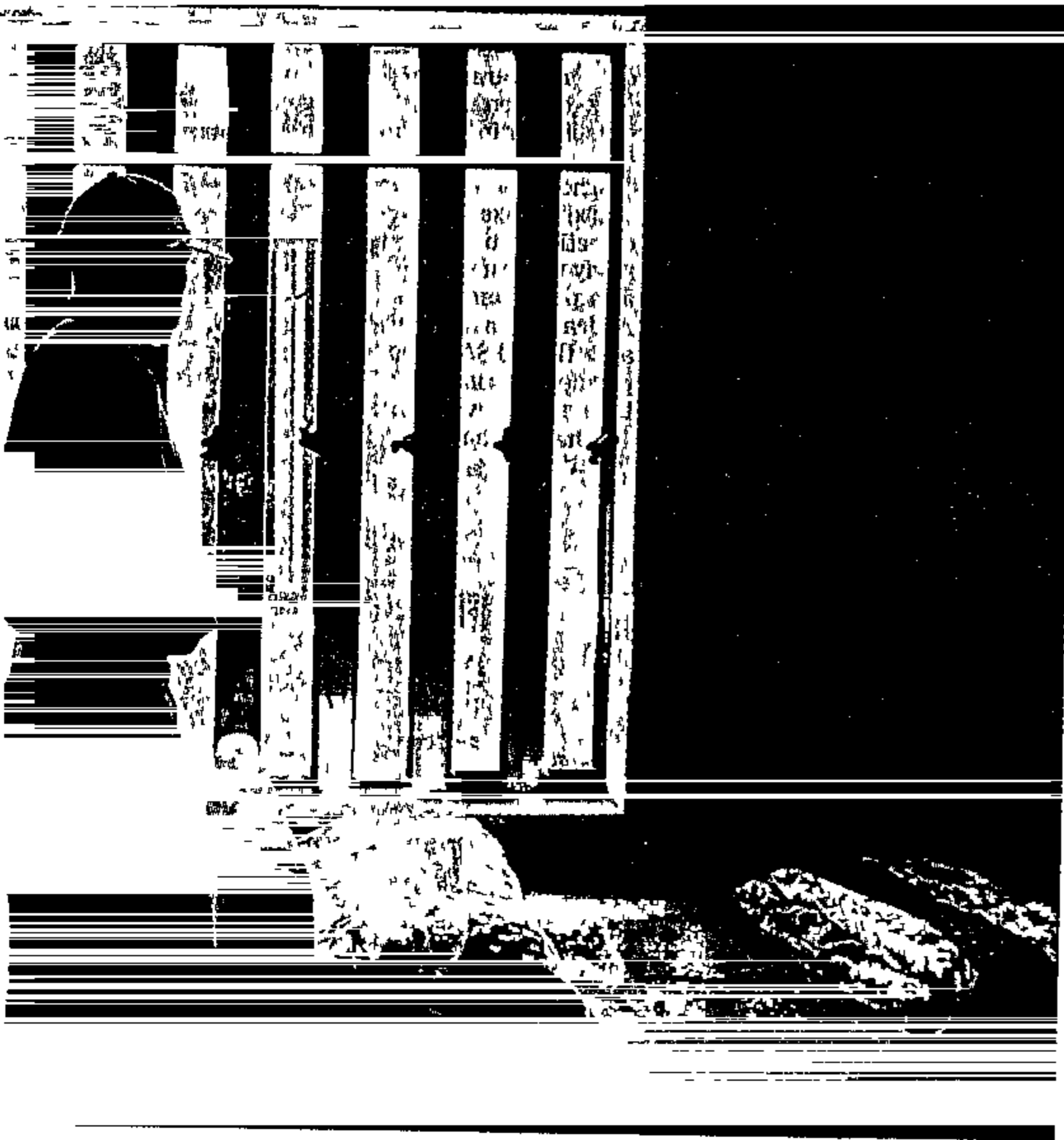
"I would like to see them have a say in the procedure but to set it up as a separate system while the current system has so badly gone wrong. Restorative

er light in the darkness

must be rehabilitation or the cycle will never end, reports Cathy Powers

Star 17/3/99 (253)

JOHN HOGG



The ideal incarceration like this, as opposed to our grim, crowded jails, gives - especially the lesser offender - at least a chance of pulling his life straight. Experts argue that offenders, in the existing, brutalising conditions, can emerge after their sentences as a far greater threat to society than when they went in

especially significant given the fact that prisons as deterrents and forms of punishment are unsuccessful in putting a lid on the country's spiralling crime rate

One fact to be remembered is that every month between 7 000 and 9 000 prisoners are released, Muntingh said "What did we do to facilitate their reintegration into society?"

It is unfair, but perhaps understandable, for the public to lump all prisoners into one brutal mass which should be subjected to inhumane conditions in prison. Let them rot in jail, we cry

But should we equate the person who steals a loaf of bread with an awaiting trial prisoner or convict for rape and murder?

And if offenders are to be given such rights, what of the rights of the victims, who feel increasingly isolated by court processes?

Victims' rights have been sorely neglected, said Mma-batho Ramagoshi, a member of the Victim Empowerment Reference Team and executive director of the National Network on Violence Against Women

The rights of perpetrators are recognised, she said, but one could not balance victims' and perpetrators' rights. Rape victims, for instance, give evidence in court - if they are lucky - and are then left to their own devices. There is no follow up by the state to ensure the woman goes for counselling or supportive help, she said

Victims have a right to seek forms of redress.

However, Muntingh confirmed that they are not given the services they are entitled to, such as counselling for post traumatic stress disorders, adding there is a risk that the victim of today can become the offender of tomorrow with the rise of vigilante activities and such like

Ramagoshi is opposed to any kind of balancing act between perpetrators and victims

"All citizens have rights but you can't put their (prisoners') rights on the same level"

She argues "The prisoner gets all the benefits and victims are left out in the cold. Now we have a society which is both very angry and wants revenge."

There seem to be no easy answers in this debate for a country with limited resources such as South Africa

But reactionary and short sighted visceral approaches to criminals and the way they are treated are clearly not the most useful ones available to us in a maturing human rights based society.

detention, it says, should be "consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading

material and medical treatment"

Even if these rights were adhered to in South Africa's prisons, it's not all a free ride. The mere fact that offenders are prisoners means

they automatically lose their right to liberty and their freedom of movement and association are limited, says Dissel

Entrenching prisoners' rights is

Courts could restore justice

responsibilities to meet needs and to promote healing and enforce values by using social pressure. Restorative justice and reintegrative shaming are two important tools of the enforcement process," according to the discussion paper

"Both the African and international experience show that community courts work well where there is limited jurisdiction," said Vinodh Jaichand, director of Lawyers for Human Rights.

But Jaichand has reservations.

The difficulty with introducing parallel systems is the likelihood that they could take over the current justice administrative system, mainly because they will be viewed as "alternative" justice systems, he said.

"I would like to see parallel systems. I think communities should have a say in the rehabilitative procedure but to set it up as a separate system is abandoning the current system while attempting to fix what has so badly gone wrong."

Restorative justice involves

communities in the compensation process, much like the Truth and Reconciliation Commission. "You are trying to restore lost resources, lost dignity," said law professor Shadrack Gutto of the Centre for Applied Legal Studies.

Crime violates an entire community and restorative justice works to bring the offender back into that community either by doing community service or performing some other reparative work.

The current justice system, argues Gutto, doesn't look at the victim. "There is no condition created under which criminals can be re-integrated into society," he said

POLITICS

Hard labour rule returns for convicts

(279)
Sowetan 18/3/99

By Jimmy Seepe
Political Reporter

THE Department of Correctional Services is to begin the implementation of its intended "back to basics" rule that will put more than 100 prisoners to work from today as part of cultivating a work culture among convicts

The decision follows the new hard-line strategy towards convicts that the department has adopted since the beginning of the year and which makes life less comfortable in prison

The "back to basics" programme, which will be announced officially at a media briefing today with the first batch of prisoners, is part of some of the tough measures that the department has put in place

The prisoners will be taken out into the streets to do manual labour in various communities that the department has identified. The

prisoners will earn about R40 a month

It is not clear, however, whether the project will entail some of the infamous work programmes that the apartheid government used, such as chain gangs

According to sources the project is intended to cultivate a work culture among prisoners

Only prisoners who have a minimum of their sentences left to serve will be allowed to work outside the confines of the prison building

Hardened criminals, such as murderers, rapists and those convicted to long-term prison sentences, are not likely to qualify for work outside prisons

The move comes barely two months after the department introduced tough measures according to which prisoners were stripped of all privileges such as television and microwave ovens

Last week the department also decided to

remove regulations that allowed prisoners to marry while incarcerated. The department said those intending to marry will have to wait until they are released to exercise that right

The new regulation, which became effective immediately, came at a time when Polish immigrant Janusz Walus – the killer of South African Communist Party and African National Congress leader Chris Hanu – attempted to marry

Walus had planned to marry Ms Berril Roy at the Pretoria Maximum Security Prison under strict conditions

In the past months political parties have called for similar tough measures against prisoners who are being perceived as draining the Correctional Services budget without putting anything back

The African National Congress welcomed the new plan and spokesman Mr Thabo Masebe said "It will go a long way to reintroducing prisoners back into society on their release"

(253) CP 21/3/99

Bhudu rings alarm bells on over-population of prisons

By ZAKHELE SHIBA

GOLDEN Miles Bhudu, president of the South African Prisoners' Organisation for Human Rights warned this week that if crime, violence and corruption are not addressed, jails will be over-populated

Speaking at Durban's Westville prison to promote awareness of human rights, Bhudu said the already over-populated prisons will take further strain and "crime, violence, and corruption will continue to plague our communities with huge financial and human costs to individuals, communities and the nation"

Bhudu said communities "should gear themselves up to assist in this development process especially in rehabilitation, training, education, cultural talent and re-integration"

Reading from the preamble of constitution, he told prisoners they also have their rights

"We, the people of South Africa, recognise the injustice of our past, honour those who suffered for justice and freedom in our land; respect those who have worked to build and develop our country, and believe that South



ADDRESSING ROOT PROBLEMS... Golden Miles Bhudu

Africa belongs to all who live in it, united in our diversity," said Bhudu

"If educational projects are not going to be implemented very soon in and outside our prisons, the only thing that is going to happen is more and more people will be filling our already over-populated jails," he said

During the function at the prison, the inmates performed

many cultural events like traditional dancing, Isicathamiya, and danced to Kwaito music.

Bhudu also spoke about the rights of arrested and detained persons and those awaiting trial to be treated with dignity, "including at least exercise and the provision, at the state expense, of adequate accommodation, nutrition, reading material and medical treatment".

Prison inmates win the right to vote

ARG 1/4/99 (253)

Johannesburg – Prisoners will be allowed to register for and vote in the June 2 elections, the Constitutional Court ruled today.

In a judgment on an application brought by two prisoners, the court ruled it was unconstitutional to deny them the right to vote and ordered the Independent Electoral Commission to provide for awaiting-trial and convicted prisoners to put their names

on the voters' roll and to vote on June 2

The ruling applies only to those behind bars during the registration period, which began in November and ended last month.

The application was brought by the Legal Resources Centre on behalf of Arnold August, who is in prison for fraud, and Sibongile Pearl Mabutho, who is awaiting trial on fraud charges – Sapa

Vote for prisoners poses difficulties

BY CP CORRESPONDENT and S. J. B.

IEC and govt departments face logistical problems

THE DECISION by the Constitutional Court to grant prisoners the right to vote could open a Pandora's box of logistical problems for the Independent Electoral Commission and the Department of Correctional Services.

The IEC and correctional services have expressed readiness to implement the court ruling, but they could be faced with several hurdles.

Time is against them and the IEC has less than 10 days to put in place mechanisms that will enable prisoners to register and vote on June 2.

The IEC is also expected to release its final audit of people who have registered and appear on the voters' roll by April 17.

They may now be forced to have another audit for prisoners at a later date, thus stretching their resources.

In terms of the Electoral Act of 1998, one must register at the place where one will be voting. Prisoners who are released before June 2 could find that although they have been registered to vote, they may not be able to cast their votes outside prison.

In its judgment on an application brought on behalf of two prisoners, the Constitutional Court ruled that it was unconstitutional to deny prisoners the right to vote and ordered the IEC to provide for awaiting trial and convicted prisoners to have their names entered on the voters' roll for the June 2 election.

The ruling applies only to people behind bars during the registration period, which began in November last year and ended last month.

The application was brought by the Legal Resources Centre and the SA Prisoners' Organisation for Human Rights (SAPOHR), led by Golden Miles Bhudu, on behalf of Arnold August, who is in prison for fraud, and Sibongile Pearl Mabhutho, who is awaiting trial on fraud charges.

The ruling extends the franchise to most of the 146 000 prisoners, a third of whom are awaiting trial.

The court order excludes people now in prison who were free during the registration period but failed to register.

The respondents were the IEC and its chairman. Two other respondents, the ministers of Home Affairs and Correctional Services, did not defend the action.

The court set aside an earlier Transvaal High Court ruling by Judge J Els who said prisoners were the "architects of their own misfortune" and had forfeited their right to take part in the election.

The court ordered the IEC to serve an affidavit on the Legal Resources Centre and the two ministers by April 16, setting out the arrangements it would make to accommodate prisoners.

The court also ordered the IEC to pay the applicants' costs.

The thrust of the court's judgment was that there was nothing in the Electoral Act or the 1996 Constitution excluding prisoners from voting.

Certain classes of prisoners had been excluded by law from voting in the last election but Parliament had made no attempt to introduce similar legislation since 1996.

Neither the IEC nor the court had the power to disenfranchise prisoners. Only Parliament could do that and Parliament had not done so, the court found.

It emphasised that Parliament was not prevented from disenfranchising certain categories of prisoners, such as those convicted of serious offences.

With the cut-off date for registration already passed, prisoners were "effectively being denied their con-

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constitutionally protected right to register and vote", Judge Albie Sachs said.

"Universal adult suffrage is one of the foundational values of our constitutional order. The vote of each and every citizen is a badge of dignity and personhood.

"Quite literally, everybody counts." The court said such rights could not be limited unjustifiably.

"The intrusions on prisoners' rights and liberties are considerable nevertheless, there is a substantial residue of basic rights which may not be denied them," the court found.

The decision has been roundly condemned by the New National Party and Democratic Party while the African National Congress said they will respect the ruling.

The United Democratic Movement has not expressed a view

Patricia de Lille of the Pan-Africanist Congress said the ruling indicated how fundamental the right to vote is.

The IEC on Thursday said it had begun investigating how to implement the court's order.

The IEC, which advised government last year that it did not have the resources to extend the vote to prisoners, offered no indication in its statement of its state of readiness for prison votes.

The IEC said it was studying the legal and practical impact of the court order, especially with reference to the preparation of the voters' roll.

The commission said each category of prisoner, including those serving long and short sentences and those awaiting trial, presented "certain logistical challenges".

The registration of ordinary voters closed on March 15.

Volunteer prisoners put to work on Jo'burg pavements

BY FIKILE-NTSIKELELO MOYA

It was the kind of freedom for prisoners that the public hardly minded.

About 50 Johannesburg Prison inmates were seen along Rifle Range Road, southern Johannesburg, picking up rubbish from the pavements and cutting grass yesterday.

The work teams were the second after a group from Pretoria Central prison cleaned up in neighbouring townships last month.

Gauteng Correctional Services spokesperson Rudi Potgieter said the clean-up campaign was part of the project announced by the national office which aimed at giving prisoners a chance to demonstrate they were ready to show remorse for their deeds and also to show the public that

prisoners did not spend their days lazing in their cells.

Potgieter said more jails were expected to join in the campaign.

He stressed that the work teams were not similar to American chain gangs. "All prisoners (in the work teams) have volunteered. We have chosen prisoners who will be eligible for parole in the next 12 months."

He said the volunteers were not necessarily model prisoners but were those whom jail authorities believed would not try to escape.

Potgieter added that only a manageable number of prisoners would be taken at a time in order to minimise the risk of escapes.

Yesterday's party was under the watchful eye of about 20 warders.

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Inmates want government that's tough on crime

ASHLEY SMITH

Prisoners say they will vote for a government that can fight crime effectively - and that's no joke.

Among them are Ivanov Lobi, 31, and Lawrence Lungile, 28, convicts at the Goodwood medium security prison.

"It might be strange coming from someone like me, but I want a government that can clamp down on crime," Lobi said yesterday.

He and Lungile had just registered as voters following the Constitutional Court ruling that prisoners could vote in the June 2 election.

Lungile said political parties should not be allowed to put up posters and canvass votes inside prisons as it would "raise tensions" among inmates.

Prison authorities would not allow Saturday Argus to ask what crimes the two men had committed.

Lobi and Lungile joined a queue of hundreds of convicted and awaiting trial prisoners registering to vote.

South Africa has 232 prisons, with an eligible voter population of more

than 150,000. In the Western Cape alone there are 25,300 prisoners.

Only prisoners with bar-coded identity books and temporary registration certificates can register.

Prisoners sentenced since last December are not allowed to register and those who will be released before June 2 will have to return to the prisons at which they registered to cast their votes.

At Goodwood prison, which has 1,500 inmates, registration was conducted by wardens amid tight security. Prisoners were escorted to register on a cell-by-cell basis.

Members of the media, who were allowed to videotape and photograph the process, were searched and had to walk through a metal detector before entering the registration area.

All cellphones and guns had to be handed in at the entrance. Correctional Services spokesman Johan Plenaar warned journalists to ask questions about the registration process only.

By 11am a steady stream of convicts, clutching registration forms and identity documents, crowded

(257) AR 17/14/99

the passage of the prison's visiting section where registration took place. Lobi, who proudly showed reporters his bar-coded identity book, said it was "something to be proud of" that prisoners could vote for the country's government.

"The feeling among prisoners who have registered is that we will vote for a government who will build houses and create jobs," he said.

Lungile said he felt "positive" about being given the opportunity to vote, but feared many prisoners would miss out because they did not have bar-coded identity documents.

"We can say that we have an election process that is not stereotyping prisoners as outcasts."

But he was adamant that political parties should not be allowed to canvass votes or put up posters in prisons.

"People already know who they are going to vote for," Lungile said he was looking at issues such as health, employment and crime and would vote for a government that could address his fears about the future.



STAYING IN LINE: the inmates of Goodwood prison queue to register as voters

Picture: HANNES THIAI

POOR prisoner turn out for voter registration

Human rights group wants IEC to cover the costs of new identity documents, writes Taryn Lamberti

A HANDFUL of prisoners from the medium B section of the Johannesburg Prison in Diepkloof, Soweto, lined up in the quad on Friday morning to register on the voters roll, full of anticipation for June 2 when they will be allowed to cast their ballots.

Those who were interested in voting and had the required bar-coded identity books, or could afford the R25 needed to apply for a temporary registration certificate, were bubbly, constantly referring to the constitution which does not prevent them from voting in the election.

Although the Independent Electoral Commission (IEC) and the correctional services department could not provide final figures on the number of prisoners who registered to vote, only 510 of the more than 10,000 prisoners held at Johannesburg Prison registered on Friday. Only 250 of the more than 4,000 prisoners at Modderbee Prison in Benoni registered.

Des, a convicted armed robber who received the death sentence in 1988 (which was later converted to 25 years in jail after the death penalty was abolished), was helping the other inmates to fill out their registration forms at Medium B on Friday. He sat importantly at a desk, wearing an IEC vest over his green overalls, a few thick gold bracelets around his wrist and a pair of Ray-Ban sunglasses on his head.

"I will probably be paroled next year and so it is right that I have a say in who the government should be," he said. He claimed that although he was convicted of three attempted murders and the illegal possession of a firearm, he did not pull the trigger during the robbery which took place in Rustenburg in 1986.

He says he was first held on Death Row in Pretoria before being moved to Leeukop maximum security prison in Kyalami and has been in Medium B for the past eight years.

The prisoners who lined up in front of Des's desk seemed amused by the media attention and were very willing to pose with their identity books for press photographers.

A bus load of journalists arrived at the prison often referred to as "Sun City" on Friday morning to witness the historical event of prisoners registering to vote. Although one prisoner claimed their televisions were "taken away" last year, the prisoners were not unaware of the outrage with which members of the community on the "outside" had reacted to the news that prisoners be allowed to vote.

It did not dampen the prisoners' spirits. In terms of the constitution they are adult SA citizens with the same right to vote that everyone else enjoys, they said.

Des argued that the IEC was not fulfilling its role properly in providing "free and fair" elections, because the commission had refused to sponsor the costs of the prisoners' temporary registration certificates. But there was little evidence of the "rolling mass ac-

tion" that Golden Miles Bhudu, president of the SA Prisoners' Organisation for Human Rights, had threatened prisoners would embark on if their costs were not funded by the IEC.

The organisation's deputy president Derek Mzulu said he was not at all surprised that "people had not responded positively" to voter registration for prisoners because the IEC had not paid the costs of identity documents.

He said prisoners would today demand that the IEC give them a second chance to register for the elections and that it should pay the home affairs department all the costs involved in their registration application — "or else steps will be taken including mass action in prisons".

Final figures on prisoner registration around the country would be released today, said IEC spokesman Victor Dlamini.



A prisoner helps a fellow inmate fill in his voter registration form in the Johannesburg Prison in Soweto on Friday.

Picture ANDY KATZ

By Wilson Ramothata

IN a bid to encourage ex-convicts to transform their lives, the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) has embarked on a programme to involve them in the mainstream economy.

Through its empowerment scheme, the Economic Opportunities Project (EOP), it has set up a small business development programme aimed at training former prisoners.

The project, which is run in conjunction with the Department of Correctional Services, also targets victims of crime, including abused women and the families of offenders.

The project's social development officer, Jabulani Ndlovu, told *Sowetan* that the trainees were taught how to start and manage their own small businesses.

In Gauteng the project is run from offices in Mofolo, Soweto, the Vaal Triangle, Germiston, Johannesburg and Pretoria. The project is also being conducted in Cape Town, Durban, Kimberley and Bloemfontein.

Business monitoring

The two-year course is made up of theory and hands-on training. "We are flexible in training. The project offers business training, micro-loan schemes and business monitoring," said Ndlovu.

After successfully completing the course, he said, trainees were offered financial assistance by Nicro's financing wing, Nicro Enterprise Finance (NEF), to start their own small establishments.

"NEF will fully support the owner of a business to enhance his ideas and will also consider support for groups of people who would like to start a business collectively," said Ndlovu.

He said many released from prison have already been trained. Ndlovu added "We also focus our training programmes on unemployed people."

According to the project manager, Bongani Nhlapo, 453 ex-offenders in Gauteng have been trained since the project started. Of the total number, 230 have successfully ventured into small businesses.

These include running spaza shops,

Loans for ex-convicts help them start again



Bongani Mdlalose at the Nicro centre in Soweto gives former men and women convicts lessons in small business survival courses. PIC MBUZENI ZULU

manufacturing juice and manufacturing steel gates and burglar-bars.

The trainees receive a start-up loan of R750. Once their businesses grow, entrepreneurs can apply for a bigger amount until they qualify for an amount of R6 000, depending on the size of their businesses.

NEF loan officer Kevin Govender said that to qualify for loans, applicants needed to provide a sustainable business

idea, a description of the envisaged business, identity documents, a fixed address, a quotation for equipment, a R30 membership fee and a bank account.

"The National Strategy for the

Development of Small Businesses in South Africa outlined the vision that the small business sector is the driving force behind job creation," said Govender.

"NEF intends to contribute

towards this vision through the provision of micro-loans. NEF therefore provides the building capacity to increase the development of the small business sector.

"It is our aim to ensure that our clients become economically independent and lead constructive lives."

Ndlovu said trainees were also being introduced to the steps to starting their own business.

Methods such as testing their business ideas, marketing investigation, how to run establishments practically, costing and bookkeeping are taught.

He said the project was run with the help of the offender reintegration team, which is made up of social workers who occasionally visit prisons to counsel prisoners upon their release.

Meaningful contributors

"They are then referred to the EOP for interviews to determine their skills interest or what type of business they can be fitted into," he said. The idea behind the EOP project, said Nhlapo, was the special integration of ex-offenders into society as meaningful contributors in their communities. As part of EOP's monitoring system, Nhlapo said it offered an after-care programme to ensure that their members ran their businesses profitably.

"The service provides ongoing business support to emerging entrepreneurs throughout the growth and development of their businesses," he said.

Nicro has sub-offices in Alexandra, Meadowlands (Soweto), Kaitlhone (East Rand), Kagiso (near Krugersdorp) and Tembisa (East Rand).

Nicro can be contacted for more information at its head office at (011) 336-5236.

Untouchable

kid criminals

Cops powerless to hold juveniles (253)

ARG 3/5/99 (25) (258)

GLYNNIS UNDERHILL
SPECIAL CORRESPONDENT

The number of juveniles arrested in the Western Cape is rising alarmingly, with many becoming habitual criminals and turning to violence.

Superintendent Niels Nielsen, who heads the provincial child and youth desk for the police, said many arrested children were simply released back on the streets and he believed they were "untouchables"

Frustrated police say that as a result of the leniency of the justice system on juveniles, older criminals are now using youngsters to commit crimes for them because the chances are good that juveniles will walk free from court

About 1 300 juveniles, aged between seven and 17, have been arrested in the province each month in the past year, compared to an average of 1 000 a month in 1996

Many are released with a warning to appear later in court, or are sent back home by the courts

Magistrates were unable to send children to prison unless

they were arrested for serious crimes, in accordance with legislation, and the designated places of safety were usually full, said Superintendent Nielsen

Most juvenile arrests are for minor crimes such as housebreaking, theft, shoplifting or fraud. But 21% of juveniles are now being arrested for violent crimes including murder, robbery or rape

Police are frustrated at the criminal justice system, which they believe is failing the children and everyone else

The juveniles are committing theft and housebreaking because there is a ready market for stolen goods, they say

The 14-year-old arrested for the murder of photojournalist John Rubython last month had been released just days before the killing after being held on a housebreaking charge

The Correctional Services Act provides that juveniles can be released and placed in the care of a close relative for minor

crimes, such as housebreaking or theft, but magistrates do have judicial discretion to keep a child in custody

Hishaam Mohamed, head of the Department of Justice in the Western Cape, said a R10-million computer data system was being installed to allow justice officials to tap in police records. The system would allow officials to run checks on people appearing in court and improve vigilance in the case of juveniles, he said

Superintendent Nielsen said poor socio-economic conditions were leading to a breakdown of the family unit. He had recently been in contact with an 11-year-old who had been arrested for rape in Cape Town. The youngest child arrested in the city had been an eight-year-old picked up for housebreaking, he said

When the children were sent home, there was no support system to work with the families

"We need more intervention and preventative measures in place for when a juvenile enters the system, so he or she can be placed back with the family"

Alan Jackson, director of Child Welfare in the Western Cape, said some of the places of safety were full of gangs and, in many cases, were not the answer to the problem

More resources had to be given to programmes dealing with the rehabilitation of children. "If you catch it early, you can turn their lives around," he said

Superintendent Nielsen said he had recently interviewed a 13-year-old sent to live on the streets by his mother

The child begged on the streets and was arrested three times for housebreaking. On the first two occasions, there was no room at any place of safety in the Western Cape.

It was only after he was arrested for housebreaking a third time that he was sent to a place of safety

"The system strives to protect these children, but due to a lack of supporting

Untouchable

kids run wild

ARG 3/5/99

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infrastructures, it is not always possible," said Superintendent Nielsen

The Government has launched the Transformation of the Child and Youth Care System, a project designed to try to improve the system affecting juveniles in trouble with the law

In spite of these efforts, the number of children awaiting trial in prisons in the Western Cape has doubled in the past year

Unsentenced children were all scheduled to have been released from prisons on May 10 last year

Gang member 'Lastig' Solomons goes free after bungled police investigation

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Prisoners still escaping despite pledge to act

(273) Star 12/6/99

Station commissioners continue to be let off the hook

By GILL GIFFORD
Crime Reporter

Hundreds of prisoners have escaped from leaky police cells in Gauteng in the last year-and-a-half, and station commissioners have still not been taken to task months after authorities announced a crackdown.

Six suspects escaped in three brazen breaks in the province at the weekend, 18 months after an action plan to curb escapes was put in place by provincial police commissioner Sharma Maharaj and Jessie Duarte, MEC for safety and security at that time.

And just six months after the new approach, Gauteng had recorded the highest escape figures in the country.

The action plan dictated that policemen implicated in cell escapes would be suspended and criminally charged, and their station commissioners held responsible.

However, while 247 policemen had been charged since January 1998 and a further 171 cases were pending, no action had been taken against any station commander.

Senior Superintendent Janie Buys of the Crime Information Management Centre said: "We started researching this issue in November, so we don't have much information. We have been trying to identify the problem through analysis of cases."

The Star's request to examine holding cells and visitation record books was not

granted yesterday because national police commissioner George Fivaz was away and was unable to approve the application.

In January last year Maharaj and Duarte stated that every station would be ordered to place barbed wire over the grill covering the prisoners' exercise yard.

Maharaj said yesterday that barbed wire had been installed only at high-risk stations, and that remaining stations would be done as money became available.

Maharaj said hourly cell visits were standard, and action had been taken where this was not done. He said cell guards had been appointed at larger stations but it was not feasible for small stations.

Disabled face prison obstacles

By Russel Molefe

PARAPLEGICS and other disabled people in prisons across the country face tough conditions because of lack of facilities, *Sowetan* has learnt

The Correctional Services Department has confirmed that the more than 200 prisons in the country do not specifically cater for disabled people

They are expected to use facilities such as toilets, showers and stairs like any other prisoner

The department spokesman Mr Vusi Shabalala said economic realities demanded that usual facilities be provided in prisons currently under construction because of the limited number of physically handicapped prisoners

"All disabled prisoners are provided with wheelchairs, hearing aids, spectacles, artificial limbs

"These prisoners are also usually transferred to larger prisons providing a 24-hour nursing service and where the prison is built on one level. The ramps improve access to different parts of the prison," Shabalala said

Although he was unable to provide the number of disabled prisoners, SA Prisoners' Organisation for Human Rights (SAPCHR) put the figure at about three percent of the estimated 120 000 prison population

SAPCHR spokesman Mr Phineas Nambathi said "The conditions of the disabled people have to be improved"

Self-Help Association for the Paraplegics' Ms Phumzile Gumede also called for the improvement of conditions of disabled prisoners of all categories

Sowetan 10/6/99

Popperu slams prison escapes

By Khangale Makhado

THE Police and Prisons Civil Rights Union (Popperu) called on newly appointed Safety and Security Minister Steve Tshwele yesterday to take tough action against police officers playing a part in prison escapes. Popperu media and publicity officer Mr Siyayuya Jaffa said yesterday that it was unacceptable for corrupt officials to assist prisoners or prisoners awaiting trial to escape

A total 498 escapes were recorded throughout the country last year and 125 prisoners have escaped since the beginning of the year, 50 less than in the same period last year.

The projected target for 1999, according to Correctional Services spokesman Mr Vusi Shabalala, is 660. Shabalala said among the main contributory factors to the escapes were negligence by personnel, the poor condition of buildings, insufficient security fencing and lighting, a manpower shortage and overpopula-

tion of cells and sections "which negatively affect supervision, control, searching and security"

According to Popperu statistics have shown that the bulk of escapes happen from police custody

Corrupt officers

"Popperu is disturbed to learn that 12 prisoners escaped around Gauteng over the past weekend alone," Jaffa said. "As a civil rights union we think that management should also look

into the situation and demonstrate their commitment to fighting these escapes

"These negligent and corrupt officers must be dealt with severely because their actions undermine the good job done by thousands of dedicated and committed officers"

He said it was far from being fair for people to always blame the escapes on the authorities "while we know that some escapes result from negligence on the part of our members who sometimes report for work

under the influence of alcohol"

"These escapes will have a negative impact on police efforts of fighting crime. They will influence our people to lose faith in the police and use so-called people's justice. They will take the law into their own hands"

"Although the department does everything possible to limit the number of escapes, it is not always possible and we are regularly confronted with daring, ingenious and desperate escapes," Shabalala said

(253)

Sowetan 22/6/99

Drop in escapes from SA prisons

(253) *Sowetan 23/6/99*
By Khangale Makhado

THE number of escapes from prisons throughout the country has decreased over the past two years despite an increase in the intake of prisoners over the same period.

Statistics released yesterday show that 498 inmates escaped from prisons last year as compared with 1 050 escapes in 1997.

Only 125 inmates have escaped from custody since the beginning of this year and the projected figure for 1999 is 660.

Correctional Services media liaison officer Mr Vusi Shabalala said yesterday that the number of escapes had to be viewed against the background of a turnover of more than 500 000 prisoners each year and a daily prison population of about 145 000 countrywide.

Of the prison population of 110 069 in 1995, 118 731 in 1996 and 135 000 in 1997, the escapes were 1 247, 1 345 and 1 050, respectively.

"Roughly 30 percent of the total are jail-breaks from prisons while the rest are from work teams outside jails, from hospitals and during escorts. A vast majority of all

escapes can be linked to negligence and not to aiding and abetting," Shabalala said.

The main contributory factors to the number of escapes are negligence of personnel, insufficient electronic aids, poor conditions of building structures, insufficient security fences and lighting and the detention of more hardened and dangerous prisoners.

Other factors included overpopulation of cells and sections which negatively affects supervision, control, searching and security, old and obsolete prisons and a manpower shortage of more than 6 000 staff members countrywide.

He said although the department did everything possible to limit the number of escapes, it was not always possible because they were confronted with daring, ingenious and desperate escapees on a regular basis.

The department has put in place various measures aimed at combating the escapes. These include the optimal utilisation of existing security aids and equipment, continued evaluation of security directives, upgrading of personnel training and disciplinary action against negligent personnel.

Khulisa wants to break SA's cycle of crime

Rehabilitated criminals give scant consideration to their victims, writes Nomavenda Mathiane

THE five youths seated at the main table at the Handa Club, dressed in khaki pants and black T-shirts, looked out of place

The audience, too, did not know how to react to the smiling youths who seemed pleased to be at the club

They were there on Tuesday to celebrate the launch of Cries without Tears, a book written by Leeuwkop prison inmates who are graduates of the Khulisa rehabilitation course

Khulisa, started in September 1997, is a multifaceted life-skill teaching programme based on storytelling, art and career guidance to rehabilitate convicted criminals and break the cycle of crime

Khulisa — a Zulu word for raise or bring up, with particular reference to children — was born from a collaboration between researcher Lesley Ahn Tintinger and storyteller and author Credo Mutwa

Siphwe Moretsele, the leader of the group whose members have been rehabilitated and released from prison, introduced his colleagues in an unassuming way, speaking in simple English

He sketched their lives of crime before allowing them to tell their stories one by one. They read paragraphs from the book reflecting on their experiences

"My parents were scared of me," Simon Kunene of Tembisa said. He was involved in serious crime

"People always think that if I was once a criminal, I will always be a criminal. I am going to prove them wrong by changing and becoming successful in my life, and I think I will be my own hero," read Moretsele.

From what they said, they appeared to have genuinely changed their ways

Moretsele said he was involved in a car theft racket, but since his release from prison had severed ties with his friends in the township. He now lives in the suburbs and is studying a marketing course

Researcher and Khulisa course designer Prof Charl Cilliers of the University of SA's penology department said that unless the correctional services department and the state supported programmes such as Khulisa, the crime situation would worsen

"Presently, there are 146 000 prisoners in SA jails,

and 70% of the population in prison will be back if nothing is done about rehabilitation"

Cilliers said programmes such as Khulisa would succeed because they focused on the individual

He said he was part of the team of legal experts who had been working on a bill that would address reparation towards the victims of crime, to be debated in Parliament shortly. He believed in punishing criminal offenders. "But retribution and deterrents must be followed by rehabilitation"

However, throughout the evening, very little was said about the victims of crime. The group members did not mince words about their need to be accepted in the community because they had paid their dues to society. The thread throughout their speeches was that they were the ones that society had to focus on

It did not seem important that their actions, in some instances, may have resulted in children being orphaned, women widowed and people maimed

After all, they had sought pardon from their victims and asked for forgiveness since being released

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South Africa's first private maximum security prison to be built in Bloemfontein

Pretoria - South Africa's first private maximum security prison will be built in Bloemfontein following the signing of an agreement between the Government and a private consortium here yesterday.

The development agreement will pave the way for a R1,3-billion contract between the Government and private consortium Ikhwezi, said Public Works acting Director-General Sivi Gounden.

Ikhwezi will operate the 3 000-bed prison for 25 years, for a daily fee per inmate. The prison would then be handed back to the Government free of charge.

Correctional Services commissioner Khulekani Sitole said the daily fee per inmate would be based on the R85 a day it cost the Government to keep one prisoner behind bars.

Shareholders in Ikhwezi include Group 4 Correction Services, an international company involved in similar projects in England and Australia.

Group 4 managing director David Banks said it would be premature to say what Ikhwezi's profit would be.

Correctional Services Minister Ben Skosana said such partnerships were vital to relieve overcrowding in South African prisons - Sapa

(2/11) ARLT 2/11/99

Former bodyguard to Hani gets amnesty

DD 6/7/99 (7/7)

**Simphiwe Xako
and Sapa**

THE truth commission's amnesty committee granted amnesty yesterday to a former bodyguard of Umkhonto we Sizwe (MK) chief of staff Chris Hani and two other applicants

Bodyguard Phumlani Kubukeni, along with Themba Mnguni and Mtuzeli Ngozwana, were granted amnesty for the robbery of Weirs Cash & Carry in Engcobo, in the former Transkei, on August 1992

Kubukeni had further applied for amnesty for illegally possessing an AK47 and a hand grenade, which the commission granted

The committee found that the three complied with the requirements of the act in that the offences were committed for political reasons and that they had made full disclosure

Kubukeni was an MK member deployed in Umtata and allegedly reported directly to the late Hani at the time the offences were committed. His duties included training recruits in the use of weapons. He was also responsible for providing food during training

Kubukeni said in his application that the Umtata division of MK had budget constraints and the required training was being stifled because of a lack of funds for firearms and food

He said the matter was discussed with the chief of staff of MK and it was decided alternative means, including

robbery, should be employed to obtain the required finance

The proviso was that there should be no loss of life and the target should be rich white people. Kubukeni said he elicited the assistance of Mnguni Ngozwana and for the robbery

Kubukeni said his accomplices provided support and cover. All three were later caught and convicted of armed robbery and unlawful possession of an AK47 and a hand grenade

Simultaneously, a former Inkatha Freedom Party (IFP) member admitted yesterday to killing African National Congress (ANC) official Mike Mcetshwa in KwaZulu-Natal in 1993

Nkosinathi Mavuso told the truth commission's amnesty committee in Pretoria that he gunned down Mcetshwa because he was "a problem for the IFP and the perfect target"

Mavuso is seeking amnesty for the killing in Pongola in 1993

Mcetshwa was Pongola ANC chairman at the time

Mavuso said he shot Mcetshwa about four times with a 9mm pistol at a taxi rank outside a shop. He then ran to a nearby bush where he dumped his jacket, balaclava and the pistol

Mavuso testified that he was arrested shortly after the shooting

He is serving a 25-year sentence for the killing

"I am very sad and feel remorse," he told the amnesty committee

The hearing continues

South Africa's prison population is being put to work - in government departments

MOSES MTHEHELEU MACKAY

South African prison authorities believe that prisoners should be out of jail as much as possible - not escaping, but rather doing useful work.

They have launched an initiative to hire out working groups of prisoners to government departments and to the public, bringing a return to the days when prison labourers

doing mostly unskilled work were a common sight.

In fact anyone can become a "temporary correctional officer" - a title you get when you apply to have prisoners work for you.

The only requirements to qualify to employ a prison work group is to be aged between 18 and 60, in good health and without a criminal record.

You will, of course, be responsible

for ensuring that the prisoners don't escape - which is less scary than it sounds because only non-violent prisoners near to their release date will be placed in your care.

While you won't be paid for acting as a temporary warden, you will be getting the cheapest labour in town.

People hiring prisoners pay R4,30 a prisoner a day during the week and R7,50 a day on weekends.

National prisons commissioner,

Kulekani Stole, has called for prisoners to perform useful work rather than sitting idle in their cells.

He said it was important to note that prison labour must be seen as an opportunity to encourage prisoners to do diligent work and stressed there would be no forced labour.

Commissioner Stole believes all physically and mentally fit, sentenced prisoners should be kept busy doing useful labour every

working day, which would also provide them with training.

Johan Penaar, spokesman for the Western Cape Department of Correctional Services, said the prison labour system had existed for many years and had never been suspended.

The Department of Correctional Services had first claim on prison labour followed by other state departments and provincial admin-

istrations, municipalities, semi-state bodies and then the general public.

However, prisoners cannot be used as scab labour in the case of industrial disputes.

And in case anybody gets funny ideas, women prisoners cannot be taken into homes or into quarters housing unmarried people.

No prisoners may be used in a clerical capacity, except in prison libraries or as sports secretaries for prison sports.

In addition to the useful work done by prisoners, many people sentenced to correctional supervision are doing useful work such as cleaning and maintaining schools in less affluent areas.

Mr Penaar said prisoners employed as skilled or semi skilled artisans may be hired out on Saturdays.

(253)

AR 10/7/99



Youths fill up prisons

(257) (298)

By Jimmy Seepo
Political Reporter

GOVERNMENT programmes and the National Youth Commission appear to be losing the battle against convincing juveniles to stay away from crime, new statistics supplied by the Correctional Services Department show.

The department has recorded an alarming increase of 6 000 juveniles in jail in three years. The figures also show the youth are involved in serious crimes such as murder, hijacking and rape.

Figures show that there are currently 25 197 juveniles in the country's jails - an increase of almost 6 000 from the 1996 figure of 19 447.

A total of 9 596 youths are serving terms for murder, attempted murder or vehicle hijacking. Another 3 101 have been jailed for sexual offences.

Gauteng, as expected, is in the lead with 6 133 youths in jail followed by KwaZulu-Natal with 5 329 and Western Cape with 3 796.

The provinces with lowest figures are Northern Cape (1 003) and Northern Province (1 076).

There are currently 175 youths serving sentences ranging from 20 to 100 years. A total of 671 are serving sentences of between 10 and 20 years while 2 434 are serving between five and 10 years.

The new figures come at a time when youths have again accounted for the most brutal crimes in the past two weeks in Soweto, Tembisa on the East Rand and Western Cape.

In Soweto, four people including a youth are being tried for the murder of Tshepo Molemohi (11) of White City who was allegedly killed for muti purposes last month.

In Western Cape two youths were arrested along with four adults for the brutal rape and murder of Valencia Farmer who was stabbed 42 times before her throat was slit.

In Tembisa and Bruma Lake, Johannesburg, police arrested six youths between the ages of 17 and 19 over the rape and robbery of a Brazilian journalist in the Bruma Lake area a week ago.

The youths were described as "destitute children" who lived in a derelict flat near the lake. They claimed they were wrongfully accused.

Youth Commission director for policy development Mr Tembinkosi Ngcobo said it appeared that programmes that were currently in place could not deal with the causes of juvenile crime.

"The rate of increase in unemployment and high fatality rates among breadwinners as a result of Aids in some parts of KwaZulu-Natal have led to more youths starting to fend for themselves," Ngcobo said.

He said the commission and Government were starting to shift the focus on some of the programmes that could make a positive contribution in dealing with the situation.

Gauteng safety and liaison MEC Nomvula Mokonyane said her department was concerned about the alarming number of crimes that were committed by the youths.

Her department was working closely with the department of welfare and education to implement life skills and other programmes in schools.

"We are establishing Youth Against Crime structures to ensure that youths take part in crime prevention initiatives in their own communities," she said.

"We are winning the war against petty crime, especially by first time offenders," Nicro project director Mrs Delia Nation said.

15/1/99
Sowetan



Ministries to target corrupt officials

Pule Molebeledi

(253)

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DURBAN — A national probe is under way into plans hatched by convicts to release themselves from prison with the help of corrupt correctional services officials, says Safety and Security Minister Steve Tshwete.

Tshwete, who did not give details about the probe or the planned escapes, said he was jointly involved in the probe with Correctional Services Minister Ben Skosana.

At the Chatsworth stadium in KwaZulu-Natal, Tshwete assured police officers that government was behind them in their fight against crime. "Any perception that may have lingered in your mind that this was not the case must be dispelled," he said.

He urged the police to launch the "biggest, sustained and merciless" campaign against criminals, but said this should be done within the confines of the constitution.

"We must defeat these criminals, not tomorrow, today. We must move in a hurry to confront them. Give them no corner. We must arrest and convict them," he said. "It should not be our intention to make them smile. We must flush them out of our society and lock them behind bars."

Tshwete promised government would provide everything needed by the police to fight crime, "even if it means us going back to parliament to legislate afresh in areas where you are handicapped in terms of taking forward your responsibility." He said he did not want to supervise a police service that had its hands tied behind its back.

Tshwete said embattled KwaZulu-Natal police commissioner Chris Serfontein had indicated that he was on top of the situation in the province. Serfontein, who has had running battles with the African National Congress on performance-related issues, is facing a strike from the Congress of SA Trade Unions which has accused him of failing in his duties. Cosatu said it would make known the date of its strike soon.

Tshwete said government had commissioned people to look into the problems of racism and ethnicity in the force.

He said corruption in the force was a big problem which should be dealt with, not only by the political leadership and management, but also from within the force itself, with police officials taking a stand against their corrupt colleagues. "We must flush them out mercilessly. They are making things difficult for you and putting your own lives at risk and some of them may be responsible for the elimination of police members. They are a nuisance and we can never for one moment be seen to be hugging these hyenas in our midst."

He said the same should be done with corrupt prosecutors and home affairs officials whom he referred to as "thieves, mercenaries and scum". The safety and security, home affairs and correctional services departments have launched a joint programme to fight corruption. Tshwete said by the end of this year the police top management level would change drastically, particularly with regard to representation.

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BD 16/7/99
Prison data on
young offenders
'misleading'

(253) (298)
Pearl Sebolao

PROJECT Go, the interministerial committee on young offenders, yesterday disputed figures released by the correctional services department on the number of people under 18 in SA prisons.

Gauteng Project Go co-ordinator Myrtle Morris said the correctional services figures were misleading because they included convicted offenders over the age of 18 and up to the age of 21.

She was addressing a press briefing in Johannesburg during a Project Go meeting aimed at finding solutions to blockages in the criminal justice system to ensure the best service to youth in conflict with the law. The project would focus also on preventative and rehabilitation programmes.

The disputed figures released last week, show a 6 000 increase in the number of youth prisoners in three years since 1996. Gauteng's total juvenile prison population is put at 6 133 by the department.

Morris said the department did not distinguish between young people under the age of 18 and those older than 18. It referred also only to convicted offenders and not those awaiting trial.

A look at the number of awaiting trial juveniles in Gauteng in May, 275, showed the situation was not as bleak as suggested.

The department's figures suggested also that most of the convictions were for serious crimes such as hijacking and murder.

Thifhelimbulu Mudau, a senior magistrate in the Johannesburg Magistrate's Court, said although young people did commit serious crimes, their most common offences were economic ones such as theft, housebreaking and possession of stolen goods.

Morris said that during the month of May, 93 children had been successfully diverted from the criminal justice system and 144 children were reunited with their families. Mudau said there was nothing inherently wrong with the criminal justice system.

Cape traffic officers petition legislature

CAPE TOWN — About 120 traffic officers affiliated to the Public Servants' Association of SA presented a memorandum yesterday to the Western Cape provincial legislature after staging a motorcade procession through the Cape Town city centre.

The memorandum, demanding a 10% wage increase, was accepted by a representative on behalf of director-general Niel Barnard.

The traffic officials rejected the bargaining council's offer of a 5.7% wage increase.

The association and other unions within the public service protested against the discontinuance of an account from which officers working away from headquarters for periods shorter than 24 hours, could claim for expenses incurred. "We regard the employ-

ers' actions to remove this compensatory measure that has been in existence for more than 20 years as unfair," the memorandum said.

The association said in the memorandum traffic inspectors were the lowest-paid officials in the public service and appeared to be the target of management policies to remove all benefits such as overtime, subsidised motor vehicles and compensation for meals while away from headquarters.

"The latest action of your (Barnard's) bad faith bargaining council is the proverbial last straw that broke the camel's back and is forcing unions to mobilise industrial action," the memorandum said. Earlier the officers demonstrated on the N1 near Ratanga Junction to highlight their grievances — Sapa

BD 20/7/99 (253)

'Moles' to infiltrate gangs in bid to halt jailbreaks

(257)
ARG 22/7/99

STAFF REPORTER AND ARGUS CORRESPONDENT

The Government has vowed to beef up security for transporting awaiting trial prisoners to courts in a bid to prevent escapes and to infiltrate networks with contacts in prison

This emerged during a surprise inspection of Gauteng prisons yesterday by a cluster of ministers involved in the criminal justice system

Correctional Services Minister Ben Skosana, Intelligence Minister Joe Nhlanhla, Defence Minister Patrick Lekota and Justice Minister Penuell Maduna visited the prisons to see for themselves the conditions under which prison officials worked

The ministers inspected the Johannesburg, Boksburg and Pretoria prisons

Mr Maduna said they would extend their tentacles to prison personnel who collaborated with prisoners to help them escape "We are going to infiltrate the networks that have contacts in prison and we going to clobber them on their heads," he said

Mr Skosana said they were formulating proposals to curtail maladministration and corruption in the criminal justice system The common problem identified by the ministers was overcrowding, syndicates, the lengthy period prisoners spent awaiting trial and the need to rehabilitate inmates

Mr Lekota was elated when he bumped into Ranthite Namo, a prison religious visitor, and they reminisced about the "old times" when Mr Lekota was incarcerated during the Debnas treason trial

Mr Skosana said the visits would enable them to report back to the Cabinet on the physical conditions and administration of prisons

■ A Cape Town advocate says he is concerned that the shackles on his client, Junior Zulu, recaptured after he escaped from a police truck in Tokai earlier this month, could have made him vulnerable to attacks from other prisoners

But magistrate Nicky Oakes turned down a request from Alwie Jamie that Mr Zulu's shackles be removed while he was in the court cells

She said she had jurisdiction over a prisoner only while he was in her courtroom, so the decision was not up to her She promised to speak to her superiors about the issue

Mr Zulu, whose real name is Sibusiso Masuku, appeared briefly in connection with charges of armed robbery and hijacking in Eerste River on March 3 He shuffled into court in shackles under close guard He is also a suspect in the Mill Street post office heist

He was not asked to plead and no charges were put to him Ms Oakes postponed the case to August 3

Mr Jamie told the court that Mr Zulu's movements were severely restricted by the shackles

Mr Jamie told the Cape Argus his main concern was that most of the others in the holding cell were not handcuffed or chained and Mr Zulu could not defend himself from beatings

Mr Jamie said he would take the matter further with senior justice department officials, before Mr Masuku appeared in the Wynberg court on other charges

In response, Ms Oakes told the Cape Argus that she would not make an order to remove the shackles

She said Mr Masuku appeared only briefly before her and there was no reason to loosen the shackles

However, a magistrate might use discretion to ask that the shackles be removed if the person was appearing for a lengthy period of time while standing in the dock

Ms Oakes said Mr Masuku could ask the police to have the shackles removed

Concern over child prisoners

(298) (243)

By Charity Bhengu

ABOUT 275 child prisoners awaiting trial are detained in various prison cells in Gauteng because of the continuing crisis in residential care facilities.

This is despite the fact that Project Go has transferred 93 children to secure care facilities and returned 144 to the custody of their families.

This was highlighted at a summit attended by members of various government departments in Johannesburg on Thursday and Friday last week.

Project Go was initiated within the context of the Transformation of Child and Youth Care System.

Project Go coordinator Ms Myrtle Morris identified a number of reasons for the increasing number of children in Germiston, Pretoria Central, Johannesburg, Vereeniging and Modderbee prisons.

She said the movement of the youths was still a problem because secure centres and places of safety were full.

As a result, children were subjected to poor conditions in prisons.

These conditions included that in most prisons under-18s were not separated from older prisoners. Some cells were overcrowded and children slept either three to a bunk or four to a mattress on the floor.

Windows were often broken and only one toilet in a working condition in one jail. Children also complained about bed bugs. The electrical plugs needed repair and there was no hot water in some showers.

Morris said some children stayed longer in prisons because they had to wait more than six months for the finalisation of criminal court cases.

Children were still remanded for longer than 14 days. There was also a delay in finalising regional court cases, especially where there were adult co-accused.

The parties recommended that residential care and probation services be upgraded in order to accommodate more children.

Resolutions included the following:

- Development of co-education programmes for girls in the existing facilities where the children are referred to schools by the courts;
- Education programmes must include vocational and preventive programmes such as counselling;
- Agreements must be developed between the departments of Social Services, Justice and Education in the utilisation of facilities in other provinces; and
- Development of professional foster care as well as subsidised adoption options within all welfare agencies.

Globe-trotting Sitole faces palace coup

Wally Mbhele

(257)

MTG 23-29/7/99

President Thabo Mbeki and Minister of Correctional Services Ben Skosana have been asked to intervene in the leadership crisis at the embattled Department of Correctional Services which has been described as nearing "catastrophic" proportions.

With the globe-trotting commissioner of correctional services, Khulekani Sitole, in Sweden for the World Police Fire Games, senior departmental officials have launched a lobby group to challenge his leadership.

Sitole's problems may be compounded by the outcome of a report by Auditor General Henri Kluever on alleged misconduct and corruption. Sitole is accused of using prison facilities to run a soccer team and taking unauthorised overseas trips. Skosana asked Kluever to investigate the claims. The report was sent to Sitole, who was given three weeks to respond.

Sitole's aides are mystified that he chose to go abroad when he knew of Kluever's deadline and that the Correctional Staff Forum (CSF) — in an act reminiscent of a palace revolution — was being launched to address grievances against him.

In its founding statement, the CSF said it would address the lack of equal opportunities in the department, the lack of an integrated approach to transformation, and favouritism and nepotism.

The continual and arbitrary transfers, "ostensibly in the interest of the department", of senior officials in the department, many considered to be Sitole's opponents, have also been identified as a burning issue.

This group claims an environment of fear exists in the department, "and there is a tendency to earmark and appoint individuals to senior positions on the basis of ... union affiliations".

In a letter to Skosana the CSF told the minister he is "leading a department that has been identified by the Presidential Review Commission as nearing a crisis situation with regard to service delivery. The commission made a recommendation that the president should reassess the suitability of some of our top management."

Department officials told Mbeki in a memorandum that they are "bitterly disappointed" that despite the release of another report in January, "no action has been taken, or there has been undue delay", in addressing the issues in the report.

The report was submitted by Imibono Data, which was commissioned by the department at the cost of R400 000 to audit its human resources and labour relations policies and practices.

According to department staff, the report "has shown the inadequacies of our affirmative action policies and the transformation process. The department's human resource practices have been described as low keyed. No concrete action has been taken to address questions raised in the report."

Staff allege that a prominent member of the Police, Prisons and Civil Rights Union (Popcru), Zwi Mdletshe, was given the position of chief negotiator for the department. He is believed to still be holding his position in the union and to represent it at the Public Service Bargaining Council.

Steven Korabie, the former chief deputy director of human resources, was transferred to Cape Town as provincial commissioner — a position he had occupied before. More bizarre is the removal of the suitably qualified Clive Monacks from the position of director of labour relations. He was replaced by the chaplain of the department's religious services, Fennie Human. One of the CSF's founder

members, Hlanganisa Tshabalala, deputy director of labour relations, is being transferred to a junior position at Pretoria Central prison. A former deputy director in Sitole's office was appointed deputy director of personnel maintenance, and is alleged by the CSF to have employed his wife and his in laws.

After a series of battles with Sitole last year, former director

of human resources Thandi Kgosi dintse was transferred to "unrest-riddled" KwaZulu Natal, where she became provincial commissioner. Sitole blamed her for blowing the whistle on the soccer team scandal. In KwaZulu Natal, Popcru made it impossible for her to perform her duties until Sitole was relieved her of these duties.

The Kgosi dintse case was so remarkable that former president Nelson Mandela said in his opening of Parliament speech, "There is something wrong with a society where warders chase away management and appoint their own friends to lead institutions."

The department's performance, according to certain staff, should not be judged only on the ability to reduce escapes or protect the rights of inmates, but also on the way it treats its staff.

"The mission we are embarking upon is likely to invite all sorts of retribution," said CSF officials this week.

In a letter to Mbeki, they predicted that in the coming months, "a few opportunistic careerists who have been feathering their own nests at a rapid rate, are expected to malign us ... We will not flinch but will remain ... committed to your ideals of creating a culture of good governance and rooting out all forms of corruption."



Abroad. Khulekani Sitole is accused of misconduct and corruption

Sitele insists he is blameless

GD 26/9/99 (257)

David Greybe

CAPE TOWN — The auditor-general has found nothing to substantiate allegations of corruption and misconduct against correctional services commissioner Khulekani Sitele, according to Sitele.

However, the chief investigator made it clear on Friday that the investigation was not yet closed.

"There is nothing in the auditor-general's report that can take me to prison or result in me losing my job," Sitele said at the weekend in Stockholm, where he is attending the World Police Fire Games.

Four months ago Correctional Services Minister Ben Skosana asked Auditor-General Henri Kluever to investigate, in the words of a source familiar with the latest draft report, "numerous allegations" against Sitele.

These included using prison facilities to run a soccer team, unauthorised trips abroad and irregularities to do with promotions, particularly at provincial level.

Sitele denied the allegations, saying he no longer owned a soccer team and had not "from as early as last year September"

"All my trips are authorised by the minister (Skosana) — they have to be." Allegations of irregular promotions were the work of "a disgruntled official in Gauteng who failed to win promotion", Sitele said. As national commissioner, he merely endorsed the recommendations of other senior officials, responsible for promotions.

Sitele described accusations and allegations against him as "childish". He said he and Skosana would deal with the matter at a news conference tomorrow on his return from Sweden. Skosana's only comment at weekend was that he would get a copy of the auditor-general's report this week.

Louis van Rooyen, who is heading the investigation, went to great lengths to point out that the report currently doing the rounds was not the final one. "It is a draft management report," Van Rooyen said.

He said the report was sent to Sitele about two weeks ago for his comment on specific issues. Sitele was also requested to show the report to Skosana for his comments.

Van Rooyen, who is the corporate executive manager in the auditor-general's office, said Sitele

had another two weeks or so to provide the answers. Only then would he be in a position to draw up the final report.

"I know I have not got all the facts yet. There might be some crucial facts that have yet not surfaced," Van Rooyen said. "As far as I am concerned, nothing has been proved (against Sitele) until the investigation has been completed."

Van Rooyen said he expected the final report — to be tabled in Parliament and made public — to be completed in September.

He said his office's investigation had nothing to do with a report in The Mail & Guardian at the weekend of a "leadership crisis at the embattled department of correctional services which has been described as nearing 'catastrophic proportions'".

The newspaper reported that Sitele was facing a "palace coup" following the launch of a correctional staff forum to address grievances against him. The forum said it would address "the lack of equal opportunities in the department, the lack of an integrated approach to transformation and favouritism and nepotism".

Prisons in 'no Sun City'

Ministers appalled at conditions in Gauteng's jails

CP 25/7/99 (253)

By MOIPONE KOMANE

JOHANNESBURG Prison has not lived up to its "Sun City" nickname

The conditions are shocking. The prison's holding cells are dilapidated, overcrowded and stuffy. There are no bright lights and the water pipes are leaking.

There are three times the number of prisoners there should be, with 5 000 awaiting trial and more than 10 000 convicts being housed in a space meant for only 6 000.

These startling conditions were exposed this week during a surprise visit to the prison by Correctional Services Minister, Ben Skosana, who was accompanied by Justice Minister Penuell Maduna, Defence Minister Mosisa "Terror" Lekota, Intelligence Minister Joe Ntshahla and Safety and Security Minister Steve Tshwete.

The high level visit was to gain first hand knowledge of conditions and problems at the prison.

The ministers also visited the Boksburg and Pretoria Central prisons, including the most feared G-Max.

The ministers said they would re-

port their findings to cabinet. Their visit was seen as paving the way for the release of petty-crime offenders and those who are awaiting trial for minor offences but cannot afford to pay bail.

It costs the government R80 a day to maintain a prisoner in jail. This excludes the cost of medicine and private hospital costs, which amounts to millions of rands a year.

Among the convicts and awaiting trialists are youths.

Following the visit, the justice ministries departments, in conjunction with the Public Protector Selby Bagwa, will hold discussion on whether to release offenders of petty crime to ease the crowding.

Gauteng's Correctional Commissioner, Thami Nxumalo, who was part of the delegation, complained about the overcrowding.

He said prisons in Gauteng had a capacity to accommodate 28 000 prisoners, but the number had doubled to 46 000.

The other problem they are faced with is that members of the police and prison warders are engaged in criminals activities.

Nxumalo said law enforcement

officials were involved in selling drugs to inmates and crime syndicates and aided prisoners to escape. "I think we are winning in dealing with the situation, as most of the police officers involved in shady deals have been fired and some are serving prison terms."

Nxumalo pointed out that they needed to put a pilot project in place to address the crime issues involving law enforcement officers.

He was satisfied that the drug rehabilitation centres introduced in the prisons were working out well.

Lekota said the courts were not sending people to jail with the aim of destroying them, but to rehabilitate and prepare them for the outside world.

"Punishment by the courts means the prisoner's ability to move freely has been curtailed. Prisoners should be punished with the aim of correcting," said Lekota.

Meanwhile the female section appeared to be warm and bright. Sounds of children who are in jail with their mothers serving could be heard in the corridors.

Maduna appealed to the community to donate toys, games and clothes which they no longer need.

ed to the children. "We want these children to have a better life, grow up like any other kids and become good members of society."

A spokesperson at the female section, Flora Monama, said they sometimes took the children to the private creches so that they can integrate with the outside world.

Skosana said he was satisfied with the way in which prisons were being administered.

He said he would discuss the problem of overcrowding with the other ministers to try and find solutions.

"We, the ministers, will also look at the problem of awaiting trial prisoners, because they also contribute to the crowding in the prisons," said Skosana.

Journalists were not allowed into Pretoria's C-Max prison. The ministers said they were satisfied with security arrangements at C-Max.

Tshwete told journalists that "the king heist suspect" Colin Chauke had asked him to do a good job, fight crime, arrest all those who are on the wrong side of the law and bring them to G-Max.

Hands-on government

Source: 29/7/99

THE RECENT visits by the criminal justice system cluster of ministers to our courts, police stations and prisons signify the new integrated hands on approach and new style of government under the leadership of President Thabo Mbeki.

During his State of the Nation address to Parliament in June, the President pledged to the people that the style of his government would be an integrated one.

He stressed that his Cabinet would work jointly as clusters to deal with, among other things, unemployment and poverty, crime, corruption, violence against women and children, economic agricultural and trade development, the improvement of health and social services, and generally the creation of a better life for all.

This integrated approach reaffirms a saying in Setswana that says *Sedikwa ke Mphwa pele gase thata* (a job performed jointly is always easy to complete).

The surprise visits by Safety and Security Minister Steve Tshwete, Justice and Constitutional Development Minister Penuell Maduna and Correctional Services Minister Ben Skosana to the courts, police stations and prisons around Gauteng during the past few weeks symbolised and concretised this position.

The purpose of the visits by the ministers was to acquaint themselves with the conditions of our courts, police stations and prisons, to boost the morale of our officials and to assess the capacity of the institutions and the facilities available.

It was however also the intention of the ministers to get down to the people on the ground. We can say without any hesitation that these visits have indeed boosted the morale of our officials.

But although they were happy and inspired by the visits of the ministers, the working conditions of many of the officials left much room for improvement.

It was clear to our ministers that the conditions under which some of our magistrates, prosecutors, police officers and prison warders work are rather depressing and shocking, and indicated that the facilities such as office equipment, buildings and ablution facilities are in a terrible condition and require drastic action.

The ministers all agreed that these areas will form part of their priorities and also pledged that they will do everything within their budgetary constraints to improve these conditions as speedily as possible.

It is clear that if something is not done to improve the situation, the commitment by Government to fight crime will be seriously hampered. These conditions contribute to the backlog of cases in courts and a decline in successful prosecutions.

The recent surprise visits by ministers to courts, police stations and prisons were more than a public relations exercise, write **Paul Setsetse** and **André Martin**

(251) (252) (253)



Ministers Penuell Maduna, Ben Skosana and Steve Tshwete talk to prisoners awaiting trial in their holding cells at the Alexandra Magistrate's Court recently.

PIC PAT SEBOKO

While the ministers undertook to do everything in their power to improve the conditions at our police stations, prisons and courts, at the same time they believe that not only Government but also business and the community at large should play a role in these initiatives.

The contributions made by Business Against Crime in certain areas are acknowledged and appreciated but all sections of business and communities should form partnerships with Government to ensure that our crime-fighting institutions are properly equipped to deal effectively with criminals.

The perceptions and allegations that the ministers' visits were nothing but a public relations exercise, and that prisons are like five-star hotels, are completely wrong.

The ministers went to these institutions in order to gain first-hand experience on day-to-day problems experienced by officials within the criminal justice system.

The visits will also go a long way in instilling and maintaining public confidence in the criminal justice system. They will also help to dispel the notion that the criminal justice system is not

fighting crime effectively.

It will also enable the ministers to jointly make informed decisions regarding the use of limited resources in the fight against crime.

Measures to be considered by the ministers in order to address the situation include the speedy investigation of cases, better bail administration, review of sentencing policies as currently investigated by the South African Law Commission and generally the upgrading of facilities.

Training and capacity building of our magistrates, prosecutors, police and correctional services personnel will also receive serious attention from the ministers.

Many of these training and development initiatives are already taking place.

Visits to other courts, police stations and prisons throughout the country will take place in the next few weeks, whereafter the ministers will report to the Cabinet on their findings.

(Paul Setsetse is spokesman for the Minister of Justice and Constitutional Development. André Martin is spokesman for the Minister of Safety and Security.)

PROFILE OF SA'S PRISONS



- Total capacity: 100 000 prisoners
- Number of inmates: 155 000-plus (156% occupancy rate)
- Awaiting trial: Nearly 55 500
- Worst-affected province: Gauteng, with nearly 41 200 prisoners, has occupancy rate of 173%, of which 17 400 are awaiting trial

"There are people in prison who do not necessarily have to be detained... I am referring to petty offenders. We have no intention of diverting dangerous criminals to society"

— Correctional Services Minister Ben Skosana

CRIMINAL JUSTICE SYSTEM

PRISON OVERCROWDING UNDER SCRUTINY

Fm 30/07/99 (2/99)

Ministers look at clearing prisons of petty offenders

Defence Minister Mosisoa "Terror" Lekota shakes hands, African-style with his interlocutors. He grasps their palms, their thumbs and then their palms again. He smiles reassuringly as he does so. It is as if he is on an election campaign trail, seeking to win people over to the African National Congress.

But the situation is different. He is in a cell in Johannesburg Prison, Medium A. It is gloomy. The corridors that wind toward and away from the cell seem labyrinthine. The lavatory at the entrance reeks.

Lekota is on a mission with three Cabinet colleagues. Their objective, Justice Minister Penuell Maduna explains, is to inspect the major components of the criminal justice system at first hand and to ponder the question of how it can be made to function more efficiently. It is a sequel to an earlier visit to the magistrate's court in Alexandra.

Safety & Security Minister Steve Tshwete is not present at Johannesburg Prison. His ministerial confidant — Lekota,

Maduna, Correctional Services Minister Ben Skosana and National Intelligence Minister Joe Nhlanhla — will no doubt fill him in.

They know the major problem in prisons is overcrowding. It is a common theme in prison reports and in parliamentary debates on conditions in SA prisons.

But, Maduna tells the FM, it is still important to see the situation for themselves. He discloses that President Thabo Mbeki has encouraged them to do so, believing it will help them find a solution to the problem.

Overcrowding in Johannesburg Prison, aka "Sun City" has already been delineated in a brief introductory address by Gauteng Commissioner of Correctional Services Thami Nxumalo.



Ben Skosana

Medium A where most of the inmates are awaiting-trial prisoners, contains more than twice the number of prisoners it officially has place for. Its capacity level is 217%. Medium B where most male convicted prisoners are located is even more crowded — 235%. Even Medium C, where female prisoners are incarcerated is overcrowded, though not to the same extent. Nxumalo records that its capacity level is 154%.

Maduna, one of whose tasks as Justice Minister is to unlog the congested, slow-moving court system, talks to the awaiting-trial prisoners. Many are in their teens. Most are in for relatively minor offences, possession of dagga, theft and house-breaking, not armed robbery or murder. Maduna asks them how long they have been waiting to be tried. Eighteen months, two years, three years, they reply.

Maduna puts another question to the inmates: how many were offered bail of R1 000 or less by the courts. Several hands go up. Maduna asks them individually why they didn't pay the bail. The answer is repeated over and over again: they couldn't afford it.

Thus they remain in prison until they are convicted or freed. Acquittal seems unlikely, given the disadvantage the poor have in obtaining skilled lawyers and convincing magistrates of their innocence. A long spell in a congested prison, where neither sodomy nor drug abuse is uncommon, contributes little to their rehabilitation.

Lekota's words during an earlier briefing session come to mind: "Punish with the aim of correcting. Do not punish with the aim of destroying."

It sparks an internal dialogue. "Successfully put," one thinks, "but how can you correct without destroying in overcrowded prisons, where boys and young men live check-by-powl in dank cells where the only signs of literature are the pages of voluptuous women stuck on the walls?"

As if eavesdropping on the soliloquy, Maduna offers a few thoughts of his own as the visiting party of politicians and journalists leaves that part of the prison.

"Something has to be done," he says. "We don't want to punish people for poverty. We want to keep prison for hardened criminals."

We have to look at the situation deeply."

Alternative forms of punishment must be found for petty criminals. The courts need to probe beneath the surface before sentencing young people to prison or sending bail at levels they cannot afford. If they are satisfied he or she will not harm society and will return to stand trial, they should not be sent to await trial in prison.

Nxumalo makes the same point during a later interview. "We need to take people out of prison who are not a threat to society," he says. He talks of "correctional probation" and community service. A pilot project aimed at reducing the number of awaiting-trial prisoners has already been initiated at five prisons.

Skosana is only too aware of the detrimental impact of overcrowding on prisoners and prison staff alike, of how it impedes rehabilitation.

"Overcrowding and lack of space is one of the most pressing challenges the Department of Correctional Services has to face," he says.

Information provided by the department puts the prison population at more than 155 000, though the prisons were designed to accommodate fewer than 100 000. The occupancy rate is 156%.

The answer does not lie, however, in building bigger prisons more quickly. Skosana states "We will never be able to build ourselves out of our overcrowding problems. We need to look beyond old customs and find new ways of solving problems." One response is to clear the prisons of "petty offenders who do not pose a threat to society" and thereby to "reserve space in prisons for dangerous criminals."

Mbeki's direction to Ministers directly involved in the criminal justice system to undertake in loco inspections indicates that it is high on the agenda of his administration. There is an urgency about it if Tshwete is successful in cracking down on criminals, as he has repeatedly vowed to be since taking over at Safety & Security, the prisons are going to have to open their doors to a new influx of inmates.

Patrick Lorraine

Govt to release 10 000 tagged prisoners

(253)

David Greybe

CAPE TOWN — Government plans to release 10 000 electronically tagged prisoners a year, starting next March, until half the country's prisoners have been released, according to the correctional services department

Prisoners classified as non-dangerous, who were either awaiting trial or qualified for parole, would be eligible for release back into their communities under the department's community corrections programme, Watson Tshivhase, deputy commissioner for finances and information technology in

the department, said yesterday

"Government's aim is to eventually have more prisoners outside prison than inside, through the use of electronic monitoring"

Based on the results of a successful two-year pilot project, the department expected to reach this target by 2006

According to the department's projections, SA's prison population will swell to 280 000 by 2008. Prison overpopulation stands at 59 000, Tshivhase said.

Electronic monitoring involves the wearing of a bracelet or anklet linked electronically to a centre staffed by a

small number of supervisors or monitors". As soon as a wearer moves outside his designated area or tampers with the equipment, the centre is informed. Offenders face being sent back to jail to complete their sentences if out on parole or to await trial

Tshivhase said two of the main benefits would be the elimination of overcrowding in prisons and "huge cost savings". He said invitations for tenders would be published next month with a phased-in implementation plan set to begin in March. The programme was expected to be launched in Gauteng and the Western Cape

Five-year plan to build new prisons

(253)

Southern 17/8/99

THE Department of Correctional Services' five-year building plan will be changed to include the building of smaller prisons, Correctional Services Minister Ben Skosana said yesterday

Briefing Members of Parliament on his department's activities, Skosana said the smaller prisons would house up to 200 inmates

Medium prisons would house between 800

and 1 500 inmates, and large prisons 2 000 and more

"We plan to utilise all these buildings to the maximum," Skosana said.

"Every effort will be made to reduce the prison population through diversion programmes and parole supervision"

The first super-maximum security prison at Kokstad would be completed next year, while a facility to cater for women with young chil-

dren was also in the pipeline. The construction of a prison hospital, staffed by the department, would reduce medical costs, and prisoners would not have to make use of private hospitals, the minister said.

More employment opportunities would be created by phasing out overtime in the department, creating employment for about 7 000 additional staff, he said. Sapa

Jailbirds set to be tagged

CLIVE SAWYER
POLITICAL CORRESPONDENT

(253)

ART 17/8/99

The Department of Correctional Services says its electronic monitoring programme, in which half the prison population will be released with tags to keep track of them, is top priority.

This was disclosed at a briefing in Parliament yesterday for MPs.

The monitoring programme was part of efforts, which also included diversion programmes as an alternative to incarceration, to reduce the prison population.

"Indications are that electronic monitoring will contribute to more effective control of offenders placed under community corrections," Correctional Services Minister Ben Skosana told the briefing.

The monitoring devices, attached either to prisoners' ankles or wrists, will alert supervisors should wearers move outside a designated area.

Implementation will operate in phases over the next seven years.

Convict tag plan hailed

Releases set to help cut jail overcrowding, say lobby groups

HELEN BAMFORD
SWF REPORTER

A plan to release 10 000 electronically tagged prisoners a year has been welcomed by organisations working to improve prison conditions.

They believe the plan will have a big impact, particularly on reducing overcrowding. At present, jails house 70 000 more people than they were designed for.

The Government has given an assurance that the scheme, due to begin in March, will apply only to prisoners found guilty of non-violent offences, awaiting trial or eligible for parole.

The aim is to relieve pressure on overcrowded prisons and save money. In 1996 the Correctional Services Department started a pilot tagging project

which proved successful and cost-effective. Department liaison officer Vusi Shabalala said it cost about R18 a day to monitor a tagged prisoner compared with R82 a day to keep a person in jail.

There were various designs for the tags, which could be worn either on the wrist or ankle. "They look a little bit like jogging watches, but are small and discreet and not easy to remove."

A monitoring device would be placed in the prisoner's home. If a tag was tampered with or the offender left a designated area, an alarm signal would go out by phone.

In rural areas where phones were limited, officials would drive past prisoners' homes with equipment which registered whether they were there or not.

Mr Shabalala said the releases would start in March. "We need to identify who will be eligible and obviously those charged with offences like murder and rape will not be considered."

The chairwoman of the Western Cape Anti-Crime Forum, Gaynor Wasser, said as long as the department stuck to the criteria for releasing prisoners, then the initiative should be given a chance.

The SA Prisoners Organisation for Human Rights also backed the project.

Deal will house almost 6 000 inmates

Private prisons contract will be ready by year-end

BONTLE HEADBUSH

Johannesburg - A concession contract for private maximum security prisons in Louis Trichardt and Bloemfontein, valued at R1,8 billion and R1,7 billion respectively, would be finalised by the end of the year, the public works department said yesterday.

"The winning bidders will begin construction as soon as the concession contract has been signed," said Eric Manchidi, a director in the department.

He said construction was expected to take between 18 and 22 months.

The Ikwezi consortium, the winning bidder for the Bloemfontein prison, and the South African Custodial Services consortium, the winning bidder for the Louis Trichardt prison, were chosen as preferred bidders for the private prisons in March this year.

In the private prisons system, the government will form a private and public sector partnership with the winning bidders under which the concessionaires would build, operate and transfer the prisons back to the government after 25 years. The state would still be liable for every prisoner presented to the private prisons.

The two consortia, which are expected to provide an additional 5 952 beds for prisoners, signed a project development agreement with the department of public works in July allowing them to carry out investigations on the sites where they plan to build their prisons.

The terms and conditions of how to operate the prisons, including payment methods by the government and grounds for penalisation of the winning bidders had already been concluded, said Manchidi.

He said grounds for penalisation included unavailability of space in the prisons and failure of the consortia to meet minimum empowerment requirements as set out by the agreement.

Among the empowerment requirements are that 40 percent of the shares be held by previously disadvantaged groups and that 25 percent of work in all phases be done by previously disadvantaged enterprises.

The department of correctional services would set up an office to monitor the prisons and would also submit monthly reports on their activities.

Payment by the government to the prisons would be based on these reports, said Manchidi.

ET (MR) 18/8/99 (253)

AR 18/8/99

(253)

By Willie Bokala

Prisoner release plan welcomed

19/8/99
253
Kwame Ninsin

THE South African Prisoners Organisation for Human Rights (SAPOHR) welcomed the news yesterday that the authorities planned to release 10 000 electronically tagged prisoners a year in order to solve the problem of overcrowding in prisons.

March and would continue the programme until half the country's prisoners were out. Prisoners classified as non-dangerous, who were either awaiting trial or qualified for parole, would be eligible for release under the department's

community corrections programme. SAPOHR spokesman Phineas Mumbathi said they welcomed the fact that no prisoner was going to be allowed on to the streets without the proper follow-up mechanisms.

"We also do not want to see a situation where prisoners are let loose on the streets and their movements are not checked. But we welcome this programme. It is best.

According to the department's projections, the country's prison population will swell to 280 000 by 2008. Electronic monitoring involves the wearing of anklelet electronically linked by signal to a centre.

As soon as a wearer moves outside his designated area or tampers with the equipment, the centre will know immediately. Offenders' face being sent back to jail.

Prisoners must 'pay to survive'

By Charity Bhengu

Xoliswa Falati said yesterday that her office had received more than 100 similar complaints from members who reported that they are being forced to pay to be escorted to see Mr Charles Raboroko's claims of corruption at the Johannesburg Prison.

Raboroko, who failed to attend his trial in the Johannesburg Magistrate Court on Tuesday, claimed that he did not have money to pay police officers to transport him.

A family member said "We thought something sinister had happened."

Sapohr spokeswoman Ms Xoliswa Falati said yesterday that her office had received more than 100 similar complaints from members who reported that they are being forced to pay to be escorted to see Mr Charles Raboroko's claims of corruption at the Johannesburg Prison.

"The prisoners have to plead with relatives to bring them money because they have to pay to survive in prison," said Falati.

Department of the Correctional Services spokesman Mr Rudi Potgieter said that the department was aware of allegations that prisoners were being forced to pay before being allowed to see visitors or being escorted to court.

"We have taken cognisance of Raboroko's allegations and urge more people to come forward with concrete evidence so that criminal procedures may follow."

Potgieter said an independent inspecting judge would look into the matter as part of an anti-corruption programme.

Soweto police spokesman Inspector John Shubur said the prisoner was sent to Correctional Services after his case was remanded. So it became the prison authorities' responsibility to take him to court.

Prison warders 'turning their jobs into businesses'

GILL GIFFORD

INMATES of South Africa's overcrowded prisons are being forced to pay for their basic rights, and while Correctional Services are aware of the situation, they have been unable to obtain hard evidence against offenders.

Phineas Mnambari, national spokesperson for the South African Prisons Organisation for Human Rights, said his organisation had received numerous complaints from inmates "who are being forced to pay exorbitant amounts for their rights".

"Prison warders have turned their jobs into private businesses which offer nothing for free. The system is in tatters," he said.

Triple murder accused Charles Raboroko last week submitted an affidavit in court claiming he had been forced to pay R5 for a prison official to fetch him from prison and take him to the Johannesburg Magistrate's Court for his scheduled appearance.

Rudi Potgieter, provincial spokesperson for Correctional Services, said prison authorities had been aware of allegations of prisoners having to pay for basic rights "for quite some time".

"We know of it, we're investigating it, but we can't get hard evidence to take steps against offenders unless we receive proper statements. And when push comes to shove, the guys making the claims refuse to testify to that effect," Potgieter said.

Potgieter said he had heard claims of prisoners having to pay to move from one section to another, to receive a visit and for extra blankets in cold weather.

Journal 23/1/99

(253)

ET 23/1/99

Prisons appeal against decision

By STEVE DLAMINI

THE Department of Correctional Services is to appeal against a landmark judgment in the Pretoria High Court which restored all the privileges that the department had taken away from awaiting trial prisoners

Mr Justice Maritz ruled on Friday last week that there was no basis for taking away the rights of awaiting trial prisoners. All the costs of the action are to be paid by the Department of Correctional Services

The action was brought against the Correctional Services by Lawyers for Human Rights (LHR) on behalf of long awaiting trial female prisoner Julia Mashele and others

Mashele has been in jail without bail since 1993 in connection with an alleged drugs and car-theft syndicate

She has failed in previous applications to be allowed to have sex with her husband, Timothy, while she was awaiting trial

Mashele had argued that she was getting old in jail while awaiting trial and wanted to have more children

The ground-breaking ruling entitles her and other awaiting trial prisoners to have the right to weekend visits by their family members, access to amenities and hobbies such as participating in sport and other activities including the right to make use of libraries and participate in choral music groups

They are also entitled to have musical instruments and equipment like compact disc and cassette players, and may not be denied access to television rooms provided by prison authorities. A copy of the



TRIUMPHANT, BUT Julia Mashele, awaiting trial on charges related to drugs and car theft, in her cell

judgment in City Press' possession states that "visits were a necessary part of prison life

"The current situation of visits is unreasonable in that it requires prison authorities to regulate the visits

"Parents who are prisoners could apply for leave for contact visits with their children"

(253) of 29/8/99

The LHR has welcomed the judgment. LHR national director, Dr Vinodh Jaichand, said the judgment "comes as a welcome relief in a week in which the Commissioner of Correctional Services was quoted in the press as saying 'people must forget about human rights in prison'"

"We hope that the Department of Correctional Services will ensure that its heads of prisons will comply with the judgment," Jaichand added

However, the Department of Correctional Services said it would appeal and would not be quick to implement the court's ruling

Correctional Services spokesman Rudi Potgieter told City Press that the department has taken steps to appeal against the judgment

"Due to a number of practical implications, which include the lack of infrastructure, constraints on personnel and security considerations, the order cannot be implemented at this stage," Potgieter said

Mashele and five other awaiting trial prisoners at the Pretoria Central Prison made their application last year against stringent conditions laid down by prison authorities

Mashele was overjoyed at the court victory

In 1997, she applied to the high court to let her have sex in prison with her husband, Timothy, to conceive a child, but her application was turned down

She said she was happy now because she could also apply for contact visits with members of her family

However, she said her husband would be the first priority

Sitele abused state assets

Linda Ensor

CAPE TOWN — Correctional services director-general Khulelani Sitele has been found guilty of abusing state assets in a highly critical special report by the auditor-general to be tabled in Parliament today.

Sitele will be questioned by Parliament's public accounts committee tomorrow on the findings.

It is considered likely that the committee will recommend that he be dismissed from his job once it has concluded its hearing.

The report was requested by Correctional Services Minister Ben Skosana about five months ago.

The report highlights how Sitele used state facilities to run his private soccer team.

It found that he employed 17 members of the team for short periods in the department although they did no work for it, and spent R528 000 on trips abroad.

Over a period of 18 months he was

abroad for a total of 131 days — more than four months.

The report raises questions about whether Sitele used the voluntary service package scheme to make room in the department for the employment of the soccer team members.

It also questions the two merit awards of R54 000 each which Sitele received in March and December 1997.

Sources said the public accounts committee will be adopting a tough approach as its members are tired of "being led to" by state officials.

It has decided to caution Sitele to speak the truth in terms of the Powers and Privileges of Parliament Act. False answers constitute perjury and those responsible can be subjected to the same penalties imposed on those found guilty of the offence in a court.

One of the key questions the committee will consider is whether former Correctional Services Minister Sipo Mzimela authorised the operation of the soccer club and the trips abroad as Sitele claims.

BD 7/19/99 (257)

The findings of the auditor-general differ sharply from Sitele's view which he expressed in an interview a few months ago — that the report would find nothing to substantiate allegations of corruption and misconduct against him.

At the time Sitele said "There is nothing in the auditor-general's report that can take me to prison or result in me losing my job."

He strongly denied the allegations, saying he no longer owned a soccer team and had not "from as early as last year September."

"All my trips are authorised by the minister (Skosana) — they have to be." Allegations of irregular promotions were the work of "a disgruntled official in Gauteng who failed to win promotion," Sitele said.

As national commissioner, he merely endorsed the recommendations of other senior officials responsible for promotions. Sitele described accusations and allegations against him as "childish."

Sitole refunds state after ruling

Linda Ensor

(253) 99 9/9/99

CAPE TOWN — Correctional services commissioner Khulekani Sitole refunded the state R109 292 yesterday following a ruling by the state expenditure department that the two merit awards he received in 1997/98 and 1998/99 were unlawful.

Sitole told a hearing of Parliament's public accounts committee that the awards had been incorrectly authorised by former correctional services minister Sipho Mzimela. They each represented 18% of Sitole's annual salary.

Sitole was being questioned of a special committee on the findings of a special report by Auditor-General Henri Kluever into his activities.

The report says "A factual basis that irregularities did occur was established in respect of two awards amounting to R109 292 which were paid to the commissioner. Voluntary severance packages were also granted to 44 members of the previously disadvantaged groups which did not meet the set criteria to accommodate redundant staff. Various other shortcomings in management measures regarding authorisation and control were also revealed."

In terms of the Exchequer Act, all departmental heads are accounting officers and, as such, are responsible for all their department's expenditure.

Correctional Services Minister Ben Skosana said at a media briefing that in his view Mzimela's errors of judgment were behind many of the irregularities highlighted by the report. He believed the report exonerated Sitole.

Democratic Party public accounts spokesman Ian Davidson said Sitole's unsatisfactory replies to the committee, his blatant disregard for public finances and his unbecoming attitude made him unfit for public office. Further

inquiries should be held with a view to disciplinary action. Safety and security portfolio committee chairman Mhuleki George castigated Sitole for his "don't-care" attitude during the hearing.

African National Congress (ANC) MP Andrew Feinstein had asked Sitole what the public perception would be of a public official who spent a quarter of his working time abroad, received merit awards of 36% and had one third of his soccer team employed by his department. Sitole said he did not know and later that he did not care about public perceptions — a comment he subsequently retracted.

Skosana said Sitole could not be held liable for Mzimela's decisions relating to overseas travel (123 official days abroad in 18 months at a cost of R528 889), authorisation for voluntary severance packages, approval for bonuses and authorisation for Sitole to manage his Spartak football club.

"The auditor-general's findings did not reveal any corruption where state property was illegally used or where personnel was improperly registered or employed with the department," Skosana said. Irregularities which were brought to light were either a legacy of the past, had been dealt with or were in the process of being dealt with.

Sitole told the committee that there was legal uncertainty over the merit awards by the minister. The department's legal advisers had told him they were legal. It later transpired that this advice was incorrect.

Sitole did not think his trips abroad interfered with his management of the department as they were not continuous, but ANC MP Laloo Chibha said this travel would have a negative effect on the efficient performance of his duties.

Minister's absolution fails to get jail boss off hook

CLIVE SAWYER
POLITICAL CORRESPONDENT

(253)

Official exoneration of controversial Correctional Services Commissioner Khulekani Sitole by his Cabinet minister, Ben Skosana, does not mean South Africa's chief jailer is off the hook.

At the close of a grueling hearing by Parliament's public accounts committee yesterday, Dr Sitole was admonished by chairman Gavin Woods to sort out his department, which is the subject of a special investigation by the auditor-general at the request of Mr Skosana.

At a news conference after the hearing, Mr Skosana said the investigation had left Dr Sitole in the clear.

Questioned, he chose to put the blame at least in part on his predecessor as minister, Sipho Mzimela, then an Inkatha Freedom Party colleague and lately a defector to the United Democratic Movement.



Khulekani Sitole

But in his capacity as head of the committee, Dr Woods, although also an IFP member, warned Dr Sitole that progress in bringing order to the department would be closely monitored by the committee.

Already the department had had to appear "too many times" to answer for its conduct to Parliament's watchdog on the spending of public money.

His remarks were in line with the hard-hitting line of questioning by African National Congress, Democratic Party, Federal Alliance and United Democratic Movement members of the committee.

After the meeting, New National Party spokesman Johann Durand noted that the department was one of those "in deepest crisis".

The next chapter in the saga is due when President Mbeki returns from Libya. Mr Skosana has sent the president a copy of the auditor-general's report with a request to discuss it.

In a C-Class of his own

(253) mtg 10-16/9/99
Wally Mbhele and Barry Streek

The National Intelligence Agency (NIA) conducted a secret probe into controversial correctional services commissioner Khulekani Sitole last year.

Most of the NIA's investigations focused on the allegations which sparked Auditor General Henri Kluever's probe into Sitole.

Kluever revealed this week that Sitole ran a soccer team from his department, paid himself merit awards and took expensive overseas trips at the expense of the taxpayer.

The NIA proposed a commission of inquiry be established into the Department of Correctional Services. Senior department officials gave the NIA allegations against Sitole.

"The submitted documents do not show any level of corruption," the NIA reported. It had focused on Sitole's accumulation of wealth.

The NIA says Sitole has a lavish lifestyle. He lives at Pretoria Central Prison but owns a house in Leondale, which is rented out. He bought another house in Monument Park, an SLK Mercedes Benz, a 737 BMW and a C-Class Mercedes — all with cash.

He also owns a BMW 316 that was bought by the Department of Correctional Services, a white Mercedes Benz which he gave to his mother and a white Sentra which he gave to his mother-in-law, alleged the NIA.

The NIA recommended that all directors general be asked to declare their assets.

"This particular director general needs to be asked to do so and account for his actions of buying cash."

However, Sitole hit back when approached by the *Mail & Guardian* with these allegations. He said the BMW 316 "was a government subsidised vehicle which was fully paid up by myself. I have no white Sentra but [I own] a charcoal Sentra, which I bought from a [police] auction for approximately R10 000."

"I do not own a BMW 737 as alleged. However, I do own a BMW 735 which I bought at a scrapyard as a built-up vehicle."

Sitole produced bond statements, a Bankfin statement for his Mercedes Benz C-Class, and a statement for his Mercedes SLK 200A, bought with financing from Stannic.

Minister of Correctional Services Ben Skosana says Kluever's findings "signal an end to the continuous misperceptions and misrepresentation of true facts in the Department of Correctional Services."

That is unlikely, particularly following the sharply critical comments about Sitole by Kluever and the intense questioning of the commissioner by Parliament's joint committee of public accounts this week.

Gadget takes on guard duty

Heather Hogan

The Department of Correctional Services plans to ease the overcrowding of prisons and cut costs by releasing 10 000 prisoners tagged with electronic bracelets. The first phase of releases will begin next year.

Prisoners will be free to move around during their working hours, but will be under house arrest at other times. They will be allowed visitors.

Bad applicants, juveniles and prisoners due for parole will be eligible for the system. While some of the project planners feel only non-violent prisoners should be released on electronic monitoring, others feel those guilty of violent crimes should qualify if their parole applications are successful.

The tracking gadget consists of a black plastic anklet or bracelet with an electronic device which transmits the prisoner's number to a control centre.

Correctional services bought the basic equipment for a pilot project from a United States company. During the one-year project, which ended in September 1997, 344 male prisoners due for parole and 15 people out on bail were placed on electronic monitoring. There were only a few problems — some prisoners cut off their bracelets and one man was rearrested.

There are two ways for authorities to check on electronically monitored prisoners. The first uses a field monitoring device plugged into an electricity supply and connected to the phone. A set area is programmed in



Keeping track
The monitoring device consists of a black plastic anklet or bracelet which transmits the prisoner's number to a control centre.
PHOTOGRAPH
JACQUI PILE

MTG 10-16/9/99

to the device and the prisoner may not move out of this area after a curfew. The extent of the area depends on the space available at home. For example, a flat would have a setting of 11m radius, a house 23m and a farm 46m.

Computers phone the device at regular intervals. The bracelets send signals to the device which are relayed via the phone lines to the computer. The prisoners pay for all phone calls to and from the device.

The second, more primitive option is used in areas without phones or electricity. A police officer has to drive past the prisoner's home with a hand-held

gadget which picks up the signals.

Officials claim information stored on these computers is tamper-proof as even monitors operating the system do not know the relevant codes to change the data. All information gained through electronic monitoring can be used as evidence in court.

Although the bracelets are made of plastic, they are tough. One prisoner in the pilot project tried to smash his with a brick, but the tracking device survived. The strap on the device is rubber and has a sensitive cord running through it. If the cord is severed, a breach is registered on the computer.

The black boxes are also tamper-proof — as soon as they are opened a light sensor notifies the computer. In case of a power failure, the box has a 72-hour back-up battery inside.

The main flaw in the system is that it can only monitor prisoners while they are in their designated area. The minute they leave their home they are not monitored and could be anywhere doing anything.

But the department points out that the system is mainly to rehabilitate criminals and reintegrate them back into society.

In the US, prisoners are monitored via satellite and their movements can

be traced no matter where they go.

Other electronic monitoring programmes are available with maps for tracking and gadgets for prisoners to blow into to show if they have been drinking or doing drugs. These are available to South Africa and would be more effective, but would cost more.

A major advantage of the electronic monitoring system is that one person can monitor 400 prisoners in an eight-hour shift. At present one parole officer can check on only 60 prisoners.

Currently it costs R80 a day to keep a prisoner in jail. Electronic monitoring would bring the cost down to R18 a day.

Electronic monitoring is particularly effective in keeping track of awaiting trial prisoners out on bail.

Another aim of the system is to give parole officers more time to spend with parole prisoners in the role of a social worker.

"Prisoners couldn't even bribe officials to tamper with their records under this system as they would have to bribe 15 to 20 people," said Carl Liebenberg, an electronic monitoring official. "I attached [a bracelet] to myself to see if I could beat it — I couldn't. This is a very good, very effective project."

Making sure of the cells

Heather Hogan

Police from the Middelburg police station in Mpumalanga were so determined to stop escapes from its holding cells that they decided to take action themselves.

With the help of the Council for Scientific and Industrial Research (CSIR), Middelburg and other police stations have implemented a new cell management programme that has not only prevented prisoners from escaping, but almost eliminated the chances of police involvement.

Last year 4 328 prisoners escaped from holding cells.

At the Middelburg police station holding cells accommodate 700 prisoners a month, including awaiting-trial prisoners. Since implementing the cell management programme, nicknamed Papillon, the station has had only one attempted escape.

Holding cells are built to accommodate prisoners for up to 48 hours, but due to overcrowding of prisons, awaiting trial prisoners end up being housed in them for extended periods.

The system has also been implemented in Blinkban, Pietersburg and Krugersdorp, and the initial cost of R35 000 covers five cells.

Papillon combines sensors above and below the metal grid covering the

recreation areas. Almost 82% of all escapes are through these grids.

Sensors are also connected to doors and a laser beam runs directly outside all cell windows. Sensors can even be programmed to detect whether prisoners are tampering with the lights.

The computer controlling the system is operated with a mouse and individual identity tags. There is a back-up electricity supply in case of a power failure.

The computer also notifies officers when it is time to inspect the cells. It keeps a record of every time the doors are opened, whether cells are in fact checked and who is operating the computer.

Optional extras with Papillon include panic buttons for officers patrolling cells and camera surveillance systems.

Papillon is not a government project and Middelburg police station's Provident Club saved for three years to install the system.

"The major hiccup is finances," said police communications officer Superintendent Martin Aylward.

"Although the South African Police Service would like to see Papillon implemented nationally, only stations with their own funds can do it."

Correctional Services dismiss 28 workers

By Jimmy Seepe
Political Correspondent

THE Department of Correctional Services revealed yesterday that 28 of its members have been dismissed since the beginning of the year.

They were fired for crimes ranging from allowing prisoners out of jail to committing crimes, drug smuggling and misappropriation of bail money.

The information was disclosed by Minister of Correctional Services Ben

Skosana on Tuesday when he addressed the Cabinet's interim internal committee on safety and security in Cape Town.

Skosana told the committee that the department's anti-corruption unit had conducted several investigations since January and August and several employees and warders had been arrested for various crimes.

Department spokesman Mr Andrew Aphane said the investigations reveal that 166 cases have been investigated.

(253) *14/10/99*
and charged departmentally, with 14 members convicted, while 21 cases are currently at the office of the attorney general awaiting a decision for possible prosecution.

Aphane said some of the offences against those involved included live stock theft, the selling of government goods, the stealing of cheques valued at R19 332, possession of dagga to the value of R100 000 and receiving bribery from prisoners.

He also disclosed that bail money

worth R102 600 was stolen from the coffers of the department.

A total of 27 members are currently on trial involving other offences that include the misuse of state vehicles, individuals over-paying themselves in salaries, the theft of state vehicles and one member pretending to be a traffic officer.

Other cases against them include aiding prisoners to escape, theft of prisoners' money and possession of dagga.

Aphane said 14 members were

recently convicted on charges that include withdrawing money from prisoners' bank accounts, medical fraud and the theft of bail money.

He said the department had other formal disciplinary actions under way, including written warnings for a member's unacceptable behaviour towards management.

"The department has established a disciplinary procedure for its members to ensure that disciplinary action takes place in a just and fair manner."

14 convicted after prisons corruption probe

MATTHEW BURBIDGE
STAFF REPORTER

ART 15/10/99

A report by the corruption unit in the Correctional Services Department has revealed that 166 prison officials are being investigated for breaking the law.

The eight-month investigation by the unit has resulted in 14 convictions and 21 cases have been handed to the attorney-general for investigation. Twenty-seven cases have been brought to trial.

Correctional Services Minister Ben

Skosana submitted the report to the inter-ministerial security committee in Cape Town on Wednesday.

The offences being investigated by the attorney-general include stock theft, selling of Government property, cheques worth nearly R20 000 that had been "lost", possession of dagga worth R100 000 and accepting R10 000 from a prisoner to help him escape. Other charges under investigation include helping prisoners to escape, stealing prisoners' money and stealing state property.

Two prison officials are also being

investigated separately for stealing R7 000 and R102 600 in bail money. The report said that of the 166 cases under investigation, 28 officials had been dismissed for offences such as smuggling mandrax and overpaying themselves.

Other officials were dismissed for "talking a prisoner to commit a crime", and in one case, posing as a traffic officer. Fourteen prison officials had been convicted on charges that include stealing money from a prisoner's bank account, helping prisoners to escape and stealing a prisoner's bail money.

Cops a threat to stability, says ANC

Warning that tardy transformation spells danger from 'certain elements'

JUSTICE MALALA

THE African National Congress has accused the police of lagging behind in transformation, going so far as to say that certain elements in the police may pose a threat to the country's stability.

A discussion document in the party's latest political debate newsletter, Umrabulo, says although the balance of forces in the SAPS has shifted in the ANC's favour, "we can't say with confidence that these forces don't have the capacity to destabilise the country".

However, the document gives the SA National Defence Force the thumbs up, saying it "reflects (or is close to) the demographics of our country".

The SAPS, however, is seen as lagging behind.

"The balance of forces in the

police is less favourable than in the army and we should therefore improve the capacity to introduce major changes in the police — whether through regulation, legislation or deployment," it says.

Although it is not yet official ANC policy the discussion document titled "Accelerating the pace of change Assessing the balance of forces in 1999" forms, the beginning of debate for the ANC's national general council to be held early next year.

The council will confirm resolutions made at the ANC's last national conference in December 1997 which will be the basis of ANC rule until 2004.

The document says transformation of the police has been hampered in part by the lack of key personnel.

However, it says "Despite some rotten apples in the ranks or those bitter against change, the majority of policemen and

women want to improve the image of the SAPS and its success rate in dealing with crime."

The party expresses satisfaction with the political changes it has brought about since 1994, but says local government "remains our Achilles' heel" for reasons such as its inadequate resource base and the sustainability of services.

It says issues needing to be tackled include "the efficiency and size of the state, the culture of service and work ethic of civil servants, the public debt, corruption, strengthening co-operative governance and the capacity of local government".

The document says the ANC is organisationally weaker than it was in 1994 with regard to unity in its structures, branch operations, careerism, decline of the spirit of service and sacrifice and "our ability to give leadership to communities and civil society generally".

Integrity tests in the pipeline for police

RANJENI MUNUSAMY

A TOP South African policeman wants background checks introduced into the SAPS recruitment system to root out rampant corruption in the force.

The head of the national anti-corruption unit, Director Stefan Grobler, will also recommend to police management that police officers be subjected to random "integrity tests" as a means of uncovering criminal practices.

His calls stem from a workshop on the development of an ethical police force during the ninth International Anti-Corruption Conference in Durban this week.

Representatives of the American FBI and the London Metropolitan Police told the workshop that integrity and background tests for officers were becoming an international trend, and were proving highly effective in eradicating corrupt elements.

Grobler, the South African co-ordinator of the workshop, said that while police corruption was not unique to South Africa, new systems had to be introduced in the SAPS to "contain and deal with corruption, and to protect the integrity of the service".

The police anti-corruption unit has about 3 000 investigations pending against officers for offences including protection of drug traffickers, complicity in tax violence, destruction of case dockets and other information, extortion, recycling of drugs, and involvement in cross-border vehicle rackets.

Detective Superintendent Robert Quick of the London Metropolitan Police said his integrity tests were conducted by a highly covert and traceable unit that was responsible for identifying "bad apples" and institutional causes of corruption.

Grobler said the SAPS needed to consider an effective system to screen and shortlist candidates for recruitment.

At present, policemen are hired on the basis of information they supply on their application forms and a fingerprint test to establish whether they have previous offences.

The background tests would involve interviewing friends and people who know the applicants, to check their track record, financial situation, who their enemies are, and whether they have gambling, drinking, drug or violence-related problems," said Grobler.

"All these things increase a person's propensity to become corrupt. It is important that people are tested beforehand, because once they are formally employed, it is extremely difficult and costly to do so."

Commissioner of the Public Protector, Professor Stan Sangweni, said that while he was "wary" of background testing, there was "a weakness throughout the public service in that there is no capacity to investigate and deal with corrupt elements".

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'Banana republic' prisons boss faces the chop

ANDRE JURGENS

STC 17/10/99

EMBATTLED prisons boss Khulekani Sitole admitted yesterday that he dipped into his department's coffers to fund a private scholarship named after him.

He faces possible dismissal tomorrow when a parliamentary committee meets to decide his fate.

Sitole, who is being investigated for maladministration and mismanagement of funds, said he took R507 000 from the department's coffers. He took the money because he was unable to raise enough money privately to float the Khulekani Sitole Scholarship and could not "abandon" the project.

Tomorrow the parliamentary accounts committee meets to discuss allegations against him including spending R528 889 on overseas trips and awarding himself a R109 000 merit increase.

Sitole said yesterday: "I'll wait for the committee to make a finding. If the President wants to redeploy me, I'll go."

He said Correctional Services Minister Ben Skosana offered to bail out the scholarship after Sitole's fundraising trip to the US ended in a R1-million shortfall. "He felt the scholarship was a good idea and gave me R507 000 out of our training budget."

Correctional Services staff said the department had not budgeted for the R507 000 bail-out and said a more cost-effective programme could have been run locally.

Officials at Sitole's alma mater, Jackson University in Mississippi, where eight of his staff are doing an 18-month master's degree on the criminal justice system, say the scholarship was supposed to be privately funded. University spokesman, Dr Ally Mack, said: "My understanding is that no government funds would be used. Mr Sitole said the funds were privately raised. I know his word is good."

Over the next five years another 42 students will do the master's degree abroad, but Sitole said he would need substantial private funding to pay for their studies.

Members of his staff, calling themselves the Correctional Staff Forum, have publicly called for his resignation in a damning report handed to political parties this week. They claimed their boss had turned the department into a "banana republic".

The report says: "An impression was created that the university and Commissioner Sitole have raised funds privately to fund this venture."

Sitole yesterday snapped at his critics saying: "The scholarship will give us vital training."

Sitole said Skosana, who is in the US and was unavailable for comment, would approach another university in Washington tomorrow in a bid to raise the remaining shortfall.

Sitole said he was "relying" on generous sponsorship from private companies to fund the other 42 students abroad.

"Deep in my heart I'm sorry I ever started the scholarship. I did it for the good of our country, and I don't feel I deserve this type of criticism."

Intimidation 'rife' at holding cells

Pearl Sebojao

(257)

INMATES in SA police holding facilities continued to suffer intimidation, assaults at the hands of the police and incarceration in unhealthy and unhygienic conditions, the SA Human Rights Commission said at the weekend.

The commission, which last month undertook sporadic visits to police holding facilities around the country, said it found many instances where inmates were frightened and intimidated.

Processes of informing detainees about their rights were not satisfactory, while in some cases

detainees were denied the right to communicate with their families or attorneys or such communication was rendered difficult.

The separation of men and women, as well as children from adult offenders was also sometimes not happening largely because of inadequate accommodation, the commission said.

A full report on the visits would be compiled and would be communicated to Safety and Security Minister Steve Tshwete, the Independent Complaints Directorate and the national police commissioner Barney Pitso, the commission's chairman, said government

should devise strategies to fight crime, but not at the expense of the country's constitution.

Pitso said it appeared the government had played down the human rights base of the country's constitutional system in the fight against crime.

The commission said it had also received a number of complaints of human rights violations from junior officers in the SA National Defence Force, which it attempted to deal with on an individual basis.

However, since the Tempe tragedy it had come to realise that problems in the army were more deep-seated and systematic.

ED 18/10/99

137

Sitole has done it again

mtg 15-21/10/99 (253)

Wally Mbhele and Evidence wa ka Ngobeni

The commissioner of correctional services, Khulekani Sitole, is embroiled in a new scandal following accusations that he has used more than R1,2-million of the department's money to fund a lucrative scholarship he named after himself

The Department of Correctional Services says it has already spent R1-million of the R26-million budgeted for training on the scholarship

This new allegation against Sitole is contained in a document drafted by the Correctional Staff Forum submitted to Parliament's public accounts committee and the portfolio committee on correctional services

"Recently, the Khulekani Sitole Scholarship was established by himself in conjunction with Jackson State University. An impression

was created that the university and Commissioner Sitole have raised funds privately to fund this venture

"But it has now emerged that more than R1,2-million from the department's coffers which had not been budgeted for this scholarship has been used to cover costs for eight scholarship recipients who are now in the United States"

Explaining the scholarship, a departmental publication, *Nexus*, says in addition to his involvement in human rights, Sitole "has also proved beyond doubt that he is committed to the education and training of personnel"

The publication describes Sitole as an "achiever extraordinaire" whose success can be attributed to his "tenacity, dedication and hard work" It says the commissioner took cognisance of the fact that remedial measures had to be put in place to address the problem of lack of training and skills in correctional services

"Commissioner Sitole, whose

alma mater is Jackson University, approached Dr Ally Mack and Dr Lyons of this state university. Aggressive fund raising was initiated by Commissioner Sitole

"The joint venture gave birth to the Khulekani Sitole Scholarship. The recipients of the scholarship will do a two-year masters degree in criminal justice system"

The announcement of the successful candidates was made at a *Millennium and Beyond* function which was held at the Pretoria Management Area Hall where Minister of Correctional Services Ben Skosana praised Sitole's scholarship

According to *Nexus*, the masters programme will run for five years for 50 students while another 200 students will also attend "a short five-year course"

The new allegations against Sitole come as Parliament's public accounts committee prepares to summon him for further questioning regarding other allegations of "mismanagement"

Cop held over escapes

By Makindu Setara

POLICE in the Lowveld have arrested a senior officer over mass prison escapes in the area. This follows a report in *Sowetan* last Monday that prisoners awaiting trial escaped with ease as they were allegedly helped by corrupt police officers.

Northern Province police spokesman Superintendent Mofafela Mojapelo confirmed yesterday that a police inspector attached to the Ruvwi Police Station was arrested and charged on Friday evening with helping a prisoner to escape.

He is due to appear in the Ruvwi Magistrate's Court today. Mojapelo said the policeman, allegedly went into police cells on Thursday

evening and took out a prisoner awaiting trial and left with him.

They reportedly went to the suspect's home at the Lusaka informal settlement in Nkowanakwa near Tzaneen.

"We received reports that the prisoner wanted to assault his wife because she allegedly slept with several men at their house while he was in custody. It is also alleged that the officer gave the suspect his service pistol and ordered him to discipline his wife," said Mojapelo.

The prisoner allegedly assaulted his wife but did not shoot her. He then fled.

"We arrested the officer and charged him with helping a prisoner to escape," he said.

Police were also investigating possibilities that the arrested policeman might have helped

eight prisoners awaiting trial to escape from the same police station last week.

"There are also allegations that the officer smuggled weapons into cells," said Mojapelo.

Two prisoners escaped from Maake Police Station on August 2, five more on August 23, eight last week and seven in July.

A police officer who spoke to *Sowetan* on condition of anonymity yesterday claimed that several senior police officers in the Lowveld took bribes from known criminals so they could release them when they have been arrested.

He said it was easy for senior officers to help prisoners to escape as they (officers) were not easily suspected.

Superintendent Sally de Beer, a spokesman for national police Commissioner

George Fivaz, yesterday said police officers who are negligent and corrupt in the executing their duties would be harshly dealt with.

"I should point out that Commissioner Fivaz feels strongly about corruption in the police service. Corrupt officers may also face dismissal," said De Beer.

Last week, Fivaz told *Sowetan* that corruption and indiscipline were two of the biggest challenges facing the police service.

Correctional Services spokesman Mr Vusi Tshabalala said the department viewed the matter in a serious light.

Helping a prisoner to escape was a criminal offence and people who did this should be reported to the police and the law be allowed to take its course.

Sowetan 8/11/99

(253)



SENIT HOME TO DIE

By Jimmy Seape
Political Correspondent

THE Department of Correctional Services has embarked on a policy to release terminally ill prisoners, including those living with Aids, to reduce the cost of their treatment, *Sowetan* has learnt.

Sources interpreted this as an attempt by the department to minimise the number of deaths in custody. About 254 elderly prisoners aged over 65 will need special medical care for various old-age ailments.

This week the department said it had been forced to release 40 prisoners early because of illness.

The new policy comes as non-governmental organisations continue to put pressure on the Government to provide the anti-Aids drug AZT free to people infected with the virus.

The release has further raised concern that serial killers and murders suffering from HIV-Aids — such as Cleveland serial killer Moses Sithole — could be released once their condition deteriorates.

Human rights campaigners have privately expressed concern that the move is likely lead to

the Government further shirking its responsibility of caring for terminally ill patients.

Medical observers have claimed that once a decision is taken to provide AZT free to people living with Aids, prisoners could be the first to qualify for such treatment.

Correctional Services spokesman Mr. Visi Shabalala said the department had taken a decision to release prisoners who were terminally ill and in the final stage of irreversible diseases.

Shabalala said they were taking special care not to release prisoners without recommendations of medical practitioners.

The department refused to disclose how

much it had been forced to spend on the treatment of prisoners during the past year.

Shabalala said: "What the department has spent since the beginning of this year was for all types of acute, chronic and terminally ill patients. There is no separate budget for the terminally ill. Only a person who has full-blown Aids will qualify for early release."

He said other considerations for early release included the prisoner's commitment not to commit the same or any other crime, and whether long-term imprisonment would influence an inmate's prognosis in any way or endanger his life.

(2473)
Sowetan 11/11/99

Prisons 50% over the limit

ARC 12/11/99 (253)

CHARLES PHAHLANE
PARLIAMENTARY BUREAU

- ◆ South African prisons were overcrowded by over 50%, but there were plans to build additional prisons in the next two years, Correctional Services Minister Ben Skosana said.

Mr Skosana, in reply to a question in the National Assembly, said the accommodation capacity of prisons as at 30 September 1999 was 99 803. The prison population, however, was 157 575 in 236 prisons.

A system of electronic monitoring of prisoners will be implemented in the 2000/01 financial year with R83,65-million set aside in the medium term expenditure framework (MTEF).

Mr Skosana said the department had taken "proactive" steps to prevent mass escapes from prisons. KwaZulu Natal saw three mass prison escapes in September and October. The reasons given included negligence and assistance from a member of the police and maintenance teams.

Mr Skosana has started visiting all provincial commissioners and prison management to review their plans against escapes and to put in place "visible and effective" ones.

Experienced personnel have been put in high-risk prison sections and maintenance teams have been restructured. Firm disciplinary steps will be taken against negligent members and workshops on combating escapes have already begun.

Prison commissioners grilled over problems

By **Wagheed Misbach**
Political Correspondent

THE Government continued its investigation into the troubled correctional services department in Parliament yesterday, with nine provincial commissioners appearing before the correctional services portfolio committee.

The commissioners were summoned after the deputy minister of corrections, Mr. Khutlekani Skole, as first for abusing state assets.

Stole, a fired by 1. Cabul 1999 weeks ago for running a successful from his office, awarding himself unauthorised grants and for other malpractices.

The committee also called Correctional Services Minister Ben Skosana to appear before it earlier this week, but he had not done so because of other commitments at the time.

However, committee chairman Mr. Aubrey Mokoena said that he had "fruitful" discussions with Skosana on Tuesday about the department's staffing, a lack of facilities for juveniles

II commissioners were asked to answer 10 questions relating to the problems in their respective provinces. Mokoena told the commissioners he wanted to get a complete picture of the problems in each of the regions.

"Tell us if you have problems and do not put a glossy picture of the situation before us," Mokoena said.

All the commissioners outlined virtually similar problems: overcrowded prisons, a lack of infrastructure, understaffing, a lack of facilities for juveniles

offenders, and corruption. Gauteng was identified as the region with the most problems. It had 26 000 to a 41 298 in five years.

It also had the most incidents of corruption, with 24 cases being investigated by the national anti-corruption unit over the 1998-99 period.

The offences included theft of state property, aiding escapes, theft of prisoners' cash, forged qualifications and medical aid fraud.

There were a total of 1 097 escapes in five years, with the majority of escapes (898) taking place from medium security prisons.

The escalation of HIV-AIDS infections among prisoners was also highlighted, with 649 cases of HIV-positive inmates and 65 having full-blown AIDS.

The committee would study presentations from the commissioners after Parliament closes at the end of the week and make its recommendations when it reopens early next year.

Sarveram 18/11/99

STATS: Escaping Prisoners

(253)

Source: 15/12/99

By McKeed Kotiolo and Noxolo Nxusani

A TOTAL of 386 inmates have escaped from prisons throughout the country since the beginning of the year, the Department of Correctional Services said yesterday. This figure excludes awaiting-trial prisoners who have escaped from police holding cells and during court appearances. Statistics show that KwaZulu-Natal had 112 escapes followed by Gauteng with 93, Eastern Cape (40), Free State (41), Western Cape (37), North West (34), Mpumalanga (18), Northern Province (7) and Northern Cape (4) between January 1 and October 31, department spokesman Mr Vusi Shabalala said.

Ben Skhosana has embarked on workshops in the provinces to curb the escapes. Correctional services spokesman Mr Andrew Aphane said prisoners were escaping because of dilapidated prisons that lacked the capacity to contain the increasing population of prisoners. Aphane said the buildings needed to be upgraded as the control of prisoners in overcrowded conditions was becoming a nightmare for prison staff. Some prisoners escaped because they were terrified of gangsterism while others escaped because of staff negligence. Aphane said there was also a problem of low morale among prison staff and suggested that warders who have successfully stopped prisoners needed to be rewarded. Although the department's figures show only 18 escapes in Mpumalanga

statistics released by police show that 458 more prisoners escaped from police custody in the province this year. Provincial police spokeswoman Inspector Olga Marais said of the 458 escapes reported in Mpumalanga since January 1, only 150 had been re-arrested so far. She said 291 prisoners escaped from police cells, 22 while in transit, 76 from court premises, 35 from community service centres, 16 from police premises, eight from hospitals; two during investigations, two after providing false identification and six using "other methods". Of the 11 who escaped from Pretoria police holding cells on Monday afternoon, eight have been re-arrested while only one of the 18 that escaped from Ekangala police cells on Saturday was re-arrested. Spokeswoman for Eastern highveld police Inspector Sibongile Nkosi said the escapees had

been held for robbery, rape, attempted murder and housebreaking. Nkosi said local police managed to re-arrest the eight from Pretoria with the help of members of the dog unit and police divers. A manhunt has been launched for Thulam Ndaba (19), Musa Ndlandla (18) and Mbongeni Mavimbela (18), who are still at large. One of the 18 Ekangala escapees returned to the station and gave himself up to the police half an hour after escaping. The escapees are: Nkosinathi Dlamini (24), Johnny Skhumbuzo Boshomani (28), Lines Masimela (23), Thamus Msomi (26), Moses Mngoniwe (20), Thulani Mkhwanazi (26), Sipho William Mkwango (23), Sipho Tsepo Molei (18), Sam Skhosana (19), Thabe Sebotlo (18), Lucky Mokoena (18), Willie Motaung (21), Thabu Ngomeni (18) and four minors.