

PUBLIC SECTOR - GOVT, - PRISONS

1996

AUG. - DEC,

# 11-year-old boy waits in jail - despite new law

GLYNNIS UNDERHILL  
Chief Reporter

AN 11-year old boy is awaiting trial for housebreaking and theft at Malmesbury prison in a flagrant breach of the law as the political row surrounding the imprisonment of unsentenced children continues

The young boy from Atlantis has no contact with his parents and is locked up in a small cell from 4pm every day until 7am the next day, when he is let out for breakfast

While he can play ballgames in the courtyard with the older unsentenced children, they are all locked up for their own safety when the adult prisoners exercise in the small paved area. None of the children is receiving schooling as they await their trial dates, which are postponed regularly.

It was cold in the damp cell occupied by the older unsentenced children when SATURDAY Argus visited the prison. Children sleep two to a bed in the cramped cell - there are 15 children who have been sent here by magistrates to await another trial date.

Newly washed ragged clothing hangs over the bars covering the windows in the musty cell.

With a lack of accommodation at this overcrowded prison, juveniles awaiting trial for minor offences sleep side by side with those awaiting trial for serious crimes, like rape and murder.

The 11-year-old boy, who cannot be named to protect his rights as a minor, has his own cell. "He is too small to be placed with the other children," explained a warden.

The young boy was wearing a light-weight yellow cardigan which was torn in the front and his scarred face appeared ravaged by life.

He hesitated when asked whether he liked living at Malmesbury prison but gathered courage to reply "No, it is not nice here. It is so cold."

Amendments to the prison legislation were approved in March to allow for the detention of awaiting-trial juveniles, aged between 14 and 18, suspected of serious crimes.

Last week, Correctional Services Minister Sipo Mzimela claimed in SATURDAY Argus that unsentenced children as young as 12 were being "dumped" illegally and indefinitely in high-security jails to await trial for minor offences.

This week, Dr Mzimela expressed outrage on hearing about the 11-year old boy held in Malmesbury prison, a medium security facility, to await trial for a minor offence.

"I am horrified and deeply shocked to hear that an 11-year old boy is being held at Malmesbury prison," he said.

The legislation stipulates clearly that no child under 14 years should be sent to prison, he said.

"I therefore regard the act of whoever is responsible for sending these children to prison as criminally irresponsible," said Dr Mzimela.

He is preparing an urgent report for

■ The political row surrounding the imprisonment of unsentenced children is gathering steam as an unsentenced 11-year old boy languishes behind bars in the Western Cape Swartland.

President Mandela and the government departments involved with the unsentenced children, including the Departments of Justice, Safety and Security and Welfare and the Portfolio Committee On Correctional Services.

Mr Mandela's spokesman, Parks Mankahlana, said the president had decided to refrain from commenting on the issue of unsentenced children in prison.

"I have spoken to him about this and he wants the ministers to sort it out themselves immediately," he said.

While Mr Mandela was keeping a close watch on the developments "as everybody knows children are close to his heart", the government had to sort out the problem, said Mr Mankahlana.

Until Wednesday afternoon, there had been two 11-year old children imprisoned at Malmesbury prison, ordered there by the courts in July.

But the prison authorities sent a reminder to the courts about the law requiring children to appear in court after 14 days, and one of the 11-year old children appeared in court on Wednesday. The magistrate sent him to a Department of Welfare place of safety in Stellenbosch. "It is unfortunate that we have these children here. We just don't have adequate facilities for them," said a spokesman for the prison, who asked not to be named.

"They must be bored as they are not going to school. In both the cases involving 11-year olds, the parents don't want to look after them. We try and keep them busy with exercise and games but it is not enough," he said.

One irate warden said he had regularly informed his department and the social workers about the 11-year old, who should not be held in prison, but to no avail.

On May 4 last year, Mr Mandela signed a proclamation declaring awaiting-trial juveniles may no longer be kept in jails. A total of 620 unsentenced juveniles were released to places of safety or back into their communities if no appropriate accommodation could be found for them.

But the public backlash against rampant crime by juvenile criminals after the signing of the proclamation pushed the government to consider amendments. Today there are 398 juveniles awaiting trial in prison and 62 percent of these children should not be behind bars as they are not being tried for serious crimes, according to the Department of Correctional Services.

Dr Mzimela said the unsentenced children were the responsibility of the Department of Welfare, which runs the places of safety, but also lashed out at the Department of Justice, the South African Police Services and the Portfolio Committee on Correctional Services

for placing the children in conditions he described as "just plain cruel".

Carl Niehaus, chairman of the Portfolio Committee on Correctional Services, said the committee would be holding a hearing next week to present oral evidence on its report on unsentenced children in prison.

The committee would also be meeting officials of the departments of Justice and Welfare to discuss the situation, he said.

If there were secure care facilities in every province, then it would be possible by the end of the year to begin looking at returning to a situation where all children under 18 can be kept out of prison, said Mr Niehaus.

The Human Rights Committee of South Africa has said it is "shocked and appalled by the recent reports of illegal and inhumane" detention of awaiting-trial children.

"These reports suggest police and judicial officers have failed to apply the recently-amended legislation which builds in protection for arrested children. If basic human rights and legal standards are not adhered to, the rule of law is meaningless and it will not be possible to develop a human rights culture in South Africa," the organisation emphasised.

The Minister for Welfare and Population Development, Geraldine Fraser-Moleketi, chairwoman of the Inter-ministerial Committee on Young People at Risk (IMC), said this week she shared the concern of Dr Mzimela about the number of awaiting-trial children in prison.

"Of concern to the IMC is the blatant breach of law that children should not be held for longer than 14 days without being brought before a court and that evidence be led to support the reasons for children to be held in prison."

"The IMC has recently conducted an investigation mandated by Cabinet into the availability and suitability of places of safety, reform schools and schools of industry as part of the search for alternative solutions to accommodating youth awaiting trial. This report will be tabled in September," she said.

Ms Fraser-Moleketi said some of the initial findings of this investigation indicated that places of safety and schools of industry were not structurally suited to accommodate young people who had committed serious offences and who were at risk of absconding.

"While reform schools do have the necessary security, there are only nine schools nationwide with six of the schools located in the Western Cape. This is therefore not an option in most of the provinces," she said.

■ Children in jail: the buck stops with Mzimela. See page 20.



ILLEGALLY IMPRISONED This 11-year old boy, whose identity has been thrown into prison in breach of the law, has been thrown into prison in breach of the law.



SHARING CELL These awaiting-trial children are crowded into a shared cell in Malmesbury Prison.



Pictures: HANNES THART

**ILLEGALLY IMPRISONED** This 11-year old boy, whose face has been blacked out to protect his identity, has been thrown into prison in breach of the law to await his trial for a minor offence



**SHARING CELL** These awaiting-trial children are sleeping two to a bed in this cramped cell at Malmesbury Prison

# Prisoners still being assaulted

Sowetan 2/8/96

By Rafiq Rohan  
Political Correspondent

(253)

DESPITE reforms taking place in South African prisons, warders are still beating up prisoners who are placed under their care

More than 800 complaints of assault by warders have been received from prisoners over the past six months, Minister of Correctional Services Dr Siphosiso Mzimela said in Parliament this week

Last year, 461 warders were charged but only eleven were found guilty of assaulting prisoners, Mzimela said

He also revealed that for the first six months of this year, 245 charges of assault were laid against warders by prisoners but only one had been found guilty

He said that disciplinary steps are taken in the form of departmental prosecutions, but that the maximum a warder could be fined was a mere R200

Mzimela said cases of alleged assault were handed over to the South African Police Services for investigation

"The Department of Correctional Services regards every complaint of alleged assault by a member on a prisoner in a very serious light," he said

Every complaint was thoroughly investigated and the department assisted prisoners when they laid a charge, either criminal or departmental, against warders

It was also departmental policy to hand over allegations of assault to the police if the prisoner so requested

"In accordance with the stipulations of the Constitution, a prisoner has the right to protect his interests, and the department acknowledges this right."

● A least 28 360 people awaiting trial were in custody at the end of June, Mzimela told Parliament

This figure represents 23,9 percent of the total prison population. The average period of awaiting-trial is also quite long, Mzimela said

"A random sample shows the average length of detention of persons awaiting trial at the Pretoria Local and the Pollsmoor Maximum prisons to be between 101 and 95 days respectively for the first five months of 1996," the minister said

# Pollsmoor doctors 'still cover up torture, abuse'

CT 2/8/96

(253)

ROGER FRIEDMAN

POLLSMOOR Prison doctors continue to cover up the torture and abuse of prisoners, a nurse said during a lively debate this week to discuss how South Africa's medical profession can best prevent the recurrence of complicity by doctors with state security structures.

"Still today, inside prison halls, there are gross violations of human rights," nurse Mr Andries Slinger told the gathering at the UCT Medical School. "Doctors are covering up certain things and are issuing fraudulent death certificates."

Earlier, the audience heard that some doctors found to have been party to human rights violations in Chile, Argentina, Uruguay and Brazil were dismissed from the medical profession after truth commissions in those countries.

Evidence of complicity by doctors in South Africa has begun to emerge before our Truth and Reconciliation Commission.

Last year the Medical Association of South Africa (Masa), a voluntary body with 14 000 members, issued a collective apology for doctors' roles in supporting apartheid by commission or omission.

Whether a medical truth commission should be held was the subject of the debate.

Arguing in favour of such a commission was Dr Leshe London, lecturer in community health at UCT and chairman of the board of the Trauma Centre for Victims of Violence and Torture. Arguing against it was Mr Gavin Dampster, Masa's medical ethics manager. They were joined by Dr Mary Rayner of Amnesty International.

Rayner said there was a need for the profession to probe its own truths for the sake of the future.

"Unless all the facts are revealed, new members of the medical profession will not know where the traps lie in the future."

Amnesty International's observations in South Africa pointed to the security forces receiving "ongoing support" from some doctors — whether they falsify medical records, give false evidence at inquests or fail to stand up for a prisoner's right to treatment.

Rayner said some of the reasons doctors failed to fulfil their responsibilities included their agreement with the ideology of the state, the presence of human rights violators in their social environment or their

feeling threatened or intimidated.

She said people were still being tortured in South Africa.

Dampster said Masa had already committed itself to working with the TRC. He felt the association's code of conduct, peer review system and medical ethics education alleviated the need for a costly medical truth commission.

"Our commitment is there to learn from the past," he said.

London likened the Masa apology to a "self-declared, blanket amnesty for the profession" — even though there was "ample evidence" that the torture of detainees was continuing.

Professor Frances Annet said the medical profession was all too often "ill-educated" — herded away from the humanities to the technicalities during training.

Dr Wendy Orr, a TRC commissioner and a member of Masa's ethics committee, said yesterday it seemed an "opportune time" for several professions to investigate themselves, including the medical profession. An analysis of the medical profession's role in support of apartheid would be very helpful to the TRC, as it was trying to paint as full a picture of the past as possible.

## Three-month wait for trial

THE average time awaiting-trial prisoners spent in the Pollsmoor Maximum Prison before their trial was 95 days this year, Correctional Services Minister Dr Sipo Mzimela said yesterday.

(253) (95)  
At the end of June there were 28 360 awaiting-trial prisoners — 23,9% of the prison population.

Replying to a question tabled in the National Assembly by Mr Douglas Gibson (DP), he said the average length of detention at the Pretoria Local Prison was 101 days.

In reply to a question tabled in the Senate by Mr Ray Radue (NP), he said 1 311 complaints of assault were brought against prison warders last year and 828 in the first six months of 1996.

Last year 461 warders were charged and 11 convicted. Of the 245 warders charged this year, one had been convicted so far — Political Writer

CT 2/8/96

# Affirmative (re)action in SA's prisons

ART 3/8/96

(253) (253)

**ANDREA BOTHA**  
Staff Reporter

THE Department of Correctional Services has been plunged into turmoil by the rigid implementation of its affirmative action policies

Mike Green, spokesman for Correctional Services, said there was much "unhappiness" in the department and that it was a "very sensitive" issue.

He said 20-30 white employees would leave the department by the end of the year, to be replaced by affirmative action appointees

The department had initially decided against providing retirement packages for them, he said.

The Department of Correctional Services adopted an affirmative action policy in 1994, specifying that all its departments must reflect a 70 percent non-white and 30 percent white staff membership by the end of 1999.

But in the Western Cape, it was only at the beginning of 1996 that these resolutions were suddenly implemented. Now there is pressure to put them into action before the end of the year

Meanwhile, tension caused by the policy has allegedly been responsible for disruptions at Victor Verster prison in Paarl

Despite denials by prison authorities that racial tension had been the cause of the unrest at the prison, informed sources said prisoners were intimidated to disrupt services and the transformation process

Vice-president of the South African Prisoner's Organisation

■ Tension caused by the Department of Correctional Services' affirmative action policy has plunged prison management into turmoil and been the cause of much "unhappiness".

for Human Rights (SAPOHR), Wally Wolmarans, said the transformation of prison management at Victor Verster was causing havoc

"The situation is very serious", said Mr Wolmarans, who has been involved in negotiations with prisoners after each protest

"When there is no leadership at the prison, the prisoners take over", he said

Currently, six top white officials at the prison, including prison commander Dirk du Plessis are on sick leave.

Temporary prison chief Willem Damons refused to confirm speculation that some of these officials had allegedly said they would not be returning to work until the end of the year, when they will be replaced by non-white staff.

A spokesman for the Public Servant's Association (PSA), who wanted to remain anonymous, confirmed that affirmative action was causing a crisis. He said many people had been informed, without prior notice or consultation with their trade unions, that they would have to vacate their positions by the end of the year

He said the PSA supported affirmative action in principle, but could not agree with the way

in which the policy was now being forced on employees in Correctional Services

He said this was against the employees' human rights

"We are worried about the current staff who are not motivated and the standards at prisons, which are dropping"

He said the PSA believed the problem was not the policy, but the way in which it was being implemented

"Experienced people are forced to leave and in many instances untrained people are taking their posts

"Experienced people are now moved to prisons in far-off places, often with a drop in pay."

Provincial Correctional Services Commissioner, Stephen Korabie, said he was aware of dissatisfaction about affirmative action policies in the department.

"This is nothing new, we have warned our staff since 1994 to be prepared for changes

"No one said transformation was going to be easy and I am asking everyone to be open to the changes"

Mr Korabie said he was only aware of two officials at Victor Verster prison who were away on sick leave

"But these people have proven medical conditions"

He confirmed that prior to Mr Damons' temporary appointment at the prison, there was some racial tension between prisoners and white wardens.

He said these problems had now been resolved and that he was satisfied with the discipline at the prison

## Policy causes prison turmoil

The Department of Correctional Services has been plunged into turmoil by the rigid implementation of its affirmative action policies.

Mike Green, spokesman for the department, said that between 20 and 30 white employees would leave by the end of the year, to be replaced by affirmative action appointees. He said the department had decided against providing retirement packages for them.

Correctional services adopted an affirmative action policy in 1994, specifying that the department must reflect a 70% black and 30% white staff membership by the end of 1997. Now there is pressure to put these policies into action before the end of this year.

Tension caused by the policy has allegedly been responsible for disruptions at Victor Verster Prison in Paarl. Informed sources say prisoners have been intimidated to disrupt prison services and the transformation process. - Own Correspondent

(253) Star 3/8/96



## Sporting role in prison rehab

(253) ATON 5/8/96

STAFF REPORTER

The Department of Sports and Recreation is to work jointly with the Department of Correctional Services to ensure the rehabilitation of prison inmates, says Zipporah Mothoa, Sports Minister Steve Tshwete's spokesman.

The project will involve training in trade and industry skills, as well as in various sports codes, and will be implemented at the Ekuseni Youth Rehabilitation Centre in Newcastle.

The centre will be officially opened on October 1

and will house 600 juveniles up to 21 years old.

The departments will, however, not concentrate solely on juveniles - a special recreation programme has been established for adult inmates as well.

A working committee comprising members of the two departments is to look at improving structures and facilities already available at Ekuseni.

"A lot will be learnt from this pilot project and a number of rehabilitation centres will be established in other parts of the country in due course," said Mothoa.

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# Prisoners 'badly assaulted'

(253) FREE State senator Denis Bloem on Wednesday night accused Correctional Services officials in his province of continued assaults on prisoners in the Kroonstad and Grootvlei prisons, saying prisoners' human rights were being violated

Bloem, who heads the Senate Correctional Services Committee, also complained that senators were no longer being granted free access to prisons

He was handed a statement from the province's Correctional Services commissioner's office saying members of the senate were not permitted inside prisons without the commissioner's written consent

Bloem said in a statement to

*Sapa* that he and Senator Caleb Motshabi had visited two seriously assaulted prisoners in the Goedemoed prison near Aliwal North on Monday

The prisoners alleged they had been assaulted by warders from the Grootvlei Prison in Bloemfontein on August 1

The two prisoners were covered by "marks of the rubber baton", Bloem said, adding another prisoner had been admitted to the Pelonomi Hospital in Bloemfontein, while two others were being treated at the prison hospital

Free State Correctional Services spokesman Johan Massyn said warders were forced to act after a

colleague was stabbed in the face with a sharp object and suffered several other wounds during an attack on August 1

"A reaction force from Grootvlei was deployed at Goedemoed with the aim of searching the cells. During the action a large number of dangerous homemade weapons were found and removed from the cells," Massyn said

When some prisoners resisted the search "minimum violence had to be used to bring the rioters under control" He admitted that some prisoners could have been hurt in the process. However, Correctional Services denied any "purposeful and deliberate assault of prisoners" - *Sapa*

# Youths hurt in mini-riot as 80 break out of place of safety

**DENNIS CAVERNELLIS**  
Staff Reporter

ABOUT 80 youths escaped from the Bonnytown place of safety and at least two went to hospital after a mini-riot.

A staff member at Bonnytown, in Rosmead Avenue, Wynberg, said there was a dispute on Thursday night "Windows were broken - there was a bit of a riot here." He said the escapees were aged between 13 and 17.

But the cause of the incident is not clear. The mother of one of the boys, who identified herself only as Helen, said her son, 16, had walked to her home in Somerset West, "his eyes red from tear gas". He told her fighting broke out

around 8 pm when a staff member refused to allow the boys into one of the dormitories to watch television.

Helen claimed staff members assaulted the boys and fighting spread to the other dormitories before police were called. Her son said at least five injured boys were in hospital, including one, about 15 years old, who was admitted to Grootte Schuur Hospital after glass from a window he apparently smashed flew into his eye.

The staff member said the boy was "quite seriously injured", and was to be operated on yesterday. He said no-one else was seriously hurt, although "some boys have accused police of assaulting them". A police spokeswoman said the fracas began when one of the boys

became unruly at supper time, about 6 pm. Sergeant Lentoer said the boy had tried to assault the supervisor on duty and the other boys had also become unruly.

She said 12 boys had minor cuts and another boy was admitted to False Bay hospital with a hand injury.

When police were called in to defuse the situation, the boys tried to get off the premises. Two policemen were attacked by the boys, and one policeman was cut behind his ear. "The children broke doors and windows trying to get out."

Yesterday morning it was established that about 80 boys had broken out, and police were searching for them. At noon yesterday "three were

caught in Kenilworth and a couple more in Athlone".

Peninsula police were on the lookout for the other escaped youths. Helen said staff at Bonnytown told her not to bring her son back, apparently because the courts would have to decide what to do with the youths. But she said she would bring him back today.

Her son said the boys had run away because they were scared of being shot or assaulted.

Sergeant Lentoer said no charges had been brought against staff, police or the boys.

"Our main priority is to get them back to the place of safety." The situation was described as "calm" yesterday.

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MONDAY, 12 AUGUST 1996

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What percentage of the gross domestic product was spent on education in (a) 1994 and (b) 1995?

N1034E

Port Elizabeth	4 714	534
Trankel	6 187	1 100
North West	4 508	410
Potchefstroom	7 567	2 892

**THE MINISTER OF EDUCATION**

The total public or state expenditure on education (at national and provincial level, collectively) for the 1994/95 and 1995/96 financial years was 7,2% and 6,9% of the gross domestic product, respectively

**Under-graduate/post-graduate students**

583 Mr T C NTSIZI asked the Minister of Education:

How many (a) under-graduate and (b) post-graduate students were registered at the (i) University of Cape Town, (ii) University of the Western Cape, (iii) University of Stellenbosch, (iv) Potchefstroomse Universiteit vir Christelike Hoer Onderwys, (v) University of the Orange Free State, (vi) Rhodes University, (vii) University of Durban-Westville, (viii) University of the North, (ix) University of the Witwatersrand, (x) University of Pretoria, (xi) Rand Afrikaans University, (xii) University of South Africa, (xiii) University of Port Elizabeth, (xiv) University of Transkei and (xv) University of Bophuthatswana as at the latest specified date for which information is available?

N1035E

**THE MINISTER OF EDUCATION**

Students registered 1996

University	Under-graduate	Post-graduate
Stellenbosch	10 600	4 409
Western Cape	11 378	2 190
Orange Free State	6 763	2 620
Witwatersrand	11 749	5 308
Cape Town	10 633	4 039
Pretoria	18 821	6 028
The North	16 497	2 130
Rhodes	3 894	918
Durban-Westville	8 701	1 735
Rand Afrikaans	15 347	4 923
Unisa	111 568	23 511

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MONDAY, 12 AUGUST 1996

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will have to mediate between the opposing viewpoints to arrive at the best Transport Policy options for the social and economic development of the Country

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**Correctional Services: White Papers**

590 Mr F P SMIT asked the Minister of Correctional Services:

(1) Whether his Department has released any White Papers since 27 April 1994, if so, when, in each case,

(2) whether any comments have been received on these White Papers, if so, what was the (a) nature and (b) extent of such comments in each case,

(3) whether any steps are envisaged with regard to such comments, if not, why not, if so, what steps?

N1042E

**THE MINISTER OF CORRECTIONAL SERVICES**

(1) Yes. The White Paper on the policy framework of the Department of Correctional Services in the new South Africa, was released on 21 October 1994 with the ultimate goal of stimulating debate on correctional issues and soliciting inputs on the said issues.

(2) Yes. Input was requested and various individuals and organisations responded before and after the drafting of the White Paper.

The prior contributions from the various organisations, individuals and members were taken into consideration during the formulation of the White Paper. Many issues were again discussed afterwards with the interest groups, Portfolio Committee on Correctional Services and Transformation Forum.

(3) The results of those debates and inputs will eventually culminate in a new act for Correctional Services. Various persons/organisations will again make further submissions and invitations in this regard were sent to a total of 784 persons and institutions and a notice soliciting further response was also published in the Government Gazette. All inputs will be taken into consideration when drafting the new act.

**Housing: White Papers**

591 Mr M G MASHER asked the Minister of Housing:

(1) Whether her Department has released any White Papers since 27 April 1994, if so, when, in each case,

(2) Whether any comments have been received on these White Papers, if so, what was the (a) nature and (b) extent to such comments in each case,

(3) whether any steps are envisaged with regard to such comments, if not, why not, if so, what steps?

N1043E

**THE MINISTER OF HOUSING**

(1) Yes. A White Paper on Housing was published on 23 December 1994 in the Government Gazette.

(2) Yes

(a) and (b) After the release of the White Paper, comments have been received from various interested parties in the housing field. These comments vary from proposals which could possibly be utilised during future policy development to submissions of entrepreneurs who provide innovative building technology and household appliances and who utilised the opportunity to introduce their products.

Concomitant with the above, enormous response was received from the private sector, banks, developers, material supply industry, organised formations, such as SANCO, COSATU and NUM, Homeless People's Federation as well as individuals and experts during the Public Hearings on the White Paper on 26 and 27 March and 15 April 1996. Questions were raised in several submissions regarding the process of policy formulation whilst favourable comments on the White Paper were made in a number of submissions. Other presentations were critical of the general thrust of the White Paper such as the fact that policy had a number of serious flaws, whilst some formations argue that fundamental policy review will disrupt housing delivery. Several submissions drew the distinction between a standard housing programme and

ADELE BALETA  
Staff Reporter

NURSES unqualified to dispense medication have been handing out drugs to Western Cape prisoners even though they are legally liable if patients suffer as a result.

Contrary to regulations of the South African Nursing Council assistant nurses have dispensed low schedule drugs such as antibiotics and anti-inflammatory to prisoners without a doctor's prescription.

A nursing assistant previously known as a medical orderly is a custodial officer with either six or 12 months' nursing training.

The assistant nurses, who have no pharmacological knowledge, say they are concerned about the medical and legal implications of working beyond their job descriptions.

They are worried about infringing the rights of their patients and have decided to send drugs back to the dispenser. They will refuse to issue them in future.

They say they have had to give out drugs because there is no-one else around to do it.

Health services at Pollsmoor Prison are 'critical' with only one assistant nurse caring for up to 300 patients at any time. There is no full time doctor. The head of health at the

# Prisoners get medication from 'unqualified' nurses

(253) ARG 19/8/96

Assistant nurses are flexing their muscles and refusing to dispense medical drugs to inmates in understaffed Western Cape prisons because they are not trained to do so.

prison's maximum security section, Anthony Joseph, confirmed that there was only one nurse and a standby nurse on night duty for the entire prison, which has about 6 000 inmates.

Mr Joseph chaired a recent meeting of 28 representatives of nurses from prisons in the Western Cape at Victor Verster prison in Paarl, where it was decided that assistant nurses would in future refuse to act beyond their specified duties.

Nurses from as far afield as Ceres, Caledon and Worcester gave shocking accounts of poor working conditions and lack of staff and facilities. They vented their frustra-

the dispensing of drugs.

Mr Joseph said the South African Nursing Association and the South African Nursing Council would be briefed on the situation in prisons.

Meanwhile the SA Nursing Association's acting executive director, Eileen Brannigan, confirmed that assistant nurses should not be delegated the responsibility of handing out drugs. They were only allowed to do so under the supervision of a registered nurse.

"We do not condone assistant nurses having to work outside their scope of practice. They would not be able to assess the patients' needs or be aware of the side-effects of drugs."

Mr Joseph said nurses were unhappy that affirmative action was not being applied to nursing services, especially with regard to promotion

Nurses complained that there was no definite affirmative action policy in place at prisons.

He confirmed that the situation had deteriorated since details of the health crisis in prisons was revealed in Parliament earlier this year. At that time it was reported that Pollsmoor Prison had only one trained nurse on call for up to 54 patients at night.

The nurses are also "sceptical" of a proposed police commission of inquiry into allegations of torture and assault of prisoners because they say the police do not have a "good record". Instead they are calling for an independent commission headed by Amnesty International.

Mr Joseph said that as far as he was aware police were investigating cases of assault

by warders.

The disgruntled staff also want to be able to perform their duties independently of the Department of Correctional Services and have recommended they be employed and managed by the Department of Health so that they can do their jobs properly.

The chairperson of the Parliamentary Portfolio Committee on Correctional Services, Carl Niehaus, has said that for health care to be properly administered in prisons, health staff should report directly to the Health Department instead of forming part of the custodial or security personnel.

Nurses said little or no confidentiality existed on medical records and they believed the heads of prisons were allowed too much influence on medical issues.

Although the government had given the green light for the distribution of condoms in prisons - in view of the spread of the HIV - nurses said virtually no education or counselling on Aids was given.

The nurses complained that equipment was outdated and, in cases where it was new, it was left unpacked because no one was trained to use it.

The Correctional Services Commissioner of the Western Cape, Stephen Corahie, was unavailable for comment.

The Regional Nursing Services Manager, Japie Kamnga, said the department was aware of the nurses' grievances and the head office in Pretoria had been informed. A new commission had been set up to look into the matter.

National Correctional Services Department spokesman

Barry Eksteen said good medical care for prisoners was of prime importance to the department which had to operate within budgetary constraints and limited personnel.

He said the department was aware of the nurses' complaints and the newly-appointed Director of Physical Care was visiting medical staff countrywide and would be in the Western Cape at the end of the month.

He agreed that nursing staff could only issue schedule three and four drugs as prescribed by the doctor and dispensed by the pharmacist.

Understaffing was not confined to medical personnel, but throughout the department. "The department copes with the situation in spite of a very bad staff-to-prison ratio countrywide."

In terms of the B-order, he said heads of prisons often gave out medication prescribed by doctors where no medical staff were employed. This happened mainly at "very small" prisons.

He said affirmative action was a negotiated process which could not happen overnight but to which the department was committed.

Mr Eksteen said allegations at Pollsmoor that doctors were involved in covering up cases of assault and torture were being investigated by police.

## 'Human rights violations' at 5 prisons to be investigated

The Human Rights Commission will next week investigate numerous complaints of human rights violations in five Northern Province prisons, the HRC announced yesterday

"The investigations are preliminary to a nationwide inquiry into abuses in the country's prisons to be undertaken by the HRC soon," commission spokesman J S Mojapelo said.

The prisons to be visited from Tuesday are in Pietersburg, Louis Trichardt, Tzaneen, Nylstroom and the former Venda homeland

The visits would include interviews with prisoners and, where necessary, with prison heads and warders

The investigations result from follow-ups to several complaints of human rights abuses received by the commission through letters from prisoners, said Mojapelo "The commission is sensitive to what is happening in the country's prisons and felt the need for these investigations" - Sapa

(253) / Nov 17 / 18 / 96

## Niehaus, Mzimela clash over HIV tests

Drew Forrest (253)

CAPE TOWN — ANC prison policy spokesman Carl Niehaus has again clashed with Correctional Services Minister Sipo Mzimela of the IFP, accusing him of upholding the "entirely undesirable" practice of pre-employment HIV and AIDS testing in his department. **BD 22/8/96**

Niehaus — chairman of the parliamentary correctional services committee — said Mzimela had confirmed that HIV testing was departmental policy. The minister had also declared that it was necessary to ensure the safe custody of prisoners

Calling for an immediate end to the practice, Niehaus said it was counterproductive in the fight to contain the spread of the disease, "affronted the spirit" of the Bill of Rights in the constitution, and violated the national AIDS plan and the Labour Relations Act

As tests were mandatory, they amounted to unfair discrimination which potentially affected tens of thousands of people.

He said both the World Health Organisation and the International Labour Organisation had agreed that pre-employment testing was unacceptable.

Niehaus also said the "illogicality" of the policy had been highlighted by Mzimela's admission that existing employees of the correctional services department did not have to submit to HIV and AIDS tests

## CABINET SUPPORTS RECOMMENDATIONS

# Tough new jail terms

terms for drugs

253

254

CT 22/8/96

25

**NEW LAWS** on sentencing and a special focus on corruption in the police force are included in measures to combat crime expected to be announced today, writes **HENRY LUDSKI**.

**M**INIMUM sentences for gang- and drug-related offences, new "super-maximum" security prisons and a special witness protection programme for "whistle-blowers" were among the tough new anti-crime measures endorsed by the cabinet yesterday.

Also included will be mandatory sentences for police members found guilty of certain offences — including corruption — and stricter police disciplinary regulations.

This can be disclosed by the Cape Times, which obtained a copy of recommendations by criminal justice ministers who met on Tuesday evening to devise their anti-crime plan. Almost all of them are understood to have been passed by the cabinet.

The sweeping measures likely to be announced today include:

- Minimum sentences for certain offences, such as gang- and drug-related offences.

- A new "super maximum security" category of imprisonment, which will involve the building of new prisons with specially trained staff.

- Rewards for "whistle-blowing" and a special-witness protection programme to protect people and police members who come forward with information on corruption.

- Mandatory sentences for particular categories of disciplinary, criminal or corruption-related offences committed by police members.

- New and tougher police disciplinary regulations.

- A new release policy which will ensure that serious offenders are imprisoned for a substantial period of their sentences.

- The consideration of legislation to give proper effect to life sentences, with parole only to be considered after review of the sentence by a court.

- The development of a provincial crime prevention strategy.

The ministers are also to request Parliament to re-arrange its programme in the current session to speed up the passage of criminal justice legislation.

Besides being urged to make a "concrete commitment of resources to the criminal justice and crime prevention effort", the government ministers responsible for the implementation of the national crime prevention strategy also indicated that the most urgent priorities would initially be funded from the hundred of millions of RDP funds which have been set aside to bolster the strategy.

Other steps expected to be implemented to manage public order — in the Western Cape particularly — include the enforcement of a special government ban on the carrying of firearms at public gatherings in certain magisterial districts and measures to tighten police authority and control over public gatherings.

In a bid to crack down on gangs and drug-trafficking a special national structure to co-ordinate and supervise investigations has been set up and a specialist team of detectives will be sent to Cape Town for a month to evaluate all police dockets relating to gang activity.

A gang-busting network, involving national intelligence and dedicated prosecutors, will be established to work closely with community groups.

### Spiritual brothers



**HAND IN HAND:** Archbishop Desmond Tutu and the Dalai Lama after their meeting at the Mount Nelson Hotel yesterday. ● Report Page 3

PICTURE: BENNY GO

**CAPE TIMES**  
**488 4795**

**CRIME LINE**, an integral part of our Bid Against Crime campaign will, from today, carry a response from the South African Police Service to your complaints and questions.  
● See PAGE TWO

### No charges against leader

POLICE denied last night that Pagad leaders Muhammed Ali "Phantom" Parker and Mr Farouk Jaffer were being sought in connection with charges of sedition.

News reports over the past week noted that Parker and Jaffer were being sought in connection with the charges.

- Police confiscated a secret police document on Islamic extremists in SA yesterday from a Beeld reporter, claiming they needed it for an investigation against a policeman.

Beeld said police asked reporter Nick Bezuidenhout hand over the document and identify who had given it to him. He refused and was served with a summons to appear in the Middelburg Magistrate's Court on September 11.

● See Page 5

CT 22/8/96



# Crunch looms for overcrowded jails

TYRONE SEALE  
Political Staff

ARL 23/8/96

(253)

GOVERNMENT efforts to curb crime and put more criminals behind bars could further aggravate prison overcrowding in tandem with a new parole policy designed to stop early releases of current convicts.

Already overcrowded, South Africa's prisons will soon have to provide more room for the potentially large numbers of suspects and convicts who will be taken off the streets if the National Crime Prevention Strategy succeeds.

The cabinet this week approved a number of measures, soon to assume legislative form, designed to help the government deal with crime prevention in a holistic and co-ordinated way.

In a separate announcement yesterday, Correctional Services Minister Sipo Mzimela said his department would be asking parliament to approve a new release policy during the current session.

Answering questions on how his department planned to accommodate even more criminals once the new parole rules came into effect, Mr Mzimela repeated criticism he had levelled at the department of public works at the beginning of this year.

He said his department's main problem was the public works bureaucracy, where officials had been working in set ways for decades and were refusing

to change the system of management for prisons.

He said correctional services had had many offers from the private sector of help in the building and management of prisons. These had, however, been turned down by public works bureaucrats who were "totally incompetent" and still operating in a "comfort zone" created for them by the previous government.

On the new parole policy, Dr Mzimela said "The unacceptable high levels of crime in our country and the general disregard criminals have for the whole criminal justice system reached a point where we had to decide to amend our policy in order to adapt to this changing scenario."

In terms of recommendations by National Advisory Council on Correctional Services (Nacocs), the new policy will include the following:

- The sentencing authority should have a direct say on when a convicted person is eligible for parole,

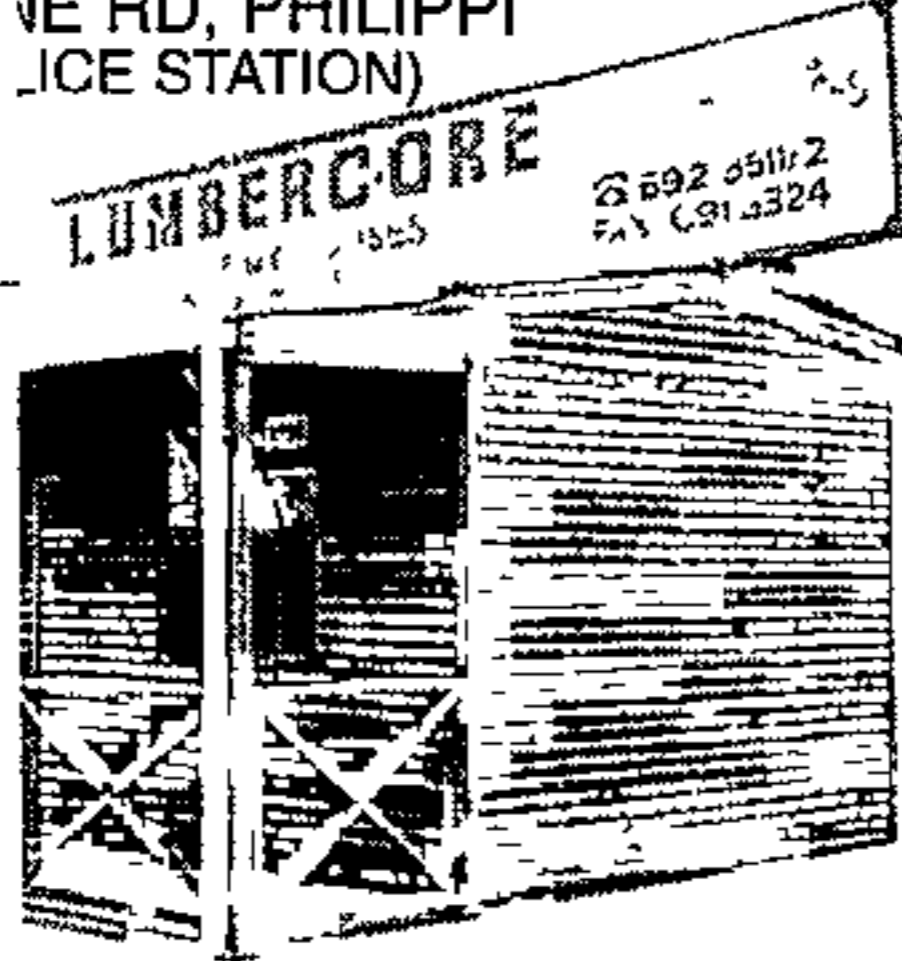
- When passing sentence, the court should determine the mandatory prison term which must be served before parole can be considered,

- The maximum mandatory prison term fixed by the court should preferably not be more than two-thirds of the total sentence, and

- In determining the mandatory prison term, the courts should, however, not be restricted in determining the mandatory minimum term

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## Prison staff stage march

(253)

Staff Reporter

ARG 23/8/96

ABOUT 70 disgruntled Victor Verster prison staff members have marched to the prison outside Paarl to protest against their travelling expenses

A spokesman at yesterday's march said his group "has had enough" of negotiating with the Department of Correctional Services

He said the warders wanted the department to reinstate the special bus service which used to bring employees to work in the mornings. The service was terminated five years ago for lack of funding

He said prison employees were spending hundreds of rands every month travelling to and from work

# Dept hires only HIV-negative

(253)  
Sometsan 23/8/96

**T**HE DEPARTMENT of Correctional Services is offering jobs only to applicants who test negative for the Human Immune deficiency Virus which causes Aids, but is applying no such pressure to existing employees

The tests are being carried out even though the ministry recently gave in to pressure to distribute condoms in prisons, and to end desegregation of homosexual prisoners

Correctional Services Minister Siphon Mzimela told Parliament during question time yesterday that HIV tests would remain a policy until a Cabinet-based committee that was looking into this matter completed its work and made recommendations

The committee was founded in June, when the Ministry of Defence wanted clarity on the

Any decision to have an HIV test has to be voluntary

desirability of pre-employment tests for HIV

Since then, the departments of Correctional Services and Safety and Security have been represented on the committee

## Proper legislation

Dr Mzimela said proper legislation would be drafted once the committee made its recommendations

The minister was supported by Freedom Front MP Willem Botha, who said that while he had great sympathy for anyone who had an incurable disease, he supported the department's policy

"It is irresponsible for any department to employ someone

whose health put others at risk," Mr Botha said

In prisons, staff who prepared food had to be physically healthy, he added

Mr Carl Niehaus, head of the national assembly portfolio committee on correctional services, said people with HIV could live productive lives for many years after infection, and it was totally wrong to disqualify people from employment on the grounds that they would become ill in the future

Pre-employment and in-house HIV testing was entirely undesirable in the struggle to contain the spread of the virus and ought to be voluntary, Mr Niehaus said

# Minister gets nod to build 'super-maximum prisons'

Star 23/8/1966

(253)

By JUSTICE MALALA  
Political Staff

Cape Town - The Cabinet has given the go-ahead for Minister of Correctional Services, Dr Sipo Mzimela to start plans to build two or three "super-maximum prisons" where South Africa's most hardened criminals would be kept.

Mzimela said in a briefing yesterday that the prisons would be designed in such a

way as to discourage gang culture taking root and would involve the minimum amount of contact among the prisoners.

"They would be made up of single cells only, and would be equipped with the most advanced surveillance apparatus," he said.

"The prisons and prisoners would be isolated. For example, a prisoner from Cape Town would be taken to the Free State to break the cycle of crime in

which they would find themselves when they are near home," Mzimela said.

He said such a prison would take about a year to build, and revealed he had identified a disused mine in the Free State where one such prison could be built in the next four months.

However, the Cabinet still has to give the final go-ahead to the plans when Mzimela has drawn them up and canvassed the private sector to build the

prison, which would be leased to the Government.

The idea was taken from the US Mzimela said the consideration that families would need to visit their relatives should be weighed against the rights of law-abiding citizens to safety and security.

He said people who would be sent to the prisons were "beyond rehabilitation" and would be serving long sentences, including life. There are currently about 500 people serving life sentences in SA's prisons.

"As a government we are determined to root out this crime. There is determination on the part of ministers, but the problem is that we are not the ones responsible for implementation of the policies. It has been said that the level of corruption in the police force is disturbing.

"A lot of house-cleaning must be done. We must root out corruption from our ranks first"

# New laws proposed to ensure prisoners serve substantial part of sentences

Cape Town — The Department of Correctional Services has proposed the introduction of laws that will ensure that criminals serve a substantial portion of their sentences.

This is the result of a re-evaluation done by the National Advisory Council on Correctional Services over the past seven months. Correctional Services Minister Dr Sipo Mzimela said at a briefing in

Parliament yesterday. But the proposals will probably become law only next year. The proposals empower a court to lay down the minimum mandatory prison term that

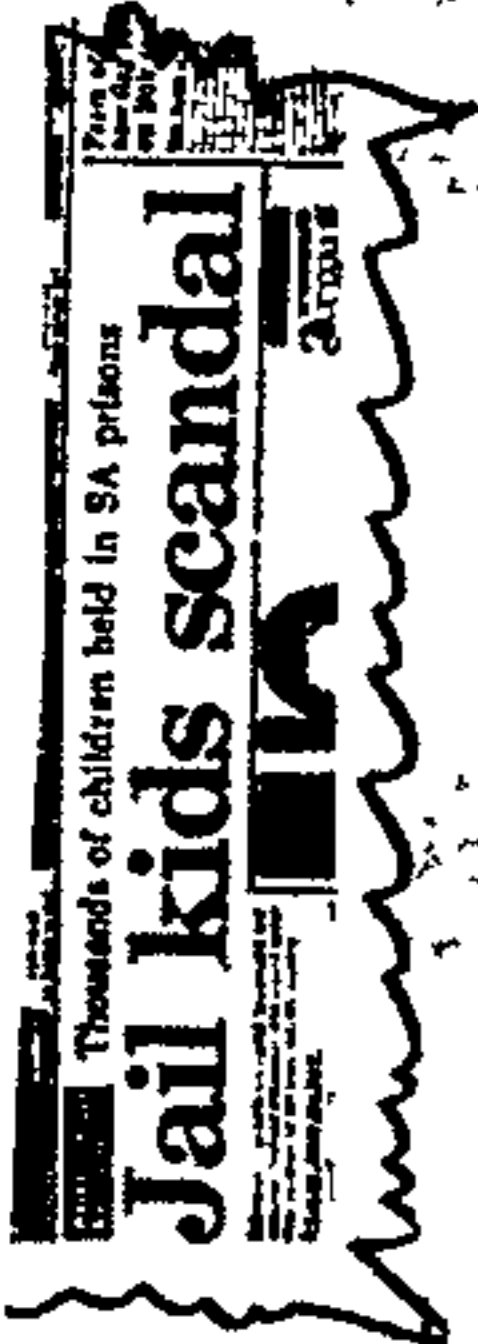
should be served by a convict, and to have a say in determining when he could apply for parole. In cases where a court chooses not to impose either a minimum or a maximum mandatory prison

term, the Department of Correctional Services will view it as the court's intention that such a person should serve at least half his prison sentence, Mzimela said.

(253) / *Staw* 23/8/96

Political Staff

Four years ago Weekend Argus broke this story.  
Nothing, it seems, has changed...



# Children still being dumped in jail

ARG 24/8/96

SSR

Correctional Services Minister Sipo Mzimela has lashed out at the Government departments responsible for placing hundreds of children, awaiting trial for minor offences, behind bars.

GLYNNIS UNDERHILL  
Chief Reporter

CHILDREN as young as 12 and 13 are being "dumped", illegally and indefinitely, in appalling conditions into top security jails in South Africa, as they await trial for minor offences, Correctional Services Minister Sipo Mzimela has disclosed in an interview with SATURDAY Argus

An angry Dr Mzimela said 62 percent of the hundreds of juveniles who are now in prison awaiting trial should not be there because they were not being tried for serious crimes, like murder or rape.

"So it is in fact the authorities themselves who are committing a crime, by putting children into prison when they should not be there

**Kids in jail - it's a disgrace, says Mzimela. See page 21**

"They are just dumping them and getting them out of the way, that is all," claimed the cabinet minister

The number of children being held in jail has escalated rapidly since amendments to the prison legislation were approved in March - to allow for the detention of awaiting trial juveniles between the ages of 14 and 18, who are suspected of serious crimes

There were currently 398 juveniles awaiting trial in prison and the conditions they were being held in were "just plain cruel", said Dr Mzimela

It was the magistrates who sent these children to prison and the police who pick them up and take them to prison, he said

"But I have also been told, although I don't have the proof, that because the legislation stipulates children between the ages of 14 and 18 can be placed in prison while awaiting trial, 12- and 13-year-olds are booked by the police as 14-year-olds to make that easy.

"That to me just shows how uncaring the system is," said Dr Mzimela

Unsentenced children were the responsibility of the Department of Welfare, he said

Dr Mzimela said he did not have "the authority" to release these children, who were being held indefinitely in prison without provision being made for their education or training.

"If I could have, I would have released all of them - there are enough places of safety around the country.

"I would personally take them there and put them there myself," he said.

Dr Mzimela made unannounced visits to Pollsmoor Prison and Durban Westville Prison to see the conditions children were being held in as they awaited their trials - and is planning to spring further visits on children being held in other prisons around the country.

Turn to page 2

P.T.O.

# Minister's fury over kids in jail

(253) Star 24/8/96  
By GYNNIS UNDERHILL

Children as young as 12 and 13 are being "dumped" illegally and indefinitely in appalling conditions in top-security jails as they await trial for minor offences, Correctional Services Minister Sipo Mzimela has disclosed.

An angry Mzimela said 62% of the hundreds of juveniles in prison awaiting trial should not be there because they were not being tried for serious crimes such as murder or rape.

"So it is the authorities themselves who are committing a crime by putting children into prison when they should not be there. They are just dumping them and getting them out of the way, that is all."

The number of children in jail has escalated rapidly since amendments to prison legislation were approved in March to allow for the detention of awaiting-trial juveniles, aged between 14 and 18, suspected of serious crimes. There were 398 juveniles awaiting trial in prison and the conditions they were being held in were "just plain cruel", said Mzimela.

It was the magistrates who sent these children to prison, and the police who picked them up and took them there. "But I have also been told - although I don't have the proof - that because the legislation stipulates children between 14 and 18 can be placed in prison while awaiting trial, 12- and 13-year-olds are booked by police as 14-year-olds. That, to me, just shows how uncaring the system is," said Mzimela.

Unsentenced children were

the responsibility of the Department of Welfare

Mzimela said he did not have the authority to release these children, being held indefinitely without provision for education or training.

"If I could have, I would have released all of them. There are enough places of safety around the country. I would personally take them there and put them there myself."

Mzimela made unannounced visits to the Pollsmoor and Durban-Westville prisons to see the conditions under which children were being held. He plans to undertake similar visits to other prisons.

During his visit to Pollsmoor this week, accompanied by the *Saturday Star*, a 17-year-old boy awaiting trial for murder said he had been held for 16 months. His trial dates had been postponed regularly.

Children awaiting trial on murder and other serious charges are being held in the women's wing at Pollsmoor with children who committed minor offences.

A boy dressed in threadbare shirt and trousers, told Mzimela he was 13 and was awaiting trial after being arrested for breaking into a car. The boy explained he had no shoes as he had lent them to a fellow inmate who did not own shoes.

As the ink closed behind Mzimela and he stepped outside Pollsmoor Prison, he said: "It is unacceptable. You have a 13-year-old there - and he should not be there."

TO PAGE 2

FROM PAGE 1

## ◆ Kids in prison

(253)  
"The act stipulates very clearly that the ages of the children must be from 14 to 18. But there is just no regard, they just dump them. Nobody really cares and they are going to be waiting there indefinitely."

Many of the children interviewed by Mzimela at Durban-Westville Prison were barefoot and dressed in threadbare clothes. A few said they were 13 and were being held for minor offences such as breaking into vehicles. Others said they were streetchildren. One of the children had festering sores on his leg.

The 398 awaiting-trial children were being held indefinitely, said Mzimela. "There are enough places of safety, trade schools and industrial schools where children can be housed. But the people who work for the Department of Welfare, particularly in these places of safety, are untrained, incompetent and just totally uncaring," said Mzimela, who is also a theologian.

On May 4 last year President Nelson Mandela signed a proclamation declaring that awaiting-trial juveniles may no longer be kept in jails. At midnight on August 5, a total of 620 juveniles awaiting trial were released into the custody of places of safety or allowed to go back to their communities if there was no appropriate accommodation available for them.

But the public backlash against rampant crime by juvenile criminals after the signing of the proclamation pushed the Government to consider amendments to legislation.

The moves to amend section 29 of the Correctional Services Act - which prohibits the holding of juveniles in prisons regardless of the circumstances - unleashed a storm of protest from Mzimela.

However, the move was also widely welcomed by frustrated politicians, child care workers and police because burglaries, street muggings by gangs of youths, and car break-ins had soared. Police claimed they had a major headache with juveniles escaping from places of safety, only to commit further offences.

This was highlighted after two 16-year-old Cape Town youths facing multiple counts of murder had to be freed because no accommodation could be found for them at places of safety.

The bill proposed by the ANC's Carl Niehaus to allow for the detention in prison of awaiting-trial juveniles suspected of serious crimes was fiercely contested by Mzimela, who is a member of the Inkatha Freedom Party.

However, the bill was approved by the portfolio committee on correctional services in March, despite the opposition of Mzimela, who said at the time the bill should be "shredded and thrown into the fires of hell where it should burn eternally."

Niehaus emphasised the bill was an interim measure until enough places of safety could be built to house juveniles securely. Mzimela said much of the blame could be laid at the door of Niehaus.

"If he were to show just a fraction of the concern he pretended to have, he should be visiting these places regularly to make sure that the legislation is being adhered to. But he has forgotten and he has turned his back on that. He is now pursuing other interests."

Mzimela said he was sure Mandela would be "very very disappointed" by the turn of events since he issued his proclamation to release the children from prison last year.

"The president puts his money where his mouth is and formed the Nelson Mandela Children's Fund to contribute. He really wants to see the lot of children improve and I am sure these horrendous stories will just break his heart."

# Parole policy will increase pressure on prison space

Susan Russell

BD 26/8/96 (253)

THE DP has welcomed Correctional Services Minister Sipo Mzimela's proposed tough new parole policy which would enable the courts to make up to two thirds of a sentence mandatory, but warned the process would increase pressure on already overcrowded prisons.

DP Correctional Services spokesman James Selfe said the party also welcomed the announcement that a number of super maximum prisons for dangerous criminals would be built.

Mzimela last week announced that as part of government's plan to combat crime, a new stringent set of parole conditions would be implemented which he hoped to be effective by early next year.

As part of the plan the courts would be able to fix a maximum mandatory term, up to two thirds of the total sentence, the parole board would not be able to revoke

The DP expressed concern that the new parole provisions would put additional pressure on overcrowded prisons which housed 30 000 more prisoners than they were supposed to accommodate.

The party urged government to do everything possible to ensure that the building of new prisons was speeded up.

Selfe called on government urgently to foster closer ties with the private sector to speed up the building of new prisons. This sector had already declared its willingness to build prisons which could be leased to government.

The Transvaal Law Society has also welcomed the announcement.

A society spokesman, A De Meyer, said stricter measures would ensure that people served more realistic sentences.

But it was also a good thing that the parole board's discretion had not been completely taken away since certain cases called for a reduction of sentence.

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## 'Prisoners' jaunt' shocks officials

CT 26/8/96 (253)

### STAFF WRITER

REPORTS that prisoners were taken from their cells to visit family members and collect drugs and alcohol for resale in the Victor Verster maximum security prison near Paarl, have been met with shock by Correctional Services officials.

These claims were reported yesterday in an Afrikaans newspaper.

A source, Trevor Beerwinkel, who is serving a sentence for murder, told of a Christmas Eve trip he made with Agmat Staggie, brother of the Staggie twins, and a Peter Reyneveld.

He said prison warders and officials had been bribed to take them in a state vehicle to, among other places, the Staggies' parents' home for a meal and to Valhalla Park and Mitchells Plain where they bought large quantities of Mandrax, dagga and alcohol to sell in the prison on their return.

Beerwinkel claimed they also went to the home of an alleged drug dealer and then moved on to Salt River, where they met the Staggie twins, who had brought along a prostitute for their brother.

Beerwinkel said during the day-long jaunt one of the warders was in constant contact with a senior prison official, to whom he said: "I am earning good money for us."

When the trio returned to the prison, the warder driving the vehicle parked beside their section's kitchen so that they could climb through a window with their stash.

Mr Koos Gerber, national Correctional Services Department spokesman, said yesterday he was trying to establish whether there was any truth to the report.

He said that if the weekend outing story turned out to be true, he would be "very disturbed"

# Child Welfare slates minister over children held in jail ~~(253)~~ (253)

JOHAN SCHRONEN  
Crime Reporter

AR 4 27/8/96

A LEADING welfare organisation for children has lashed out at a minister's suggestion that juvenile offenders be kept in places of safety that it says are totally inappropriate

This follows Correctional Services Minister Sipo Mzimela's discovery that 62 per cent of the 398 children awaiting trial in prison were not suspected of serious crime and so should not be in jail

It also came as the government announced new plans for places of safety for young offenders, although Cape Town was one of the last to benefit.

Dr Mzimela suggested that places of safety for children, run by Child Welfare Society, had the facilities and should accommodate the juvenile prisoners,

Child Welfare director Allan Jackson said that the minister was contradicting himself

He said Dr Mzimela accused the authorities of "dumping" the children and getting them out of the way by putting them in prison, but in the same breath he was "very ironically" pushing for children to be released from prison when suitable alternatives were not available

Mr Jackson said Dr Mzimela was "washing his hands of this very sad situation"

Meanwhile Western Cape places of safety were facing a bigger storm by having to accommodate more juvenile offenders from up country, where reform schools do not exist

A study by the University of the Western Cape community law centre has found that juveniles awaiting trial in Kimberley were destined for places of safety in Cape Town, where the situation is already in a shambles and contributing to the regular escapes and mass break-outs by serious and dangerous criminal youths

The announcement by Welfare and Population Minister Geraldine Fraser-Moleketi that secure accommodation for children awaiting trial for serious offences would be available from November in Gauteng, Northern Province and Mpumalanga, also means no immediate relief for the Western Cape's youth custody problem

Ms Fraser-Moleketi said facilities being provided under the the welfare department's Secure Care Programme, initiated in October last year, would benefit these three provinces before Cape Town, Durban and Port Elizabeth

**TUESDAY**  
★ AUGUST 27, 1996

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## New plan for ~~(253)~~ (253) prison children

CT 27/8/96

PRETORIA: Secure accommodation for children awaiting trial on serious offences will be available — in some parts of the country — from November, Welfare and Population Development Minister Ms Geraldine Fraser-Moleketi said in a statement yesterday.

Fraser-Moleketi was referring to facilities being provided under the welfare department's Secure Care programme — initiated in October 1995 with the aim of keeping awaiting-trial children out of prisons.

The first of these facilities will be available in Gauteng and Northern Province, followed by Mpumalanga.

Similar facilities were being established in Durban, Cape Town and Port Elizabeth.

"It is hoped that the full programme ... an important component of the National Crime Prevention Strategy, will be completed by May 1997," said Fraser-Moleketi. "By June 1997, there should be no reason to hold young people in prisons to await trial" — Sapa

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# Victor Verster spree confirmed by dept

CT 27/8/96 (253)

ER DENNEHY

incident in which warders allegedly drove three prisoners out of Victor Verster prison — without authorisation — to visit family members and a prostitute as well as to procure drugs and alcohol for distribution in prison, opened in December last year. Western Cape provincial commissioner of correctional services Mr Stephen Korabie disclosed this at a press conference yesterday. He said until now it had been investigated only as an incident in which prisoners were taken out of prison without authorisation and later brought back. Three warders and a senior correctional officer were being probed in connection with the incident.

Then this weekend and yesterday morning Korabie read, in newspapers, more details of the "weekend spree". One of the prisoners, Trevor Beerinkel, who was taken on the day-long trip, told newspapers that prison warders were bribed to take them. He said another of the prisoners taken on the same trip was a brother of the Staggie twins, Agmat Staggie.

They met the Staggie twins, had lunch with their parents, and went to the Hell's Plain and Valhalla Park. They were given Mandrax and dagga, which they brought back to prison, Beerinkel said.

One of the warders had been due to



### ROOTING OUT CORRUPTION:

Mr Stephen Korabie

appear before a correctional services hearing yesterday, but this was cancelled. Instead, Korabie said he had ordered a more comprehensive probe and was determined to root out all corruption in prisons.

Korabie, who has been criticised for implementing affirmative action too enthusiastically, said: "Two years have passed without any affirmative action (in Correctional Services) taking place in the Western Cape. It needs to take place from now."

He believed there were people who used to be in Correctional Services who were bent on hindering the affirmative action process from the outside.

# Niehaus calls for immediate probe

HENRY LUDSKI

A CALL for an immediate investigation into alleged corruption in Western Cape prisons has been made by Mr Carl Niehaus, chairman of the portfolio committee on correctional services.

Niehaus urged provincial Commissioner Stephen Korabie yesterday to address the allegations urgently and to make the findings available to his committee.

The allegations of corruption in the Western Cape have coincided with claims that prisoners have been allowed to leave Johannesburg Prison to meet friends.

"They raise serious questions about maintaining safe custody of prisoners and the state of management and control," Niehaus said.

# Business to upgrade 100 police stations

JOHANNESBURG Police Commissioner George Fivaz yesterday launched a plan, initiated by business, to upgrade and improve the performance of 100 of the country's most needy police stations.

The improved management plan, Project Lifeline, is being facilitated free by the South African branch of the international management consultancy McKinsey Inc, and has the support of the police and Business Against Crime.

Fivaz said the plan was mainly aimed at improving the management of available resources to enhance the police's effectiveness. — Sapa

BY JOYAL RANTAO  
The expedition hit a snag at Hinhation - Sapa-ATP

# Mzimela seeking cheap publicity over jailed juveniles, say ANC MPs

BY MONDLI MAKHANYA  
Political Reporter

ANC parliamentarians Carl Niehaus and Cas Saloojee yesterday hit out at Correctional Services Minister Sipo Mzimela, accusing him of trying to score cheap pub-

licity out of the plight of jailed juveniles.  
The two men were responding to claims by Mzimela that nearly 300 juveniles, awaiting trial for non-serious offences, were being kept in adult prisons instead of places of safety.

Mzimela had earlier accused bureaucrats in the Department of Welfare and Population Development and in Public Works of delaying the building of such secure places of safety for children charged with non-serious offences. Speaking as chairmen of the

correctional services and welfare and population development portfolio committees, Niehaus and Saloojee denied there were "hundreds" of children in adult jails. Saloojee said Welfare was well advanced in its efforts and he was surprised that the minister was

trying to create the impression that nothing was being done. Niehaus added that proper facilities for juveniles were necessary in order to avoid a backlash against streetchildren by vigilantes trying to rid the streets of criminal elements.



Mzimela in a prison cell

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## Strike threat by prisoners' union

(253)  
BY TROYE LUND

SAW 28/8/96  
The South African Prisoners' Organisation for Human Rights (Sapohr) has threatened to call a national strike if the sentences of 40 prisoners are not reduced for good behaviour.

The union announced this yesterday, saying the men had made exceptional contributions to their prison and should benefit from the same conditions as someone like Greg Blank, the stockbroker who was granted parole after serving only 22 months of his eight-year sentence.

The 40 prisoners from Westville Prison in KwaZulu Natal claim prison management promised them remissions last year on condition they converted the juvenile prison into a youth centre.

After several unsuccessful applications for remissions to the prison's institutional committee, a spokesman for the 40 men, Jose Rohan, said "We worked tirelessly to finish the work for the grand opening in March. Our skills and dedication have gone unrewarded."

Sapohr spokesman Derek Mdluli warned that this dissatisfaction in prisons had reached "potentially explosive" levels.

The Department of Correctional Services was not available for comment, saying it was locked in meetings.

# New place of <sup>(253)</sup> ~~(213)~~ safety for youth

Sowetan 28/8/96

**By Pamela Dube**

THE place of safety to accommodate awaiting trial juveniles in Gauteng will be opened at Noordgesicht, near Soweto, over the weekend.

The announcement was made yesterday by the chairperson of the portfolio committee on correctional services, Mr Carl Niehaus, and Mr Cas Salojee of the Welfare and Population Development

The Soweto facility will be the first of several juvenile centres to be opened countrywide to relieve prisons of incarcerated juveniles.

The Noordgesicht centre will accommodate 200 juveniles under the age of 18. Other centres will be opened in the next few months in Pietersburg, Potchefstroom, Rustenburg, Kimberley, Upington, Kroonstad, Bloemfontein, Pinetown and Hendrina.

Niehaus said while the Government intended opening centres in all the provinces, they had problems locating proper facilities in the Western Cape and the Eastern Cape.

The recent escape of 99 youths from Pollsmoor Prison in Cape Town to join gangsters in the fight against People Against Gangsterism and Drugs (Pagad) had highlighted another problem for the authorities, Niehaus said.

He said there was need for properly secured facilities for these youths.

Above all, Niehaus said, the Government intended keeping children away from hardened criminals in crowded prisons.

Niehaus' announcement comes a few days after Correctional Services Minister Siphosiso Mzimela lashed out at both portfolio committees, accusing them of not speeding up the process of providing places of safety for juveniles.

"I find it strange that Dr Mzimela is making all these accusations when his department is supposed to be responsible for the conditions of these children," said Salojee.

Niehaus called on Mzimela to refrain from making "emotional statements that do not reflect the complexity of the situation."

# Two top Popcru officials defect

By Khathu Mamaila

**T**WO TOP LEADERS of the Police and Prisons Civil Rights Union in Northern Province defected to form a new rival union because of their quest for power, Popcru has claimed.

Popcru provincial chairman Mr Thabo Bulala said the two members of the provincial executive - Mr Tshifhiwa Mutepe and Mr Thomas Hobyane - left Popcru because they were power hungry.

Mutepe was Popcru provincial chairman while Hobyane was Popcru provincial secretary. Both unionists were voted out of office about two months ago.

They are co-founders of the National Police and Public Civil Rights Union (Nappcru). Bulala warned all Popcru members in the province to be careful as the two unionists were recruiting

*Sowetan 29/8/96*  
Claims of power mongering and poaching of members abound

from within the ranks of Popcru.

"I would like to warn all Popcru members to be careful about people who are misleading members at police stations by telephoning them to say that Popcru has changed its name to Nappcru," said Bulala.

## Vehement denial

However, Mutepe has vehemently denied that he and other Popcru leaders left the union because they wanted to remain in senior positions.

"We decided to form a new union because we had failed to make Popcru adapt to the new political dispensation.

"When Popcru was formed, there was an illegitimate government and it was acceptable for

the union to destabilise the police force. The situation has now changed and we cannot afford to destabilise the government. We have to help fight crime so that our country can attract foreign investment."

He said the other reason which led to the defection was the inability of the Popcru leadership to deal with corruption within the union. He said funds belonging to the union were used to buy a car for one leader and nothing had been done to correct the situation.

He said some leaders used union funds to buy clothes. He said Nappcru had a vision of transforming the police service and combating corruption within the police service.



(253) (20)

# Further shocks on kids in jail

MAG 30/8-5/9/96

Rehana Rossouw

**S**HOCKING information about children in prisons in the Western and Northern Cape emerged this week

Julia Sloth-Nielsen of the Community Law Centre at the University of the Western Cape visited Kimberley Prison and found most of the children there were not being held for serious crimes. In terms of the law, they should not have been held in prison.

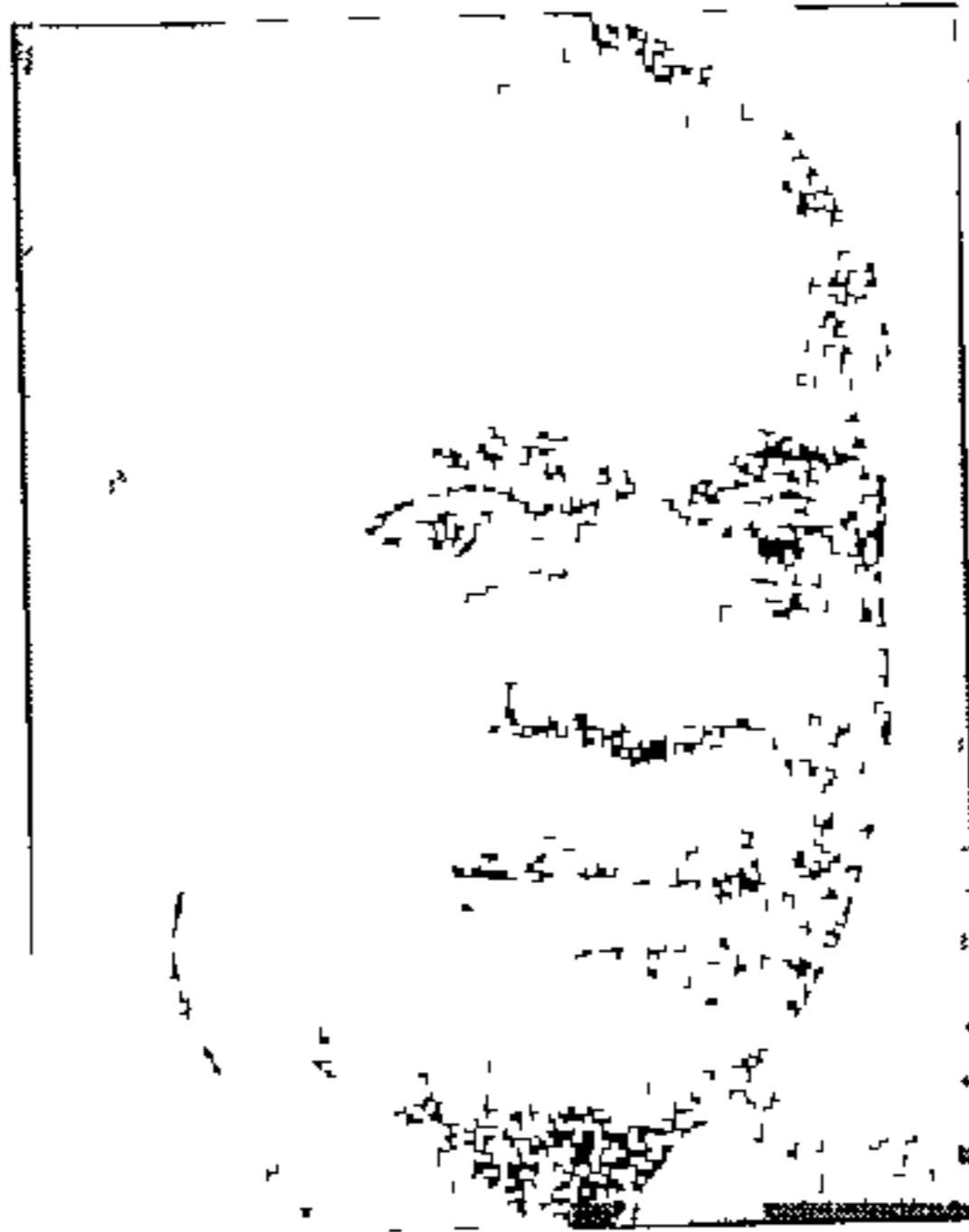
There is no reformatory in Kimberley and three children in the prison were waiting to be transferred to a facility in Cape Town, hundreds of kilometres away from their families.

"A 16-year-old girl awaiting transfer to a reformatory was brought to the prison at the request of her mother. The reason for the request was that the girl had allegedly been raped by a policeman while in police custody. The matter is being investigated by the local Child Protection Unit," Sloth-Nielsen said.

She said not a single child had been visited by a lawyer while being held in the prison, and some had reported that they had not seen a social worker or probation officer before being sent to prison.

At the Kimberley police cells, she found 10 children, two of whom would next appear in court on October 28. There were no recreational or educational facilities available.

Amendments to the Correctional Services Act in May stipulate that juvenile court cases cannot be postponed for more than 14 days. But Sloth-Nielsen found they often were, with magistrates making arrangements for children to be brought to court every 14 days without their dockets. "It is somewhat cynical to postpone a case for three months, with informal arrangements to bring the child back to court for a *pro*



**Sipo Mzimela: Pointed a finger at the Department of Welfare**

*forma* appearance"

Another Community Law Centre researcher, Nomfundo Ntloko, visited Pollsmoor prison in the Western Cape this month and found 86 juveniles in detention. They were locked in their cells from 3:30pm until 8:30am. There was only one TV set for juveniles, which circulated from cell to cell.

Disturbingly, many of the children were aware of prison gangs and some had gang tattoos on their hands. "One of the boys we spoke to had carved a tattoo on his hand and the wound had only just started healing. The boy was 14 years old," said Ntloko.

The children complained of a gang which encouraged sodomy, and some said they had witnessed a boy being raped two weeks before Ntloko's visit.

Minister of Correctional Services Sipo Mzimela has accused the Department of Welfare of "dumping" children in prisons to get them out of the way. He discovered recently that 62% of the 398 children awaiting trial in prison should not be there because they were not accused of committing serious crimes.

Welfare Minister Geraldine Fraser-Moleketi has responded by announcing that secure accommodation for children awaiting trial will be available from November in Gauteng, Northern Province and Mpumalanga.

The Department of Justice has been accused of not interpreting the Act correctly and allowing magistrates to keep awaiting-trial juveniles in prisons for lengthy periods.

# Jailed juveniles: plot thickens

(253)

CT 30/8/96

**R**EVELATIONS last weekend by Minister of Correctional Services Sipo Mzimela about the appalling conditions of juvenile prisoners have inverted normal parliamentary practice. We now have a situation where a government minister has attacked government policy; on Tuesday the relevant parliamentary committee will be scrutinising its own legislation — not the government's.

This is an unusual situation. It will be interesting to see how the committee handles it, especially given that the law under the spotlight was actually passed in the committee chairperson's name.

How did this topsy-turvy situation come about?

Early in its political life, and driven by President Mandela, the new government scrapped laws permitting the detention of juveniles in prison. The problem, however, was that there were not enough secure places of safety. When several dangerous juveniles escaped there was a public outcry.

The ANC decided it had no alternative but to do a U-turn, at least for the time being. But the minister would not entertain such a change in policy. The solution for the ANC was to introduce the amendment through Parliament. The parliamentary committee then played a central role. Uncertain if legislation could be introduced in the committee's name, its chairperson introduced the proposed change in the law as the first private member's bill to be debated by the new Parliament.

This represented a departure from procedure whereby bills are initiated through a ministry and approved by the cabinet before being debated in Parliament. It highlighted a potentially significant new role for parliamentary committees in proposing and drafting legislation.

The main players were Mzimela, who is a member of the IFP, and chairperson of the Portfolio Committee on Correctional Services Carl Niehaus, who is a high-profile ANC member.

Mzimela had opposed the legislation which forced Niehaus to follow the private member's route, for which he had the support of most parties in the committee. Thus, as the ministerial spokesperson pointed out, last weekend's exposé was the minister's way of proving that the legislation was not working. In weekend newspaper reports Mzimela attacked government departments for imprisoning hundreds of children, many awaiting trial for minor offences, under the most appalling conditions.

Niehaus responded to the reports by calling for urgent talks between the departments of correctional services, justice, welfare, and safety and security.

On Tuesday the Correctional Services Department will brief the portfolio committee on the implementation of Section 29 of the Correctional Services Amendment Act.

According to a correctional services ministry spokesperson, a report has already been submitted to the committee detailing Mzimela's snap visits to several prisons where children as young as 12 share accommodation with hardened adult criminals serving sentences for such crimes as rape and murder.

Rules require departments to submit bi-monthly reports on policy or legislative implementation to portfolio committees.

But repealing the legislation, Niehaus says, should only be a last resort. What the portfolio committee will do at Tuesday's meeting is "look at the implementation of the legislation, and the problems encountered in the process". This is in keeping with wide

powers given to committees by the constitution and the standing rules of the National Assembly — to act as parliamentary watchdog on all aspects of a particular portfolio. According to Rule 52, committees must "monitor, investigate, inquire into and make recommendations relating to any aspect of the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other matter it may consider relevant, of the (respective) government department".

Niehaus says the committee, in its overseeing role, will have to see if the department is doing its job properly. Similarly, the justice and welfare departments will have to explain why magistrates send young children to these prisons without ensuring the proper guidelines are followed. Reasons should be given why welfare workers have failed to manage places of safety for awaiting-trial juveniles properly, thus making legislation for their imprisonment necessary.

According to Niehaus, the committee's overseeing role is limited to identifying problem areas and then applying pressure to the administrative structures to carry out policy, offering recommendations and guidelines.

On his visit to Diepkloof prison, near Johannesburg, with welfare committee chairperson, ANC MP Ebrahim Saljee, to see conditions for themselves, Niehaus said they had found it was one prison where proper guidelines for children had been implemented and that proper implementation of Section 29 was possible.

□ The committee meeting will take place at 9.30am on Tuesday in committee room 2, ground floor, 120 Plein Street, Cape Town. For further information call (021) 403-2911.

# Many children under 14 years old in jails with adult criminals

(253)

Police and welfare blamed for 'not applying rules' regarding the handling of juvenile suspects

Star 30/8/96

By TROYE LUND

The Department of Correctional Services has called on its welfare counterpart to "get its act together" and provide places of safety for the 557 unsentenced children currently locked up with adult criminals.

This follows a shock announcement by Correctional Services Minister Sipo Mzimela that the number of juveniles awaiting trial in SA's prisons had almost doubled from last month's count of 300.

A further announcement on Wednesday by Mzimela's spokesman Bert Slabbert revealed that many juveniles are being held illegally. They are under 14 years old, are charged with petty offences and have been jailed for up to 40 days without appearing before a magistrate.

Although the Correctional Services Act prohibits unsentenced children being placed in jail, it was changed in May this year at the instigation of Correctional Services parliamentary committee chairman Carl Niehaus.

Authorities found the existing places of safety to be inadequate to keep juveniles awaiting trial and Niehaus brought a bill before Parliament allowing juveniles to be jailed for a period of 12 months, until appropriate places of safety had been established.

These children, however, must be over 14 years old, be charged with schedule two offences (more serious crimes) and have ap-

peared before a magistrate within 14 days of their arrest.

Correctional Services places the blame for "the rules not being applied" mainly with police and welfare department.

"The rules of handling juvenile suspects are not being applied because it is far easier to dump them in jail than find a place of safety and risk them running away because of inadequate security," said Slabbert.

Slabbert said some police are filling in children's ages on dockets as 14 when they are younger. They are also interpreting petty crime as schedule two crimes "to get children in". Slabbert also said that many children have been waiting a month or more without appearing for petty offences.

In a statement, the Department of Welfare shared Mzimela's concerns, saying it would address the problem according to findings of the investigation into the availability of places of safety and reform schools.

Welfare said, however, that there are "no quick fix solutions". Staffing and structural changes are anticipated as areas that may hamper the "vast and complex" process of providing adequate facilities most.

National police spokesman, Josef Ngubeni said it would be a gross irregularity if police were acting as Correctional Services allege. He added the SAPS would not condone any acts by officers which are contrary to the law or gave an indication of corruption.

■ Banner headlines in the SATURDAY Argus, right, have again highlighted the problem of how our society should deal with young offenders. **CARL NIEHAUS** assesses the issue.

## Children still being dumped in jail

THE ARGUS

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# 'The buck stops with Minister Miznela'

(253) AKU 31/8/96

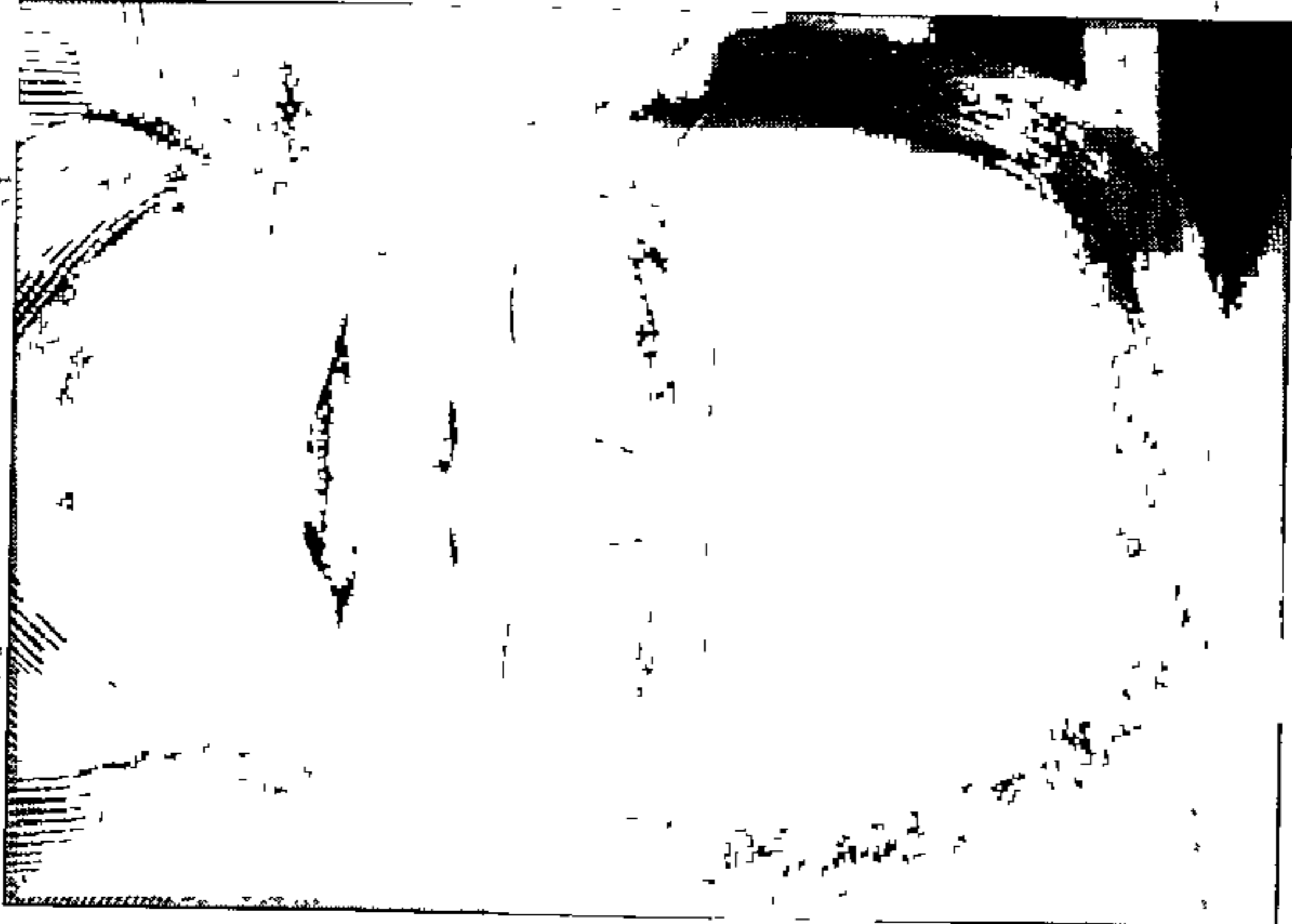
**M**ORAL outrage about children being held in terrible conditions, with unconvicted and under-age children being exposed to the influence of hardened adult criminals, is genuine and justified.

Yet, I could not help to be reminded of equally angry front page articles a year ago, which condemned the release of children and juveniles from jails, and complaints that "young hardened criminals" (a phrase many reporters used) were simply being released on to our streets or into inadequate places of safety, from where they easily escaped and committed further crimes.

Both these periods of angry and indignant reporting were related to amendments to Section 29 of the Correctional Services Act, which deals specifically with unconvicted youths between the ages of 14 and 18. The first amendment, which became law on the 25th of November 1994, determined that "an unconvicted person (between 14-18) should not be detained in a prison or a police cell or locked-up."

Provision, was, however, made that different dates could be fixed for the implementation of the Act in different areas of the country. This was done, because it was clear that there were not enough places of safety, or institutions adequately equipped and secured to accommodate these young people.

Unfortunately, Sipo Mzimela, the Minister of Correctional Services, insisted on the legislation being promulgated at once - which led to the crisis of some young awaiting trial offenders, escaping from places of safety and committing further crimes.



rectional Services has a responsibility to refer such cases back to the courts.

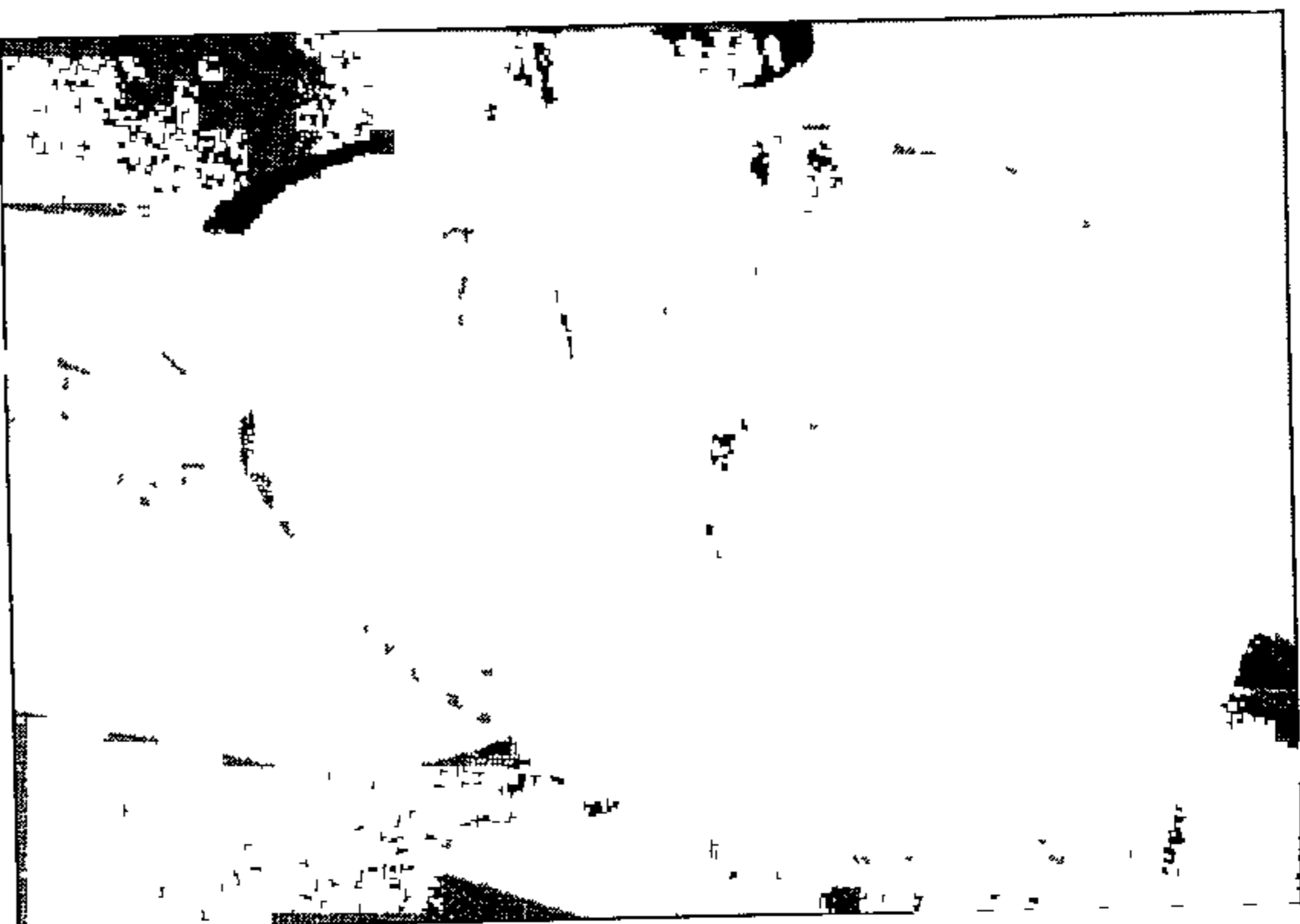
The Department of Correctional Services is not simply an inactive recipient of the children referred to it. During a visit to Johannesburg Prison, I was informed that whenever a child who did not fit the provisions of the law was sent there, that child was referred back to court.

Clearly, if Johannesburg Prison can do so, the department can generally play a role to ensure the correct implementation of the law. Dr Mzimela claims that there are 11-year-old children in jail. This is indeed disturbing, but in addition to complaining, why has he not taken immediate action to get them removed from prison? Legally he is entitled to do so. If they have been there for months he and his department are equally responsible.

Similarly the department has a responsibility to ensure that the children in their care will be kept separate from adults and older juveniles, and that a special effort is made for them to have access to social workers, adequate food, and regular exercise (to mention only a few of the most serious problems). It is not good enough to argue that because of overcrowding it is impossible to do so.

I am not at all convinced that Correctional Services is doing everything possible to treat the awaiting trial children in accordance with recognised human rights standards. The Correctional Services Amendment Act (Clause 5B) stipulates that the Minister of Correctional Services shall as soon as possible after the commencement of the Act, ensure that regulations regarding the treatment and conditions of

Carl Niehaus



Sipo Mzimela

response to this situation. Because the principle that children ought not be detained in prison is one that almost every political party agrees with, Parliament took more than a year to address this problem. All hoped that the situation could be brought under control without compromising the principle that children should not be in jail. It was hoped that secure care facilities to contain the more violent awaiting trial children could be erected in time.

By early 1996 it was clear that more time was needed to establish such facilities throughout the country. In the meantime several children continued to escape from places of safety and some committed further serious crimes. Government's responsibility to protect society demanded that measures be taken to contain those children who had the potential to commit further serious crimes.

The minister of correctional services, whose line function determines that he should have dealt with such legislation, did not want to accept the responsibility. A private member's bill, distinguishing between children who are accused of serious crimes such as rape and murder and those who are charged with minor crimes, was eventually passed. Those children who are accused of serious crimes (listed in a separate schedule in the Act) can be detained in jail. Strict conditions for such detention in terms of international standards are provided for in the legislation. The Act is an extraordinary interim measure which will expire after one year (on April 10 1997). During the period of this year it is expected of government to establish the urgently needed Secure Care Facilities. During the first number of months that the Act has been in place the Department of Welfare has made considerable progress in establishing such facilities.

Parliament passed the Amendment Act knowing that it was not ideal. Our jails are badly overcrowded and conditions are not conducive for the protection and safety of children. Thus the legislation tried to limit the detention of awaiting trial children only to those who had allegedly committed serious crimes. It is indeed disturbing that there are instances where courts have referred children who do not fall within the schedule of serious crimes to jail. These children must be identified and transferred out of jail immediately, and the courts must be

engaged to stop such practices. The Portfolio Committees on Correctional Services and Welfare will address this in joint hearings as a matter of urgency.

It is, however, not helpful for Dr Mzimela to blame everyone else for these problems. He and his department have a responsibility to implement the provisions of the law. When the Correctional Services Amendment Act is wrongly interpreted and children who are not covered in the schedule of serious crimes are sent to prison, the Department of Cor-

rectional Services is a direct consequence of the manner in which Mr Mzimela has been dealing with the issue all along. Because he disagrees with the Amendment Act, he has not made an effort to ensure that it is properly implemented. Instead he causes confusion about the scope of the legislation by creating the impression that somehow the considerable number of sentenced and unsentenced juveniles result from this particular amendment.

The Correctional Services Amendment Bill deals only with awaiting trial children between the ages of 14 and 18, and the issue of the other juveniles who are imprisoned in our jails must be addressed through a comprehensive approach to juvenile justice. The Department of Justice is faced with this complex problem. What constructive contribution is Dr Mzimela making in this regard? Instead he is exploiting for cheap political gain the very emotional issue of how society should ensure that the rights of our children are protected.

The minister has publicly called other departments and parliamentary committees who are seriously trying to grapple with these problems callous and uncaring.

The time has come for him to explain, also publicly, why he is not ensuring that his department carries out its legal responsibilities. After all, he is the minister, and he cannot go around blaming everyone else for the failures of his own department. Whether he likes it or not the buck stops with him.

■ Carl Niehaus, MP, is chairperson of the Portfolio Committee on Correctional Services.

# Pollsmoor doctors fear for their lives, may leave

253  
TWEET GAINSBOROUGH  
-WARING  
Staff Reporter

DOCTORS at Pollsmoor Prison say their lives are threatened and one has hinted they should withdraw their services until their safety can be guaranteed

Prisoners have been found in possession of firearms and knives, and most recently a hand grenade

This was confirmed by Morris Aginsky, chief of Pollsmoor medical staff and Wynberg Senior District Surgeon

Dr Aginsky said "A good percentage of prisoners are in possession of weapons, homemade or otherwise, with which to defend themselves"

Weapons are either made in the cells by sharpening eating utensils, or are smuggled in by relatives or wardens who are bribed or threatened

At least 24 prisoners were injured, five seriously, when a hand grenade was lobbed into a maximum security cell recently. The prisoners were awaiting trial

Dr Aginsky said a member of his staff had asked him to consider withdrawing doctors after a shooting incident at the prison earlier this year

Dr Aginsky wrote a letter to the governor of Pollsmoor Prison, appealing for tighter security. But nothing has yet been done and the letter remains unanswered

Prison doctor Steve Craven said "There is no security check, I doubt if my bag has been searched more than six times in eight years"

The doctors want to see a proper security system installed, with airport-type metal detectors at all entrances, including to the kitchen

The prison service is finding it increasingly difficult to recruit doctors

Dr Aginsky said that when a post was advertised in the South African Medical Journal, applicants put the phone down when they heard it was a prison appointment.

"The service offered to prisoners is good and includes speciality services, but our doctors are overloaded and we need more," he said

With more than 7 000 inmates it is not unusual for a doctor on duty to see between 40 and 50 patients a day

He said doctors had been hit by prisoners and that he had been subjected to a "human bullet"

"The prisoner charged me as he came through and had it not been for the table separating us, I may have been badly injured," Dr Aginsky said

Many of the prisoners were psychotic, he added

Correctional Services spokesperson Chris Claasen said metal detectors were in place at the main entrance to Pollsmoor and that searches

# Hitsquad activities in prison alleged

By WALLY MBHELE (263)

A LONG-TERM prisoner has made dramatic allegations of hitsquad activities at Boksburg Prison, Gauteng.

The in-mate, Sonnyboy Mnisi, said he had been recruited into "Third Force" operations by a Mr Theron, a high-ranking official in the prison, and one of his assignments was to assassinate a recently promoted black prison official.

Yesterday the Department of Correctional Services confirmed that the allegations made by prisoner Mnisi were being investigated by the commander of the prison.

"If, after the conclusion of the investigations there is reason to believe that his allegations might be true, the matter will be handed over to the police for criminal investigations," Correctional Services spokesman Chris Olckers said.

CP 11/9/96



# 'Jail assaults go on'

*Corruption and abuse rife amid appalling conditions, nurses tell*

253

ARG 2/19/96

MPs

JENNY VIAL  
Health Reporter

NURSES at Western Cape prisons today told a parliamentary committee about a host of grievances, including allegations of corruption, and torture and abuse of prisoners

They also had to work under dangerous conditions, performing tasks they were not trained to do, the group told a joint health and correctional services portfolio committee in Parliament

The nurses, who have formed a committee to present grievances about Western Cape prisons, said they had decided to break silence and speak out publicly against all injustice, unlawful labour practices, torture and abuse, and root out corruption in their workplace

They spoke of human rights abuses, unsafe working conditions and a management from the apartheid era which they said was actively trying to derail the process of democracy in the workplace

Nurses were also concerned that prisoners in police custody did not get proper treatment. Patients referred to them often had wounds indicating that they had been assaulted and there were delays before treatment was given

Mental health services were non-existent, they said

At Pollsmoor, prisoners had to stand in puddles of water while waiting for admission to hospital, and there were no benches to sit on in spite of repeated requests for them, the committee heard

"Nurses are sick and tired of poor working conditions, and are suffering from occupational ailments, stress and stress-related illnesses," said Andries Slinger, chairman of the group

"There is a culture of immunity to crime in certain sectors of the department of correctional services where members become so apathetic and regard a handgrenade explosion at Pollsmoor prison as just another incident," he said

Mr Slinger said the workplace and premises looked "like a circus" every time there was an incident such as the grenade attack or the recent murder of an awaiting-trial prisoner

The safety of prisoners and staff could not be guaranteed when guns were brought into prisons

Working conditions were "appalling", and in one case female nurses at Helderstroom prison had had to administer medication and do dressings in the cafeteria while prisoners were eating, under the care of a young inexperienced warder

At some prisons there were no ambulance services, and nurses had to use their own vehicles to take patients to hospitals. Ambulances were not "right at hand" for emergencies and were often used for duties other than medical purposes, such as transporting warders and delivering goods

The nurses accused prison managements of being incompetent and incapable of addressing the problems nursing staff had in rendering effective health care

People were dying without dignity as bureaucracy hindered the prompt release of terminally ill people on medical grounds, they said

Nurses were also worried that they were performing tasks beyond what they were trained to do, such as minor surgical procedures and providing medication

At some prisons there was no emergency plan to handle crises, the group said

# Crooks inside find outside chance for fun

BD 2/9/96

(253)

**Deborah Fine**

THE correctional services department yesterday played down a weekend report that long-term prisoners had been allowed to party in the Cape Flats, play tennis at private prison clubs and gamble at pleasure resorts.

Rapport said convicted Masterbond directors Koos Jonker, Johan Winckler and Johan Brits were being allowed to play tennis at the Victor Verster Prison's private club at weekends, while other inmates at the same prison had bribed staff to allow them to visit the Cape Flats, accompanied by prison officials, last New Year's eve.

The newspaper also reported that prisoners had been allowed to smuggle

in alcohol, dagga and Mandrax tablets, and that former police security captain Michael Bellingan — serving 25 years in Diepkloof for the murder of his wife — had been seen gambling at Sun City.

Correctional Services spokesman Chris Olckers said there was nothing irregular about the Masterbond directors' tennis activities because they, as well as other prisoners, were fully entitled to play tennis at the club — which was situated within the prison grounds — as part of the prison's normal recreational programme.

Olckers said Western Cape Correctional Services Commissioner Steve Korabie had personally started investigations into the allegations that inmates had been allowed to party in the

Cape Flats. Some Victor Verster staff had already been transferred as a result of the probe.

Korabie would make recommendations once the investigation had been completed.

Regarding claims that Bellingan had spent three nights at Sun City and had also been seen strolling in a shopping centre, Olckers said this allegedly occurred when Bellingan had been removed from prison by the Witwatersrand attorney-general's special police investigations unit to assist their investigations. "What they did is a matter for them to answer," Police spokesman Supt Leon Engelbrecht said police would investigate if the allegations were found to have merit.

# No holds barred in prison bosses' long-standing feud

By **MOMDLI MANKHANYA**  
Political Reporter

Since the Government of National Unity came to power in 1994, there's been little unity within it between two religious men who have been conducting the post-apartheid era's longest verbal sparring match.

Correctional Services Minister Dr. Sipo Mzimela, an ordained minister and parliamentary Correctional Services joint standing committee chairman Carl Niehaus, a theologian, have

been at each other's throats over the running of the country's prisons.

Mzimela is one of the Inkatha Freedom Party's three ministers and Niehaus is an ANCI MP.

The two have swum against the trend existing in most other portfolios by constantly sniping at each other as minister and portfolio committee chairman. The first and most protracted battle was over the distribution of free condoms in jails. Originated by Niehaus as a measure to prevent the spread of HIV in

prisons, the move was vehemently opposed by Mzimela.

He argued that it would effectively sanction the rapes and sodomy that go on behind bars. But armed with a majority in the parliamentary committee, Niehaus won the day.

Another area of conflict was the issue of keeping juvenile offenders in prisons. Mzimela implemented a policy prohibiting the keeping of children under the age of 18 in prisons. The implementation was disastrous. Dangerous criminals were re-

leased and within hours some had been involved in serious crime.

Niehaus condemned the handling of the matter and piloted legislation through Parliament reversing it.

The issue has again resurfaced in the past week, with Mzimela charging that non-serious offenders were being kept under bad condition in jails. He blamed "bureaucrats" in the Department of Welfare for failure to make accommodation in places of safety available and also laid some of

the blame at the hands of the portfolio committee. Niehaus retaliated, accusing Mzimela of trying to get "cheap publicity".

Niehaus and Mzimela have also clashed over Mzimela's attempts to introduce pre-employment HIV testing in his department. Niehaus labelled this unconstitutional and discriminatory.

Also causing tension between the two is what Niehaus believes is a slow pace of transformation in the Department of Correctional Services.

(253) Star 3/9/96

# Judge to probe abuses in jails

JENNY VIALI  
Health Reporter

ARG 3/9/96  
A JUDGE is to be appointed to investigate allegations of corruption and irregularities among prison officials

The judicial commission could also investigate allegations by prison nurses at a joint meeting of the national assembly's health and correctional services committees yesterday that torture and abuse were rife in prisons

After their allegations and media reports on corruption in prisons, including prisoners taken on outings, the committees called on the Western Cape and Gauteng provincial prison commissioners to meet the

(253)  
national commissioner of correctional services to give urgent attention to addressing corruption in the prison service

The Department of Correctional Services said the allegations were regarded with grave concern and an inquiry into alleged corruption in prisons was already underway

A judge with extensive powers, who would function independently, would be appointed to deal with corruption investigations

The nurses who testified yesterday represented prison nurses throughout the Western Cape. They also called for a truth and reconciliation commission to address past and present abuses by warders and

doctors

They asked that nurses come under the control of the health department and not correctional services to ensure their autonomy, which they said was compromised by the conflict between health staff and warders

Nurses said there had been incidents of prisoners, severely beaten by warders and kept in single cells, being denied access to doctors or hospitals to protect the warders involved. The nurses said those involved in abuses included doctors, nurses, warders and police

A nurse told the hearing the nursing council did not carry out inspections and "in prison you can get away with murder"

## Prison nurses tell of abuses

(253)

CAPE TOWN — The truth commission should investigate continuing torture and abuse in SA prisons, a group of prison nurses told MPs at a hearing in Parliament yesterday.

They said medical facilities at jails in the Western Cape were inadequate and the hospital at Pollsmoor looked "like a circus" when there was a major incident. The nurses, who have formed a grievance committee in the Western Cape, were addressing a joint meeting of the National Assembly's health and correctional services committees, which was also attended by senior prisons and health department staff.

A spokesman for the group, Pollsmoor nurse Andries Slinger, also said torture was "widespread" in prisons and should be investigated. — Sapa.

BD 3/9/96

## Prison nurses tell of abuses

(253)

CAPE TOWN — The truth commission should investigate continuing torture and abuse in SA prisons, a group of prison nurses told MPs at a hearing in Parliament yesterday.

They said medical facilities at jails in the Western Cape were inadequate and the hospital at Pollsmoor looked "like a circus" when there was a major incident. The nurses, who have formed a grievance committee in the Western Cape, were addressing a joint meeting of the National Assembly's health and correctional services committees, which was also attended by senior prisons and health department staff.

A spokesman for the group, Pollsmoor nurse Andries Slinger, also said torture was "widespread" in prisons and should be investigated — Sapa.

BD 3/9/96

# Mbeki attacks industrial conglomerates

BD 11/9/96

Simon Barber

WASHINGTON — The unwillingness of SA's biggest industrial conglomerates to compete was a greater obstacle to increased inflows of foreign direct investment than crime prospects after President Nelson Mandela's departure, Deputy President Thabo Mbeki said in an interview published in this week's international edition of Newsweek.

At the same time, Mbeki did not sound concerned by what is widely considered to be the disappointing level of foreign fixed investment — as opposed to "fickle" portfolio flows

— in SA. "There has not been too much hesitation among direct investors, the ones who come and open up factories," he said.

Some, he said, were hanging back "because they simply find it is difficult to access the SA market, which is dominated by big conglomerates that are not too friendly to competitors."

Asked where SA was looking for markets, Mbeki left the US off the list while emphasizing Western Europe and the developing "Africa, Asia and to some extent Latin America".

Mbeki blamed SA's crime woes on the past and on the poor quality

of the police. The new government had not been prepared for the level of corruption it found in the service officers, but we did not know just how wide the malaise had spread.

Nonetheless, he was confident that "the crime issue is part of the transitional phase we are in and will soon go down significantly". He did not elaborate on the reasons for his confidence.

Union militancy was "misunderstood". The unions posed "no threat to the state". "The first thing that hit Jacques Chirac as French prime minister was a wave of strikes. No one said France was collapsing."

The real story of SA unions was not strikes but their "sophistication".

"Agreements reached between the National Union of Metalworkers in the automotive industry, for instance, are tied to productivity and the profitability of the companies. They include provisions for training to raise skills levels and discussion between union and management to achieve greater international competitiveness," Mbeki said.

Asked to assess government's performance since May 1994, Mbeki cited progress on the "political constitutional front", declining political violence and economic recovery. But government had had to revise its ex-

pectations of what it could do in terms of social upliftment. "We found the capacity for spending on development was not as big as we thought it was."

Looking to the future, Mbeki waxed enthusiastic on the possibilities of the "information superhighway" and the potential of "property developed communications systems" to offset SA's distance from the industrialised world's markets. "We will also use the technical route not only to educate our people but to take specialist services to them."

"I think SA is positioned to occupy the cutting edge in terms of the creation of modern societies."

# Crowded cells see children housed with convicts

Linda Ensor

CAPE TOWN — A lack of accommodation in severely overcrowded prisons meant that children awaiting trial were being kept in prison together with convicted adult prisoners, the portfolio committee on correctional services heard yesterday.

This was despite a promulgation of legislation earlier this year specifically designed to prevent this practice.

Functional services commissioner Timothy Khoza told the committee that at the end of July there were 557 unconvicted children under 18 years of age being detained in prison.

Of those, only 28% (155) were being held for violent crimes such

as murder, rape and robbery.

In terms of Schedule 2 of the Correctional Services Amendment Act, only children of 14 years and older awaiting trial for violent crimes could be held in prison.

Describing the number of unconvicted children at Pollsmoor, St Albans and Durban prisons as a matter of concern, Khoza said "If the current tempo of admittance of unconvicted children is taken into account, it is foreseen that greater problems will be experienced to effectively separate the various categories of prisoners."

He said an attempt was being made to utilise under-utilised female prisons for child detainees. Khoza said the Free State had the highest number of child detainees, with 216, followed by 165

in the Western Cape and 136 in KwaZulu-Natal.

A total of 104 children had been detained in prison for longer than six weeks pending their trial, 55 of them in Pollsmoor Prison. Five were under the age of 14 years.

He expressed concern that, with the exception of Gauteng, provincial welfare departments and nongovernmental organisations were not in a position to assist unconvicted children. The correctional services department also lacked the staff to ensure compliance with international human rights standards, he said.

He shocked committee members by asserting that because correctional services minister Sipho Mzimela and his department were opposed to amended law, there

were delays in planning for its implementation. However, this had been rectified later.

Committee chairman Carl Niehaus said that both ministers and departments were obliged to implement legislation passed by Parliament.

He said he was very disturbed by Khoza's report on the continued incarceration of children in SA's prisons.

He emphasised that the committee intended to make sure that implementation of the relevant section of the Act, which was an emergency measure, did not extend beyond May 10 next year. Correctional services department physical care director Dr Younus Vawda also testified at the committee yesterday. Vawda

said the policy requiring prisoners to undergo AIDS education before they could obtain condoms should be scrapped.

He said many prisoners refused to participate in educational programmes because they felt their honour was undermined by the implication that they had homosexual relationships with fellow inmates.

They also objected to queuing in public for condoms. Prisoners had only agreed to participate when it was explained to them that the transmission of HIV could occur in ways other than through sexual intercourse, he said.

The policy meant that in effect condoms were not freely available in prisons.

He and members of the committee believed the policy should be reviewed to ensure completely free access.

Vawda also said the reversal of the previous policy whereby HIV-infected inmates were separated from other prisoners had run into difficulties.

Many prisoners objected to being reintegrated into the general prison population as they feared stigmatisation and victimisation. He said attempts were made to relocate these prisoners to other prisons where their disease was not known.

According to Vawda, 722 prisoners are known to be infected by HIV — the actual figure would be much higher — and there are 91 AIDS cases in prisons.

BD 4/9/96

(299) (253)



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# Electronic tab on prisoners

## *Probation, parole plan*

ARG 5/9/96

(253)

**TYRONE SEALE**  
POLITICAL REPORTER

**Correctional Services Minister Sipo Mzimela is giving his department the go-ahead for a trial in which the movements of prisoners on parole and probation will be monitored electronically in spite of protests from a parliamentary committee.**

Yesterday the national portfolio committee on correctional services adopted a formal resolution asking that the R1,8-million project be halted.

The resolution was adopted by everyone except the Freedom Front, which expressed its support for the trial. The Inkatha Freedom Party, to which Dr Mzimela belongs, also supported the resolution.

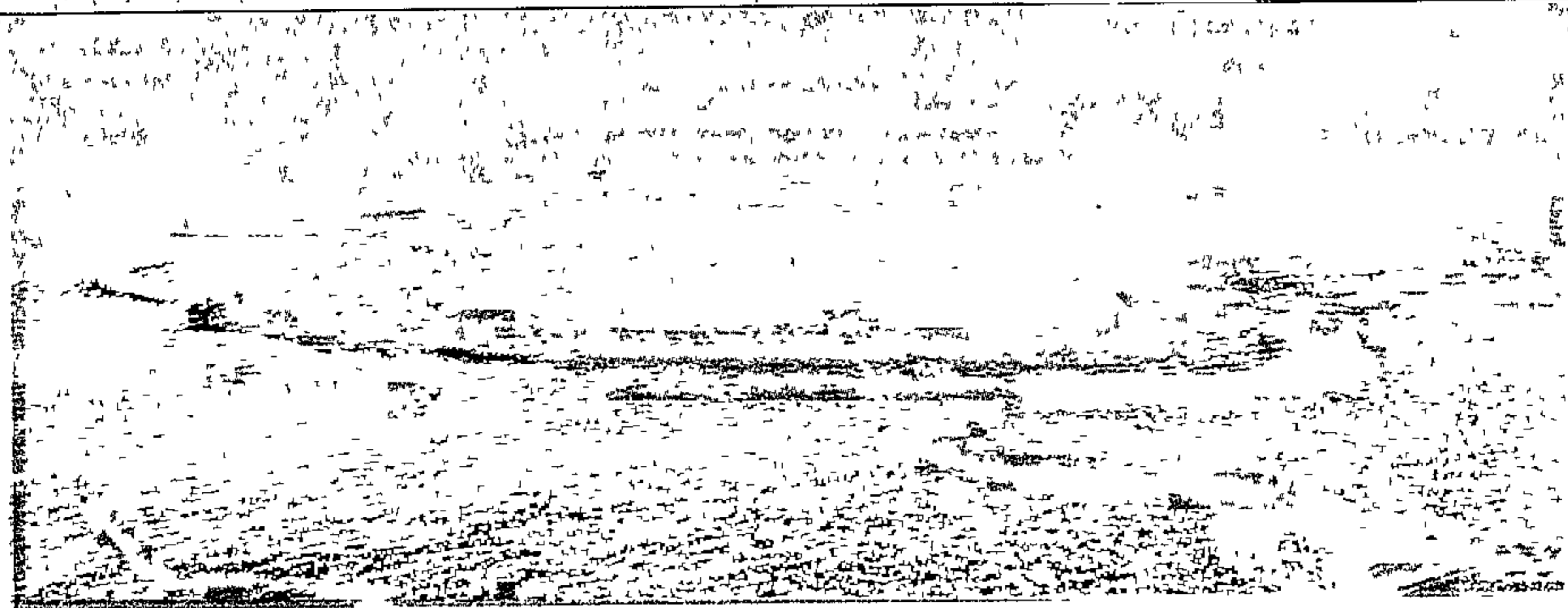
In a subsequent statement, Dr

Mzimela said it was his responsibility to investigate all alternatives to find solutions to crime and it was within his authority to launch initiatives such as the monitoring trial.

Once the results of the trial were known, the necessary consultation, as demanded by the portfolio committee, would begin. The Department of Correctional Services would therefore proceed with the experiment.

Carl Niehaus, head of the portfolio committee, said the committee's objections remained and the minister and the department had to deal with the consequences of embarking on the project without the blessing of parliament.

It was not desirable for the minister to proceed while overlooking democratic institutions in the process, he said.



**BIRD'S-EYE VIEW:** The prison on Robben Island is to be converted into a Museum of the Freedom Struggle

# Cabinet approves plan for Robben Island

25/5/96

(56) (253)

**BARRY STREEK**

THE prison on Robben Island will be converted into a Museum of the Freedom Struggle in South Africa, the Minister of Arts, Culture, Science and Technology, Mr Lionel Mtshali, said yesterday.

The cabinet had also approved a recommendation to incorporate the Mayibuye Centre and the University of

the Western Cape-initiated Robben Island Gateway project into the new museum

In a statement, Mtshali said the cabinet approved the recommendations — by the Future of Robben Island Committee — that Robben Island should be developed as a World Heritage Site, national monument and national museum, which could become a cultural and

conservation showcase for the new South African democracy, while at the same time maximising the economic, tourism and educational potential of the island.

The Department of Arts, Culture, Science and Technology would become the new controlling authority for the island, taking over from the Department of Correctional Services on January 1 next year

# Controversy over prisoners' tag check scheme

By TYRONE SEALE

A group of prisoners who are out on parole or probation will soon be wearing electronic devices that will help prison authorities to check that they do not break house arrest orders - but the equipment they wear may soon be obsolete

The Department of Correctional Services is due to begin work next week on the start-up phase of a year-long, R1,8-million trial in electronic monitoring, even though a parliamentary committee has demanded a halt to the pilot project

The first phase is expected to involve the installation of equipment and staff selection for the Pretoria-based control centre from which 100 prisoners will be monitored for 12 months - but apparently new equipment is already under manufacture in the US which will overtake the equipment to be used locally

The parliamentary portfolio committee's reservations include questions about how the tender for the equipment was awarded, the absence of legal

clarity at this stage about the constitutionality of such monitoring, and the lack of consultation so far between the Department of Correctional Services and the committee. Even so, Correctional Services Minister Sipo Mzimela has given the department the go-ahead for the experiment. For two

years, the department has been investigating the possibility of using electronic tracking devices to monitor prisoners confined to their homes at certain times as part of parole or probation conditions. Of the 22 000 prisoners out on probation or parole, the majority are subject to home confinement orders, according to the department's head of community corrections Gert Jonker.

He says that while personal checks on prisoners cannot be substituted, electronic monitor-



SIPO MZIMELA: Has given the go-ahead for project

ing would allow the department to monitor the prisoners' home confinement without invading their privacy. Bracelets transmitting radio signals via a home-based television decoder-style device would tell the monitoring team that a prisoner has left his or her home during the time set down

for home confinement

The National Assembly portfolio committee on correctional services met this week for a briefing by Jonker, who, MPs expected, would brief them on the procedures, and legal implications, involved in electronic monitoring. The committee discovered during the briefing that

■ The department, which he admitted was strapped for cash for other projects, had found R1,8-million to fund the year-long trial. This amount included such costs as the setting up of

the control centre, the purchase of the computer system driving the monitoring network and the acquisition of the bracelets

■ The tender accepted, one of four submitted to the department, was the highest and included the costs of sending two correctional services officials to Atlanta for a week earlier this year to wear the bracelets themselves as part of the sales pitch for the equipment

■ Infotech, the company that won the tender, was chosen because it was the only South African business interested in the project and it offered the best equipment. But it was going to import all the technology, which was in any case expected to be overtaken by new equipment being developed in the US

■ Only 75 000 units of the type destined for South Africa were in use around the world

■ There was no clear comparison between the cost of manual monitoring, or personal visits, and that of electronic observation. This would be done only at the end of the trial

(253) Star 7/9/96

# Niehaus under fire over jailed juveniles

BY GLYNNIS UNDERHILL

Cape Town - Minister of Correctional Services Sipo Mzimela has launched a stinging attack on the chairman of the portfolio committee on correctional services, Carl Niehaus, over the illegal "dumping" of children in prison.

The highly contentious political issue, which has resulted in awaiting-trial children as young as 11 being locked up in prison for minor offences, has led to Niehaus insisting "the buck stops" with Mzimela.

"If the buck were to stop with me, we would solve the problem of unsentenced children in South Africa within two months," said Mzimela.

He has hit out at Niehaus for proposing a private member's bill to amend legislation to allow for the detention in prison of awaiting-trial juveniles suspected of serious crimes.

Although the bill was fiercely contested by Mzimela, who is a member of the IFP, it was approved by the portfolio committee on correctional services in March after a public outcry.

over the rampant juvenile crime sweeping the country.

"Niehaus seems oblivious of the fact that we must always strive to temper politics with love and compassion for our fellow human beings, particularly those less fortunate than those of us entrusted with their welfare. Unfortunately, there is neither love nor compassion in Niehaus' political agenda," said Mzimela.

At the last count there were about 400 unsentenced juveniles being held in "just plain cruel" conditions in prisons.

The Department of Correctional Services also had to provide the portfolio committee with a bi-monthly report on the implementation of the amended section 29 of the Prisons Act.

62% of whom should not be in prison because they were not being tried for serious crimes such as murder or rape, according to Mzimela.

Niehaus, who is making a bid for the Western Cape ANC leadership, said the minister had to ensure that regulations regarding the treatment and conditions of detention for people under the age of 18 awaiting trial were brought into line with relevant internationally recognised human rights standards and norms.

"This kind of slackness is a direct consequence of the manner in which Mzimela has been dealing with the issue all along," said Niehaus.

Mzimela claimed this week that Niehaus wanted to run both the Ministry and the Department of Correctional Services

(253) ~~253~~ Mar 7/9/96

## Popcru men free prisoners in jail 'racism' protest

*Star 7/9/96*  
Pietermaritzburg - Members of the Police and Prisons Civil Rights Union barricaded the entrance to the Sevonteen prison farm outside Pietermaritzburg yesterday while their colleagues unlocked prison cells to free convicts, Correctional Services Department spokesman Andy Anderson said

The situation was exacerbated by racial tension between Popcru's predominantly black membership and the mainly white Public Servants' Association

After unlocking the cells, Popcru members fled from the prison, leaving PSA members to deal with the situa-

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tion PSA members returned the prisoners to the cells and tried to normalise the situation, Anderson said. Popcru members then returned and the PSA members fled but members of both parties later returned to work

On Thursday, Popcru demanded the sacking of acting commander Johan Strydom, whom they accused of being racist. PSA chairman Johan Boshoff said that after talks between Popcru and regional correctional services commissioner John Harding yesterday, it was agreed that Strydom should leave the premises

# MPPs demand halt to prisoner tag plan

## No consultation on 'outdated' electronic monitors, says committee

THOMAS SEALE  
PUNJAB STAR

Some prisoners out on parole or probation will soon be wearing electronic devices that will help authorities check whether or not they break house arrest orders - but the equipment may soon be obsolete.

The Department of Correctional Services is due to begin work next week on a year-long R1,8-million trial in electronic monitoring, even though a parliamentary committee has demanded a halt to the pilot project.

The first phase is expected to involve staff selection and the installation of equipment at the Pretoria-based control centre from which 100 prisoners will be monitored for 12 months.

But new equipment which will overtake the equipment to be used locally is apparently already under manufacture in the United States.

The parliamentary portfolio committee's reservations include questions about how the tender for the equipment was awarded, the absence of legal clarity on the constitutional validity of such monitoring and the lack of consultation between the Department of Correctional Services and the committee.

Even so, Correctional Services Minister Sipho Mzimela has given the department the go-ahead for the experiment.

For two years the department has been investigating using electronic tracking devices to monitor prisoners confined to their homes at certain times as part of parole or probation conditions.

Of the 22 000 prisoners out on probation or parole, the majority are subject to home confinement orders - previously known as house arrest - according to the department's head of community corrections Gert Jonker.

He says that while there is no substitute for personal checks on prisoners, electronic monitoring will allow the department to monitor the prisoners' home confinement without invading their privacy.

Bracelets transmitting radio signals via a home-based device similar to a television decoder will tell the monitoring team if a prisoner has left home during the time set down for home confinement.

Once the person moves beyond a certain distance from the device transmitting the signal to the control centre he or she will disappear off the monitoring "map".

The National Assembly Portfolio Committee on Correctional Services met this week for a briefing by Mr Jonker.

MPs had expected he would brief them on the procedures and legal implications involved in the electronic monitoring of prisoners wearing the devices.

The committee discovered during the briefing that

■ The department, which he admitted was strapped for cash for other projects, had found R1,8-million to fund the year-long trial. This includes the setting up of the control centre, the purchase of the computer system driving the monitoring network and the acquisition of the bracelets.

■ The tender that was accepted, one of four submitted to the department, was the highest and included the costs of sending two correctional services officials to Atlanta for a week earlier this year to wear the bracelets themselves as part of the sales pitch for the equipment.

■ Infotech, the company that won the

tender, was chosen because it was the only South African business interested in the project and it offered the best equipment. But it was going to import all the technology, which was in any case due to be overtaken by new equipment already being developed in the United States.

■ Only 75 000 of the devices to be used here are in use around the world.

■ There was no clear comparison between the cost of manual monitoring, or personal visits, and that of electronic observation. This would be done only at the end of the trial.

■ Dr Mzimela has been consulted throughout the planning of the trial, the execution of which would have begun next week. All the planning was done without the committee being consulted.

MPs vigorously cross-examined Mr Jonker and two senior Infotech representatives, Thys Oosthuizen and Dan Lepthoko.

The committee then formally adopted a resolution calling for the trial to be stopped until the necessary consultation on the scheme had taken place.

The resolution was adopted by every-one except the Freedom Front, which

expressed its support for the trial. The Inkatha Freedom Party, to which Dr Mzimela belongs, also supported the resolution.

In a subsequent statement Dr Mzimela said it was his responsibility to investigate all alternatives to find solutions to crime, and it was within his authority to launch initiatives such as the monitoring trial.

Once the results of the trial were known, the necessary consultation, such as demanded by the portfolio committee, would begin. The Department of Correctional Services would therefore proceed with the experiment.

"Societies are demanding that we find solutions to the crime problem in our country and I will serve those needs. The pilot project will therefore go ahead as planned," the ministerial statement said. Carl Niehaus, chairperson of the portfolio committee, said the committee's objections remained, and the minister and the department had to deal with consequences of embarking on the project without the blessing of Parliament. It was not desirable to proceed while overlooking democratic institutions, he said.

AKG 7/9/96

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# 'Niehaus misleads' - Mzimela

(253)

(298) ARG 7/9/96

In an article last week in SATURDAY ARGUS (August 31), under the heading "The Buck Stops with Minister Mzimela", chairman of the Correctional Services Standing Committee Carl Niehaus gave his views on children being held in jails. This week, Minister Sipo Mzimela puts forward his perspective.

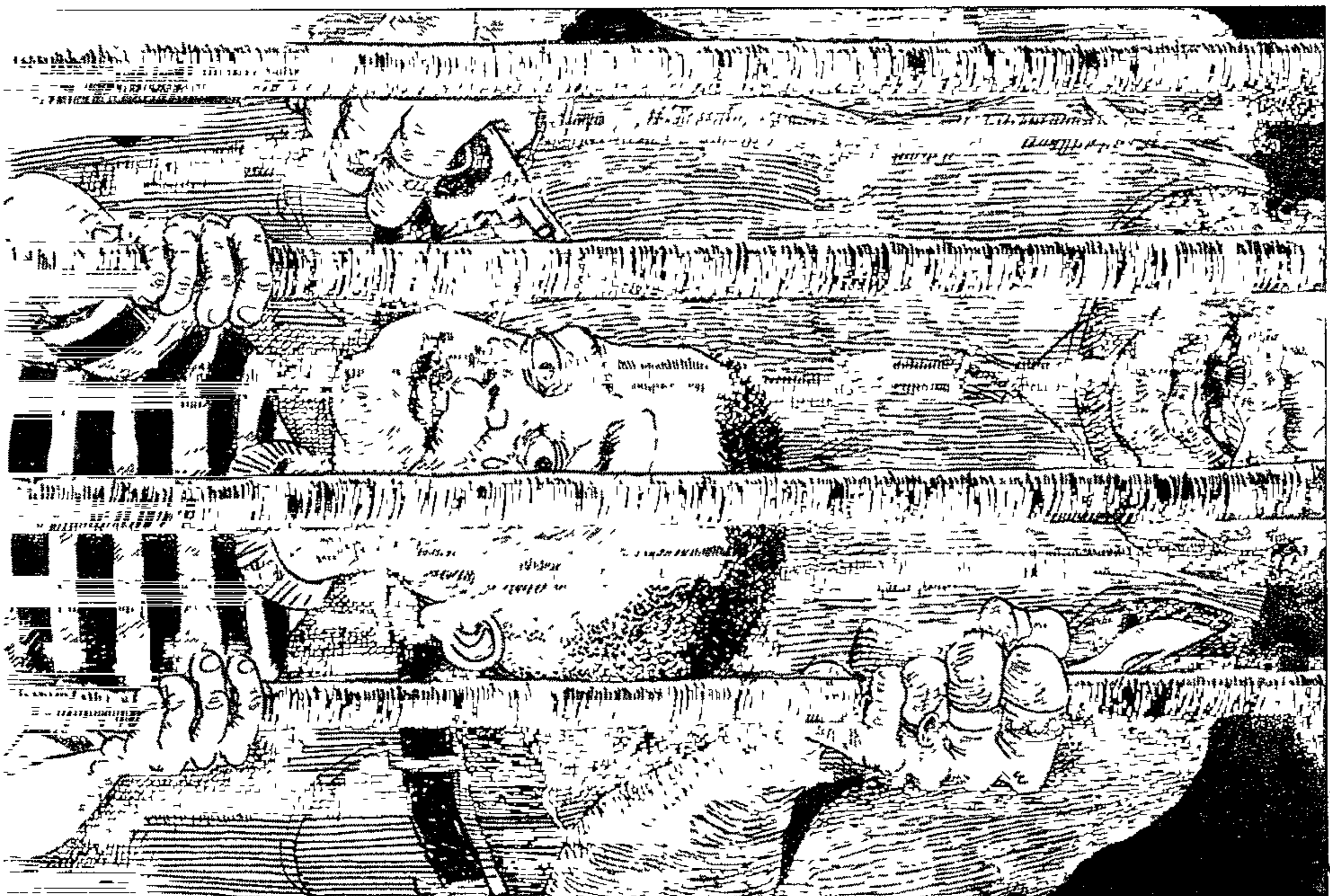
The article by Carl Niehaus strays rather dangerously from reality.

It will be recalled that after President Nelson Mandela called for the removal of children from prison, I initiated moves which culminated in the amendment of Section 29 of the Correctional Services Act of 1959. That amendment, which was passed by Parliament in November 1994 had the effect of preventing unsentenced children from being incarcerated in prison. Henceforth, such children would be referred by the courts to places of safety or they would be released into the custody of their parents or guardians.

My department and I waited almost a year for the Department of Welfare and Population Development, which is responsible for unsentenced children, to implement the amendment. By May 1995 it became clear that there was no intention to remove unsentenced children from prison. In the intervening time I had satisfied myself that there were enough places of safety. I therefore recommended to the President that it was time to remove unsentenced children from prison. The children were accordingly removed from prison.

A year later and for purely political reasons Mr Niehaus introduced a private member's bill in Parliament which, if passed, would once again provide for incarceration of unsentenced children in prison. This was an unnecessary backward step.

Mr Niehaus gave Parliament the false impression that the vast majority of unsentenced children had committed serious crimes such as rape, murder and armed robbery and posed a mortal danger to society. He deliberately misled Parliament into believing that there were either



trade schools and reformatories, where unsentenced children can be properly housed and cared for.

That is why this whole saga of unsentenced children is such a scandal. One cannot help but conclude that because children are powerless and defenceless, because they do not vote, they do not really count.

For example, here in the vicinity of Cape Town there are six institutions which are suitable for housing and caring for young unsentenced children. One of them - Siyakhathala - stands empty. Last November it was abandoned by the Department for Welfare and Population Development after being extensively renovated. At two other institutions the principals told me that they have more than enough room for unsentenced children. Yet unsentenced children are dumped at Pollsmoor, where they live in appalling conditions.

I am by no means the only one who has raised his voice on behalf of unsentenced children and against the callous violation of the law by those who are supposed to uphold it.

Strong condemnation of what amounts to calculated abuse of children has come from Lawyers for Human Rights, the Human Rights Committee and members of Mr Niehaus' own political party, the ANC Women's League. In fact, the Human Rights Committee claim that they were misled by the Portfolio Committee on Correctional Services at the hearings which preceded the amendment. Carl Niehaus is the Chairman of the Committee. No matter how much Mr Niehaus tries to be slick, he alone bears the primary responsibility for causing so much pain and suffering to so many innocent black children. He initiated and piloted the inept amendment through Parliament. Thus he created a monumental problem where none existed, he has politicised and therefore bedevilled an issue which needs understanding and compassion. He has caused irreparable damage to some of the children.

The time has come for all people of goodwill to demand the immediate





# Niehaus gets blame for children in prison

## Mzimela launches attack over bill amendment

ARC 7/9/96

(248) (253)

GLYNIS UNDERHILL  
CHIEF REPORTER

**THE Minister of Correctional Services Sipo Mzimela has launched a stinging attack on the chairman of the Portfolio Committee on Correctional Services Carl Niehaus over the illegal "dumping" of children in prison.**

Mr Niehaus insists "the buck stops" with Dr Mzimela over the highly contentious political issue, which has resulted in awaiting-trial children as young as 11 being locked up in prison for minor offences in a flagrant breach of the law

"If the buck were to stop with me, we would solve the problem of unsentenced children in South Africa within two months," said Dr Mzimela (Opinion piece in SATURDAY Argus this week)

Dr Mzimela has hit out at Mr Niehaus for proposing a private members' bill, which amended legislation to allow for the detention in prison of awaiting trial juveniles suspected of serious crimes. Although the bill was fiercely contested by Dr Mzimela, who is a member of the Inkatha Freedom Party, it was approved by the Portfolio Committee on Correctional Services in March this year after a public outcry over the rampant juvenile crime sweeping the country

"Mr Niehaus seems to be oblivious to the fact that we must always strive to temper politics with love and compassion for our fellow human beings, particularly those who are less fortunate than people who are entrusted with their welfare. If we do not do so, we run the risk of being enslaved by politics. Unfortunately, there is neither love nor compassion in Mr Niehaus' political agenda," said Dr

Mzimela

At last count, there were around 400 unsentenced juveniles being held in "just plain cruel" conditions in prisons, said Dr Mzimela. Sixty-two percent of them should not be in prison because they were not being tried for serious crimes, like murder or rape, he said.

Mr Niehaus, who is making a bid for the Western Cape African National Congress leadership, said that the minister of correctional services had to ensure regulations regarding the treatment and conditions of detention of awaiting-trial persons under the age of 18 were brought into line with relevant internationally recognised human rights standards and norms

The Department of Correctional Services also had the responsibility to provide the Portfolio Committee on Correctional Services with a bi-monthly report on the implementation of the amended Section 29 of the Prisons Act. After many requests, the first report was received a month and a half too late, he claimed.

"This kind of slackness is a direct consequence of the manner in which Dr Mzimela has been dealing with the issue all along. Because he disagrees with the Amendment Act, he has not made an effort to ensure that it is properly implemented," said Mr Niehaus

Mr Niehaus said that different dates were fixed for the implementation of the first amendment to the Correctional Services Act in different parts of the country. This amendment dealt specifically with unconvicted youths between the ages of 14 and 18

"This was done because it was clear there were not enough places of safety, or institutions adequately equipped and secured to accommodate these young people. Unfortunately, Dr Mzimela insisted on the legislation being promulgated at once - which led to the crisis of some young awaiting trial offenders escaping from places of safety and committing further crimes," he said

The introduction of the second amendment to the legislation followed the signing of a proclamation on May 4 last year by President Mandela declaring awaiting trial juveniles could no longer be kept in jail. At midnight on August 5, 620 unsentenced juveniles were released into the custody of places of safety or returned to their communities if no appropriate accommodation was available for them.

"A year later, and for purely political reasons, Mr Niehaus introduced a private members' bill in Parliament which, if passed, would once again provide for the incarceration of unsentenced children in prison. This was an unnecessary backward step," said Dr Mzimela.

"Mr Niehaus gave Parliament the false impression that the vast majority of unsentenced children had committed serious crimes such as rape, murder and armed robbery and posed a mortal danger to society. He deliberately misled Parliament into believing that there were either insufficient places of safety or that the available ones were insecure. Mr Niehaus' amendment made provision for some high sounding ideals, albeit impractical," he said

Mr Mandela, who has always upheld the rights of children, has been noticeably absent by his lack of involvement in the ongoing political row. His spokesman,

**"His ambition drives him to ignore the truth and engage in cheap politics."**

**"I will not compromise on what I feel are important issues."**



Available accommodation: Mini

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GLYNIS UNDERHILL  
CHIEF REPORTER

Correctional Services Mzimela was invited to t School for Girls in Stelle week as part of its mark campaign to attract and "behaviourally handicap

As the political row over held in prison continues expressed a wish to assist problem by taking in som accommodation, school a programmes appear luxur son to the harsh reality o awaiting-trial and sentenc

But according to thos school, which falls under t of Education, there has be social workers and the co children here because of tl "stigma" associated with tl Principal Debbie Horne had the infrastructure to number of girls being det. at present.

"Our school accommod ourally handicapped gu ages of 14 and 21 from acr and from all racial groups

"Normally, girls are s courts. We accommodate very modern and safe scl complex," she said

SATURDAY Argus was 1 around the school this Mzimela



Good times: a group of pupils make up their own games during the Faure school's recreational period



Arty: Dr Mzimela inspects art work by the girls

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JACK LESTRADE

Available accomodation: Minister of Correctional Services Sipo Mzimela chats to girls at the Faure school, where he inspected accomodation

## School may take in juveniles

GLYNNIS UNDERHILL  
CHIEF REPORTER

Correctional Services Minister Sipo Mzimela was invited to the Faure School for Girls in Stellenbosch this week as part of its marketing campaign to attract and accommodate "behaviourally handicapped girls".

As the political row over children being held in prison continues, the school has expressed a wish to assist in alleviating the problem by taking in some juveniles. The accommodation, school and recreational programmes appear luxurious in comparison to the harsh reality of prison life for awaiting-trial and sentenced children.

But according to those who run the school, which falls under the Department of Education, there has been resistance by social workers and the courts to sending children here because of the unwarranted "stigma" associated with the school.

Principal Debbie Horne said the school had the infrastructure to accommodate a number of girls being detained in prisons at present.

"Our school accommodates behaviourally handicapped girls between the ages of 14 and 21 from across the country and from all racial groups.

"Normally, girls are sent here by the courts. We accommodate these girls in a very modern and safe school and hostel complex," she said.

SATURDAY Argus was invited on a tour around the school this week with Dr Mzimela.



Fun and games the girls share a joke over a game of dominoes at the Faure school in Stellenbosch

With its luxury king-size swimming pool, spacious accommodation and secure care facilities, the school obviously provides more suitable accommodation for children who have become involved in crime.

Awaiting-trial children could also be housed here until the children in prison crisis eases, said Mrs Horne.

"Not only can we guarantee their safety, but we feel they will also be able to benefit from attending school as we have a very dedicated and well-trained staff, including psychologists and nurses, who are experienced in handling difficult cases," she said.

Mrs Horne insisted the tour include the detention rooms, where "difficult" children are placed for up to five days in confinement.

"We want to be transparent, so you can't come back later to us and say you never

saw all aspects of life here," she said.

At present, there are 84 girls being housed at Faure School for Girls - but the school can take 220 girls.

Social functions with boys from other secure care schools are arranged to help the children integrate into society when they leave these premises, usually after two years. Visits outside the school are a popular event and the children are apparently used to mixing with others.

The girls at the school were involved in various sporting activities as the tour progressed. All children appeared busy with recreational activities, unlike those SATURDAY Argus visited at Pollsmoor and Malmesbury Prisons, who only had ball game sports in a courtyard to look forward to for a limited period of the day.

An 11-year-old boy incarcerated at Malmesbury Prison in breach of the law as

# ANC slams Mzimela for 'cheap talk'

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Sowetan 10/9/96

ANC denies Niehaus's Bill on child prisoners was criticised by ANCWL

By Waghled Misbach  
Political Reporter

**T**HE African National Congress has accused Minister of Correctional Services Dr Siphon Mzimela of "cheap, petty politicking while children under the age of 14 are still being kept in South African jails"

This came in response to Mzimela's criticism of Correctional Service Portfolio Committee chairman Mr Carl Niehaus over the issue and Welfare Minister Ms Geraldine Fraser-Moleketi for allegedly not doing her job in providing places of safety for children who have committed serious crimes

In a statement released in Parliament yesterday, the ANC denied that Niehaus's Private Members Bill on the question of children in prison was criticised by the ANC Women's League (ANCWL) and rejected by the Human Rights Commission

"The ANC wishes to place on

record that Niehaus's Private Member's Bill was not motivated by personal glory nor distinction but reflects the mandated position of the organisation"

Niehaus had helped to draft the ANCWL's statement, according to the ANC

"Mzimela's half-truths and inconsistencies are glaring for anyone to see. Never has Niehaus suggested that it was simply a case of not enough places of safety, but rather a situation where there are not enough secure facilities where enough security measures exist to keep children who are alleged to have committed serious crimes"

It was a pity that the media had allowed itself to be misled that there was a place in Cape Town that could accommodate those children, the ANC said

"Mzimela's attack on Fraser-Moleketi is callous and uncaring and also failed to recognise that her department was doing everything in its power to create safe, secure facilities"

## Prison conditions under the spotlight

The SA Human Rights Commission (SAHRC) is to hold a national inquiry into human rights violations in prisons.

Chairman Dr Barney Pitso said yesterday the commission planned to present a final report on the state of prisons to President Nelson Mandela by February or March next year.

The most serious human rights violations uncovered were:

■ One of the prisons did not have a visiting district surgeon or medical practitioner

ical practitioner

■ Corruption in the prisons

■ Authorities failed to attend to complaints about basic needs

■ The manner in which prison officers dealt with visitors.

■ Prisoners sodomised and abused each other

■ Lack of proper recreational, educational and rehabilitation facilities

■ Prisoners were successfully manipulating the parole system

Staff Reporter.

(253) Stav 10/9/96

# ANC lashes out at 'racist' Mzimela

*Niehaus backed over jailed children*

*Star 10/9/96 (253)*

CLIVE SAWYER  
POLITICAL CORRESPONDENT

**THE African National Congress has hit back at Sipo Mzimela, the Minister of Correctional Services, for his "provocative and racist" verbal attack on the chairman of the National Assembly committee on correctional services, Carl Niehaus.**

In a Weekend Argus report, Dr Mzimela, a member of the Inkatha Freedom Party, criticised Mr Niehaus for introducing private member's legislation to allow for the detention of awaiting-trial juveniles in prison when no other suitable accommodation was available.

Dr Mzimela accused Mr Niehaus of lacking compassion and of using the issue to further

his prospects of winning the leadership of the ANC in the Western Cape.

Hitting back, the ANC said Dr Mzimela's attack showed his failure to distinguish between national and party-political interests.

Mr Niehaus's bill reflected the mandated position of the ANC and was not motivated by personal glory or distinction.

The ANC regarded with contempt the claim that the bill was rejected both by the African National Congress Women's League (ANCWL) and the Human Rights Commission.

In fact, Mr Niehaus had helped draft the ANCWL's statement, which had pointed out that it was Dr Mzimela's primary responsibility to ensure that children who should not be detained in prisons were referred back to the courts.

These were awaiting-trial children younger than the age of 14 who were alleged to have committed serious crimes, as set out in the Correctional Services Amendment Bill.

The ANC said it was a pity that the media had allowed itself to be misled by Dr Mzimela into believing that the Faure School in Stellenbosch could securely accommodate such children.

It had been pointed out on many occasions to the minister that places of safety and schools of industry were not equipped to deal with children who had serious, often violent, behavioural disorders.

The row over juveniles in prison will be aired in Parliament on Thursday in a special debate which has been requested by the ANC and the IFP.

# SA set to get its own Alcatraz to house country's worst criminals

(253) Star 11/9/96

## Plans well advanced for super-maximum facility

### PRETORIA CORRESPONDENT

South Africa's own Alcatraz could begin taking shape outside Pretoria as soon as the end of the year.

Plans are already well advanced for a super-maximum prison to be built to house the country's most hardened criminals, the Department of Correctional Services confirmed.

The department is awaiting the rubber stamp from the Cabinet and will then finalise the site - probably at Bronkhorstspruit - before building a prison aimed at not only removing serious criminals from society but also preventing them from criminal activity behind bars.

The escape-proof facility could be a reality within 18 months, said Bert Slabbert, spokesman for Minister of Correctional Services Sipo Mzimela.

"We want to take gangsters, serial killers and psychotics out of the system. This way we'll cut out the cancer which could have spread in a normal prison."

"This is one of the short-term crime prevention strategies embarked on by the ministries of correctional services, safety and security, and justice," he said.

The plan has already been approved in principle by the Cabinet and has

the strong backing of the ministers of correctional services, safety and security, and justice.

All that remains is the procurement of private financing for the construction of the prison, which would house up to 1,000 hardened criminals in individual cells.

It is estimated the prison could cost between R100-million and R200-million.

"A prisoner serving a life sentence has no future in a normal prison with its communal sleeping halls," Slabbert said.

Felons sentenced to prison for life along with those belonging to international crime syndicates would be the priority candidates for this super-prison, he said.

Prisoners in this type of institution would spend 23 hours a day in their cells.

All of them would be under 24-hour electronic surveillance and the prison would be surrounded with double electronic fencing.

"This will definitely prevent crime as the contaminating elements will be isolated from the community as well as from other prisoners," Slabbert said.

Although not the only site earmarked for the prison, Bronkhorstspruit is the leading contender because the local council has already offered to donate land for the project.

## Niehaus calls for minister to quit

Carl Niehaus, chairman of the portfolio committee on correctional services, called for Minister Sipo Mzimela's resignation during a television debate last night. During the SABC's programme Focus, Niehaus suggested that the minister should resign because of his failure to look after children detained in prisons.

"The minister says on principle that he refuses to implement the law allowing children accused of serious crimes to be detained in prison. He believes that he can ignore the legislation passed by Parliament. Either he should implement the law or leave. It's time to put up or shut up," Niehaus said.

Mzimela could not be contacted for comment last night. — Staff Reporter

(253) (208)  
Staw 11/9/96

# MEDDLES: ROCKS' 'KILLER'?



(SIS)

## It? Selling

...ness. ...dor Tracy Mathysen was ...ant she would continue ...the old flag ...e grew up with that flag ...they want to turn us into ...als by banning it and arrest ...for its possession.

## Rocks 'killer' named

FROM PAGE 1

There are now reports that powerful political figures as well as powerful soccer figures could be involved in the scandal - but Leask told Blow a long time that the police would not be influenced by powerful politicians.

The police released a press statement about Mofokeng's escape, saying he had escaped last Sunday and was involved in a shootout with police in Soweto when they tried to arrest him.

They said they suspected he had been involved in the murder of a security guard and a hijacking since his escape.

According to Dhlamini's son

Africans, he

Veli, Mofokeng had escaped from prison several times before - and Rocks Dhlamini had disappeared during one of his escapes.

Veli said he did not know how Mofokeng had escaped, but there were rumours that he had been helped to escape from time to time.

Brigadier Chris Ockers, spokesman for the Department of Correctional Services, said yesterday afternoon that as Mofokeng had been caught by the police, it was now a police matter.

He said that as it was a Saturday afternoon, he was unable to find out details of how Mofokeng had escaped.

## 'KILLER'

BY CP REPORTERS

### THE JOHANNESBURG Prison convict identified in City Press last week as the suspected killer of self-confessed drug dealer Rocks Dhlamini was shot by police this week after escaping from the prison last Sunday.

He is Sylvester Thapelo Mofokeng - who was serving a 70-year term for several murders. Mofokeng is now in the intensive care unit of the Garden City Clinic - where his condition is said to be critical.

City Press last week reported that prison sources had revealed there was a plot to have Mofokeng smuggled out of jail with the help of certain prison warders.

On the same day our report appeared, Mofokeng disappeared from the jail.

The National Priority Crime Unit - who were to obtain details about Mofokeng's confession to Dhlamini's son Veli, a fellow convict, including the site of Rocks Dhlamini's body - were tight-lipped

this week

They have instructed witnesses not to talk to the press, and have also told the family of Soweto property developer Chris Meela - who died mysteriously in the Johannesburg General Hospital last weekend - not to speak to the press.

Meela, a key witness in Dhlamini's mysterious disappearance in April last year, was found dead on the stairs of a fire escape of the hospital.

On the police's instructions, hospital authorities have also refused to discuss Meela's mysterious movements in the hospital.

Captain Andrew Leask this week told City Press's Desmond Blow he was "90 percent sure" that Meela had died of natural causes - but that forensic experts were also investigating whether he may have died of poison.

He admitted that the police were now playing all evidence close to the chest.

Despite intensive police investigations for more than a year and despite the name of a well-known leading soccer personality being connected to a drug deal with Dhlamini and his disappearance, the case has not been solved.

TO PAGE 2

## Hitsquad activities in prison alleged

By WALLY MBHELL (253)

A LONG-TERM prisoner has made dramatic allegations of hitsquad activities at Boksburg Prison, Gauteng.

The in-mate, Sonnyboy Mnsi, said he had been recruited into "Third Force" operations by a Mr Theron, a high-ranking official in the prison, and one of his assignments was to assassinate a recently promoted black prison official.

Yesterday the Department of Correctional Services confirmed that the allegations made by prisoner Mnsi were being investigated by the commander of the prison.

"If, after the conclusion of the investigations there is reason to believe that his allegations might be true, the matter will be handed over to the police for criminal investigations," Correctional Services spokesman Chris Ockers said.



# New prison for hardened (253) criminals

*Sowetan 12/9/96*

## **Sowetan Correspondent**

SOUTH Africa's own Alcatraz could begin taking shape outside Pretoria as early as the end of the year

The Department of Correctional Services has confirmed that plans are already well underway for a super-maximum prison to be built to house the country's most hardened criminals

The department is only waiting for the rubber stamp from the Cabinet and will then finalise a site. Bronkhorstspuit is the leading contender as the local council has already offered to donate land for the project. This prison is aimed at removing serious criminals from the community and preventing criminal activity behind bars.

The escape-proof facility could be a reality within 18 months. Mr Bert Slabbert, spokesman for Minister of Correctional Services said "The aim is to take gangsters, serial killers and psychotics out of the system. This way we'll cut out the cancer that could spread in normal prison surroundings."

This is one of the short-term crime prevention strategies embarked on by the Ministries of Correctional Services, Safety and Security, and Justice, and has already been approved in principle by the Cabinet and has the strong backing of the ministers he said.

All that remains is the procurement of private financing for the construction of the prison which would house up to 1 000 hardened criminals in individual cells.

# Competency 'vital in affirmative jobs'

BD 13/9/96

(455)

CAPE TOWN — A first draft discussion document on affirmative action within Parliament's support services proposes that special measures be taken to appoint people from previously marginalised groups, and that the concept of merit be "reframed" as a criteria for promotion.

The document is still to be debated by Parliament's transformation committee and has yet to be made public.

While black people would be the primary beneficiaries of affirmative action because of past discrimination, the document says token appointments should be avoided. Black people should be hired on merit and potential, "as competency will be fundamental".

Women and the disabled would also be targeted for affirmative action.

The document says it will be necessary to "reframe the concept of merit and attach a different set of criteria to it, such as understanding of policy, ability to work in a diverse team and others which are more in line with the mission of parliamentary services".

Parliamentary support services had already set targets for affirmative action and the criteria for recruitment, selection and promotion had been reformed and improved.

"However, they are still based on a rather narrowly defined, culturally determined and exclusive view of qualifications, experience and achievement, rather than a broader and more inclusive view of relevant competencies".

The document warns that a number of factors may hinder implementation of

the policy. The prioritisation of affirmative action may be viewed also as a sacrifice of efficiency and effectiveness.

People who do not see themselves as beneficiaries of affirmative action could feel threatened by it, and this could affect their morale.

"Affirmative action may be seen as a form of reverse discrimination in which people are penalised for being of a different race or gender."

The document stresses that parliamentary support services need to develop "a positive but unapologetic institutional mindset towards affirmative action as a mechanism for redressing past imbalances". It must develop also management and working practices that would respect and see value in the diversity of its work force. — Sapa.

# Children jailed due to 'misinterpretation'

BD 13/9/96

(253)

Linda Ensor

CAPE TOWN — A misinterpretation of Section 29 of the Correctional Services Act by magistrates had contributed to the high number of children being detained in prisons, Deon Rudman, the justice department deputy director general, said yesterday.

He was speaking after the first of a series of nationwide workshops with magistrates and other role players which aimed to improve the system of juvenile detention.

Rudman said many magistrates

held the mistaken belief they were not obliged to see children every 14 days once they had been convicted but only before they were sentenced. Also, they sometimes had children detained in prison when the offences were not serious enough to warrant this.

For instance, many of the 150 children held in Pollsmoor prison were not supposed to be there. The workshop decided to appoint a team to investigate the situation at the prison.

Proper implementation of Section 29 of the Act, which related to the detention of children, had been delayed by

the lack of accommodation in places of safety, both in the Western Cape and elsewhere, Deputy Housing Minister Mantho Tshabalala-Msimang said.

She said Justice Minister Dullah Omar would appoint a project committee under the ambit of the SA Law Commission to develop a juvenile justice system and to evaluate the Act.

There was a need for children's cases to be given priority by the courts and for the work of several departments, including justice, welfare, education, correctional services and police, to be coordinated to deal with the problem.

# Spotlight on jail kids

ASHLEY SMITH  
STAFF REPORTER

Many children awaiting trial land in jail unnecessarily because magistrates have different interpretations of the law, says Deputy Minister of Justice Manto Tshabalala-Msimang.

The interpretation of the Correctional Service Act by magistrates and public defenders created problems when dealing with juvenile offenders, she said yesterday.

At present 150 children were being held at Pollsmoor prison.

Sometimes the offences committed were not serious enough to warrant detention. Guidelines would be drawn up, she said.

Invariably the interpretation of the act was left to the discretion of the presiding officer, said Deon Rudman, deputy director general of the department of justice.

Dr Tshabalala-Msimang called on government bodies, including the education department and social ser-

vices, to address "blockages" in the justice system dealing with juveniles.

After a five-hour workshop for groups involved in the detention of juveniles, she said a task team needed to be established.

The team would look at ways of determining the correct ages of the juvenile offenders and be responsible for creating guidelines for which kinds of offences warranted the detention of children in jail, she said.

"We need to separate children who are supposed to go to Bonnytown (place of safety), from those who must be detained in prison," she added.

A comprehensive report would be compiled soon on suggestions and recommendations from the workshop, said Dr Tshabalala-Msimang.

Another major concern was that public defenders, although showing a willingness to handle juvenile cases, were not facilitating the speedy trial of the children, she said.

This was a result of defenders giving priority to cases for which they were paid, she said.

(253)

ARG 13/9/96

# It's crying time as prison folk leave Robben Island

CT 16/9/96 (253)

**NO ONE LOCKS THE DOORS** to Robben Island homes and the community stands by those in trouble. For warders making the transition to the mainland, it's a time for weeping. **LISA TEMPLETON** reports.

**T**HEY say you cry twice on the island — when you arrive and when you leave

This was true last week of Mr Marius "Bytjie" Pretorius and his tearful wife, Yolanda, and other warders who took their final look at Robben Island from the ferry before turning to face the vastly different life that awaited them on the mainland

After a lifestyle in which children can roam the streets at night and no one locks doors, they and their families, some of whom have lived on the island for more than 30 years, face the enormous adjustment to life on the crime-ridden mainland

By the end of December, the prison will have slammed its doors behind a prisoner for the last time and all the staff will have vacated the island. The "evacuation" began last December and today half the families — 54 — and 154 prisoners remain

Last Wednesday night, the community met in the hall for its last traditional quarterly party — a dinner served by the prisoners and hearty "lang-arm" dancing. The Cape Times was there to capture the atmosphere

Mrs Annemarie Moolman, whose husband has piloted one of the island's ferries since 1963, said everyone was heartsore that the close community was breaking up

"The island is like a small village —

everybody's business is public — but the minute someone is in trouble everyone pulls (together) to help," she said.

Warder Mr Marius "Mosbek" Steyn, who had spent 10 years on the island and got married in its church, said he loved it and did not want to leave

"Here we are a big family and now it feels as if we are being torn apart."

The warders are to be transferred to prisons throughout the country. Many are to move to the new Voorberg Prison in Porterville

They will have to teach their children to be wary. "There is no crime here — everyone leaves their houses unlocked and the children run wild at all hours. No one needs babysitters because the children always go out with their parents," said Moolman, pointing to a knot of children and dogs sliding wildly about the dance floor

Many islanders said they would miss the pristine environment, where penguins waddle about the streets and steenbok graze on the lawns by night

They will almost certainly miss the traffic laws, which state simply that the speed limit is 40km/h and that cars must have a windscreen wiper on the driver's side — provided there is a windscreen — as well as front and rear lights and brakes that are in good working order. Islanders rattle about in cars that date back to the 1970s.

Many warders said they were proud

to have served at a prison in which some of the country's most prominent men — particularly President Nelson Mandela — had been incarcerated.

Pretorius, who was at Victor Verster Prison in Paarl for four years and spent four years on the island, said he was particularly proud to have served at two prisons in which Mandela did time

"The political prisoners were totally different from the other prisoners," one warder grinned. "I once did an experiment with my cigarettes and lighter — I left them lying around. The political (prisoners) would never touch them, the others would steal anything."

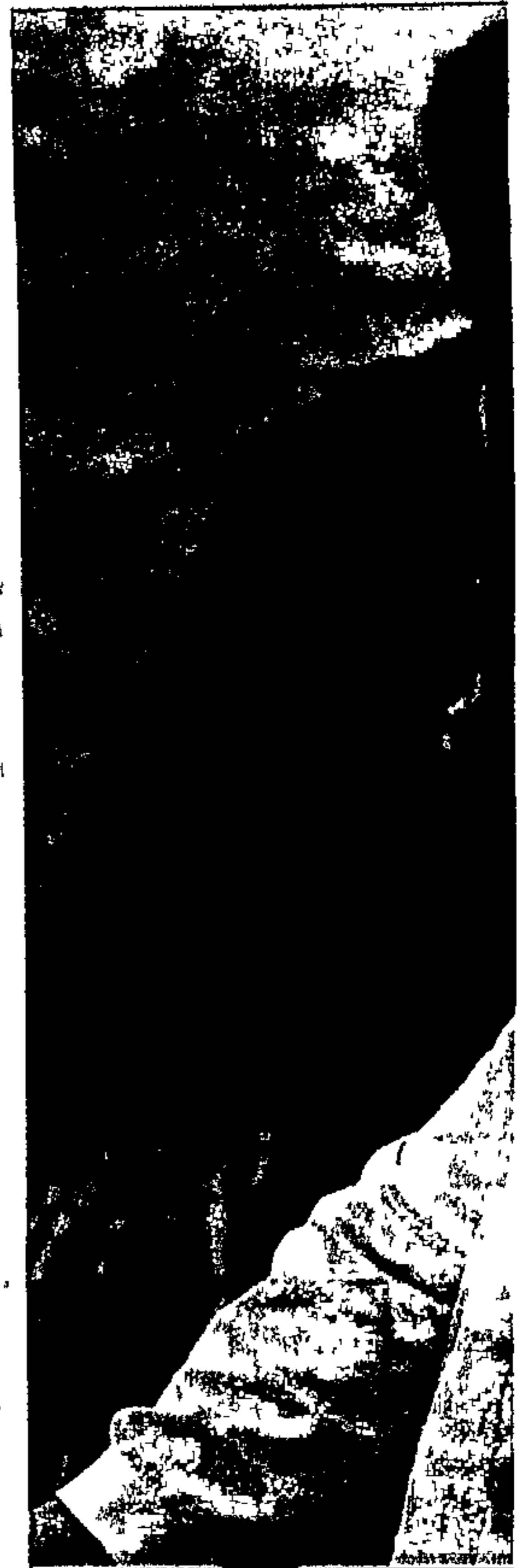
Of Mr Tokyo Sexwale, now Premier of Gauteng, the warder said: "Whenever the (prisoners) got rowdy, Sexwale would just have to say a few words and everyone settled down. He seemed a good oke and was powerful."

During the party, everyone rose to sing the island song, adapted from a protest song sung at meetings opposing Group Areas Act evictions: "Island boys forever, we shall not be moved," warders and their families sang.

The island exodus is gathering speed as more families leave every Tuesday and Thursday

On Thursday morning, Pretorius, his wife and their two-year-old baby, Martin, left for Voorberg Prison with a pile of luggage, a gold fish, a dog, a cockatoo and a huge bunch of arum lilies

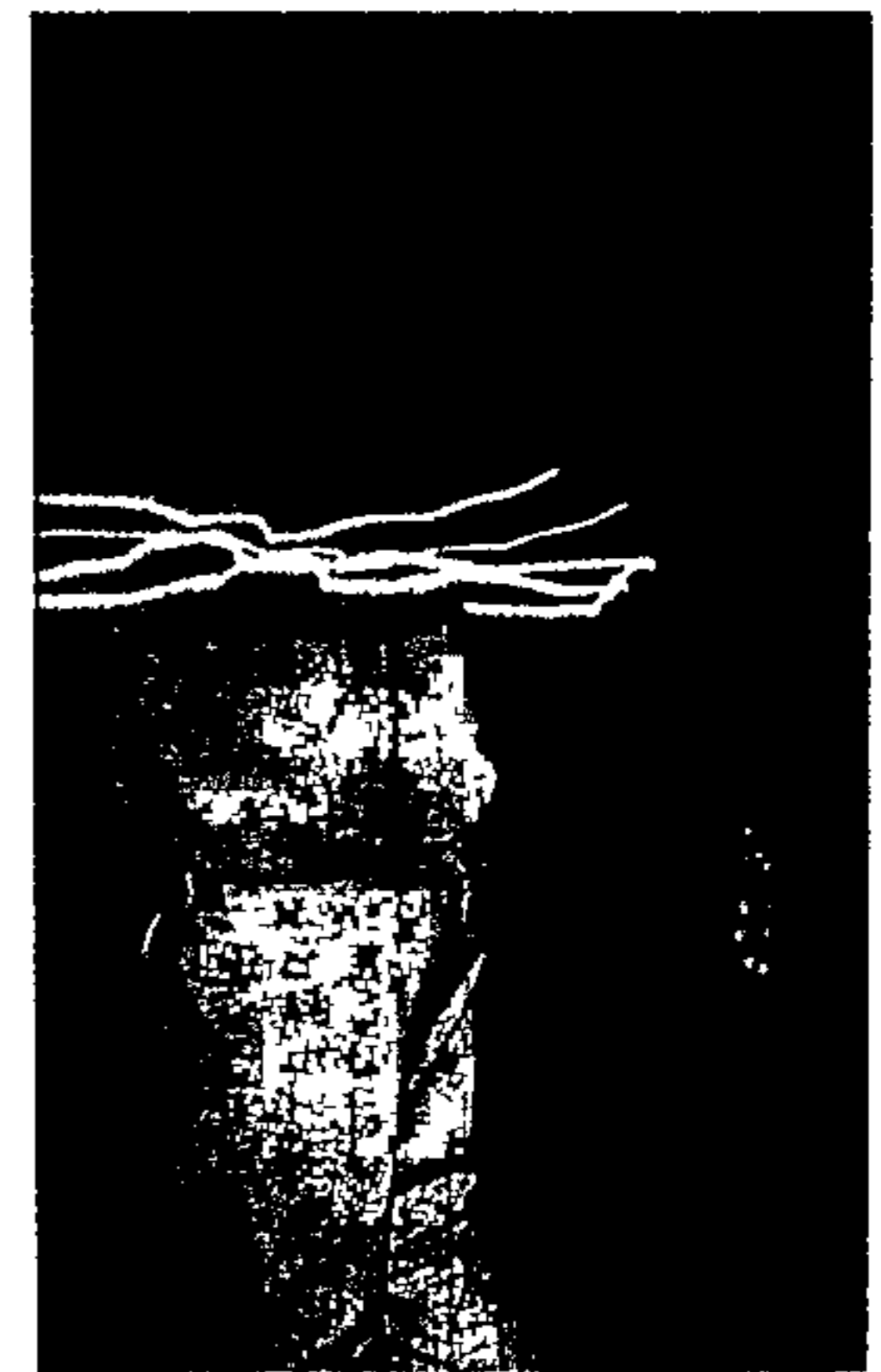
Warders gathered on the dock to wave. As the ferry motored away from the island, Yolanda and her mother, Mrs Jackie van der Mescht, wept. Pretorius sat with his head in his hands



**A CHAPTER CLOSURES:** Mr Marius "Bytjie" Pretorius' in-law, Mrs Jackie van der Mescht, weeps as the



**RATTLE AND STROLL:** Roadworthiness rules are lenient and the speed limit is 40km/h. Many residents drive models from the 1970s. The graffiti on this car was written for All Black rugby captain Sean Fitzpatrick.



**THE LAST DANCE:** The pair of looming departure at the Robben Island prison staff's last

# prison on an Island

(253)

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**A CHAPTER CLOSES:** Mr Marius "Bytjie" Pretorius is stoical while his wife, Yolanda (centre), and his mother-in-law, Mrs Jackie van der Mescht, weep as they wave goodbye from the ferry

PICTURES. BENNY GOOL



km/h. Many residents drive models from Patrick



**THE LAST DANCE:** The pain of looming departures and separation did not quell enthusiasm on the dance floor at the Robben Island prison staff's last quarterly dinner-dance last Wednesday night

# Prison rules on visitors not affected by suicide

Star 17/9/96

(253)  
BY TROYE LUND

Prison authorities have rejected calls to scrap legislation which empowers them to stop prisoners from receiving visitors.

This follows the suicide of Diepkloof prisoner Gift Mthembu last week after he was denied a visit from his wife.

The South African Prisoners Organisation for Human Rights (Sapohr) claims that until visits are made a basic right for all inmates, the country's prisons will remain places of "brutalisation, dehumanisation, victimisation and alienation".

Sapohr spokesman Golden Miles Bhudu blamed the Correctional Services Department for Mthembu's suicide and said "Instead of expressing the slightest understanding towards an inmate who was already severely punished by isolation for four months without visits, the warders demonstrated ridiculous adherence to the apartheid jail laws. How many deaths must occur before the Government comes to its sen-

ses and transforms jails to reflect new realities?"

Correctional Services spokesman Barry Eksteen rejected the claims, saying Mthembu had not been in isolation for four months. His visitor privileges had been taken away for a month after he refused to obey a lawful command by a prison officer a few weeks ago. He stressed that prisons regarded visits as privileges and not rights. The number of visits allowed to each prisoner was determined by the classifications earned through good behaviour.

"New inmates are all in C category and can work their way up to the A category with most privileges, or down to D," said Eksteen.

The chairman of the parliamentary correctional services committee, Carl Niehaus, objected to prisoners being denied all visits because "contact with family is a right". The Correctional Services Department said an inquiry into Mthembu's death would be conducted by the Department of Justice.

## Commissioners tell of prison corruption

Linda Ensor

(253) BD 18/9/96

CAPE TOWN — The lenient sentences meted to two of the seven prison warders charged with negligently allowing four right-wing prisoners to escape from Diepkloof prison in March this year were sharply criticised by members of the portfolio committee on correctional services yesterday.

Details of the sentences emerged during a briefing by national and provincial commissioners on corruption in the prisons service. The presiding magistrate at the disciplinary hearing last month found one man guilty of being absent from duty and fined him R300 which was suspended for one year. The other man received a suspended fine of R100. Both men continued to work at the prison. The escaped awaiting-trial prisoners had not yet been apprehended.

National prisons commissioner Henk Bruyn explained that under the Correctional Services Act's disciplinary code, negligence was a disciplinary offence for which prison officials could not be discharged. He believed it should be a dischargeable offence and hoped the committee would approve legislation in this regard.

In his briefing on corruption, Bruyn said staff were corrupted and intimidated by criminal gangs both in prison and in the community to take goods, such as drugs and money, into prison.

It emerged that there were problems of control at the medium security section at Diepkloof which housed 4 200 unsentenced prisoners.

Gauteng prisons commissioner Braam van Zyl said 14 cases of corruption by Diepkloof prison warders had been discovered over the last two years. Another problem was the "disappearance" of prisoners when they were sent to court. It appeared a syndicate of prison warders was assisting them. Prisoners were also believed to be swapping identities.

Western Cape prisons commissioner Steven Karabie outlined a history of corruption at Pollsmoor and Victor Verster prisons. Victor Verster was being run by a very junior acting commanding officer after the entire management went on sick leave in one week in June when confronted with a report on the problems at the prison. More than 30 members of staff at the prison were on indefinite sick leave at present.

## Labour courts 'delayed'

(465) BD 18/9/96

CAPE TOWN — Labour Court Judge President, Judge John Myburgh, launched a scathing attack yesterday on the justice and public works departments, saying their inefficiency was helping to delay labour courts being set up.

A dispute between the Judicial Service Commission and the National Economic, Development and Labour Council (Nedlac), both of which are to make recommendations to President Nelson Mandela on the appointment of judges, had remained unresolved for seven weeks, causing fur-

ther delays, Myburgh said.

He was appearing before the National Assembly's labour committee.

He had sent many letters to Cabinet ministers, the directors-general of several departments and their deputies requesting that the problems be sorted out.

The letters had been ignored, and subsequent meetings also failed to yield conspicuous results.

A justice department official responsible for ordering books for the courts not done so. This meant the order

## NP joins subsidy cuts protest

Kevin O'Grady

(465) BD 18/9/96

THE NP joined a wave of protest yesterday against education MEC Mary Metcalfe's decision to slash subsidies to private schools by 30%, threatening many church and inner city schools with closure.

Gauteng NP MPL and education spokesman Juli Kilian added her party's voice to the DP's demand that Metcalfe rescind the decision immediately because it violated citizens' constitutional rights to administrative justice.

Schools were informed of the retroactive cuts only last month. The way the department had handled the issue raised "many questions about (its) ability to budget responsibly and demonstrates a total lack of insight into the financial planning of institutions in the private sector", she said.

The dismissal of teachers in some schools because of the cuts was imminent and "would have a catastrophic effect on students during the most critical phase of the academic year".

"The MEC clearly has no empathy

or sensitivity for the dilemma facing students in the run-up to the year-end exams and for their parents, who simply cannot afford retroactive hikes in school fees," Kilian said.

Nomavenda Mathiane reports that the Gauteng education standing committee was asked to treat Johannesburg inner city schools as a special case. School officials accompanied by parents told the committee their schools were not elitist.

Excelsior High School principal David Harrison said some teachers had not been paid for two months. Schools faced cash flow deficits and banks were now reluctant to deal with them.

A widow from Diepkloof, Nomsa Xulu, said she worked three days a week and the rest of the week sold vegetables to support her children at private schools as no education was taking place in Soweto's public schools.

Sapa reports DP MPL Jack Bloom said he could not understand why Metcalfe was not delighted with the growing independent school sector, as it lifted a financial burden.

## Assembly limits redrafting of constitution

David Greybe

(465) BD 18/9/96

CAPE TOWN — The Constitutional Assembly decided unanimously yesterday against reopening negotiations on the whole constitution.

This, together with the outstanding issue of international mediation, could spell the end of any chance of the IFP reversing its 18-month boycott of the assembly at its national council meeting at the weekend.

"There will be no opening of other issues," assembly chairman Cyril Ramaphosa said after the assembly meeting. "We

are going to concentrate on those issues sent back by the Constitutional Court."

The assembly agreed to establish two subcommittees to deal with the sections sent back for redrafting. One would deal with collective bargaining, states of emergency, the public service commission, public protector and auditor-general, the other with provincial powers, local government and the amendment of the constitution.

The subcommittees would meet next Wednesday for the first time. They will have until October 7 to complete their work and table a progress report in the consti-

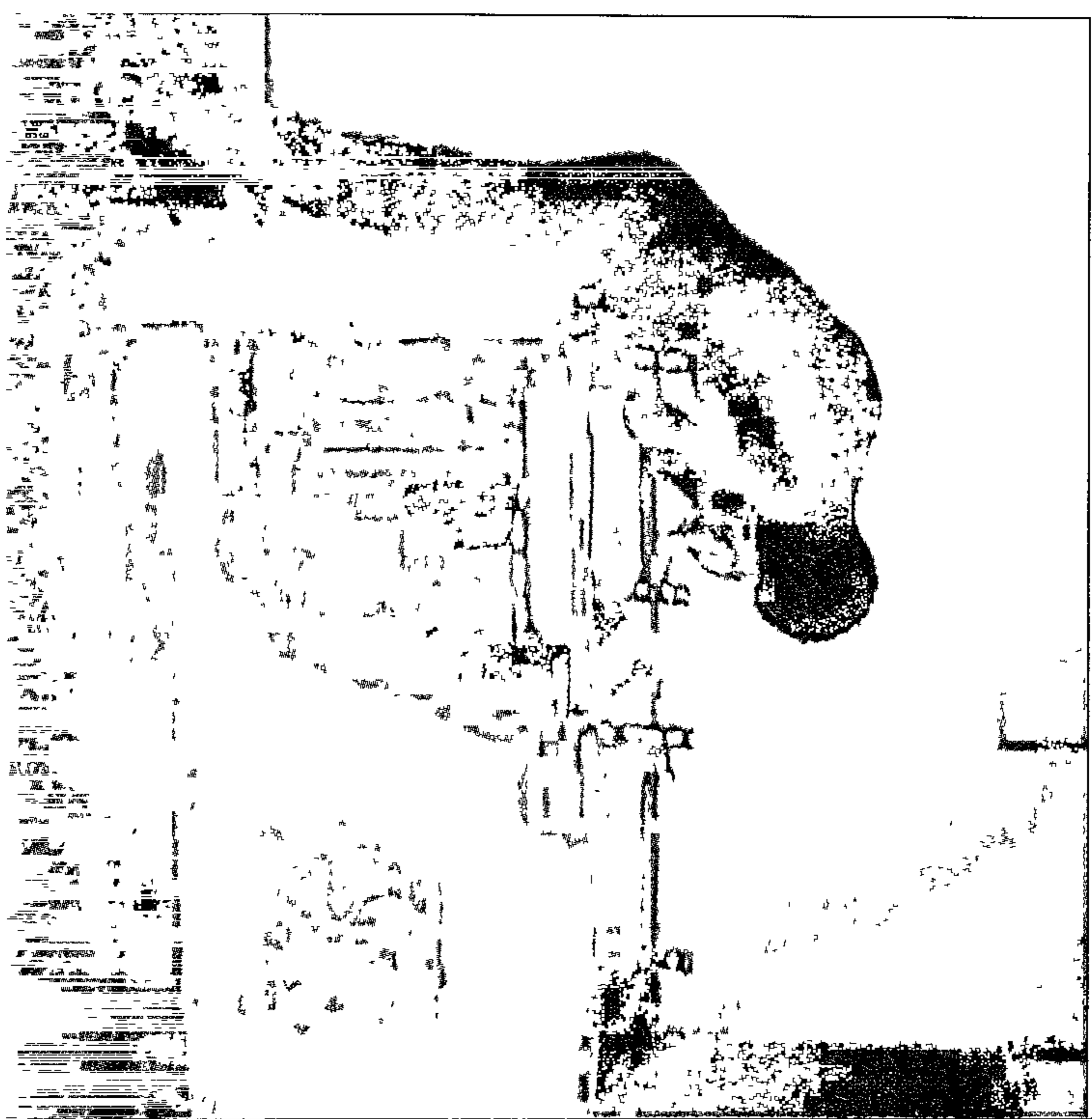
tutional committee. On October 11 the committee must table an amended constitutional text for assembly approval.

The timetable would give the Constitutional Court time to certify the constitution this year, and for implementation to begin on schedule on January 1.

Failure to meet the October 11 deadline meant the Court would have to consider certification next February. However, ANC negotiator Pravin Gordhan was confident that if the parties showed the "same spirit and determination" as during previous negotiations, they would meet the deadline.

# Pictures that shocked the calvinet

(253)





**U**TRAGEDY members of the cabinet yesterday watched a 14-minute video that graphically showed the shocking conditions in South Africa's reform schools, schools of industry and places of safety.

What they saw, and the damning report on conditions in these residential care facilities that accompanied the video, was enough to jolt them.

Besides the appalling state of many of these facilities — most of which are in the Western Cape — they were also shown evidence of stark isolation punishment cells in which children, in extreme cases, were confined to for up to 28 days.

Welfare Minister Ms Geraldine Fraser-Moleketi said yesterday that even though she was not able to give a cost estimate for the recommendations of the Inter-Ministerial Committee on Young People at Risk, there was "a major commitment" from the cabinet to ensure that the child and youth care

and suffering children have to endure. The project manager on the committee, Ms Lesley du Toit, in an interview yesterday described the general situation at these care facilities for children as "very, very serious".

**THE COUNTRY'S child care system is to be revamped after the cabinet was shown graphic evidence of the appalling conditions in which many children live. HENRY LUDSKI reports.**



President Nelson Mandela slammed the detention of unsentenced children shortly after he came into office. The plight of children at risk will be spotlighted on International Children's Day in November, when a special ministerial Truth Commission is held in Parliament to give them an opportunity to testify about the "everyday crisis"

"Not only are these facilities unsuitable for the detention of awaiting-trial children, they are also entirely inadequate for the many thousands more children who need protection and care even more seriously than those in trouble with the law". The report outlines conditions at these facilities, which Du Toit said

appeared to "horrify" members of the cabinet, who demanded that urgent steps be taken to address the crisis.

The report, which dominated discussion in yesterday's cabinet meeting, resulted in approval being granted to implement the most critical of the committee's recommendations.

The cabinet also called for a ban on the use of punishment isolation cells and for disciplinary action to be taken against staff members at facilities who had been linked to cases of child abuse.

The committee's investigation had uncovered serious problems in the treatment of about 6 000 children in South Africa's 59 reform schools, schools of industry and places of safety — 60% of whom were not offenders but had been placed there because they were in need of care.

It also cited examples of child-care workers continuing to manage facilities long after charges of child molestation and abuse had been brought against them.

The recommendations endorsed by the cabinet include:

- That all residential child care facilities fall under the Department of Welfare to ensure the appropriate placing of children and their movement through the system.
- The adoption of programmes to eradicate widespread child abuse at these facilities, and to move the system away from a "control and punishment" approach to a "development of care and discipline" approach.
- The appointment and redeployment of appropriate staff at all categories of facilities and that child and youth care training be provided as a matter of urgency.
- The Western Cape, Eastern Cape and KwaZulu-Natal be targeted as needing immediate and critical attention.
- The upgrading of child-care facilities, which would include the filling of vacant posts and the implementation of effective disciplinary procedures for them.

**CHILLING:** These scenes, from a video seen by the cabinet yesterday, show how many children in residential care facilities have to live. On the left, children sleep on the floor, and on the right a boy washes in a run-down bathroom. PICTURES: BENNY GOOL.

CT 19/9/96

Turn to Page 7

# Shock CT 19/9/96 report on children (253)

□ From Page 1

staff and the introduction of minimum standards of care

The IMC said its report, which will be released today, found that physical, human and material resources were unequally distributed and that the discriminatory practices of the previous government had resulted in vast discrepancies among facilities within the provinces

It also found that the "inappropriate institutionalisation of children and blockages in the system had prevented children from moving through it"

The committee, which visited facilities throughout the country, encountered a serious lack of trained personnel and managers, as well as inappropriate appointments which might have resulted in children having to endure further harm

It also raised concerns about the lack of early intervention programmes which could cut the numbers of children being placed in institutions.

Du Toit said children got stuck in the system preventing them from

returning to their communities and homes.

"The faster we act, the less children will be hurt. We have a situation where children are becoming victims over and over again

"It's not okay to place children in facilities for their protection when in fact they are offered the exact opposite."

# ANC starving W Cape of resources — FW

**CHRIS BATEMAN**

GEORGE: Part of the ANC's strategy was to "throttle and starve" the Western Cape of funds, manpower and resources in their "senseless crusade" of destructive equalisation, National Party leader Mr F W de Klerk told over 600 party faithful here last night.

Addressing his audience after the party's regional leadership election in nearby Pacaltsdorp, De Klerk said the NP wanted to significantly increase its majority in the province, reduce the ANC's vote share in Gauteng to less than half, increase its own share in KwaZulu-Natal to 20%, and take

BJ 24/9/96 (263)  
the Northern Cape

It was becoming clearer by the day that the ANC was "losing control" and that the country was harvesting the bitter fruits of abuse of corrective action, "baadjies for boeties" and poor fiscal control.

An "ominous pattern" was emerging in which the ANC was destroying the human infrastructure through bad management by driving away competent civil servants and supporting "idiotic" labour and employment practices.

The congress closes this afternoon.

● See Page 5

# R1,4 billion needed to

## upgrade SA prisons

(253)  
CT 24/9/96

JOHANNESBURG: At least R1,4 billion will be needed to totally upgrade prisons, according to the Department of Correctional Services' latest projection.

Although many of the upgradings are in their final planning stages and work has already started on some, the department is being hampered in its task by lack of funds.

Department spokesman Mr Koos Gerber said yesterday that plans to upgrade all the country's prisons, including a R45-million improvement of the Modderbee prison near Benoni, and a revamp for Durban prisons such as Westville, were in their final stages.

Building had already started at the Krugersdorp prison.

Basic improvements to some of the most seriously neglected prisons, those in the Ciskei and Transkei in the Eastern Cape, had been "99% completed"

These prisons were so badly neglected that Correctional Services Parliamentary Portfolio chairman Mr Carl Niehaus last year described their conditions as a "horror story"

Six prisons in the area were also being looked at for total upgrading during 1997, Gerber said.

He said the funds would be requested from the Department of State Expenditure on an ad hoc basis as they became available.

"The Department of State Expenditure had already made R40m available for the 1996-1997 budget year, and we have asked for another R63m for 1997-1998," Gerber said.

He added that the department would only know towards the end of the year if the budget had been approved

Niehaus confirmed yesterday that although Correctional Services were "doing their best" they were battling to obtain funds. They needed "tremendous" funds. — Sapa

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# Over 500 inmates

## with HIV

Nov 26/9/96  
Cape Town - A total of 517 prisoners were diagnosed last year as having been infected with the HIV virus - up from 483 in 1994, Correctional Services Minister Dr Sipo Mzimela said in the National Assembly yesterday

Twenty-one prisoners contracted Aids and 28 died after contracting the disease last year, he said. By comparison, nine prisoners contracted Aids and 13 of them died from it in 1994. In 1993, more than 400 prisoners were recorded as having being infected with HIV

Thirty prisoners contracted Aids and 10 prisoners died from it

The disease was particularly widespread in prisons in the Free State, KwaZulu Natal and Gauteng - Sapa

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## Number of HIV-positive prisoners has climbed

(253) (253) BD 26/9/96  
CAPE TOWN — A total of 517 prisoners were diagnosed last year as infected with the HIV virus — up from 483 in 1994, Correctional Services Minister Sipo Mzimela said yesterday.

Twenty-one prisoners

contracted AIDS and 28 died after contracting the disease last year, he said in reply to a question from Gert Oosthuizen (NP). By comparison, nine prisoners contracted AIDS and 13 died of it in 1994.

In 1993, 426 prisoners were recorded as having being infected with HIV.

The disease was particularly widespread in prisons in the Free State, KwaZulu-Natal and Gauteng. — Sapa.

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**ADOLESCENTS IN THE DUST**

FM 27/9/96

Continued sparring between Correctional Services Minister Sipo Mzimela (Inkatha) and the chairman of the relevant parliamentary committee, Carl Niehaus (ANC), threatens to obscure a rational solution to the problem of children in jail

They have clashed in a notably vigorous television debate, and now their respective parties have come to their defence through sharply worded media releases. At the same time, fresh evidence is emerging of the sad and abusive conditions under which many juvenile offenders are incarcerated

In May last year, Mzimela amended the Correctional Services Act to prohibit the detention in prisons, police cells or lock-ups of unconvicted people under 18. This was to give effect to his personal belief — which had considerable support within the Government of National Unity — that adult facilities were no place for younger people vulnerable to abuse and the influence of hardened criminals

This being SA, the result was predictable: many under-18s who had committed crimes were released or sent on to inadequate places of safety from which they escaped. After a public outcry, Niehaus this year brought in a Private Member's Bill, further amending the Act, that gave the courts discretion to detain youths charged with certain categories of serious crime, the orders to be subject to constant monitoring — and the law itself to be reviewed by parliament after a year

Reports that 14-year-olds were being locked up with adult criminals — often in degrading circumstances — triggered the current round of acrimony between Mzimela and Niehaus.

The Minister has accused Niehaus of going against the wishes of the ANC Women's League and the Human Rights Commission in pushing through his Bill. Niehaus and the ANC caucus have in

*Continued on page 54*

*Continued from page 50*

turn accused Mzimela of failing to provide adequate facilities for the detention of juvenile suspects

Welfare Minister Geraldine Fraser-Moleketi has been dragged into the imbroglio through Mzimela's accusation that she is indifferent to the plight of the children. The ANC response has been to charge that Mzimela has "consistently failed to acknowledge that the (Welfare) department is doing everything in its power to create safe, secure facilities"

The ANC further charges that it is Mzimela's responsibility "to ensure that children who should not be detained in his prisons should be referred back to the courts." For its part, Inkatha will "formally request (the ANC) to immediately replace Niehaus as chairman of this committee in the best interests of the constructive development of the ministry on behalf of the people of SA"

The Correctional Services portfolio



Carl Niehaus

committee responded to the public acrimony by resolving to invite Mzimela to discuss juvenile detentions and related matters. As chairman, Niehaus went along with this proposal, pointing out only that Mzimela naturally had a right to approach the committee himself, should he feel like doing so.

The Minister and the legislators have drawn further apart — to the extent that, as one ANC committee member put it, people were stopping MPs in the street to ask what was going on

It is difficult to see how the laudatory aim of keeping juveniles separate from adults in detention — to focus on their rehabilitation — can be achieved without some form of understanding being established between Niehaus and Mzimela.

Given the strict limitations on available resources — all the prisons are overcrowded — it serves little purpose for cleavages on policy to occur along party political lines. Presumably, Niehaus and Mzimela share an interest in salvaging ju-

venile criminals and protecting society.

At present, it seems that neither of these aims is achievable — but that should not be cause for senior Correctional Services figures to savage each other with accusations of not caring about the issue. They do care, surely? ■

957 held for (253)  
violent crimes  
have escaped (24)

BD 27/9/96  
Wyndham Hartley

CAPE TOWN — Almost 1 000 people arrested in connection with violent crimes escaped from police cells in the first eight months of this year

Replying to a question by DP leader Tony Leon, Safety and Security Minister Sydney Mufamadi said yesterday that 957 people detained by police had escaped. Only 284 had been rearrested. Two died during their escapes, one drowning in the Kei River and the other shot by police

The biggest breakout from police cells was in Brakpan on the east Rand when 61 people escaped through the roof. At Florida police station, 44 prisoners overpowered members of the SAPS and forced open a cell door. This happened twice at Florida in the space of three months.

In more than one case, prisoners escaped when police neglected to lock the doors of cells. An escape from Zebediela, Northern Province, was allegedly made possible with the help of a police officer. In many cases police were unable to determine how escapes occurred. They did not know how 43 suspects escaped from the Randburg police station early this year.

A second DP question, this time from justice spokesman Douglas Gibson, focused on the poor arrest and conviction record of the criminal justice system. Gibson asked how many people were wanted for the seven most serious crimes and how many had been charged.

Mufamadi replied that of the 1 120 people wanted for vehicle hijacking in terms of the SAPS's crime-fighting Sword and Shield plan, 156 had been arrested and 154 charged. Of the almost 7 000 people wanted for vehicle theft 773 had been arrested and 742 charged.



# Red tape (293) blocks help (293) for child (293)

## suspects

Star 28/9/96

By GLYNNIS UNDERHILL

The provision of alternative facilities for children suspected of crimes is being hampered by "lengthy tender procedures" involved in identifying and buying buildings, according to the Department of Welfare.

The department believes that the current crisis, which has resulted in children as young as 11 being held in prison, is the result of the misinterpretation of current legislation.

"The Department of Welfare is responsible for awaiting-trial children only. The situation regarding children in custody is a matter of urgent concern for the Government but cannot be resolved overnight."

There are 42 functioning places of safety in the country, according to the department. Secure-care facilities are being established and the first secure-care facility in Gauteng will be opened within two months.

### United effort

"Each province will eventually have at least one secure-care facility by July 1997, accommodating 50 juveniles between 14 and 18 years of age," the department said.

Minister of Welfare and Population Development Geraldine Fraser-Moleketi and Minister of Correctional Services Sipo Mzimela had committed themselves to a "united effort" to solve the problem of awaiting-trial children in prison, said the Department of Welfare.

There is now a major commitment from the Cabinet to ensure that the child and youth care system is transformed after the findings of the Inter-ministerial Committee on Young People at Risk revealed in Parliament the shocking conditions in SA's reform schools, schools of industry and places of safety.

Over the past year, short and medium-term strategies had been developed to address the problem and to transform the child and youth care system, the Department of Welfare said in response to questions.

# Red tappe keeps kids in jail

## But crisis to end by July, says department

GLYNIS UNDERHILL

CHIEF REPORTER

The provision of alternative secure care facilities for children accused of crimes is being hampered by the complicated procedures involved in drawing up building plans and identifying and buying buildings, according to the Department of Welfare.

The department said the "lengthy tender procedures and processes" were delaying the establishment of new accommodation.

The department also believes the current crisis, which has resulted in awaiting trial children as young as 11 being held in prison, is the result of the misinterpretation of current legislation.

"The Department of Welfare is responsible for awaiting trial children only and this includes care and treatment programmes," the department said in a statement.

"The situation regarding children in custody is, however a matter of urgent concern for the Government, but cannot be resolved

overnight." There are 42 functioning Places of Safety in the country, according to the Department of Welfare. Secure care facilities are being established and the first secure care facility in Gauteng will be opened within two months.

"Each province will eventually have at least one secure care facility by July 1997, accommodating 50 juveniles between the ages of 14 and 18 years," the department said.

Welfare and Population Development Minister Geraldine Fraser-Moleketi and Correctional Services Minister Sipho Mzimela had committed themselves and the Government to a "united effort" to solve the problem of awaiting-trial children in prison, the department said.

There was now a major commitment from the Cabinet to ensure the child and youth care system was transformed after the find-

ings of the Inter Ministerial Committee on Young People at Risk revealed in Parliament the shocking conditions in South Africa's reform schools, schools of industry and places of safety. Over the past year short and medium term strategies had been developed

### 'Two children aged 11 were recently held to await their trial dates'

### await their trial dates'

to address the problem and to transform the child and youth care system, the department said in response to questions from Saturday Argus.

"The current legislation has a self-limiting clause which expires in August 1998. However, the aim is to have no children in any prison by June 1997," it said.

Current legislation allows for children between 14 and 18 who are awaiting trial for serious offences to be held in prison. Saturday Argus has visited awaiting trial children in Pollsmoor Prison and Malmesbury Prison, where two children aged 11 were recently held while awaiting their trial dates. Virginia Petersen, head of

the Western Cape provincial administration department of social services, said she believed secure care facilities should be in place when Section 29 of the Correctional Services Act was once again promulgated in Parliament.

"The management and workings of secure care facilities involves an essential shift in the approach and methods used in the past to a new paradigm which rests on important principles that can only improve the way children are dealt with in residential care," she said.

Siyakhatala Place of Safety in Stellenbosch was not closed for purposes of refurbishment, she said. "Minister Rasool, Minister of Health and Social Services in the Western Cape, together with the department, closed Siyakhatala due to unsatisfactory circumstances, for example the building was an old prison and did not comply with the new paradigm," she said.

The department now had the capacity to accommodate 249 awaiting trial children in the greater Cape Town and George area

(253) AR 628/9/96



ANDREW INGRAM

**Hear this:** Correctional Services Minister Sipo Mzimela, centre, addresses warders and awaiting-trial prisoners at Pollsmoor

# Strides in child detention laws

At least there is some agreement now across the political divide, writes Ann Skelton



**T**he hype around the issue of children in prison makes it easy to forget the major strides that have been made in this field in the last two years

The fact that most parties in Parliament during the recent snap debate disagreed with the holding of awaiting-trial children in prison is of monumental importance. The apartheid government did not show the same concern. Non-governmental organisations have been raging about children in detention on politically related offences throughout the seventies and eighties and into the early nineties

It took the death of a 13-year-old boy, Neville Snyman, who was beaten to death by fellow cellmates while awaiting trial on a charge of breaking into a corner shop to steal sweets and cool drinks, for the previous government to take their first tentative steps towards action. It is refreshing, therefore, to see government agreeing across political divides on the principle, even if they do differ, sometimes rather aggressively, on how to solve the current problems

However, the first step of the new government is generally regarded as having been hasty and unplanned, for all that it may have been wonderfully inspired.

An unfortunate result of its sudden promulgation was the negative public backlash over the problems with section 29 of the Correctional Services Act. The print media had a field day with headlines like "Children on crime spree", "Hundreds escape from places of safety", "Lock up these wild kids" and "War on teen gangs"

**R**esponding to the public pressure which grew around the issue, government decided to take legislative action. On 10 May 1996 a new amendment to section 29 was promulgated.

The new legislation maintains the protections, preventing detention beyond 24 hours after arrest of all children under 14 years and those over 14 charged with certain serious offences. They may, however, be held in custody awaiting trial if the presiding officer has reason to believe their detention is necessary for the administration

of justice and the safety of the community and if there is no secure place of safety within a reasonable distance from the court.

The legislation lists the serious offences on which young people may be held in prison, and also indicates that children charged with offences not listed in the schedule may be detained in prisons only in "circumstances so serious as to warrant such detention"

This phrase is a loophole threatening to become cavernous, as some magistrates interpret it to allow the imprisonment of children charged on a wide variety of non-scheduled offences. What this shows starkly is that legislation on its own is not sufficient to protect young people. The officials operating and interpreting the law have to believe in the principle of non-incarceration of awaiting-trial youth.

So what is the solution? Too often, people equate the issue with questions about space and bricks. Children who come through the criminal justice system require specialised handling in a therapeutic environment. The majority of children in places of

safety are there because they have been abused or neglected. This is what places of safety were designed for: temporary shelter for children referred by the care system.

**T**hat's why places of safety are not bristling with barbed wire and padlocks. If we modify these buildings to contain children referred by the criminal justice system, what are we doing to those placed there because of abuse or neglect? Places of safety are not suitable for children over 14 charged with serious offences. Nor are prisons.

The inter-ministerial committee on Young People at Risk set up to deal with the crisis and find lasting solutions to the problem recognised this early on, and recommended the establishment of secure care facilities. These are facilities which provide for the appropriate care and developmental needs of children whilst containing them physically.

This idea has been accepted by government and has been incorporated into the National Crime Prevention Strategy, earmarked for urgent attention. It seems then

that government has found a solution to the problem, but like many lasting solutions to problems, it cannot be instantly implemented. Not only do buildings have to be identified and modified, but staff need to be selected and trained and appropriate programmes put in place.

The 1996 amendment to section 29 is not a permanent piece of legislation. It describes itself an "extraordinary measure", and contains a clause which will ensure that the legislation is not extended beyond two years after the date of promulgation.

Thus then, is government's outer time limit to get sufficient appropriate alternatives in place. At the snap debate in parliament last week the Minister of Welfare appealed to the different government departments to stop passing the buck, and to work together to find lasting solutions.

This is to be welcomed, and it is hoped that government can overcome party political differences to allow the interests of young people to prevail.

Ann Skelton is the national Co-ordinator of Child Rights Lawyers for Human Rights.

(253) ~~253~~ Ann 3/10/96

# Released under care of Zinzi, Winnie Madikizela-Mandela

# Prison Spook

By DERRICK LUTHAYI

## Prison Spook

FROM PAGE 1

this week, he said he had become ill from food poisoning

In front of the major he said he had been released to "do intelligence work which was successful" - but he refused to discuss it further

I did not disclose that I was a reporter and Major Mbewu may have thought I was a relative

The major also told me that Madikizela-Mandela and Zinzi often visited the Leeuwkop prison to help with rehabilitating prisoners - and that on Thursday the prison choir had entertained Zinzi

Russel Mamabolo, liaison officer for the Department of Correctional Services in Pretoria, confirmed that certain prisoners were being released over weekends

He said this was done, in terms of Section 92 of the Correctional Services Act of 1959 which allowed prisoners to temporarily leave jail under escort or otherwise to help them successfully integrate back

EP 6/10/96

He said this was only done for prisoners who had an approved date of release - although a special concession could be made in a highly deserving case. The concession was only granted to prisoners who had proved by their conduct that they would honour the agreement to return

Each case was considered on merit, he said - but if a court agreed a prisoner could be placed under correctional supervision instead of serving out his sentence he could qualify for this concession

Yesterday a spokesman for Correctional Services said that a prisoner could only apply to be let out of prison for a weekend if he had served half of his sentence

However, Sebiloane had been given amnesty and only had to serve nine years. He would be able to apply for the concession at the end of October, said the spokesman

"He is also to apply for parole at the beginning of December"

The spokesman said Sebiloane had left prison to see his mother under Correctional Services escort.

A PRISONER serving 13 years for shooting a policeman in 1991 has been released for a weekend - to "do intelligence work", he claims.

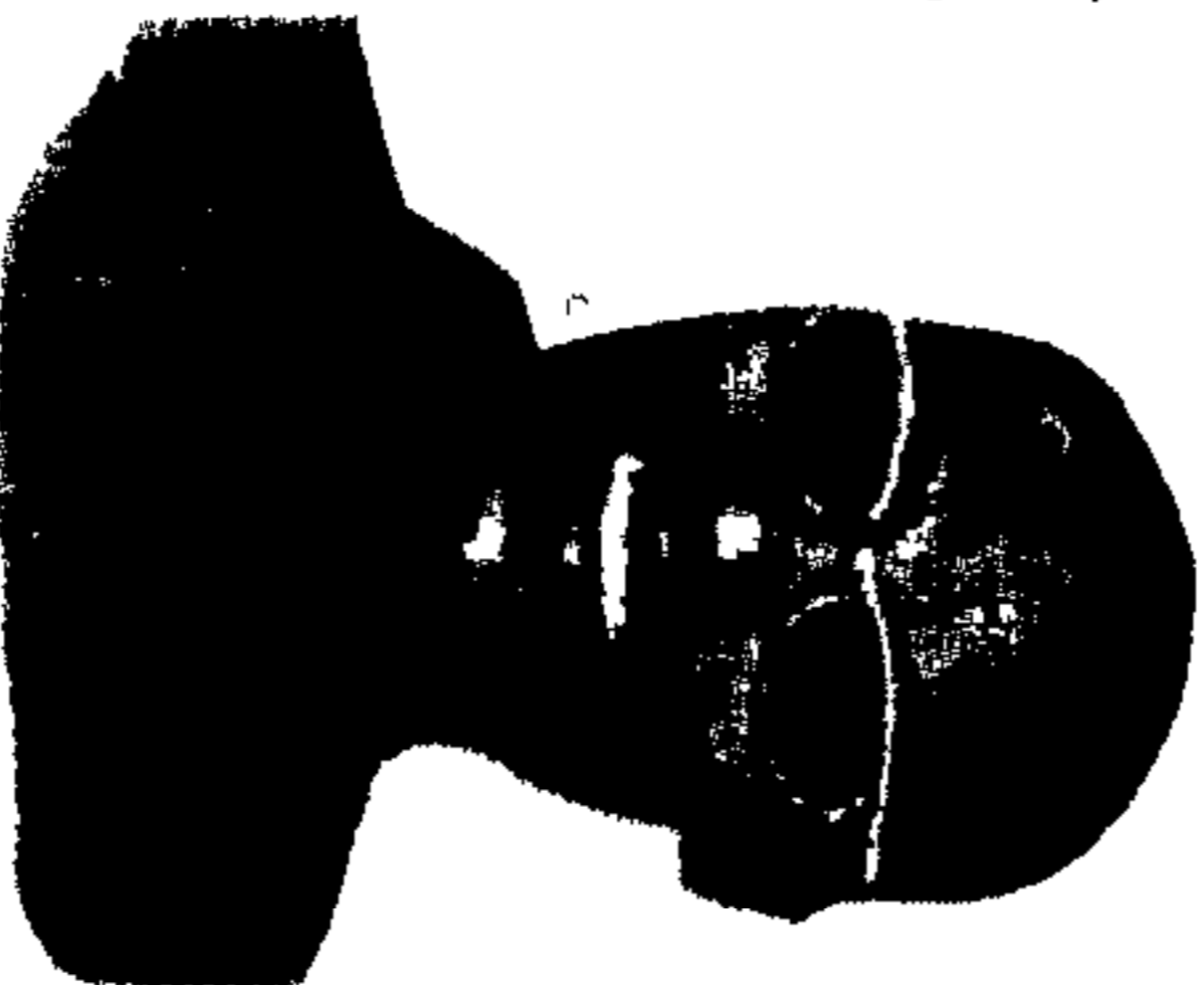
City Press has also found that prisoners are frequently released over weekends on request, depending on their prison status

It emerged that the prisoner who left the Leeuwkop prison in Johannesburg for a weekend, Wilson Mkojjo Sebiloane, is one of several prisoners taking part in a programme by Winnie Madikizela-Mandela and her daughter Zinzi to help integrate prisoners back into society

The Mandela family spokesman yesterday confirmed that Sebiloane had been released under the care of Zinzi. He said the Mandelas had got involved in the prison programme after Zinzi was approached by the prison head, Col P J Williams, to help rehabilitate prisoners

Sebiloane - who is about 30 and was also convicted for illegally possessing a firearm - told City Press he had been an MK commander in Tanzania before his arrest and that he was the chairman of the "Concerned Inmates" group at the Leeuwkop prison which dealt with political prisoners complaints.

According to a spokesman for Correctional Services, Sebiloane was released for one day - Friday



WEEKEND AWAY ... Prisoner Wilson Sebiloane got a breather.

September 27 - to visit his sick mother. But he returned on Sunday September 29 because he had become ill

However, Sebiloane's father, Phineas Sebiloane, said his wife, Anna, had not been ill and had been on a visit to Marquard at the time. He said he had not seen his son that weekend - but it had not been the first time his son was released for a weekend. It had happened two or three times before, he said

A Major Mbewu, who was the duty officer on September 27, told me that Madikizela-Mandela had phoned him later that day to say that Sebiloane would not be returning that day because he was ill. When I visited Sebiloane in jail

TO PAGE 2

JOY IS BEING A CHIEF'S FAN ... An elated fan who

# 'Deserving prisoners allowed out for weekends'

(253) Star 8/10/96  
BY TROVE LUND

Gauteng's five major prisons each allow up to 20 prisoners out on weekends to "test how responsible" inmates are and to begin their rehabilitation, according to the Department of Correctional Services.

This was confirmed by prison heads following media reports that a Leeuwkop prisoner, Wilson Sebiloane, had been allowed out for a Friday night, and then been allowed to stay out until Sunday because he fell ill.

Correctional Services spokesman Rudi Potgieter said yesterday there was "nothing sinister" about Sebiloane getting leave and that the circumstances of each prisoner were carefully considered before allowing them leave.

He said Sebiloane had been allowed out to see his ill mother and that the department was satisfied with a doctor's report that he had fallen ill badly enough to warrant him staying out until Sunday.

Sebiloane is serving a 13-year sentence - which recent amnesty rulings have reduced to nine years - for shooting at a policeman and being in possession of an unlicensed firearm. He will appear before a parole committee in December after he becomes eligible for parole on October 26 this year.

Potgieter said prison heads were allowed to permit "highly deserving" prisoners out for weekend parole, provided they had a set date for their parole.

The Correctional Services Act also allows pris-

oners like Sebiloane, who are not eligible for parole, temporary leave in special cases involving family illnesses or emergencies.

Head of Leeuwkop's medium security prison, Piet Williams, said prisoners were allowed two weekends out in the last six months before being released on parole.

On average, between 8 and 10 prisoners get weekend parole from Williams' prison every week. In the past year, none of these has tried to escape and people taking prisoners out have to leave their identity documents at the prison until they bring the inmate back.

Other prison heads would not give figures, but said up to 20 prisoners, depending on how

many applied for the privilege, were allowed out every week.

Williams said "The first thing a weekend out measures is the prisoner's responsibility when he is let out and exposed to normal society. Prisoners also have to be given a chance to rehabilitate and to prepare for when they come home."

The department denied reports that Winnie Madikizela-Mandela and Zinzi Mandela had been taking prisoners out as part of their rehabilitation programme. The department said it had no knowledge of such a programme, but would welcome it if the Mandelas intended starting one.

The Mandelas could not be reached for comment.



By Winnie Graham

**M**ama Sophie! The voice came from nowhere, but Sophie Tema knew immediately who was calling her.

"Hullo, Mamma!" the voice said.

Sophie responded "Hullo, Garth!"

We had just arrived at Modderbee Prison on the East Rand and were making our way across the car park to the bolted door of the jail. A group of prisoners approaching from the side had seen their "mama" and were determined to attract her attention.

We said no more until we had signed in to the prison.

Sophie Tema, a former Rand Daily Mail journalist who has given up her profession to do rehabilitation work among prisoners, visits Modderbee Prison twice a week.

She and a small group of volunteers are involved in a community-driven project and, with the permission of the Department of Correctional Services, spend

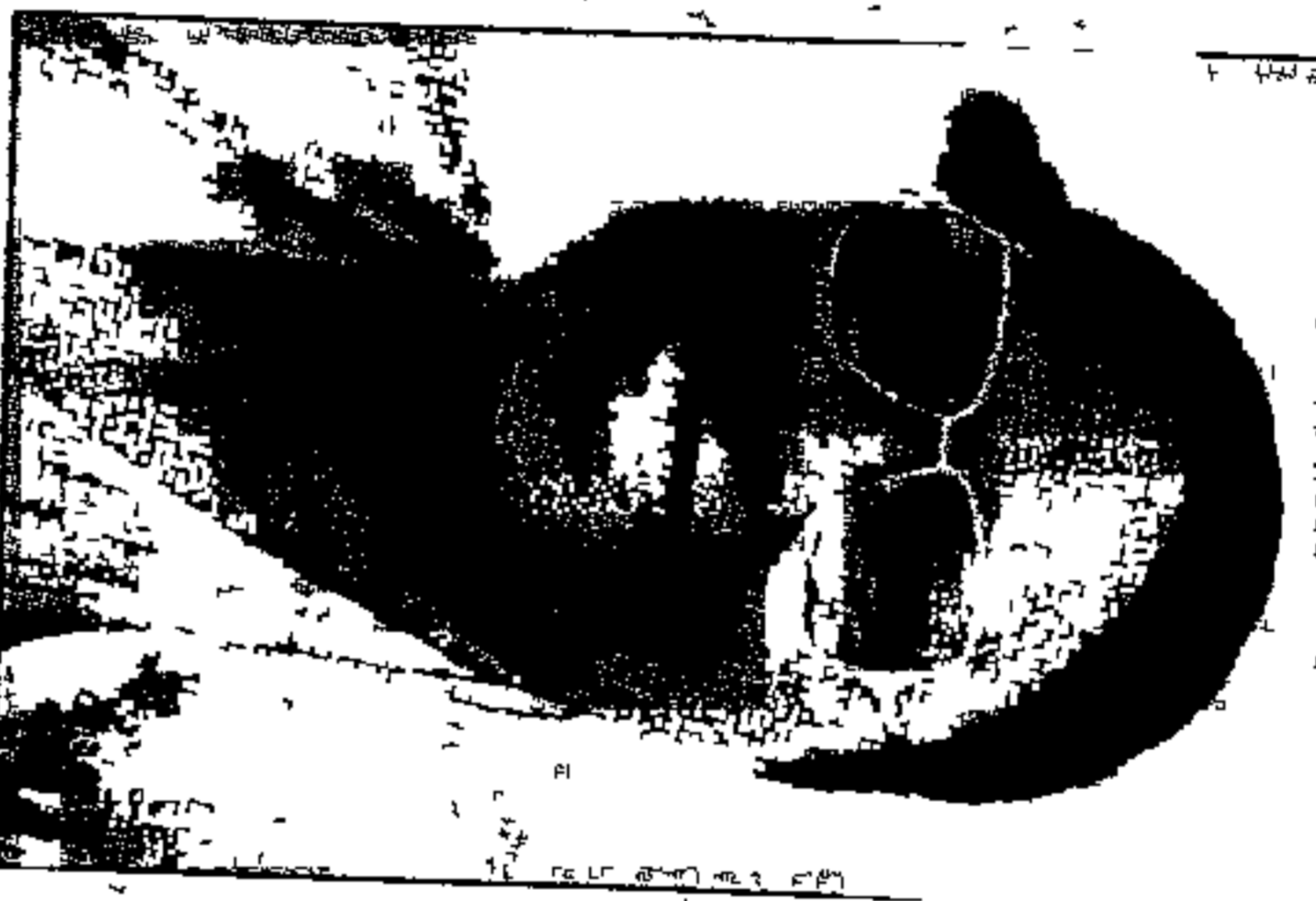
hours in jail each week talking to prisoners and helping them acquire new skills.

The Star was given permission to accompany her recently when she and evangelist Iris Balsoucos went to meet members of her group.

It was not a particularly attractive assignment. No one in South Africa is sympathetically disposed towards criminals, and there are prisoners at Modderbee who have been convicted of murder, robbery, rape, hijacking, fraud and so on. In fact, there are all sorts of people among the 3,400 inmates at Modderbee.

As we were leaving the offices of The Star, someone called after us "Better leave your purse behind!" while another warned us to watch "those thugs".

Yet, here Sophie Tema, our host, was being greeted as "mama" and she was showing no signs of rejecting a group of people generally regarded as social outcasts. On the contrary, she greeted her "pupils" cheerfully, inquiring after their wellbeing. They, in turn, were obviously de-



Welcome visitor ... Sophie Tema brings hope.

Could it be that there was some hope, after all, for these men? Could they really be hardened criminals?

While we waited to be escorted into the heart of the prison, Sophie tried to explain the friend-

ship she shares with so many of the prisoners.

"I know crime is escalating in this country," she said. "That is why I return to jail week after week. We can't simply walk away from the problem."

"People convicted of crime need the support of the community if they are to be rehabilitated and become useful members of society," she said.

"South Africa does not need hundreds of thousands of prisoners, either inside or out of prison. It needs skilled workers to help rebuild the nation. That's what these men must become by the time they leave jail."

She is afraid that if prisoners are shunned by society when released, they will be forced back into a life of crime. That is why she spends her time ensuring that unskilled prisoners are taught to earn their living and are given the chance to save money to use for their discharge.

When they walk out of jail, Sophie says, they should have enough money to pay for accommodation and to start some kind

of small business. Even more important, when they are released they must be assimilated into the community as quickly as possible.

Her decision to work in jails did not come easily. She gave up her job late last year and with a group of friends started a project known as "Learn and Earn".

Their intention is simple: they work with prisoners and help prepare them for the day they are released from jail. When staff at the Modderbee Prison heard of their plan Sophie was asked if she would help there.

Ina Perlman, founder of Operation Hunger, proved a loyal friend. With her help, Sophie bought some materials needed to teach prisoners' skills.

"Some were already busy working with materials smuggled into jail for them," Sophie said. "One prisoner with real talent - but no wood - carved figures from soap."

The project began in a small way. One or two prisoners make leather bags and purses. A couple make wooden jewellery boxes, some items of papier maché,



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some painted pictures and others use cloth to produce an array of useful items.

The goods are sold and the money deposited in savings accounts as a small nest egg for the prisoners. They will take it with them when they are finally freed.

Sophie's group does not work in idyllic circumstances. They do not have a proper workshop and Sophie is often out of pocket buying materials. She persists, however, determined to succeed. In jail, interest in the project is growing. Her "pupils" look forward to her visits.

Not all her lessons are practical. Her most popular sessions are in thinking skills.

The project she runs is, of course, in addition to the workshops run by the Department of Correctional Services. Its rehabilitation includes sewing, carpentry and other life skills. The difference, with Sophie's group, is that the community is involved.

Petrus van Schalkwyk, the social clerk at Modderbee, is enthusiastic about their contribution.

"Sophie is doing a fantastic

job," he said. "The prisoners here are just ordinary people who have made a mistake. In fact, some of the people here have warmer hearts than some folks outside. Some even have better moral standards. All they need is a helping hand and some loving kindness."

When we entered the inner sanctum of Modderbee, a large central courtyard, dust was blowing up in swirls. A group was playing football. Others were watching the game.

We were received in a large hall where a small exhibition had been arranged for our benefit. Prisoners were invited in and Iris Baltsoucos opened the meeting with prayer. A group of gospel singers improvised with the hymn, "Our sins are higher than the mountain."

Sophie's friends located her in the crowd and came to speak to her. A good-looking young man was among them.

"He shouldn't be here," she whispered. "He was convicted of a violent crime when he was 19 but he's a good lad. I can't believe

he would do anything wrong. He makes me tea whenever I come."

Yet Sophie is not naive. Some prisoners confide in her. One told her he had tried to rob a bank "to get money to survive". Now he regrets the impulse.

She accepts that many are guilty of terrible crimes, just as she accepts that as many are remorseful. They don't want to waste their lives in jail.

"The only way to fight crime is to find something for everyone to do," she says. "We must help our prisoners become self-sufficient. They need people to accept them as fellow humans. Like everyone else, they respond to love."

But Sophie cannot do the job on her own and her financial resources are limited. She needs at least R37 000 in the next year if she is to help people at Modderbee - and there are prisoners in jails throughout the country in need of help.

To Sophie these people are not jailbirds. They need to be encouraged to change their attitudes. They are South Africans in need of direction.

**THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING**

The Managing Director of Telkom has informed me as follows

- (a) Middelburg  
Telkom is planning to upgrade the telephone infrastructure in this area during the 1997/98 financial year by means of a CT2 and DRMASS radio system switching back to Bisho

- (b) Kentane  
Telkom will automate services within the actual town area during the current financial year (1996/97). This will include the automation of existing customers and the provision of four cordphones for public use

Consideration will be given for the automation of farm lines in the area during the 1997/98 financial year, which would include the provision of service to rural as well as the town's waiting applicants

Senator A E VAN NIEKERK Mr President, arising out of the hon the Minister's reply, which is good news, I just want to ask the Minister whether he perhaps knows off the cuff whether the areas in Groblershoop and Kakamas in the Northern Cape fall under that specific planning. If not, is he available after dealing with this question so that I can just point out the dangers there to him

**THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING** Mr President, my general knowledge is even greater than that of Minister Valli Moosa, but even I have the limitation of not being able to provide those answers. I am certain most senators in this Chamber would want answers to take back to their constituencies and I shall attempt to get the overall plan of Telkom over this next financial year. In relation to this specific question from Senator Van Niekerk, which requires a more specific answer, I will be willing to provide that to him in writing

**Uppington Prison, dismissals/re-employments**

\*7 Sen A E VAN NIEKERK asked the Minister of Correctional Services †

Whether the 35 employees at the Uppington Prison who were dismissed as a result of a strike earlier this year, have been re-employed

or are to be re-employed, if so, (a) on what grounds were they or are they to be re-employed, (b) who was consulted about their re-employment and (c) where have these employees been deployed or are they to be deployed? S762E

**THE DEPUTY MINISTER FOR SAFETY AND SECURITY** (for the Minister of Correctional Services)

Yes

- (a) On humanitarian grounds

- (b) The Minister of Correctional Services and the Executive Council of the Department of Correctional Services made the decision after consultation with the relevant employee organisation (POPCRU)

- (c) In the Northern Cape or other provinces where vacancies exist on the establishment

Senator A E VAN NIEKERK Mr President, arising out of the hon the Deputy Minister's reply, I just want to make sure whether he is aware of the possible conflict in that specific situation. Apparently, if only Popperu was consulted on this, it has not been a consultative process. Can he provide more clarity on the matter?

**THE DEPUTY MINISTER FOR SAFETY AND SECURITY** Mr President, I am sorry, I cannot

**Top officials: retirements**

\*8 Sen A E VAN NIEKERK asked the Minister for Posts, Telecommunications and Broadcasting †

How many of the top ten line management officials in his Department, up to and including the rank of Director-General, (a) retired before their retirement age or (b) did not make themselves available for an extension of their contracts during the period 1 August 1995 to 1 August 1996? S763E

**THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING**

The Postmaster-General has informed me as follows

- (a) None

- (b) One

**Children in care of Department: escapes**

\*9 Sen M G E WILEY asked the Minister of Correctional Services

- (1) Whether any children in the care of his Department escaped in the past six months, if so, how many,

- (2) whether any of the children (a) are currently being held in the same (i) cells and/or (ii) sections as adult prisoners and/or (b) have any contact with adult prisoners during their incarceration, if so, (aa) how many and (bb) where? S764E

**THE DEPUTY MINISTER FOR SAFETY AND SECURITY** (for the Minister of Correctional Services)

- (1) Escape statistics per age group are not centrally available and can only be obtained through a time-consuming process. Should the hon Senator be interested in information with regard to a specific child, he is welcome to approach me on an individual basis

- (2) (a) (i) No

- (ii) Yes, but only in certain of the smaller prisons until they are released or transferred to alternate suitable accommodation

- (b) Yes

- (aa) This information is not available

- (bb) Whether unavoidable supervised contact occurs between incarcerated children and adults in communal areas like sports grounds, dining-rooms and visiting rooms. Every effort is, however, made to minimise the contact between incarcerated children and adults

Senator M G E WILEY Mr President, arising out of the hon the Deputy Minister's reply, his reply on the first part of the question is totally unacceptable. It is not possible that the Minister does not have the answer to the question. [Interjections]

Senator T GAMNDANA UnguMinister wena? (Are you the Minister?) [Laughter]

**THE DEPUTY MINISTER FOR SAFETY AND SECURITY** Mr President, my diction in the

English language is usually fairly clear. The answer here is: Escape statistics per age group are not centrally available and can only be obtained through a time-consuming process. [Laughter]

Senator M G E WILEY Mr President, further arising out of the hon the Deputy Minister's reply, I would like to ask this hon Deputy Minister to pass on to the Minister of Correctional Services the fact that it is not possible. How is it possible that they do not have the statistics of children who are held separately according to specific age groups. It is not possible I should like to have the statistics

**THE PRESIDENT OF THE SENATE** Order! I suggest that we adhere to the practice that questions be tabled whenever information is sought on a specified topic, especially if the Minister responsible for that department is not responding to the question. There are other remedies the hon member may pursue

**SAPS: retirement of top officials**

\*10 Sen M G E WILEY asked the Minister for Safety and Security †

How many of the top ten line management officials in the South African Police Service, up to and including the rank of Commissioner of the SAPS, (a) retired before their retirement age or (b) did not make themselves available for an extension of their terms of service or contracts during the period 1 August 1995 to 1 August 1996? S765E

**THE DEPUTY MINISTER FOR SAFETY AND SECURITY**

- (a) Nil

- (b) Not applicable

**Illegal immigrants: granting of permanent residence**

\*11 Sen Dr G W KOORNHOF asked the Minister of Home Affairs †

What is his Department's policy with regard to the granting of permanent residence to illegal immigrants from (a) Africa, (b) European countries and (c) north and south America? S766E

Provincial Government	Effective date	How many persons	Action against driver of the vehicles	Action against authorised users of the cars
Eastern Cape	1 Jan '95-31 Aug '96	53	<sup>2</sup> Not available (see notes)	<sup>2</sup> Written statements were submitted
Northern Province	<sup>3</sup> No information received to date (see notes)			
North West				
Western Cape				

Questions standing over from Thursday, 19 September 1996

**High profile prisoners allowed out on pass**

3 Sen Adv J R DE VILLE asked the Minister of Correctional Services

- (1) Whether senior prison officials who were involved in the granting of unauthorised privileges to certain high profile prisoners, and who allowed such prisoners out on pass have been identified, if so,
- (2) whether any action will be taken against such officials, if not, why not, if so, what action
- (3) whether he will make a statement on the matter? S612E

The DEPUTY MINISTER FOR SAFETY AND SECURITY (for the Minister of Correctional Services)

- (1) At the present moment allegations of this nature are being investigated by the South African Police Services as well as internally by the Department of Correctional Services. The results of these investigations will reveal whether officials of the Department are involved or not
- (2) If guilty, yes (Criminal and/or departmental action)
- (3) No Not at this stage

The PRESIDENT OF THE SENATE Order Before I put Question 4 I would like to draw hon senator's attention to the fact that we have an

arrangement in this House that a senator tabling a question should be present in the House when such question is put I have applied this Rule rather strictly, because we expect Ministers to come and respond to questions Therefore I would like to say that I am going to apply this Rule rather strictly in respect of senators who are not present unless there is an explanation from the FF

I have just received a note from Senator De Ville apologising for his absence

Would Senator Van der Walt please take over Senator De Ville's obligations and recognise the question?

**Building of super maximum security prisons**

\*4 Sen Adv J R DE VILLE asked the Minister of Correctional Services

- (1) Whether it is still the intention to build super maximum security prisons for dangerous offenders, if not, why not, if so, (a) when will such prisons be built, and (b) from which sources will the funds be obtained,
- (2) whether the accommodation capacity of such prisons has been determined, if so, what are the relevant details,
- (3) what are the criteria for detaining prisoners in such prisons? S613E

The DEPUTY MINISTER FOR SAFETY AND SECURITY (for the Minister of Correctional Services)

- (1) Yes

- (a) Cabinet has already approved the establishment of super maximum security prisons as part of the various urgent measures within the Criminal Justice System to solve the escalating crime problem

Planning of this facility is currently receiving urgent attention, and the prisons will be erected as soon as the necessary arrangements are finalised with regards to the building and financing of the facilities

- (b) My Department and other relevant Government Departments are currently considering various funding options which may include the use of private sector financing

- (2) Yes It is foreseen that the first super maximum prison will have the capacity to accommodate approximately 1 000 criminals

- (3) Prisoners who are officially categorised as violent, disruptive and a threat to society, to fellow inmates and correctional officials will be detained in a super maximum prison

Senator M G E WILEY Mr President, arising out of the hon the Deputy Minister's reply, I wonder if he could convey the following question to the Minister of Correctional Services Is the Minister of Correctional Services making use of Public Works architects for the building of his maximum security prisons?

The DEPUTY MINISTER FOR SAFETY AND SECURITY Mr President, the answer to the question is yes In fact, I can answer that one The answer is yes [Laughter]

The PRESIDENT OF THE SENATE Order! Senator Wiley, forgive me, but it will require very original thinking if you want to derive a further follow-up question from that response [Laughter]

Senator M G E WILEY Mr President, I thank the Deputy Minister for his in-depth knowledge of Correctional Services' matters I would like to follow up by asking the Deputy Minister whether he would ask the Minister of Correctional Services whether they are the same architects he called "dead and useless" in previous debates [Laughter]

The DEPUTY MINISTER Mr President, no No, they are not the same [Laughter]

**Misuse of government vehicles in Province of Free State**

\*11 Sen Dr G W KOORNHOF asked the Minister for Provincial Affairs and Constitutional Development †

- (1) Whether he has been informed of reports of the misuse of government vehicles in the Province of the Free State, if so (a) who is involved in the alleged misuse and (b) what are the further relevant details,
- (2) whether any steps have been or are to be taken against any offenders, if not, why not if so, what steps? S620E

The MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT (Reply partially laid upon Table with Leave of House)

- (1) and (2) The information is not available in the Department of Constitutional Development or my Ministry In an attempt to be of assistance to the hon member the question was referred to the provincial administration of the Free State Province The following information was furnished by them

"The MEC for Transport and Roads of the Free State was informed

Various officers from all the Departments were involved

- The cars were impounded and only reissued after the officers were given a written warning
- 86 cars were involved which is 3% of the fleet

Each driver is now required to sign a declaration on receipt of a vehicle from the Government Garage and the management of the Free State has agreed to adhere to these steps

A copy of the declaration to be signed upon receipt of a vehicle will be tabled together with this reply

# Millions paid for convicts' health

By PATRICK BULGER

Star 10/10/96 (253)

Cape Town — "Fat cat" district surgeons were fleecing taxpayers of millions of rands by referring sick prisoners to private health care institutions instead of the public health system, Parliament's health committee chairman, Dr Abe Nkomo, told the National Assembly yesterday.

In some instances the district surgeons were acting as assistant surgeons and were referring sick prisoners to themselves.

"In effect, the Department of Correctional Services is subsidising private health care, instead of supporting and enhancing our state hospitals and clinics which desperately

need the revenue," Nkomo told a mini-debate on the issue.

"Private health care for prisoners is costing us R1 800 per patient. In the first four months of this year, South Africa spent over R3-million on luxury care for convicts. It is not stopping. Just two weeks ago, we learnt that one of the Western Cape's most notorious drug lords was in a private Constantia clinic."

He conceded that private health care was necessary on occasion.

Correctional Services Minister Sipo Mzimela said prisoners had the same right to health care as civilians. If treatment could not be provided at a State institution, private health care facilities were used.

Statistics released by the government showed that nearly 1 000 violent criminals — including murderers, armed robbers and hijackers — escaped from police cells in the first eight months of this year.

Escape from police custody is not difficult, it seems — especially in Mmabatho, North-West province, where 18 prisoners bolted for freedom when their cell doors were left open in five separate incidents over the eight-month period.

In addition to escapees, more than 5 000 convicted criminals absconded while on parole. This represents nearly 19% of all convicts given parole. Attention has been drawn to escapes from police custody and parole-breakers by the disclosure.

In one case, convicted murderer David Ruiters was released on parole and then implicated last week as a member of a five-man prison gang accused of murdering two women and a child in Nieuwoudtville in the Western Cape. Another gang member is awaiting trial for murder.

The police are unable to give a detailed breakdown of the crimes for which 957 prisoners — who escaped while in police custody this year — had been charged. Only 284 have been re-arrested. Out of a total prison population of more than 120 000, 892 convicted prisoners escaped during the same period.

Prison overcrowding forces many prisoners awaiting trial to be kept in police cells, that are not designed to handle the quantity or calibre of the criminals. The prisons, constructed for a population of about 95 000, must accommodate 122 330 prisoners, a quarter of whom are still unsentenced

years have not been completed.

In the biggest break-out, using one of the most common means of escape, 61 prisoners escaped through the roof of the Brakpan prison in the East Rand.

**A**part from really serious criminals, few prisoners will complete their sentences inside prisons, correctional services representative Koos Gerber said.

In the first eight months of the year 29 387 prisoners were placed on parole and 5 479 absconded. Gerber was unable to provide exact details of the crimes these absconders were accused of committing.

Correctional Services Portfolio Committee chairman Carl Niehaus said the causes behind the overburdening of prisons stem as much from problems in the Safety and Security and Justice departments as they do from the range of factors affecting correctional services.

While the present prisons are mostly outdated and overcrowded, with Pollsmoor Prison overpopulated by about 200%, five new prisons — to house 5 000 prisoners — are expected to be completed by November next year. Upgradings and renovations on existing structures are also under way. However, Niehaus said: "I don't think we will ever build ourselves out of the problem."

He believes the Correctional Services Department needs to re-prioritise and find ways of achieving more within its budgetary constraints.

Also at the heart of the overburdened prison system, he said, are severe staff problems — from corruption and a manpower shortage of 6 000 people, to

**Prison life: Ince native Correctional Services Department presented to the Mail & Guardian was that of the almost model Institution Sonderwater, near Cullinan. Unfortunately, most prisons are overcrowded and offer inhumane living conditions**

PHOTOGRAPH RUTH MOTAU

poor morale caused by uncertainty over affirmative action or anger that it is not being phased in fast enough.

Absenteeism among prison warders is also a problem. This was most notably seen when three Afrikaner Weerstandsbeweging bombers escaped from Diepkloof prison, Soweto, in March when only five of the 17 warders reported for duty — a comprehensive report of which has still not been presented to Niehaus. But according to the National Institute of Crime Prevention and Rehabilitation of Offenders, the lot of prisoners has not improved. Rapes are a regular occurrence in many jails.

Inhumane living conditions, chronic overcrowding and the resultant lack of quality of life make rehabilitation almost impossible, said senior social worker Zeenith Domingo-Kahn.

And prisons have become "recruiting agencies", where minor criminals find their way into prison gangs, and are an "organising base" where further crimes are planned, said Wits University Professor Robin Lee, who compiled the Nedcor anti-crime report. Only 6% of prisoners do not return to jail, he added, with the other 94% making the South African recidivism rate — where perpetrators



continuously return to jail — one of the world's highest, Lee pointed to a more selective parole selection procedure and the need to build more prisons as two solutions.

Separation of hardened and minor criminals is necessary to ensure rehabilitation, he said. Niehaus said the building of maxi-

mum security prisons for hardened criminals is on the cards, as is a proper complaints mechanism to deal with corruption allegations against warders, such as the involvement of the public protector.

In addition, he said, an inspecting judge is to be appointed as an independent investigative authority.



## 12 SOUTH AFRICA

# Police can't keep criminals behind bars

(253)

MAG 11-17/10/96

The escape of nearly 1 000 prisoners this year highlights fault lines in the over-burdened criminal justice system. **David Shapshak** reports

**T**HE parlous state of the South African Police Service was underlined yet again this week with the release of figures showing that more people escaped from police custody this year than from all the

or awaiting trial. The prison population has risen from 111 798 in 1993

In more than one instance police officers have been overpowered when dealing with the vastly overcrowded communal holding cells. Police were also unable to determine how several



MAIL & GUARDIAN  
October 11 to 17, 1996

# Bringing back the officers

(253)

M+G 11-17/10/96  
within budgetary constraints.

Angella Johnson

**T**HE government is to lift its two-year ban on recruiting new police officers following a public outcry over escalating violent crime and the continued haemorrhaging of manpower from the South African Police Service (SAPS).

The first batch of candidates is expected to start training early next year, ending a moratorium police claim has left them inadequately placed to fight crime in many regions.

Maxwell Mulaudzi, a representative for Safety and Security Minister Sidney Mufamadi, said the minister was still waiting for a proposal from the SAPS's human resources department about manpower requirements. "Once he has that then he will be better placed to put a plan before the Cabinet for consideration

Mufamadi, who has often argued that putting more police on the streets would not necessarily reduce crime, is under pressure from businessmen and the diplomatic community to do more.

Crime is widely believed to be a major obstacle in the country's democratic and economic growth.

National Police Commissioner George Fivaz would like the moratorium lifted immediately. He is also demanding extra funds to beef up logistical support, such as more vehicles, which he says will be the "decisive factor in beating crime".

At Pretoria West Police College, tutors say the rumour mills have been turning with news that their first lot of new cadets could be on board for January 1997.

The college, which once put through about 6 000 new officers a year, now relies on retraining pro-

grammes for the SAPS personnel.

Superintendent Fanie Bierman, head of training, said that like most police colleges it was now so under-utilised it was difficult to justify keeping facilities going. Two have already closed.

"We have a new method of teaching which is in line with a democratic country, but only 1 700 people were given this training during a pilot programme last year," he said.

"They are now out in the system like little fish in a sea full of sharks. We need to get more officers through the programme in order to make a significant impact on policing."

He described the SAPS as a bath full of water where the plug is releasing water (that is, officers killed, retired or retrenched), but the tap is tightly closed.

Official figures show that 2 503 police left the service from the beginning of 1995 to July 1996.

# Child detentions soar

## Rights pledge ignored, says study

GLYNIS UNDERHILL  
CHIEF REPORTER

The number of children sentenced to prison in South Africa had increased by almost 30 percent, which showed the country's commitment to limiting imprisonment for children had not been honoured, according to a new study.

It was conducted by Julia Sloth Nielson, a senior researcher at the Community Law Centre at the University of the Western Cape. Ms Sloth Nielson, who is involved in the Children's Rights Project at the law centre, said it was a source of "great concern" that figures recently compiled by the Department of Correctional Services showed a dramatic increase in the numbers of children under 18 sentenced to serve prison sentences during the period 1995-1996.

"Further, it is worthy of concern

that terms of imprisonment are now being handed down to very young children," she said.

Whereas overall figures for adults and children showed an increase of 10 percent in sentences of imprisonment, the numbers of children sentenced to prison had increased by 29,9 percent, she said.

"The enormous differences in use of prison as a sentence for children in different regions is so disturbing. It does not necessarily accord with public perceptions about where crimes are occurring, and may well be linked to judicial practice rather than any real increase in juvenile crime."

South Africa ratified the Convention on the Rights of the Child, which states that "detention or

imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time."

"Clearly though, since ratification of the convention, South Africa's commitment to limiting imprisonment for children has not been honoured," said Ms Sloth Nielson.

In the Western Cape, the number of children sentenced to serve prison sentences had increased from 88 last year to 140 this year.

In Gauteng the number of children sentenced to serve prison sentences had increased from 216 to 272 in the same period.

There had been a 400 percent increase in children between the ages of seven and 13 sentenced to

serve prison terms and a 100 percent increase in the numbers of children of 14 years who had been sentenced to terms of imprisonment.

"Clearly the greatest increase in the use of prison sentences for children applies to the younger groups of children," Ms Sloth Nielson pointed out.

She said yesterday that in terms of common law a child over the age of seven had criminal capacity and could be found guilty of any offence.

"The common law and the Criminal Procedure Act make provision for a whole range of sentences and imprisonment for children as young as seven is not technically excluded," she said.

"There had been an increase of 30-35 percent in children jailed for sexual offences," said Ms Sloth Nielson. She said the proposed final constitution would enshrine the child's right to be detained only as a measure of last resort.

**'South Africa's commitment to limiting jail for children has not been honoured'**

(253) ~~APR 12/10/96~~ APR 12/10/96



# 'Favouritism rife in prisons'

(253)

CP 20/10/96

By SIFELANI MLAMBO

**FAVOURITISM** IN granting concessions to inmates at Leeuwkop prison has surfaced again.

A prisoner serving four years for theft says he was refused permission to visit his creditors – who are threatening to repossess his house – while other inmates were allowed out for weekends.

Prisoner Marcus Van Ross told

City Press that inmates serving sentences for more serious crimes, such as murder and armed robbery, were being granted permission to leave jail at weekends

Van Ross was bitter that some prisoners had been released before for reasons similar to his and accused prison officials of favouritism.

He said he qualified to be released for a weekend as he has served half of his sentence. He is due to be released in September next year

Correctional Services spokesman Russel Mamabolo confirmed that a prisoner could apply to be let out of prison for a weekend if he had served half of his sentence.

But Van Ross claimed some prisoners who had not yet served half of their sentences had been granted permission to leave prison at weekends.

He asked the Minister of Correctional Services to intervene.

'Human element and crumbling facilities get the blame

# Shock figures on escapes from jails and cells

STAFF REPORTERS

Almost 300 prisoners escaped from Gauteng police cells in the first eight months of this year.

And while these mostly dangerous prisoners are escaping, the police are doing little to stop them.

The Gauteng figure makes up a third of the 931 who escaped from similar cells around the country.

In answer to a question in Parliament by Democratic Party leader Tony Leon, Safety and Security Minister Sydney Mufamadi revealed that of these escapees, only 282 were rearrested, for offences ranging from murder, to armed robbery, rape and housebreaking.

While the Gauteng public is under siege from crime, the problem of prisoners escaping from police cells in the province is the worst in the country. Of the 293 escapees from Gauteng police cells, only 24 were recaptured.

Incredibly, however, police in Gauteng were unable to explain the manner of escape in 100 of the 297 cases reported to the minister.

A reliable police source said it was possible that figures for Gauteng were

higher than others because police morale was lowest in the beleaguered province.

"The type of criminal captured in Gauteng is far more hardened and therefore more difficult to contain or recapture," he said.

In a number of these escapes around the country, police negligence - where cell doors were left open, or prisoners escaped when being fed or allowed to watch television - was cited as the reason for the jailbreak.

## Broke down walls

In Mmabatho in North West Province, 18 prisoners escaped on five separate occasions between January and August after cell doors had been left open.

Other escapees saved through bell bars, broke through roofs, forced their way out through zinc sheets, removed burglar proofing, cut through wire mesh or even broke down the walls of cells to escape. In only 15 instances was force used to overpower police guards.

On one of those occasions, in May, a total of 44 prisoners escaped from the police cells in Florida on the West Rand. Another mass escape occurred in Brak-

pan in August when 81 prisoners escaped through the roof.

In a number of cases, prisoners used the same method of escape from the same place repeatedly.

At Fish Hoek and Wynberg stations in the Western Cape, 29 prisoners escaped by sawing through roof railings on five occasions between January and July. At Uptington in the Northern Cape, five prisoners escaped in the same way - through a gate in the roof of cells undergoing repair - between February and August in Welkom in the Free State, prisoners escaped on six occasions by jumping over the fence, while at Eldorado Park, Magaliesberg and Muldersdrift in Gauteng, zinc sheeting was cut or forced in a number of incidents.

At Atteridgeville in North West, a prisoner escaped on February 28 because of a faulty door mechanism. On March 11, another one escaped the same way while the third prisoner took advantage of the still-faulty mechanism to make a getaway two days after that.

In the Western Cape, of the 62 prisoners who escaped, 34 were recaptured, while in KwaZulu Natal 163 escaped and just 84 were rearrested. Other provincial figures were:

- Eastern Cape - 107 escapes, 53 rearrests;
- Northern Cape - 37 escapes and 28 rearrests;
- Free State - 68 escapes and 18 rearrests;
- Northern Province - 79 escapes and 97 rearrests;
- North West - 75 escapes and eight rearrests;
- Mpumalanga - 47 escapes and 16 rearrests.

"The figures are outrageous," said police communications officer Superintendent Leon Engelbrecht. "More so are the reasons for their escape. Criminals ought not to be able to saw through bars or climb through cell windows."

He said the high figures could be attributed to "the human element within the police force and the unequal working conditions, facilities and infrastructure inherited by the new police services".

"Many facilities have deteriorated alarmingly and are almost non-existent in some places," said Engelbrecht. Commissioner George Fivaz has made infrastructure upgrades a priority, but some progress has been made. But it is the responsibility of the Department

of Public Works to provide and maintain facilities, said Engelbrecht.

To upgrade all police cells to international standards would cost about R800-million, he added.

Engelbrecht acknowledged that "negligence, human weakness and corruption within the police force also played a role".

Leon argued in Parliament that the upgrading of facilities ought to have been budgeted for much earlier by all government departments concerned.

## Deficiencies

"Providing adequate facilities is a priority in fighting crime. What's the point stepping up arrests if there's nowhere to put them?"

Maxwell Mulaidzi, spokesman for Mufamadi, acknowledges that there is a problem with the criminal justice system, but says the system is in the process of being "re-engineered".

"The number of escapees shows the deficiencies in the criminal justice system. Figures show that the prisoners are not only escaping from police cells, but also state prisons, which indicates that the whole system has to be overhauled," he said.

(253) Star 26/10/96

# Popcru members hold prison commander hostage

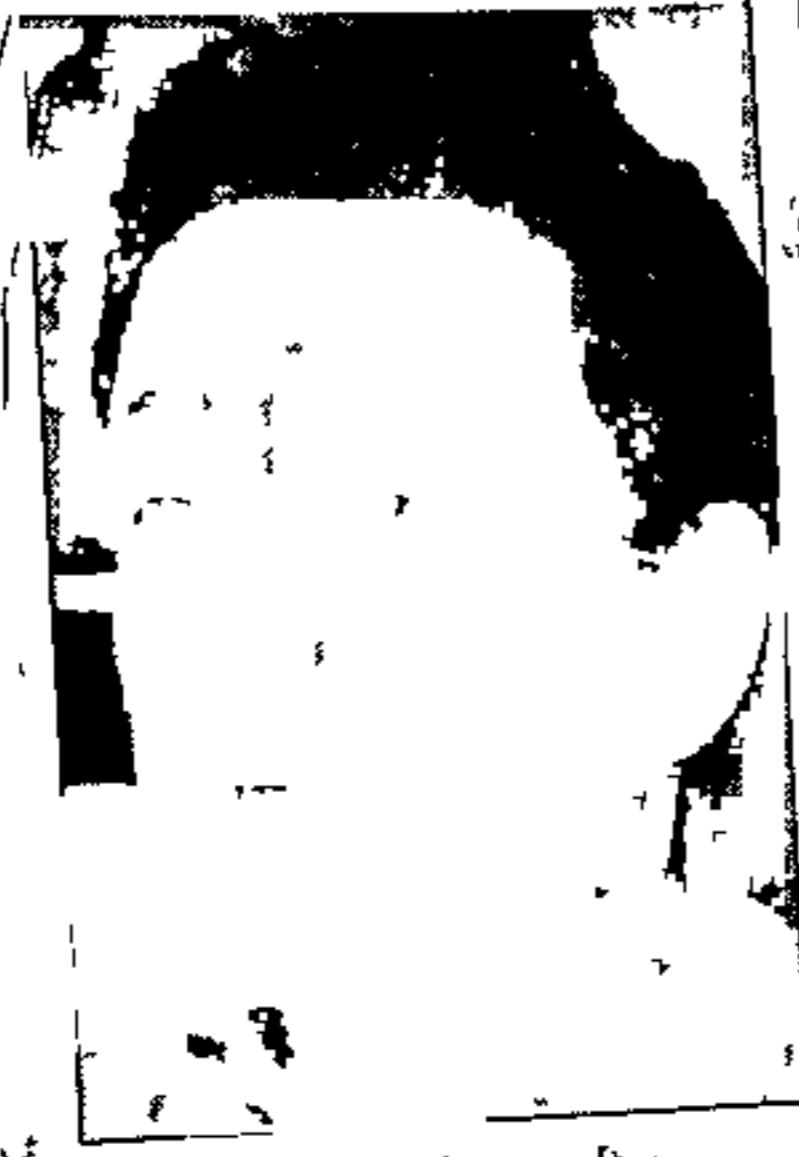
(253) ARLG 26/10/96

Durban - The commander of Waterval Prison near Utrecht in Kwazulu Natal was held hostage overnight along with some staff members as unrest involving members of the Police and Prisons Civil Rights Union escalated

H O van Graan and his staff were freed by police at about 5am yesterday. The hostages had been held for eight hours. The Department of Correctional Services said 69 Popcru members were arrested. Six of them were carrying private

firearms, which were confiscated by police. Earlier, negotiations had failed between the police and the hostage-takers to secure the release of the captives. One of those arrested was carrying a plain detailing Popcru's intention to

mount a similar manoeuvre at Port Shepstone Prison on the Kwazulu Natal south coast. Correctional Services said Popcru members at prisons in Stanger, Nkome and Empangeni were refusing management members access to their offices - Sapa



Tony Leon: questions

(253)

## Gauteng jailbreak figures are worst in SA

STAFF REPORTERS

Almost 300 prisoners escaped from Gauteng police cells in the first eight months of this year.

And while these mostly dangerous prisoners are escaping, the police are doing little to stop them.

The Gauteng figure makes up a third of the 931 who escaped from police cells around the country.

In answer to a question in Parliament by Democratic Party leader Tony Leon, Safety and Security Minister Sydney Mufamadi revealed that of these escapers only 282 were rearrested, for offences ranging from murder to armed robbery, rape and housebreaking.

While the Gauteng public are under siege from crime, the problem of prisoners escaping from police cells is the worst in the country. Of the 293 escapers from Gauteng police cells, only 24 were recaptured. Incredibly, however, police in Gauteng were unable to explain the manner of escape in 100 of the 297 cases reported to the minister.

A reliable police source said it was possible that figures for Gauteng were higher than others because police morale was lowest in the beleaguered province.

"The type of criminal captured in Gauteng is far more hardened and therefore more difficult to contain or recapture," he said.

In a number of these escapes around the country police negligence - where cell doors were left open, or prisoners escaped when being fed or allowed to watch television - was cited as the reason for escapes.

In Mmabatho in North West Province, 18 prisoners escaped on five occasions between January and August after cell doors had been left open.

Other escapers sawed through cell bars, broke through roofs, forced their way out through zinc sheets, removed burglar proofing, cut through wire mesh or even broke down the walls of cells to escape. In only 15 instances was force used to overpower police guards. On one of those occasions, in May, a total of 44 prisoners escaped from the police cells in Florida on the West Rand. Another mass escape occurred in Brakpan on the East Rand in August, when 61 prisoners escaped through the roof.

In a number of cases, prisoners used the same method of escape from the same place repeatedly.

At Fish Hoek and Wynberg stations in the Western Cape, 29 prisoners escaped by sawing through roof railings on five occasions between January and July. At Upington in the Northern Cape, five prisoners escaped in the same way - through a gate in the roof of cells undergoing repair - between February and August. In Welkom in the Free State prisoners escaped on six occasions by jumping over a fence.

# Prison design breakthrough

## *Investment in war on crime*

ANDREA BOTHA  
STAFF REPORTER

(253)

ARG 28/10/96

Imagine a prison cell with a view of golden wheatfields and powder-blue mountains.

That might not quite be the case at the new R70-million Voorberg prison near Porterville, in the heart of the Swartland, but the jail certainly is one of the most modern and attractive in the country

The prison was opened with great pomp and ceremony last week by National Commissioner of Correctional Services Henk Bruyn

Mr Bruyn said the Voorberg prison represented a turning point for Correctional Services in respect of the wide range of services and opportunities it provided for prisoners

"The Government needs facilities like this one. It is an investment in the Government's fight against crime and the increase in convicted criminals and those awaiting



Back to school: Margaret Mokotedi looks around one of the classrooms

trial," he said

Voorberg would not only help the Government cope with the increase in numbers of prisoners, but also would help ensure they served their full terms, while being offered the best opportunities for rehabilitation

Built in an attractive face-brick style with blue doors, window sills and prison bars, Voorberg is described as "a breakthrough in prison design" When fully operational, it will house any type of pris-

oner from those awaiting trial to those serving maximum life sentences

There are 300 prisoners at Voorberg at present. The prison is built on a 3 232-ha plot which will be used for cattle, sheep, fruit and vegetable farming and worked by the prisoners

There is also a wide range of teaching facilities, workshops and programmes from which prisoners can learn trades

There will be a psychologist and social workers on hand, too



DOUG PITHEY

**Greetings:** opening ceremony guest Msuthu Timothy Khoza shakes hands with inmates at Voorberg prison

IN BRIEF

PH 29/10/91

Interdict granted in bid to end Natal jail occupation

(2/53)

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# Parliament to discuss draft parole policy

(253) Sowetan 30/10/96

DRAFT legislation introducing a stricter parole and release policy will be tabled in Parliament this week, National Assembly correctional services committee chairman Mr Carl Niehaus said yesterday.

The legislation will be important to the Department of Correctional Services which has been criticised for its parole and release policy, Niehaus said at a media briefing in Cape Town.

The department has been accused of having an arbitrary administrative release process which led to contradictions in people's releases.

There was also a perception that certain prisoners were being released early while others due for release were not.

## New policy

Under the new policy, prisoners will have to serve at least half of their sentences before being eligible for parole. Those convicted of murder and other serious crimes will have to serve at least two-thirds to three-quarters of their sentences.

The paroles will be considered by restructured parole boards representative of the community.

In the case of serious crimes, the position of the sentencing court will also be considered.

Prisoners with life sentences will

serve at least 20 years before being considered for parole.

The sentencing court will be involved in the decision.

The victims' families will be consulted and their opinions considered, but they will not be on the parole boards.

In particularly serious or complex cases there is provision for the case to be referred to a special committee likely to function under the Correctional Services National Advisory Council.

The African National Congress supported the legislation which will be passed through Parliament next year.

● In a stern judicial signal in the Grahamstown Supreme Court yesterday, Mr Justice Kroon sentenced three young killers of popular Bathurst, Eastern Cape, farmer Mr Adrian Palmer to 32 years in jail each.

A fourth accused, Nkosinathi Ngcala (20) was sentenced to 18 months in jail, of which six months were conditionally suspended for four years, for being in possession of stolen property belonging to the murdered farmer.

Mandlakayise Mata (20), Xolani Mlata (23) and Msindisi Makelem (20), all of Shukushukuma, Motherwell, Port Elizabeth were each sentenced to 20 years' imprisonment for murder plus a further 12 years for housebreaking and robbery.



# New parole policy 'will lead to overcrowding' (253)

David Greybe

CAPE TOWN — Overcrowding in SA's prisons would increase with the introduction of a stricter parole policy, National Assembly correctional services committee chairman Carl Niehaus said yesterday.

Draft legislation introducing the new policy would be tabled in Parliament this week, Niehaus said.

He warned that with implementation of the legislation there was no chance of a reduction in prison overcrowding in the foreseeable future. It had to be accepted that SA "is not a First World country".

The draft Correctional Services Third Amendment Bill is currently with the state's legal advisers.

Correctional Services Minister Siphon Mzimela's spokesman said the legislation formed part of government's national crime prevention strategy.

The current release policy has come under heavy fire this year from various sections of the criminal justice system regarding the

early parole of prisoners, lack of co-ordination and consultation and alleged interference in sentences imposed by the courts.

Mzimela's department was "hopeful" that Parliament would still pass the draft Bill this year.

Mzimela is scheduled to brief the Cabinet's social and administration committee today before the Bill is tabled in Parliament.

The legislation proposes that most prisoners would have to serve at least half of their sentences before being eligible for parole.

However, prisoners who commit murder and other serious violent crimes would have to serve at least two-thirds of their sentences.

Prisoners' parole applications would be considered by restructured parole boards. In the case of serious crimes, the sentencing court's opinion would also have to be considered.

Prisoners serving life sentences would have to serve at least 20 years before being eligible for consideration for parole.

BD 30/10/96



# Black staff at John Vorster claim white counterparts get higher salaries

By GORAN NIDLOVU

(25)

Senior black employees at Johannesburg's John Vorster Square are angry at the Government's refusal to upgrade their salaries, which they regard as meagre and not on a par with their white counterparts.

The women, who work as matrons and cell wardens at Johannesburg's largest police station, claim they are paid the wages of cleaners. They said they earned R1 500 per month and ended up taking home around R900, while their white colleagues received gross earnings of R2 288 and took away R1 120 at the end of the month.

This was revealed by six women who have worked at the station for periods ranging from three to 15 years. They said many more women were being underpaid "but were too frightened to speak".

The six are Julia Ntombizodwa Nkosi, assistant matron since 1991; Emmie Mokgatane, Phokungwane, warden since 1982; Caroline Xoliswa Maseke, matron since 1993; Angeline Phapano Mbanbala, matron since 1991; Rosina Shumane Ndllovu, matron since 1991; and Joyce Morwa Sithole, warden since 1984.

Acting police director at John Vorster Square Captain Fanyana Zwane said there was a problem at the station, but he had advised the women to arrange a proper meeting "with higher authorities" to resolve the matter.

Zwane said "I have only been at this station for three months and I am not fully conversant with some things here. I told them I was still going to consult with a Captain Kruger, but they were impatient."

The women claim Zwane was unsympathetic and "told us to resign if we were unhappy."

"We have written to Gauteng MEC for Safety and Security, Jessie Duarte, met director of Facilitation in Gauteng, Solomon Mula and captain Kruger, all without success," said the spokesman for the group.

# 'Inmates pay to be safe in prison'

2019/11/19

LEEUWKOP prison officials murdered three prisoners between 1994 and 1995 and threatened to kill others earlier this year, a long-term prisoner alleged yesterday.

Prisoner Rodney Xolani Nxele claimed on the last day of the Human Rights Commission's hearing at the prison north of Johannesburg that inmates Bazuka, Ace 2 and Maul – the names he knew them by – died as a result of assaults and poisoning by prison officials under the command of retired Captain Swart and Major Bon Muller.

"Bazuka was assaulted by prison officials. One of these officials has since been transferred. Ace 2 was poisoned by another prison inmate under the instruction of Captain Swart," Nxele alleged.

He told the hearing, chaired by Dr Barney Pitso, that prisoner Ace 2 had argued with Swart on the day of his death.

Nxele said the prisoner was given food by another employee stationed in the kitchen and soon after the meal had complained of stomach pains.

"He cried with stomach pains. He vomited, vomited, and vomited and he later died."

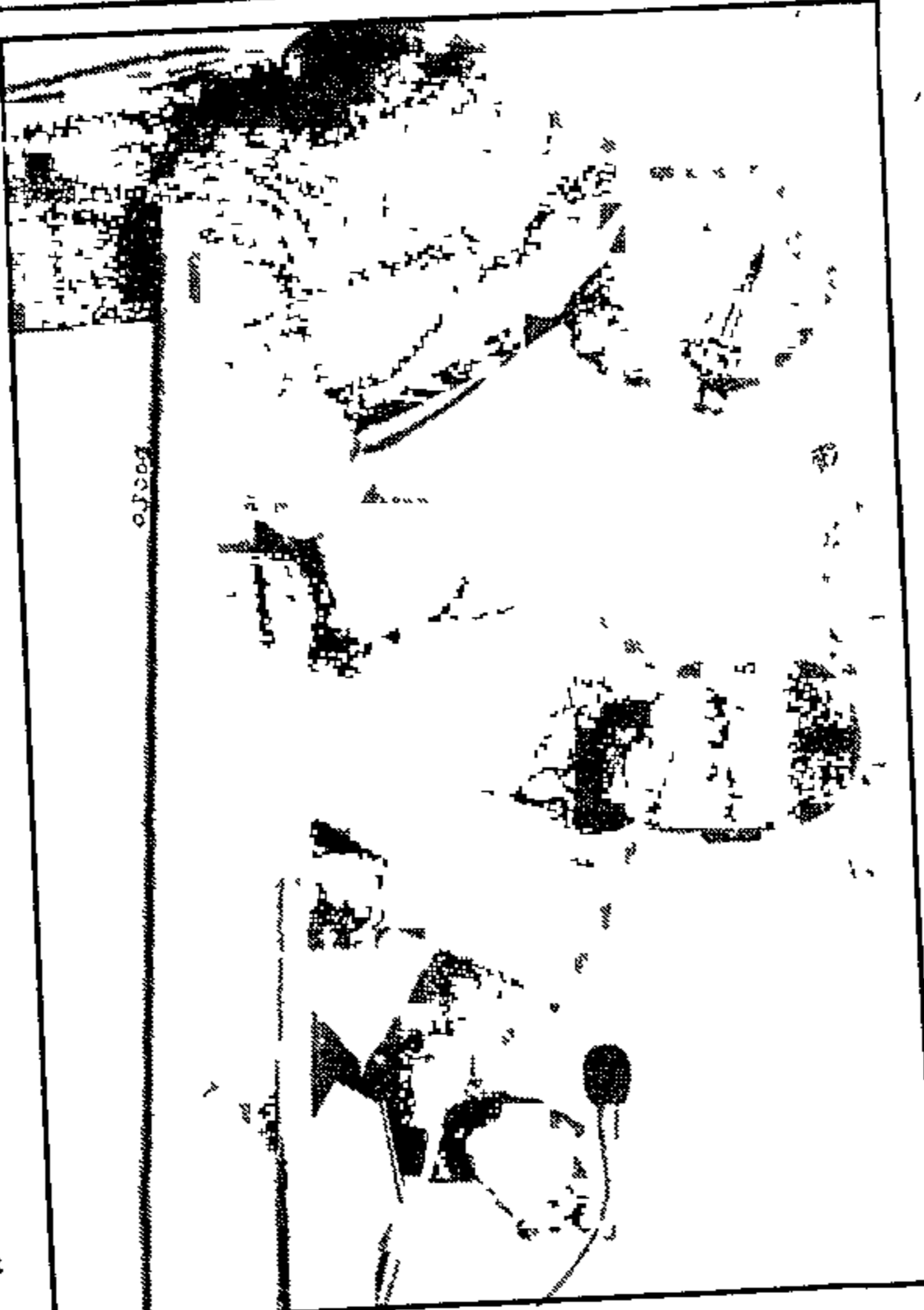
Nxele, serving a 14-year jail term, told the commission that another inmate, Maul, died last February from assault by prison officials – including a Phakathi, Koch, Muller, Mashifane and Marumo.

He also told the commission that prison authorities in 1995 threatened him with death for standing up for his prison rights. Nxele said he was taken to a boiler in the kitchen and told he would be thrown into boiling water unless he gave up the fight for his rights.

The prisoner confirmed earlier submissions by other inmates that prison officials were the perpetrators of gang-related violence in the prison.

He claimed that prisoners had to pay protection fees to be safe at the prison, and named a few officials, including a Masenya, Madoge and Mvelase, as people who regularly received these fees.

Other prisoners told the commission that gangsterism was "so powerful" at Leeuwkop prison that management had lost control of the situation.



**PREPARED TO NAME NAMES** David Ngomane (right, seen here with a translator) was among the Leeuwkop prisoners who said warders encourage drug use and violence in the prison. **■ Pic: ANDRIES MCINENKA**

(253) They alleged that prison officials enjoyed the ongoing clashes among various gangs in the prison.

"They enjoy these fights to the extent that they actually promote them," one prisoner stated.

Meanwhile, the commission has agreed with lawyers to postpone the appearance of the four white Leeuwkop prison officials who allegedly plotted to kill three black Police and Prisons Civil Rights Union colleagues.

A long-term prisoner, George Koka, on Friday claimed the four white officials, including prison head Colonel Ben Jacobs, had asked him to form a hit squad team to kill Popperu members "Masenya, Mohale and Mbokwani".

The commission agreed to postpone the appearance of the four officials to give lawyers time to consult with their clients.

■ SIFELANI MLAMBO reports that Friday's hearings included testimony by prisoners that warders allowed drugs to be brought into the prison and sold openly.

Prisoner David Ngomane said he could name warders who supplied dagga and knives to prison gangs. However, he begged for protection.

"Things around here are 'heavy'," he said.

# Nurse with Ebola fights for life as doctor recovers

## *Virus traced to Gabon*

ARG 18/11/96

ARGUS CORRESPONDENT

**Johannesburg — A Gabon doctor who infected 46-year-old theatre nurse Marilyn Lahana with the deadly Ebola virus is recovering in a Morningside house, while Ms Lahana fights for her life in the Johannesburg Hospital.**

Doctors this weekend traced Ms Lahana's illness to a patient admitted to the Morningside Clinic with a raging fever on October 27. The man, a doctor from Libreville, Gabon, did not have the tell-tale symptom of uncontrollable bleeding typical of Ebola, and was discharged from hospital last Monday.

This has refuted rumours that the disease came to South Africa from Zaire.

Doctors and officials from the Gauteng Health Department traced the doctor to a house in Morningside on Saturday and drew blood samples confirming the man had been infected by the Ebola virus.

He is being treated as an outpatient at the clinic, but doctors say he is fully recovered and represents no threat of infection to anyone. Recognised world Ebola expert Professor Bob Swanepoel of the National Institute for Virology said people coming into contact with the man now would not become infected, except possibly any sexu-

al partners - who were at risk for the next two months.

A list has been drawn up of all the people who were in contact with either the Gabon doctor or Ms Lahana, and they are being closely monitored for symptoms of infection.

Doctors yesterday said Ms Lahana's condition was not deteriorating, but she was still in a serious condition. They could not predict whether she would survive the disease, one of a group of viral hemorrhagic fevers that causes patients to bleed from all orifices, from their skin and internally. Congo fever, which recently broke out in Oudtshoorn in the Western Cape, is also classified as a viral hemorrhagic fever.

Ms Lahana has been sedated and is hooked up to a ventilator. She had kidney failure and has had to undergo dialysis.

This Ebola outbreak has been traced to a jungle town called Booue in Gabon, which is known for its hunting and lumber work, Professor Swanepoel said.

He said sick people unable to get help in Booue, and being rejected by their communities, were going by train to Gabon's capital city Libreville.

It was there that the doctor who was treated at Morningside would have picked up the virus.

## War against crime packs the prisons

ARG 18/11/96

(253)

JOSEPH ARANES  
STAFF REPORTER

**South Africa's prison population has reached an all-time high as the government's anti-crime strategy puts more criminals behind bars.**

Western Cape jails are almost 50 per cent over capacity.

Prisons in the province were designed to accommodate 14 707 inmates, but at present house nearly 22 000 - 3 685 awaiting trial and 18 177 convicted prisoners

Pollsmoor Prison's maximum security section is the most overcrowded in the province - it was designed to hold 1 703, but 3 566 are now detained there.

Correctional Services Commissioner Henk Bruyn said the prison population reached an all-time high last month, with more than 123 000 criminals locked up

This was proof that the Government's crime prevention plan was paying off. "But it is putting enormous strain on our staff, working in already understaffed and grossly overcrowded prisons."

19°  
P14

**SCHOOLBOY  
'GENIUS'**  
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rugby  
professional  
P27



**O'REILLY'S  
CAPE TOWN**  
Why the  
rest of SA is  
so jealous  
P14

**WRINKLE  
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cancer battle  
**HEALTH &  
BEAUTY TIMES**



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TUESDAY NOVEMBER 19, 1996

# CAPE TOWN TIMES

LAST CONVICTS TRANSFERRED TO MAINLAND

# Robben Island's prison doors shut

**AN INVENTORY** has been taken of items on Robben Island that will help keep alive its atmosphere — which is all that will remain, in its new chapter, of its past as a place of banishment. **ROGER FRIEDMAN** writes.

**R**OBBER ISLAND Prison has closed its doors. The last 92 common law prisoners to have been held there were transferred to Pollsmoor Prison yesterday, concluding for the island more than three centuries as a place of banishment, including 32 years as the pre-eminent apartheid prison. The island has also served as a hospital and a leper colony.

Former long-term political prisoner Mr Ahmed Kathrada — sent to the island in 1964 with six fellow Rivonia treason trialists, among them President Nelson Mandela — said yesterday the island "will never again be used as a prison, not if we can help it".

Kathrada heads the future of Robben Island Committee appointed by the cabinet 15 months ago to invite proposals for the future use of the island.

The island's last political prisoners were transferred to the mainland in 1991. Its first political prisoners — Khoikhoi leader Aushumato (referred to by apartheid historians as Harry the Strandloper) and two comrades — were banished there by Jan van Riebeeck in 1658, but escaped in a rowing boat a year later. Other political prisoners have included leaders of the resistance to Dutch rule in the East Indies in the late 1600s.



round it were created a national monument. Last Friday's notice in the Government Gazette declared it a Cultural Institution. The notice will enable the Ministry of Arts, Culture, Science and Technology to appoint a Robben Island Governing Council which, with — or incorporating — a public committee — will determine the island's future and development and manage it.

The Department of Correctional Services, which took over the island from the navy in 1961, hands over control to the Department of Arts and Culture on January 1.

In September, the cabinet endorsed a number of recommendations submitted by the Future of Robben Island committee. Among these were that it should be developed as a world heritage site, national monument and national museum, be run as a site museum, integrating the local environment, the old political prisoners' wing be converted into a Museum of the Freedom Struggle in South Africa, and the University of the Western Cape's Mayibuye Centre and the UWC-initiated Robben Island Gateway

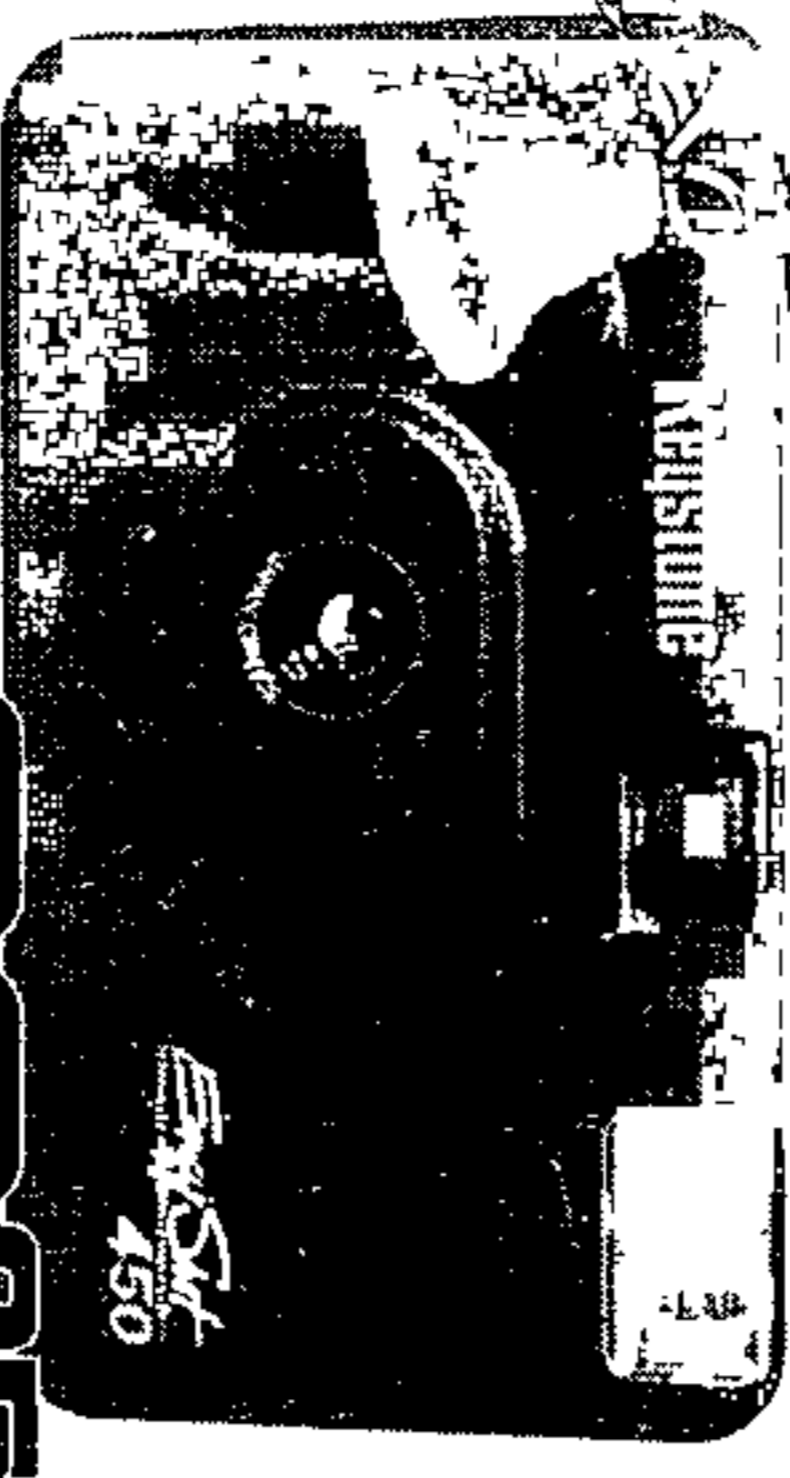


**A CHAPTER CLOSURES:** The last 92 prisoners to have been held on Robben Island pass under the famous arch at the harbour entrance before boarding a boat for the Waterfront and, later, trucks waiting to take them to Pollsmoor Prison in Tokai yesterday. In a recommendation approved by the cabinet, the island is to be turned into a cultural and conservation showcase for South African democracy.

PICTURE: SEMMY GOOL

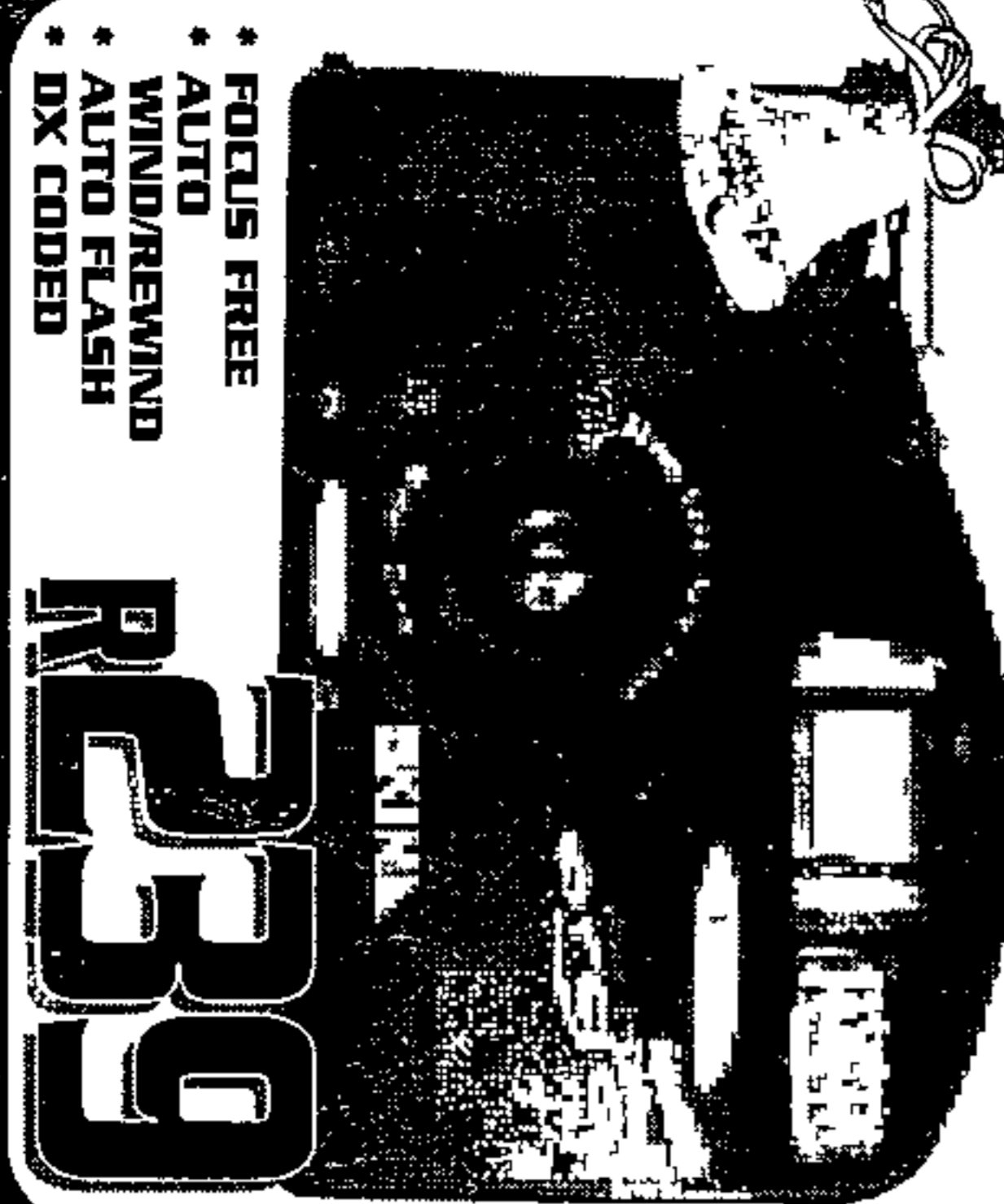
## PRE CHRISTMAS SPECIALS

### KEYSTONE "EASY SHOT"



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project be incorporated into the new Robben Island governing institution.

Although tourism — to generate income independently of the state — is part of the equation, the bottom line, by all accounts, is crass commercialism is out.

"When the final decision is taken," Mandela said at a reunion for the island's political prisoners last year, "account will have to be taken of the history of the island, its flora and fauna, its unique position as a place of both political and religious pilgrimage, as well as the country's strategic security interests."

"One of the overriding considerations, in this respect, will be that our children and grandchildren should see in

its nakedness that part of our history, they should bear witness to the years of struggle and sacrifice and swear that such horrors would never be repeated. When the final decision is taken, due cognisance will have to be given to the feelings of those who hold the island sacred, and those who would be offended by any modicum of vulgarity that some of the proposals may invoke."

A Department of Arts and Culture official said yesterday "The island is being viewed as a dynamic space. It is our new democracy's first new heritage project, which will amount to a new museum for the new millennium. (It) represents a complex and daunting challenge to preserve, yet reconcile, preservation with maximum possible access."

Included is a desire to maintain a sense of community on the island. The department is considering retaining some of the long-serving ferry skippers and prison warders as well as keeping the small school functioning.

An inventory has been taken of all things considered crucial to recreating or maintaining the island's atmosphere. Items taken into account include furniture constructed in the prison, the old public address system used to pipe music to the cells and warders' old — and unroadworthy but colourful — cars.

The ferries, too, are considered part of the island heritage.

● See Page 2 (253) CT 19/11/96

## BUSINESS REPORT

### INDICATORS

Gold (t/mt)	79.1
Dollar	379.10
Stratling	R4,6575
Deut-schmark	R7,7765
Yen	R3,0945
JSE Overall Index	R0,0418
FT 100	6,915,30
Nikkei	3,962,10
Dow Jones	20,796,37
	6,341,32

### VETS SLAM OSTRICH BAN:

The European Union ban on imports of South African ostrich meat is scientifically unjustified and a ploy to cripple the industry, a veterinarian said yesterday.

Page 15



## WORLDWIDE

### Viva Masakhane

PRETORIA — A 69-year-old mother of 11 has won R10 000, the big prize in a northern Pretoria sub-structure campaign in support of Masakhane, for paying her water and electricity bills.

A substructure spokesman said the campaign was launched in January, and monthly and yearly draws were held.

He said payment for services had generally improved and people were contacting local authorities to arrange to pay arrears.

### Nude pics: Hearing starts

A HEARING to determine whether presidential secretary Ms Lilian Arrison's nude "Beaver Hunt" photos in Hustler magazine brought the office of the President into disrepute began yesterday. The result "would be final only in a few days", a spokesman said.

### Voters brave heavy rains

LUSAKA — Voters braved heavy seasonal rains to cast their ballots in Zambia's elections yesterday, only the second multi-party poll since independence in 1964.



DR FRANK MDLALOSE

### KZN violence plummets

DURBAN — Politically motivated violence has plummeted in KwaZulu-Natal, with figures showing reported cases in September a mere 18 compared to 118 in May, Premier Dr Frank Mdlalose said yesterday. The average of reported cases for the first nine months of this year was 35.

### Klippies 'n Coke kids

JOHANNESBURG — Thirteen Std 5 pupils in Alberton have been suspended and 35 others put in detention for getting drunk on brandy and Coke and cider. All will, however, be allowed to sit their end of year exams.

### Core holds 'bosheraad'

LEADING members of Core (Community Outreach Forum), the group of said-to-be-reforming crime bosses, left the city last night for a "bosheraad" at a secret venue. It is thought the travellers include Mr Rashied Staggie, Mr Ernest Peters and a representative of the Belhar-based Faith Welfare Organisation. Core has been planning the bosheraad for several weeks, with members saying they want to plot the organisation's future.

### Oil pollution on Kei coast

TWO Sea Fisheries pollution experts flew to East London yesterday to evaluate the threat of oil from the cargo ship Cordigliera, which sank off the Transkei coast last week. Beaches near the Kei River have been attracted and oiled penguins have been found.

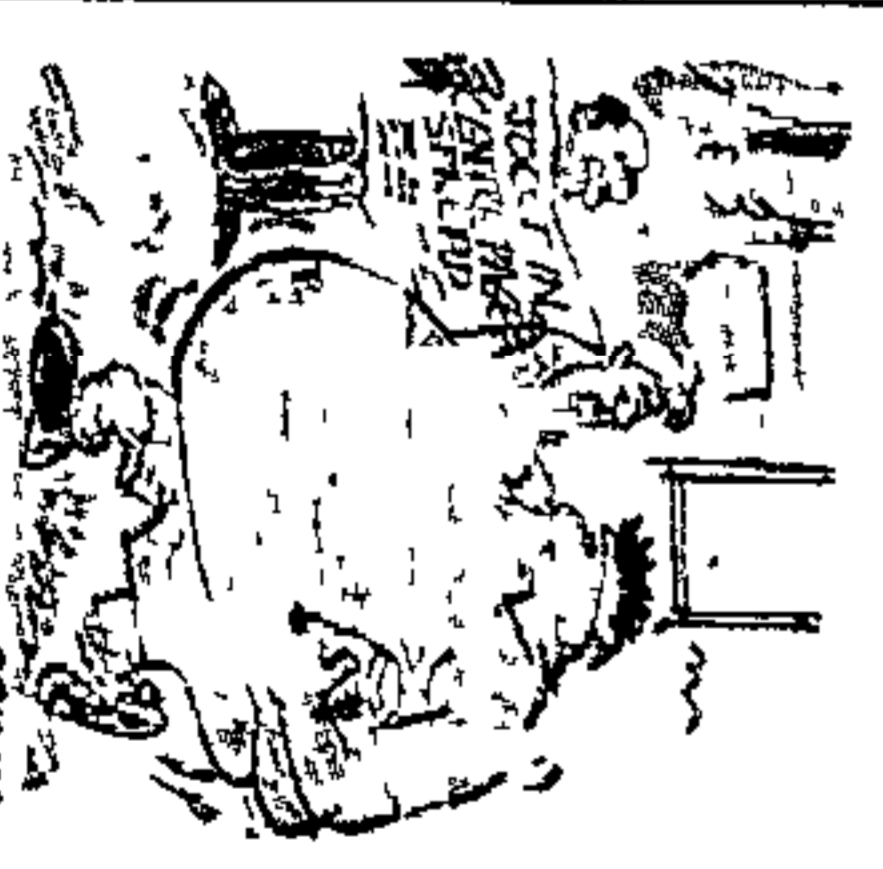
### Heavy going for navy ship

THE navy support ship SAS Outeniqua has been delayed by four days on her way to the Sanjae IV Antarctic base because of unseen, seriously heavy pack ice, a navy spokesman said yesterday.

## INSIDE

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## CRACKO'DAWN



"Koo would make a good centre page spread, but they might have to bleed him off the edges."

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# Crime crackdown fills jails to bursting

253

OWN CORRESPONDENT

19/11/96

PRETORIA: It is not only the crime rate that is soaring. Prison populations have reached an all-time high, exacerbating the overcrowding in prisons.

According to Correctional Services Commissioner Henk Bruyn, the prison population passed the 123 000 mark in October.

This suggested that the National Crime Prevention Strategy was paying off, but it placed tremendous pressure on members working in already understaffed and grossly overcrowded prisons, the Department of Correctional Services said.

Overcrowding was particularly serious in Gauteng, where the daily number of awaiting-trial inmates had reached 10 500. Some were merely awaiting bail hearings, said Correctional Services spokesman Mr Chris Olckers.

Pretoria Central prison was built to take 2 171 inmates, but now had 3 522, he said.

"This places an extra burden on Correctional Services staff, limited resources and inmates," Olckers said.

"You have to put more prisoners in each cell — it's that simple.

"It works on the prisoner, who is ill-tempered because of overcrowding. And it places extra pressure on the staff."

New prisons are being built and some are to be occupied next year. Others will be completed by 1998 or 1999.

"We have embarked on a building programme, but it's a slow process and there's a shortage of money," Olckers said.

"It's a long period before a prison is ready for occupation. We have also undertaken projects in conjunction with the private sector."

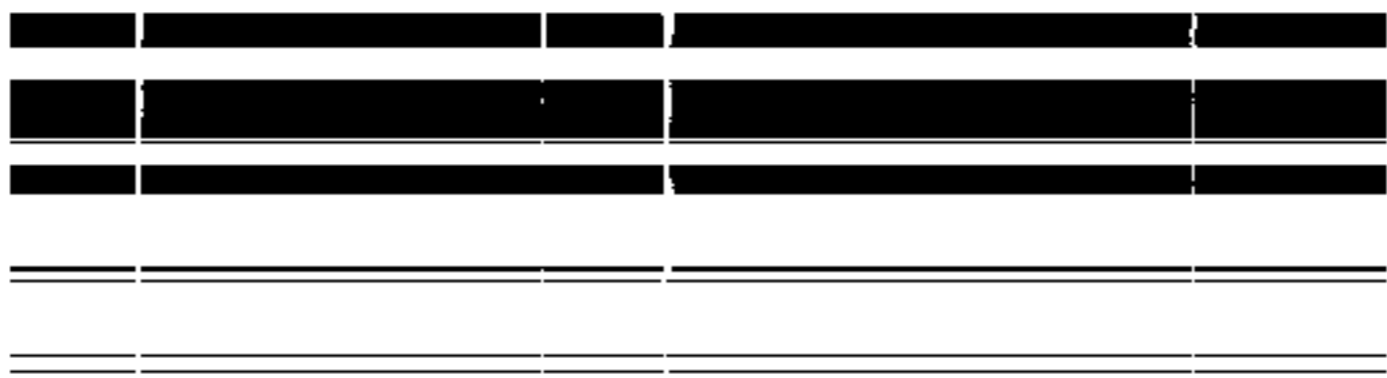
One of these, the Ekusepi Youth Development Centre in KwaZulu-Natal, a special prison for youth offenders, is being run in conjunction with the private sector.

"At the end of the day, money is the big problem," Olckers said.

Police spokesman Director Joseph Ngobeni declined to comment on the success of the crime-prevention strategies launched earlier this year.

"We will be announcing the results next week," Ngobeni said.





# Where 'behind bars' has an exciting new meaning <sup>(253)</sup>

Star 20/11/96

Ekuseni differs from other juvenile centres in that it uses technology never before seen in a prison. Shaun Smillie reports

It is a high-tech prison where inmates are called "students", cell blocks are "villages" and the use of money is a thing of the past

The place is the Ekuseni Youth Development Centre which not only marks a new era in correctional services' thinking but perhaps gives a peek at what the jail of the future may look like

The Ekuseni Youth Centre, situated on the site of an old coal mine near Newcastle, Natal, is a juvenile detention centre, housing about 600 inmates

But where Ekuseni differs from other juvenile centres is that it is not only prisoner-friendly but is using technology never before seen in a prison.

## Inmates can make calls with phone cards

It is part of a new philosophy adopted by correctional services where prisons no longer detain but rather rehabilitate and give the inmates the opportunity to learn new skills necessary for the "outside"

But what has made this centre possible has been the incorporation of new technology through the assistance of several large computer companies

To control access and movement within the prison, transponder cards and fingerprint readers are used "The prisoners hold the transponder card in one hand while they place their finger on the fingerprint reader allowing them to be

fed through the turnstile," explains Bertie van Hinsbergen, the project manager

All movements are stored in the data base allowing the officials to know where an inmate is at any time "If necessary an electronic roll call can be initiated by passing the inmates through positive identification points," says Van Hinsbergen

The use of fingerprint readers has also enabled the creation of a "cashless society" within the prison Whereas prisoners carrying money has always been a problem for the correctional services, inmates needn't ever see cash during their stay at Ekuseni

"Each prisoner is given two accounts which could be compared to a current and a savings account," says Van Hinsbergen.

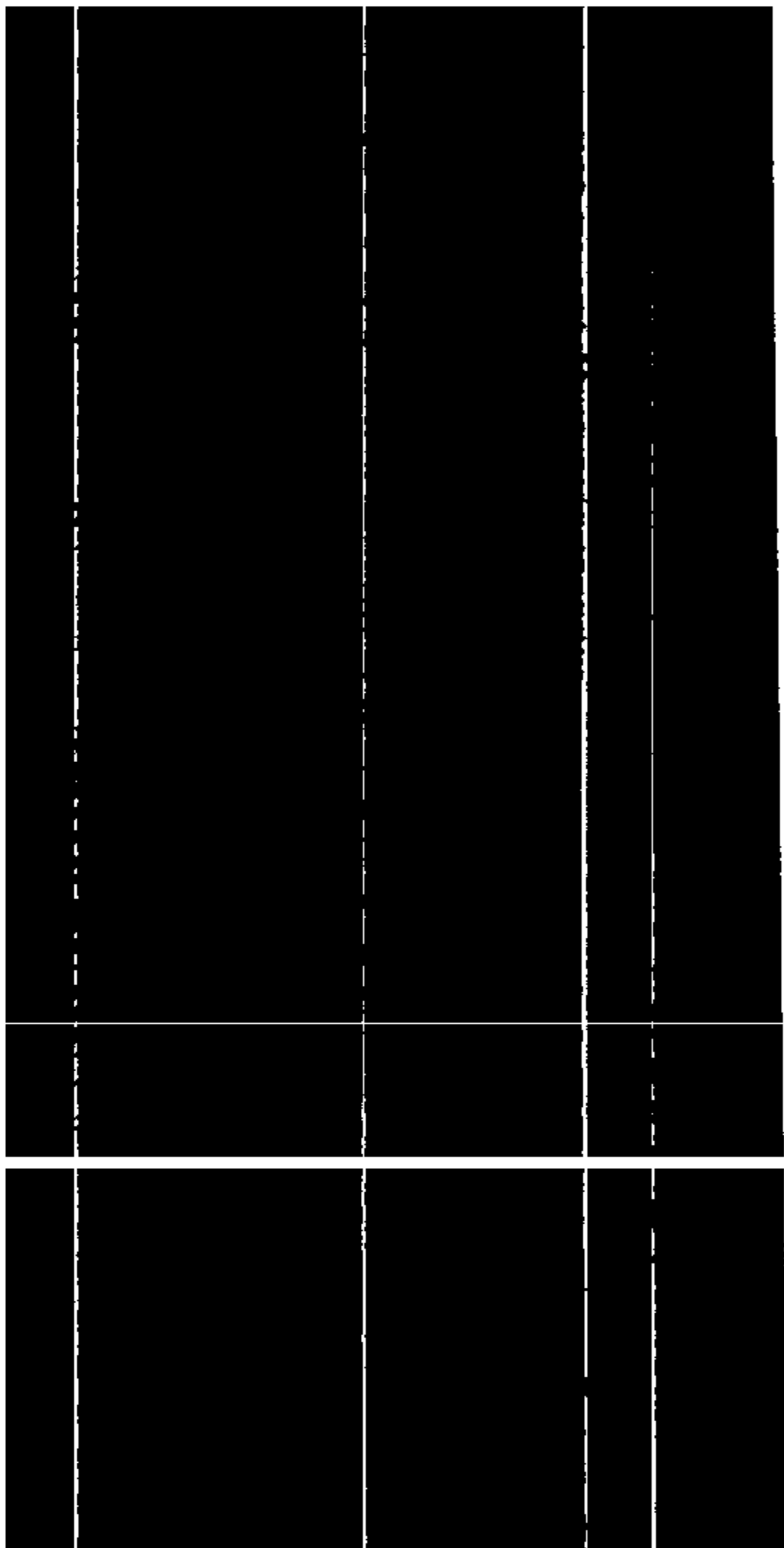
When an inmate makes a purchase at the tuckshop, the amount is recorded and then deducted from the account "At the end of the month any money left over in the account is then placed in the savings account," says Van Hinsbergen

Phone calls are made through the use of phone cards purchased at the tuckshop

It has been a race against time to have everything operational and not all has gone that smoothly Unlike the controlled office environments they are used to working in, the technicians had to contend with not only power surges but also duststorms

"Then there has been prisoner mix-ups," says Van Hinsbergen. "Some of the prisoners here shouldn't be in a minimum-security prison"

"To qualify to come to Ekuseni, a prisoner has to be willing to learn," says





High-tech incarceration ... clockwise from middle left, one of Ekuseni's 'students' demonstrates the fingerprint identification system; students walk through the centre, a radical departure from most prisons in South Africa; students buy from the tuckshop using ID and fingerprint access to a computer; Andre Naude, IT manager for the prison's computer system.

Wessmann, special advisor to the minister of correctional services

The prisoner is screened and assessed to see if he would benefit from the centre

Inside Ekusem looks more like a university than a prison, prisoners saunter casually around the grounds and the guards are rarely seen

The prison authorities refer to the inmates as "students" and the dormitories are known as "villages". Moving away from the white and grey usually associated with correctional centres, the dormitories have been brightly painted with ethnic patterns. There isn't even the

harsh white lighting at night. The compound is lit in different colours, which Wessmann says looks "most spectacular" at night

The doors to the dormitories remain unlocked at night, allowing the inhabitants to move around although the control centre can still monitor where the inmates are

The "students" can study matric and the wide range of courses usually offered at industrial schools

Keeping with the idea of the prison being a school, the pupils will be electing a student representative body which will

be drawing up a code of conduct

All in all, the inmates will spend two years at Ekusem before being released and sent to a halfway house away from prison.

It is still too early to assess the project, but, despite the glitches, the prisoners "are 80% happy" according to the correctional authorities

"It is a lot better than where I was before and here I can get my matric," says "Lucky", one of the inmates who says he is serving a 17-year sentence

This new high-tech prison, according to Wessmann, has cost the same as any

other juvenile centre. It costs R50-million.

"With the use of technology we have been able to bring down the costs of the prison," says Wessmann.

Juvenile centres of the size of Ekusem usually operate with a staff of 178 but the new technology has meant that Ekusem has a staff of 150

As yet the project hasn't cost the government anything—all is part of an RDP project run on donations from companies. Most of the work has been done by the computer company, Unsys, the information technology consultants and service provider for the project

# Black prisons chief appointed

By STUART KELLY

Transforming the Department of Correctional Services to represent the spirit of the new South Africa and dealing with the high incidence of escapes from prisons are on the top of the new commissioner's priorities

Khulekani Sitole, the country's first black correctional services commissioner, was appointed by the Minister for Correctional Services, Dr Sipo Mzimela, yesterday. He takes over from outgoing commissioner Henk Bruyn with immediate effect.

Sitole said his intention to transform the department would include the retraining of a more qualitative and representative staff. "We need to become more community friendly and 'demilitarise' the way things are run. At the same time, I fully realise the role we play in tackling crime.

"Although our prisons need to be rehabilitated with human rights in mind, and made more secure, there is no need to turn them into luxury hotels."

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Sitole's appointment has been met with "absolute delight" by the Police and Prisons Civil Rights Union. "Where we have worked with Sitole in the past we have found him to be most civil and open to discussion with us. We wish him all the very best and hope our good relationship with Sitole will continue in the future," said Popcru general-secretary Rapheng Mataka.

Sitole (35) was born in Frankfort in the Free State and embarked on a successful career in education management and administration before becoming director of education and training in the Department of Correctional Services last year and, soon after, commissioner of the Free State.

At the age of 26 Sitole was already a high school principal. He has several tertiary qualifications in psychology and education from Vista University, Unusa and Pretoria University.

In 1992 Sitole attended Jackson State University, in the United States and is currently completing his doctorate in education.

# Black prisons chief appointed

BY STUART KELLY

8/11/96 5/12/96

(253)

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# Prisons commissioner wants to release 25 000

ET 6/12/96 (253)

**OWN CORRESPONDENT**

**PRETORIA** Up to 25 000 prisoners could be released on parole or have their sentences reduced in terms of a plan to reduce overcrowding by new prisons chief Commissioner Khulekani Sitole.

In his first interview as Correctional Services Commissioner yesterday, Sitole said finding a remedy for overcrowding was a top priority. More than 120 000 convicts are being held in South African prisons built to accommodate only 97 000.

"One of the answers is to look critically at the people who were sentenced or fined in the apartheid era. We sit with people who are doing long sentences for minor crimes and those crimes, when sentenced today, would get community corrections or suspended sentences.

He said this review of prisoners' sentences would involve the co-operation of the courts and police — as well as convincing the community that it would work.

"We need to look at the possibility of taking these people back to court for an evaluation of the sentence by a magistrate," he said.

"I'm aware that society is angry and society says: 'Lock these people up'. But these people are suffering and were sentenced long ago (before the current crime wave) when they were truly hungry because there were no jobs.

"Is it worth it to spend such a lot of state money, is it worth it to cry to the community and say 'I'm overcrowded' when you know you are overcrowded with people who can live normally in society?"

He said such a review could solve the department's overcrowding problems. It may well solve the overcrowding problems because you could have about 20% of prisoners getting out of the system.

Sitole said this review was part of a wish-list for the future.

"I don't know how successful I will be because a lot of departments have to be involved — police, justice, welfare and ourselves."

CT 6/12/96  
**Inmates allege  
corrupt wardens  
help with escapes**  
(253)

DURBAN The SA Prisoners' Organisation for Human Rights (Sapohr) here called on the Speaker of the National Assembly Dr Frene Ginwala yesterday to initiate a commission of inquiry into the "appalling levels of corruption" in the province's prisons.

Spokesman Mr Derrick Mdluh said incidents of fraud and corruption involving prisoners and wardens had reached alarming proportions. These incidents had been brought to the organisation's attention by inmates and wardens during a recent tour of prisons in KwaZulu-Natal.

"These informants are prepared to issue affidavits. Sapohr, on behalf of its affiliates, demands an official inquiry by the Public Protector, Mr Selby Baqwa, into these allegations," Mdluh said.

It was alleged that prisoners paid huge bribes to wardens to help them escape and that prisoners were sometimes escorted out of the prison on the pretext that they were needed to help with investigations, and



**PROBE CALL:** Dr Frene Ginwala

then never returned.

The organisation called on Ginwala to raise the issue in Parliament and to initiate a commission of inquiry into the "contamination" that was eroding the prison system and thus making a mockery of it in national and international circles.

"Sapohr imagined that the demise of the National Party would improve the repulsive situation in prisons. However, the situation has worsened" — Sapa

# Gang members chained in single cells

(253)

Star 12/12/96

BY PATRICK PHOSA

Prisoners who take part in gang warfare within the walls of Leeuwkop Prison are chained and locked up in single cells as a disciplinary measure, a committee investigating widespread violence at the maximum security institution heard yesterday.

The SA Human Rights Commission (SAHRC) has been asked to determine the causes of a violent conflict which plunged the prison north of Johannesburg into chaos early last month.

Barend Jacobs, head of the prison, said as a form of disciplinary action warring prisoners were locked up in single cells because it was feared that they would continue to cause mayhem in the prison. He told the commission inmates were chained to restrict their freedom of movement.

Jacobs said he was not at the prison when the gang-related violence erupted, but was told that firearms were used and that sev-

eral prisoners were injured.

The commission also heard that sometimes clashes in the prison were sparked by fights over young boys who had been turned into "wives" by older men, especially the gang leaders, who sodomised them.

The commission heard that there were gangs known as Royal

## Probe into Leeuwkop Prison violence

Air Force 3, Royal Air Force 4 and the Twenty-Eight operating in the prison.

The commission, chaired by Barney Pitso, is looking into the existence and influence of gangs in prisons. They are also surveying general conditions and the observation and promotion of fun-

damental human rights.

Jacobs produced makeshift knives believed to have been used in the clashes among inmates. He said the knives, made out of cutlery, were found in a sewerage system over the weekend by plumbers who were unblocking the pipes.

Jacobs revealed he had received information that knives were hidden in a shop used for recreation. The commission heard that the only person with the keys to the shop was the chairman of the recreation centre, William Nhlapo, although the shop was accessible to prisoners when opened for business.

The shop was searched and a number of hand-made knives were seized. However Jacobs said there was no evidence on which prosecutions could be based.

A committee made up of union representatives and the investigating officer was responsible for destroying the knives.

The hearing continues today.



# Popcru men 'negative'

A BREAKDOWN in relations with members of the Police and Prisons Civil Rights Union had a negative effect on operational duties at Leeukop prison, head of the prison's operational division Mr John Mathee said yesterday.

He told the Human Rights Commission "I personally do not have anything against Popcru, but with certain (Popcru) members who have adopted a negative influence"

The HRC is investigating alleged human rights violations at the prison

Mathee denied attending any meeting where long-term prisoner George Koka was asked to form a hit squad to kill black Popcru members

"The Koka allegations emanate

(253) Sawetan 13/12/96  
from a group of Popcru members"  
He admitted that the unavailability of dagga for prisoners created serious problems for the authorities

"This sparks stealing of dagga from one group by the other - triggering violence in the prison," Mathee said

He admitted there was a certain degree of corruption among prison warders, some of whom had been implicated in smuggling dagga and weapons such as knives into the prison

But Mathee said it was difficult to take action because no concrete proof had been found to make it possible to charge them

Mathee also denied that prisoners

were subjected to constant brutality and suffering at the hands of officials

"We try by all means to go out of our way to please inmates," he said

## Last resort

On allegations of excessive force by warders in breaking up fighting groups, Mathee said "We only use necessary force as a last resort"

He urged the commission to understand that the kind of prisoners at Leeukop included people convicted of murder, attempted murder and robbery with aggravating circumstances "In dealing with people who themselves have used violence in committing these crimes, using force is necessary," Mathee said - Sapa

# Prison officer denies plotting to kill Popercu members

By Patrick Phosa

A senior officer based at the Leeukop Maximum Security Prison denied allegations that he had been plotting to form a hit squad to kill some prisoners who were known members of the Police and Prisons Civil Rights Union (Popercu).

The head of the operational division at the prison, Captain Johan Matthee told the South African Human Rights Commission yesterday that allegations of his involvement in hit squad activities in

prison were not true.

He told the commission, which is investigating reasons for violence at the prison a month ago, that claims made last month by a long-term prisoner, George Koka, were false.

Koka said he and Matthee, along with prison head Colonel Eddie Jacobs, a Mr Breytenbach, and a Warrant Officer Peters had discussions with him about forming a hit squad to kill certain black Popercu members.

Howe Matthee denied attending

the meeting and said the allegations had emanated from a certain group of Popercu members.

The commission, chaired by Barney Pitsoana, is looking into allegations that gangs are operating inside prisons; into the conditions of prisons, and the general conditions, observation and promotion of fundamental human rights in prisons.

Yesterday, Matthee said the breakdown in relations with Popercu members had a negative impact on the operational services of the prison.

He said certain Popercu members wanted to have him removed because of the "slow" affirmative-action programme.

The commission also heard of the use of force to quell situations of gang-related violence. The November violence was triggered off by the theft of dagga from one gang by another. Several prisoners were injured.

He said it would be better if dagga was decriminalised because prisoners would no longer fight over it. The hearing continues next month.

(253) Star 13/12/96

# New head of prisons all set to crack the whip

Khulekani Sitole (35) may have worked at the Department of Correctional Services for only two years but, sitting in his office just 24 hours after his appointment to the top job, the young commissioner looks anything but intimidated



Khulekani Sitole says he is ready to make sweeping changes within the prisons system as he leads the Department of Correctional Services into the 21st century. **MARCO GRANELL** reports

Handling urgent telephone business in typical old Pretoria Afrikaans in between his first interview in the hotseat, Sitole smiles broadly when asked if he feels qualified enough to lead the country's prisons into the 21st century

"I am lucky in that I mastered the system in two years and there are people who have been here for 30 years who do not know the department the way I know it," is his confident response to any sceptics

"I'm not talking about knowing how to open or close a prison cell I'm talking about managing it through a period of transformation

"In this short period of time here, I was lucky to move through all posts from director, chief direc-

tor, deputy director-general and now director-general I didn't skip a step so, although I only spent a few months in some jobs, I learnt to master them"

Not that he believes he has nothing more to learn

"It's still going to be a steep learning process A person learns until he dies," says the Masters graduate who is still studying for a further two degrees

Sitole has a clear vision for the Department of Correctional Services

"I am facing a challenge of the total transformation of the department in terms of representivity, and the 'wield' functioning of the department and its positioning within the Government"

His priority list for transforming the department has a number of entries, including

■ Representivity "This department was very proactive and the staff is now receptive to transformation I think we have done 10% already but there is a long way to go When I joined this department there were only two black provincial commissioners - today I have five black provincial commissioners, black directors

"But the big difficulty is at middle management because there are young men there But the severance packages are enabling us to manipulate the system and work towards 70%"

■ Dealing with overcrowding Sitole believes that one solution is

to review sentences - especially those handed down during the apartheid era - which he says could see a reduction of prisoner numbers of up to 20% Building prisons is another option - especially super-maximum prisons

"There are unrepentant people who will never rehabilitate Those people don't belong in a normal system They contaminate other prisoners who may have a chance to rehabilitate and get back into society And because of their anti-social behaviour they belong in one place - a super-maximum prison where they can be given the necessary treatment"

■ Eradicating corruption "My first job is to stamp out corruption completely Corruption is everywhere One may never be able to get rid of all of it, but one can control it better"

■ Restoring the dignity of warders "I want to restore their dignity and bring about a sense of pride in their work as well as a sense of responsibility to the country and support for crime prevention"

■ Changing the image of prisons. "The image within the community of prisons has to change At the moment, community residents are sceptical and many believe that we are not productive and don't keep prisoners safely behind bars"

But Sitole's broom of change is not just going to sweep through the corridors of his department - he also wants to stir up some dust inside prisons

"In terms of the welfare of prisoners, my aim is to see to it that we achieve at least basic literacy for prisoners. That is a minimum achievement At present up to 40% of prisoners can neither read nor write

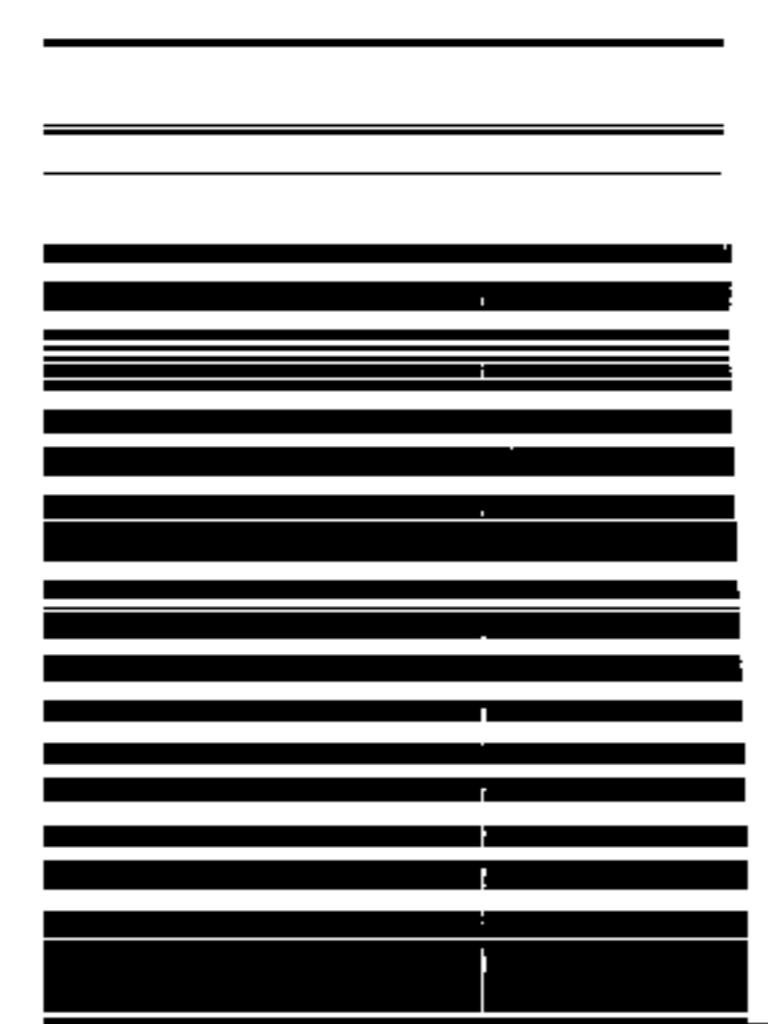
"It's part of breaking the circle of crime Empowering prisoners and building up their skills is central to their rehabilitation

"The crime rate is directly linked to the illiteracy level If we can contribute by training these people and empowering them so that when they go back to the community they get work, we can break the cycle"



**THEY MEAN BUSINESS:** Minister of Correctional Services Sipo Mzimela (left) chats to Khulekani Sitole, recently appointed head of the department

(253) Star 14/12/96



# Novel ideas to shake up prisons see institutions being run

By DONNA GIBSON

A controversial proposal which could revolutionise South Africa's prisons is causing interest in the corridors of power.

Developed by a Johannesburg marketing consultant, and former prosecutor, the proposal offers a business solution to the crisis in the country's overpopulated prisons. Bruce Stewart, who travels the country running marketing campaigns for several influential corporations, developed the proposal last year and has dubbed it the Parallax Corporation. Its wide audience includes

the president's office, and the ministries of justice, correctional services, and safety and security, and some of its ideas were recently tried out in Krugersdorp Prison by convicted fraudster Gregory Blank.

Blank, who has since been released, was serving time for his part in the much-publicised Old Mutual insurance scam and did much towards improving conditions for his fellow inmates — so much so that they begged him to stay. Stewart calls crime "the biggest single industry" employing the largest single group of people in South Africa. He says that while crime may

have its roots in the struggle for liberation, when violence, destruction and dishonesty becomes the norm, the time has come to stop focusing on its causes and allowing the rights of the guilty to supersede the rights of the innocent. The Parallax Corporation is the name coined for a harsher penal system run on big-business, profit-motivated principles.

The first step would be tougher legislation, with a minimum sentence of three years' jail for any serious crime. This includes housebreaking, theft, rape, robbery, vehicle hijacking, and murder. Stewart proposes

psychometric and aptitude testing for prison inmates so that their skills can be identified and developed.

He also suggests that prisoners themselves should be used to train other inmates. Each prison should then be run as a business venture with profit as its goal and the inmates as the manpower. They would earn a salary and pay for their accommodation and meals. Each would contribute to an invest-

**Prisoners should train other inmates, who would earn a salary and pay for meals and accommodation.**

ment fund which would pay them out a lump sum on their release to give them a financial start in life. White-collar criminals, Stewart proposes, should serve prison terms rather than get away with fines or suspended sentences and could be used to train inmates in their particular area of expertise, such as marketing, communication or finance skills. Some of Stewart's proposals are already being implemented

by Business Against Crime as part of a pilot project at Westville Prison, mandated by Minister of Correctional Services Sipo Mzimela. If it proves successful there, Business Against Crime will be given an open door to nationalise the project, which involves teaching prisoners life skills and enrolling them in educational courses. Courses for about 16 different skills are being developed. Business Against Crime is currently discussing the possibility of inmates earning salaries and paying for their accommodation. Business Against Crime chief

executive Dave Marshall. Like Stewart, also envisages some form of enforced saving, but takes it a step further by suggesting that deductions be made from inmates' salaries to support their families.

Some of Stewart's proposals are more controversial. One is that if a prison does not have the space or facilities, convicts be sent to work in factories outside the prison. He recommends the return of the death penalty and that the human rights of prisoners take a back seat to the restoration of law and order. Bert Slabbert, spokesman for Mzimela, said some of Stewart's

suggestions were valid and that they were looking at various business options for prisons. But not everyone is optimistic about the chances of such radical transformation.

"It all sounds very nice in theory, but this man (Stewart) does not realise he is in Africa, where the majority of prisoners are illiterate or very poorly educated," said Tony Ansell, chairman of the Durban and District Business Watch Association.

"RDP should stand for 'rebuild and double the prisons.' We need to build more prisons rather than introduce something like this into the current situation."

on business lines

Star 14/12/96 (253)

PRISONERS HEAD FOR VA AND

# End of era for Robben Island

ROBBEN ISLAND, where many national leaders were once imprisoned, has been declared a National Museum and National Monument. **ROGER FRIEDMAN** reports.

FOR centuries a place of banishment for anti-colonialists and the sick, apartheid's notorious prison island may finally have come of age

The last boatload of prisoners were moved to the mainland within their raggedy possessions a few weeks ago, and yesterday authority over Robben Island was officially transferred from the Minister of Correctional Services, Dr Sipo Mzimela, to the Minister of Arts, Culture, Science and Technology, Mr Lionel Mtshali.

In an era of "ends of an era", this one had all the appearance of the genuine article

"From now on, Robben Island will be a powerful reminder to future generations not to repeat the tragedies of the past," said Mzimela.

"In the past, the name Robben Island was synonymous with banishment, imprisonment, repression and cruelty. Robben Island will henceforth, in a true sense, pay tribute to man's courage and strength in the face of prejudice and racism. At the end it is a story of triumph, freedom and dignity over repression and humiliation," said Mzimela at the hand-over ceremony on the island.

Said Mtshali: "Of paramount importance will be the conservation, protection and promotion of Robben Island's unique historical, cultural, political and environmental

CT 19/12/96

where the total environment is conserved in an integrated way in line with modern international approaches. The ex-political prison will be converted into a Museum of the Freedom Struggle in South Africa."

He said that in September the cabinet had approved the recommendations of the Future of Robben Island Committee that the island should be declared a World Heritage Site, a National Monument and a National Museum — and that control should be transferred to the Department of Arts, Culture, Science and Technology.

A notice was published in the government gazette last month establishing a Declared Cultural Institution, to run the island in the future. Early next year a Robben Island Council would be appointed to govern the island, set policy, and appoint a director and staff to run the new institution.

In the meantime, Professor Andre Odendaal of the Maybuye Centre at the University of the Western Cape had been appointed to manage the institution, Mtshali said.

"There must be a commitment on the part of the new Robben Island institution to raise a significant amount of its own income through tourism and the creative partnerships with the private sector, which can complement the state subsidy that is necessary for



**A NEW FUTURE:** This key, being passed by Minister of Correctional Services Dr Sipo Mzimela (left) to Minister of Arts, Culture, Science and Technology Mr Lionel Mtshali, opens all the cells in the now-empty prison, including that which used to house President Nelson Mandela

aware of the need to make the island as accessible to the largest number of tourists possible, patience had to be exercised

"Without careful planning there is a very real danger that the unique

could be destroyed in a single weekend of uncontrolled access," he said

For this reason the island and one nautical mile surrounding it had already been declared a

maintained and enforced, he said

Later, during a brief visit to the old political prisoners wing in the prison, head of the Friends of Robben Island Committee Mr Ahmed Kathrada enthralled the assembled guests with a few per-

As an Indian-classified prisoner, he had been given long-pants and socks on his arrival at the prison with fellow-Rivonia traitors such as Mandela and Mr Walter Sisulu

African prisoners were given short-pants because the system consid-

Turning to the little garden along the border of the exercise-yard, Kathrada said that although he could not take credit for much of the gardening, as an Indian prisoner he was responsible for growing chillies — which were pickled

Picture: Benny Good

PUBLIC SECTOR-GOVT.- PRISONS

1997

# Once a symbol of repression, Robben Island officially becomes a museum

Robben Island - Tourists panned their video cameras through the bars of President Nelson Mandela's former jail cell yesterday as South Africa threw open Robben Island prison to the public.

The island was formally transferred at midnight on Tuesday from the prisons service to the Arts and Culture Department, which has declared it a museum because of its notoriety as the main jail for those like Mandela who fought to overthrow apartheid.

Tourist ferry trips to the island several kilometres off Cape Town began yesterday and the 300 available places were sold within an hour. Hundreds of would-be visi-

tors were turned away.

Mandela spent 18 of his 27 years in jail on the island, describing it as the "harshest, most iron-fisted outpost in the South African penal system."

The island became a jail in 1960 and the last political prisoners left in 1991.

"This is historic, this is wonderful," said one of the tourists, Humphrey Matyeka, who flew from Johannesburg with his wife and daughter to be on the first public tour.

"This is where our freedom started, where the old man took the first step on his long walk to freedom."

The entrance to the island from the harbour is through an

arch bearing the prison service motto, "We serve with pride". Tourists are driven in buses around the perimeter of the island while guides point out ruins from

**'This is where our freedom started, this is historic, it's wonderful'**

its past as a leper colony, military garrison and private hunting park.

Having been off-limits to the public for 36 years, the island is a

haven for birds, including jackass penguins, and coastal marine life like crayfish and abalone.

The selection of the Robben Island tour guides mirrors the reconciliation that Mandela has tried to achieve.

Six of the guides are former political prisoners who served time on the island and three are former jailers.

As the tour bus circled the limestone quarry where Mandela and others broke rocks for seven hours a day, Neil, a white former prisons officer, and Lionel Davis, a black former island inmate, laughed together and cracked prison jokes.

"On your right is the island fog horn," said Neil.

"The prison staff used to call it the baby-maker because when it sounded it meant there was nothing else to do."

Davis, who spent seven years as a Robben Island prisoner, led the tourists into the stone block where Mandela was incarcerated in a 2m-by-3m cell.

The visitors peered in silence through the bars, lost in their own thoughts.

One mother held her baby up to look inside.

"It's touching," said Matyeka, "to see this cell where Mandela lived all those years and still came out with so much grace, with no desire for revenge."

"How many of us could do that?" - Reuters

## Prisoners' group to 'revisit' policy

Vuyo Mvoko (259)

TWO days after thieves broke into the KwaZulu-Natal office of the SA Prisoners' Organisation for Human Rights (Sapohr), the organisation yesterday said it was prepared to review its total opposition to the death penalty.

KwaZulu-Natal Sapohr chairman Derrick Mdluli at the weekend found the group's television, video and cheque books missing.

"We are still opposed to the death penalty," Mdluli said, "but should the present wave of crime continue we'll have to revisit our standpoint."

Yesterday morning Alpha paging services broadcast a call by a one Steve Gwala, who said "the public" demands that (Sapohr president) Golden Miles Bhudu and Mdluli inform them if they are still saying rights of criminals must be protected since their office was broken into."

Reacting to the call Mdluli said Sapohr was "only interested in the rights of the prisoner after sentence. All we are saying is that a sentence must suit a crime, and a crime must suit a criminal. We have never said criminals must do as they please."

Mdluli denied that the change of view was because of the burglary. The organisation had thought of reviewing the death penalty "during the Christmas period when innocent children got raped and killed, and white people robbed of their jewellery and wallets in the streets of Durban".

Mdluli said his organisation would exert pressure on the police to be "harsh" on criminals, and would call on the justice minister to get tougher on bail applications.

807/1/97



# Conditions for juvenile prisoners in the spotlight

Vuyo Mvoko

BD 15/1/97

(253)  
THE keeping of children who are awaiting trial inside SA prisons and police cells is soon to be done away with, maybe before the end of this year.

This follows a high-powered meeting held in Pretoria on Monday, chaired by Welfare and Population Development Minister Geraldine Fraser-Moleketi and attended by Justice Minister Dullah Omar and deputy Manto Tshabalala, Public Works Minister Jeff Radebe, Education Deputy Minister Smangaliso Mkhathshwa, Deputy Minister in the office of the Deputy President Essop Pahad, as well as several other senior government officials of the departments of police and of correctional services.

Among the nongovernmental organisations which were represented at this meeting were Lawyers for Human Rights and the National Institute for Criminal Rehabilitation Organisation.

The Correctional Services Amendment Act no 17 of 1994, Amended section 29 of the Correctional Services Act, stipulates that children under 14 awaiting trial should not be held for longer than 24 hours, and those over 14 but under 18 who are charged with serious offences can be held for only 48 hours.

In terms of the act, in the majority of cases the young people would be released into the care of their parents or guardians to

await trial, and where this was not possible they would be held in places of safety.

However, a host of problems arose when the legislation was promulgated with immediate effect on May 8 1995.

Firstly there was no government interdepartmental co-operation. There were also very few places of safety, and the few that existed could not handle the sudden influx of young offenders.

"The crisis deepened sharply .. staff were unable and in some cases unwilling to care for these children, and concerns were raised for the safety of other children already in places of safety for care and protection reasons," welfare department spokesman Brian Sokutu said yesterday.

Then in 1995, at the initiative of Fraser-Moleketi and with the full sanction of President Nelson Mandela, the cabinet resolved to form an interministerial committee on young people at risk.

Announcing their resolutions yesterday, the ministers said that after "substantial empirical research" they were confident that before the end of this year there should have been a completion of the physical restructuring or building of at least one secure care facility in each province, as well as hiring and training of the appropriate staff.

Directors-general in their respective departments would take full responsibility for the implementation process, they said.

# Leeukop prisoner (253) fingers union

Mar 15 11 1997  
BY PATRICK PHOSA

A long-term prisoner at the Leeukop maximum security prison has rejected claims that senior prison officers plotted to kill certain Police and Prisons Civil Rights Union (Popcru) members. Testifying before the South African Human Rights Commission yesterday, Ishmail Dajee, formerly on death row, said allegations of assassination attempts surfaced from Popcru members.

Dajee rejected allegations made by another long-term prisoner, George Koka, who said last year that the head of the prison's operational division, Johan Mathee, along with prison head Barend Jacobs, a certain Breytenbach and a Warrant Officer Pieterse, had discussions with him about forming a hit squad to kill prominent Popcru members.

The commission, chaired by Barney Pitso, is investigating the causes of the conflict at the prison last November, and looking into the existence and influence of gangs in prison.

Dajee claimed he was asked by a Warrant Officer Mohale to make allegations that the senior officers were plotting to kill Popcru members in return for a transfer to another prison. He had earlier requested a transfer.

Dajee said he told Popcru chairman David Masenya, who referred him to Mohale since Mohale was in charge of issuing transfers, that he was not interested in making allegations of hit squads.

"Masenya then said he would go to others who would co-operate," Dajee said.

Under cross-examination yesterday, Koka said he met the officers several times last year and was promised R10 000 per assassination. Another incentive was for Koka's football team to enjoy special treatment from the prison authorities.

Popcru's Masenya said since the union had a poor relationship with management, the allegations could not be ignored.

# Department 'loses' over 2 000 convicts on parole

(269)

ARC 17/1/97

*'We don't have the staff'*

## ARGUS CORRESPONDENT

**Durban – More than 2 000 convicts – many jailed for serious offences – have “disappeared” after breaking their conditions of parole on release from prison.**

Many will never be caught as neither the police nor the Department of Correctional Services has enough staff to search for them

“This is of great concern to us,” said the department’s area manager Henna de Beer

He said 2 146 parolees had gone missing in the Durban area alone and his department had also been unable to trace 159 people sentenced by the courts to correctional supervision

Mr De Beer said the parolees had not gone missing “overnight”

The figures quoted represented the number of people who had gone missing since the parole system had been drastically revised in 1993

“It is unfortunate that our partners, the SAPS, who should assist us to get the missing people back, do not have enough staff to do so,” he said “They are battling a big crime wave at the moment”

Mr De Beer said his department had set up a special task team to trace the missing convicts “This team has been quite successful.”

He said the problem of missing parolees was a nationwide problem.

“We are looking at our whole prison release policy at the moment and I am sure we will end up with a much stricter parole system.”

Mr De Beer said the causes of the problem were complex and were linked to many

social and economic factors. He believed much of the problem would be solved if prisoners had jobs to go to when released.

“In Durban, we are looking at this with the help of Business Against Crime and we plan to start training prisoners for jobs”

His view on the causes of the problem was shared by the department’s head of Community Corrections in Durban, Claudette Herselman.

“We must look for answers in the society in which we live, especially the lack of employment,” she said.

Mrs Herselman said parolees sometimes moved about the country looking for jobs and failed to tell her department about their change of address

“Sometimes they don’t really understand the conditions of their parole from prison,” she said

Mrs Herselman said Community Corrections in the Durban area had to deal with between 1 200 and 1 500 parolees each month

“We also have 500 to 600 people a month on correctional supervision.”

The parolees were graded as maximum, medium or minimum security cases, in the light of their criminal and prison background. She said that in the Durban area 269 maximum, 1 787 medium and 100 minimum security parolees had absconded.

“The maximum security parolees should be visited by probation officers in their homes at least four times a month and should report to our offices at least once a month,” she said

“There should also be telephone contact once a month and we should visit them at work once a month.”

Contacts were less frequent for the other categories.

25 000 COULD BE AFFECTED

# Prisoners' sentences to come under review

(2/3)

CT 27/1/97

**THE** Community Outreach Forum (Core) claims that the Department of Correctional Services intends releasing up to 25 000 prisoners. **ROGER FRIEDMAN** reports.

**T**HOUSANDS of prisoners sentenced in the apartheid years could be paroled or placed under correctional supervision this year in an effort to ease overcrowding in prisons and release from custody those who would not be confined under the present laws.

National commissioner of prisons Mr Khulekani Sitole first raised the possibility of "reviewing" prisoners' sentences shortly after his appointment last month, speculating that as many as 25 000 prisoners — or about 20% of the total prison population — could be affected

The issue was raised again last week at the first annual meeting of Core, which followed "exploratory talks" between Core and Department of Correctional Services officials. Core includes in its ranks a number of very influential figures in the powerful prison gang structures

Mr Ernie Lapepa of Core's sub-committee on correctional services told the meeting "Our plan was to empty the prisons of all prisoners sentenced during the 1970s and 1980s. Then they told us they were releasing 25 000 prisoners this year, so our plan was taken away"

But the Department of Correctional Services suggested at the weekend that the issue was not so straightforward

Spokesman Mr Rudi Potgieter confirmed that Sitole had "mentioned" there could be prisoners in

custody who could "possibly" be dealt with "in an alternative manner" Minister of Correctional Services Dr Sipo Mzimela had expressed the same belief on many occasions, Potgieter said

"The basic reasoning is that there has been a shift in emphasis since the introduction of correctional supervision as an alternative sentencing option.

"Many prisoners were sentenced to terms of imprisonment before the introduction of correctional supervision. The view is held that a certain percentage of these offenders would not have been sent to prison if other options were available at that time," Potgieter said

The department would "never" summarily release 25 000 prisoners, but that sentences "could be altered to either correctional supervision, day parole or ordinary parole", he said. Sitole had suggested that an audit of all prisoners be undertaken to identify possible beneficiaries in this regard

"It should however be stressed that the aforementioned process is one that will have to involve various departments such as justice and the police, and other role-players. It is a time-consuming process which will have to be done thoroughly and if implemented, it will be effected over an extended period of time," he said

Contacted by the Cape Times yesterday, Lapepa said he was surprised that the department

appeared to be hedging, as the plan to review sentences was presented as a fait-accompli during their talks.

Lapepa said Core hoped to play an active role in rehabilitating ex-prisoners back into society, and planned to discuss skills-training and job-creation at its next meeting with the department.

Core believed that many residents from disadvantaged communities were forced into crime by the apartheid system and that the unjust prison system exacerbated these people's woes.

"So, for example, you'd get a person sentenced to six months for stealing a bicycle. Then he would get involved in murdering someone inside for food or a blanket, and would face an additional sentence. It was like that for many prisoners. Core would like to help break that cycle, to turn the negative into the positive, to give those people a chance," Lapepa said

According to figures released by the Department of Correctional Services late last year, there were 119 000 prisoners held in facilities built to accommodate 97 000. Several new facilities were under construction, but there was a staff shortage of 7 000 people

The government announced last month that R1,2 billion would be spent over the next few years to implement the National Crime Prevention Strategy

Safety and Security secretary Mr Azhar Cachalia said the money would be used to clear blockages in affected departments, including justice, safety and security and correctional services

# Island of SA history

(253) Sewelan 28/1/97

**T**HE DUTCH WERE THE FIRST to turn the ocean paradise of Robben Island into a purgatory, bringing African prisoners here in 1658

In this century, South Africa's white-minority rulers followed in their Dutch forebears' footsteps. Apartheid leaders hunted down thousands of black activists and shipped them to this prison island off the Cape of Good Hope

"I'm in the hold of the boat and it's dirty and it's stinky and the portholes are painted black. But little strips of paint had peeled and I could see the grey sea," recalled Eddie Daniels, an anti-apartheid saboteur from a small underground group

He felt he was headed for certain doom on the island as a prison boat ferried him through rough seas 32 years ago to begin his 15-year sentence. "It was quite fearful"

Daniels arrived on the island alone. He did not know the other prisoners, only the names and faces he had seen in the newspapers and recognised from liberation lore

One such legend was the first prisoner he met in the yard. "This big man stood in front of me. I said 'Good afternoon, Mr Mandela.' He said 'The name is Nelson. Welcome'."

The island was supposed to break the men. Instead, they turned their suffering into education, strengthened their bonds of political camaraderie and honed their resolve to lead their nation

Much of what the new, democratic South Africa is today springs from Robben Island, so it is fitting the island has become the Robben Island Museum, with the prison - converted into the Museum of the Freedom Struggle - as its centerpiece

The island that once caused such misery could become this country's most important monument to its national triumph

## Prisoners now leaders

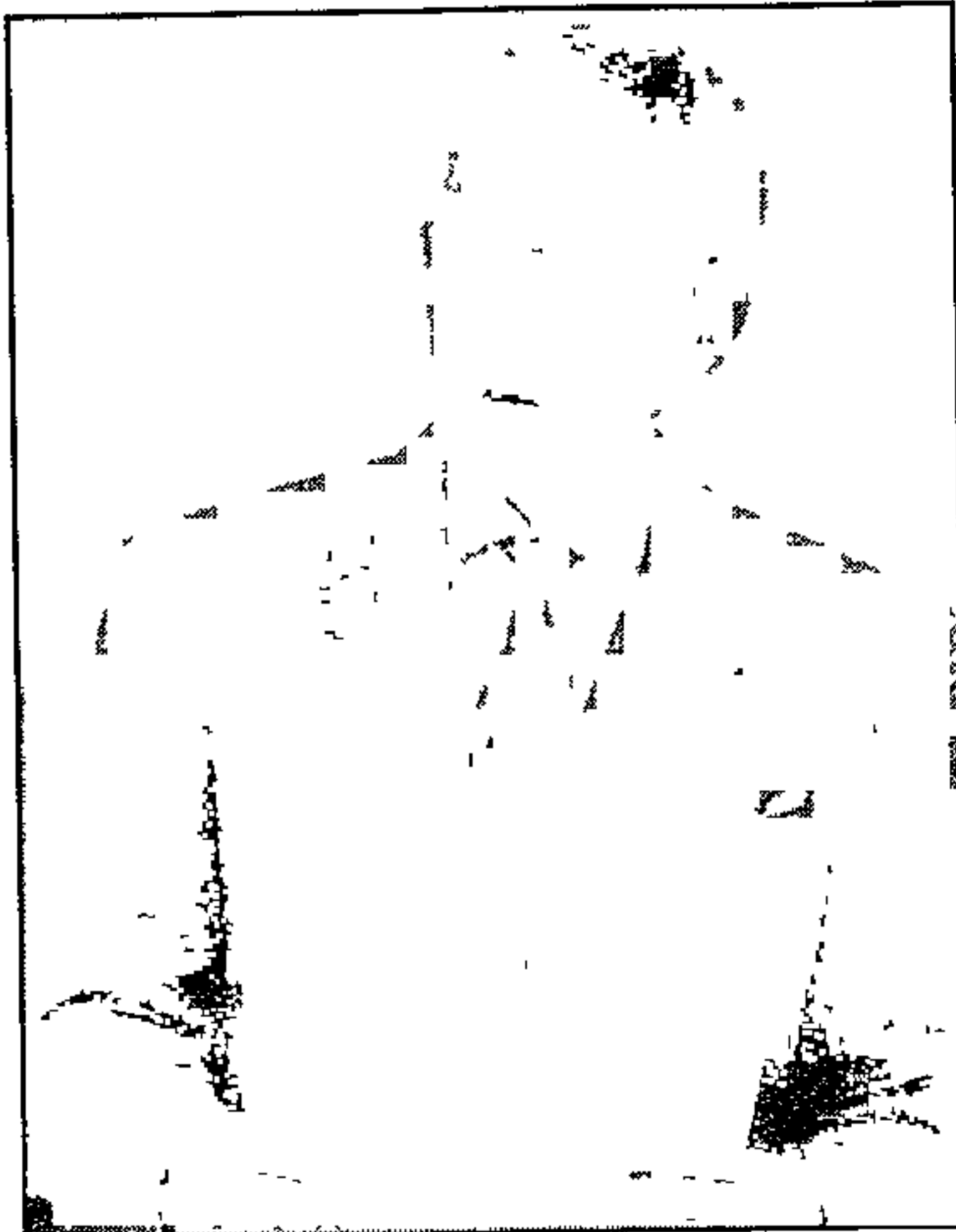
Mandela, its most famous prisoner, was freed in 1990 and was elected President in 1994. Many members of his Cabinet also are Robben Island veterans, as are many political party leaders, business people and community activists

Though this fledgling democracy continues to struggle with issues of good governance, corruption, racial equality and delivery on the promises of freedom, its roots in the liberation struggle remain a unifying force

Former prisoners, as well as those involved in the museum development project, speak of the island as a kind of holy ground, a place, like the Holocaust Museum in Washington, where the past will never be forgotten

"I really want Robben Island to be a symbol of peace and reconciliation and always have

The transformation of Robben Island, for a long time a nightmare for political prisoners, brings its long history full circle. Hopefully, the change will bring about true reconciliation. **Lynne Duke** explains why ...



President Nelson Mandela is Robben Island's most famous former prisoner.

that dignity," said Daniels, now 67

"People must respect the dignity of the island. Nothing elaborate. Nothing glitzy with bright lights, but a place where you can find peace." With a smile, he added "But again, I'm just a dreamer"

This island where penguins putter about bears the historic footprints of many eras of South Africa's past. It is ringed by at least 21 shipwrecks from mariners run afoul of rough seas

Fifteenth-century Portuguese sailors were here. Dutch and British traders and colonialists used the island as an outpost and a prison

Colonialists jailed leaders of the KhoiKhoi, the people indigenous to the Cape region, Muslim holy men who resisted the system of slavery for which Muslims were kidnapped from distant lands, and Xhosa chiefs who stood in the path of the colonialists' eastward expansion

Lunatics and lepers were confined on the island as well. The lepers wept so fiercely upon arrival that their point of entry is known as the "gate of tears"

The island functioned as a military outpost for the first half of this century. Its utility as a

prison was revived in 1961 when the apartheid regime began sending political prisoners here as part of its iron-fisted response to demands for black liberation

Leaders of the African National Congress, the Pan Africanist Congress, the Communist Party and other groups were jailed here

They had no toilets, only buckets. Their blankets were thin enough to see through. The water in which they bathed was salty, not fresh. There were vicious beatings

Mail was cut up and severely censored, or fabricated to sow dissension within families. Sometimes, a false notice of divorce would be inserted into the mail. "This is the island. Here you will die," a white prison guard told Mandela when he arrived in 1963

But quite the opposite happened, as the freedom fighters turned their confinement to good use

Many earned correspondence degrees while in prison. They organised secret political cells to communicate with other comrades, both on the island and on the mainland

"It was a 'University of Robben Island'," Patrick Matanjana, a former guerrilla commander who served 20 years on the island, tells tourists these days

This is part of his tour-guide narrative on the torture, humiliation and oppression that greeted each day of life on the island, and how the prisoners strove to rise above it. They even helped some of their guards improve their reading and writing skills

## 3 000 prisoners

During its 30 years as a political prison, 3 000 prisoners were housed here

With the last of its political prisoners released in 1991 (including Matanjana) and the last of its criminal prisoners transferred last year, the island's administration has been transferred to the Ministry of Arts and Culture

The Robben Island Museum opened its doors on January 1 as a tool of nation-building and education both for foreign tourists and for South African citizens

Long queues formed as people waited their turn to visit it - *Washington Post*

# Prisons looking at releasing inmates into work programmes

(253) 80 30/1/97

PRISON officials are considering releasing up to 25% of inmates into supervised work programmes to ease overcrowding in SA's jails

The move, which could begin later this year, could spark an outcry in a nation already angry over chronic crime and which clamouring for harsher penalties

Khylekani Sitole, the country's new correctional services commissioner, said his department was studying how to relieve congestion in the 250 prisons crowded by about 120 000 inmates and people awaiting trial

Without the money to build new jails, he said, work release was the only viable solution

"I went into certain prisons and I couldn't understand how 100 people could come out of one cell," said Sitole, the first black to head the prisons department

"If a fire broke out at those facilities, those 100 people would die"

His plan was to parole people convicted of minor offences such as theft and small-scale drug dealing to make

space for violent criminals

However, unlike current parole procedures, which require released prisoners only to stay in contact with social workers, Sitole wanted to start supervised work programmes under which convicts would do jobs such as cleaning streets

He also wanted them to attend evening programmes that would offer counselling and training to help them find jobs

Sitole said up to 25% of prisoners — more than 25 000 people — could be eligible for alternative sentences, some before the end of the year

Previous efforts to reduce the prison population had caused problems

Sitole said his proposals were still being discussed within the correctional services department

The next step would be to consult the departments of police and justice, he said

Any release programme would be phased in, he said "We are not going to dump 25 000 prisoners on the streets all at once" — Sapa-AP

# Plan to release about 25 000 prisoners 'no cause for alarm'

Facing a no-win situation, South African prison officials are considering releasing about 25 000 prisoners (or up to 25% of prison inmates), into supervised work programmes to ease overcrowding.

The move, which could begin later this year, would spark an outcry in a country angry over chronic crime and clamouring for harsher penalties.

Khulekani Stole, the country's new Correctional Services commissioner, said his department was studying how to relieve congestion in the 250 prisons now

filled by about 120 000 inmates and people awaiting trial.

Without the money to build new jails, he said, work release was the only viable solution.

"I went into certain prisons, and I couldn't understand how 100 people could come out of one cell," said Stole, the first black to head the prisons department. "If a fire broke out at those facilities, those 100 people would die."

His plan is to parole people convicted of minor offences such as theft and small-scale drug dealing to make space for violent criminals.

Patrick Phosa reports that Correctional Services spokesman

Major Bert Slabber said this morning that there was no need for alarm over proposals to release about 25% of the prison population for correctional supervision.

Slabber said the release would be biased towards inmates who had been convicted of minor crimes.

He also said the Correctional Services had not yet arrived at any decision, it was busy discussing the issue.

But unlike current parole procedures, in which released prison-

ers only have to stay in contact with a social worker, Stole wants to start supervised work programmes under which convicted would do jobs such as cleaning streets.

He also wants them to attend evening programmes that will offer counselling and training to help them find jobs.

Stole said up to 25% of prisoners - more than 25 000 people - could be eligible, some before the end of the year.

After almost three years in office, the Government has been unable to substantially improve

conditions in the archaic prison system.

Calls to stem the crime rate have forced the Government to stiffen penalties, bail requirements and parole conditions.

Stole said his proposals were still being discussed within the department. The next step would be to consult with members of the departments of police and justice, he said.

Any release programme would be phased in, he said, adding "We are not going to dump 25 000 prisoners on the streets all at once" - Sapa/Agp

253

SAW 30/11/97

ARG 30/11/97 (253)

## Plan to release 25% of prisoners

**Johannesburg** – The Department of Correctional Services has confirmed that 25 percent of inmates in South African jails could soon be released on correctional supervision.

But the department said the release of inmates convicted for minor crimes would be gradual, and that many of the prisoners concerned had been sentenced before the introduction of correctional supervision.

The department was reacting to reported comments by Correctional Services commissioner Khylekani Sithole. Department spokesman Rudi

Potgieter said Mr Sithole's statements should be seen in context.

"Mr Sithole had made these plans public at the time of his appointment to the position of commissioner, where he said the problem of overcrowding in South Africa's prisons should be dealt with in an alternative manner," Mr Potgieter said.

He said the early release of minor criminals was the only viable option to deal with overcrowding. He added: "We are not going to release 25 percent of South Africa's prisoners at once. It is going to be a time-consuming process" – Sapa



# Robben Island

## 'ready next

## tourist season'

### Revamp defended

CHENÉ BIGNAUT  
STAFF REPORTER

(253) ~~253~~

APR 30 11 19 7

Robben Island's dramatic transformation from political prison to one of Cape Town's prime tourist attractions and cultural showcase of the new democracy should be finalised in time for the next tourist season.

This assurance was given by the island's chief administrator André Odendaal a month after the public were allowed on to the historical island for the first time. This followed the recent takeover of the island by the Department of Arts and Culture.

Professor Odendaal told Captour members during a breakfast meeting in Sea Point yesterday that the transformation of the island was well on track despite negative publicity over the confrontation with private boat owners and the more recent rape incident on the island.

Future plans for the island include overnight accommodation for 300 people, a youth camp in the prison's communal cells, a cultural centre and administration base on the mainland and a national heritage training programme on the island in July, he revealed.

"We are trying to reinforce the notion that Robben Island is not just

an island out there on its own, but it is connected to the city, the rest of Africa and the world. We are adamant that it does not become just another dead monument, but the challenge is to ensure that the island remains relevant to the local people and continues to impact on the city," said Professor Odendaal.

The past month had seen an avalanche of inquiries about the island from foreign media groups and tourists, as well as local business people eager to become involved in its operation.

"The island has really been focusing international attention on Cape Town. And every day I have between 10 and 15 letters on my desk from people who want to open shops, guest houses or other concerns on the island," he said.

However, he said that no ad hoc decisions would be taken until a new governing council for the island was in place by April.

Meanwhile, the island's interim management committee had been hard at work providing basic services. Denying that the island operators were bureaucrats, he said they were pro-active and unconventional, in their approach towards the island.

About 250 people a day were visiting the island on three tours, he added.

## City caught on wrong foot by tourist invasion - Oliver

CHENÉ BIGNAUT  
STAFF REPORTER

Cape Town was ill-prepared for the recent influx of foreign tourists and only "barely coped" with the increase in visitors.

This is the word from Captour chief executive Gordon Oliver, who warned yesterday it would take time and effort before Cape Town was able to offer the kind of service to tourists comparable to that of other international cities.

Mr Oliver was speaking at a tourism workshop in the civic centre aimed at entrepreneurs wanting to become involved in the local industry.

He cautioned entrepreneurs about the "fickleness" of the industry, emphasising that local tourism businesses were still experiencing a lot of ups and downs.

"We are inundated daily with telephone calls from people wanting to

start their own tourism-related concerns, but they don't realise it's not easy. The tourism industry is in its infancy and no one will get rich overnight," said Mr Oliver.

He blamed the media for creating false expectations and emphasised that dedication, time and effort were crucial elements for the success of a tourism-related business.

Although Cape Town had become very popular internationally over the past few years, several obstacles still faced the "fragile" tourism industry.

These included perceptions about political instability and insecurity, the huge cost in travelling to the city as a long-haul destination, overpricing, service standards and a general apathy and ignorance about the potential of tourism in the city.

Numbers were still "pitifully small" compared to other world destinations, he said.

By SASHA JENSEN

The gangster most wanted by Gauteng police has escaped from custody after corrupt policemen signed fraudulent release forms for him a day after his arrest last week, police sources revealed to The Star last night.

Senior police are furious and have offered a reward of more than R100 000 for information leading to the recapture of Josiaha Rabotapi, known as "Mr Fingers" after losing a thumb and forefinger in a shootout with police.

Gauteng Police Commissioner Sharma Maharaj has accused some policemen of working with criminals in Rabotapi's escape from custody.

A day earlier two leaders of a gang of Bulgarian nationals walked out of the holding cells at Randburg police station after



Rabotapi... well connected.

being arrested for the theft of cars worth millions of rands.

Maharaj said: "Detectives are convinced that Rabotapi's escape was carefully planned and they are investigating possibilities of police involvement."

Rabotapi is the alleged leader of a well-armed gang that has committed robberies which netted about R70-million and he is considered to be the most dangerous criminal in Gauteng.

He escaped from custody last Wednesday while being transferred from court to Diepkloof Prison.

He was captured by the Organised Crime Unit (OCU) on Tuesday after being under surveillance for months.

Rabotapi was convicted for robbery in the past and had been on the run for the past two years. He is wanted in connection with 16 murders and 13 armed robberies. Police want to question him for his possible role in a further 30 armed robberies.

After a brief appearance in the

Johannesburg Magistrates' Court, Rabotapi was taken by police to an office inside the court where a "body-claim" form was signed.

The form was intended to allow the officers who had taken charge of Rabotapi to escort him to the police transfer van and to hand him over to prison authorities.

"It seems the officers took the prisoner and signed false signatures on the body-claim forms which allowed them to illegally release him," said a police source close to the investigation.

"The body-claim forms are crucial in this investigation because they give the officers complete control over the convict for the short period of time when the journey takes place."

The network responsible for Rabotapi's escape was "extremely small" and the culprits would not be able to elude investigators for very long, said the source.

Police spokesman Captain Jan Combrinck said Rabotapi was last seen while being loaded, along with other prisoners, into a police vehicle.

Diepkloof Prison officials learnt of Rabotapi's disappearance when detectives telephoned prison authorities to alert them to Rabotapi's arrival.

Superintendent Gustav Jacobs of the OCU said: "We worked more than overtime in order to catch him. We will just have to start again but, thankfully, due to the support we have had from our senior officers and the public, I am sure we can make up lost ground."

Sources also revealed how Rabotapi had escaped from Diepkloof Prison last year while awaiting trial. He allegedly tricked officers at the court where prisoners and convicts queue in two separate lines - one for bail payment and another for sentencing.

Rabotapi was given the name of a bail payee by an informant and managed to swop places with the person, who was told that he had already paid bail when his turn came.

It was the second time Rabotapi had escaped. The previous year he had escaped from Blinkpan Prison.

His gang is said to be the most dangerous in Gauteng, and "shoot to kill" on every job.

"They have been operating in this country since 1984 and are wanted for questioning in connection with many murders," said an investigating officer.

Anyone with information on the two cases is asked to contact Superintendent Jacobs on 082 551-5340 or Inspector Nik Mundel on 082 565-0038

# Police helped 'most wanted'

Fraudulent release forms were signed

at court to set free leader of a 'shoot to

kill' gang a day after his arrest

man escape

Star 10/2/97 (253)

# Escapes from (253) prison exceed

## 100 a month

CT 11/2/97

JOHANNESBURG More than 100 prisoners are slipping away from their unseeing supervisors, or simply walking through slack security controls each month, as understaffed and ill-equipped Correctional Service (CS) staff battle to cope with ever-increasing problems in the prisons and justice system.

More than 1 000 prisoners escaped from correctional facilities around South Africa in the first nine months of last year, and although statistics for the final quarter of 1996 are still being finalised, CS spokesmen concede that the outstanding figures will mirror earlier trends.

Indications are that more than 1 300 prisoners escaped from prisons last year, at an average of 112 a month.

CS spokesman Mr Rudi Potgieter said the main reasons for the number of escapes included negligence of personnel, insufficient electronic aids, the poor condition of buildings, insufficient security fences and lighting, and the detention of many more hardened and dangerous prisoners. — Own Correspondent

# PRISON ESCAPES AT MILLER (203)

Star 11/2/97

400 000 convicts pose problems for institutions under-staffed by about 6 000 warders – and lack of equipment turns country's jails into sieves

BY DEREK RODNEY

Records show that more than 4 500 prisoners – more than 100 a month – have escaped since 1993, most of them from the cells and work teams, with a few from hospitals, the courts and while under escort

The latest sensational escape last week – the third by gang leader Josiaha Rabotapi – is believed to have been while he was in transit under escort between the Johannesburg Regional Court and Diepkloof Prison.

Correctional Services spokesman Barry Eksteen explains:

"The ideal is zero escapes, and we strive towards this goal. But the number of escapes must be seen against the background of a turnover of more than 400 000 prisoners a year and a daily prison population of 122 000"

The department admits that the number is still unacceptably high. About 1 000 prisoners escaped in the first nine months of last year.

Figures for the final quarter of 1996 are still being finalised, but the Department of Correctional Services concedes the final total could be more than 1 300.

Measures have been introduced to curb the stream of escapes, the department says. But

prisoners find easy loopholes in outside work details, while an increasing number escape from within the prison walls.

Statistics released by the department yesterday revealed that 502 prisoners escaped from their outside work details, while a further 342 were involved in jail-breaks in the first nine months of 1996.

Correctional Services spokesman Rudi Potgieter said the main factors included negligence of personnel, insufficient electronic aids, the poor condition of building structures, insufficient security fences and lighting, and the detention of many more hardened and dangerous prisoners.

Overpopulated cells made supervision, control, searching and security more difficult, a situation exacerbated by a manpower shortage of more than 6 000, Potgieter said.

Various measures had been introduced to counter the "ingenious and desperate" escapes by inmates.

These include the best use of existing security aids and equipment, continual evaluation of security directives and the upgrading of personnel training.

## ▶ Rabotapi escape



Rabotapi dossier - "pasop, pasop, pasop (watch out)" was the warning scrawled on the document on the right of the graphic. But by the time correctional service officials at Diepkloof Prison received the documents warning them of Josiaha Rabotapi's arrival and previous records, it was too late. The prisoner had flown.

SA ESCAPES: 1993-SEPTEMBER 1996	
1993	97,5
1994	102,6
1995	103,9
1996 (to Sept)	117,7

# Mzimela plans super-jail for 'hardened boys'

*Steps to beef up prisons*

CLIVE SAWYER  
POLITICAL CORRESPONDENT

ARG 14/2/97

(253)

Architects have begun plans for a super-maximum prison to be built in an as-yet unspecified remote area.

"We want to get these hardened boys out of sight," Correctional Services Minister Sipo Mzimela told a briefing of journalists and diplomats yesterday.

His department had several sites in mind for the super-jail, but did not want to disclose where these were.

Dr Mzimela said the government was considering selling prisons located in valuable residential areas.

Asked whether this included Pollsmoor prison in Tokai, he said the issue was sensitive, involving several government departments and he would not disclose which sites were being considered.

He said Correctional Services would do a general assessment of its needs for renovating prisons and building new ones once the process of releasing non-dangerous prisoners or transferring them to other facilities was complete.

On the announcement earlier this year that 25 000 prisoners were to be released, Dr Mzimela said his ministry had said repeatedly that between 40 and 60 percent of inmates should

not be in prison because they were there for petty offences.

Correctional Services is also to put a bill to Parliament this year to replace the outmoded Prisons Act of the 1950s, Dr Mzimela said.

Dr Mzimela said that since 1993 prisoners had been escaping at a rate of about 100 a month. Reasons included a shortage of warders, eroding buildings and corruption.

Steps to improve South Africa's prisons include enhancing security measures and the appointment of an independent inspecting judge.

An integrated security system is to be installed at 18 high-risk prisons at a cost of R28-million.

The inspecting judge will be able to inspect prisons without notice, and will be free to make public statements without consulting the executive.

Newly appointed national prisons commissioner Khulelani Sithole said corruption was "enemy number one".

The department had set up an anti-corruption unit to probe escapes and the smuggling of weapons, including firearms, into prisons.

Dr Mzimela said the rate of people, who had spent time in jail previously, returning after further convictions was too high. This was because of some jails being unable to cater for rehabilitation. "They (prisoners) are just warehoused," he said.

Star 14/2/97

# Black women to get top prison posts for first time

## POLITICAL STAFF

Cape Town - The Department of Correctional Services has appointed its first black women to top posts. Correctional Services Minister Sipo Mzimela yesterday announced the appointment of Lunga Tseana as provincial commissioner of the Eastern Cape and Dorothy Makhuza as commander of Pretoria's Baviaanspoort Prison.

Both women were surprised by the announcement.

"We thought we were coming to Cape Town for a conference," Tseana (45) said shortly after hearing the news.

"My husband doesn't even know yet," was the reaction of Makhuza (35).

Tseana will assume control of the department in the Eastern Cape after 21 years working in the province's prisons.

"I have a background of social work and have been involved with prisoner rehabilitation programmes for 21 years now. I'm really looking forward to the new challenge of managing the department in the province," Tseana said.

"I don't see the difficulties, I see the challenges. I have been working with

(253)

these people for many years and maybe it will even be to my advantage being a woman."

Taking charge of the massive, all-male Baviaanspoort Prison does frighten Makhuza "just a little bit" but she is confident she is up to the job.

"I've also worked with prisoners for the past 10 years and this shouldn't be that different," she said.

"Obviously one of the first things will be to meet with the prisoners and let them know what to expect, that life is not going to be any different because a woman is in charge."

Born and bred in Hebron outside Pretoria, Makhuza worked for seven years at Pretoria Central Prison before being transferred to Leeuwkop Prison in Sandton.

She will take up her new post at Baviaanspoort on April 1 after a month of orientation and training.

"I always wanted to be a director or commissioner but I never thought it would happen so quickly. I don't doubt my abilities to handle the job, and I'm just happy the minister had the confidence in us to choose us from so many," she said.

# Prison closes doors but opens futures

(2973)

Readucate project aims to give inmates skills and hope while they serve their time

Star 17/12/97  
 by ADAM COOKE

As the door clangs shut, the sounds of a class of adult male voices repeating obediently after their teacher come echoing down the cold passages of Boksburg Prison.

Behind the massive prison walls in the no-man's-land between Pretoria and Boksburg sits a class of academically elite prisoners who are being trained to teach their fellow inmates.

Edna Frenkel, who appears much like a sanely English teacher coaching natives in the colonies, leads the group of 13 inmates in their crash course.

This is the Readucate project, and it has been working in South African prisons for three years. It aims to equip prisoners with the skills to teach others how to read, write, and think for themselves.

But central to the programme is that it makes the trainees employable when they are released.

"The prisoner is our client. We have to make sure he can adapt and be used by the community when he returns," said

Twome Swanepoel, head of education at the prison.

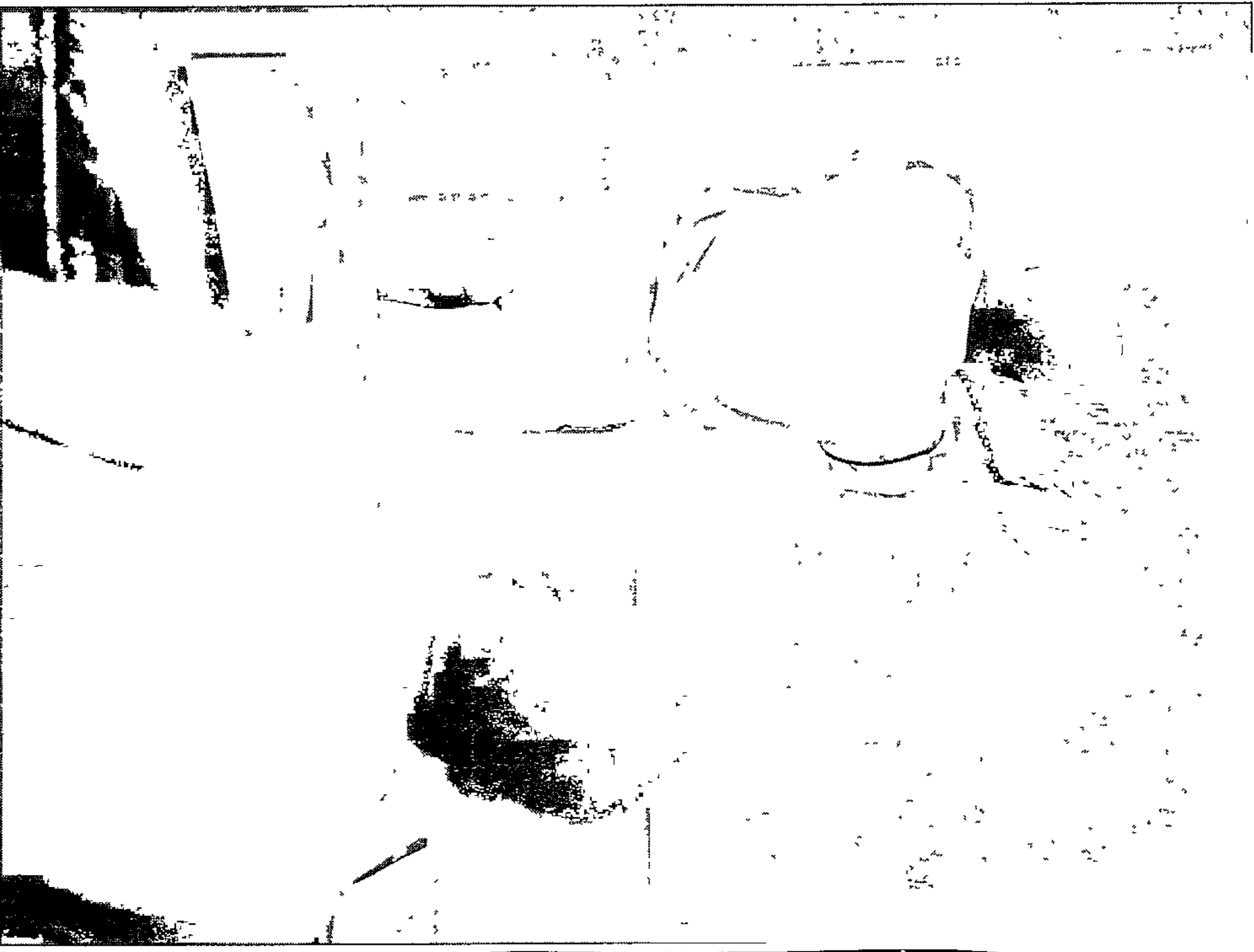
One such prisoner, who has served just more than a year of his 15-year sentence for robbery, says the Readucate course is a relief from the boredom of prison.

"Sitting here is a waste of time. All I want to do is go out as soon as possible. If I battle to find work in my field, this course has given me the skills to set up my own literacy centre," said 36-year-old Leonard Dibe.

He gained his A-levels from a school in Swaziland and has since gained a number of accountancy diplomas. He is currently studying for membership of the Chartered Institute of Secretaries.

While still serving their sentences, the inmates are all part of the adult and juvenile school where they teach primary school subjects to their fellow inmates.

"Even the tough ones, the gangsters, come to the school when they see everyone else doing so. People here are desperate to learn," he said, adding that learning kept people occupied and refreshed their minds.



Learning curve ... an inmate at Boksburg Prison listens attentively as prisoners are taken through their paces in an education class.

## Jails 'to be made ungovernable'

(253)

Farouk Chothia

20/12/1977

DURBAN — The SA Prisoners' Organisation for Human Rights (Sapohr) threatened yesterday to make prisons in KwaZulu-Natal "ungovernable" in the wake of the correctional services department's decision to curb its access to prisoners in the province.

The organisation's KwaZulu-Natal chairman, Derrick Mdluli, said Sapohr was informed yesterday it could gain access to prisons only with the permission of national deputy commissioner Timothy Khoza or provincial commissioner John Harding, while Sapohr previously had to inform only prison heads.

Mdluli said Sapohr's constitutional right to freedom of movement was being denied and the organisation would now have difficulty attending to the needs of prisoners.

He said that the organisation had written to Correctional Services Minister Sipo Mzimela, informing him that authorities had until today to lift the restrictions.

Sapohr would otherwise institute legal action.

Prisoners would also embark on a mass action campaign next week, he said.



# Two warnings - then it's off to jail they go

## *Juvenile justice comes first - expert*

LINDSAY BARNES  
CRIME DESK

South Africa must fight juvenile crime before it can effectively tackle the crime rate generally - and the way to do it may be two warnings and then a jail sentence for young offenders.

That is the system used in Austria to deal with petty offenders, according to Austrian juvenile court judge Renate Winter, who is also a United Nations consultant in Vienna.

Judge Winter, speaking at a meeting of the Strategic Management Society in Belville yesterday, said any country hoping to fight crime had first to fight juvenile crime.

"Place the emphasis on juvenile justice and crime as a whole will decrease rapidly," she said.

ly," she said.

People should not be sent to jail for small offences but should be warned not to repeat their crimes. By far the majority of criminals sent to prison had started off committing petty crimes. In Austria more than 50 percent of people usually heeded the second warning.

"Prison should be a last resort, especially for juveniles," Judge Winter said.

In Austria, if a person was caught for a minor offence the police asked whether or not they were guilty and if they confessed, they were given the opportunity to repair the damage done.

If they agreed, they did not appear in court but returned the stolen goods or paid the equivalent.

The most difficult aspect of the punishment, especially for youngsters, said Judge

Winter, was having to apologise in person to the victim, who then had a chance to make them aware of the effect their crime had had on their victim's life.

It was found that Austrian people especially appreciated the chance to meet the perpetrator, to have their say and not to have to waste time in court.

"This is a far easier and cheaper remedy," Judge Winter said.

But for the Austrian system to work here, the Government had to invest in its police service and pay decent wages to help stave off corruption.

"There is no free meal. To get justice you have to invest in your police service. Pay police well and it will work," she said.

Good wages would have the spinoff effect of boosting morale and the police's status in the community.

(253) ARLT 21/2/99

# New plan to tackle prison problems

(253)

David Greybe

BD 25/2/97

CAPE TOWN — Government had adopted a new strategy to reduce stresses in the penal system, the department of correctional services said yesterday.

Central to the department's plans was stepping up the building of new prisons, correctional services spokesman Bert Slabbert said.

Correctional Services Minister Sipo Mzimela had obtained an undertaking from the public works department for the prison-building programme to be slashed from 20 years to five years, Slabbert said.

In future, new prisons would become operational within 18 months and not 30 months.

Five new prisons were recently completed, nine prisons were being upgraded, while five were under construction. Work on SA's first super-maximum security prison was also expected to begin this year.

A second leg of the strategy to tackle prison overcrowding was the planned release of up to 25 000 prisoners who would be sentenced to "community correctional supervision" or receive early parole.

Slabbert said that a month ago, the department had started to evaluate all sentenced prisoners. The exercise was aimed at reducing overcrowding in the country's 235 prisons which population totalled 125 000, while the maximum capacity was 97 000.

The evaluation had already resulted in some prisoners having their sentences altered, Slabbert said. He reiterated a recent pledge that dangerous prisoners would not qualify and the exercise was aimed at providing "space for the real dangerous criminals".

Slabbert said the department hoped to receive extra funding for the appointment of more warders.

Slabbert said if the department's pilot monitoring project currently under way proved successful, it would be widened to cover most urban areas. The department had electronically tagged about 100 prisoners who were then released on parole. An evaluation of the project would be undertaken in August.

He cautioned, however, that widening the project would also depend on extra funding and tendering. Outsourcing in catering and prison maintenance was related to privatisation and still a sensitive issue, Slabbert said. It involved negotiations between government and trade unions.

## White prison staff refuse to work for new black boss (253)

By PATRICK PHOSA AND MIKE MASIPA

Star 28/2/97

Disgruntled white officers at Modder B prison on the East Rand are refusing to work after the acting prison head, Chips van Tonder, was replaced by a black woman social worker whom they claim is incompetent.

The chairman of the predominately white Public Service Association (PSA) at the prison, Anton Jansen van Vuuren, said today they would only man the gates, hospitals and office, but refused to work under the new head, Jabu "Sharon" Xaba's command.

They had no problem with Xaba's race or gender, but wanted the head of the prison to come from the "disciplined staff", which van Vuuren described as "those trained to do the job".

"She does not even work in the prison. Just give us a competent person and we will be back on the job," Van Vuuren said.

He claimed the appointment was a unilateral decision made by Deputy Gauteng Commissioner of Correctional Services, Timothy Khoza, with the consent of the Police and Prisons Civil Rights Union (Popcu).

# Mines could become top security prisons

(253) BD 5/3/97

David Greybe

CAPE TOWN — The correctional services department would investigate the possibility of transforming disused mines into super maximum security prisons, commissioner Khulekani Sitole said yesterday.

"There are animals in our system who must never see sunlight again," Sitole told a news briefing at the Modderbee Prison on the East Rand.

Sitole said if the investigation proved that converting disused mines into prisons was viable, it would alleviate the chronic overcrowding problem in prisons. A departmental spokesman said later the investigation would begin "as soon as possible".

However, government officials questioned the project's feasibility of the project and said it could prove too costly and could be unconstitutional. One said he wondered whether Sitole's remarks were not a public relations exercise to highlight problems in the prison system.

Correctional Services Minister Sipo Mzimela confirmed last month that the cabinet had given the go-ahead for SA's first super maximum security prison for the most hardened criminals.

Mzimela told a parliamentary news briefing that his department, with public works, had identified a number of possible sites for such a prison. He gave an undertaking that it would not be near a town or city.

Sitole singled out murderers, rapists and armed robbers "who have made it clear that they are not prepared to conform to the norms of a democratic society" and who repeatedly transgressed the law as those who should be held in such a prison.

He conceded there was a possibility he would clash with human rights organisations on the issue, but pledged to consult all stakeholders.

Sapa reports that the proposal has been greeted with anger and dismay by human rights activists.

Golden Miles Budhu, president of the SA Prisoners' Organisation for Human Rights, said "We are shocked, an-

Continued on Page 2

## Prisons

(253)  
Continued from Page 1

BD 5/3/97

gry and disturbed. His comments are just unbelievable. I am gasping for air. This is a barbaric proposal from a commissioner who is supposed to be a progressive, broadminded person. I hope he realises that when slavery stopped, our prison system started. To insist that people be locked away never to see the sun again goes back to medieval times and is based on ignorance."

Budhu said the prison system since its inception was never aimed at rehabilitating offenders but hardened and brutalised them. "The process of rehabilitation has not yet started. The work has not even begun and he is claiming that prisoners cannot be rehabilitated."

"We are supposed to move away from retributive justice. The brutalisation of prisoners on the surface has

gone for years without being reported.

"Locking them away underground would grant further licence for torture, degradation and dehumanisation."

A city clinical psychologist, who asked not to be named, said incarceration underground would have a decidedly negative effect on prisoners. Conditions had to be made liveable. Inmates would have to come to the surface periodically to see daylight. "But if they are secluded and removed from everything, if there was no sense of outside life and social interaction, they would become volatile and aggressive. When they are released, I would question whether they would be able to adapt to society again."

Lawyers for Human Rights said that it did not want to comment on the proposal until it had more details.

A Correctional Services spokesman said the idea of using disused mines included using existing infrastructures such as old mine buildings.

'BARBARIC IDEA BASED ON IGNORANCE'

# Outrage at proposal to use mines as underground jails

**JOHANNESBURG:** Certain criminals should not see daylight again, Correctional Services Commissioner Mr Khulekani Sitole said in announcing that disused mines could be converted into maximum security prisons.

**A** DEPARTMENT of Correctional Services proposal to turn disused mine-shafts into maximum security prisons has been greeted with anger and dismay by human rights activists

At a press conference at Modderbee Prison near Springs yesterday, Correctional Services Commissioner Mr Khulekani Sitole said the reasons for the proposal were the overcrowding in prisons and the high number of escapes

"There are criminals who have made it clear they are not prepared to conform to the norms of a democratic society — people like murderers, rapists and armed robbers who repeatedly transgress. They are animals and must never see daylight again," Sitole said

A Correctional Services spokesman in Pretoria, Mr Rudi Potgieter, said mine infrastructures, such as old buildings, would also be used.

Details of what the "super maximum security prisons" would entail were sketchy as the idea needed thorough investigation

A committee would be assigned soon to study its feasibility

"We are only in the beginning," Potgieter said. "Other measures, like building new prisons and allowing prisoners to serve their sentences in the community, are also being looked at"

Mr Golden Miles Budhu, president of the SA Prisoners Organisation for Human Rights, was almost speechless when told about the proposal

"I am gasping for air," he said. "We are shocked, angry and disturbed"

"This is a barbaric proposal from a commissioner who is supposed to be a progressive, broadminded person. I hope he realises that when slavery stopped, our prison system started

"To insist that people be locked away never to see the sun again goes back to medieval times and is based on ignorance"

Budhu said that since its inception, the prison system had not been oriented towards rehabilitating offenders. Instead, it hardened and brutalised them

"Rehabilitation has not begun" and (Sitole) is claiming prisoners cannot be rehabilitated

"We are supposed to move away from retributive justice. The brutalisation of prisoners on the surface has gone for years without being reported," Budhu said

"Locking them away underground would grant further licence for torture, degradation and dehumanisation. Sitole's proposal is scary. Someone's going off his head here"

A clinical psychologist, who asked not to be named, said incarceration underground would have a negative effect on prisoners.

"If they are secluded and removed from everything, if there were no sense of outside life and social interaction, they would become volatile and aggressive. When they are released, I would question whether they would be able to adapt to society again"

Sitole acknowledged human rights were an important issue in a democratic society, but said the rights of society also needed consideration.

"It won't be a one-sided affair. We will consult with all stakeholders," he said.

Lawyers for Human Rights said it would not comment until it had more details. — Sapa

# Sipo 'open' to mineshaft jails

ARLT 5/3/97

(253)

LINDSAY BARNES AND SAPA

Correctional Services Minister Sipo Mzimela has an open mind on a controversial proposal to turn disused mine shafts into maximum security prisons.

His spokesman Bert Slabbert said today "Let's have a look. Why not? Let's go 10km down into the earth and see what is there."

A storm has broken around the controversial proposal by Correctional Services Commissioner Khulekani Sitole, who said yesterday the proposal to use old mines was aimed at easing overcrowding in South Africa's prisons. Mr

Sitole said disused mine shafts could be used to hold serious criminals like rapists and murderers, who were "animals" and must never see sunlight again.

Mr Slabbert said the minister would not be against investigating any possibility, although this did not necessarily mean he approved holding prisoners underground.

The National Party has expressed shock at the suggestion, while the Democratic Party said the government had yet again reacted with irresponsible haste.

Human Rights Commissioner Rhoda Kadalie said Mr Sitole could be challenged in terms of the constitution on the inhumane treatment of people.

# Disused mines <sup>(253)</sup> to be made prisons

**Sowetan  
Correspondent**

THE Department of Correctional Services is considering converting disused mines to maximum security prisons in the wake of the recent spate of jailbreaks and general overcrowding in prisons.

Speaking yesterday at Modderbee Prison outside Benoni on the East Rand, departmental commissioner Khulekani Sitole said the present set-up where hardened criminals were kept at the same centres with petty criminals was unacceptable.

He added that it also stretched understaffed personnel in the heavily populated South African prisons. "There are criminals within our system who have made it clear that they are not prepared to conform to the norms of a democratic society. They are animals. They must never see daylight again," Sitole said.

He said the proposal was aimed at alleviating overcrowding in South Africa's prisons. There are more than 124 000 inmates in the country's jails, which are designed for only 97 000.

He said hardened criminal inmates could be held in underground cells in disused mineshafts while old mine buildings could be used as well.

He added, however, that human rights considerations would be accommodated should the move be followed through.

The department would discuss the proposals with human rights organisations and other stake-holders.

"I am fully aware that it (human rights) is an important issue in this new democracy.

"But we also have to consider the rights of the society in whose service we stand," Sitole said. "I expect to clash with human rights organisations with regard to this possibility."

## **Shocking proposal**

Golden Miles Bhudu of the SA Prisoners Organisation for Human Rights (Sapohr), said: "The proposal is shocking and leaves me cold. He could as well have called for the reinstatement of the death penalty."

Bhudu said he could not believe Sitole's about-turn when only two weeks ago he called for the release of 25 percent of the prisoners on correctional supervision.

Naomi Hill of the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) said the move would not help rehabilitate criminals and would not solve any problem.

*Sowetan 5/3/1977*

HANSARD

## Prisons closed down

(253)

of members from the Department of Public Service and Administration, of State Expenditure and selected other national departments and provincial administrations. The duration of this project is programmed to be 31 weeks.

As far as right-sizing is concerned, the work to be undertaken will entail

- (a) a review of right-sizing activities to date,
- (b) a comparative study of successful right-sizing exercises in at least two comparable developing African countries and two other leading countries to identify best practices and techniques relevant to South Africa,
- (c) formulation and testing of right-sizing methodology based on objective criteria,
- (d) obtaining of understanding and acceptance of right-sizing methodology from key stakeholders, including unions, and approval from Ministers, and
- (e) testing and implementation of proposals, which would include right-sizing targets for all departments for 1998/99 and 1999/2000.

12 Mr J SELFE asked the Minister of Correctional Services

- (1) Whether any prisons were closed down during the period 1 January 1995 up to the latest specified date for which information is available; if so, (a) which prisons, (b) what amount of accommodation was lost as a result of these closures and (c) what is the estimated value of the (i) buildings and (ii) land involved,
- (2) whether any decisions have been taken as to the purposes for which these prisons and prison grounds will be utilised, if not, what is the position in this regard, if so, what was the decision in regard to each prison?

C15E

The MINISTER OF CORRECTIONAL SERVICES

(1) Yes

- (a) Old Umtata prison  
Bloemfontein prison  
Verulam prison  
Bulwer prison  
Libode prison  
Klein Drakenstein prison  
Paarl prison  
Mafikeng prison  
Old Lusikiski prison  
Old Umzinto prison  
Robben Island prison
- (b) 2 111 units
- (c) (i) Approximately R373 million (based on present replacement value)  
(ii) The Department of Public Works is the "owner" of all State land, and sworn appraisers will have to be appointed by that department for a valuation to be made

- (3) Yes, (a) and (b)\*
- (4) Yes, (a) and (b)\*
- (5) The total number of persons employed by the Public Service as at 31 December 1996 was 1 182 846

\* Information was requested from PERSAL/PERSOL, but due to short notice the information could not be provided. The information will be forwarded as soon as it is available.

- (2) The Department of Correctional Services is only a user department and the relevant buildings and land were therefore, after closure, handed back to the Department of Public Works for disposal.

## QUESTIONS

Indicates translated version

For written reply

## Export of wild-caught primates

14 Mr E K MOORCROFT asked the Minister of Environmental Affairs and Tourism

- (1) Whether his department is responsible for the control over the export of wild-caught primates, if not, who is responsible, if so,
- (2) whether his Department received any applications in (a) 1995 and/or (b) 1996 for the export of any wild-caught primates, if so, in each case, (i) how many, (ii) from whom, (iii) for the export of how many primates, (iv) for export to which countries and (v) for what purpose,
- (3) whether any of the applicants have been granted permission to export primates, if so, (a) which applicants and (b) why in each case,
- (4) whether any conditions were attached to the granting of such permission, if so, in each case, (a) what conditions and (b) why?

C17E

The MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

- (1) The Department of Environmental Affairs and Tourism is not responsible for the control of the export of wild-caught primates, the provincial conservation authorities are responsible for control,
- (2) This Department did not receive any applications for the export of wild-caught primates,
- (3) Not applicable, and

(4) Not applicable

## Number of baboons/vervet monkeys

15 Mr E K MOORCROFT asked the Minister of Environmental Affairs and Tourism

- (1) (a) What is the estimated population of wild (i) baboons and (ii) vervet monkeys in South Africa in each province (b) when was a count done in this regard and (c) how was the count carried out,
- (2) whether there are any regulations governing the trapping and killing of wild primates, if not, why not, if so, (a) how is the implementation of these regulations monitored and (b) what are the further relevant details?

C18E

The MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

- (1)(a) Numbers in each of the provinces are unknown as it is very difficult to count primates because of the mobility of these animals according to leading mammal researchers under leadership of Dr I L Rautenbach, Director, Transvaal Museum
- (b) As far as known, counts were undertaken by nature conservators the old Cape Province as reported in a research report, dated September 1976 and in Natal by Natal Parks Board in 1988 and Dr Peter Henzi of the University of Natal during 1994 and 1995
- (c) The Cape Province did their count by using questionnaires and both the counts in Natal were estimates of the numbers
- (2) The nature conservation ordinances in the provinces regulate the capture and killing of wild primates and it is therefore a provincial matter



QUESTIONS

Indicates translated version.

For written reply

Private health care for prisoners

69 Mr J SELFFE asked the Minister of Correctional Services

In respect of 1996, (a) what amount was spent on private health care for prisoners, (b) what portion of the total amount spent on health for prisoner did this constitute, (c) how many patients were treated and (d) why was it necessary to provide private health care for these patients?

The MINISTER OF CORRECTIONAL SERVICES

(a) R29 530 729,96

(b) 25,11%

(c) Of an average prison population of 118 400, 89 389 prisoners received private health care

(d) The Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996) stipulates in section 27(1)(a) that everyone has the right to have access to health care services. In view of this, health care services are made available to prisoners by the Government as far as possible. However, should these services be insufficient, then at the discretion of the treating medical officer (previously District Surgeon), whose clinical independence is at all times respected, a prisoner patient may be referred for appropriate consultation/medical treatment to doctors/private facilities

Correctional Services: staff shortage

85 Mr J SELFFE asked the Minister of Correctional Services

Whether his department is currently experiencing a staff shortage, is not, what is the position in this regard, if so (a) what is the extent of this shortage, (b) in respect of which posts are shortages currently being experienced, (c) what steps are being taken to remedy the situation, (d) how are these shortages affecting the functioning of his Department and (e) in respect of what date is this information furnished?

responsible for the supervision of 25 offenders in the community. The ratio in respect of offenders in custody is one official to four prisoners

Negotiations with the Department of Public Service and Administration and the Department of Finance are conducted on an ongoing basis in order to obtain additional funds for the creation of additional posts

(d) The shortage of staff has a curtailing effect on the effective functioning of the Department in every field of its activities. Consequently the Department can only render limited and basic rehabilitation services. Additional personnel are required to

- afford offenders the opportunity to participate in meaningful work and training programmes,
- guarantee the safety of members and inmates at all times,
- execute effective control and supervision over offenders, and
- render effective physical care services

(e) 1 April 1997

New toll roads

101 Mr S D FISHER asked the Minister of Transport

Whether it is intended to build new toll roads in any of the provinces, if not, what is the position in this regard, if so, (a) in which provinces, (b) near which towns, (c) when will each planned toll road be completed, (d) what will the estimated toll fee be for (i) motor cars and (ii) each category of truck at each planned toll plaza and (e) in respect of what date is this information furnished?

The MINISTER OF TRANSPORT

It is the intention to build the following two toll roads

(i) The N4 Maputo Development Corridor Toll Road

- (a) Mpumalanga
- (b) Towns along the route include Witbank, Middelburg, Belfast, Machadodorp,

Waterval Onder, Waterval Boven, Montrose, Nelspruit, Malelaan and Komatipoort

(c) Sections of the road will be completed and commissioned from 1998 onwards. The road will be completed in the year 2000

(d) (i) and (ii) The toll road will be commissioned to the private sector and the toll rates will be approved by the Minister of Transport

(e) April 1997

(ii) The N3 Toll Road

(a) Gauteng, Mpumalanga, Free State and KwaZulu-Natal

(b) Towns along the route include Heidelberg, Villiers, Warden and Hartismith

(c) Two new sections of toll road will be constructed, i.e., the section between Heidelberg and Villiers which is envisaged to be opened during 2000/1 and the section between Warden and Keerdersfontein which is envisaged to be opened between 2007/8

(d) The toll road will be concessioned to the private sector. The toll rates will be approved by the Minister of Transport

(e) April 1997

In developing and maintaining a sustainable National Road Network, the Department of Transport continuously plans, manages and monitors the funding and operations of its network which enables it to deliver access and mobility to its customers, the National Road Users

Toll roads play an important role in the funding of National Roads. Funds allocated by the Exchequer are less today than they were in real terms in 1996 despite the growth in traffic and the network. Toll roads were introduced to supplement road funding in the early eighties

The success of the current toll roads can be attributed to the support of the road users who are prepared to pay a reasonable toll for the service provided as well as the fact that all tolls collected are only spent on toll roads

The Department is currently in the process of identifying possible toll roads. These studies have not

Correctional Officer	6 288
Senior Correctional Officer	540
Assistant Director	110
Deputy Director	61
Educationist	57
Chief Educationist	17
Control Educationist	8
Social Worker	38
Chief Social Worker	41
Assistant Director Social Worker	11
Deputy Director Social Worker	1
Nurse/Senior Nurse	97
Chief Nurse	31
Assistant Director	10
Accountant	1
Assistant Director Finance	3
Psychologist	41
Chief Psychologist	4
Typist	46
Switch Board Operator	8
Network Board Operator	6
Network Controller	8
Provision Administration Official	8
Senior Provision Administration Official	1
Assistant Director Logistic	1
Chemist	4
Senior Chemist	1
Legal Administration Officer	1
Senior Legal Administration Officer	5
Total	7 440

(c) The current restructuring of the Department is aimed at ensuring that available personnel are optimally utilised. It is envisaged that this will reduce the personnel shortage

Furthermore, the implementation of correctional supervision as an alternative sentence will also reduce the shortage of personnel. Correctional supervision within the community operates at a ratio of 1 : 25 which implies that one official is

**Public servants: accumulated annual leave**

103 Mr K M ANDREW asked the Minister for the Public Service and Administration

- (a) What amount was paid out in respect of accumulated annual leave to retiring public servants in (i) 1995 and (ii) 1996 and (b) to how many persons was this amount paid out? N192E

The MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

- (a) (i) R88 841 212 was paid out in respect of accumulated annual leave to retiring public servants in 1995, and
- (ii) R366 764 245 was paid out in respect of accumulated annual leave to retiring public servants in 1996

- (b) The amount was paid out to 33 575 persons

**Prisoners free over weekends**

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

- (1) Whether any prisoners who have not yet completed their sentences are allowed out of prisons for weekends or other short periods of time, if so, (a) why, (b) which prisoners qualify for this concession, (c) under what conditions are they allowed out of prison and (d) how many prisoners received this concession during the latest 12-month period for which information is available,

- (2) whether such prisoners are accompanied full-time by prison or other State personnel while out of prison, if not why not, if so, what are the relevant details,

- (3) whether any persons convicted of violent crimes are permitted to be temporarily released if so, what are the conditions under which they may be so released,

- (4) whether any prisoners thus released have

failed to return at the specified time, if so, (a) how many and (b) what were the consequences for these prisoners in each case,

- (5) whether he will make a statement on the matter? N208E

The MINISTER OF CORRECTIONAL SERVICES

- (1) Yes

- (a) In terms of section 92 of the Correctional Services Act, 1959 (Act No 8 of 1959) the Commissioner may on such conditions and for such periods as he may determine permit a person detained in a prison to leave such a prison temporarily under escort or otherwise for the purpose of

- compassionate leave
- Integrating with developmental or therapeutic programmes
- consolidation of family ties
- preparation for release, or
- any other reason which has to do with the correctional intervention with such person which is aimed at his/her successful reintegration into the community

- (b) Prisoners who have already proven that they can and will react in a responsible manner and who already have an approved date of placement on parole/correctional supervision

- (c) *Inter alia* that the prisoner

- will be in care of a specific person,
- will be at a specific address,

- will abstain from alcohol and drugs,
- personally accepts responsibility/liability for any events which might result in expenses for or claims against the State,
- may in no way be guilty of misconduct
- may not contact or visit the relations of any other prisoners unless previous permission had been obtained from the Head of the Prison

The MINISTER OF JUSTICE

- (a) Yes

- (i) 62

- (ii)(aa)

- (d) These statistics are unfortunately not readily available and can only be obtained by conducting a time consuming manpower-intensive countrywide survey
- (2) In cases where a correctional officer does not escort the prisoner a responsible person (preferably family/employer/professional or prominent member of the community) must accept the applicable responsibilities for supervision as well as conditions in writing Correctional officers of the Community Corrections offices are utilised to monitor such prisoners
- (3) Prisoners who are sentenced for a crime of violence/sexual violence/child molestation may not be granted week-end leave, except in deserving cases in which case the conditions referred to in paragraph (1)(c) above will also be applicable

**Public prosecutors' early retirement/resignation**

126 Mr D H M GIBSON asked the Minister of Justice

- (b) No

- (bb) None

Whether any public prosecutors have (a) applied for and/or (b) been granted early retirement or resignation packages in terms of the Government's scheme to reduce the size of the public service, if so, in each case, (i) how many public prosecu-

133 Mr K M ANDREW asked the Minister of Finance

**Seized illegal imports: warehouses**

# Mzimela is 'open' to mine prisons

CAPE TOWN — Correctional Services Minister Sipo Mzimela had an open mind on proposals to turn disused mine shafts into maximum security prisons, his spokesman, Bert Slabbert, said yesterday.

"Let's have a look. Why not? Let's go 10km down into the earth and see what is there," Slabbert said.

In a news conference at Modderbee Prison near Springs on Tuesday, Correctional Services Commissioner Khulekani Sithole said the proposal to use old mines was intended to alleviate overcrowding in SA prisons.

There were more than 124 000 inmates in the country's jails, which were designed for only 97 000.

Meanwhile the Democratic Party (DP) and the National Party (NP) have added their voices to an outcry against the proposal.

The NP was shocked by the sugges-

tion, which should be rejected by all reasonable South Africans as barbaric and totally unacceptable, party spokesman Ray Radue said.

DP spokesman James Selfe said instead of providing a carefully researched and considered solution to the problem of prison overcrowding, the government had yet again reacted with irresponsible haste and panic.

The idea of putting convicts in mine dungeons evocative of the gulags was unlawful and unconstitutional and, as such, nonnegotiable, Human Rights Commission chairman Barney Pitso said yesterday.

The Animal Group Alliance said it took strong exception to Sithole's reference to prisoners as animals. "He should rather have referred to these people as subhuman," said Beatrice Wiltshire, co-chairman of the alliance for SA. — Sapa

# Mine prisons plan: Nat call to drop Sitole

## *Political storm erupts*

LINDSAY BARNES  
C. DESK

The National Party today called for the suspension of prisons commissioner Khulekani Sitole because of his "barbaric" proposal to turn disused mines into maximum security prisons for dangerous criminals.

The call comes after the Minister of Correctional Services, Sipo Mzimela, announced that plans were in fact being drawn up for mines to be used as prisons — though he did not say whether he meant underground shafts or surface buildings.

Mr Sitole had outraged human rights groups by saying criminals who were not prepared to conform to society's norms and transgressed repeatedly were "animals" who should "never see sunlight again".

Prisons of this type, if viable, would alleviate the problem of overcrowding and jail breaks, he said.

The NP accused the African National Congress of exercising a selective morality. Spokesman Jan Bosman said the NP had petitioned the Speaker of the National Assembly, Fréne Ginwala, for a special debate in Parliament on the contentious plan, which has been condemned by opposition parties as "positively medieval".

Although the ANC has responded cau-

tiously, the NP urged Commissioner Sitole to reconsider his statement and to give an assurance that his department would not pursue this course of action.

The Department of Correctional Services would suffer "untold harm nationally and internationally" if it implemented such an unacceptable policy, said Ray Radue, chief NP spokesman on correctional services.

The "grotesque dungeon theory" was no answer to the problem of overcrowding of prisons, said James Selfe, Democratic Party spokesman on correctional services.

The constitution did not permit Mr Sitole to treat prisoners as less than human, irrespective of his feelings about them, said Mr Selfe.

He is to tackle Mr Sitole on the "bizarre" suggestion at a meeting of the National Council of Provinces committee on safety and justice next week.

Bennie Bunsee, parliamentary adviser to the Pan Africanist Congress, said the commissioner's proposal was confirmation of the barbaric apartheid legacy.

ANC spokesman Ronnie Mamoepa said it was his understanding there was "nothing firm on the table" yet. "He (Mr Sitole) has an idea and he must first process it until he has something tangible for the Department of Correctional Services."

(293)  
ANC 6/3/97

# Treat us or free us, say HIV prisoners

## *Court asked for ruling*

DENNIS CAVERNELLIS  
HIGH COURT REPORTER

ARG 11/3/97

**Four HIV-positive prisoners have asked the Cape High Court to compel prison authorities to give them anti-AIDS medication and adequate medical attention or order their release.**

The application heard yesterday by Mr Justice F D J Brand was brought by Cecil van Biljon, Madodana Tyembile, Michael Williams and Kelvin Voskuil. The respondents are the Minister of Correctional Services, the Commissioner of Correctional Services, the commander of Pollsmoor Prison and the Western Cape Minister of Health and Welfare.

The prisoners have asked for an order declaring that they, and other HIV-positive prisoners, have "a right to proper and adequate medical attention, care and treatment on the ground of their HIV status" and that they have the right to consult and be examined by HIV specialists at HIV clinics at provincial hospitals.

They have also asked for an order that they be supplied with medication for their condition, alternatively, that they and other HIV-positive prisoners be released.

In his affidavit, Van Biljon said he was diagnosed as HIV-positive while serving a five year sentence in Port Elizabeth for car theft and fraud. At that time he did not receive any specific medication.

In 1992 he was transferred to Pretoria Central Prison where he received, albeit inconsistently, food supplements and vita-

mins but no specific medication.

Van Biljon said he had asked the prison doctor for AZT as he was aware it could prolong the lives and improve the quality of life of HIV-positive patients. The doctor's opinion was that his HIV status, being stage one, did not warrant AZT treatment.

When his condition deteriorated, he went to court and Mr Justice Ismail Mahomed ordered that AZT treatment be administered if necessary.

In spite of a report by a doctor, Steven Miller, recommending AZT, "it appeared (prison authorities) would supply the medication only if I bore the cost", he said.

A draft order was made compelling the prison to supply him with AZT until the matter went back to court for a final order but Van Biljon was paroled and the case was withdrawn.

He received the treatment at an HIV clinic until he was again convicted and jailed for six years for car theft. Again treatment was not forthcoming until he relaunched his court application.

In 1994 he applied to be released on medical grounds.

Counsel for the respondents, H M Scholtz, argued that Van Biljon's right to medical treatment had been recognised and he had had treatment but it was not clear if his condition warranted AZT in combination with other anti-viral medication. It had not been shown by the applicants, "under all the circumstances and due to budgetary constraints" that their constitutional right had been breached.

Judgment was reserved.

**Overpopulation in prisons**

153 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

What was the percentage overpopulation in prisons in each of the provinces as at the latest specified date for which information is available? N284E

Free State	18 0%
Mpumalanga	18 1%
KwaZulu-Natal	23 0%
Eastern Cape	27 8%
Western Cape	36 8%
North West	51 7%
Northern Cape	33 4%
Northern Province	61 8%
Gauteng	37 8%

As at 31 January 1997

**Provinces' prisoners awaiting trial**

155 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

How many prisoners awaiting trial were there in each of the provinces during the period 1 January to 31 December 1996? N286E

Province	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Free State	2015	1901	1863	1895	1906	1849	1853	1962	2044	2045	1960	2140
Mpumalanga	1641	1606	1620	1602	1465	1408	1467	1518	1669	1593	1592	1970
KwaZulu-Natal	4837	5775	5756	4792	5824	5763	5899	6124	6173	5847	5737	6206
Eastern Cape	3297	3331	3315	3700	3312	3257	3553	3754	3761	3839	3754	3924
Western Cape	3309	3282	3265	3340	3240	3307	3603	3720	3665	3527	3344	3477
North West	1912	1972	2036	2005	1886	1816	1852	2074	2199	2021	2079	2507
Northern Cape	649	587	614	581	524	465	475	501	546	527	563	583
Northern Province	1255	1223	1146	1170	1144	1036	966	915	980	1047	1132	1302
Gauteng	9347	9940	9878	9985	9647	9459	9758	10028	10861	10663	10553	11173
Total	28262	29617	29493	29070	28948	28360	29426	30596	31898	31109	30714	32382

**The MINISTER OF CORRECTIONAL SERVICES****Decrease in number of postal items handled**

173 Mr J A JORDAAN asked the Minister for Posts, Telecommunications and Broadcasting

Whether there was a decrease in the number of postal items handled by the Post Office during the period 1 July 1995 to 30 June 1996, if so, (a) how many items were handled in (i) January 1995 and (ii) June 1996, (b) what was the percentage decrease in the number of items handled during that period and (c) what were the reasons for this decrease? N313E

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

The Managing Director of SAPOS informed me as follows

- No
- (a) During (i) January 1995, 181 731 965 items were handled  
During (ii) June 1996 191 481 580 items were handled

(b) Not applicable

(c) Not applicable

However, comparing the volumes for the 12 month period July 1994 to June 1994 (2 468 578 772) with the 12 month period July 1995 to June 1996 (2) 159

848 998) there was an overall decrease of 12.5 The decrease in volumes can be attributed to postage rate increases higher than the inflation rate, poor delivery standards at that time, high levels of mail violation, increasing competition from other mailing options in the private sector (Postnet, City Post, etc) and electronic messaging

**Residential telephones: waiting list**

192 Ms M SMUTS asked the Minister for Posts, Telecommunications and Broadcasting

(a) How many persons or households were on the waiting list for residential telephones in each of the provinces on 1 February 1997, (b) (i) how many and (ii) what percentage of residential applications for telephones were met within 28 days of application during the period 1 September 1996 to 28 February 1997 and (c) (i) how many and (ii) what percentage of faults reported by business and residential customers during the above six-month period were rectified within 48 hours? N333E

Region	Waiting Applicants (Residential)
Gauteng Central	14 191
North Eastern	40 872
Central	8 480
Southern	13 905
Western	6 676
Eastern	28 220
National Total	111 344

This information is unfortunately not available according to political provinces

- (b) (i) A total number of 82 450 residential applications for telephones were met within 28 days of application during the period 1 September 1996 to 31 January 1997
- (ii) 63% of residential applications for telephones were met within 28 days of application during the period 1 September 1996 to 31 January 1997

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

The Managing Director of Telkom has informed me as follows

(a) the total number of waiting applicants on the waiting list for residential telephones in each of the six Telkom regions on 1 February 1997 is as follows

(ii) 75% of faults reported by business and residential customers were rectified within 48 hours during the period 1 September 1996 to 31 January 1997

## New 'record' for SA prisons

THE South African prison population reached an all-time high in February with 230 prisons, suitable for only 96 325 inmates, housing 129 670 prisoners, Correctional Services Commissioner Khulekani Sitole said yesterday. In a statement from Pretoria, Sitole said this meant that the country's prisons were 134 percent occupied.

He pointed out that, taking into consideration the department was also facing a manpower shortage of nearly 7 000, it was obvious that it could not fulfil its "mandate towards the

Government in ensuring that persons are incarcerated in a humane manner in prisons"

"Furthermore, it puts incredible strain on the infrastructure and my personnel who are already under great pressure to cope with the demands of managing a prison," he said.

Sitole said many of the country's prisons needed upgrading.

Despite the problems, his department would do everything in its "power to ensure that we meet the international minimum standard rules" - Sapa.

Sanetam 13/3/97 (253)

# Agency accused of ripping off former convicts

RAW 17/3/97

(253)

CATHY PINNOCK

Agency denies workers are underpaid, says high expectations can't be met

By BONGIWE MLANGENI

**A** job-creation agency which helps ex-prisoners to find employment has been accused of exploitation and destroying the hopes of rehabilitation for many former offenders

Albert Nyathela, who served nine years of his 14-year murder sentence, damns the Common Law Prisoners' Rehabilitation Agency (Compra) paid its staff half the wages they were promised, and expected them to work long hours

Compra was formed in 1990 by five ex-convicts in an attempt to address the shortage of rehabilitation centres and to find jobs for former prisoners

The agency survives by tendering for government and private sector building contracts

According to the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro), Nyathela is one of several prisoners who claim to have been exploited by Comprá.

Nicro offers counselling and skills to about 600 ex-offenders every month, of whom 30% get part-time jobs

Nyathela's case reflects a widespread problem faced by many ex-prisoners who are unable to find jobs and are often abused or rejected by society, according to Nicro's social development officer Aaron Mofha

"The private sector and society need to support ex-prisoners because they are easily tempted to commit crime, and once they go back into the circle, they commit

the worst crimes," Mofha said

Nyathela said he had been told he would be paid R450 when he started working for Comprá last month, and got a job retraining a high school in the inner city

After working for two weeks and painting six school rooms, he was given R250 and dismissed because he had complained, he said

"How do I explain this to my family?"

"It is difficult to find a job when you come out of jail, and the last thing you expect is to be swindled of your money by other ex-prisoners because they know better," he said

"If I have no job it means I have to be a criminal again to survive I am 45 years old now and I cannot spend all my life in jail," he added

Compra spokesman Sidney Mbevu said it was not unusual for the agency to be accused of exploitation because most ex-prisoners had high expectations when they were released from jail

"But they get shattered by employers and family members who often reject them, making reintegration into normal society difficult," he said

"We were prisoners before and we know what it's like outside prison. We also understand how ex-prisoners think - often like stubborn children. They expect too much," Mbevu said

He denied the agency did not pay Nyathela his full wage, saying he had worked for only two weeks and was given the appropriate wage for the time he worked



No way out ex-convict Albert Nyathela is finding it difficult to deal with life outside prison and is afraid that the experiences he has had in his attempts to earn an honest living may cause him to return to his criminal ways.



(c) 2 784\* left the Public Service during the period 1 January 1996 to 31 December 1996 due to discharge

- Provincial Administration Northern Province
- Provincial Administration Gauteng
- Provincial Administration Eastern Cape
- Sport and Recreation

- SANDF
- Correctional Services

\*Information was requested from all departments/provincial administration, but due to the short notice the following departments/provincial administrations could not provide the necessary information. Information in this regard will be made available as soon as it is received.

*Hansard*

**QUESTIONS**

†Indicates translated version  
For written reply

Unit cost per prisoner (253)

26 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

**Correctional Services' retirements/discharges**

20 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

How many staff members of his Department left the employ of his Department (a) due to reaching retirement age (b) with a retirement package and (c) due to discharge in 1996?

Total costs per prisoner per day R61.30  
Total costs per supervision case per day R14.04

N30E

**Crimes in Johannesburg police district**

The MINISTER OF CORRECTIONAL SERVICES

36 Mr R H GROENEWALD asked the Minister for Safety and Security

- (a) 15
- (b) 151
- (c) 26 members due to disciplinary discharges and 356 members due to medical fitness

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft, (h) damage to property, (i) housebreaking, (j) car hijacking and (k) the possession of drugs were reported at each specified police station in the police district of Johannesburg in 1996? N46E

NB The above statistics are for the period 1 January 1996 to 31 December 1996

The MINISTER FOR SAFETY AND SECURITY

Statistics for the period January to August 1996, are as follows

	Alexandra	Booyens	Bramley	Bryton
(a)	143	56	14	12
(b)	9	40	12	4
(c)	741	267	76	136
(d)	297	770	174	226
(e)	194	71	20	41
(f)	509	639	799	147
(g)	566	5 995	3 223	2 914
(h)	265	533	267	260
(i)	246	1 945	694	832
(j)	75	140	304	13
(k)	19	68	13	14

# Crisis looms in crowded prisons (253)

Journal 24/3/97

**A** RECENT official suggestion that disused mine shafts should be used as maximum security jails is an indication of the crisis facing South Africa's overpopulated prison system

The country has one of the most overpopulated prisons in the world, stemming from a phenomenally high crime rate

In 1996 the prisons had a turnover of more than 400 000 inmates and on any given day there were, on average, 122 000 prisoners in jails built to house 95 000

Each prisoner costs the taxpayer approximately R63 a day. The continuing high rate of crime means that the prisons will continue to overflow

The Government has repeatedly stated that it cannot afford to build new prisons. The cost of building a cell and associated works for one prisoner is R76 000

The huge prison population has caused immense problems. In many instances hardened prisoners convicted of major crimes are housed together with those serving short terms for relatively minor offences

The results are often catastrophic as the short-term prisoners are forced to become servants of long-term prisoners who demand their money or sexual favours. It is because of situations like this that the mine shaft proposal was made by the head of Correctional Services, Khulekani Sithole

"There are criminals in our system who have made it clear that they are not prepared to conform to the norms of a democratic society - people like murderers, rapists and armed robbers who repeatedly transgress," Sithole said

"They are animals and must never see the sunlight again"

The proposal has been challenged by human rights organisations which say that creating more prisons is not the answer to the high crime rate. "The proposal is shocking and leaves me cold," said Golden Miles Bhudu of the South African Prisoners Organisation for Human Rights

Naomi Hill of the National Institute for Crime Prevention and the Rehabilitation of Offenders says the creation of more prison space will not help in the rehabilitation of criminals

Says social worker Charles

Creating more prison space will not help to rehabilitate criminals



**Golden Miles Bhudu (above) says the proposal by head of Correctional Services Khulekani Sithole leaves him cold.**

Mhlongo "Whatever the arguments, something must be done to deal with the question of overflowing jails

"The last time our jails recorded such high figures was in the 80s at the height of political activity. The difference is that at the time the prisons were full of activists. This time it is different"

Professor Wilfried Scharf, professor of criminology at the University of Cape Town, says only six percent of criminals are rehabilitated

## Programmes negligible

His studies showed that rehabilitation programmes within the prisons are negligible. One study found that of the 6 000 prisoners at Pollsmoor Prison in Cape Town, only one percent were receiving some form of training

Released prisoners invariably tell horrendous tales of sexual abuse and violence

A 19-year-old petty criminal describes his ordeal "As soon as I walked into the cell the leader said he

wanted me to be his wife. I was told that if I didn't comply I would have to pay the price. I had to obey him"

Last August the then chairman of the select committee on correctional services, Carl Niehaus, said that the Government could not guarantee that children awaiting trial would be kept in separate cells from adults

The high level of escapees is another major problem. In 1996 about 100 prisoners escaped each month. Many of them are dangerous criminals

A correctional services spokesman Rudi Potgieter gave a range of reasons for the high level of escapes. He concluded that negligent staff, poor condition of buildings, a staff shortage, more hardened criminals and overcrowding have combined to make keeping the prisons secure more and more difficult

There is no doubt that the country's prisons are time-bombs. Already this year hostages were taken at St Albans Prison in Port Elizabeth - *Africa Information Afrique*

# 28 prisoners flee

## Corruption, lack of security thought to be behind the escapes

By Joshua Raboroko and  
Russel Molefe

**A** FIFTY-THREE 28 awaiting-trial prisoners escaped from a Durban prison yesterday in what Correctional Services officials believe is related to a lack of security or corruption.

Their escape brings to 31 the total number of prisoners who have escaped from South African prisons in the past five days.

Three long-term convicts escaped from Moddebee Prison near Benoni last Wednesday. Department of Correctional Services spokesman Mr Rudi Potgieter said 29 prisoners were locked in one cell on Saturday night.

On Sunday morning it was found that 28 of them were missing.

Potgieter said it was not known at this stage how they escaped but investigations were under way.

Meanwhile three long-term prisoners who escaped from Moddebee Prison have been identified after two days of intensive investigation. They are Joseph Mthembu (27), Thabo Thala (21) and Linda Mthembu (25).

Rudi said more than 4 000 prisoners were counted at the prison at the end of each day. On Wednesday it was discovered that three inmates were missing.

Potgieter said overpopulation in prisons was also a reason for escapes. A joint investigation with police into the root causes of escapes from pris-

ons countrywide had been launched. The team of investigators will recommend steps to be taken to prevent escapes in the future.

However, rumours abound that some prisoners are assisted by corrupt law enforcement officers to escape from custody.

It has been found in the past that wardens made arrangements for prisoners to escape.

This view was reinforced by the recent escapes under sensational circumstances of notorious gangster Josiah Raborapi and four Bulgarian nationals linked to a car theft syndicate.

Raborapi, who had previously escaped from Bunkpan in 1991 and Diepkloof Prison in 1995, was being transported from the Johannesburg

*(253) Soudien 24/3/97*

Magistrate's Court to Diepkloof Prison when he escaped last month.

Potgieter later changed the version and said he had actually been admitted to the prison but could not be found during a head count.

Raborapi whose whereabouts are unknown, is wanted in connection with 16 murders and more than 30 armed robberies which netted almost R70 million since the 80s.

It was rumoured that Raborapi had been seen in the company of police but Potgieter said those with information should contact senior officials.

The four Bulgarians were led from Randburg police cells by two men posing as detectives under the pretext that they were to go further interrogation.

The Bulgarians had been re-arrested.

Potgieter said strict security measures would be put in place in future to prevent prisoners escaping.

This included hiring special units to watch relationships between wardens and prisoners in the wake of reports that money "changed hands" between the parties.

The law will take its course if any warden is found to have accepted bribes.

Potgieter said an intensive search was under way to arrest the escaped prisoners, including Raborapi.

Potgieter described prison escapes as "very serious" and said mechanisms to prevent escapes had to be put in place as a matter of urgency.

# Prison ship set to

# anchor off W Cape

## Mineshaft jails still on cards

APR 25/3/97

(253)

CLIVE SAWYER  
POLITICAL CORRESPONDENT

The Western Cape may have South Africa's first floating prison if Correctional Services Minister Sipho Mzimela accepts an offer of a 394-berth ship.

Dr Mzimela told the National Assembly committee on correctional services today that the United States and Britain had converted ships into jails to deal with overcrowding.

He said he had an offer of a ship, but did not disclose who had made it. The proposal was for the prison ship to be moored off the Western Cape.

The idea would have to be considered because of severe overcrowding in prisons and a rapid increase in the number of inmates, he said.

Dr Mzimela also confirmed he still supported using disused mineshafts as prisons — an idea mooted recently by Correctional Services commissioner Khulekani Sitole. Parliament is to hold a special debate tomorrow on the department's contriver-

sial plans to convert mineshafts into jails.

"We are investigating all kinds of possibilities to deal with overcrowding and the problems of escapes, every month more than 100 inmates escape," Dr Mzimela told the committee.

"All of us are adults and know we have a constitution and a bill of rights," he said.

But where there were mineshafts capable of conversion into jails cheaper than new buildings, there was no reason not to turn them into prisons.

In Colorado in the United States, the side of a mountain had been excavated to build a prison.

"Whether you dig into a mountain or dig into the ground, it's the same thing," said Dr Mzimela.

He told the committee a recent survey had found that 94.5 per cent of South Africans supported turning mineshafts into jails.

Asked about provision for family visits, he replied: "I should think a ride in a lift down a mineshaft should be a pleasant experience even for family members, shouldn't it?"

Mr Sithole said that half of Pretoria prison was underground "and there is no mayhem about it".

The department had anticipated criticism of the idea and hoped this would contribute to an ideal solution.

Dr Mzimela also disclosed that the department was considering setting aside one of its two proposed super-maximum prisons solely for rapists.

"Rape in this country is reaching epidemic proportions... that is ridiculous in a country which has a constitution and a bill of rights," he said.

Super-maximum prisons were a concept pioneered in the US for hardened and professional criminals who could not be rehabilitated.

The idea was that prisoners would be kept in their cells, alone, 23 hours a day and left for solitary exercise for an hour.

Contact would be allowed only with chaplains and close family.

The super-maximum prisons would have few warders and would rely on electronic gate control and monitoring, Dr Mzimela said.

# Govt floats plan to launch a high-security prison ship

David Greybe

(253)  
BD 26/3/97  
CAPE TOWN — The correctional services department was considering using a ship as a floating high security prison, and was still serious about converting mine shafts into super maximum prisons, Correctional Services Minister Sipo Mzimela said yesterday.

Mzimela also said at a meeting of the ministers of health, public service, defence, constitutional development and correctional services earlier in the day that it was decided to abolish pre-employment testing for HIV/AIDS for applicants for government posts.

Correctional services and defence have come under heavy fire from human rights campaigners for pre-employment HIV/AIDS testing, which has led to a number of job applicants who tested positive being turned away.

Correctional services commissioner Khulekani Sithole said the six applicants who were refused entry into the correctional services college because they tested HIV-positive would be invited to join the July intake.

Mzimela said even if a prison was

built in a floating ship or in space, conditions would be humane and consistent with the constitution.

Sithole said the department had been approached by owners of a Second World War vessel anchored in Cape Town harbour which could house 394 people, and was equipped with a gymnasium and limited sport facilities. It could stay 100 nautical miles out at sea for a month. Mzimela said the US used prison ships, and the UK was to follow.

Mzimela, commenting on criticism of Sithole's description of prisoners as animals when announcing proposals to build prisons in disused mines, said a father who raped his three-day-old daughter, with the baby dying as a result, was "worse than an animal".

The idea of converting disused mines into super maximum security prisons was under serious consideration, Mzimela said. Sithole said half of Pretoria Central maximum security prison was built underground "and there is no mayhem about it".

Parliament is to hold a debate today on the department's inquiry into converting disused shafts into prisons.

# Minister plans to stem prison

253  
26/3/97

# escapes

Mzimela considering undercover teams and special prisons for hard-core criminals: one for rapists, others in disused mineshafts; and an old ship may also be used

BY JOVIAL RANTAO  
Cape Town

Anti-corruption and secret-service units are to be introduced in prisons as part of the Government's plans to rid the system of corruption, stem the tide of escapes and transform the Department of Correctional Services.

Outlining his plans for 1997, Correctional Services Minister Dr Sipo Mzimela told Parliament's portfolio committee on correctional services that the department was also investigating the possibility of using one of the three planned super-maximum prisons to house rapists exclusively. And he supported a feasibility probe into the use of mineshafts as prisons for hardened criminals.

Mzimela backed his commissioner's statement that some criminals were animals.

"What do you call a father who rapes his three-day-old daughter who dies as a result? He is worse than an animal, and a mineshaft is too good for him," Mzimela said.

He said the investigation into mineshafts was part of the Government's plan to deal with overcrowded prisons and escapes.

He said the ministry was also considering using a World War 2 vintage vessel, which can accommodate 394 prisoners, as a floating high-security prison.

On rapists, he said "Rape is reaching epidemic proportions. We need drastic action to deal with this epidemic."

Mzimela said only prisoners who could not be rehabilitated would be held in the electronically controlled super-maximum prisons where they would be locked up for 23 hours and allowed only one hour's exercise. They would have contact only with immediate family members and the prison chaplain.

On the anti-corruption initiative, Mzimela said "The secret service will comprise members not known to prison officials, and will investigate illegal activities of

66  
**Mineshaft  
is too good  
for rapist of  
daughter**

warders, the smuggling of dagga and dangerous arms. We believe that if we have people who are not known, that will help us to get more information on what is increasingly becoming a problem."

The minister said he had experienced problems recruiting staff for both the anti-corruption and the secret-service units.

He said an independent inspecting judge would be appointed by Justice Minister Dullah Omar to help investigate conditions in prisons and the corruption involved in many escapes.

"The judge will have the powers to do whatever he wants and will report directly to the president. We recognise and accept that there are problems," he said.

Mzimela said the Parole Bill, which will enforce that prisoners serve at least half their sentences before being considered for parole, would be tabled before Parliament this year as part of the National Crime Prevention Strategy legislation.

He said his department had completed redrafting the Correctional Services Act of 1959, which was out of step with the constitution.

New prisons would be built this year as part of the effort to reduce overcrowding in prisons. The number of inmates was increasing dramatically every day. Room also had to be made for people who would be arrested as part of the Government's National Crime Prevention Strategy.

Mzimela said the Cabinet had approved the concept of using the private sector to build prisons on a lease-back contract through which the jails would be built and managed privately and the Government would assume control only after 20 to 25 years.

He said the private sector was currently involved in the building of two super-maximum prisons, two youth development centres, two ordinary prisons and a centre where awaiting-trial prisoners would be held.

► Parliament yesterday

# Corruption claims over job selection in W Cape prisons

CLIVE SAWYER  
POLITICAL CORRESPONDENT

ARG 27/3/97 (253)

Complaints of corruption have been made about the way staff have been appointed to the Correctional Services Department in the Western Cape, Correctional Services Minister Sipo Mzimela told the National Assembly.

The complaints included claims that members of the selection panel had appointed only members of their own families, and friends

Dr Mzimela was replying to questions in the National Assembly from Gert Oosthuizen (National Party)

Complaints received were of a general nature in regard to a total of 616 appointments made in the Western Cape," Mr Mzimela replied

He said complaints should be seen against a background of the rate of joblessness and the pressure under which the appointments had been made

Complainants also said that applicants who did not originate from "the surrounding areas" were rejected.

Dr Mzimela said the complaints would be investigated

Attention would be given to methods of advertising vacancies and recruitment, compilation of panels and confidentiality of information.

# Prisoners on the run - but what do they look like?

## No money to take photos of inmates

PAUL KIRK  
OWN CORRESPONDENT

**Durban** - While criminals are escaping at the rate of 100 a month, many stay free because prison authorities do not know what they look like, an investigation has revealed.

Cost-cutting has forced the Department of Correctional Services to stop photographing prisoners. Instead, authorities rely on fingerprints to keep track of South Africa's most dangerous criminals.

As a result wanted posters and identikit of escaped prisoners cannot be compiled or supplied to the SA Police Service, forcing the SAPS to rely on identity photos taken by the Department of Home Affairs. Many of the photos are either extremely old or no longer on file.

Department of Correctional Services spokesman Andy Anderson said "I can confirm we do not take or keep photos of prisoners We stopped doing that in the late 70s

"Taking photos of every prisoner is too expensive, time consuming and a great administrative problem"

Although prisoners are counted twice a day, identities are only checked on a monthly basis when warders match all prisoners to fingerprints appearing on warrants held at the prison

If a head count reveals a prisoner is missing and he cannot immediately be identified, all prisoners must be fingerprinted to check who has escaped. This process can take many hours and, at worst, days

Following the mass escape of 28 prisoners from Westville Prison on Sunday a roll call had

to be held nearly 24 hours later to establish exactly who was missing. All the prisoners are considered dangerous, but no wanted posters can be issued for any of them

Police do not know who to look for Mr Anderson said "The department are currently looking at ways to improve the system but I am not aware of what system they are going to be using or what they are looking at"

A source at Westville Prison said many escapes were successful because prisoners hid inside prison grounds posing as workers, choosing their time to elude warders and walk out the prison

Police spokesman Vishnu Nandoo said, "We use pictures from Home Affairs to make up wanted posters if we have to But it would probably make it more convenient if Correctional Services kept photos as well."

(253)

ARCT 29/9/97



PRIME TIME BOARD

# Photographs of prisoners 'too costly'

By PAUL KIRK

While criminals are escaping at the rate of 100 a month, many stay free because prison authorities do not know what they look like, a *Saturday Star* investigation has revealed.

Cost-cutting has forced the Department of Correctional Services to no longer photograph prisoners. They rely on fingerprints to keep track of South Africa's most dangerous criminals.

As a result, wanted posters and identities of escaped prisoners cannot be compiled or supplied to the police, forcing the SAPS to rely on identity photos taken by the Department of Home Affairs, many of which are either old or no longer on file.

Department of Correctional Services spokesman Andy Anderson said: "I can confirm we do not take or keep photos of prisoners. We stopped doing that in the late 70s. Taking photos of every prisoner is too expensive, time consuming and

Although prisoners are counted twice a day, identities are checked only on a monthly basis, when warders match all prisoners to fingerprints appearing on warrants held at the prison.

If a headcount reveals a prisoner is missing and he can not immediately be identified, all prisoners must be fingerprinted to check who has escaped. This process can take many hours and, at worst, days

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After the mass escape of 28 prisoners from Westville Prison on Sunday, a roll call had to be held nearly 24 hours later to establish exactly who was missing.

All the prisoners are considered dangerous and no wanted posters can be issued for any of them. Police do not know who to look for.

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Star 29/3/97

According to a source at Westville Prison, many escapes are successful because prisoners hide inside prison grounds posing as workers, choosing their time to elude warders and walk out of the prison.

Police spokesman Inspector Vishnu Naidoo said: "We use pictures from the Department of Home Affairs to make up wanted posters if we have to. But it would probably make it more convenient if correctional services kept photos as well."

# 'Super prison' in E Cape

East London - The announcement of a super-maximum prison planned for the Eastern Cape is good and bad news for provincial prisoners.

The good news is that the proposed new prison, announced on Wednesday with others of its kind planned for Gauteng and Mpumalanga, will alleviate serious overcrowding in Eastern Cape jails.

Eastern Cape Correctional Services department spokesman Madoda Dywati said provincial prisons were overcrowded by about 3 000 prisoners and this impeded the rehabilitation of inmates

Director Dywati said the bad news, was that the super prison, to supplement the capacity of the province's three maximum security prisons, should also cut the number of escapes in the Eastern Cape, currently the third highest in the country

The super prison, by its very isolationist design, would also break up criminal networks operated by the gang system.

National Correctional Services department spokesman Bert Slabbert said the R200-million super-maximum security prison would be virtually escape proof.

Mr Slabbert said it would contain about 1 500 single cells, each with its own small courtyard. Prisoners would be allowed out of their cells for only one hour a day and would have very little human contact, meeting only the people giving them their food and with their families on occasion.

Cell doors would be operated electronically and an electronic sensory field would run between two fences around the prison perimeter

Mr Slabbert said the exact plans and location of the three super prisons announced yesterday were not yet finalised. It was hoped a super-maximum security prison could be established in each province.

Mr Slabbert said there was little chance the new prisons would be down mine shafts or aboard ships. These were separate proposals being considered by the Government. - Ecna

(253) ARC 11/4/97

## OUTDOOR ADVENTURE EXPO 1997

# golden handshake

CT 14/4/97

(253)

POLITICAL ACRIMONY LEADS TO CIVIL SERVANT EXODUS

## Prison chief's R3m

**MILLIONS IN TAXPAYER** rands are being spent in the changing of the guards among the most senior civil servants in SA, reports Political Writer **HENRY LUDSKI**



**P**OLITICAL differences and clashes between government ministers and their heads of department continue to cost taxpayers millions — and it can now be revealed that when Correctional Services Minister Dr Sipo Mzimela let Commissioner Henk Bruyn go, it set the state back R3,3 million

Bruyn, who opted for a severance package with immediate effect at the end of last year, has since settled in the Western Cape, where he is building a palatial home in the plush northern suburb of Platteklouf

Departmental spokesman Mr Bert Slabbert, claiming it was a private matter, refused to disclose details of Bruyn's package

However, it is reliably understood that Bruyn, who was succeeded as commissioner by Mr Khulekani Sithole, was paid out until the end of his contract in 1998. Sithole was to have been Bruyn's understudy

Bruyn's sudden departure at the end of 1996 was preceded by months of acrimony and bitter clashes within the department, under conditions not very different from those in which police commissioner Mr George Fivaz now finds himself.

This pattern is similar to that in which several other directors-general and ministers have parted company. Each case has involved generous severance packages or payments for broken contracts

Fivaz made known his dissatisfaction with alleged political interference in the running of his department when he asked for a severance package, worth an esti-

mated R4 million.

However, President Nelson Mandela was able to persuade Fivaz to stay on, even though Mufamadi had reservations about the commissioner's ability to get on top of soaring crime

Fivaz and Mufamadi are due to appear before the parliamentary safety and security portfolio committee today to answer questions on their damaging public show-down, which observers believe could lead to the commissioner's exit

Since the change of government in 1994, many directors-general under apartheid have gone quietly or have been shunted out

Many of the remaining directors-general served National Party ministers under the government of national unity. However, most have either not had their contracts renewed or are waiting for that day to arrive

Protection services such as Defence, Correctional Services, Justice and Safety and Security have been the departments in which the battle for control has been the fiercest.

But the defence force's General George Meiring clings on, even though most of his authority has been whittled away. Control is now more firmly in the hands of Defence Minister Mr Joe Modise's new establishment. It is also unlikely Meiring's contract will be renewed next year.

Fivaz is not the first head of department out of favour to stand his ground. But he could be the last.

Towards the end of 1994 former housing director-general Mr Louis

Koch contested the appointment of present incumbent Mr William Cobbett

Then in July last year former intelligence chief Dr Niel Barnard, who was director-general of the Constitutional Development Department, insisted that the department pay his salary, gratuity and pension until 1999, worth R4m

He also insisted on staying in a government house until 1999 and to be allowed to keep his car under the government's car finance scheme.

New minister Mr Valli Moosa refused, saying Barnard's new appointment amounted to a transfer.

Barnard was effectively dismissed four days after Moosa took over the department from the National Party's Mr Roelf Meyer

Barnard is now director-general of the Western Cape, although his appointment is shrouded in controversy, with the ANC and its allies vowing to scupper it

Constitutional Development spokesperson Mr Mpho Mosimane said the Barnard payment issue, referred to the Public Services and Administration Department, had yet to be resolved

The exodus of directors-general who served under the former NP government hasn't stopped there. Last month Dr Frans van der Merwe, who served under former NP agriculture minister Dr Kraai van Niekerk, left when his contract was not renewed

Dr Colin Cameron of Environmental Affairs and Tourism, who served under NP leader Dr Dawie de Villiers when he was minister, is also expected to leave when his contract is reviewed later this year

Although in many cases the departure of directors-general, who are also departmental account officers, has taken place in a certain political context, the flight of skills from the public service has been of particular concern.

# Private sector will build and run seven new jails

## Mzimela unveils joint venture plan

(253)

ART 15/4/97

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Correctional Services Minister Sipo Mzimela today disclosed plans for private-sector co-operation in building seven new prisons, including two "super-maximum" jails, to house more than 9 000 prisoners.

The super-maximum jails, one in the Eastern Cape and the other in Gauteng, will hold 1 500 prisoners each

Companies in South Africa and abroad were to be invited to tender to finance, design, build and operate new correctional facilities, Dr Mzimela told a briefing in Cape Town

The joint projects with private enterprise will be known as asset procurement and operating partnership systems (Apos) and will be co-ordinated by the Department of Public Works

The seven pilot projects were identified after Cabinet approval in November last year for the Apos programme

"The Government's National Crime Prevention Strategy is gaining more momentum every day, and through the Apos prisons, the Department of Correctional Services will ensure that suitable



Sipo Mzimela: foreign companies asked to tender

and adequate facilities are available for the incarceration of all those offenders who must be taken out of normal society," said Dr Mzimela

The Apos programme would also create thousands of new jobs

The other planned jails are two maximum prisons, of 1 500 beds each, in Northern Province and the Free State, two 800-bed juvenile prisons in the Eastern Cape and Mpumalanga, and a 1 500-bed unit for awaiting-trial prisoners in Gauteng

Meanwhile, at a briefing to the National Assembly committee on correctional services today, Hardy Fourie, the department's financial manager, said the treasury would be asked for additional funds for prisons

A pattern had been established in recent years of budget cuts, resulting in pleas to the treasury for more funds, which in each case had been successful

Although there had been a nominal 4 percent growth in this year's correctional services budget, bringing it to R3,3-billion, the budget had been reduced in real terms if inflation was taken into account

There was a R67-million shortfall in the budget for spending on offenders. The shortfall on high-priority capital projects was R106-million and there was a shortfall of R111-million on equipment

Mr Fourie asked the committee to approve a resolution noting the shortfall and supporting the department's efforts to have its funding increased.

## War on gangs a top priority - report

Johannesburg - Eradication of gangs, proper training for Correctional Service members and affirmative action need to be introduced urgently into the penal system.

These are some of the recommendations made by a Human Rights Commission report today on the violence at the Leeuwkop prison in November last year

More than 30 prisoners were injured, some seriously, when violence erupted at the prison between November 1 and 3 after a gang member was robbed of dagga.

"Gangs need to be dealt with effectively. Their leaders should be isolated and removed from the prison if necessary. Management should not negotiate with gang leaders - this simply enhances their credibility," the report stated

Eradication of the gangs was easier said than done, but the commission was concerned about the impact gangs had on the human rights of prisoners

"Our conclusion is that gang activity within this prison is highly prejudicial to good order as well as the enjoyment of basic human rights by the prison population," the commission found

Correctional Service members were also not properly trained in effective crowd control

"At the outset, it is relevant to note that members of (the) DCS (Department of Correctional Services) received training within a military culture where safe custody was the objective underpinning their training

"Important aspects such as rehabilita-

tion, human rights, conflict resolution and mediation do not appear to have featured sufficiently, or at all, in their training"

The commission said members needed proper training in conflict resolution, human rights and mediation to deal with the reality of prison life and the new constitution

Warders - although only a small number - were also smuggling weapons and dagga into prison

The commission called on Leeuwkop prison management to deal with the tension between it and the Police and Prisons Civil Rights Union (Popcu).

"While affirmative action needs to be speeded up (within the system), there is a need for immediate action to defuse tensions at Leeuwkop," the report said - Sapa

# New type of jails to be built in South Africa

By Rafiq Rohan  
Political Correspondent

A NEW and sophisticated pilot project for seven prisons to be built in partnership with the private sector is under way

The move could, for the first time, see civilians playing the role of prison warders and officials in the country's overpopulated prisons

Announcing the measures in Parliament yesterday, Minister of Correctional Services, Dr Siphon Mzimela said two super-maximum prisons would be built in Gauteng and the Eastern Cape, two maximum prisons in Northern Province

(253) Sowetan 16/4/97  
and the Free State, two juvenile prisons in the Eastern Cape and Mpumalanga and an awaiting-trial prison in Gauteng

He said "For the first time in the history of South Africa, prospective companies, both in South Africa and abroad, will be invited to tender for new correctional facilities that will also include the financing, designing, construction, maintaining and operating of such facilities for the safe and humane detention of inmates"

In addition to this project, the minister did not rule out plans to convert disused mine shafts and ships into prisons. Investigations in this area are still under way

"Once we have all the facts we'll evaluate them and make a decision," he said

Mzimela said the reason for the partnership with the public sector in setting up of the seven new prisons was that the Government "does not have sufficient funds to set up these facilities"

The need for the new prisons is absolutely vital. Prisons are currently 150 percent overpopulated

The super-maximum prisons will be used to house "very dangerous inmates"

Prisons will all receive single cells into which prisoners will be locked for 23 hours a day. They will be allowed one hour for exercise

# Private sector to build, run 7 hi-tech jails

(253)

Correctional services minister  
announces multibillion-rand project,  
with construction set to start in October

By Jovial Rantao  
Cape Town

**T**he Government is to enter into a pilot multibillion-rand partnership with the private sector to design, build, finance, operate and manage seven new hi-tech prisons - including two super-maximum ones - in seven of SA's nine provinces.

Correctional Services Minister Dr Sipo Mzimela announced yesterday that contracts for the new prisons would be awarded in September, with simultaneous construction of the seven institutions starting on October 1.

Two prisons - a super-maximum facility accommodating 1 500 inmates and an awaiting-trial facility for 15 000 - will be built in Gauteng. The rest will be built in the Eastern Cape (two), Northern Province (one), Free State (one) and Mpumalanga (one).

Although he could not provide figures, Mzimela said the new partnership, approved by the Cabinet last year, would result in a saving for the Government and taxpayers. He said the land on which the prisons would be built would be owned by the Government, while companies that won the contracts would train, supply and pay their own staff.

He said companies that won tenders would be expected to set aside a certain percentage for companies from disadvantaged communities. Both local and international companies had been invited to tender for the contracts.

Mzimela said the partnership, expected to yield thousands of jobs, was based on the assumption that the Government would

never have enough money to build new prisons. Most of the existing prisons were neglected, required extensive repairs and did not fit with the Department of Correctional Services' standards.

"This partnership opens a new chapter in the history of corrections in South Africa. It will contribute greatly to the fight against crime," Mzimela said.

"Once the burden of building prisons has been removed, we will have more time to deal with the diagnostic aspect of our work, which includes classifying prisoners and ensuring that they get the

“  
**It will  
contribute  
to the fight  
against crime**  
”

right kind of treatment.”

The department would also bring into practice “what we mean by rehabilitation”.

He said the new prisons would also help to alleviate overcrowding, which stood at 150%. The new prisons would render escapes almost an impossibility.

Mzimela said the seven projects were under the Asset Procurement and Operating Partnership Systems, which was being co-ordinated by the Department of Public Works and was aimed at facilitating structured public/private-sector partnerships.

# Partnership to privatise jails

**POLITICAL STAFF**

CT 16/7/97

(273)

THE government is to enter into a multi-billion rand pilot partnership with the private sector to provide seven new hi-tech prisons — including two super-maximum jails

Two prisons — a super-maximum jail accommodating 1 500 inmates and an awaiting-trial facility for 15 000 trialists — will be built in Gauteng. The rest will be built in the Eastern Cape (2), Northern Province (1), Free State (1) and Mpumalanga (1)

Correctional Services Minister Dr Sipo Mzimela said the contracts for the prisons would be awarded in September.

He said the land on which the prisons would be built would be government-owned, and companies that won the contracts would train, supply and pay their own staff.

"Once the burden of building prisons has been removed, we will have more time to deal with diagnostic aspects of our work, which include classifying prisoners and ensuring that they get the right kind of treatment."

**PETER DENNEHY** reports that existing prisons in the Western Cape may be converted to privately managed institutions, if the pilot project to get the private sector to build and operate prisons succeeds.

Mr Bert Slabbert, a spokesman for the minister, said "We have been to visit some of privately run prisons. They appear to work well, very cost-effectively. They have such prisons in the US, Canada, Britain and Australia."

None of the seven proposed new prisons were in the Western Cape because "we have almost finished one new prison at Goodwood, and another at Malmesbury."

The maximum security prison in Goodwood will be for awaiting-trial prisoners and will hold 1 500 prisoners. It ought to be completed by July. The Malmesbury prison will hold 980 prisoners and should be finished in October.

# Seven new prisons to be put up for private tender

David Greybe

CAPE TOWN — The private sector would, for the first time in SA, be invited to tender for seven new prisons, Correctional Services Minister Sipo Mzimela said yesterday

The successful applicants would be responsible for the finance, design, construction, maintenance and operation of the prisons "for the safe and humane detention of inmates", Mzimela said "The whole idea is based on the assumption that government will not have the money to build the kind of (prison) facilities needed"

Many prisons were run down and overcrowding was at 150% of capacity

Two of the prisons (Eastern Cape and Gauteng) would be super maximum security prisons, the first in SA, two (Northern Province and Free State) would be maximum security prisons, two (Eastern Cape and Mpumalanga) juvenile institutions, and one (Gauteng) for awaiting-trial inmates. Five government-financed prisons were also in the pipeline

Mzimela said building of the seven prisons would begin in October, and the first was expected to be completed by end-1998. Advertisements inviting companies to submit "requests for qualification" would be placed in local and overseas media next Monday. The contracts would probably be awarded to SA and international firms. A black empowerment programme would be a

component of the tenders

The capital cost of the prisons to the private sector is not yet known, but Mzimela recently mentioned a figure of R200m for a super maximum prison

Mzimela said the cost to the state would not be much higher than the current R70 a prisoner a day

Similar projects in the US, Israel, UK and Canada "not only provided a better service, but a significant saving for government and the taxpayer"

Mzimela said since security constituted a "core business" of a super maximum prison, "any single escape will constitute a breach of contract". While break-outs due to circumstances "beyond human control" would not constitute a breach of contract, negligent and corrupt behaviour would do so

Bringing in the private sector to run prisons would free correctional services staff to concentrate on rehabilitating inmates. Staff would be able to choose the type of institution they wanted to work at, or could join a private company running a prison

Mzimela said the unions had been "informed", but not consulted, because the unions "have been on our backs to find solutions to our problems"

Sapa reports Mzimela said awaiting-trial prisoners in custody country-wide had increased from 28 262 in January last year to 33 282 in December

Of the 100 maximum security prisoners who had escaped last year, 39 were still at large on March 16

BD 16/4/97

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# Only the best for AIDS prisoners

ST 20/4/97  
CARMEL RICKARD

A JUDGE has ruled that HIV-positive prisoners be supplied with expensive drugs that many law-abiding citizens cannot afford.

The decision was handed down on Thursday by Mr Justice Fritz Brand in the Cape Town High Court.

The judge said the Department of Correctional Services must provide HIV-positive prisoners with expensive anti-viral medicine if the drugs are prescribed by a doctor.

He said prisoners should have access to treatment equal to that at provincial hospitals. But while he accepted that the government had "financial constraints" he said the state owed a "higher duty of care" to HIV-positive prisoners than other citizens because prisoners had no access to other resources to get medical treatment.

He had been asked to consider the case of several prisoners with HIV — the virus which can lead to AIDS.

The Legal Resources Centre, acting on behalf of the prisoners, claimed they were entitled to the drugs in terms of the Constitution, which says that any prisoner has the right to "the provision at state expense of adequate medical treatment".

Inroads would be made on their personal liberties if they were refused access to HIV treatment.

Judge Brand said that HIV-positive prisoners were more exposed to opportunistic infections such as tuberculosis and pneumonia than HIV-positive people who were not in jail.

The state had to provide them with treatment which was better able to improve their immune systems than that which it provided for HIV-positive patients outside jail.

He concluded that the department's failure to provide anti-viral medication to the prisoners amounted to an infringement of their rights.

He ordered that the two prisoners who had already been prescribed the drugs should be provided with them at state expense.

The remaining HIV-positive prisoners involved in the case had not been given prescriptions for these drugs and he could not, therefore, order that they should get them.

Mary Crewe, co-chairman of the National AIDS Convention of South Africa, described the judgment as "progressive". She said that the fact that the judge was not swayed by the expense of the treatment "gives us hope that one day everyone with HIV will be given treatment at state expense".

(253)

# Secure centre for juveniles

(293)

Sowetan 22/4/97

By Themba Sepotokele

## Centre established with aim of protecting children's rights

**T**HE WALTER SISULU Child and Youth Care Centre opens in Noordgesig, Johannesburg, on Tuesday, April 29, bringing some relief to awaiting trial juvenile delinquents and abused children.

Gauteng welfare and development communications officer Ms Samantha Collins yesterday said the centre will accommodate 210 children and 60 juveniles.

National Welfare Minister Mrs Geraldine Fraser-Moleketi will attend the official opening of the centre. The first intake of children was expected yesterday.

The centre is a pilot of the Inner-Ministerial Committee established with the full sanction of

President Nelson Mandela in May 1995. The IMC's mandate was to design and implement an integrated child and youth care system.

The IMC comprises the Ministries of Welfare, Safety and Security, Justice, Correctional Services, Education, Health, Labour and seven non-governmental organisations.

The concept of secure care for young people was a result of the uncoordinated release and transfer of more than 2 000 children awaiting trial in May 1995.

"This exacerbated the long standing crisis in the child and

youth care system. The aim of secure care is to guarantee the rights and safety of all young people in the system," said Collins.

The centre will operate and be managed according to the principles laid down by the IMC which, among others, secures protection of the rights of a young person in the centre. They also state that services will be delivered by competent multi-disciplinary teams.

A governing board of representatives from community development forums was established to ensure active community involvement.

# Govt could face court action over inhumane jails

(263)

BY JOVIAL RANTAO

Political Correspondent

Star 23/4/97

Cape Town - Unless more money was found to improve conditions in South African prisons, the Government risked facing legal action from prisoners who were being held in conditions that were unconstitutional, Correctional Services Minister Dr Sipo Mzimela has warned.

Introducing a debate on his budget, Mzimela said it was a matter of time before inmates took the Government to court because of inhumane prison conditions.

The 28% increase in his department's 1997/98 budget was offset by the astronomical increase in prison population figures which, he said, had risen from 100 000 to 400 000 in the past two years.

In addition to overcrowding and poor facilities, his department had 7 440 vacant posts. Every day, 10% of staff were absent. All this contributed to the large number of escapes from prisons, he said.

Because the Government did not have money to build more prisons to relieve the overcrowding, it had entered into a R1,6-billion partnership with the private sector to design, build and manage nine new prisons.

An anti-corruption unit and a secret service would be set up to investigate the involvement of prison officials in prison escapes.

Mzimela announced plans to build prisons for women only and expressed concern that unsentenced youngsters below the age of 16 were still held in jails.

He was not pleased with the department's rehabilitation programme, which, he said, was being hampered by the lack of skilled personnel.

# 'Improve jails or face inmates' legal action'

CT 23/4/97 (253)

UNLESS more money is found to improve the state of South African prisons, the government risks legal action from prisoners being held in unconstitutional conditions, Correctional Services Minister Dr Sipo Mzimela has warned.

Introducing a debate on his R33-billion budget, Mzimela said it was "a matter of time" before inmates brought the government to court because of inhumane prison conditions.

"Time is not on our side," he warned.

He said the 28% increase in his department's 1997/98 budget was offset by the astronomical increase in prison population figures which had risen from 100 000 to 400 000 in the last two years.

Mzimela attributed the increase to the successes of the government's national crime-prevention strategy.

"More and more people are being arrested, prosecuted and convicted and the prison population is on the rise."

Mzimela said the existing prisons had been neglected and were in a state of disrepair. The department's maintenance budget was insufficient and even completing rudimentary maintenance was cumbersome.

In addition to overcrowding and bad facilities, his department was faced with an acute staff shortage of 7 440.

"The staff we have are overworked, extended and cannot perform their jobs to the best of their abilities," he said, adding that every day 10% of staff were absent.

Mzimela said that in addition



**WE NEED FUNDS:** Sipo Mzimela

to the corruption and bad state of prisons, the shortage of staff was a contributing factor to the large number of escapes from jails.

He said that because the government did not have money to build more prisons to relieve overcrowding, it had entered a R1,6bn partnership with the private sector to design, build and manage nine new prisons.

An anti-corruption unit and secret service would be set up to investigate the involvement of prison officials in assisting prisoners escape.

Mzimela announced plans to build prisons for women only and expressed concern that unsentenced children younger than 16 were still held in jails.

He was not pleased with the department's rehabilitation programme which, he said, was being hampered by the lack of skilled personnel and institutions conducive to rehabilitation. — Political Staff

# Government bypasses safety of children

MTG 25/4-1/5/97

(253)

(253)

**Marion Edmunds**

**P**ARLIAMENT sidestepped human rights organisations and the public last week when it quietly approved the renewal of the controversial Correctional Services Amendment Act without providing for comment on its clauses.

The Act, introduced by then African National Congress MP Carl Niehaus in a private member's Bill last year, was intended as a stopgap measure to provide safeguards for juveniles awaiting trial or sentencing. Its lifespan was one year and the government committed itself to building secure detention centres for children. But it hasn't built one since the Act was passed. There are still no secure care places for young prisoners between the age of 14 and 18.

Limpheo Hanu, chair of the Correctional Services Portfolio Committee — which pilots correctional services legislation through Parliament — said this week that it was not her fault the Bill was not discussed before its extension was approved last week.

"I have only one answer to all your questions," she said, "this is a welfare matter so the buck stops with the Welfare Ministry and with the portfolio committee on welfare."

Essentially, Hanu was putting her ANC colleague, Cas Saloojee, chair of the welfare committee, in the hot seat. However, he is adamant that the motion was not his responsibility either.

"It is true that the Welfare Department is responsible for implementing the Bill, so far as setting up the places of safety goes, but the legislation is the responsibility of the correctional services committee, not welfare," he said.

"If the secure places for juveniles

were up and running now, then there would have been no need for the extension of this Bill."

Last year's stopgap Act came after a repeal of legislation in 1995 had led to uniform early release of juvenile offenders, sparking a public outcry. Niehaus was trying to protect young offenders from the prison system in anticipation of their eventually moving, at about this time, to "secure care facilities" where they could await trial in an environment suitable for young people.

The inter-ministerial committee of youth at risk said last week that the first of these facilities, Noorgesig in Soweto, was near completion.

KwaZulu-Natal is expecting to get its centre in January next year, the Northern Province facility is yet to be set up, Northern Cape is aiming for September this year, but construction is still to start, and the Free State

is looking at the end of the year.

Mpumalanga says its centre is in the pipeline; the North-West province is in the planning stage, and the Eastern Cape is hoping to open its centre next June. The Western Cape is building a secure care centre in Beaufort West, four hours' drive from the city where it is most needed, Cape Town.

**P**ushing through the Bill for a second time without public hearings has deprived several non-governmental organisations of the opportunity to raise issues of concern.

Senior researcher at the child rights project at the University of the Western Cape, Julia Sloth-Nielsen, who has been monitoring the situation on behalf of the government, said it was a pity there had not been an opportunity for discussion, particularly as so many parliamentarians had become involved in the issue of juvenile detention.

Sloth-Nielsen has just declined to sign a contract with the government to monitor juvenile detention further because the contract stipulates that the post is conditional on her not publishing any information that could be detrimental to the minister of welfare or her department.

Sloth-Nielsen said that monitoring — and making observations public — was crucial and without it, the numbers of children in prisons increased.

"Eight hundred children are in prison, some of them convicted but none sentenced yet, and this is up from 600 at the end of December. The numbers are going up and 75% are in three prisons: Pollsmoor in Cape Town, St Albans in Port Elizabeth and Durban-Westville in KwaZulu-Natal."

"The situation in Durban-Westville is deteriorating with staff having to cope with about 200 children. Staff don't feel they can control the children who show enormous disrespect. It is a very dangerous situation," she said.

# R90 million centre for young offenders to open

(253) ~~278~~  
By Themba Sepotokele

JUVENILE offenders awaiting trial will no longer have to share prison cells with convicted criminals after the R90 million Walter Sisulu Child and Youth Centre in Noordgesig, Johannesburg, opens on Tuesday.

Speaking after a media tour of the modern centre this week, Gauteng welfare and population development MEC Mr Ignatius Jacobs said the idea was to keep young offenders away from hardened criminals.

"We have found that rebuilding the social fabric is the way to go to prevent

certain social ills," Jacobs said. "The centre will form a nucleus of the community and is a key welfare project."

He said people from Diepkloof, Noordgesig and Orlando will manage the centre, adding that the staff was trained in new innovations and caring for children. They started working last month under the centres' Superintendent Mpumi Ntsamai.

According to Ntsamai 101 jobs have been created so far. She said the centre would accommodate 210 children. Sixty juveniles and 150 abused and abandoned children would be housed in the secure unit facility.

A baby unit will care for 30 babies.

*Sowetan 25/4/97*

## Up to 40% of prison inmates 'shouldn't really be there'

Cape Town - The Department of Correctional Services had identified between 30 and 40% of prison inmates who should not be incarcerated, Minister Dr Sipo Mzimela said yesterday.

These people were not a danger to society and urgent attention had to be given to finding alternative sentences to deal with them, he said in Parliament during debate on his budget vote.

They had all been found guilty of petty offences, such as "smoking dagga, stealing oranges, getting drunk or stealing women's underwear", and should rather be doing some form of community service.

The department was not short of ideas in dealing with offenders, but rather short of resources, Mzimela said.

Mohseen Moosa (ANC) said between 60 and 70% of released prisoners subse-

quently returned to prison after committing second or third offences. Not enough money was being spent on rehabilitation.

Dr Siyabonga Cwele (ANC) said staff members who helped inmates to escape had to be severely dealt with or even fired.

Every escape from prison represented a slap in the face for the police officer who originally arrested the offender, said Errol Moorcroft (DP) - Sapa.

Star 26/4/97 (253)

# Home never like this, says reformatory boy

Star 29/4/97

## Pioneer, state-of-the-art facility in Soweto will care for awaiting-trial juveniles and house needy children

BY TROYE LUMB

**A**fter spending four days in a police cell for house-breaking, a 16-year-old Eldorado Park boy was told he would be moved to Johannesburg Prison or another place where "stouties" (the naughty) are punished.

But the boy, speaking from a pioneer R90-million, model reformatory, said, "I never expected this, it's better than home. Four days in jail felt like four years. Lucky for me I can wait the month before seeing the magistrates here.

"If I go back to live with my aunt I'll have to go back to hanging out with friends. But here I can go to school and, even with a Standard 4 (education), I can learn to be a mechanic."

He is the first resident of Gauteng's new Walter Sisulu Child and Youth Care Centre in Noodsig, Soweto, which will open today.

Apart from secure care for 60 juveniles awaiting trial, the complex will become home for 160 abandoned, abused or neglected children and babies.

The centre is a pilot project of the Inter-Ministerial Committee (IMC) which includes members of the departments of welfare, justice, education, health, correctional services, safety and security, and labour, as well as non-governmental organisations.

After the crisis that was exposed in May 1995 when about 2 000 children were released from adult prisons, the IMC was asked to implement an integrated child and youth care system.

(213)

Gauteng Welfare MEC Ignatius Jacobs said, "This centre will be the nucleus for programmes that will be implemented in communities to stop children becoming criminals.

"We have to change family conditions from which street-children come."

Job creation for residents of neighbouring Diepkloof, Noodsig and Orlando is another spinoff benefit.

Communities will be offered shares and training by businesses that provide services such as laundry, maintenance, cleaning and catering to the centre.

The complex's community-based philosophy and its multidisciplinary teams, which assess the needs of each child, will be phased in to existing places of safety across the country.



New beginnings ... the Walter Sisulu Child and Youth Care Centre aims to rehabilitate and provide a place of safety for abandoned and neglected children, while at the same time empowering the surrounding community.

LORI WASELICH



*Hansard*  
THURSDAY, 29 MAY 1997

(d)(i) South Africa voted against the resolution (d)(ii) Since 1994 South Africa has consistently opposed resolutions at the United Nations General Assembly, and more recently at the Commission on Human Rights, condemning the human rights situation in Cuba

South Africa and Cuba established diplomatic relations on 11 May 1994 and this has provided the Government with the opportunity to gain first-hand, reliable information on the human rights situation in Cuba. South Africa cannot accept unreservedly the allegations that there are gross violations of human rights in Cuba.

International criticism of Cuba for human rights abuses tends to be inspired by political considerations than genuine human rights concerns. As indicated previously by the UN Special Rapporteur, America's blockade on Cuba has been an important element in explaining the context within which human rights violations occur in Cuba.

In the latest report of the UN Special Rapporteur (UN document No E/CN.4/1997/53 dated 22 January 1997) specific reference is made to the US Helms-Burton Act (officially, the Cuban Liberty and Democratic Solidarity Act) and the Torricelli Act (officially, the Cuban Democracy Act), which stipulate specific conditions and time-frames for the lifting of the embargo. The Special Rapporteur states that, under the terms of the acts, the United States of America assumes the right to be the outside party that determines the rules for converting the current political system into a different, more pluralist one. According to the Special Rapporteur, this inspires doubt rather than confidence about the future and may cause some dissidents to feel that their own criteria are irrelevant and that Cuba's future will in any case be

decided without consulting them (the dissidents)

The fact that the Cuban Government was able to survive politically despite the country's enormous economic decline, accelerated by the break-up of the Soviet Union and the disappearance of the socialist bloc, would according to the Special Rapporteur - suggest that the current government enjoys greater credibility and can draw on greater stores of loyalty among broad segments of the population than many observers thought.

The United Nations Special Rapporteur notes that the number of trials and sentences in Cuba has been smaller and that the length of the sentences has decreased considerably in comparison with previous years.

South Africa believes that it is more effective to encourage this trend rather than support condemnatory UN resolutions on Cuba. In this respect South Africa is clearly supported by the vast majority of countries in the world. Also, no African countries on the Commission on Human Rights supported the resolution on Cuba, at the Commission's recent session in Geneva.

**Prisoners: escapes**

(253)

582 Mr G C OOSTHUIZEN asked the Minister of Correctional Services

(1) (a) How many prisoners escaped from prisons in each of the provinces (i) in 1996 and (ii) during the period 1 January 1997 up to the latest specified date for which information is available and (b) from which prisons did they escape,

(2) whether any steps have been or are to be taken with a view to reducing the number of escapes, if not, why not, if so, what steps?

**The MINISTER OF CORRECTIONAL SERVICES**

(1) (a) (i) 458

(ii) 69 (to 31 March 1997)

(b) This information is tabulated as per the attached Annexure (This information refers to both sentenced and unsentenced prisoners)

(2) The hon member is referred to my oral reply to question number 38 in the National Assembly during April 1997

**Free State**

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Ficksburg Prison	1	6
Grootvlei Maximum Prison	2	
Wepener Prison	5	
Groenpunt Maximum Prison	3	
Groenpunt Medium Prison	4	
Sasolburg Prison	1	
Bethlehem Prison	6	
Hennenman Prison	7	
Kroonstad Medium A Prison	2	
Virginia Prison	3	1
Frankfort Prison	4	
Paris Prison	2	
Total	40	7

**Mpumalanga**

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Nelspruit Prison	3	1
Geluk Prison	1	
Bethal Prison	1	
Erniele Prison	3	
Standerion Medium B Prison	9	4
Standerion Medium A Prison	2	
Piet Relief Prison	1	
Volksrus Prison	1	
Carolina Prison	4	
Middelburg Prison	2	
Wilbank Prison	1	1
Total	27	6

**Kwazulu-Natal**

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Newcastle Prison	26	1
Waterval Medium A Prison		1
Waterval Medium B Prison	4	1
Durban Medium D Prison	1	1
Durban Medium C Prison	4	1
Durban Medium B Prison	7	
Durban Medium A Prison	2	
Slangeri Prison	1	
Ncome Admission Prison	1	
Ncome Detention Prison	3	
New Hanover Prison	1	
Greytown Prison	4	
Pietermaritzburg Prison	8	1
Sevonleim Prison	1	
Port Shepstone Prison	1	
Eshowe Prison	19	2
Melmoth Prison	5	
Total	88	7

**Eastern Cape**

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Fort Beaufort Prison	1	
Ngqeleni Prison		3
King William's Town Prison	1	
Mdamtsane Prison	29	3
East London Medium A Prison	23	
Sada Prison	8	
Cradock Prison	4	
Jansenville Prison	5	
St Albans Medium B Prison	1	
St Albans Medium A Prison	4	1
Burgersdorp Prison	7	
Mount Fletcher Prison	2	
Umtata Prison	1	2
Umtata Central Prison	5	
Xhosa Prison	1	
Lusikiski Prison	1	
Tabantulu Prison	1	
Umqimvulu Prison	2	
Cacadu Prison	3	
Engcobo Prison	1	
Galyana Prison	6	1
Gcuwa Prison	4	
Idutywa Prison	1	
Total	111	10

## Western Cape

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Uniondale Prison		2
Caledon Prison	1	
George Prison	10	1
Mosselbay Prison	1	
Oudshoorn Prison	1	
Polismoor Maximum Prison	2	
Polismoor Medium B Prison	3	
Polismoor Minimum Prison	3	
Victor Verster Medium A Prison		1
Buffelagrivier Prison	3	
Warmbokveld Prison	1	
Worcester Male Prison	3	1
Total	28	5

## North West

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Christiana Prison		1
Klerksdorp Prison	4	2
Lichtenburg Prison	10	1
Potchefstroom Prison	1	2
Rustenburg Prison	3	2
Rustenburg Juvenile Prison		3
Brits Prison	3	1
Losperfontein Prison	8	
Rooigrond Prison	9	3
Mogwape Prison		1
Old Prison	5	
Total	43	16

## Northern Cape

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Barlly-West Prison	1	
Kimberley Prison	5	
Kuruman Prison	1	
Upington Prison	1	1
Total	8	1

## Northern Province

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Nylstroom Prison	2	
Pieterburg Prison	3	
Tlokoeng Medium A Prison	2	
Total	7	0

## Gauteng

Prisons	From Prison 1996 01 01 to 1996 12 31	From Prison 1997 01 01 to 1997 03 31
Baviaanspoort Maximum Prison	3	
Baviaanspoort Medium Prison	11	1
Vereeniging Prison	2	
Johannesburg Medium C Prison	5	
Johannesburg Female Prison	2	
Johannesburg Medium B Prison	7	
Johannesburg Medium A Prison	9	2
Krugersdorp Prison	5	2
Leeuwkop Medium A Prison	3	2
Leeuwkop Medium B Prison	18	
Heidelberg Prison	6	
Modderbee Prison	8	6
Boksburg Prison	14	3
Pretoria Central Prison	3	
Pretoria Local Prison	2	
Voortrekkerhoogte Prison	6	1
Zonderwater Medium A Prison	2	
Total	106	17

## Foreign Affairs: retirements

587 Mr D K PADIACHEY asked the Minister of Foreign Affairs

(a) How many employees in his Ministry left the service of his Ministry during the period 1 January 1996 up to the latest specified date for which information is available, as a result of (i) voluntary retirement, (ii) retirement packages, (iii) transfers to his Department and (iv) retrenchment packages and (b) what position did each of these persons hold? N973E

## The MINISTER OF FOREIGN AFFAIRS

## 1 Voluntary severance package

Total 130

## Ranks

Director Foreign Service 3

Deputy Director Foreign Service 15

Deputy Director Foreign Affairs Administration 5

Deputy Director Personnel Management 1

Assistant-Director Foreign Service 17

Assistant-Director Foreign Affairs Administration 6

Assistant-Director Personnel Management 1

Assistant-Director Communication 1

Senior Foreign Service Officer 4

Foreign Service Officer 4

Senior Foreign Affairs Admin Officer 2

Foreign Affairs Admin Officer 3

Chief Foreign Affairs Assistant 5

Senior Foreign Affairs Assistant 29

Foreign Affairs Assistant 3

Control Personnel Officer 2

Chief Personnel Officer 1

Principle Personnel Officer 3

Senior Personnel Officer 2

Personnel Officer 2

Senior State Accountant 1

State Accountant 1

Assistant State Accountant 1

Senior Accounting Clerk 3

Accounting Clerk 1

State Law Adviser 1  
Messenger 1  
Security Guard 2  
Driver 3  
General Assistant 3  
Principle Communications Officer 1  
Senior Workstudy Officer 1  
Chief Computer Operator 1  
Senior Computer operator 3  
Computer Operator 1

## 2 Retirement packages

Section 16(1) (due to age)

Total 14

## Ranks

Assistant-Director Foreign Affairs Administration 1

Assistant-Director Foreign Service 2

Chief Foreign Affairs Assistant 7

Security Guard 1

Driver 1

General Assistant 1

Communications Officer 1

Section 16(6)(a) (request for premature retirement)

Total 1 Rank Director Foreign Service

Section 17(2)(a) (medical grounds)

Total 11

## Ranks

Deputy-Director Foreign Service 1

Assistant-Director Foreign Affairs Administration 1

Assistant-Director Foreign Service 1

Control Personnel Officer 2

Chief Personnel Officer 1

Chief Foreign Affairs Assistant 2

General Assistants 3

Transfers to the Department

Total 24

## Ranks

Chief Director Financial Management 1

# Children involved in serious crimes will still have to stay in jail

By HOPEWELL RADEBE  
Political Staff

Welfare and Population Development Minister Geraldine Fraser-Moleketi has recommended that the law allowing the detention of children facing serious crimes in a normal prison be extended for another year.

Moleketi said her department had no choice because children's special prisons, called "secure care", were not yet available.

An amendment to section 29 of the Correctional Services Amendment Act 14 of 1996 was published

on May 10 1996 in the Government Gazette to allow for the detention of awaiting-trial children over 14 and under 18 in prisons under certain limited conditions.

This was done to avoid repeating the 1995 mistake where President Mandela signed legislation rendering it illegal to detain a child under 18 in jail.

The process was undertaken in such haste that hundreds of children, including those who had committed serious crimes, were released because the law had been passed without making available sufficient alternative

places of safety for them.

Many were simply released even without placing them under parental guidance. And many never showed up in court to stand trial. Those who were taken to places of safety escaped within hours because of lack of security.

Fraser-Moleketi said she was deeply concerned at the lack of places of safety for children and police were forced to continue to place teenagers accused of committing serious crimes in prison.

Only this time, however, she believed children would face a greater risk outside prison because

of certain members of the public who might be hostile to them if released under the same unplanned circumstances as in 1995.

"Pressure is now on the departments of education, welfare and justice to deal urgently with these factors causing the continued placement of children in prison," she said.

This meant that provinces that were currently busy with construction of secure-care areas would have to speed up the process and have them completed before the same time next year, when the amended law would be expiring.

Star

1/5/97

(253)

# Fraser-Moleketi announces plan to handle awaiting-trial children

Star 3/15/97

(263)

(278)

The youth care system for children awaiting trial needs to be urgently addressed, and Welfare Minister Geraldine Fraser-Moleketi yesterday listed a four-point plan to speed up the process.

She said the departments of education, welfare and justice - which are responsible for placing children in secure facilities - should follow through on earlier investigations by an interministerial committee, on young people at risk to implement a new child and youth care system

The departments should also complete secure care programmes, transform probation services and implement a range of programmes designed to build family unity.

The committee was established in July 1995 to contain the crisis in the care system and transform it after investigations revealed the entire system needed to be dismantled and redesigned.

The investigation was prompted when the Correctional Services Amendment Act of 1994 was promul-

gated in May 1995. This prevented awaiting-trial children under 14 from being held longer than 24 hours, adding they had to be kept in places of safety, throwing the care system into disarray.

Then in early 1995 President Nelson Mandela instructed that children should not be detained in prisons. This meant children were badly placed in inefficient and poorly managed institutions.

In October 1995 the committee was requested to devise a plan to

stop children who had committed serious crimes from running away from places of safety.

It proposed that each province build its own secure facility to be funded by R33-million channelled from the Reconstruction and Development Programme. But the cash became available only last month, and only one care facility has opened, with a second due in June.

However, another change to the law in May last year allowed for children over 14 and under 18 to be

detained in prisons, under certain conditions, increasing the crisis in a badly managed system.

Fraser-Moleketi then called for an extension of the law, maintaining it was better for children to remain in prison as an interim measure, rather than face a repeat fiasco of 1995, while facilities were being built.

Yesterday she called on all departments involved in child care to speed up their programmes to alleviate the plight of many children who are currently at risk - Sapa.

ET 7/5/97

## Plan to move youths from jails

THE government expects that 12 facilities for young offenders will be completed within a year. This will enable hundreds of children held in prisons with hardened criminals to be moved.

Parliament's portfolio committee on welfare was told yesterday that the plan had been kick-started with R33m from RDP funds.

A health department spokesperson said the funds were for building and provinces had to meet the centres' running costs.

(253) (253)

## 12 centres for young offenders to be completed within a year

BY JOVIAL RANTAO  
Political Correspondent

~~253~~ (253)  
MAY 8/5/97  
Cape Town - The Government expects 12 secure care facilities for young offenders to be completed within a year to enable the authorities to remove hundreds of children being held in prisons alongside hardened criminals.

Parliament's portfolio committee on welfare was told this week the construction of 12 facilities in nine provinces had been kickstarted by a R33-million grant from the Reconstruction and Development (RDP) Fund from resources made available to the National Crime Prevention Strategy.

Johannah Prozensky, heading the department of health's mission to build the facilities, said the R33-million was intended for structural work. Provinces had to fund the running costs.

The 50-bed Walter Sisulu Secure Care Centre in Noodgesig in Soweto, unveiled by Welfare and Population Minister Geraldine Fraser-Moleketi last week, is the first of the 12 facilities. The second, in Hendrina, Mpumalanga, opens on June 14. Others, in the

Eastern Cape and Northern Cape, are expected to be ready at the end of the year.

"We expect all the centres to be completed by April next year so the children can be transferred," she said. At least three provinces were still grappling with bureaucratic procedures, personnel problems and the lack of finance.

Secure care facilities are for young people who have committed serious crimes and are deemed to be in need of containment and care. They are intended to balance society's need for safety and protection from criminal activity with the child's right to safety, dignity and development.

The system is intended for the small number of young people who may be in some way harmful to society or to themselves.

The provision of secure care facilities forms one part of the Government's plan to deal with children at risk, especially those in trouble with the law.

Other aspects are the transformation of the probation services and the implementation of a wide range of diversion and family preservation programmes.

# Tougher parole plan needs more 'bed nights'

David Greybe

CAPE TOWN — Government proposals for a tougher new parole system would necessitate an extra 900 000 "bed nights" next year in SA's already overcrowded prisons, the correctional services department told Parliament yesterday.

Director of prison services Annelie Rabie told the correctional services committee that the department estimated that 17 000 of the current 120 000 prison population would be imprisoned for longer periods next year under the new policy.

Potentially more problematic, though, was the shortage of 850 parole officers who played a crucial role in the success of any parole system. SA had 1 161 parole officers.

The second draft of a new prisoner parole policy would be presented to the Cabinet soon and, if adopted, draft legislation would be brought to Parliament within the next month, with the hope that the scheme would be implemented early next year.

Under the new proposals, courts would in future decide on a mandatory prison term for prisoners which correc-

(253) 80 8/5/97

tional services could alter.

Rabie said the department would no longer be able to grant remission of sentence to a prisoner for any "good" conduct or "meritorious act" on mandatory sentences under the planned new legislation. Remission of sentence by the department could be given only on a "parole eligible" portion of sentence.

The sentencing court would indicate the mandatory prison term to be served by the accused — to a maximum of two thirds of the total term before parole could be considered, Rabie said. All prisoners would serve at least half their sentence under the new system.

If the court did not stipulate a mandatory term, correctional services would interpret the parole mark as "once the halfway mark is reached".

Rabie said a "cumulative" 14 432 parolees had "absconded in the system of community corrections" over the years.

"Unscientific" figures showed that 56% — or 66 000 — of SA's current prison population were in prison for at least a second time, which pointed to serious problems with the department's rehabilitation and reintegration programmes.

# New system needed for children facing charges, says welfare minister

ARG 3/5/97

(253)

(253)

**Johannesburg - The youth care system for children who are awaiting trial urgently needs to be addressed - and Welfare Minister Geraldine Fraser-Moleketi has listed a four-point plan to speed up the process.**

In a statement yesterday she said the departments of education, welfare and justice - which are responsible for placing children in secure facilities - should follow through on earlier findings by an inter-ministerial committee that called for a new child and youth care system

The departments should also complete secure care programmes, transform probation services and implement a range of programmes designed to build family unity, she said.

The committee was established in July 1995 to contain the crisis in the care system and transform it after investigations

revealed the entire system needed to be dismantled and redesigned

The investigation was prompted by the Correctional Services Amendment Act of 1994 which came into law in 1995. The new law prevented children under 14-years-old who were awaiting trial from being held longer than 24 hours. They also have to be kept in places of safety, throwing the care system into disarray

Then, in early 1995, President Mandela instructed that children should not be detained in prisons. This meant children were often placed in inefficient and poorly managed institutions where many suffered emotional and physical abuse

In October 1995 the committee was asked to devise a plan to stop children who had committed serious crimes from running away from places of safety. It proposed each province build its own secure

facility to be funded by R33-million channelled from the reconstruction and development programme's budget. The cash, however, only became available in March and only one care facility has opened, with a second due to open next month

However, another change to the law in May of last year allowed for children over 14 and under 18-years to be detained in prisons under certain conditions, increasing the crisis in a badly managed system.

Ms Fraser-Moleketi then called for an extension of the law to younger children, saying it was better for children to remain in prison as an interim measure, than to face a repeat of the fiasco of 1995, while facilities were being built

She called on all departments involved in child care to speed up their programmes to alleviate the plight of children who are currently at risk - Sapa



# Use of foreign firms to build jails under fire

(253)

WILLIAM-MERVIN GUMEDE

POLITICAL STAFF

ARL 8/5/97

The Government's proposal to award 25-year contracts to foreign companies as senior partners of domestic firms to build seven prisons came under fire in the National Assembly's public works committee yesterday.

Correctional Services Minister Sipo Mzimela announced recently that companies in South Africa and abroad would be invited to tender for the multi-billion-rand contracts to finance, design, build and operate new prisons.

The joint projects are known as asset procurement and operating partnership systems (Apop) and will be co-ordinated by the Department of Public Works.

Members of the committee questioned the length of the contracts and the fact that foreign companies would be used to build the prisons. Mluleleki George, a member of the committee, demanded that the Department of Public Works explain "in a scientific way why foreign companies should be given 25-year contracts to build South African prisons".

Sipho Shezi, director-general of the department, told the committee the recommended period for the contracts should be at least 25 years to allow investors to get a good return on their money.

Mr Shezi said that after the 25 years, the Government would decide whether to continue with the contract. The department had opened the tender process to foreign companies because local ones lacked the necessary skills and capacity.

Mr Shezi assured members of the committee that one of the requirements for foreign companies was that they had a 40 per cent involvement with emerging black contractors. He said previous experience and the financial capability of the developers would be taken into account when the tender decision was made.

A bidders' conference would be held, where companies shortlisted for the contracts would present their proposals. He said the sites for the prisons would be identified by the Government and made available to the successful bidder at a small cost and linked to a lease buy-back scheme.

The successful bidding company would be expected to present a design, the type of building, how it would be financed, and how it would operate. Successful bidding companies would be expected to pay a minimum rate, equal to public service salaries, to employees.

# Prisons: outrage at foreign tender

## Allegation that SA firms lack skills and capacity

**CHARLENE CLAYTON**  
PROPERTY EDITOR

The Building Industries Federation of South Africa (Bifsa) is outraged at the decision of the Department of Public Works to invite foreign companies to tender along with local firms for multi-billion-rand contracts to design, build and run new prisons in the country.

"Our members have no problem with foreign competition but director general Siphiso Shezi's address to Parliament stating that his department had opened the

tender process to foreign companies because local firms lacked the necessary skills and capacity is not only alarming but totally untrue," said Bifsa's executive director Ian Robinson.

He said the South African construction industry had capabilities equal to the best in the world and it certainly had plenty of spare capacity.

The skills shortage lay predominantly in the emerging contractor sector which would definitely not be rectified by foreign companies.

A more focused commitment from Government on the financing of emerging con-

tractor training was not only essential but was an issue that should be addressed with extreme urgency, he said.

Responding to the criticism, deputy director general, property development, in the Department of Public Works, Sivi Gounden said it was unfortunate that Bifsa chose to put out the statement it had because it was based on misinformation.

He said Mr Shezi had been quoted out of context on this matter.

The asset procurement and operating partnership (Aprops) programme approved by the Cabinet in November formed part of the Government's broader

initiative aimed at involving the private sector in areas such as custodial services. It was a fairly complex process that involved the financing, construction, maintenance and operation of specialised facilities, said Mr Gounden.

The primary reason for the department opening up the process to foreign bidders was firstly, to ensure that there was global competition and secondly, and most importantly, in acknowledgement of the fact that the operational aspects of the bids were fairly complex.

Until now, these facilities had been handled by the public sector, so there was

*'alarming, untrue'*  
ARG 17/5/97  
(253)

very little, if any capacity for private organisations to run the prison, Mr Gounden said.

Mr Shezi's comment had to be seen in the context of local organisations not having the capacity to tackle the operational functions of these facilities, he said.

About 80 percent of the cost of a facility over the lifespan of the facility related to its operation.

Bifsa had been involved in the consultative process that resulted in the development of the Aprops programme.

It was well aware of the variety of skills required for participation in the pro-

gramme, he said.

"So, it is of extreme concern that they have taken this view," he said.

"We would like to believe that we have a fairly constructive relationship with the construction industry," he said.

On the issue of Government financing for the training of the emerging builders, Mr Gounden said the department had been the pioneers in setting up training programmes, some of them in conjunction with Bifsa, for emerging contractors.

However, more work needed to be done towards bringing in more black players, he said.

# Invitations

# State throws its prisons open to global partners (253)

Tenders have been invited for the construction, maintenance and operation of seven new prisons, writes DON ROBERTSON  
ST(BT) 18/5/97

**I**NTERNATIONAL and local groups have been asked to tender for seven new penal centres estimated to cost an initial R1 5-billion

The Department of Correctional Services will open its own Web site tomorrow to facilitate tendering for the financing, construction, maintenance and management of the new prisons

Companies will be required to guarantee that hygiene, health care, rehabilitation and other prison functions are provided. The department will monitor such functions and operators will be paid on a daily basis per prisoner

It is expected that the new facilities will sharply reduce the high number of escapees — now about 100 a month

The prison population hit 125 000 at the end of December and is now 134 000. It is expected to reach 147 000 by the end of next year

Currently 253 jails allow for a maximum of 97 000 inmates, and the staff level of 30 000 is 8 000 below requirements

The idea is to follow the successes achieved in England, the US, Israel and Australia, where the private sector saves the government money by managing prisons

Two of the prisons will be super-maximum security units, two maximum security, two for juveniles and one for awaiting trial prisoners. Construction of the new penal units is due to start in October

The decision by Correctional Services to invite international groups to

participate has, however, drawn criticism from local professional bodies, including the SA Association of Consulting Engineers and the Association of SA Quantity Surveyors

"Awarding these contracts to foreign firms may hold short-term benefits by way of an inflow of capital with a positive impact on foreign exchange reserves, but profits will be repatriated in time," says Ian Strickland, president of consulting engineers association. "Most of the design and much of the fabrication is likely to be done overseas. The government should not deprive local professionals, fabricators and builders of much-needed work, especially at a time when the building industry is in a slump"

Prof. Basie Verster, president of the quantity surveyors' body, says government must ensure that impartial and independent professionals are appointed to protect taxpayers' interests dur-

ing the construction and life of the prisons. Verster says the state should negotiate with professional bodies for the appointment of a project controller to safeguard state interests, especially since no infrastructure currently exists to deal with such a complex process

Goltz Wessmann, a special adviser to Correctional Services, says "We welcome foreign support, but it will not represent a foreign takeover"

"There will have to be technology transfer and we will insist that partnerships be established with local groups. Foreign companies must establish tax-paying operations in South Africa and employ local workers"

Wessmann says overseas groups which could tender for the project include Group 4 in the UK, Correctional Corporation of America, Correctional Services Corporation, Dominion Incorporated, Wackenhut and Norment Industries in the US. A large number of

overseas architects have also shown interest

The project is part of an asset procurement and operating partnership system which was approved by parliament last November. In time it could include the privatisation of clinics, hospitals and welfare functions

The average cost of the seven prison units is about R140-million each, although the maximum security and juvenile centres will cost more as they require additional electronic security as well as rehabilitation centres.

The two super-maximum security prisons will house 1 500 inmates each and will be built in Gauteng and the Eastern Cape. Inmates will be confined to their cells for 23 hours

The two maximum security units, which could cost R200-million each, will be constructed in the Free State and Northern Province, while two juvenile prisons housing about 800 children each will be built in the Eastern Cape and Mpumalanga. An awaiting trial facility, probably in Greater Johannesburg, will house about 1 500 people

Wessmann says it should take about two years to prove the viability of the pilot project and if successful, other prisons could be operated under similar private management conditions

If the pilot project is successful, the plan would be to phase out existing prisons over the next 20 to 25 years and replace them with new penal centres under private management

*'We will insist on technology transfer and that local groups are used as partners'*

# Street kid thugs 'untouchable'

LINDSAY BARNES  
CRIME DESK

ART 20/5/97

Cape Town police say they are powerless to act against street children, who are responsible for a third of robberies in the city centre.

The police did not have the solution to the problem of juvenile offenders and it was now up to other government departments to get involved, said central police station commissioner Raymond Dowd.

Children between eight and 17 were responsible for 35 percent of robberies in the centre of Cape Town between April 1 and May 4.

If the problem was not tackled quickly, not even draconian police measures would

help, said Director Dowd.

He was speaking at the handing over of SA Law Commission documents on the justice system to Justice Minister Dullah Omar and his deputy, Manto Tshabalala, in Cape Town yesterday.

Director Dowd said the police had exhausted all avenues in trying to deal with the problem of juvenile crime problem but children involved in petty theft knew they were virtually untouchable. Departments responsible for addressing the problem seemed helpless.

In its paper on juvenile justice, the Law Commission says the system of dealing with child offenders was inefficient and that a separate, cohesive juvenile justice system was needed.

# Pollsmoor keeps jailbreak secret

## *Row erupts over security*

JOHAN SCHROENI AND JERMAINE CRAIG  
STAFF REPORTERS

**A row has broken out over the latest escape of four dangerous prisoners from Pollsmoor Prison, which was kept secret.**

The Department of Correctional Services kept quiet about the escape on Friday in spite of the escapers being armed with pistols apparently smuggled into prison.

Western Cape Democratic Party leader Hennie Bester has slammed the escape, saying it and previous similar incidents point to lax security at Pollsmoor, which is supposed to be a high-security prison. He said the escape "endangered the public and undermined the criminal justice system".

The gang of four prisoners, two awaiting trial and two already sentenced, escaped from Pollsmoor on Friday after holding up a warder with two pistols.

The guns were allegedly slipped to them by a visiting defence force soldier through a metal grid.

Police said three of the escapers were

involved in Murder and Robbery Unit cases and the fourth was a car thief.

The row over the secrecy has spread to the community, who believe they should have been told because people may be in danger, especially the fugitives' victims and witnesses in their cases.

African National Congress Southern municipality councillor Hennie van Wyk called for an immediate and open investigation into how the prisoners escaped from a high-security prison such as Pollsmoor.

"The security at Pollsmoor needs to be jacked up and the system needs to be cleaned up. This is not the first time this has happened."

He claimed security at Pollsmoor was threatened by overcrowding.

Correctional Services spokesman Eddie Claasen said he was under the impression the incident had been reported to the media and he would "look into the case".

"It happened on Friday afternoon. At first I heard there was a shooting and then the story went that a warder had been overpowered, so details were sketchy, which

may have delayed a press release."

But no statement has yet been released by Correctional Services. Mr Claasen said he would "investigate the delay".

He would not, however, confirm details about the attack on the warder, except to say he had been "overpowered" and hit over the head with a "sharp object".

A Correctional Services warder who asked to remain anonymous said the section of Pollsmoor from which the gang escaped had no proper visitors' room.

Visitors were separated from prisoners only by a metal grid and could easily slip objects to inmates when warders' backs were turned.

The warder said the gang had produced two pistols, marched the warders to their office and tied them up.

The prisoners unlocked a door leading to a courtyard, scaled a wall with a rope and went over the roof to freedom.

The warder said prison officials were investigating an "unrecorded" visit last Thursday by a soldier who parked his "army bakkie" outside the complex.

ARC 21/5/97

(253)

I 2911

# Prisons tender gets good response

Lukanyo Mnyanda

(253)  
BD 22/5/97  
GOVERNMENT has received a good response from local and international groups interested in the construction and operation of seven prisons expected to cost more than R2bn

Correctional services special advisor Goltz Wessmann said companies from all over the world had collected tender papers yesterday for the project which aimed to create an extra 25 000 beds over the next two years.

"We have been overwhelmed by the amount of interest shown," he said.

Wessmann said the first four prisons would cost an estimated R800m, while the projects should create about 5 000 new jobs on completion. "We are creating a new industry," he said.

The public works department was to open a website by yesterday to facilitate tenders for the financing, construction, maintenance and management of new prisons.

SA's prison population is estimated at 134 000 and should increase further considering the high rate of violent crime. Wessmann said the government had decided to turn to the private sector as it would not be able to generate the type of investment needed to meet such demand.

The decision to invite global players did not mean that the doors were closed to local companies, he said. The prisons, including two maximum security units in Gauteng and Eastern Province, should be completed in the next 18 months to two years.

# Prison warders

## go on rampage

### *Inmates 'treated like animals'*

ARG 24/5/97 (253)

JOHAN SCHRONEN  
CRIME CORRESPONDENT

**A 200-strong task team of shotgun wielding warders, many of them wearing balaclavas, went on the rampage in Pollsmoor Prison's maximum security section, assaulting and robbing inmates, prison authorities have confirmed.**

The task team, sent in by provincial correctional services authorities, were ordered to search prisoners and their cells for weapons and ammunition. But the operation got out of hand when several team members pulled balaclavas over their faces and brutally attacked and robbed prisoners of personal belongings.

Several prisoners collapsed with blood streaming from their heads and faces after they were pistol whipped.

Others were beaten over their backs and shoulders with gun butts in yesterday's frenzied attack.

The wounded prisoners met Saturday Argus in the Maximum Security prison and described the raid as a "nightmare". "They treated us like animals," one of them said.

Pollsmoor commander Freddie Engelbrecht condemned the action as a violation of human rights.

Pollsmoor Maximum Security head John Jansen confirmed the "hard-handed" and "totally unacceptable" actions of the

search task team, and apologised profusely yesterday for the incident.

Deputy Director Jansen explained that he had to use an "outside" independent team to search for weapons because there was a possibility that his "own men" might have been involved in smuggling weapons into the prison.

"And they had to be armed because the prisoners could have opened fire if they had retaliated with possible stashed weapons," said an angry and disappointed Director Jansen.

But he added that the task team's "indiscriminate attacks" were "beyond" him.

Prison authorities ordered the raid after learning that four pistols and two hand grenades had allegedly been smuggled into the prison.

The prison has been plagued by gun smuggling for some time. In May last year a hand grenade smuggled into the prison exploded and injured 27 inmates.

And last August a prison gang leader was shot dead by an armed inmate.

As recently as last week four awaiting trial prisoners broke out of their section, holding up two warders with guns they had allegedly obtained from a visitor.

Yesterday's drama started at 4.30am when a provincial task team comprising of warders from Western Cape prisons descended on the Maximum Security section to search for weapons and ammunition.

But many warders abused their authority and went on the rampage like "loose canons" attacking inmates "left, right and centre" according to one prisoner. He said the raid was a nightmare.

"They bundled up to 15 or 20 of us at a time into a toilet, strip searched us and pushed their gun barrels in our faces.

"They went through our clothes and personal belongings, looking for weapons, but in the process they stole our money and jewellery and spilled our food and medicine," he said.

The search operation, which netted no weapons, lasted until 11.30am.

Director Jansen, who had gained the trust and co-operation of the prisoners in only six weeks since he took over at Maximum Security, said it was a "sad day" in his career.

"I apologise for the 'unacceptable' actions of the task team and I strongly regret the abuse of those members. I will leave no stone unturned until the culprits are exposed and brought to book. I say sorry to the prisoners, their families and the community," he said.

The incident had caused "tremendous damage" to the culture of goodwill which had been forthcoming from both sides in the prison recently.

But after this incident the prisoners became aggressive and rose up against Pollsmoor management and the correctional service's provincial authority.

# Mzimela calls for probe into prison rampage

YVETTE VAN BREDA

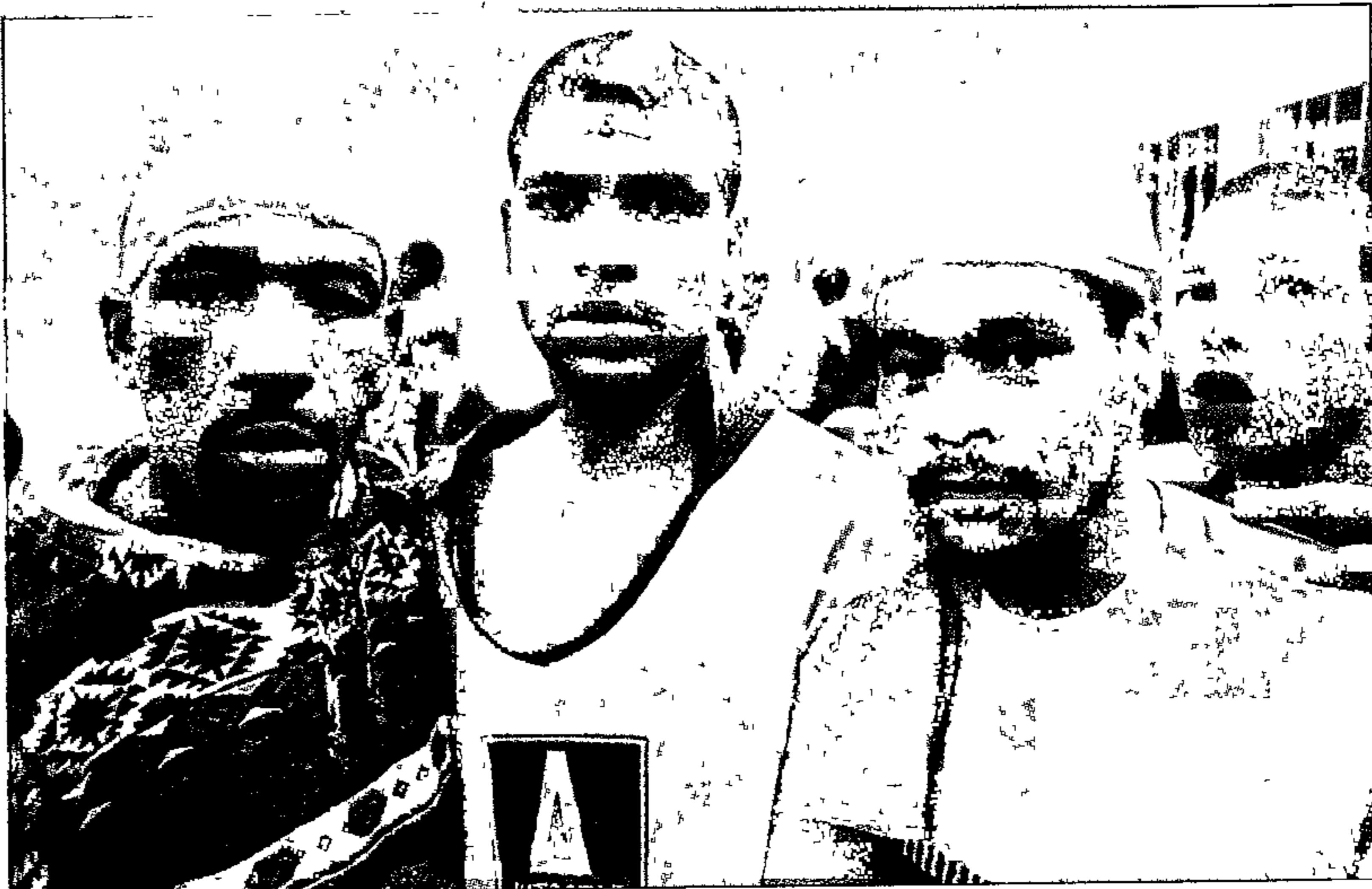
CORRECTIONAL Services Minister Siphon Mzimela has called for an inquiry into the seven-hour rampage by at least 200 gun-wielding warders conducting a search for handgrenades and weapons in the maximum security block

Ministerial spokesman Bert Slabbert said yesterday that the department would also be carrying out an internal investigation and would then assess whether an independent commission of inquiry was necessary

Human Rights commissioners yesterday visited Pollsmoor prison to do an on-the-spot investigation

After their predawn arrival at the prison on Friday, a task team of warders from various prisons allegedly assaulted and pistol-whipped prisoners. Seven prisoners, who suffered serious injuries, including fractures, were taken to Victoria Hospital for treatment. At least 300 prisoners who suffered less serious injuries were treated by prison medical staff

Correctional services spokesman Eddie Johnson said the search had followed information that four handguns and two handgrenades had been smuggled into the prison by Pollsmoor warders



WARDERS ACCUSED: 4 of the prison inmates who say they were beaten Picture: AMBROSE PETERS

It had then decided to use a team, made up of staff from other prisons to conduct the search of the maximum security wing

Both the head of the prison, John Jansen, and commanding officer Freddie Engelbrecht yesterday condemned the assaults on the prisoners and apologised for the incident

Engelbrecht and Jansen, who were inside the prison during the raid, said they had seen members of the team assaulting pris-

oners. They had stopped them immediately and reprimanded them, Johnson said, but had been unable to watch them constantly

"Platoon leaders were in charge of squads and went on a rampage in some of the maximum security cells, where they assaulted and allegedly robbed prisoners of jewellery and money," Johnson said

On Friday night Cape Metro was allowed into the prison to

interview prisoners

Prisoners told of how they were pistol whipped, baton charged, had cocked guns shoved into their mouths and against their heads, were spat on, strip searched and beaten

One prisoner who complained of being assaulted was Achmat Staggie, brother of notorious Hard Living gang leader, Rashied Staggie. He said he had a gun pushed into his mouth and he was baton whipped

ST(CM) 25/5/97 (253)



# 'Dismiss Mzimela, Sitole'

*Journal 26/5/97*  
*(259)*  
CORRECTIONAL Services Minister Dr Siphō Mzimela and Commissioner Mr Khulekani Sitole must be dismissed and a commission of inquiry should investigate the battering of prisoners in Pollsmoor, Anglican Archbishop of Cape Town the Rev Njongonkulu Ndungane said yesterday

"It is with immense abhorrence that I have noted reports - confirmed by prison authorities - that a 200-strong task team of shotgun wielding warders, many of them wearing balaclavas, battered prisoners in Pollsmoor on Friday to the point of collapse," said Ndungane in a statement.

Ndungane said Friday's incident fulfilled the worst fears of the Anglican Church

He said the church's synod of bishops had earlier noted its concerns on remarks by Sitole, supported by Mzimela, that criminals convicted of certain crimes were "animals"

## Filtered down

"This view now seems to have filtered down to their subordinates who took the law into their own hands on Friday. The Minister and his commissioner must bear full responsibility for having influenced warders in this way," he said.

He called for Sitole and Mzimela to be fired and "all those involved in this grotesque act should also be fired"

He had also noted an announcement that "a high-level investigation" of the incident was to be conducted. "This is not good enough, especially in the light of the commissioner's stated views. I therefore call for a public, judicial commission of inquiry at the highest level to be constituted to investigate this incident."

It was no good saying "we will fight crime in society" when the upholders of law and order acted like criminals themselves

He said the church would continue to speak out prophetically about the wrongs in the country

"If allowed to go unchecked, what happened in Pollsmoor on Friday will find a foothold in more prisons and other institutions and lead to another form of civil disobedience which we can ill-afford" - Sapa

# Police task force set to probe beatings in Pollsmoor blitz

## *Mandela visits prison today*

JOSEPH ARANES  
STAFF REPORTER

**A special police team has been appointed to probe allegations by Pollsmoor prisoners that they were seriously assaulted and their personal belongings stolen by warders during a search.**

The appointment of the team, led by experienced investigator Leon La Grange, came on the eve of President Mandela's visit to the prison with Correctional Services Minister Sipo Mzimela today, to get a first-hand account of problems being experienced there.

It is believed the president had a fall-out with Mr Mzimela over the minister's handling of the assault incident at the prison last weekend. But a spokesman in the president's office said he knew nothing about this.

Today the Police and Prisons Civil Rights Union (Popcru) held a mass meeting at the prison in support of the commander, Johan Jansen, and area manager Freddie Engelbrecht, who the union says are being "demonised" and "ostracised" by certain Correctional Services officials and warders.

"There is a clear attempt to undermine the management at Pollsmoor, which is attempt-

ing to inculcate a humane approach to the treatment of prisoners, and people are using last weekend's unfortunate incident," Popcru spokesman Eddie Johnson said.

A special task force, including 156 warders from other provincial prisons, searched Pollsmoor last weekend for handgrenades and guns and allegedly brutally assaulted hundreds of inmates.

It is believed that more than 400 inmates were assaulted during the search and many allege that warders, some wearing balaclavas, stole their personal belongings.

Superintendent La Grange, who is the branch commander at Claremont police station, will be assisted by the Kirstenhof police, under whose jurisdiction Pollsmoor falls, and he will be able to draw on the services of other police members where necessary.

Freddie Engelbrecht said most of the problems at Pollsmoor were the result of overcrowding. The prison has 7 192 inmates but is built to accommodate only 3 600.

"The present ratio of one warder to 120 prisoners is totally unacceptable and creates opportunities for smugglers. But since the beginning of the year five warders have been suspended and one fired for illegal activity."

ARG 29/5/97 (2/3)

## BOARD OF INQUIRY APPOINTED

# Mandela visits prison to probe assault claims

CT 30/5/97 (253)

**PRESIDENT** Nelson Mandela said yesterday the "strongest measures" would be taken against the culprits if the claims of violence at Pollsmoor prison were substantiated. **DAN SIMON** reports.

**F**ORMER Pollsmoor Prison inmate President Nelson Mandela returned to the jail yesterday to speak to inmates and to see first-hand the injuries allegedly inflicted on some of them during a search by a special Correctional Services task team last weekend.

Mandela, who during his years of detention was transferred to Pollsmoor from Robben Island before being moved to Victor Verster Prison outside Paarl, was accompanied by his companion, Ms Graca Machel, and Correctional Services Minister Dr Sipo Mzimela.

His visit to the prison followed allegations by prisoners that they were assaulted and their belongings stolen by members of the special task

## Mzimela slams archbishop for 'criminal' remarks

**CORRECTIONAL** Services Minister Dr Sipo Mzimela yesterday accused Cape Town's Anglican Archbishop Njongonkulu Ndungane of "criminal irresponsibility" for remarks he made about last Friday's alleged attack on Pollsmoor Prison inmates.

The archbishop had called for Mzimela's immediate dismissal along with that of prisons chief Commissioner Khulekani Sithole.

Speaking after accompanying President Nelson Mandela on a visit to Pollsmoor, Mzimela said he had read Ndungane's comments with "a high level of concern".

At a time like this, leaders should be creators, not add fuel to the fire. I think that as a pastor the truth is that a bishop

could have been to visit those who are injured to console them and to comfort them."

Earlier this week Ndungane said that Mzimela and Sithole had, during a meeting in March, encouraged warders to treat prisoners like animals if they were found guilty of an offence.

"The minister and his commissioner must bear full responsibility for having influenced warders in this way," he reportedly said.

Mzimela said there was no link between the alleged actions of those who acted the way they did last Friday and the large majority of warders.

"In any profession there are good and bad warders," he added. Sipo

force, including 156 warders from other provincial prisons, during two searches for weapons

A special police team was appointed earlier this week to investigate the allegations of brutality by warders, and it was announced yesterday that the police investigation would be complemented by a board of inquiry which is to launch its own investigation on Monday

Advocate Mr N J Motaka will head the two-person inquiry, which will submit its findings and recommendations to Mzimela

Motaka will look into the causes and consequences of the violence at Pollsmoor between May 23 and May 25

After his visit to Pollsmoor, Mandela said he had taken the opportunity to speak to injured prisoners and to examine their injuries.

"I spoke to some of the complainants, who put their case, and I also had the opportunity to examine the injuries they suffered "

But he pointed out that although some of the injuries were "serious", it

would be premature for him to comment further on the question of culpability

"We must not be accused of prejudging the issue, especially because of the importance of the issue, because if the allegations by the prisoners are substantiated — both by the police investigation and the inquiry — then it is a serious matter "

Mandela said if the allegations of brutality were proved correct, the "strongest measures" would be taken against the culprits

# Key to gangster problem may be in jail

ROGER FRIEDMAN

WHILE at least two prominent community-based initiatives in the past year have been proclaimed by their initiators to be potential ways to rid the Western Cape of gangsterism, the real key to the problem could be in the prisons

This is not to suggest that all street-gang members should be jailed, but to point out that the economic interests of prison-based numbers gangs have become totally fused with those of their street-gang counterparts, police and gang sources told the Cape Times this week

The gang system is intrinsic to South African prisons, to the extent that co-existence between prison gangs and social order depends on unwritten social contracts between warders and gangs

Gang leaders on the outside are bound by the code of conduct they endorsed on the inside. Their adherence to the code is the essence of their power and ability to survive, in a sense they are hostage to it

Prison gang history — taught to prison gang recruits as part of the code of conduct of the 26, 27 and 28 gangs — dates back to 1824, when Pomabaza, a man from Pondoland, realised that stabbing a mining official and robbing the company was financially more rewarding than being employed there

Shortly after fleeing the mine and setting up shop in Mantzburg, Pomabaza recruited two men on their way to the coal-mines — Nongoloza (from Zululand) and Kihkijian (from Pondoland) — who carried out robberies and later became the founding leaders of the 28 and 27 gangs

They had differences over Nongoloza's, indulging in sodomy, which Kihkijian believed fell outside Pomabaza's original code of conduct. But when Nongoloza and Kihkijian met in the Durban Point Prison in 1836 they agreed not to fight each other, but to settle disputes by assaulting prison authorities

The 26 gang was formed soon afterwards, its birthright asserted in attacks on prison warders. It was agreed that neither the 27s

nor the 28s were allowed to rob the 26s. The smaller 24, 25 and 29 gangs were formed more than 100 years later

The 24 gang, known as the Royal Air Force, concerns itself chiefly with planning and executing escapes from prison

The 25 gang, also called Pig Fives, engages in sodomy and smuggling, but members are distinguished by their policy of collaborating with the prison authorities

The 26 gang (Kamp van Grey/Sonop) is dedicated to making money in prison, often through smuggling drugs into and within the prison. It does not practise sodomy and members may only use violence to rob people if attempts to convince them fail. Even then, members may not draw blood. The gang conducts its activities in daylight hours

The 27 gang (Kamp van Holland/Kihkijian) metes out punishment to any prisoner who violates the code of conduct of any prison gang

Members also act against prison authorities and usually

mediate differences between the 26s and 28s

The 28 gang (Kamp van Nongoloza/Sonop) engages in sodomy as an organised activity within the functions of the "silver line", and in violence as an organised activity as part of the "golden (gazi) line"

It also smuggles and robs, and usually conducts its activities at night

The 29 gang (Desperadoes) consists of long-term prisoners, mainly former 28s who want to improve the quality of their lives

Until the 1980s and the advent of Mandrax trafficking and smuggling, the identities and economic interests of street-gangs and prison gangs were distinctly separate

What occurred and applied in prison had little bearing on authority outside

Mandrax bound the two together, and today senior members of prison gangs command powerful street-gangs. "The inside and the outside are the same," said a prominent member

It is this fusion of interests that may hamstring the Community Outreach Forum (Core) in its stated quest to provide alternatives to gangsterism for the youth of predominantly coloured areas, particularly around the drug-dealing issue

And it is far less controversial in its own constituency for Core to be calling for an end to street violence with discussions about the drug trade to come later

But Core's predicament is that while it wishes to engage the government in talks about the future, the government does not want to be seen to be sitting down with people who might still be involved in the drug trade

Meanwhile, some gang experts in the police suggest that meaningful rehabilitation programmes should be set up in prisons and should involve the Department of Correctional Services and representatives of prisoner and non-governmental organisations

Also, investigations into prison gang-related criminality should be streamlined, they say



**PRESIDENTIAL VISIT:** President Nelson Mandela visiting Pollsmoor Prison to familiarise himself with the alleged assault of prisoners by a Correctional Services task team at the weekend. Correctional Services Minister Sipo Mzimela is on the right

PICTURE: BENNY GOOL

# Pollsmoor attack: probe welcomed

Durban — The SA Prisoners' Organisation for Human Rights yesterday welcomed the appointment of an independent two-man board of inquiry into last Friday's attack on Pollsmoor prison inmates.

A special police team headed by Leon la Grange has also been appointed to investigate prisoners' allegations of assault and theft following the controversial raid by 200 warders searching for weapons and ammunition.

The announcement was made on Thursday after President Mandela and Correctional Services Minister Sipo Mzimela visited the prison to gain a first-hand account of the problems there.

Sapohr spokesman Golden Mles Bhudu told a news conference in Durban there was a clear indication that Mandela and Mzimela had seriously considered the call by Anglican Archbishop of Cape Town Njongonkulu Ndungane that an independent body should probe the alleged assaults.

"We can only hope the proposed independent commission of inquiry will signal the beginning of a comprehensive strategy designed to bring to justice those elements that wish to frustrate transformation, non-racialism, peace, accountability and transformation within the correction services," Bhudu said.

He said there was a tiny minority of "third force" elements within the Correctional Services Department who were bent on discrediting newly appointed black officers managing several prisons around the country.

"These third-force elements' intentions are to cause total disruption and chaos in the Department of Correctional Services which, in turn, they hope will convince SA citizens that black officers who come from disadvantaged backgrounds are not qualified enough to administer prisons," Bhudu said.

Sapohr called for the suspension, without pay, of all warders implicated in the alleged attack. — Sapohr

(253)

APW 31/5/97

# Prison escape shock

## 35 broke out of jail in past week

By JACQUI REEVES

South Africa's overcrowded police cells and prisons are leaking - hundreds of convicted criminals and prisoners are escaping every month

Staff shortages, poorly secured buildings and corrupt officials are hampering attempts to stem the wave of jailbreaks that are allowing suspects and convicts back on to the streets

This week alone, 35 escaped in Gauteng and Mpumalanga. Sixteen dangerous criminals escaped from police custody in Mpumalanga. Of the 19 who escaped from cells in Soweto, Alexandra and Pretoria, only eight have been rearrested

Latest Department of Correctional Services statistics show an average of three convicted criminals escape from prisons across the country each day - more than 100 a month

While the statistics are shocking, police and prison officials believe the figures may be substantially higher, when escapes from police custody are added to the sum

Vague and outdated crime registration techniques make accurate statistics on escapes from police custody impossible to calculate

Members of the Crime Information Management Centre in Pretoria are working on a new crime registration system that will facilitate more specific statistics.

"It is very important for us to know exactly how many suspects are escaping from police custody so that we can assess the extent of the problem," said CIMC official Louis Watermeyer

Another bureaucratic nightmare which leaves prison officials stranded is that no identification photographs are taken of prisoners

"To keep a picture record of all 400,000 prisoners in this country is a massive task which correctional services cannot handle," said department spokesman Barry Eksteen

Prison breaks usually come to the attention of the authorities during a daily headcount

"When the headcount shows someone is missing, we then have to do a name-by-name roll-call. As we don't have any pictures of the prisoners, we can only use the fingerprints records of the prisoners to check their identities," Eksteen said. Cell-by-cell checks were laborious and time consuming, he added

He attributed the problem to South Africa's old-fashioned, large prisons "In the old days we used to build 'hyperama' prisons that were huge, monstrous units. We now realise that prisons need to be smaller if they are to be manageable"

Authorities released details of how the prisoners in Soweto, Alexandra and Pretoria managed their escapes this week.

The Alexandra prisoners escaped by cutting through roof bars, while the Soweto escapers were aided by a group posing as police officers

There were three separate breakouts in Mpumalanga. The first saw three prisoners overpowering two guards, with one officer being shot in the scuffle

While the three made their getaway, another eight prisoners made their way through a skylight, using a rope made from blankets

Another five prisoners escaped by jumping from a moving police van after they forced out the vehicle's back window and bent the metal grating

The driver, who was transporting the prisoners from Denilton police station near Groblersdal to Paxton prison in Witbank, was alerted by a prisoner who remained behind.

In March, officials at Pietermaritzburg prison reported the escape of a ZR Dlamini, who was serving 60 years for murder and robbery.

Officials were unable to say when Dlamini had escaped as his absence was noted only during a monthly roll-call

Between 1993 and 1996, close on 5 000 convicted criminals escaped from South African prisons, with a further 259 making their breaks in the first three months of this year

Many escapes are made from work teams. These teams are made up of "low risk" prisoners. They are grouped together and work, under supervision, on prison farms and grounds or community areas

This route was chosen by 137 prisoners during the first three months of 1997. During the same period, 122 escaped during hospital stays, from courts and from escorts as well as from prison cells

Eksteen said the increase in escape attempts by desperate, serious offenders could be linked to the harsh sentences now being handed down

## Prisons shock: 35 inmates escape in just one week

"It's a difficult situation. Judges are interpreting the wishes of the community to counter crime by handing down long sentences. When the criminal is facing one or two life sentences, he feels as if he has nothing to lose by trying to escape," he said

Although recaptured prisoners face more imprisonment and risk their chances at parole hearings, Eksteen believes the hardened criminal is not swayed by these factors

Although hardened murderers, rapists and robbers appear to be the real criminals in the saga - the criminals within the ranks of the prison service are equally dangerous

Corrupt officials have been linked, or assumed to have been involved, in some of the most notorious jailbreaks, such as the escape of Josiah "Fingers" Rabotapi

During March, Minister of Correctional Services Sipho Mzimela announced plans to launch a task team, made up of members of the police anti-corruption unit and secret agents. The agents would work under cover without the knowledge of the other prison officials

Bert Slabbert, a spokesman for the minister, said the final appointments to the team would be made within the next few weeks

The team will comprise members of the police and prison services as well as justice department officials





# Wave of jailbreaks as SA prisons strain at the seams

ARG # 31/5/97

(253)

JACQUI REEVES  
OWN CORRESPONDENT

**Pretoria – South Africa's overcrowded police cells and prisons are leaking: hundreds of convicted criminals and prisoners escape each month.**

Staff shortages, poorly secured buildings and corrupt officials are hampering attempts to stem the wave of jailbreaks allowing suspects and convicts back onto the streets, without a day served in prison

This week, 16 criminals escaped from police custody in Mpumalanga, bringing to 35 the number who have escaped in the province, and in Gauteng, in the past week alone.

Of the 19 who escaped from cells in Soweto, Alexandra and Pretoria, only eight have been re-arrested

The latest statistics from the Department of Correctional Services show an average of three convicted criminals escape from prison each day, totalling more than 100 a month, across the country.

While the statistics are shocking, police and prison officials believe the figures may be substantially higher, when escapes from police custody are added to the sum.

Vague and outdated crime registration techniques make accurate statistics on escapes from police custody impossible.

The police coding system, used on a

national level, only allows for a code registered as "escape" to be used in the reporting of a case. As a jailbreak is a criminal offence, an "escape" is recorded every time a convicted criminal or a suspect escapes, without distinguishing between the two.

Members of the Crime Information Management Centre (CIMC) in Pretoria are working on a new crime registration system that help the collection of more accurate statistics.

"It is very important for us to know exactly how many suspects are escaping from police custody so that we can assess the extent of the problem," said CIMC official, Louis Watermeyer.

Another bureaucratic nightmare is that identity photographs of the prisoners are not being taken.

"To keep a picture record of all 400 000 prisoners in this country is a massive task that Correctional Services cannot handle," said Correctional Services spokesperson, Barry Eksteen. Prison breaks usually come to the attention of the authorities during a daily headcount.

"When the headcount shows that someone is missing, we then have to do a name by name roll call, which they have to verbally answer to. As we don't have any pictures of the prisoners we can only use the

*'It is very important for us to know how many suspects are escaping'*

To page 3

## Thousands escape prisons and police cells

ARG 31/5/97

(253)

From page 1

fingerprint records of the prisoners to check their identities," Mr Eksteen said

He said cell-by-cell checks were laborious and time consuming attributing the problem to old fashioned, large prisons "In the old days we used to build 'hyperama' prisons that were huge, monstrous units. We now realise that prisons need to be smaller if they are to be manageable."

Authorities released details of how those prisoners who escaped from cells in Soweto, Alexandra and Pretoria this week managed their escapes

The Alexandra prisoners escaped by cutting through roof bars, while the Soweto escapees were aided by a group posing as police officers. The Mpumalanga break-outs took place in three separate incidents,

the first of which saw three prisoners overpowering two guards, with one officer being shot in the scuffle

While the three made their escape, a further eight prisoners made their way up towards a skylight, climbing a rope made from blankets. Another five prisoners escaped by jumping from a moving police van after they forced out the vehicle's back window and bent the metal grate

The driver, who was transporting the prisoners from the Dennilton police station near Groblersdal to Witbank, was alerted to the escape by a prisoner who did not follow the rest

In March this year, officials at the Maritzburg prison reported the escape of one ZR Dlamini, who had been serving a 60-year sentence for murder and robbery. Officials were unable to say when Dlamini

had escaped as his absence was only noted during a monthly roll call

Between 1993 and 1996, close on 5 000 convicted criminals escaped from South African prisons alone, with a further 259 making their breaks in just the first three months of this year

High numbers of jailbreaks are consistently staged by members of work teams. These teams are "low risk" prisoners who are grouped together and work, under supervision, on prison farms and grounds or community areas

In March the Minister of Correctional Services, Siphosiso Mzimela, announced plans to launch a task team, made up of members of the police anti-corruption unit and secret agents to probe the jailbreaks. The agents will work "undercover" without the knowledge of the other prison officials

## REHABILITATION PLAN INEFFICIENT

# 4 000 Cape parolees escape supervision



AN ATTEMPT BY Correctional Services to introduce community service as a way of reducing the prison population is running into snags because of a lack of infrastructure. **LINDIZ VAN ZILLA** and photographer **GARTH STEAD** report.



**S**OUTH AFRICA'S bold attempt to introduce a system of correctional supervision for criminals is faltering, with 57% of Western Cape criminals who are on parole or doing community service absconding.

The shocking statistic emerges as the Department of Correctional Services tries to implement the American "Georgia Model" system of rehabilitative justice.

It is aimed at reducing South Africa's burgeoning prison population and successfully re-integrating criminals into society.

But of the 6 983 prisoners under correctional supervision in the Western Cape, 3 991 have been classified absconders. Warrants for their arrest have been issued.

Whereas America has succeeded in placing half its criminals on parole or in rehabilitative community service projects, 90% of South Africa's sentenced criminals are behind bars.

Correctional Services spokesman Mr Bert Slabbert said "a lack of funds, proper infrastructure and a huge staff shortage" were the major obstacles to an efficient system of correctional supervision.

"The lack of infrastructure in collapsed communities also makes it easy for people to get lost. With no proper roads and addresses it is a big problem to monitor these people," he said.

And a small team of Correctional Services officials had the near-impossible task of tracking down individuals deemed to have

"absconded" supervision.

A special absconder tracking unit — comprising only four full-time members — had been set up to investigate and track down the almost 4 000 people who have absconded since the system was introduced in 1992.

The Cape Times accompanied a team from the department's Community Corrections office on a raid in Manenberg and Hanover Park over the weekend (see accompanying story).

In the United States there is a ratio of one correctional supervisor per 25 cases. In South Africa there is one supervisor to every 300 cases.

Despite the obvious failings of the present system, officials are still convinced that correctional supervision is the way to go.

Unisa criminology and penology Professor Charl Cilliers believes the system can succeed.

He was one of several local criminologists and correctional services officials who visited Atlanta, Georgia, in 1991 to examine their system.

He said the "Georgia" system was in line with the US government's plan to halve the country's prison population.

South Africa's daily prison population is about 130 000, which means that 340 of every 100 000 of the population are behind bars.

In Britain the figure is about 90 per 100 000 and in Germany about 70. Only the US with 420 is higher, but this is being remedied through correctional supervision.

(253) CT 5/6/97

Cilliers said a third of the South African prison population did not belong there because their offences were minor.

He believed that prison terms for the wrong criminals led to a high incidence of recidivism. There was 70% recidivism in South Africa.

A lack of infrastructure had undermined the implementation of a system of correctional supervision. A prerequisite for someone to be placed under correctional supervision was a fixed address.

Citing Khayelitsha as an example, Cilliers said that in parts of many townships there were "no street names, house numbers or telephone numbers", which made supervision extremely difficult.

Slabbert called for a "radical upgrade" of the correctional supervision system to make monitoring of parolees more effective.

The department had gone some way towards solving the problem by launching an electronic monitoring pilot project.

The project is being tested in Gauteng, where 150 prisoners have been tagged with electronic arm/ankle bands that are linked by computer to a central control point.

The system will allow the department to "keep tabs" on the parolees, he said. "It will also make monitoring easier and more effective."

Cilliers said another difficulty that limited the effectiveness of the system was that correctional service supervisors were used to con-

# Long arm of law works after hours

IT IS 3am and Hanover Park is asleep. A sudden knock on a door is followed by a crisp "Correctional Services, open up!"

The long arm of the law works after hours

The seven-man team from the Department of Correctional Services' Community Corrections office are on the trail of absconders. And it's a demanding task. There are 3 991 absconders in the Western Cape.

Acting assistant head of the office, Mr Peter Williams leads the operation on this biting cold Friday night.

Williams repeats the order to open up. Behind the bolted doors of the third-floor flat come the stifled sounds of people scurrying.

Glancing at each other, the men nod knowingly. "Yah," said one. "They're looking for a place to hide him."

Three bulky officials wearing bullet-proof vests are closeted together on the narrow staircase. Two others have scaled a wall at the rear of the building and are scouring the windows for any signs of flight.

The shotgun-wielding Mr Alistair Oncke is always left behind to guard the two vehicles. The last member of the team is armed with a camcorder and records the operation from the street below.

Ten minutes pass under the dim glow of street lights. Repeated knocks and orders to open the door go unanswered.

Eventually Williams gives the

order to break down the door. Two bone-jarring shoulder charges sends the door frame splintering and we are greeted by the shock-etched faces of two women.

"How dare you break down my door. Look what you've done to it!" one woman shouts. Calmly Williams informs her that he is from Correctional Services and has a valid search warrant.

"If there are any women in the house could you please ask them to cover themselves," he says.

Then his men file past him into the adjoining bedrooms. Apologising for the intrusion they conduct a thorough search. All the while they are told by the woman that the suspect is not there. "He hasn't been staying here for months."

Within seconds the wide-eyed absconder is ordered out from under a bed. The residents of the household are told that the absconder will be taken to the Correctional Services offices in Cape Town to be questioned.

This lays to rest a common fear that the Correctional Services officials have come to take the absconder back to the horrors of Pollsmoor Prison.

The absconder is told to dress warmly, before being loaded into the back of a van. There are already two occupants. However, the entire operation — from 11 30pm to 5am — is rewarded with only four absconders. The team agrees that it's been a slow night.

"It happens sometimes," says Mr Michael Bronn.

Bronn heads the full-time four-man unit assigned to track down absconders. They compile background files and photo-kits of absconders.

He says absconders are parolees and those persons sentenced to community service or rehabilitative programmes, who have broken the conditions of their correctional supervision. Once that happens warrants of arrest are issued.

Correctional Services conducts



**FOR THE RECORD:** Bernard Brand records every raid. Here he emerges from a shebeen after an unsuccessful search for an absconder.

three to four raids a week. Two nights later the unit apprehended 10 people during a raid in Mitchells Plain. The unit apprehends about 50 absconders every month.

The door-bashing incident was the only forceful raid of the Friday operation. Williams said "We try, as far as possible, to avoid using force. We have great respect for the people's privacy and there are no real problems if one uses a calm approach." (Correctional Services repaired the door the next day.)

The members are all armed, but this is merely a precaution.

However, despite the almost cordial relations the team has with residents at 3am, the job is

dangerous. Last month a member was robbed of his firearm.

The Hanover Park operation came to an abrupt end when volleys of gunfire were heard nearby.

The members of the unit often joke about the bizarre incidents they've encountered in the line of duty, including finding absconders hiding inside fridges, deep freezers and even in an oven.

Once returned to Cape Town the absconders are questioned and given a chance to explain their circumstances. A recommendation to the head of Community Corrections will determine whether the person is returned home, made to appear in court or taken to Pollsmoor.

**BUST:** Correctional Services officials discovered this absconder hiding under a bed in a Hanover Park flat  
duct nightly raids and searches for absconders — work for which they were not trained.

Cilliers suggested getting security companies to search for absconders.

He also attributed present failings to the perception that correctional supervision was an "easy option" as parolees did not need to be monitored regularly.

According to one Correctional Services official, some absconders have gone unchecked for "two to three years".

Cilliers called for far stricter measures. "Correctional supervision must be a deterrent, there must not be the perception that it is a light sentence," he said.



**NIGHT OPERATION:** Unit members gather in a courtyard of a block of flats before carrying out another raid.

# PAGE TWO

CAPE TIMES  
★ THURSDAY, JUNE 5, 1997



# leakiest prisons

but Mdantsane is the place to be

## Exposed: SA'S

Kwazulu Natal is top of the pops for escapers,

(253) ST 15/6/97

PREGA GOVENDER

**C**ONVICTS "lucky" enough to be sent to Mdantsane prison outside East London have a good chance of escaping and re-embarking on a life of crime

According to the Department of Correctional Services, the prison tops the list of the 19 most porous jails in the land.

But the department is determined to do all it can within its budget to stop the "staggering number of jailbreaks"

Barry Eksteen, a departmental spokesman, said the 19 "easy breakout" prisons on the list would soon be ringed with electrified fences at a cost of R18-million

The department is also going to install x-ray scanners and other advanced surveillance equipment "in an attempt to cut down on the rate of escapes"

In addition, the country's first two supermaximum security jails are to be built in Gauteng and the Eastern Cape at a cost of R500-million in an attempt to prevent hardened criminals from "ever seeing daylight again", he said

And five more prisons are being built at a cost of R930-million to ease overcrowding

Every month 100 criminals break out of South African jails

And at any given time there are at least 2 300 prisoners on the loose

More than 5 000 inmates have escaped from South Africa's prisons in the past four years, with 1 345 jailbreaks

recorded in 1996.

Only 568 prisoners were recaptured last year

Eksteen said. "So far, we have suspended only four warders this year who were found to be guilty of helping prisoners to escape"

Mdantsane prison had six major jailbreaks in the past year in which 29 prisoners escaped.

Kwazulu Natal has the highest number of "high risk" prisons, according to Eksteen.

The province's Eshowe, Westville, Waterval and Ncome jails top the list of the least secure penal institutions

In Gauteng, Diepkloof, Krugersdorp, Vereeniging and Leeuwkop medium prisons are child's play to break out of, according to criminals

In the Eastern Cape, Mdantsane, Umata and East London prisons are at a "high risk" of letting convicts escape

Free State's "easy break" prisons are Groenpunt Maximum and Virginia. Other prisons on the list are Kimberley and Rooigrond in North West Province, Vondwe in Northern Province, Nelspruit in Mpumalanga and Mossel Bay and Buffeljachts-Rivier in the Western Cape

South Africa's 226 jails were built to accommodate a maximum of 96 000 prisoners

Now, however, they house 130 600 criminals

South Africa has the second highest prison population per capita in the world—the US tops the list—but there is a shortage of more than 6 000 warders

# Plan to empty jails of kids facing trial

**SHARKEY ISAACS**  
STAFF REPORTER

South Africa is transforming facilities for children in prison and by April next year expects to have emptied jails of young people awaiting trial.

Youths older than 14 who commit serious crimes will in future be detained in new, secure care centres while awaiting trial, two of which have already been opened.

This was announced yesterday by Minister of Welfare and Population Development Geraldine Fraser-Moleketi in an address to young prisoners in the Recreation Hall of Pollsmoor prison.

She said. "Secure care is the alternative we are choosing for youths over 14 years who have committed serious crimes and are deemed to be in need of both containment and care."

The new care centre would be "nothing like a prison", she said.

"Rather, secure care will be a way of working with youth which ensures that they are physically and emotionally contained while providing for their need for care, safety, education, development and



DOUG PITHER

**New programme:** young Pollsmoor inmates welcome Welfare Minister Geraldine Fraser-Moleketi relationships with their family and community." Ms Fraser-Moleketi said the youth justice system would also instead offer special programmes to youngsters rather than sending them going to prison.

AKS 18/6/97

(253)

# Kids Who Kill

Simon Farrell  
Mar 21/6/92

The statistics are frightening: a quarter of all crimes perpetrated in South Africa are committed by criminals under the age of 21. Most of the 100 000 or so youngsters are petty offenders who never strike again. But an estimated 5% of them become habitual violent criminals, and the South African justice system, is simply unable to cope, reports **SIMON FARRELL**

**S**habeed was 13 when he raped a 16-year-old school-girl near his home in Athlone on the Cape Flats. His punishment? On January 27 1993 the sneering youngster was sentenced to five strokes. Shabeed is not his real name as, by law, a criminal who is convicted as a minor cannot be identified.

Within weeks he struck again, stabbing to death a witness in a friend's murder trial. Convicted of culpable homicide, he was sentenced to five years at Forter School in Tokel, one of nine reform schools in South Africa. Taking advantage of almost non-existent security he escaped to rape and assault another young woman and murder a man.

On December 8 1994 Shabeed was sentenced to six-and-a-half years in prison for this crime spree, but the law protecting juveniles declared that the sentence be suspended for five years. Back he went to Forter School. He stayed long enough to enjoy Christmas and New Year as a guest of the state, then walked out again.

Now 15, he resumed his violent lifestyle with a vengeance, raping an 18-year-old woman, then trying to sodomise a man. He had robbed at gunpoint at a 'keller' machine. His distraught mother knocked on

from 60 000 in 1977 to about 40 000 in 1994. Our criminal justice system has become like a sieve through which brutal young criminals run. Knowing they won't be punished, they are becoming more daring, their crimes more frequent and violent. Consider these cases:

■ In Durban in October 1995, two 15-year-old boys were arrested for housebreaking at the city's Con-gella Hotel. A young female social worker was given custody of them but they escaped. Days later, police warned that the boys were suspected of murdering a 93-year-old widow. Fortunately they were arrested before they could do more harm.

■ In Mapeta, Soweto, an 11-year-old boy and his 9-year-old friend raped a 5-year-old neighbour in May 1995. The two pleaded guilty and could have been given community service, sent to a place of safety or even jailed. But they were unconditionally freed, and told to live at home for three years and then to return for sentencing.

■ On December 4 1995, 19-year-old Douglas Comrie of Pieter-maritzburg was delivering a pizza in his mother's car. Gangsters demanded a lift. After they got in, Comrie was attacked with a knife and later died of his wounds.



returned to the reformator... the reach of the law. That would prison... the... provided and awaiting... policeman Douglas Gibson calls



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Now 15 he resumed his violent lifestyle with a vengeance, raping an 18-year-old woman, then trying to sodomise a girl. He had robbed at gunpoint an "elderly" machine. His distraught mother knocked on the door of Detective-Sergeant Gerhard Koeneze's office at Athlone police station. Known for his no-nonsense approach to law and order, the 28-year-old policeman from Belhar listened as she begged him to cage her son. "Please lock him up, for everyone's sake," she cried.

The statistics are frightening: a quarter of all crimes in South Africa are committed by criminals under the age of 21, costing taxpayers more than R15-billion a year. Most of the 100 000 or so youngsters are petty offenders who never strike again. But an estimated 5% of them become habitual violent criminals, and the justice system is unable to cope. "We call them 'the untouchables'," says Director Raymond Dowd, Cape Town's police commissioner. "We try to put them behind bars but the justice system allows them to slip through the net."

Twenty years ago the justice system, which traditionally stressed punishment and retribution, showed little mercy to young violent offenders. As crime rates soared, however, the system failed to adapt. Staffing and funding remained static, but courts became overcrowded and prisons over-crowded. Baiting to process the growing number of adult offenders, courts increasingly released children unconditionally or sentenced them to corporal punishment.

The statistics clearly show the breakdown while juvenile criminality has soared and the population has rapidly increased, the number of convictions plummeted

from 60 000 in 1977 to about 40 000 in 1994. Our criminal justice system has become like a sieve through which brutal young criminals run. Knowing they won't be punished, they are becoming more daring, their crimes more frequent and violent. Consider these cases:

■ In Durban in October 1995, two 15-year-old boys were arrested for housebreaking at the city's Congella Hotel. A young female social worker was given custody of them but they escaped. Days later, police warned that the boys were suspected of murdering a 93-year-old widow. Fortunately they were arrested before they could do more harm.

■ In Mapepa, Soweto, an 11-year-old boy and his 9-year-old friend raped a 5-year-old neighbour in May 1995. The two pleaded guilty and could have been given community service, sent to a place of safety or even jailed. But they were unconditionally freed, and told to live at home for three years and then to return for sentencing. ■ On December 4 1995, 19-year-old Douglas Comrie of Pietermaritzburg was detouring a pizza in his mother's car. Gangsters demanded a lift. After they got in, Comrie was attacked with a knife and later died of his wounds.

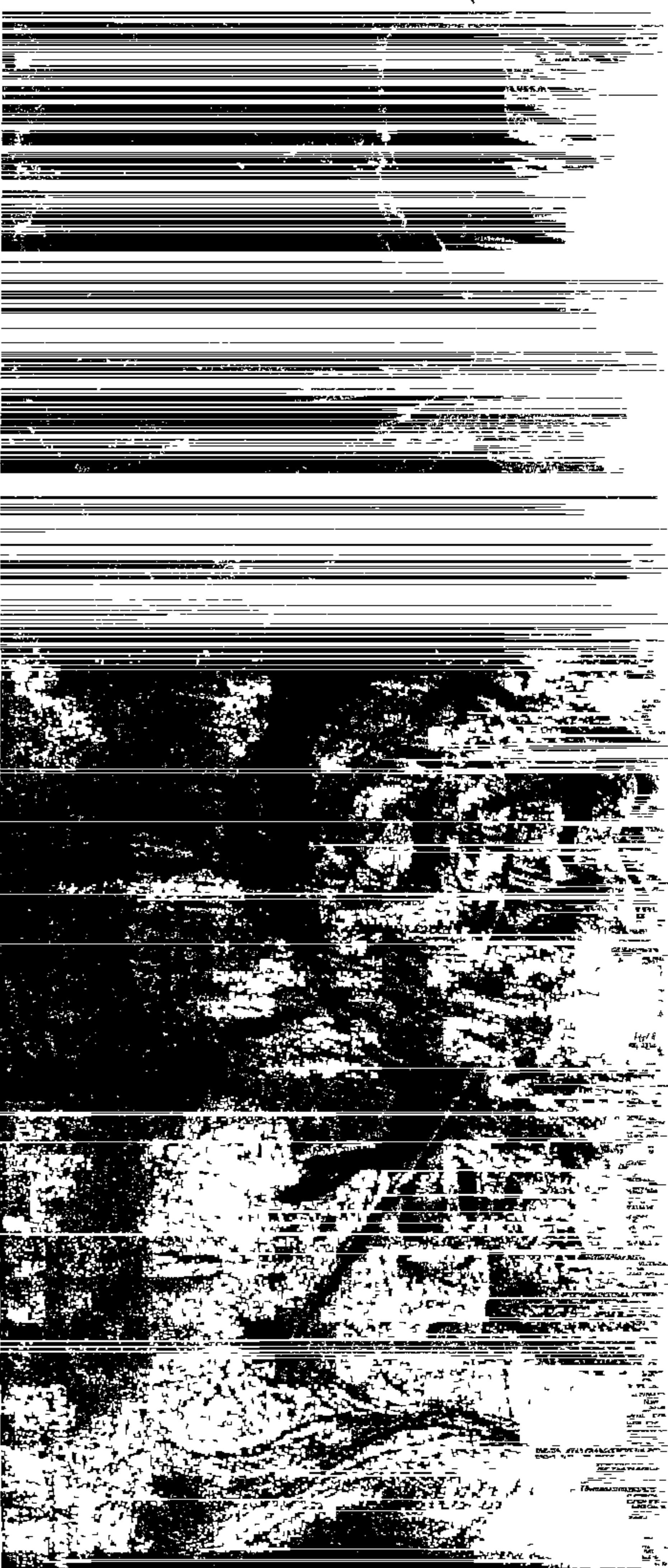
Three youths were arrested and charged with murder. At a bail hearing the judge told them to go home until the case was heard. Within days, one of them, aged 16, had allegedly attacked four more people with a knife.

For three months Detective-Sergeant Koeneze stalked Shabed, sometimes missing him by seconds. Tips led him to shacks and homes, but often on a wild-goose chase. On one occasion Koeneze had him in the sights of his gun. He fired several shots but the boy fled, smirking.

Increasingly frustrated, Koeneze spent many hours reading statements from dozens of witnesses and victims. He learnt that the tall, 15-year-old had become so ruthless and uncontrollable that even gangsters avoided him.

### *We try to put them behind bars but the justice system allows them to slip through the net*

At last, in late April 1995, Koeneze arrested the boy. He was relieved when a magistrate decreed he be locked up in Pollsmoor prison. But then the unthinkable happened. On May 8 all awaiting trial under-18s in prisons, police cells and lock-ups were transferred to "places of safety" after promulgation of section 29 of the Correctional Services Act, which put into effect the president's election pledge to free children from falls. Despite desperate pleas from Shabed's mother, the police and Porter School, he was



Returned to the reformatory...

The law allows for convicted children as young as 7 to be jailed. Because kids of this age are increasingly becoming involved in crime, there are four times more 7- to 14-year-olds in jail now than a year ago. But many more walk free, thanks to laws such as the Correctional Supervision Act. This promotes the release of juvenile criminals into the custody of parents or a guardian so that they won't have to be incarcerated. Unfortunately it ensures that even murderers, arsonists and rapists go home, often with little more than a telephone-monitored curfew.

Most juvenile offenders are sent to a low-security reform school, places of safety or school of industry. There are more than 6 000 youngsters at these institutions, 15% of them awaiting trial. President Mandela's decree in May 1995 that put Shabed back in reform school meant the transfer of more than 1 000 awaiting-trial youths - many charged with murder, rape, a trial under-18s in prisons, police cells and lock-ups were transferred to "places of safety" after promulgation of section 29 of the Correctional Services Act, which put into effect the president's election pledge to free children from falls. Despite desperate pleas from Shabed's mother, the police and Porter School, he was

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the reach of the law. That would protect a 12-year-old Durban boy believed to be the youngest South African to be charged with murder. On Christmas Eve 1995 in the suburb of Kloof the boy and his 15-year-old accomplice were approached by security guard Gordon Cunningham (22), who was responding to an emergency call. The youths blasted him with a shotgun, killing him instantly.

The MC also recommends an end to the present system of pre-servicing the fingerprints and records of convicted juvenile criminals when they turn 18. Criminals maintain that destroying records dooms any efforts to transform juvenile offenders into law-abiding adults. Public safety is also seriously jeopardised if violent criminals are given a clean slate.

### *Even child-rights campaigners*

Even child-rights campaigners fear this would be too soft an approach. *Juvenile Justice for South Africa*, a document released in 1994 by Ntiro, Lawyers for Human Rights and the Cape Town branch of Child Welfare, outlines far-reaching policy and legislative changes giving children more legal rights. However, it suggests the records of murderers, rapists, and armed robbers be preserved. The intention of the authorities is good to rehabilitate rather than to punish. Few would disagree that our prisons are universities of crime, allowing jailed youngsters, far from being reformed, to walk out more accomplished crooks.

"Often they are forcibly tattooed and brutally sodomised by adults on their first night in

prison," says Julia Smith-Nielsen, senior researcher at the Community Law Centre of the University of the Western Cape. "Any hope of rehabilitation is killed. They become gang members and thus criminals for life."

Reform and industrial schools and places of safety certainly appear to be a better option. But IMC visits to 53 of South Africa's 60 institutions in April 1996 resulted in a damning report entitled *In Whose Best Interest?* They found that the ratio of inmates to staff sometimes reached 63 to 1. Staff had little interest in helping or restraining children and, in many cases, children held as suspects for minor offences shared dormitories with convicted murderers and rapists. Worse, there were practically no rehabilitation or training programmes.

### *We clearly have a justice system that neither punishes effectively nor does much to stop rebellious youngsters from becoming lifetime criminals.*

The situation is seriously undermining democracy and public safety, and justice and correctional services authorities must stop dragging their heels. As a start, there are four steps they can take. 1 Put violent repeat offenders safely behind bars, no matter how young they are. The government is moving in this direction, but far too slowly. It is planning a national network of secure-care facilities for convicted and awaiting-trial youngsters between 14 and 18, but only one, in Soweto, has been built so far. Even when the network is completed, however, under-14s charged with violent crimes, including murder and rape, will remain in existing low-security places of safety. We must tell our correctional authorities that this is unacceptable.

2 Property train a core of people to staff new and existing institutions. IMC investigators were shocked to learn that only between 11 and 30% of staff in places of safety, schools of industry and reform schools had even a basic qualification. The Free State had no qualified workers at all to care for dozens of children. "The new high-security institutions should be staffed only by hand-picked experts used to dealing with dangerous youngsters," says Alan Jackson, director of the Child Welfare Society.

3 Reset pressures to destroy the fingerprints and records of criminals when they turn 18. It is well known that some adult criminals bide officials to expunge their records so that they will be treated leniently as first offenders. Our pampered violent juvenile criminals, however, would become adult innocents overnight, without even having to ask for special treatment.

4 Focus on rehabilitation. Democratic Party law-and-order spokesman Douglas Gibson calls for the option of shock treatment for appropriate first-time offenders in the form of US-style six-month sentences to high-security military bases. Inmates would do harsh, basic army training with tough physical and mental challenges, as well as community service. "A short, sharp lesson is long overdue," says Gibson. "Why should decent, law-abiding democratic citizens live under this constant threat to life and property?"

### *In June 1995, Shabed, now a scarily 16-year-old who looked 21, appeared in the Wynberg Regional Court, charged and handcuffed to two burly guards. Koeneze was worried. He believed that if the youth was charged at that point with the crimes he had committed while on the run, he would be sent to Porter School to await trial and simply escape again. Hitting on a change of tactics, Koeneze brought escape charges instead.*

The plan worked. Koeneze was ecstatic when the boy was convicted of three escape counts and sent to jail for three years. He followed up with the other charges while Shabed sat in prison. On May 7 1996, magistrates found the arrogant teenager guilty of rape, robbery and attempted sodomy. Koeneze held his breath and closed his eyes as the youngster was sentenced to 30 years in jail. He had won his battle for justice at last, but he knows the war is far from over.

This is an edited excerpt of an article appearing in the July edition of *Reader's Digest*.

## Johannesburg prison escapes: warder caught 'taking bribe'

Star 23/6/97 (253)

BY TENO MOTHIBELI

Police have arrested a warder from Johannesburg prison in connection with helping a prisoner escape and believe that a syndicate of prison officials could be responsible for a number of breakouts from the jail.

Captain Siphó Ngubane of the Gauteng Provincial Communication Services said the arrest of the warder on Tuesday had prompted investigators to probe the existence of a syndicate because they believed the help of more than one prison official was necessary for prisoners to escape.

The arrest followed

six months of monitoring of the movement of prisoners from courts to prison.

He was arrested during a planned operation. Ngubane said the warder was expecting to receive a newly convicted murderer at the jail on Tuesday, and when the man arrived, the warder was caught taking R15 000 from him to help him escape. Ngubane said the prisoner had agreed to cooperate with the police.

Ngubane said the warder, who has since been suspended, appeared briefly in the Johannesburg Magistrate's Court on Wednesday and was granted R5 000 bail.

## Strike over monitoring of staff at prison averted

*Jan 25/6/97*  
A strike was averted at Krugersdorp prison on Monday after prison staff, angry because of the introduction of a card system inside the prison, received an apology from their

~~(152)~~ (253)  
commanding officer

The system, which controlled access to sections of the prison, was introduced to monitor the warders and had been in operation for three weeks

Commanding officer Nico Lotter apologised for implementing the system before consulting the Police and Prisons Civil Rights Union and immediately abolished it. - Staff Reporter

# Boom in child convicts

M+G 4-10/7/97

253

Stuart Hess

**T**HE number of children awaiting trial in prisons has nearly doubled in less than 18 months. The Minister of Welfare and Population Development, Geraldine Fraser-Moleketi, blames the alarming increase on liberal use by magistrates of a clause in the Correctional Services Amendment Act of 1996 which allows them to detain a child in prison "in circumstances so serious as to warrant such detention".

Pansy Tlakula of the Human Rights Commission (HRC) puts it more strongly. She says children are locked up because the "courts don't know what to do with them". Some children have been awaiting trial for nearly eight months, Tlakula says. "Conditions are so bad that we're breeding hardened criminals instead of rehabilitating them".

According to the Department of Correctional Services, 2 013 awaiting-trial juveniles were in jails at the end of 1995, in April this year the numbers were up to 3 962.

Fraser-Moleketi says that last year's Act "means that magistrates have a rather wide discretion, and this has proved to be the single most significant factor in the number of children in prison".

The Act lists serious offences for which children may be held in prison if no alternative is available. First passed as a stopgap measure, it caused much controversy when Parliament renewed it earlier this year without consulting human rights

bodies and non-governmental organisations.

"The majority of children awaiting trial in prison are there because a magistrate has decided that the 'circumstances are so serious as to warrant such detention', even though the child is not charged with an offence which was considered serious enough by the legislature to be placed on the schedule," says Fraser-Moleketi.

She says more than half the children awaiting trial are charged with offences not listed in the Act.

"The independence of magistrates makes this a difficult problem to solve in the short term," she adds. While facilities are available for awaiting-trial children, she says these are not secure and are used for neglected or abused children — and those children charged with serious crimes cannot be mixed with them.

Fraser-Moleketi says that the Inter-Ministerial Committee on Young People at Risk (IMC) — which she chairs — has developed a concept of secure-care facilities for children awaiting trial.

It plans one secure-care facility — similar to the Walter Sisulu Centre in Soweto — for every province by May next year. Children awaiting trial will then be moved out of jails into these centres.

The HRC's Pansy Tlakula believes that the major problem with keeping awaiting-trial children in jails is overcrowding as they stay with adults who are also awaiting trial.

alleviate the problem of overcrowding," she says. "Some juveniles are locked up when they should be with their parents."

In many cases no sleeping space is available and children sleep on floors.

She says she has found many children who have been sodomised, but are too scared and traumatised to name their attackers.

Julia Sloth-Nielsen, of the Community Law Centre at the University of the Western Cape, agrees with the HRC's assessment about overcrowding in certain jails like Pollsmoor in Cape Town, St Albans in Port Elizabeth and Durban-Westville in KwaZulu-Natal.

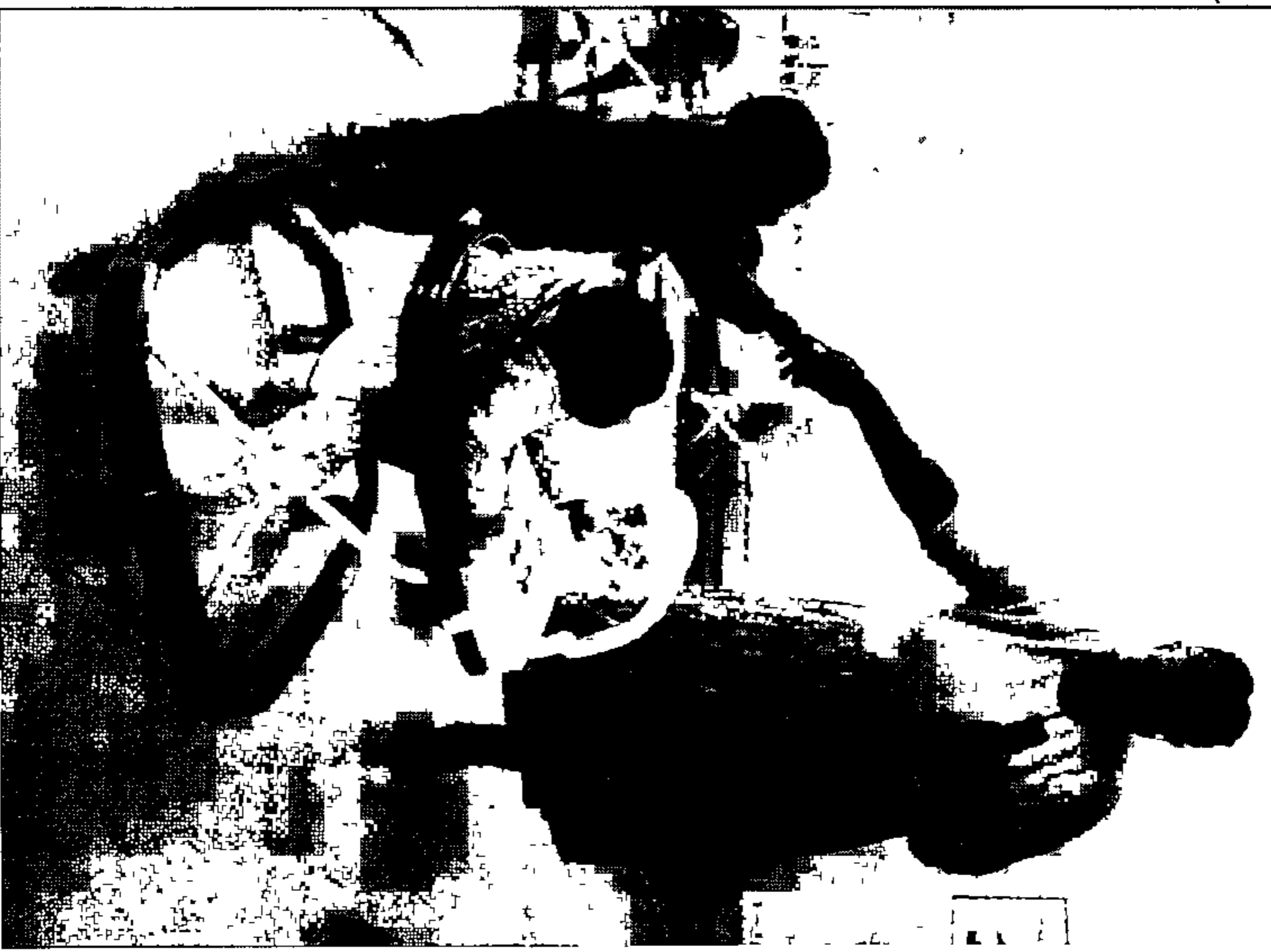
She says very few measures exist to even start to alleviate the problem — "There are simply too many children in jail".

Conditions for juveniles serving prison sentences vary, depending on which prison, "some of them offering better facilities than others".

While the correctional services department is blamed for harsh conditions, the department says it is on the "receiving end" of the criminal justice system which is prosecuting increasing numbers of children.

The department says it has programmes to rehabilitate young offenders. "Means of diverting young offenders from the system is being considered," says a department representative, Russel Mambolo.

"The involvement of other state departments like welfare and safety and security are of utmost importance in finding a solution," it



Secure care. Nurse and toddlers at the Walter Sisulu Centre. PHOTO: RUTH MORAU

## Less easy walk to freedom

FM 4/7/97  
But government's tough new parole conditions may worsen overcrowding

**Cabinet has** passed tough new restrictions on the granting of parole which will allow courts to ensure that prisoners serve a substantial part of their sentences

Government's new early release policy, set out in the Correctional Services Third Amendment Bill, makes it impossible for prisoners to be granted parole before they have served half of their sentences. Courts may also stipulate that people may not be eligible for parole until they have served up to two-thirds of their sentence.

These conditions would, for example, have prevented fraudster Greg Blank from being paroled after serving just 21 months (21%) of an eight-year sentence for defrauding Old Mutual of about R10m.

Nor would Blank's R500 000 donation to Krugersdorp Prison for recreational facilities have earned him points under the new system as prisoners will no longer be able to acquire credits for good behaviour to expedite their release.



Douglas Gibson

The Bill grants parole boards decision-making powers except in the case of a life sentence, where authority rests with the Correctional Services Minister. Parole boards now are allowed only to make recommendations to provincial prison commissioners.

"The commissioner does not have to adhere to the board's recommendations and enjoys absolute, if not autocratic, discretion," says SA Institute of Race Relations spokesman Martin Schonteich. By doing so, he says, commissioners are in effect undermining judicial independence.

The parole system is usually applied generously. There are about 300 parolees for every supervising officer. Criminologists say the ideal ratio should be 25:1. Nearly one in five parolees absconds.

Under the envisaged system, four of the eight members of parole boards must be community representatives from the area served by the prison. Boards will include one representative of the SAPS, one Justice official and two from Correctional Services.

The chairman must be a civilian. Mzimela's spokesman Bert Slabbert says a retired attorney, judge or magistrate will typically be considered for this position.

Democratic Party (DP) MP Douglas Gibson says the party favours tightening up parole conditions. The Bill goes some way towards achieving this. But there should be room for life imprisonment, he says, "which really means life, and for fixed term sentences without the option of early release or parole, at the court's discretion."

The Bill could aggravate prison overcrowding, especially as government also plans to tighten bail conditions and impose stiffer minimum sentences.

SA prisons are 30% overfull on average but overcrowding is as high as 208% at Pollsmoor near Cape Town and 290% at Lusikisiki in the Eastern Cape.

Slabbert says government has yet to begin building new prisons for envisaged increases in the prison population.

The prison building programme, which involves construction of 10 new facilities and upgrading nine others, is merely to cope with the current backlog. Four more prisons to be built in partnership with the private sector will not be complete before April 1999.

Claire Bisseker

## 30 000 sit in jail awaiting trial

Durban - At any given time there are about 30 000 suspects in jail awaiting trial - disproving the public perception that too many people are out on bail

(253)  
KwaZulu-Natal Attorney-General Tim McNally said it was the exception rather than the norm that suspects committed crimes while out on bail

He said changes were being considered to allow courts to deny bail if a release would disturb public order or if the offence induced community shock. - Argus Correspondent

ARG 7/7/97

# Jailbreaks 'Mzimela has failed'

By HANGWANI MULAUDZI

CORRECTIONAL SERVICES minister Siphso Mzimela must resign for failing to stem the tide of jailbreaks and widespread corruption in the country's jails, the South African Prisoners' Organisation for Human Rights (Sapohr), said yesterday.

Adding its voice to widespread concern about escaped jailbirds, many of whom are dangerous, a Sapohr statement read. "Not a week passes without a prisoner escaping from South African prisons and the minister is failing in his job."

Police are still searching for five of the seven awaiting-trial prisoners who escaped from the Vryheid Prison by cutting through cell bars with a hacksaw last weekend.

The five included Ronny Sibiya, who is described as one of the most dangerous criminals in KwaZulu-Natal.

Sibiya was to appear in court on charges including murder, attempted murder, robbery and possession of illegal firearms and ammunition.

"It is yet to be determined how the seven managed to get a hacksaw into the cell, but investigations between the police and the correctional services should shed light," said Correctional Services spokesperson Johan Strydom.

CP 13/7 197  
Police spokesman Captain Vishnu Naidoo said four of the escapees had knives and were intimidating other prisoners.

□ Meanwhile, Percy Makharamedzha reports that the owner of the popular nightclub King of Clubs at the corner of Market and Von Wielligh Streets in central Johannesburg and two alleged robbers died in a hail of bullets last night.

As people danced and drinks flowed, the robbers allegedly held up the club with guns.

The 29-year-old owner, whose name has not yet been released by the police, led a charge on the gang after they had held up the staff and tellers in the club and tried to flee with an undisclosed amount of money, the robbers shot him dead.

An off-duty policeman intervened and shot two of the fleeing robbers who had killed the owner.

The other robbers escaped.

# Street child arrested



**THE INADEQUACY** of the justice system to cope with juvenile criminals led police to allow a streetchild, who ventured into crime at age 11, to walk free in spite of numerous arrests and convictions until he turned 18 and could be imprisoned. **CYNTHIA VONGAI** reports.

**T**HE case of Leon Eksteen is a glaring example of how the justice system in South Africa is failing. This Oudtshoorn-born teenager began a life of crime at the age of 11 — but police were forced to wait until his 18th birthday before they could finally arrest him and be sure he would be imprisoned.

During the intervening seven years he was arrested 33 times on several charges of theft, house-breaking and escaping from custody.

Each time Eksteen, a streetchild, was arrested by police, he was either warned by the court and freed, or sent to a juvenile holding centre from which he escaped.

Eventually police from Central Cape Town got so fed up, they waited for his 18th birthday to arrest him again. No longer a minor, he was sentenced to three years for a theft committed in 1993, and is now in Pollsmoor Prison.

The extraordinary battle police had to jail Eksteen came about because of legislation which deals specifically with unconvicted juvenile offenders between the ages of 14 and 18.

Amendments to the Correctional Services Act by the Minister of Correctional Services, Dr Sipo Mzimela, in November 1994, makes it illegal for unconvicted minors to be detained in a prison, police cell, or lock-up facility.

"Instead they are to be referred to 'places of care' and only in extreme cases are the minors to be sent to lock-up facilities.

Eksteen escaped from the Cape Town and Wyn-

berg reformatones and places of safety six times before his final arrest in April last year. He was sentenced in February this year.

Police spokesman Captain Andre Traut said police have a mammoth task in trying to arrest juveniles and then keep them in custody until they were tried and sentenced.

Superintendent Piet Taljaard, the unit commander for theft from cars, said most of the crime

**FOUND GUILTY.**

- **First crime on police records was in 1989 — house breaking in Uptington. Eksteen was 11.**
- **1991 — trespassing charge in Cape Town.**
- **1992 — theft in Cape Town.**
- **1993 — theft**
- **1993 — theft**
- **1993 — theft**
- **1994 — Escaped from a reformatory school. Charged with unlawful escape from custody. He was re-arrested and sentenced to three years at a reformatory school. He escaped and was re-arrested on his 18th birthday in April 1996. Sentenced in February 1997 and sent to Pollsmoor**

**NOT CONVICTED:**

- **1991 — house-breaking in Cape Town**
- **1993 — four separate charges of theft in CBD.**
- **1994 — He escaped from Cape Town Magistrate's Court, then followed four charges of theft in Rondebosch. Escaped, arrested for theft, escaped again. Arrested in Claremont after being found with 'house-breaking implements', released.**
- **1995 — four charges of theft.**
- **1996 — house-breaking, theft, escape from Wynberg cells theft**

in the city was committed by streetchildren.

He added that the most common crime was theft out of cars in the central business district.

"What happens, is that these kids go to court and are referred to places of safety or juvenile homes. These are sometimes full and the children end up on the street again.

"Meanwhile, their case has been postponed to a later date, and because no one is making sure they turn up on the court date they are sometimes re-arrested for the same crimes five times or more," Taljaard said.

"Some of these kids are hardened criminals. You'd expect that they could be housed somewhere until they appear in court.

"But when it comes to this, everyone just seems to shrug their shoulders. There is no room in these places of care — and no one

seems to want to tackle the problem. No one seems to want to take the responsibility to look after these kids.

"I think that some state department should take care of these problems."

Traut said: "Unfortunately these places of safety do not keep these offenders inside. This is a cause of concern for us."

A quarter of all crime in South Africa is committed by criminals under the age of 21, at a cost to taxpayers of over R15 billion a year, according to a recent media report.

Most of the 100 000 or so young criminals prosecuted each year are petty offenders who never strike again, but an estimated five percent become habitual violent criminals, and the justice system is unable to cope with them.

"We call them 'the untouchables,'" says Director Raymond Dowd, Cape Town police commissioner. "We try to put them behind bars, but the justice system allows them to slip through the net."

□ Turn to Page 3

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# Report fails to explain prison escapes

Vuyo Mvoko

UNSPECIFIC and vague, yesterday's long-awaited provincial police report to the Gauteng legislature safety and security standing committee failed to shed light on whether police were able to deal with prison escapes.

Committee members were unable to hide their disappointment. "We are unable to tell whether we are coming or going," said committee member Molefane, at the end of provincial police commissioner Sharma Maharaj's presentation.

Another committee member, Kgabisi Mosunkuthu, said: "In disturbed, I find this extraordinary." Committee chairman Obed Bapela

said they had to grill Maharaj on the increasing escapes by awaiting trial prisoners in Gauteng's police stations.

"The matter is now in the public eye," Bapela said. He cited the cases of Josiah "Fingers" Rabotapi, the notorious bank robber believed to have been involved in robbing millions of rands from security guards, who is still at large; and the suspected killers of national soccer star Doctor Khumalo's father, Pro.

Committee member Peter Leon questioned why prisoners could now so easily escape when before it was rare. He asked to what extent prisoners were assisted by police. Maharaj admitted the trend was "worrying", and blamed it on police

force "negligence"

He said prisoners were sometimes left with inadequate or no supervision. Sometimes they would be left in police vehicles that had no locks, or even be assisted by the police in their escapes. But Maharaj could not provide the numbers of policemen known to have been involved in aiding prisoners to have escape, or explain why these policemen had not been prosecuted.

Maharaj said some police cells were "in a pathetic state" and not suitable for keeping prisoners. The public works department had been requested to assist in revamping those, he said. Police authorities had "re-emphasised" that something had to be done about the situation, he said.

## Organisers push festival 'quality' as crowds dwindle

GRAHAMSTOWN — The organisers of this year's 23rd National Arts Festival are backing quality over quantity and are blaming the economy for dwindling crowds.

The final ticket sales and visitor figures for Africa's largest cultural event, released by the Grahamstown Foundation this week, show a steady decline over the past three years.

Ticket sales for the festival's main programme were down 17% this year and down 11% on the fringe, while the number of people who visited the Village Green craft market and ticket booking office was down 27%.

However, organising committee chairman Alan Crump said yesterday the quality of the shows and performances at the event had been the best

The foundation said a total of 404 321 people passed through the gates into Village Green during the 10-day period, compared with last year's 560 666—a drop of 27%.

In 1995, however, which no one called a small or a dull festival, there were 390 597 visitors.

The festival main programme sold 53 255 tickets, a drop of 17% from last year's 64 508. The main programme sold 62 607 tickets in 1995.

On the fringe, 105 270 tickets were sold, compared with 119 585 last year—an 11% drop. Fringe ticket sales have now dropped three years in a row from 134 527 in 1995.

Crump said: "There is an economic downturn in the country at this moment and people cannot really afford to go out and spend money.

"The quality of the shows was better this year, and we cannot control fringe prices." —ECN.

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# Ruling 'a setback for women'

BO 29/7/97

(253)

David Greybe

CAPE TOWN — Women working in the correctional services department had suffered a setback as a result of a labour court ruling on the department's affirmative action policy, the Public Servants' Association warned yesterday

The association was reacting to a ruling last Friday on its application challenging a collective agreement on affirmative action appointments. The agreement, to which the association is not party, provided for 21% of 70% of posts reserved for previously disadvantaged groups to be filled by women by the year 2000. The association said this violated the constitution by making insufficient provision for women

The court found that the department's affirmative action policy had evolved in a transparent and inclusive manner and therefore complied with constitutional requirements

Association GM Casper van Rens-

burg said the association was not opposed to the department's affirmative action policy — it was a signatory to the overall affirmative action agreement — but opposed the application when it came to women

Women represented the majority of the population, and were "severely underrepresented" in the department. They could fill more posts in certain specialised occupational classes and middle and higher management.

Under the agreement, 15% of the 21% target for women would be filled by black women, 3% by white women, 2% by coloured women and 1% by Asian women. The remaining 49% of the 70% would be filled by men

The department and unions agreed on a policy under which 70% of employees would come from previously disadvantaged groups, and the remaining 30% would be white men. The agreements had to be implemented by 2000. However, the department has since revised the target date to April next year

# Bottlenecks in police, justice and prisons to be ironed out

New fingerprint system will cut identification down to hours instead of weeks

By **Derek Rodney**  
Crime Reporter

The unwieldy criminal justice system is in dire need of an overhaul and the call has gone out to national and international consultants to come forward with a world-first model to breach existing bottlenecks in the cumbersome system.

National Crime Prevention Strategy (NCPS) co-ordinator Dr Bernie Faneroff said last week a tender had been issued for the creation of an integrated criminal justice information management system with the first phase earmarked for completion by March next year.

"The idea is not to reinvent the wheel; a number of departments including the police, justice and correctional services have extensively analysed the entire criminal justice process

within the framework of the NCPS and have identified a number of bottleneck areas which need urgent attention," Faneroff said.

Although the ideal of an integrated justice system will not be a reality for a few years,

## Fast-track schemes will achieve short-term objectives

fast track schemes such as an improved court management system, which will include the computerisation of the offices of the attorneys-general and improved access to criminal records, have already been identified.

"The different departments

will continue to implement fast track programmes to achieve short-term goals but the NCPS tender is aimed at creating a framework inside which all these different departments and initiatives will strive towards the same goal," he said.

One priority, the automated fingerprint identification system, has already gone to tender and once completed will bring the time for fingerprint identification down to less than 48 hours, and not weeks as is currently the situation.

Improved communication and co-operation between prosecutors and police is also being prioritised with joint training courses already taking place.

The SAPS and the Department of Justice have taken steps to ensure that the existing control system for dockets is properly applied. Issues of discipline and of morale are being addressed in the NCPS

programme on corruption.

Pilot programmes have been instituted in courts in Cape Town aimed at providing valuable lessons for the preparation of bail hearings.

Other measures include improved administrative assistance to detectives and prosecutors, practical training for police and court officials focused on bail issues, training for court officials and police on the implications of the constitution, measures to divert those charged with minor crimes out of the courts by providing alternatives and the improvement of the state's ability to deal with bail hearings properly.

The NCPS initiatives are being facilitated by Business Against Crime which has donated a project office and skilled personnel to assist departments in streamlining their initiatives.

Shaw 4/8/97

(253)

# Private medical care for convicts costs the

JEAN LE MAY

Prisoners last year cost the taxpayer more than R29 million in private medical care, Correctional Services Minister Sipho Mzimela has told Parliament.

Now there is a strong move in the Western Cape for state prisoners to rather be admitted to military hospitals in an effort to save on the huge expense of private treatment. And in Gauteng the Prisons Department will save R26-million this year by building secure wards at state hospitals instead of using private hospitals.

Ria Kirsten, medical superintendent of the provincial Victoria Hospital, Wynberg, confirmed that she supported the Western Cape health department's approach to the SAMS. Most military hospitals were under-used, while there was serious overcrowding in state hospitals, with up to 98 percent occupancy at Victoria Hospital, she said.

"Some of the prisoners are violent and threatening. They insult staff and abuse other patients. We do not have special wards for them. It is not very pleasant for a sick person to lie in a bed next to a high-security prisoner, guarded by a man with a gun."

Patients were treated equally whether they were prisoners or not, she said. But there had been problems with gangs coming into the hospital looking for prisoners. "We are concerned for the safety of our patients and staff."

A spokesman for a private clinic in Cape Town, who refused to allow his name to be used, was critical of the Prisons Department's use of private clinics.

"I think it's ethically wrong. It means that a private clinic can refuse to admit a badly hurt assault victim if he does not have medical aid - although he will of course get emergency treatment - but the perpetrator, if he is injured in the attack, is wheeled straight through to a private ward simply because the government guarantees payment," he said. "But don't get the idea that private hospitals are looking for prison business - it causes too many hassles."

**'Some of the prisoners are violent. They insult staff and abuse patients'**

Mr Slabbert admitted that some state hospitals did not like admitting prisoners because of possible danger to other patients and to hospital staff in an escape attempt.

Many of the private doctors who now consult in prisons preferred to treat prisoners "in more comfortable working environments than prison hospitals", he said. It was obviously much easier for a doctor to treat a patient where he was accustomed to work.

"We find that prisoners treated in private hospitals have an average hospital stay of only two or three days, while a prisoner in a state hospital usually stays about six or seven days. I don't know the reason for this, but the private hospital treatment may even be cheaper than the state hospital," he said.

James Selfe, Democratic Party spokesman on prisons, said that private clinics were used because of the critical staff shortages in the prisons department. "Minister Mzimela said there was a staff shortage of 7 440 in April this year," he

said. "There are vacancies for more than 700 warders as well as 128 nurses, 91 social workers and 4 psychologists. It is obvious that the department can't get staff because people are simply not prepared to work for the pay offered."

Mr Selfe said that district surgeons, who used to look after prisoners, were being replaced by private doctors, usually on contract.

"This is much more expensive. Phasing out district surgeons in prisons could prove to be a false economy," he said. Minister Mzimela explained the use of private clinics by saying that the constitution stipulated that everyone had the right to healthcare. If government healthcare services (including state hospitals) were "insufficient", the private sector was called in. "This applied to about 25 percent of inmates treated last year, he said."

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taxpayer R29-m

# New parole system tougher

(263)  
Sowetan 13/8/97

By Rafiq Rohan  
Political Correspondent

IT IS going to be a lot tougher for convicted criminals to be released from prison, Parliament was told yesterday

Minister of Correctional Services Mr Siphon Mzimela said new system of granting parole is currently being put into place, which will mean that prisoners have to serve half their sentences, before being considered for parole

He explained "The system of credits will be repealed and the courts will in future be able to indicate when a prisoner will be eligible to be considered for parole

"Prisoners will, in accordance with the new policy, at the earliest be eligible for parole after serving half of their sentences, compared to the third that is currently applicable in some cases"

He said that measures would also be put in place to ensure that the community becomes involved in the process. Parole

boards are staffed by prison officials only and this is set to change

"New parole boards are to be established and members of the community will serve on these boards. They will have decision-making powers and will be independent," the minister announced

A draft Bill is before Parliament and is expected to be approved during the current session. The system will be up and running as soon as the required finances and infrastructure are available

The new policy will mean that courts will specify a non-parole period for the serving prisoner which, Mzimela says, "can be regarded as a deterrent to the would-be offender"

He said that careful deliberation had gone into the new policy and that various role players in the criminal justice system and even the prisoners themselves were consulted

The policy announcement comes at a time when prisons are already bursting at the seams

More than 4 000 Western Cape criminals are on the run after absconding from correctional supervision – an alternative to jail.

The system allows early parole for some convicts, but under strict conditions and supervision

Correctional Services has compiled a list of the 10 most wanted convicts who have disappeared while under correctional supervision. All face serving the rest of their sentences in jail.

Top of the list is Erefaan Jacobs, 25, who was sentenced to six years' jail for rape and malicious damage to property in 1991.

He was released on parole under correctional supervision on October 25 last year. A condition was that he report to a correctional supervision officer regularly.

He would have completed his sentence on May 12, but on March 1 he failed to turn up for his appointment. He has not been seen since and is now one of 4 100 criminals who have absconded from the system.

When paroled prisoners are re-arrested they go to jail for periods equal to the time owing when they disappeared.

Those sentenced to correctional supervision go back to court only for new sentences to be passed.

The Correctional Services office in Cape Town has had the huge task of processing 20 813 correctional supervision convicts since 1992.

In spite of efforts by a special unit to trace defaulters, only 55 a month are caught.

Senior correctional officer Dirk Odendaal said the level of more than 4 000 missing remained constant because fresh warrants of arrest were added each month.

REPORT



LENORE OLIVER

The correctional supervision option was approved by the Government in 1992.

The system enables some convicts to stay out of prison, but they are monitored under strict conditions imposed by a court.

The parole system allows a convict to serve part of a sentence followed by early release under special conditions.

Mr Odendaal said many stuck to the conditions throughout most of their sentences and absconded only near the end. "On the other hand there are those we only see once and then they disappear." A warrant of arrest was issued 30 days after a person absconded.

"Some people manage to escape for months or years. We are convinced many of them are still in the Western Cape but are staying away from their family homes, where they will be found."

Mr Odendaal said it cost R60 a day to keep a prisoner in jail but only R15 to keep him under correctional supervision.

Democratic Party spokesman Douglas Gibson said if people sentenced to correctional supervision were able to disappear, the community would lose confidence in the system as an alternative to jail.

## WESTERN CAPE'S 10 MOST-WANTED ABSCONDERS

■ **Erefaan Jacobs**, 25, absconded in March. Convictions: rape and malicious damage to property.

■ **Riedwaan Mohammed**, 34, absconded last November. Conviction: housebreaking with intent to steal and theft.

■ **Errol van der Bergh**, 28, absconded in May. Conviction: assault, malicious damage to property and possession of dagga.

■ **John Solomons**, 33, absconded in March. Conviction: possession of dagga.

■ **Shaun Daniels**, 26, absconded in July last year. Convictions: attempted murder and illegal possession of firearms and ammunition.

■ **Salie Solomons**, 45, absconded in May. Conviction: attempted rape.

■ **Allan Leintjies**, 34, absconded in May last year. Convictions: malicious damage to property, attempting to escape from police custody and housebreaking with intent to steal.

■ **Jonathan Williams**, 26, absconded in September 1993. Convictions: possession of stolen goods and assault.

■ **Peter Tomkins**, 42, absconded in August 1993. Conviction: driving under the influence of alcohol.

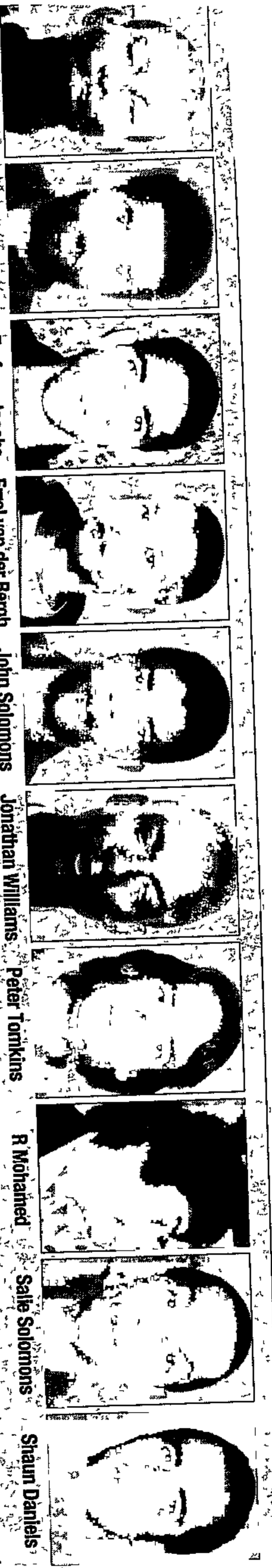
■ **Adam Floris**, 28, absconded in March. Conviction: murder.



DOUG PITHEY

Overloaded: senior correctional officer Dirk Odendaal goes through a stack of case files





Adam Flors

Allan Leintjies

Erefaan Jacobs

Erol van der Bergh

John Solomons

Jonathan Williams

Peter Tomkins

R Mohamed

Salie Solomons

Shaun Daniels

# BAD GUYS ON RUN

ARG 1518197

(253)

## Parole system leaks 4000 convicts

# Poor state of cells blamed for escapes

(253)

Star 20/8/97

Tight budgets, dilapidated buildings the reason for jailbreaks, says commissioner

By **MIKE MASIPA**  
Crime Reporter

The escape from police custody of Isaac Mofokeng – the rape suspect also accused of shooting Max the gorilla – illustrated the extent of dilapidation at police stations and widespread police negligence across Gauteng, the provincial legislature heard yesterday.

Mofokeng's escape was discussed when Gauteng police commissioner Sharma Maharaj presented the police's

## Only R2,15-m allocated for maintenance

annual plan to the standing committee on public safety and security

Maharaj told the committee that police station buildings belonged to the Department of Public Works, which was also responsible for maintenance

He said the R2,15-million allocated to the police by the Department of Public Works for maintenance was insufficient and was used up in the first four months of the current financial year.

He said numerous appeals had been made to the Public Works Department for facilities

to be upgraded, but nothing had come of this.

Maharaj dismissed the suggestions by opposition parties that the station commander at Parkview police station – where Mofokeng escaped last week – be fired if found to have been negligent.

"The firing of station commissioners is not possible, never has been and probably never will be. And we cannot fire solely on the basis of one incident. But action will be taken against anyone found guilty of complicity," Maharaj told the committee.

The annual report Maharaj produced was essentially a repeat of promises and objectives already announced by safety and security authorities

Asked to show how police planned to implement the plans – which include curbing the high incidence of prisoner escapes and syndicate operations – Maharaj asked to be able to present these "sensitive" details in a closed session.

He added that the crime-fighting plans might be torpedoed by budgetary constraints

The one-hour briefing, which was also supposed to cover progress reports on investigations into several other high-profile jailbreaks and syndicates, was postponed for the second time in as many months when members broke for lunch. It will resume next month.

# SAACK TIT

## Report on orgy of violence at Pollsmoor

Aug. 1997

EXCLUSIVE

Northern Cape, Eastern Cape, and Kwazulu-Natal which are on the verge of collapse — a real fear exists that the province could be heading in that direction.

The report, commissioned by Public Administration and Service Minister Dr Zola Skweyiya, is the first comprehensive investigation by the government into its ability to deliver services to the public at provincial level.

Education, health and welfare borne the brunt of drastic

The situation on the education front was as bleak

The report draws attention to the extent to which voluntary severance packages have resulted in a serious loss of teaching and administrative staff at schools.

"The exercise to achieve equity in respect of pupil/teacher ratios nationally, has resulted in a loss of teaching and administrative expertise in schools, which has a traumatic and crippling effect and has led to low staff morale," says the

YVETTE VAN BREDA

**T**HE final report on the "orgy of violence" at Pollsmoor prison in which hundreds of prisoners were brutally assaulted has recommended that warders guilty of the attacks be sacked.

The two-man board of inquiry set up by Correctional Services Minister Siphon Mzimela has also recommended that warders suspected of being involved in the raid be forced by police to attend an identity parade.

The long-awaited report — to be released officially this week — was compiled by board members Nkole John Motata and Elias Gasewabone Kotsi. They found that control at Pollsmoor was extremely lax, and recommended a private security company be hired to control entry to the maximum security section.

The report follows the raid in the early hours of May 23 when 181 members of a Correctional Services Reaction Unit arrived unannounced at the prison's maximum security section to search for illegal weapons.

The inquiry found that during the raid prisoners were beaten and robbed by members of the unit, drawn from various Cape prisons. Some had disguised themselves by wearing balaclavas.

Outraged prisoners, aided by Pollsmoor warders, complained of their treatment, resulting in visits to the prison by President Mandela and Mzimela.

A police task team was also appointed to look into the alleged assaults and robberies, but has been stymied because warders refused to cooperate.

The report, which prisoners, the SA Human Rights Commission, and Anglican Archbishop Njongonkulu Ndungane have been demanding for weeks, is to be officially released this week.

The archbishop yesterday described the Pollsmoor prison inquiry recommendations as an indication of the severity of the raid on the prison inmates.

He said it was a relief that the Pollsmoor report had at "last seen the light of day."

"I hope we are never again subjected to such an incredible delay in matters of such a serious nature — which is graphically underlined in the recommendations."

The archbishop welcomed the recommendation that warders attend identity parades, saying he found this to be a recurring request among prisoners.

The recommendations vindicated his repeated demands for the release of the report and encour-

aged him to continue to speak on behalf of the marginalised and vulnerable, the archbishop said yesterday.

He added that although he had not seen the entire report, the recommendations "give one cause for concern that there was such a delay, and that reports on similar issues in other prisons are still being held back."

Mandela, a former prisoner at Pollsmoor, has taken a personal interest in the inquiry and had asked to see the report before it was released.

This week presidential spokesman Parks Mankahlana said Mandela had studied the report and communicated his views to the Department of Correctional Services, which was releasing the report.

Earlier this month, prisoners met Archbishop Ndungane, who called on Mandela to release the re-

port as soon as possible, as impatient prisoners were demanding reasons for the long delay in identifying those responsible for attacking them.

Rhoda Kadalie, Western Cape Human Rights Commissioner said she was surprised that the media had the report when, despite numerous requests for it, the SA Human Rights Commission had not been given a copy.

She refused to comment before seeing the report.

After extensive interviews and taking the recommendations of the SAHRC into account, the report recommends that an urgent internal inquiry be held to discipline members of the task team implicated in the attacks.

It also calls for further information from Winton Africa of Allandale prison, the only member of the search team who admitted seeing prisoners assaulted.

The report also calls for a further inquiry to establish why the head of the prison and the area manager did not take action when they were informed of the assaults and why they did not stop the search.

It recommends that reaction units who conduct searches be retrained, and urges strong security measures, such as the employment of a private security company to man all points of entry to prisons, as well as the installation of high-tech detection devices.

Other recommendations are:

- The keeping of records should

be complied with, and a monthly report made to the provincial commissioner.

- A committee should be set up to address the question of property and money stolen from prisoners.

- Prisoners should be housed in accordance with the seriousness of their crimes.

- Jailed teachers — the inquiry found there were at least four at Pollsmoor — should be used to teach prisoners basic literacy.

- The justice ministry should be urgently consulted on the situation whereby unsentenced prisoners considerably outnumber sentenced inmates. Some awaiting-trial prisoners spend up to two years in jail before trial.

The inquiry found that the prison had 4 078 prisoners, although guidelines required that no more than 1 924 be accommodated.

On June 2 the maximum security section was overcrowded by nearly 212 percent and this had increased steadily so that by June 13 overcrowding had risen to 250 percent.

This was a clear indication that the inmate population increased on a daily basis, the report stated.

"Gross understaffing" was a serious concern, and while the approved warder-to-prisoner ratio was 419 to 3 200, the figure for Pollsmoor at the start of the inquiry was 403 to 4 078.

This was aggravated by a daily average absentee rate of 26 warders.

# 2 100 escape in 3 months

Star 22/8/97 (253)

Police, justice and Correctional Services officials looking at ways of making places of custody more secure

By GILL GIFFORD  
Crime Reporter

**M**ore than 2 100 prisoners escaped from custody in the first three months of this year, according to national criminal record statistics

Alda Boettcher of the SAPS Crime Information Management Centre said between January 1 and March 31, 2 125 escapes were reported

"The crime code list used by police does not differentiate between escapes, attempted escapes or assisted escapes, nor does it differentiate between breakouts from police cells and prisons," Boettcher said.

Director Zirk Gous, head of a research project into escapes, said an elementary breakdown of the figures

showed 2 600 people escaped from police cells last year, 0,29% of the 900 000 total who flowed through cells around the country

The 900 000 includes everything from illegal immigrants to serious criminals and repeat offenders, Gous said

Gous says the fact that South Africa can claim a less than 0,3% escape rate of "people given overnight accommodation in police stations" puts the country ahead of the international average of 0,5%

This does not mean we are playing down the problem, Gous said

The issue is being looked at "in a holistic way" by police management, justice officials and Correctional Services. Among improvements are a new plan to step up

"pushing and pulling" and police stations

"Pushing refers to the second dossier opened in every escape. The first looks at the escape itself, while the second concerns the involved policemen and possible negligence charges or disciplinary measures.

"Pulling entails all station commanders having to design an action plan to minimise escapes from the station," said Gous.

The Project Five-Star has already ensured that 1 600 station cells, representative of over 50% countrywide, have been upgraded to acceptable levels

Gous said syndicate involvement in police cell escapes was currently under investigation, but "at this stage we have found no evidence of it"

# Thousands of parole dodgers (253) vanish

Star 23/8/97  
By ELLIOT SYLVESTER  
and JACKIE CAMERON

More than 5 000 convicts are on the run after skipping parole and absconding from correctional supervision in Gauteng – and no one is actively searching for them.

It emerged this week that since 1992 almost 4 000 hardened criminals have made a dash for freedom while on parole after serving sentences.

And more than 1 400 people who were sentenced to correctional supervision sentences, a more lenient punishment which is served at home and subject to regular visits by prison officials, have also slipped out of the hands of the law.

These convicts have leaked out of the criminal justice system since 1992, and most of them are on wanted lists at police stations across the country.

Police sources revealed this week that unless a detective is determined to see a specific criminal back behind bars, or a case is highly publicised, there is little chance of an active search for a fugitive – unless the wanted person is arrested for another crime.

The Department of Correctional Services is responsible for parolees while they adhere to parole conditions, but their files are handed over to police as soon as they escape.

Nationwide, only a handful of escaped convicts are rearrested.

The overburdened SAPS already has its hands full trying to trace people who have escaped from police custody before conviction.

The SAPS released alarming statistics this week that showed there were more than 700 breakouts from police cells around the country in the first three months of this year.

More than 2 000 crime suspects escaped from police custody during these breakouts.

National police commissioner George Fivaz this week warned station commissioners that they would have to take responsibility for escapes at their stations, and that they would face stringent disciplinary action for staff negligence that led to cell breakouts.

# Five firms vie to build SA's first private jails

ET (BR) 25/8/97 (253)  
BERNARD SATHEKGE

Cape Town — Five black empowerment consortiums with foreign partners would bid for contracts worth R10,5 billion to design and build four privately financed and owned prisons, Jeff Radebe, the public works minister, said last week. The prisons will be in operation by January 2000.

Zaid Nordien, the public relations director of the public works department, said at the weekend Boksburg would get the country's first privately financed and owned prison.

Radebe said "This is South Africa's biggest private-public sector partnership yet. Initial estimates indicate that the initial capitalisation costs could range

from R150 million to R200 million for each prison with the total contract over 25 years."

The consortiums are Themba Le Africa, Wackenhunt, Ikhwezi, Siyakha Youth and Lungisa. They would present proposals for the design, construction and operation of two 1 500-bed maximum security jails in the Northern Province and the Free State, an 800-bed youth detention centre in Mpumalanga and a 1 500-bed awaiting-trial jail in Gauteng.

Funds for the projects will be raised locally, but international business will provide overseas building and operating expertise.

The minister said the projects would help new black entrepreneurs enter the construction and property markets.

# Prison contracts to bolster black business

BUSINESS REPORTER

The Ministry of Public Works has announced a shortlist of companies that will design, construct, operate and maintain four prisons, an awaiting trial facility and a youth centre.

Public Works Minister Jeff Radebe told a news conference last week that these facilities – which would be built in the Northern Province, Free State, Mpumalanga and Gauteng – were the largest private/public sector partnership to date

“Public works, through its Asset Procurement and Operating Partnership System (APOPS), programme is demonstrating the firm resolve of Government to radically transform procurement and to ensure that the emerging black business sector is empowered through accessing various procurement initiatives,” Mr Radebe said.

The initial costs for the facilities could range from between R150-million and R200-million

The total contract of 25 years for operations – including financing these projects

ARG 25/8/97 (253)  
– was worth about R10,5-billion, he said.

The construction and design phase could take 18 months and inmates could start occupying the prisons in the year 2000, the minister said

“The participation of the private sector, particularly the small, medium and micro enterprises (SMMEs) in APOPS augurs well and will greatly enhance the public sectors ability to deliver a high quality and efficient service,” Mr Radebe said

The short-listed companies are Themba La Afrika, Wackenhut, Ikhwezi and Siyakha Youth

## NEWS

# Most wanted list now a political hot potato

## *Racism behind release, says union*

JOSEPH ARANES  
STAFF REPORTER

A row has broken out involving two branches of prison management and a union over the publication of a list of the province's most wanted absconders.

A provincial Correctional Services area manager and a prison trade union have accused the prisons community corrections chief, Piet Venter, and his staff of being racist and out to undermine the work being done by the management.

The row between area manager Freddie Engelbrecht, the Police and Prisons Civil Rights Union (Popcru) and Mr Venter erupted after publication of the list.

Two weeks ago the prison's community corrections unit released a list of more than 4 000 absconders and the names of the 10 most wanted convicts who had failed to adhere to parole conditions.

Popcru spokesman Eddie Johnson said Mr Venter and his team had ulterior motives for releasing the information at a time when Correctional Services management was in the process of restructuring the parole system.

He said the impression they had created was that absconding was a new problem brought about as a result of transformation and affirmative action policies within the department.

"This problem started when the parole system was first introduced in 1992 and the

matter was made worse when hundreds of prisoners were given amnesty in 1994 and 1995.

"At that time the prisoners were paroled without the authorities completing the necessary documentation."

He said the parole system had never worked properly because there were few checks and balances built into it, making it easy for prisoners to simply disappear.

"At times inmates were released without the prison authorities verifying the addresses given to them by the prisoners. But all these problems were being addressed by the new management team, which included Mr Venter and some of his staff."

"These same people never went to the media before, but are doing so now because they want to undermine the largely black management and create the perception that blacks can't govern," Mr Johnson said.

Mr Engelbrecht, the area manager under whose jurisdiction the community corrections department falls, said it seemed that his colleagues were out to undermine the work being done.

"As a management team we agreed that the parole system was riddled with problems, but at the same time we sought solutions to make it work."

"Part of these included getting the community involved, involving the families of the inmates and enlisting the support of other government departments and non-

government organisations.

"The details of this restructuring process is being worked out and the progress being monitored."

"We are scheduled to meet at the end of the month to get finality on the process, but in the meantime Mr Venter and his staff see fit to publicise it as a major problem," he said.

Mr Engelbrecht said Mr Venter's department had also tabled proposals for the restructuring of the absconder tracing unit.

These include getting more community volunteers involved in tracing the absconders, freeing Correctional Services staff to do other work.

Mr Venter would not comment on the allegations, but said he had followed all the correct procedures in releasing the information and that the head office had complimented and congratulated him on his good work.

Correctional Services spokesman Chris Klaasen said that although the department respected the rights of trade unions to air their views, they had to realise it was not necessary for them to be consulted before media statements were released.

"The department received positive feedback from the publication of the information and if any individual or trade union feels it has jeopardised any department programme, our doors remain open for positive criticism and input," Mr Klaasen said.

(253)

ARG 27/8/97



# Prisons chief

## vows to cut escapes

(253)

ARC 30/8/97

**Pretoria – Escapes from prisons should be cut by half in the next 12 months, says correctional services commissioner Khulekani Sitole.**

He set this target at a special management board meeting earlier yesterday, the Department of Correctional Services said in a statement.

The meeting was attended by all provincial commissioners.

About 100 prisoners a month have been escaping since 1993.

“Although there has been no increase, escapes are not acceptable,” said the statement. “Mr Sitole set a target to reduce escapes by 50% during the next year.”

It said Mr Sitole had instructed commissioners to act firmly against staff neglecting their duty.

The department’s disciplinary code of conduct should be applied to curtail misconduct, said the statement.

“He also said the high absenteeism rate was unacceptable, and that it must be urgently addressed.”

The commissioner said he was also concerned about corruption in correctional services.

“Mr Sitole urged his management team to properly motivate personnel to optimise their performance in the interests of the department, the country and its people,” said the statement.

■ The SA Prisoners’ Organisation for Human Rights (Sapohr) yesterday expressed concern at the continued deaths of people in detention throughout the country’s prisons and police cells.

Fifteen people had died in police custody in the last month, and “nothing seems to be done to bring the police, the so-called South African Police Service, under control,” said Sapohr president Golden Miles Bhudu.

“The myth that many of the deceased died of natural causes, committed suicide or were injured by fellow inmates, is one of the oldest tricks in modern history.”

Mr Bhudu said these misleading stories, carried around by SAPS spokesmen and women of the new dispensation, were what was least expected. – Sapa

# Top-class convi



**SIMPLY THE BEST.** A prisoner receives top-specialist care in a special ward at a private clinic in one of Johannesburg's suburbs, under the watchful eye of a prison warden

—Pics ANDRIES MCINEKA.

## Crime victim is left without painkillers in busy state hospital

By **BENISON MAKELE**

IMAGINE Thabani Zwane is a law-abiding citizen

This week he fell victim to a crazed gunman who fired three bullets into his back

Zwane, 34, of Msinga in Natal, lies in pain in the discomfort of the overcrowded Chris Hani-Baragwanath Hospital — because he cannot afford any better.

The gunman, if caught, is entitled to "five-star" treatment at a private hospital if he demands it

This is the irony of South Africa where victims of serious crimes are likely to end up at overcrowded hospitals while criminals literally live it up at upmarket clinics — at the expense of taxpayers

When City Press visited Zwane in hospital this week, he was writhing in pain after being transferred from the surgical admission ward (SAW) to Ward 2

His appeal to the nurses for painkillers had fallen on deaf ears

It was then 4 05 pm

Zwane said he had been admitted at around 8 pm the previous day and had still not received

any pain killing medication.

His assailant is on the run and, as far as he knew, had not yet been arrested

Suppose the assailant got arrested after being wounded by the police

Instead of being taken to a state hospital ward the following day like Zwane, he would be whisked away to the comforting luxury of the Garden City clinic in suburban Brixton

At the private clinic, he would be able to demand the best medical attention because of his testimonial value to the police as a suspect

"We've had both victim and perpetrator lying next to each other but the latter would then be taken to Garden City as he would be under police guard while the former would remain confined to Bara," confirmed SAW sister-in-charge Nomaqhwa Mndebele

Patients were not given medication either because of doctors' orders or because they were due to be X-rayed, or because their specimens had been sent for diagnosis, among other reasons, she said.

Beats the imagination.



**OPPOSITE CASE SCENARIO** Crime victim, Thabani Zwani, 34, lies writhing in pain at the overcrowded Chris Hani-Baragwanath Hospital in Soweto

## Five Star care for criminals

By **JIMMY SEEPE**

IS THE department of correctional services giving convicted murderers, car hijackers and rapists "first class" treatment, as opposed to their victims, by hospitalising them in private clinics at taxpayers' expense?

This is the question that most law-abiding citizens would ask if they were to visit private clinics treating convicts and awaiting-trial prisoners

The clinics, dubbed "Five Star Hotels" by warders and prisoners alike, are being used more and more frequently by police and correctional services to hospitalise sick inmates and

suspects at huge tax payer's expense And these clinics are often inaccessible to crime victims

In Johannesburg alone, three private clinics — including Garden City — are already equipped with a specially-designated section for convicted and suspected criminals

But management at these hospitals deny that they provide "Five Star Hotel" treatment to suspected and convicted criminals

A Garden City spokesperson said "The patients do not receive the best food diet like private patients" But she added that the clinic did give patients the best available specialist care

## Prisoners a privately at citizens car

By **JIMMY SEEPE**

**SOUTH AFRICAN** prisoners get "Five Star" treatment once they fall ill — they are taken straight to private clinics at a cost beyond the reach of most ordinary citizens

To date, taxpayers have already paid more than R150 million in medical fees for convicts since March last year

The cost of prisoners' health care, which is expected to double this year because of increasing numbers in the prison population, could overtake last year's figure of R118 million — calculated from April 1996 to March 1997

From April to July this year, taxpayers have worked out R45 million for the health care of South African prison inmates

The department of correctional services' budget has now been stretched to the limit, and they are looking at ways to contain this expenditure

Not only is the cost of prisoners' healthcare depleting the correctional services' budget, but it is draining a huge chunk of taxpayers' money which could have been used for other purposes

The total health care cost includes the cost of hospitalising criminals at expensive private clinics in major cities around the country, rather than at over-crowded state hospitals such as the Chris Hani-Baragwanath Hospital in Soweto

Private clinics charge the department the same rate they charge medical aid cardholders

Correctional services director of communications, Barry Eksteen, said in choosing a hospital or clinic, prison authorities had to consider security issues to minimise escapes

The R150 million does not include the cost of treating suspected criminals referred to hospitals for medical treatment before being sentenced by the courts It is understood that the South African Police Services could be spending well over R200 million a year for the medical treatment of such persons

In an effort to reduce medical expenditure, correctional services has been forced to release certain prisoners on medical grounds before their full prison term expires

Since the start of the 1997, 21 prisoners have been released on medical grounds Forty nine prisoners were released last year

Correctional services is also looking at ways to ensure the cost-effective issuing and control of prescribed medicines given to prisoners It is understood that expensive medicines prescribed for prisoners could also be causing the high cost

# ass convicts

(253) ~~253~~

## Prisoners are treated privately at fees most citizens cannot afford

CP 31/8/97

By JIMMY SEEPE

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Correctional services is also looking at ways to ensure the cost-effective issuing and control of prescribed medicines given to prisoners. It is understood that expensive medicines prescribed for prisoners could also be causing the high cost.

Eksteen told City Press that the state was "responsible to foot the bill for the medical treatment of all prisoners".

He said an increase in the prison population, which is now over 132 000, is likely to contribute to the high medical costs.

Added to this is the cost of caring for elderly convicts within the prisons. There are currently 750 convicted people over the age of 60.

Eksteen said the department placed "a high premium on the medical treatment of all prisoners entrusted to its care".

He said although the department tried to utilise medical personnel already working within the prison system, they were sometimes faced with no choice but to refer prisoners to private hospitals on the instructions of district surgeons.

"The nursing personnel of the department of correctional services are guided by the district surgeon and his prescriptions and instructions have to be carried out meticulously," said Eksteen.

However, Eksteen was quick to point out that the figures quoted above include those of prison hospitals. He said the department was not forced to send convicted criminals outside the prison for medical treatment.

He said referral of prisoners to private hospitals was the prerogative of the district surgeon and specialist which the department does not interfere or have jurisdiction over.

Eksteen said the department had to exercise care in its choice of a clinic or hospital.

"It must be borne in mind that our patients are unique and that no service can be rendered to them without taking into consideration the aspect of safekeeping."

"The costs of medical services can therefore not only be determined on grounds of hospital and doctors' accounts, but must also be determined by the cost of guarding, transport service as well as the cost of minimising the risk of escape when taking the prisoner outside the walls of the prison," he said.

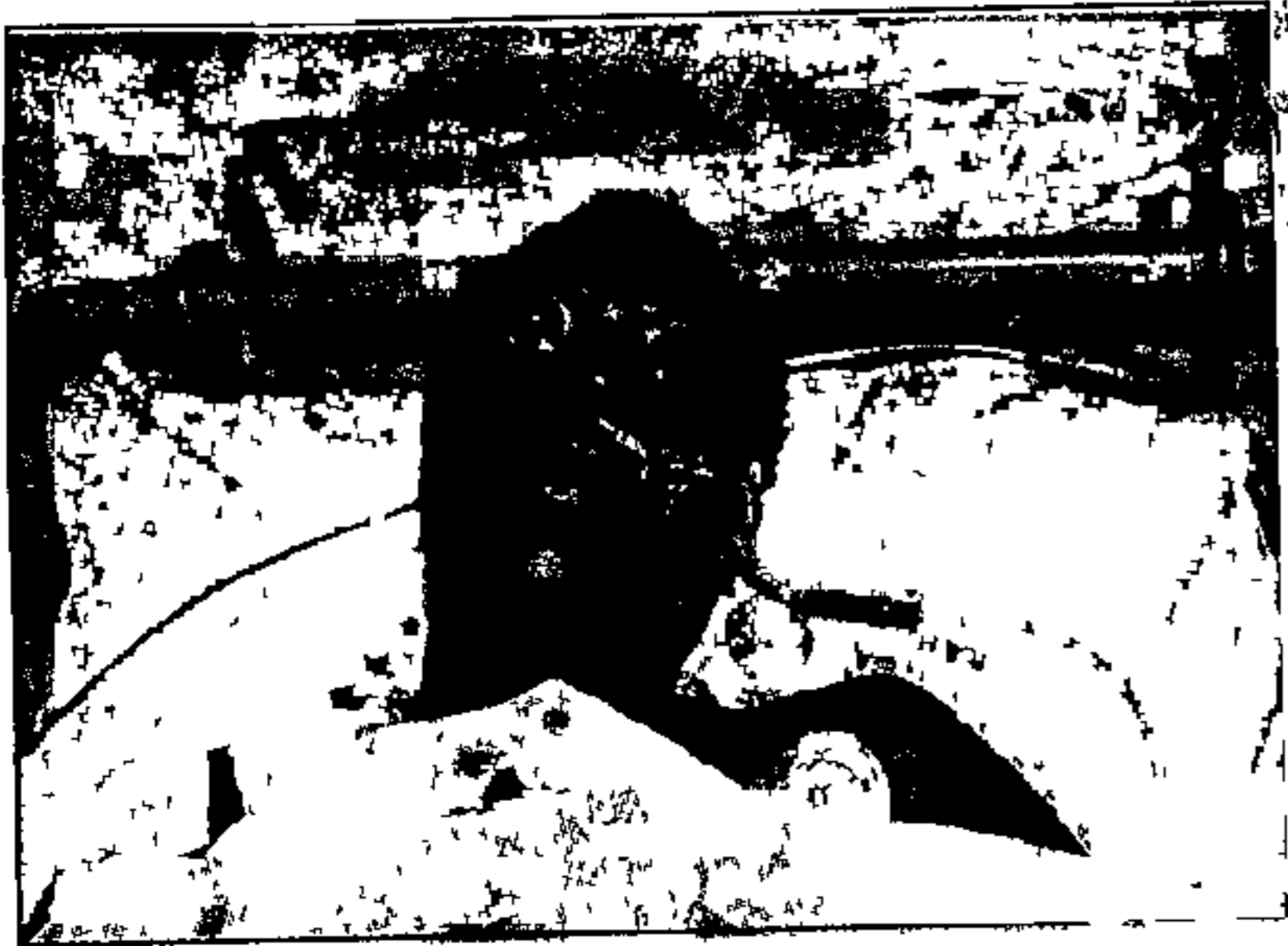
Eksteen said prisoners who qualified for release on medical grounds were usually first hospitalised before medical officers made a decision on whether or not to release them on parole.

In another effort to cut costs, the department is now looking at establishing provincial prison hospitals which will provide a 24-hour service.

The building of such hospitals is said to be currently hampered by budgetary constraints.

□ To Page 2 P.T.O.

Prisoner in a private clinic in one of Johannesburg's suburbs, under the watch of police. Pics. ANDRIES MCINEKA.



OPPOSITE CASE SCENARIO... Crime victim, Thabani Zwani, 34, lies writhing in pain at the overcrowded Chris Hani-Baragwanath Hospital in Soweto.

## Five Star care for criminals

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suspects at huge taxpayer's expense. And these clinics are often inaccessible to crime victims.

In Johannesburg alone, three private clinics - including Garden City - are already equipped with a specially-designated section for convicted and suspected criminals.

But management at these hospitals deny that they provide "Five Star Hotel" treatment to suspected and convicted criminals.

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## Convicts get treatment at private clinics

Continued from Page 1

Meanwhile, the general public in the State requested Parliament to supply a further £1 million to the medical department to be spent without the usual system of approval on clubs, hotels and messes.

For to meet this demand, the medical department had had to obtain permission in 1977 to increase the number of consultants from 14 to 15. The increase was approved by the House of Commons in 1977. The House of Commons also approved the increase in the number of consultants from 14 to 15 in 1977.

committee

situation and did not only the same part on the general public but also on the medical department. The medical department could be "to be all regarded" unauthorised.

If the medical department were to be provided for to pay for the extra consultants, the medical department would have facilities to meet the extra consultants.

The medical department would be provided with a report of the medical department for 1977.

# Relief for crammed prisons

By Gerry Reilly

MORE than R1,2 billion is to be spent on seven new prisons, and in terms of the Government's revised procurement system, black entrepreneurs will be getting a significant share of construction and other contracts

The institutions will accommodate more than 8 000 inmates, bringing relief to the appalling overcrowding of South African prisons

Latest statistics show a 40 percent overcrowding with the 229 jails - which were built to accommodate 96 500 prisoners - crammed with 135 000

*Sowetan 11/9/77*  
Currently under construction by the Correctional Services Department are three prisons at a cost of about R200 million each - one in Goodwood in the Cape for 1 501 inmates, one in Malmesbury to house 972 prisoners and another at Baviaanspoort for 641 prisoners

Four other prisons are scheduled for completion in the next two years

## Maximum security

Two of these - one in Louis Trichardt and one in the Free State - are maximum security jails with 1 500 beds each. The other prisons are an awaiting-trial facility in Boksburg and a

*(253)*  
youth offender institution in Barberton

Four consortiums - locally-based black and white companies, as well as United States and British companies - have submitted proposals for the financing, design, construction and maintenance of the four institutions

Successful bidders will be announced before the end of the year

In all four establishments the department would still retain the responsibilities of discipline, admissions, releases and paroles

The cost to the successful consortiums of running the establishments over a contract period of 25 years is estimated at R10,5 billion

## Prisons medical aid scheme to be probed

Linda Ensor

BD 1/9/97  
CAPE TOWN — A team of experts had been appointed to investigate possible abuse and fraud of the medical scheme for prison service employees, correctional services commissioner Khulekani Sithole said in reply to questions posed by Parliament's public accounts standing committee.

Sithole said a team had been appointed at the beginning of August to investigate possible irregularities including above-average users, the validity and fairness of claims, unauthorised membership, overservicing, abuse and fraud.

This followed a sharp escalation in medical expenses which amounted to R9 161 per capita for the approximately 90 000 members in the 1995/96 fiscal year.

The auditor-general was concerned that there was a lack of internal controls over the scheme, Medihelp, in the 1995/96 fiscal year when a sum of R255,3m (R190,6m) was spent.

"An evaluation of the internal control measures revealed that the measures instituted by the department to determine the reasonableness and validity of expenditure are inadequate," Auditor-General Henri Kluever stated.

Sithole noted that between 1987 and 1996 expenditure on medical expenses had risen 29,3% a year while the number of members and depen-

Continued on Page 2

## Medical aid (253)

Continued from Page 1

BD 1/9/97  
dents rose by 5% and 14% respectively. This was due to an increase in tariffs, the incorporation of members of the former homeland states and KwaZulu-Natal and the admission of married women and their dependents.

Internal investigations meant that already contracts with 21 service providers had been terminated pending investigations by police. Two departmental employees who allegedly registered unauthorised dependents by means of falsified documentation were being investigated.

Management was also considering appointing an external consultant to investigate the current medical scheme.

"This department is aware of the fact that internal control is not up to the expected standard. Even though

sufficient directives and control measures are in place and available to personnel, it is unfortunately not applied consistently," Sithole said.

New people were being appointed to fill those posts vacated by means of severance packages. But Sithole noted that the newly appointed members' experience and expertise was not always equal to that of the previous personnel. Therefore, the department was confronted with an "enormous task" of orientation, training and development.

Sithole told the committee that in an attempt to reduce redundant personnel, all redundant members of staff were requested to apply for a severance package with the result that 168 packages were approved with effect from April 30. This would have meant the service would have been left with 45 redundant members. However, a lot of members withdrew their applications or did not formally apply so that excess staff stood at 90 on May 1.

# Tax for convict's health bill

By PERCY MAKHAMEDZHA

TAXPAYERS paying over R160 000 per year in hospital bills for a 65-year-old Zandvoort Prison inmate who has been suffering from a chronic illness for the past seven years.

Prisoner William Baby Koen is serving a life sentence for murder, robbery, house breaking and theft.

He has been in and out of private hospitals since he was struck by a heart attack seven years ago.

Koen, who has already spent 11 years for his sentence, has now been permanently moved from his cell to the prison hospital bed.

Koen's condition represents the dilemma faced by the Department of Correctional Services which is now finding itself spending over R150-million for inmates' health care.

The rising health care cost of the prisoners has further been increased by referrals to private hospitals that normally charge twice - even three - what public and government hospitals charge.

There are 750 convicts over the age 60 currently in prison.

Several medical experts, including former district surgeon Dr Deon Lombard, had recommended as early as in 1995 - to the department

that Koen be granted early parole on medical grounds, according to a document in City Press possession.

Dr Lombard had asked the Department of Correctional Services to consider Koen for early release because he is "seriously sick and is suffering from heart failure, stroke, hypertension and had prostate and heart operations".

Over R170 000 has already been spent on Koen's medical expenses in the past two years.

Current Correctional Services spokesman Rudi Potgieter dismissed the allegations that the Department of Correctional Services had refused to give Koen a parole.

Potgieter said the correctional services had recommended that he be released because "he is a sick man".

He said Koen had not been released despite medical experts' recommendation because the Advisory Board meets only once a year.

The next time the board sits will be next month.

Potgieter said he could not comment on the size of Koen's medical bill because the correctional services did not keep separate medical accounts for prisoners.

"Koen received good treatment at the hospitals like any prisoner," he said.

7/9/97 (253)

## Unions back tough new steps on prison corruption

MARCO GRANELLI  
POLITICAL STAFF

(253)

ARU 12/19/97

**Prison officials implicated in drug smuggling and escapes face tough new internal disciplinary measures introduced this week with the blessing of all prison personnel unions**

Speaking at a media briefing in Cape Town yesterday, Commissioner Khulekani Sitole said agreement had been reached with the unions, including Popcru and the Public Service Association, to immediately suspend personnel accused of corruption

Commissioner Sitole said corruption was occurring on a "fairly large scale" particularly in smuggling drugs and weapons into prisons

"The parties have agreed that employees found guilty of corruption

will face the full wrath of the law and will not be supported or protected by any of the unions through any illegal collective action," he said

He said an anti-corruption unit had been established to root out corruption in prisons and an anonymous anti-corruption hotline was in place where anyone aware of corruption could report it to authorities. The hotline number is (012) 307 2275

Regarding escapes, which still average about 100 a month, he said instructions had already been issued to warders that any warder "directly involved in the circumstances which result in an escape" will be suspended with immediate effect.

He said in this regard three employees had recently been suspended from duty for negligence following an escape from a prison in Johannesburg



# Govt puts idea of mine shaft jails on hold

David Greybe

CAPE TOWN — The correctional services department had put on hold the idea of using disused mine shafts as prisons, but was still keen on introducing prison ships, Correctional Services Minister Sipo Mzimela said yesterday.

He told reporters the investigation of prison ships was still at a preliminary stage, but he envisaged a role for the private sector in bringing empty hulls to SA and their conversion, management and maintenance on behalf of the department.

Prison ships had proved highly successful in the US and Britain, and if SA went ahead with such a scheme it would be put out to tender.

Mzimela said prison ships could be anchored in SA's smaller harbours, such as Simonstown, as opposed to the bigger commercial harbours, which were not suitable for security reasons.

Mzimela announced that an "independent in-

specting judge for correctional services "will soon be a reality". The judge would have "free access to all our inmates", would be able to set up visiting boards to prisons, and would report directly to President Nelson Mandela or Mzimela at the judge's discretion.

The draft legislation "was with the state law advisers and the department hoped to finalise the matter during the current parliamentary session, and for Justice Minister Dullah Omar to appoint the inspecting judge before the end of the year."

The idea of using disused mine shafts for the country's most dangerous prisoners had been shelved for the time being because the investigation was taking too long, but the department would continue to study its feasibility, Mzimela said.

The mine shaft option had been replaced with the introduction of "asset procurement and operating partnerships" between government and the private sector on four pilot projects: two maximum security prisons, an awaiting-trial prison and a juvenile cor-

rectional centre

Mzimela said he hoped the cabinet would give the go-ahead for another seven such government-private sector prison projects once the four pilot projects proved successful. The seven would include at least two super-maximum prisons.

The year-long pilot electronic monitoring project for parolees in Pretoria and surrounding areas had proved more successful in exercising control over offenders than physical monitoring and should become "a permanent feature", Mzimela said.

The department's management board would soon make a recommendation to the parliamentary correctional services committee and the cabinet to implement the system nationally for SA's estimated 6 000 parolees.

Mzimela said SA's prison population continued to grow rapidly, due in part to the success of government's crime prevention strategy, and numbered just more than 135 000.

(253) 20 12 19 197

'MINISTER BLUNDERED INTO A MESS'

# Mzimela's prison ship idea thrown overboard

**NATIONAL PARTY MP Mark Wiley** has questioned Sipo Mzimela's place in the cabinet following the minister's suggestion that prison ships be anchored at the Simon's Town naval base. **KARIN SCHIMKE** reports.

A PROPOSAL by the Correctional Services Ministry to anchor prison ships, housing up to 1 200 awaiting trial prisoners, at the Simon's Town naval base has caused anger and outrage in the small naval community

"There will be total resistance to the idea," said Simon's Town ward councillor Ms Nicki Holderness, who added that she had received countless telephone calls from concerned residents

"As a prime tourist destination and South Africa's premier naval base, it is an utterly inappropriate suggestion," she said

Simon's Town residents were talking of all kinds of action, including a petition to the government, Holderness said

Correctional Services Minister Dr Sipo Mzimela's idea, reported in Friday's Cape Times, has also drawn sharp criticism from

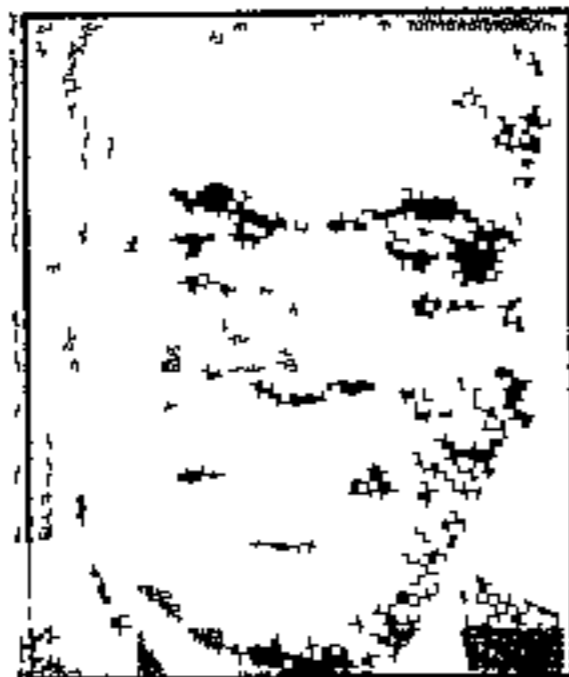
the National Party's Mr Mark Wiley

"Once again the Minister has blundered into a mess, this time so incompetently that the time has come to seriously ask President (Nelson) Mandela why he continues to tolerate this person in his cabinet," Wiley said

Last year Mzimela made a suggestion to turn disused mines into prisons. It too, caused an outcry, especially from human rights lobbies

Creating a prison on a ship off Simon's Town will have serious implications for the South Peninsula council, but it has not been approached by Correctional Services to discuss it

Wiley said that putting a "massive residential component" within an established community would have an enormous impact on the area and it was "just not feasible to make a suggestion like this without the necessary studies".



**CRITICISED** Sipo Mzimela

Holderness said if the ship was alongside, arrangements would have to be made for the connection of water and sewerage. If it was to be out in the bay, holding tanks would have to be arranged. "And what kind of visiting arrangements are going to be made?" she asked

Environmental impact studies would be an imperative component of planning such a step, Wiley and Holderness agreed

Not only the local authority, but also the navy, has been left out of any discussions around the issue

Commander Peggy Pysden, spokesman for the South African Navy, said "As far as we are aware, the navy has not been approached by any government department."

At a press briefing last week, Mzimela said Simon's Town naval base was a prime site for alleviating the problem of overcrowded prisons. At the moment there are 35 000 people too many in prison

The ships — left overs from the break-up of the former Soviet Union — will be found in the Ukraine, towed in and converted to prisons

Mzimela said he and his staff had already visited the Ukraine where empty shells of ships lay at anchor with discount price tags

Wiley, a member of the provincial legislature and the National Council of Provinces, called Mzimela arrogant and ignorant and said that he had succeeded in destroying "probably the most efficient department the ANC government inherited" in only three years

"The real reason for the minister's desperation tactics is that his department is now driven by union activity that has all but crippled efficiency in prisons, is managed by incompetents who were muscled into high office to replace internationally recognised professionals, and all this overseen by the minister's own brand of zealotry that belongs in another world"

CT 15/9/97 (2/3)

# At least 350 prisoners walk out of custody, prison a month

By Mike Masipa  
Crime Reporter

More than 350 prisoners and arrested suspects escape from police cells and prisons around the country each month, according to official statistics.

An investigation by The Star has disclosed that the rate of escapes may be far higher than records suggest because less than half of police stations submitted correct information in a recent survey on which official figures are based.

Correctional Service spokesman Russell Mamabolo said 683 out of a total prison population of 135 000 prisoners escaped from prisons in the first half of

the year. A total of 1 345 prisoners escaped last year. Mamabolo said most of the escapes this year, 303 of them, were from work teams while 235 prisoners escaped from prison cells.

Correctional services Commissioner Khulekani Sitole last month instructed his provincial commissioners to take steps to reduce escapes by 50% within the next year and to use the department's new disciplinary code to root out improper conduct.

Just this week, more escapes were reported with five prisoners escaping in Bushbuckridge, Northern Province and another in Johannesburg. The report states that 4 241

prisoners escaped between January last year and March this year. Of these, 3 386 fugitives were in police custody.

However, the figures could be a drop in the ocean as only 422 police stations, far less than half the stations in the country,

## Figures

### could be

### far higher

were surveyed.

A significant number of the escaped prisoners were linked to murder, rape and other serious offences.

The SAPS' Crime Information Management Centre head

Chris de Kock said authorities were unable to "obtain a complete picture of the number of escapes" when they compiled the national report in June.

He said they had issued 841 questionnaires to police stations but most were not considered because they were incorrectly filled in or incomplete. Many more stations failed to return their questionnaires.

The report mentions that 686 escapes of a total of 1 498 were from police cells last year. A further 225 were from courts, 215 from charge offices while another 115 prisoners escaped shortly after arrest.

Professor Ben Smit, of the Department of Criminology at the University of South Africa,

said the report was negative.

"It is more or less reflective of the state of police management and the conditions at police stations," Smit said.

He added that although the report was based on the first three months of this year and all of 1996, he believed the tendencies remained pretty much the same to date.

Smit echoed safety and security minister Sydney Mufamadi's sentiments, in blaming the escapes on gross negligence, poor holding facilities and corruption.

National police commissioner George Fivaz last week said that station commissioners and management would be held accountable for escapes

BAD MANAGEMENT BLAMED

# Prison-breaks commonplace

CT 18/9/97

(253)

**MORE THAN 350** prisoners and arrested suspects escape from police cells and prisons each month, according to official statistics. And that is not even half the story.

An investigation has disclosed that the rate of escapes may be far higher than official records suggest.

In a recent survey, less than half the police stations polled on escapes submitted correct information.

Official figures are based on the results of the survey.

Correctional Service spokesman Mr Russell Mamabolo said 668 prisoners out of 135 000 escaped in the first half of 1997.

Last year 1 345 prisoners escaped. Mamabolo said most of the escapes this year, 303 of them, were from work teams, while 235 prisoners escaped from prison cells.

Correctional services Commissioner Khulekani Sitole last month instructed his provincial commissioners to take "pro-active" steps to reduce

escapes by 50% within the next year.

His provincial counterparts were also instructed to use the department's new disciplinary code to root out improper conduct.

Just this week, more escapes were reported. Five prisoners escaped in Bushbuckridge, Northern Province, and another in Johannesburg.

The police report states that 4 241 prisoners escaped between January last year and March this year. Of these, 3 386 fugitives had been in police custody.

The figures could be a drop in the ocean however, as only 422 police stations, representing far less than half the 1 100 stations in South Africa, were surveyed for the statistics.

A significant number of the escapes were linked to murder, rape and other serious offences.

The SAPS' Crime Information Management Centre head, Mr Chris de Kock, said authorities were unable to obtain a complete picture of the number of escapes when they compiled the national report in June.

"Nonetheless, the result of the survey was representative enough, and, although distressing, represented only 0.3% of the total number of suspects detained in police custody over 15 months," De Kock said.

"The situation might have improved a bit since, because of action taken following certain prominent escapes."

He said they had issued 841 questionnaires to police stations.

But most of the returns were not considered because they were incorrectly filled or incomplete.

Many more stations failed to return questionnaires, De Kock said.

The report mentions that 686 escapes of a total of 1 498 were from police cells last year. A further 225 escaped from deten-

tion at courts, 215 from charge offices while another 115 escapes were shortly after arrest.

Professor Ben Smit of the Department of Criminology at the University of South Africa, said the report on the 422 stations was negative.

"It is more or less reflective of the state of management in the police service and the conditions at police stations," Smit said.

He added that although the report was based on the first three months of this year and the entire 1996, he believed the tendencies remained "pretty much the same" to date.

Smit echoed Safety and Security Minister Mr Sydney Mufamadi's sentiments in blaming the escapes on gross police negligence, poor holding facilities and police corruption.

National police Commissioner George Fivaz last week announced measures that would hold station commissioners and management accountable for escapes. — Own Correspondent

# Young criminals forced to face their victims

## *New system focuses on healing*

AG 20/9/97

(248) (253)

ELLIOTT SYLVESTER

Pretoria - In a new approach to justice, young convicted criminals are being forced to meet their victims, who have a say in their "punishment".

Family Group Conferences (FGC) aims to create an alternative to prison for young people and relieve the over-burdened court system.

The Pretoria based project which started in June last year, concentrates and promoting healing and accountability rather than punishment.

Supporters of the system say it improves on court proceedings, which punish the offender and leave the victim with no real compensation, by drawing the families of both offender and victim into the sentencing process and giving the community the chance to deal with the matter.

The FGC has been criticised as an easy option in that it promotes creative punishments like taking a younger brother to

crèche, making anti-crime posters, washing the victim's car or making a "safety passport" for an assault victim.

But the system also attempts to force offenders to make up for their wrongdoing. The punishment, which can last up to three months, often requires more effort than that involved in being handed down a suspended sentence or a fine by a magistrate.

The process also verifies the offender's willingness to accept responsibility for the consequences of his or her actions. Victims talk about how the crime has affected them and how compensation can be made.

Supporters of the system say this holds a clear advantage over the judicial system, which metes out specific sentences for crimes, not taking the victim's needs into account.

A discussion involving the parents of the offender also takes place.

"People don't realise how much shame the families of the offenders have to

endure," says Nigel Branken, Nicro project manager in Gauteng. "Their feelings are taken into account and the FGC offers release from the burden of feeling they have failed as parents."

Recently a 16-year-old boy who had stabbed and seriously injured another youth was made to put up anti-violence posters in his neighbourhood and pay for his victim's medical expenses after his case was referred to FGC.

In the group discussion the boy listened to how his actions had caused great pain and shame to both families and he apologised to the victim.

The offender's mother said: "Just because a young person makes a mistake does not mean we have to damage his life forever."

"Our families had been friends for years."

The charges have since been dropped and the two families are working on rebuilding their friendship.

Deaths

# The steely <sup>(253)</sup> grip of SA's fortress jail

Star 23/9/97

Mzimela heralds new facility which boasts high-tech features designed to isolate society's most dangerous felons

By DEREK RODNEY

**T**welve-time killer Sylvester Mofokeng began his life in prison this week - locked up in a steel and concrete cage inside South Africa's toughest prison

Mofokeng, who killed 12 of his victims after escaping from Diepkloof prison and was sentenced to 145 years plus 10 life sentences in jail last week, has joined Vlakplaas commander Eugene de Kock and other hardened killers and rapists in the steely grip of Pretoria's CMAX (close maximum security) prison

The facility was opened by Correctional Services Minister Sipo Mzimela yesterday. Mzimela said the prison would allow authorities to "completely isolate" prisoners who posed a threat to society.

The prison is housed on the Pretoria Central Prison site and was refurbished and upgraded over six weeks at a cost of R600 000. It is the country's first close maximum

security unit

High-risk prisoners will be held in CMAX for a minimum of three months, pending a psychological evaluation which may result in further detention or their rejoining the general prison population

If inmates need to leave the prison, they will be shackled to a "stun belt" operated by a warder with a remote-control device and capable of shocking them into temporary paralysis

Journalists taken on a tour of the facility were given an insight into the conditions in which prisoners will live, their human rights curtailed to the minimum demanded by the constitution.

Features include:

■ Prisoners will be forced to live without human contact for 22 hours a day, allowed out for an hour's exercise a day in a sunlit cage during which time they will be allowed to speak to fellow convicts and warders

■ Prisoners will live in concrete and steel cells measuring 4m by 2m, under constant sur-

veillance by warders who can observe them through wire-mesh ceilings.

■ When leaving their cells to exercise, they will be handcuffed and escorted individually

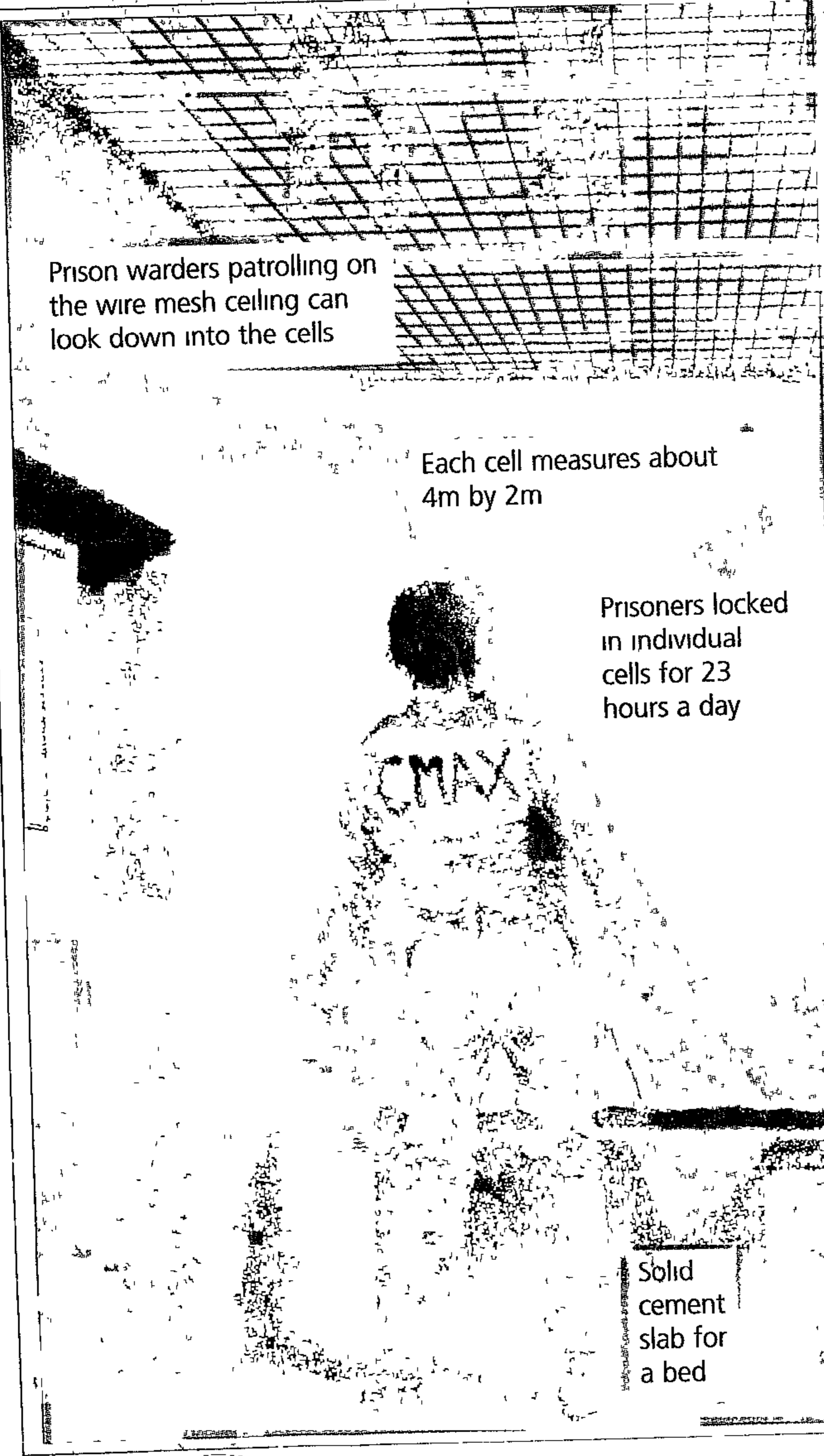
■ Each cell contains a concrete slab as a bed base, a metal wash basin and a cement toilet

■ No contact visits will be allowed but three non-contact visits will be permitted

Another technical innovation is a "stun shield" - a perspex shield with a non-lethal electric shocking device. This will be used by warders to confront prisoners who riot

CMAX project manager Frikkie Venter said the prison would house murderers and rapists and would include prisoners with a history of violence, gang leaders, and those found guilty of murdering fellow inmates, prison staff or police services members

Mzimela said "We will be in a position to completely isolate prisoners who constantly pose a threat to the community"



Prison warders patrolling on the wire mesh ceiling can look down into the cells

Each cell measures about 4m by 2m

Prisoners locked in individual cells for 23 hours a day

Solid cement slab for a bed

### HOW THEY'LL BE HANDCUFFED



Warders demonstrate the method for handcuffing inmates. When they are outside cells, prisoners are always cuffed

### ELECTRIC SHIELDS FOR WARDERS



A prison official displays an anti-riot shield fitted with a 50 000-volt electronic device to prevent attacks on warders. Outside the institution, prisoners are always accompanied by two armed security guards

# Mzimela (253) explains some of his plans

Star 23/9/97  
By DEREK RODNEY

CMAX is the first of several other super-secure prisons to be based on models already in use around the world.

Correctional Services Minister Sipo Mzimela yesterday lifted the lid slightly on the department's plans to ensure SA's most violent long-term prisoners are kept behind bars.

The top-security facility is billed as a precursor to a multi-million rand prison to be erected in KwaZulu Natal before the end of 1999.

Mzimela said the tendering process for the construction of the country's first super-maximum prison in Kokstad, KwaZulu Natal, and set to house 1 500 dangerous criminals, will start next month.

The envisaged facility will have fewer warders and more electronic surveillance equipment than CMAX, although more CMAX facilities are being considered in other provinces.

South Africa's record for keeping prisoners behind bars once they have been convicted has taken on a jaundiced complexion, with official statistics putting escapes from prison at about 110 cases a month.

Correctional Services Commissioner Dr Khulekani Sitole has vowed to bring the country's escape rate down by half within the next year, although the vision of super-maximum prisons may see the light of day only towards the end of the century.

Mzimela also hinted at the possibility that prison ships, with a capacity to house more than 1 000 inmates, could be acquired by the department to house some of the estimated 30 000 awaiting trial prisoners.



*Sowetan 23/9/97*

**By Morgan Naidu**

**CORRECTIONAL Services Minister Dr Sipo Mzimela yesterday unveiled South Africa's first closed maximum security unit (CMAX) which will house the country's most dangerous and hardened criminals**

One of the more prominent convicts occupying the recently finished institution at Pretoria Central Prison is former Vlakplaas commander Eugene de Kock who is serving multiple life sentences for murders committed during apartheid

# SA has top security prison to keep dangerous criminals in

Showing off the maximum unit to the media, Mzimela said that CMAX was a forerunner to the Super Maximum Prisons which his department hopes to establish in each province

"These facilities are for the most dangerous inmates, the murderers, armed robbers, rapists, child killers and escapees," said Mzimela

Stringent measures at the maximum security unit include prisoner isolation, cordoned off exercise yards, plastic cutlery, specially developed hand and leg irons, video surveillance, liquid hair remover for inmates rather than shaving blades, prison staff armed with stun guns, electrified riot shields, bullet and stab-proof vests, protective helmets and monitored visitor rooms

The minister added that the CMAX was the department's first facility where smoking was prohibited

Part of the reason, a prison official said, was that prisoners were able to take cigarette filters, moisten them, allowing them to harden before carving them into sharp blades

Correctional Services commissioner Dr Khulekani Siole, who accompanied the minister along with the leader of the parliamentary portfolio committee on prisons Mrs Limpheo Hanu, said CMAX would be the responsibility of female prison official Doreen Krause

Siole said plans were afoot to build a R200-million super maximum prison facility in Kokstad in Kwazulu Natal and similar facilities in other provinces

# 14 prison officials suspended

(253) BD 23/9/97  
BLOEMFONTEIN — Fourteen employees of the correctional services department in the Free State had been summarily suspended since September 8, pending departmental and police investigations, provincial spokesman Johan Massyn said in Bloemfontein yesterday.

Seven officials were suspended for alleged negligence in regard to prisoner escapes and seven in regard to criminal charges of alleged trading in and possession of dagga. They are from the Grootvlei (Bloemfontein), Heilbron, Odendaalsrus and Groenpunt jails.

The suspensions included two warders who were suspended after five awaiting-trial prisoners escaped from Heilbron jail in the early hours of Sunday morning, and the warders respon-

sible for Ruben Rooibaadjie and Meshach Matolo Rooibaadjie and Matolo escaped from the Bloemfontein High Court, but were later rearrested.

Massyn said the provision of drugs to prisoners by warders was a common phenomenon. Since September 18 all staff members who were caught with dagga — on or off duty — were summarily suspended pending the result of the criminal trial.

Massyn said that national commissioner Khulekani Sitole had addressed the area managers of the Free State's 27 jails, as well as provincial chairmen of trade unions, at the Grootvlei jail outside Bloemfontein last week.

Sitole said top management was giving high priority to the prevention of escapes and corruption — Sapa

# Rights group deplors new prison's 'dehumanising' approach

Star 24/9/97  
(253)

By Derek Rowley

A prisoner-rights group has questioned the "dehumanising" approach adopted by the Department of Correctional Services with the introduction of the first super-maximum (C-MAX) prison in Pretoria. C-MAX, a new prison for South Africa's 95 most violent criminals, was officially opened in Pretoria on Monday.

Inmates - including murderers, rapists, escaped prisoners and gang leaders - would not be allowed to smoke, shave, or talk to one another, and would be locked in their solitary cells for 23 hours a day.

Naomi Hill, director of the National Institute for Crime Prevention and Rehabilitation of Offenders, yesterday questioned the department's approach to incarcerating violent or long-term prisoners in isolation for extended periods.

"I understand there has been plenty of pressure on the Government to address the high incidence of escapes, but this out-of-sight, out-of-mind attitude will do little to address the country's prison problems," she said.

Department statistics show that about a third (235) of the 668 prisoners who have escaped from custody so far this year escaped from prisons.

"An inmate who serves out his 20 years in virtual isolation and in inhuman conditions will be even further alienated from society when he or she is finally released," Hill said.

C-MAX project manager Frikkie Venter said prison authorities had been in contact with officials from the Human Rights Commission, and they might be brought in to assist in the training of warders.

The prison's 35 warders had received an intensive two-week training course which focused on human rights and followed United Nations guidelines.

"It's still early days, but initial contact with HRC representatives has revealed that C-MAX is not far off the mark when it comes to treating violent criminals as humanely as circumstances allow," Venter said.

Sapa reports that the family of convicted killer Eugene de Kock yesterday objected to his transfer to the prison, saying he was not a habitual criminal.

The Political Rights Organisation, acting on the family's behalf, said in a letter to the Correctional Services Department that De Kock had been upgraded to an A-classification prisoner last week, while still at Pretoria Maximum Prison.

This was confirmed by correctional services spokesman Russel Mamabolo, who added that De Kock had, on the basis of good behaviour, been granted new privileges.

"Mr De Kock is not a habitual criminal, he is not a rapist or a child molester, nor a gang leader, nor has he ever tried to escape from prison," the Political Rights Organisation said.

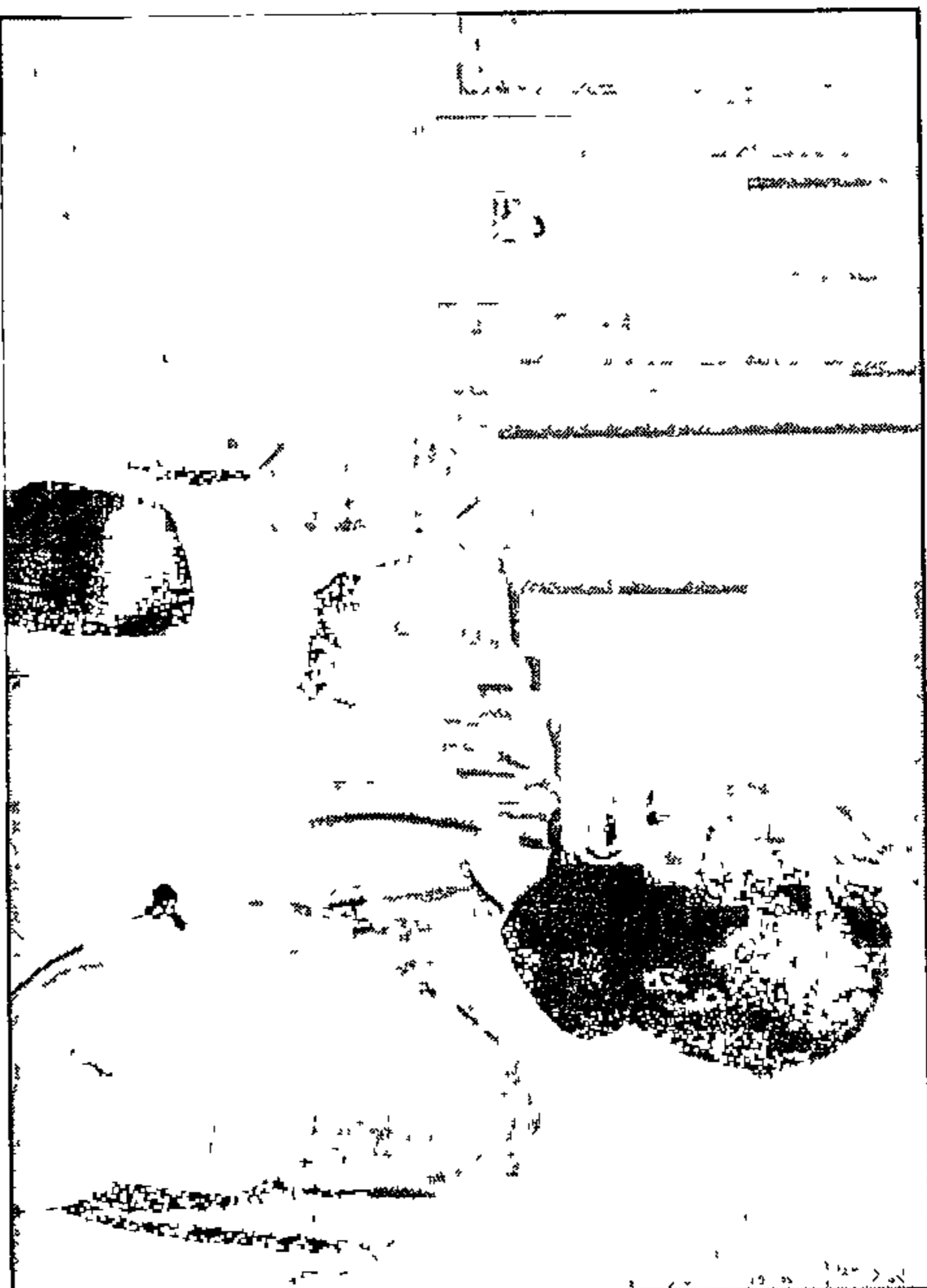
"On the contrary, he has always been totally co-operative with prison authorities. Lastly, but not least, he is a political prisoner. He has applied for amnesty. The crimes he has committed were on behalf of the previous government."

Asked why De Kock, a former Vlakplaas commander, had been transferred, Mamabolo said the department was "not prepared to comment in public on matters related to the security of prisons or prisoners."

# Robben Island



Working conditions on the island were harsh. Some prisoners worked in the limestone quarry while their fellow inmates were forced to build roads.



Robben Island's most famous prisoner, President Nelson Mandela, ponders his more than two decades of imprisonment as he looks out from the cell where he spent most of his 27-year sentence. Mandela and Walter Sisulu personified the triumph of the human spirit over one of the most brutal forms of imprisonment anywhere in the world

# SA gets a unique monument

*Sowetan 24/9/97 (253)*

Many young prisoners jailed during the 1976 uprisings were sent here

By Andile Xaba

**I**N JULY 1987 when prominent Afrikaners met the ANC in Dakar, Senegal, they also visited Goree Island nearby. It was from this island that millions of African slaves were shipped across the Atlantic to the Americas from the 17th century onwards

Robben Island symbolises both repression of the apartheid state and the strength of those who opposed it.

Yet while the general public has focused mainly on the island's role as a political prison from the 1960s, it has a

A steady trickle of convicts were sent to the island to do labour from the 1670s. In 1672 five Khoikhoi suspected of attacking a shepherd were banished to the island but they managed to escape to the mainland in 1674



museum and stands as a monument to the horrors of the slave trade. A young Africaner theology student, transfixed by what he saw on the island, said at the time

"They will build a museum like this on Robben Island one day and people will come and look at it and wonder how we could live with such evil"

Virtually 10 years to the day the Robben Island Museum is opening today

Heritage Day

This will be the culmination of an extensive consultative process which has included a broad range of stakeholders and the Future Of Robben Island Committee

The committee received over 200 submissions from the public regarding the future role of Robben Island

Far from locking the island's history behind glass cases, they wanted the site museum to be developed as a 'living memorial' symbolising the triumph of the human spirit

In January 1997, the administration of Robben Island was officially transferred from the Department of Correctional Services, under whose charge it was placed in 1961, to the Ministry of Arts, Culture, Science and Technology

This effectively marked the end of Robben Island's virtual 400 year history as a place of exile and incarceration

Since the beginning of 1997 over 80 000 visitors have set foot on the island's shores and have wandered into the small cells and barren courtyard of Section B, where many political prisoners of the 1960s, 70s and 80s, including President Nelson Mandela, were confined

The endless stream of visitors to the island, the constant interest in its history and the fact that it has become one of the most significant heritage sites in South Africa today, is not surprising

political and common prisoners

Robben Island was also used, since 1488 as a pantry to feed sailors on ships passing the Cape and as a post-

as a "dumping ground" for political dissidents and leaders of resistance well established. The Dutch East India Company exiled several prominent East Indian leaders to Robben Island.

Among these exiles was the Prince of Ternaten in the Moluccas

In 1744 two holy men Said Alouere and Hadje Matarn were also banished to the Island

Said Alouere later became the first official Imam of the Muslim community in Cape Town

Other holy men were Jina Apdula from Ternaten and Norriam from Bantam, remembered for the help he gave to the slaves of the Cape

But the most prominent Muslim leader to have been incarcerated on the Island was a prince from Tidore, Tuan Guru (also known as Abdullah Kadi Abdus Salaam) He came to the island in 1793

During the British occupation from 1806, the island was also used as a prison to house ban-

ished soldiers as well as a growing number of political prisoners who opposed the British and participated in the "frontier wars" in the interior

Robben Island served as a prison until 1890

Between 1846 and 1931 it was used as a hospital for lepers, the mentally ill and the chronically sick

From the 1930s to 1960 it was used exclusively for South Africa's military security

Even today there are many remnants on Robben Island that point to its use as a base to protect South Africa from attacks from the sea

The island's role was particularly significant during World War 2 when gun emplacements, underground maga-



**A special law was passed to keep Robert Mangaliso Sobukwe incarcerated on Robben Island after he had served his sentence.**

zines, plotting rooms and observation towers were built

**From 1963 onwards, only black prisoners were sent to Robben Island. Their keepers, however, remained exclusively white**



In 1961 Robben Island was transferred to the South African Prisons Service

In 1962 it moved into a new phase of its history when the first anti-apartheid political prisoners were sent there

Until this time Robben Island had been a prison for both whites and blacks

From 1963 only black prisoners were sent there

### Harsh conditions

Conditions at the prison were extremely harsh

But a mass hunger strike in 1966 involving more than a thousand prisoners saw the treatment of prisoners improving

The quality of food changed for the better and permission was granted to organise cultural, academic and political activities

President Mandela is the most famous prisoner of this period

But thousands of men spent long periods on Robben Island between 1961 and 1991

Prisoners sustained an ongoing struggle to improve conditions in the prison, and while a lot of the prisoners' energy was taken up fighting for better living conditions, they continued to keep the spirit of the anti-apartheid struggle alive

'Academic education was seen as the basis of a sound political educa-

tion"

Many of the prisoners left Robben Island with tertiary qualifications

Many of the prisoners who were liberated took it upon themselves to teach other prisoners to read and write

However, censorship, outright restrictions on certain courses and limits on using the library all made studying difficult

The Soweto uprising in 1976 had a marked impact on Robben Island

A flood of new young prisoners, jailed for their role in the uprising, were sent to the island

Not only were they young, but many were associated with the Black Consciousness movement

These ideological differences enriched the debate on how best to fight apartheid

Robben Island is a unique and precious monument to the indomitable spirit of South African men and women who fought and suffered through 400 years of injustice and brutality to give rise to the new South Africa

Today on Heritage Day we celebrate "democracy, tolerance and human rights" and we will welcome in a new era in which Robben Island will serve as testimony to the world of the hard-won democracy South Africa now cherishes

*Andile Xaba is director of communications with the Department of Arts, Culture, Science and Technology*

# Tough Doreen up to the prison challenge

## 'I'm strict, firm and reasonable'

ARGUS 24/9/97

(253)

**STUART KELLY**  
ARGUS CORRESPONDENT

**Johannesburg - Multiple murderer Sylvester Mofokeng and infamous Vlakplaaas killer Eugene de Kock will have to be nice to Doreen Krause if their "term of office" in the new CMAX wing of Pretoria Central Prison is to be a pleasant one.**

For their new maximum security wing, the Department of Correctional Services chose the low-risk option and appointed one of its toughest new kids on the block to run the place

Ms Krause, 27, somewhat nervous of the media attention heaped on her since her appointment as head of the new wing last week, believes her age and gender is no indication of her ability to face up to some of South

Africa's most soulless criminals  
"It's all psychological," she says  
"I'm strict I'm firm. And I'm reasonable"

As the manager of CMAX, Ms Krause says she won't be dealing directly with the prisoners too much  
"The guards are all male."

"Women in the prison service aren't as mean and tough as people imagine. Many hold down ordinary jobs in administration and are very approachable people. My job is to make sure the wing operates as smoothly as possible."

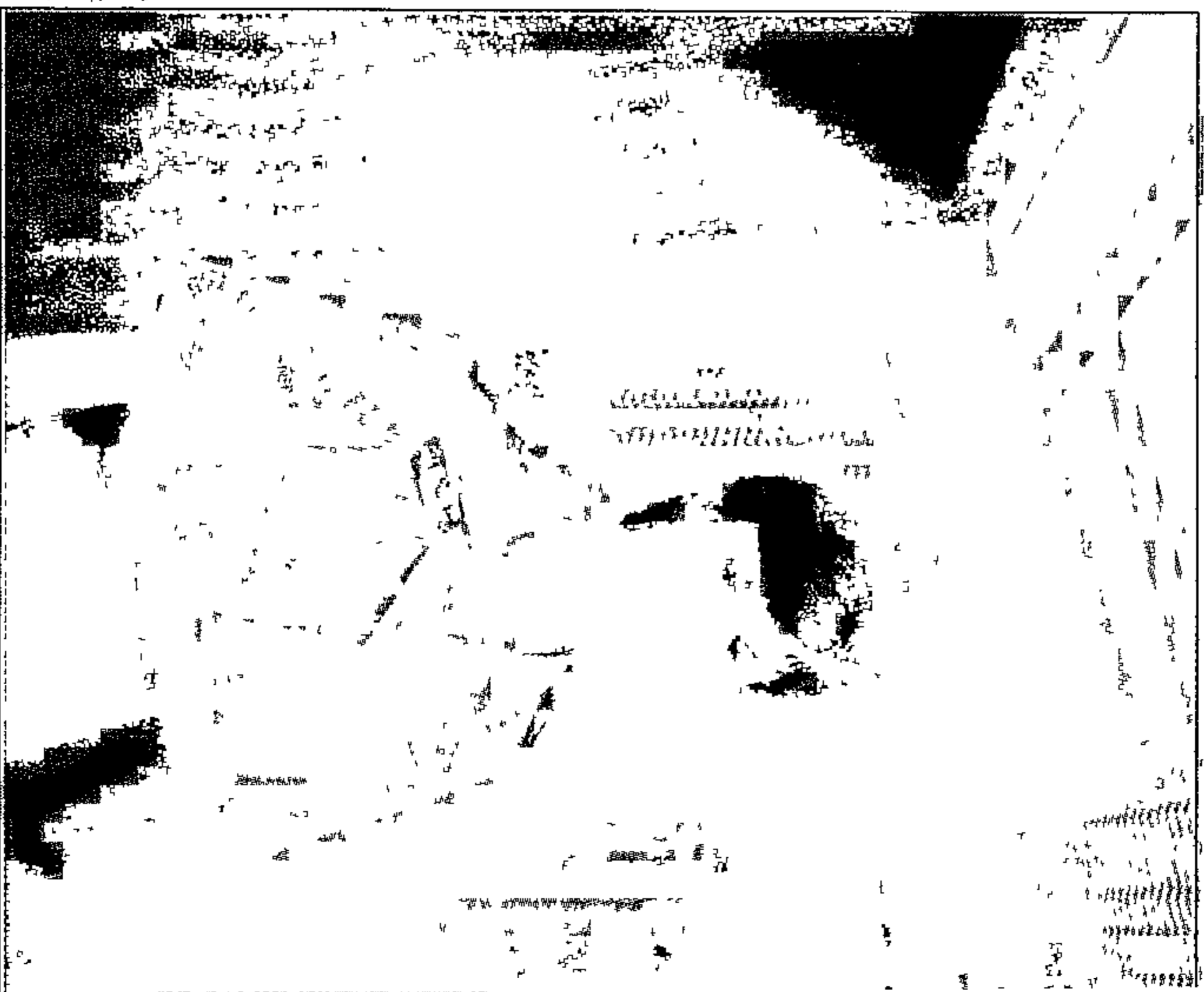
Prisoners who've dealt with her before won't be so assured. As a former member of the Reaction Unit (the prisons' equivalent of the police's riot squad), Ms Krause is more than equipped to dish out the tough-stuff  
"That was in 1993. I liked doing

stuff with the guys. I don't mean trying to be one of them or anything, but I enjoyed the adventurous aspect of the job," she says

After eight years in the service, Ms Krause rates her new appointment as her highest accolade. She was one of 17 candidates who went through a recent course in dealing with "special" convicts. At the end of it all, she was selected to go where few men would care to tread.

Asked whether a man has cared to tread in her own life, Ms Krause makes a mockery of the stereotypical "butch" woman warder and admits that there is

"I've proved myself and I think people are making a lot more of the "woman" thing" than it really deserves. It's a fantastic challenge, and anyway I chose this profession because I like working with people."



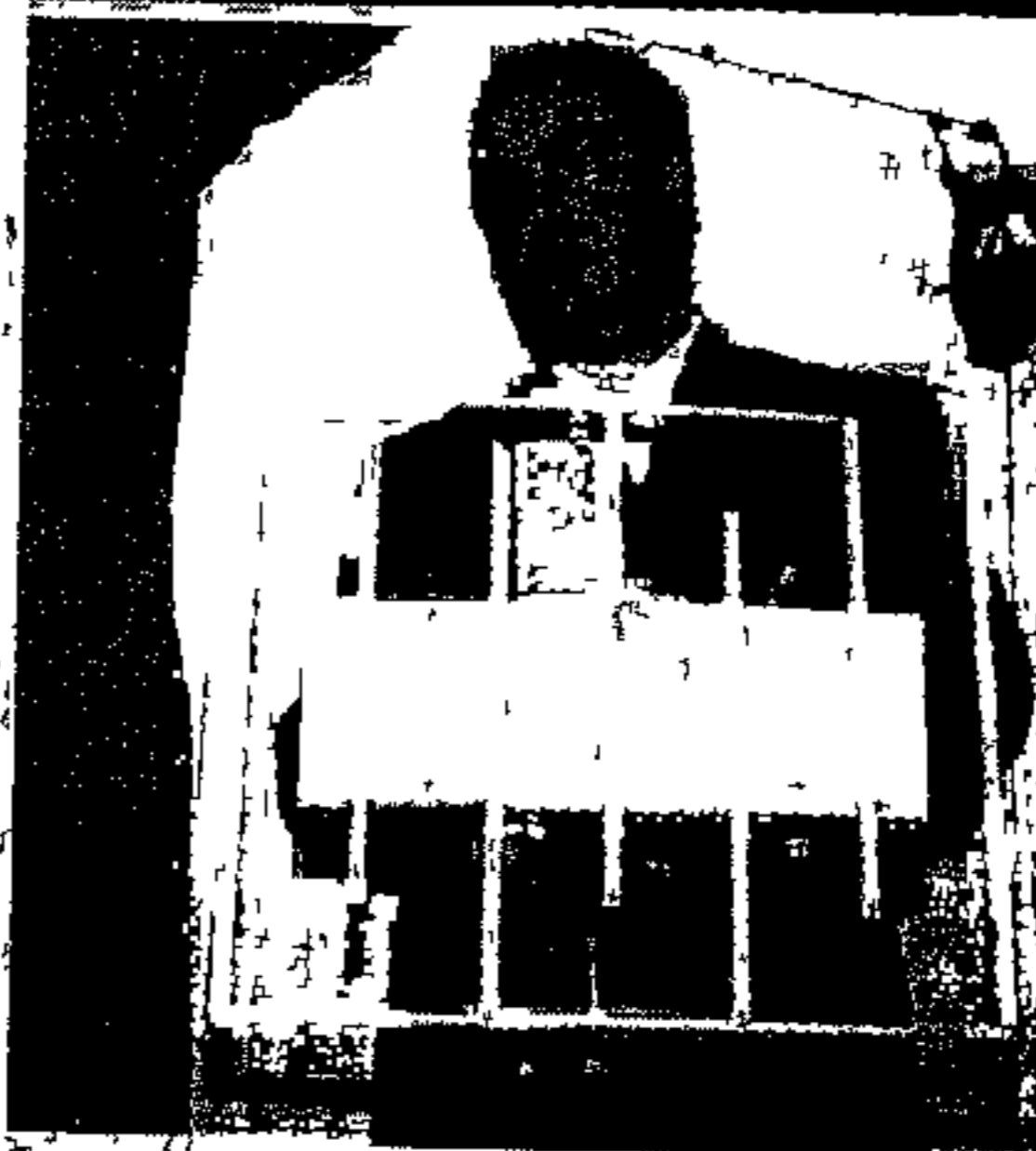
In charge: Doreen Krause, manager of the new maximum security prison in Pretoria

## HOW THEY'LL BE HANDCUFFED



Warders demonstrate the method for handcuffing inmates. When they are outside cells, prisoners are always cuffed.

## ELECTRIC SHIELDS FOR WARDERS



A prison official displays an anti-riot shield fitted with a 50 000-volt electronic device to prevent attacks on warders. Outside the institution, prisoners are always accompanied by two armed security guards.

# Chilling details of SA's most formidable jail

DEREK RODNEY  
ARGUS CORRESPONDENT

Johannesburg - Twelve-time killer Sylvester Mofokeng began his life in prison this week, locked up in a steel and concrete cage inside South Africa's toughest prison.

Mofokeng, who killed 12 of his victims after escaping from Diepkloof's "Sun City" prison and was sentenced to 145 years plus 10 life sentences in jail last week, has joined Vlakplaas commander Eugene de Kock and a handful of hardened killers and rapists in the steely grip of Pretoria's super maximum (CMAX) prison.

The facility was opened by Correctional Services minister Sipo Mzimela on Monday.

Mr Mzimela said the prison would allow authorities to "completely isolate" prisoners who posed a threat to society.

High-risk prisoners will be incarcerated in CMAX for a minimum of three months, pending a psychological evaluation which may result in further detention or their rejoining the general prison population.

If Mofokeng and other inmates need to leave the prison, they will be shackled to a "stun belt" operated by a warder with a remote control device and capable of shocking them into temporary paralysis.

Journalists who were taken on a guided tour of the R600,000 facility were given a chilling insight into the harsh conditions in which prisoners will pass their lives, their human rights curtailed to the bare minimum demanded

ARGUS 24/9/97 (253)  
by South Africa's constitution

Features of life in the prison include:

- Prisoners will be forced to live without human contact for 23 hours a day, allowed out for an hour's exercise a day within a sunlit cage during which time they will be allowed to speak to fellow convicts and warders.

- They will live in concrete and steel cells measuring four metres by two metres, under constant vigilance by warders who can observe them through the wire mesh ceilings at all times.

- When they leave their cells to exercise, they will be handcuffed and escorted individually. The cuffs are removed once they reach the exercise cage.

- They are not allowed to smoke, shave, watch television, have electrical appliances or any decoration on their walls. The only shaving that will be allowed is the application before a shower of hair-removing cream.

- A cell contains a solid concrete slab as a bed base, a metal wash basin and a cement toilet.

- No contact visits will be allowed, but three non-contact visits will be permitted and telephone calls will be limited to 10 minutes a week.

- A single shower a day will be taken in isolation in a locked cage. Showers too, are taken in an isolated, locked cage to avoid any chance of attacks on warders or other inmates.

CMAX project manager Frikkie Venter said the prison would house murderers, rapists and escaped inmates and would include prisoners with a history of violence, gang leaders and those found guilty of murdering fellow inmates, prison staff or police.



Prisoners  
locked in  
individual  
cells for  
23 hours  
a day

Prison warders  
patrolling on  
the wire mesh  
ceiling can  
look down  
into the cells

Solid  
cement  
slab for  
a bed



# Human rights row hits new jail

(253) Star 25/9/97

By STAFF REPORTER AND SAPA

A row has broken out over the new super-secure CMAX prison in Pretoria, with some human rights organisations charging it contravenes the basic rights of inmates

Both the Centre for the Study of Violence and Reconciliation (CSV) and the National Institute for Crime Prevention and Rehabilitation of Offenders slammed the security features of the prison, which was opened on Monday to house South Africa's most hardened criminals

But the statutory Human Rights Commission yesterday welcomed the establishment of the prison and said it would monitor the abuse of those human rights as it does with other prisons

"We hope the new facilities will securely hold the sentenced prisoners and not make it possible for them to escape, cause more havoc and worsen the disturbing crime rate in the country,"

commission spokesman John Mojapelo said.

The security features include 23-hour incarceration with only a one-hour exercise break, the curbing of smoking rights and limitation on visiting times.

Among the inmates at the prison are former Vlakplaas commander Eugene de Kock and 12-time killer Sylvester Mofokeng.

The CSV yesterday described conditions at the security prison in Pretoria as "punitive"

It said in a statement that while secure facilities were needed for high-risk prisoners, the new jail leaned towards harsher punishment rather than humane treatment, with reintegration as its goal.

The centre said it was concerned about the effects of long-term incarceration without human contact

It said that while the Correctional Services Department might be right in stating its measures were not an abrogation of the inmates' constitutional rights, the

regime at the CMAX facility was inhumane and impaired human dignity. Treatment such as this could engender a range of psychological problems ranging from depression to psychosis.

Meanwhile De Kock's family objected on Tuesday to his transferral to CMAX, saying he was not an habitual criminal.

The Political Rights Organisation, acting for the family, said in a letter to Correctional Services that De Kock was last week upgraded to an A-classification prisoner while still at Pretoria Maximum Prison.

This was confirmed by prison spokesman Russel Mamabolo who added that De Kock had, on the basis of good behaviour, been granted new privileges

Asked why De Kock, was transferred, Mamabolo said it was an internal matter influenced by various factors.

"The department is not prepared to comment in public on matters related to the security of prisons or prisoners," he said.

# Thousands of irregular public service promotions found

David Greybe

CAPE TOWN — The White commission had uncovered a further 1 768 irregular public service promotions, bringing the number of such promotions between April 1993 and September 1994 to more than 5 700.

Only three of the latest batch of 1 771 promotions being investigated by the commission were found to be regular, commission spokesman Pam Barnes said.

The overwhelming bulk of the latest batch of irregularities — 1 752 — had

taken place in the former Transkei. The remaining 16 irregular promotion cases concerned the department of foreign affairs.

Barnes said the commission had still "heard nothing" about the implementation of any of the commission's findings from either departments or provincial governments.

This was despite a decision by the parliamentary public service committee at the beginning of last month that the findings had to be implemented regardless of difficulties over the issue of the recovery of overpayments.

The special parliamentary hearing heard evidence that irregular promotions were not being set aside because of reluctance by departments to recover the overpayments, "conservatively" estimated by a member of the commission to be at least R350m.

Barnes said what with another 18 000 cases still under investigation it was going to be extremely difficult for the commission to meet its own deadline of the end of March next year to complete its work. Fortunately, the constitution did not specify a deadline. However, the completion of the com-

mission's work also depended on whether it received any new complaints, Barnes said. For instance, the commission had recently received three new complaints concerning 280 public servants.

The latest irregularities in the former Transkei concerned the departments of post and telecommunications (496 irregular cases), justice (388), education (305), health (275), works and energy (127), finance (67), office of the auditor-general (42), local government (39), military council (12) and trade and industry (1).

## SA's new maximum security prison draws mixed response

A MAXIMUM security prison for SA's violent criminals opened by Correctional Services Minister Sipo Mzimela this week received mixed reactions from correctional services watchdogs.

The Centre for the Study of Violence and Reconciliation condemned features of the new closed maximum security prison in Pretoria as "punitive", while the SA Human Rights Commission welcomed the prison.

The centre said that while secure facilities were needed for high-risk prisoners, the new jail seemed to indicate a move towards harsher punishment rather than humane treatment with reintegration as its goal.

Surveillance and security procedures at the institution seemed extreme.

Rules which forbade smoking, interaction between prisoners, confinement for 23 hours daily, sleeping on concrete slabs and showering in cages were distinctly punitive, the centre said.

While the correctional services department might be right in stating that its measures were not an abrogation of

the constitutional rights of the inmates, the regime at the facility was inhumane and impaired human dignity, the centre said.

The severe restrictions on communications between prisoners cut off what was a clear emotional and developmental need for all people. The denial of this was inhuman. Such treatment could engender a range of psychological problems ranging from depression to psychosis.

SA Human Rights Commission spokesman John Mojapelo said anybody found guilty of serious crime should serve the sentence imposed.

"We hope the new facilities will securely hold the sentenced prisoners and not make it possible for them to escape, cause more havoc and worsen the disturbing crime rate in the country," Mojapelo said.

The commission was pleased with assurances given by correctional services that jailed prisoners would enjoy basic human rights. — Sapa

See Page 15

## Scene of Cape blast 'chaotic' — policeman

CAPE TOWN — Police rushing to the scene of a bomb blast in Worcester on Christmas Eve last year arrived as the second bomb exploded, the Cape High Court heard on Tuesday.

Worcester Det Insp Christo Engelbrecht was testifying at the trial of right-wingers Johannes "Voetbal" van der Westhuizen and two accomplices, Cluffy Barnard and Abraham "Koper" Myburgh, who have all pleaded not guilty to 18 counts, including four of murder and one of attempted murder.

Four people were killed and more than 50 seriously wounded in the December blasts.

Engelbrecht told Judge Hannes Fagan he received news of the incident on a police radio.

## Northern Province 'loses' millions by overpaying

PIETERSBURG — Northern Province businesses which have supplied items and services to the provincial government might have been overpaid by millions of rand, finance committee chairman Mamie Kriel said yesterday.

He said auditors had discovered cases, possibly totalling millions of rand, in which officials had issued firms duplicate cheques for items and services supplied.

Kriel said he had a list of the businesses that had received double

payments and appealed to them to refund the money. If they did not, legal steps would be instituted from the end of next month to recover the funds. Only a few firms had come forward, he said.

Kriel allayed fears that the matric exams in the province might not take place this year because of a lack of funds. Sufficient funds had been issued to the provincial education department to ensure the exams would go ahead, Kriel said. — Sapa

## MP retracts 'racist' Chinese reference

GAITHERG MP Darvi and van der Merwe saw what is

See Page 15

# The system that gives a second chance

M+G 26/9-2/10/97 (253)

## Mukoni T Ratshtanga

**S**ello Kulati (not his real name) was 18 and just months away from being made a lay preacher when he stole three music CDs at an OK Bazaars store in Pretoria. He did not plan it, it was peer pressure, he says.

"I was moving with two of my friends and one of them said he had done it before. He said one could remove the bar code on the CD cover so that the alarm on the door should not go off," he muttered. He took three CDs, peeled off the bar codes and tucked them into his bag.

If it had not been for the watchful eye of the store security guard, Kulati would have got away with it. When the guard stopped him at the door to search his bag, the game was up.

He claims that, not content with retrieving the discs, the guards also assaulted him. He was taken to a local police station and kept overnight.

Because Kulati was 18 and a first-time offender, the prosecutor referred him to the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro), which runs what it calls a "diversions programme" for juveniles.

The programme refers juveniles from the formal justice system to the care of non-governmental bodies like Nicro. In principle, it diverts young first-time offenders and "minor

cases like shoplifting, reckless driving and driving without a licence", says Delia Naton, Nicro's Pretoria Diversion convener. The criminal record is erased when the juvenile completes the programme.

Kulati was placed into a six-week Youth Empowerment Scheme (Yes) — a joint effort with the attorney general's office.

The scheme involves workshops impressing on young offenders "the causes of crime, the seriousness and consequences of the offence, the importance of a positive self-concept, the need for assertive behaviour and responsible decision making".

Kulati says the scheme saved him from the possible trauma of going to jail. "I did not even tell anyone about my arrest because I didn't want people to see me as a criminal. I was ashamed of stealing. I was a preacher at church and was about to be robbed in three months' time. I did not want to miss the opportunity."

There are some innovative initiatives in the diversions programme. For example, some workshops are conducted in "wilderness camps" and in others, both the offender and the victim's family meet to "explore ways to deal with the wrong done unto the victim". Depending on the crime committed, offenders also do community service, such as clean-up campaigns.

More than 8 000 juveniles have so far gone through the diversion programme. Anne Monaheng, the programme's national director, this week told the *Mail & Guardian* 4 200 juveniles were last year successfully rehabilitated. An additional 1 910 had gone through the programme this year.

Kulati tells a story of a colleague with whom he attended the Yes programme. "The police caught him with dagga and he was brought here at the same time with me. He is now working in the navy."

His sentiments are echoed by another juvenile who also went through the programme. "There is no particular reason why I should have been given this chance. But everyone makes mistakes. Sending a person like me away does not solve anything, it just makes it harder for the person to find the good in himself."

"No one is born bad, they just sometimes take the wrong road, and all they need are a few directions to come right again. Because you can't force someone to change, they must do it themselves."

Kulati, who was unable to study further than matric because he could not afford university or technical studies, is now a student preacher at a Methodist church. "I will never steal again. I am no longer influenced by friends," he says.

# Authorities become 'user-friendly'

(253) ART 27/9/97

## TWEET GAINSBOROUGH-WARING

Goodwood Prison, the ultimate luxury prison in South Africa, is set to open its doors to the first inmates on Wednesday.

Even the cell walls in the prison are painted a warm welcoming apricot colour to ensure the inmates – authorities do not use the word prisoner as it is not “user-friendly” – feel right at home.

In stark contrast to the new maximum security prison – the CMAX wing of Pretoria Central prison, where prisoners are confined for 23 hours of the day in a cement cell with a concrete slab for a bed – the new Goodwood medium is a convincing five-star facility.

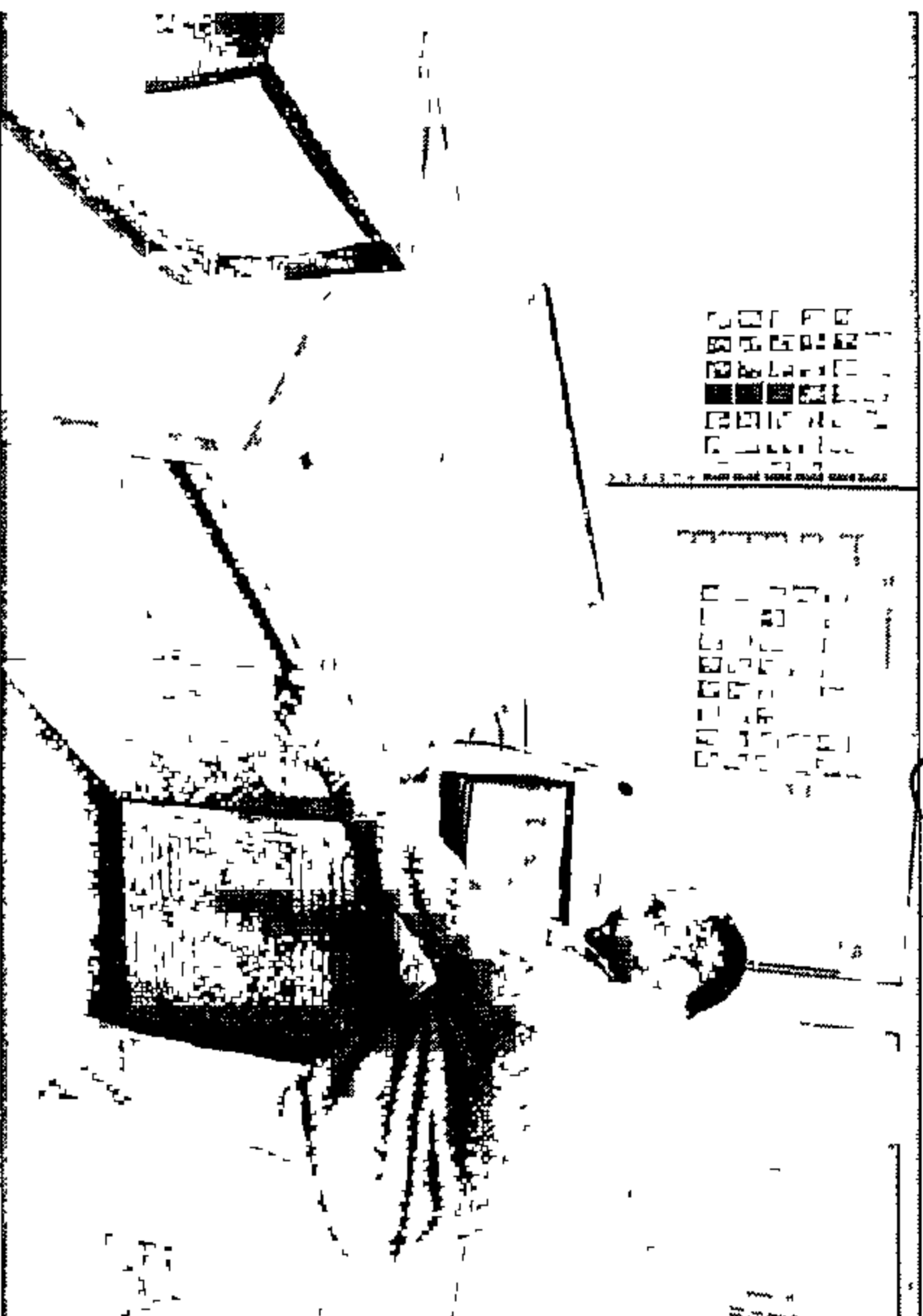
Here individual cells have power-points for electrical appliances as well as TV connections and the pride of the prison is the training and school section which includes bright classrooms and private consultation facilities.

No cost is spared to ensure the needs of each prisoner is met. The grounds have been grassed to give a soft green touch, while even light fittings and windows are aesthetically pleasing to the eye.

Dormitories sleep 18 prisoners in a warm family type environment and the only false note is the bars on the windows and the fact that the beds are bolted to the floor. Some say facilities at the prison are comparable to those at a first rate convention centre.

A state of the art central kitchen is equipped to produce meals even the most hardened inmate will find hard to refuse. Meals are then distributed to serving kitchens in the different “units” which each house 72 prisoners with their own controlling officer or “housefather”.

The new prison – built at a cost of



**Unit control:** assistant director Errol Korabie at one of the unit control centres

R90-million of taxpayers' money – is state of the art in more ways than one. A fully electronic control centre has been installed from which doors can be activated at the touch of a finger allowing warders to isolate areas should the need arise.

Television monitors allow central surveillance with the ability to zoom in on areas should closer scrutiny be required. The design of the prison is such that each 72-inmate unit stands on its own, with an outdoor area and control point, which can monitor each cell. Units can be isolated – ideal for min-

imising gang activities

With accommodation for 1 692 male medium security prisoners the facility is expected to ease the load on other overcrowded Western Cape prisons.

**'Our aim is to rehabilitate by providing inmates with opportunities'**

It will be the first prison of its kind in South Africa to use the unit system. The success of the new system is based on working with small groups of inmates.

They will be given training in trades and lifeskills as well as having properly worked out daily programmes. Staff at the new prison have under-

gone intensive training in the new system.

Patrick Mashibini, area manager for Goodwood Prison, said the system had been used successfully in the United States and Australia.

The first unit of 72 inmates arrives from Pollsmoor on October 1.

“Goodwood is a pilot study for the system in South Africa and we are taking up the challenge of its successful implementation with enthusiasm.

“The key to its success is putting inmates into a user-friendly environment which promotes growth and development.” Case officers will be directly responsible for the care of small groups of inmates. There will be 72 inmates to a unit. The unit manager will co-ordinate the daily activities of the inmates in his unit with the case officers being available to handle the spiritual, social and training needs of inmates on a personal level.

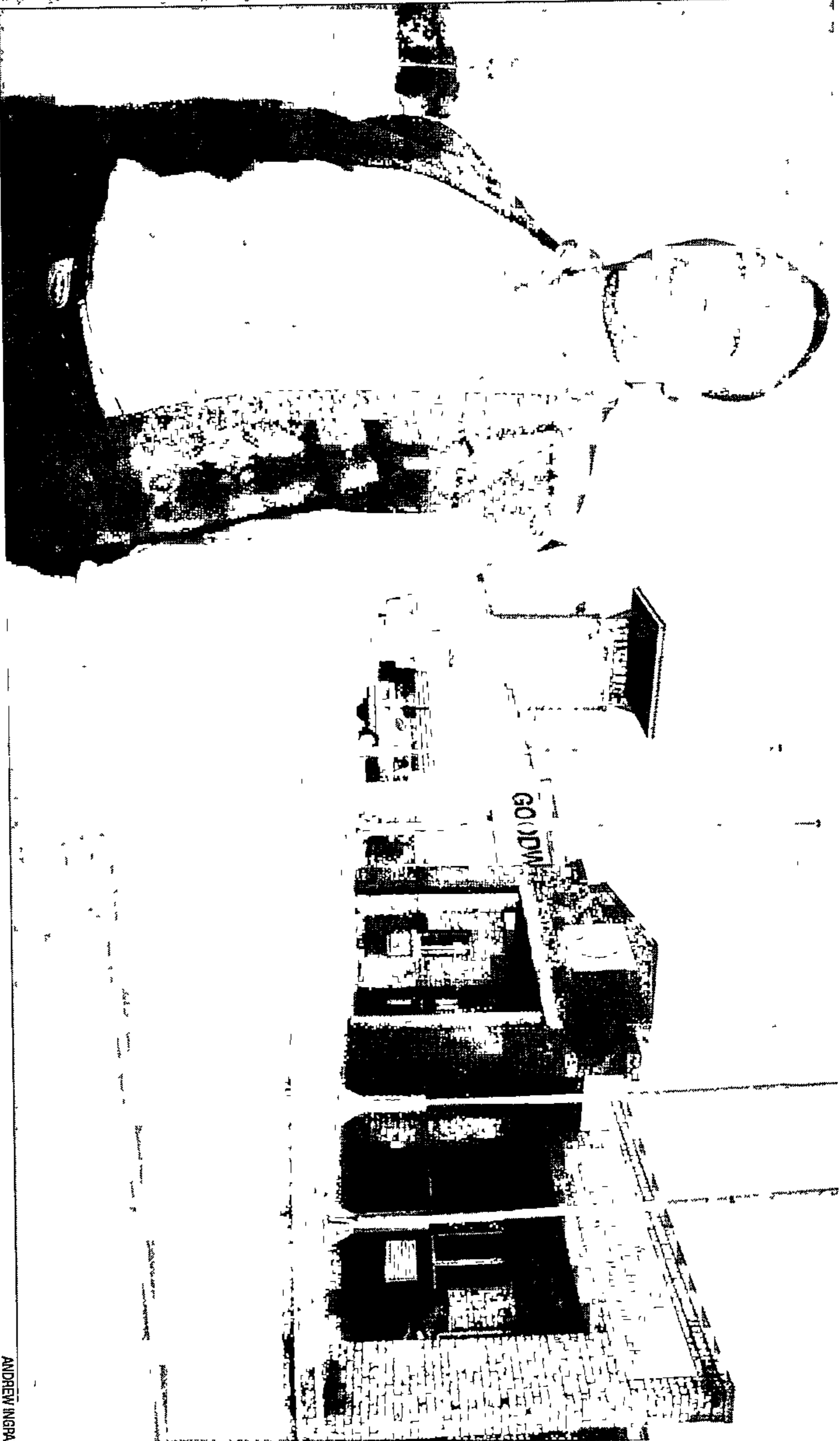
Mr Mashibini said working with small groups would also deter the formation of gangs, for which prisons were so notorious.

He said in the past inmates had sought help from fellow prisoners, but that with the new user-friendly approach, they would opt to seek professional help.

“Our aim is to rehabilitate through providing inmates with opportunities,” he said.

The same approach will be used in the new Malmesbury prison which is expected to open before the end of the year.

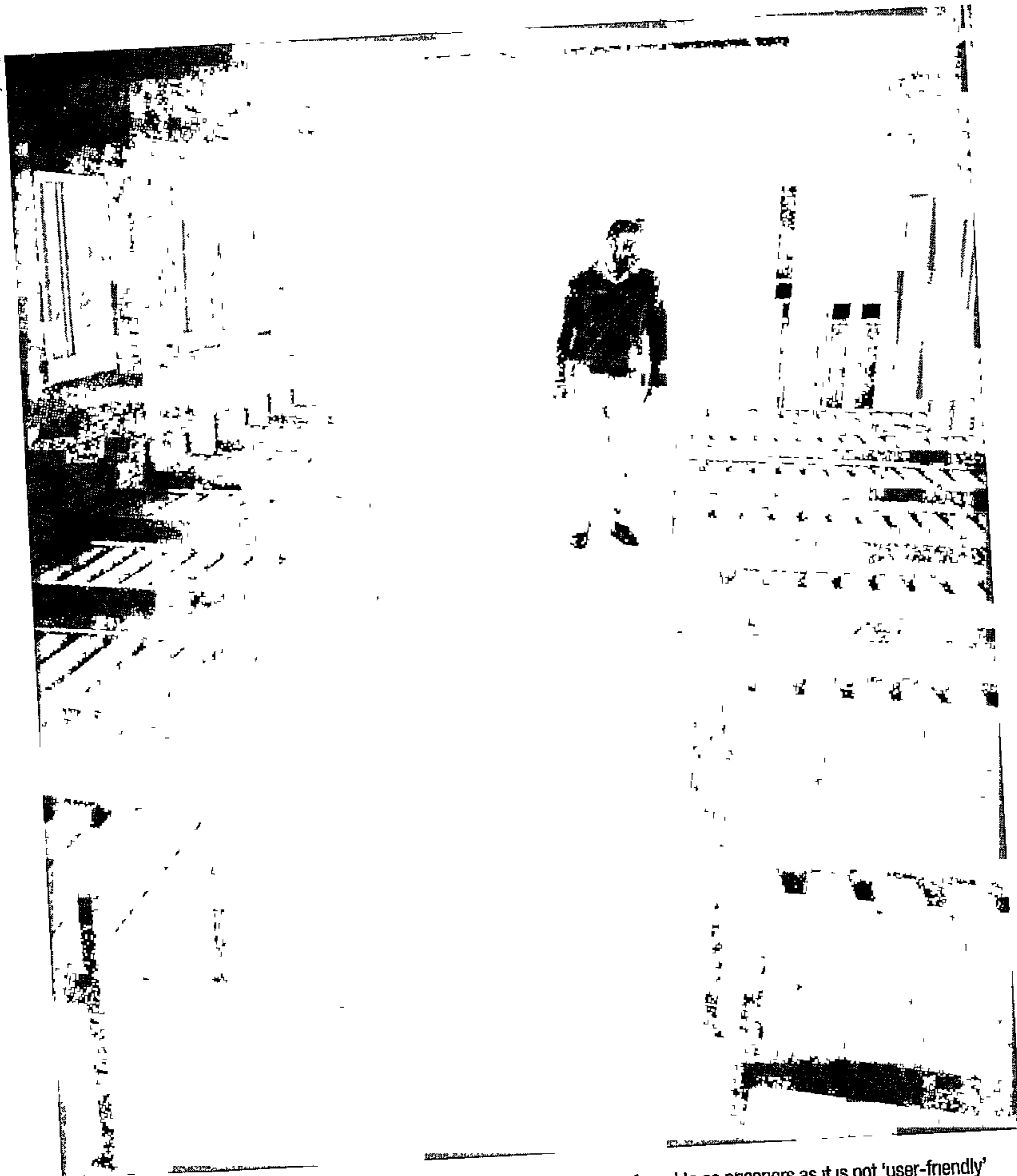
An indication of how “caring” the new prison and its staff are is the fact that special warming facilities have been installed in kitchen areas where prisoners' food can be kept warm if inmates should arrive late for meals.



New prison: Patrick Mashbin, Goodwood prison area manager, at the new modern prison. The state of the art jail is due to open on Wednesday.

ANDREW INGRAM

# Inmates about to get five-star cell service



Sweet dreams: a dormitory in the Goodwood prison. Inmates will not be referred to as prisoners as it is not 'user-friendly'

## The MINISTER OF TRANSPORT

(1) My Department is fully aware of the advertisement used in the federal state of Victoria. The hon member should also be made aware at this point that there are a number of different advertisements used in the state of Victoria - each for a specific target group or problem area. The advertisement referred to had an effect - together with other measures taken - on road deaths in the state of Victoria (not the whole of Australia as is inferred by the hon member). The whole picture of success in the state of Victoria is due to a combination of advertising, law enforcement and educational drives which are concentrated and enforced.

(2) The Victorian State authorities presented a copy of all the videos currently being used on Victoria state television to my Department during the course of June 1997. These were presented on the understanding that they could be used free of charge as they were, should we so choose.

(3) The videos were shown to various panels, role players and interest groups from across the transport and related fields. Viewers were asked to rate the advertisements according to relevance, impact and cost considerations. Their feedback has been carefully considered and the lessons learnt from the Victorian approach have been taken into account in putting together the communication strategy which will accompany the campaign of intensive law enforcement and education which my Department is currently finalising, and which will be launched at the beginning of October this year.

However, at this stage we are holding the Victorian videos in reserve, and it is not planned to use them directly in the forthcoming campaign. I should like to emphasise that this decision was taken after a great deal of thought, which fully took into account the relative costs of modifying the Victorian material or commissioning our own advertisements, the frequency and length of flightings we could afford and a range of important issues relating to linguistic, cultural and tele-

visual content and style appropriate to our own very specific South African conditions.

(4) I will not be making any statement on this matter at this stage. As I have already mentioned, my Department is currently involved in intensive preparatory efforts, at national, provincial and local levels, to put in place the material, legislative and logistical building blocks for its Short Term Implementation Programme - the "kick-start" phase, running from October 1997 to January 1998, of our broader Road Traffic Management Strategy announced earlier this year.

This programme encompasses all of the issues tabled by the hon member, as well as an evolutionary model for the development of ever more effective long-term road traffic safety measures for our country. While it has been significantly informed by lessons - both positive and negative - gained from the state of Victoria, the UK, New York and California, we have come to see that there is no substitute for a detailed and comprehensive understanding of our own particular realities, and that these must be tackled head on if we are to make a serious impact on the carnage on our roads.

**Applications to store oil at Saldanha**

\*33 Dr B L GELDENHUYTS asked the Minister of Minerals and Energy †

Whether any countries apart from Iran have applied to store oil at Saldanha, if so, which countries? N1595E

The MINISTER OF MINERALS AND ENERGY

None

**Legislation on control of sport bodies**

\*34 Mr N J J VAN R KOORNHOF asked the Minister of Sport and Recreation †

- (1) Whether he intends introducing legislation in order to control sport bodies, if so, why,  
 (2) whether such legislation has already been submitted to Cabinet, if so, what are the relevant details, if not,

(3) whether he will publish draft legislation in this regard for public comment before he submits it to Cabinet, if not, why not, if so, when,

(4) whether he will make a statement on the matter? N1596E

The MINISTER OF SPORT AND RECREATION

(1) No

(2) No

(3) No. It is not the intention of the Ministry to control sport. The Ministry sees its role as ensuring the existence of a climate that is conducive to the effective operation of sport via enabling legislation, policy guidelines and guarded intervention.

(4) No

**Prisoners escapes**

\*35 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

(1) (a) How many prisoners escaped from South African prisons in 1996 and (b) how many such prisoners were subsequently re-arrested,

(2) whether he will make a statement on the matter? N1597E

The MINISTER OF CORRECTIONAL SERVICES

(1)(a) 1345 prisoners escaped from SA prisons during 1996, of which

- 458 are inmates escaped from inside prison
- 511 are inmates escaped from prison grounds
- 275 are inmates escaped from outside prison grounds
- 101 of these inmates escaped from other places

(b) During this period 1 January 1996 to 31 July 1997, a total of 886 prisoners were re-arrested

*Hausward*

after they had escaped, and were detained in prisons. It should be pointed out that such arrests do not necessarily represent prisoners who escaped from SA prisons during the aforementioned period, but may also include another category of escapees prior to the said period.

(2) No

**Escaped prisoners still at large**

\*36 Mr G C OOSTHUIZEN asked the Minister of Correctional Services †

(1) Whether any prisoners who escaped in 1996 are still at large, if so, (a) how many and (b) what are the reasons why they have not yet been re-arrested,

(2) whether he will make a statement on the matter? N1598E

The MINISTER OF CORRECTIONAL SERVICES

(1) Yes

(a) This information is unfortunately not readily available. It can only be obtained through a country-wide time-consuming and manpower intensive survey.

(b) They cannot be traced and their present whereabouts are unknown.

**SAs Role in Kabila's Presidency**

\*37 Mr D K PADIACHEY asked the Minister of Foreign Affairs

Whether South Africa played any role in installing Mr Kabila as President of the Democratic Republic of Congo, if so, (a) what was the total cost to the South African taxpayer of South Africa's involvement in this regard and (b) how is this cost made up? N1599E

The MINISTER OF FOREIGN AFFAIRS

South Africa did not in any sense install Mr Kabila as President. Its role was confined to that of facilitating in a peaceful solution to the crisis in the then Republic of Zaïre. It will be recalled that South Africa's involvement in the Zairean crisis resulted from the fact that President Mandela, along with the Heads of State of Cameroon (in his capacity as the

(2) whether he or his Department intends doing such research or having such research done, if not, what is the position in this regard, if so, what are the relevant details? N1794E

**THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS**

(1) No, the Department has to date not yet undertaken any research or had any research done to determine whether existing labour legislation promotes large-scale mechanization (also called capital substitution), on farms Studies have, however, been done in the past by various institutions such as universities, South African Agricultural Union and other NGOs

The emphasis of these studies was rather on trends in labour in agriculture and not specifically the impact of legislation on capital substitution

(2) One of the functions of the National Department of Agriculture is to study the impact of various policies including the effects of relevant legislation on the performance of agriculture To date, due to other priorities, no research has been carried out in this regard, either by the Department or by means of contracted research

*Questions transferred for oral reply in accordance with Rule 202*

**Legal Aid Board: assistance to person**

\*1 Mrs S M CAMERERER asked the Minister of Justice [Written question No 455]

(1) Whether the Legal Aid Board has rendered any assistance to a certain person, whose name has been furnished to his Department for the purpose of his reply, if so, (a) what are the projected costs incurred to date in respect of such assistance rendered by the Legal Aid Board to the said person and (b) what are the reasons for the Legal Aid Board's decision to support the said person,

(2) whether similar amounts were made available during the latest specified period of 12 months for which information is available, in order to assist any other individuals, if not, what is the position in this regard, if so, what are the relevant details? N735E

**THE MINISTER OF JUSTICE**

According to the Director of the Legal Aid Board the information is as follows

(1) Yes

(a) The costs paid to date by the Legal Aid Board amount to R66 767,22 A further account for the sum of R124 732,00 has been received and is in the process of being taxed for payment

(b) Legal representation at state expense was provided to the person in question as he had a fundamental right thereto in terms of section 35(3)(g) of the Constitution The charges preferred against him are of such a serious nature that imprisonment, without the option of a fine, may well be imposed in the event of a conviction The Board's interpretation of section 35(3)(g) of the Constitution is that any person facing such a sentence is entitled to legal representation at state expense if he or she cannot afford the services of a lawyer The Board was satisfied that the person in question could not afford the services of a lawyer to represent him in court He was and still is unemployed and he has no assets of any appreciable commercial value

(Attention is drawn to the fact that the Legal Aid Board recently (on 13 August 1997) withdrew its assistance to the person in question due to his having obtained funding from another source for the purpose of appointing senior counsel The person in question is contesting the withdrawal of legal aid to him and has instituted proceedings against the Board in the High Court)

(2) During the past 12 months in excess of 100 000 accused persons who likewise

*Hampstead*

qualified for legal representation at state expense have been assisted by the Board The amounts involved range from R550,00 to in excess of R1 million per case Similar amounts to that paid in respect of the person in question are being and have been paid in a considerable number of other matters in which the accused persons qualified for legal representation in terms of the Constitution The names of such persons have not been made available to me If required I will obtain them and make them available

**Marievale mine: place of safety**

\*2 Mr J A RABIE asked the Minister for Welfare and Population Development † [Written Question No 786]

Whether she or her Department intends utilising accommodation at the Marievale mine as a place of safety for awaiting-trial juveniles and/or street children, if so, (a) when and (b) what are the further relevant details, if not, how does she envisage preventing such juveniles and/or street children from being detained in prison together with hardened criminals? N1379E

**THE MINISTER FOR WELFARE AND POPULATION DEVELOPMENT**

(a) No, it is understood that this mine, situated in Springs, has been closed since 1994 As the provision of welfare services is a provincial competency, provinces can decide on the location of particular residential facilities, according to their specific needs The Walter Sisulu Child and Youth Care Centre in Noordgesig, Soweto, has recently been launched at the Gauteng Department of Welfare and Population Development's multi purpose care centre The facility comprise a place of safety, accommodating 140 children, as well as a secure component, accommodating 60 people and

(b) the management of young people at trial in correctional facilities is the responsibility of the Department of Correctional Services However, it is departmental policy to separate young people awaiting trial from sentenced prisoners Those young people who are

awaiting trial on schedule 2 (serious offences), are normally separated from those who have committed non-serious offences Details pertaining on this issue can be best dealt with by the department concerned, i.e Department of Correctional Services

The Inter-Ministerial Committee on Young People at Risk (IMC) chaired by the Minister for Welfare and Population Development, has made provision and negotiated for R33 000 000 for the upgrading of secure care facilities within each province to accommodate awaiting trial juveniles in collaboration with the provincial Welfare departments Following the amendment of Section 29 of the Correctional Services Act no child will be held in detention in any prison or police cell after May 1998 An extension of this section has been approved by Parliament to enable the provinces to finalise their facilities

\*3 Mr J A RABIE - Finance † [Written question No 787] [Removed]

\*4 Col N G RAMAREMISA - Transport [Written question No 821] [Removed]

**Persons refused admission to graves of family members/ancestors: representations**

\*5 Mr A S BEYERS asked the Minister for Agriculture and Land Affairs † [Written Question No 848]

Whether his Department received any representations in the past financial year from persons who were refused admission to the graves of their deceased family members or ancestors, if so, how many? N1491E

**THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS**

No, no representations were received

**Minister present/absent during Question Time**

\*6 Mr D DE V GRAAFF asked the Minister of Finance [Written Question No 856]

(1) Whether he was present in the House during Question Time on 4 June 1997, if not, (a) what was the reason for his absence, (b) who granted leave of absence



the local electorate and monitoring of performance

Section 10G (1) of the Act is of particular relevance. It states that every municipality shall

- (a) conduct its affairs in an effective, economical and efficient manner with a view to optimising the use of its resources in addressing the needs of the community,
- (b) conduct its financial affairs in an accountable and transparent manner,
- (c) prepare its financial plan in accordance with the integrated development plan in respect of all its powers, duties and objectives,
- (d) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of its community, and promote social and economic development within its area of jurisdiction and support the implementation of national and provincial development programmes,
- (e) manage its financial resources to meet and sustain its objectives,
- (f) regularly monitor and assess its performance against the integrated development plan, and
- (g) annually report to and receive comments from its community regarding the objectives set out in its integrated development plan

Guidelines have been drawn up for municipalities by the Department and issued to all municipalities. In addition a number of workshops and training programmes have been arranged on these subjects

- (2) See reply to Section (1) above

*Questions transferred for oral reply in accordance with Rule 202*

**Marrevale mine: place of safety** 2533

\*1 Mr J A RABIE asked the Minister for Welfare and Population Development † [Written Question No 786]

*Hansard*

Whether she or her Department intends utilising accommodation at the Marrevale mine as a place of safety for awaiting-trial juveniles and/or street children, if so, (a) when and (b) what are the further relevant details, if not, how does she envisage preventing such juveniles and/or street children from being detained in prison together with hardened criminals? N1379E

**THE MINISTER FOR WELFARE AND POPULATION DEVELOPMENT**

- (a) No, it is understood that this mine, situated in Springs, has been closed since 1994. As the provision of welfare services is a provincial competency, provinces can decide on the location of particular residential facilities, according to their specific needs. The Walter Sisulu Child and Youth Care Centre in Noordgesig, Soweto, has recently been launched at the Gauteng Department of Welfare and Population Development's multi purpose care centre. The facility comprise a place of safety, accommodating 140 children, as well as a secure component, accommodating 60 people and

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**Representations from persons refused admission to graves of family members/ancestors**

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Whether his Department received any representations in the past financial year from persons who were refused admission to the graves of their deceased family members or ancestors, if so, how many? N1491E

**THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS**

No, no representations were received

\*3 Mr D DEV GRAAFF - Finance [Written Question No 856] [Removed]

**Minister: present/absent during Question Time**

\*4 Dr E A SCHOEMAN asked the Minister of Water Affairs and Forestry [Written Question No 864]

(1) Whether he was present in the House during Question Time on 4 June 1997, if not, (a) what was the reason for his absence, (b) who granted leave of absence to him and (c) what were his whereabouts at the time,

(2) whether any Minister or Deputy Minister was acting on his behalf during his absence, if so, who,

(3) whether the reasons for his absence were made available to the public, if not, why not, if so, what are the relevant details,

(4) whether he was on a visit abroad at the time, if so, (a) who did he meet, (b) what was the purpose of the visit, (c) how did such visit benefit South Africa and (d) what advice did he obtain from the Minister of Foreign Affairs concerning such visit,

(5) whether he met with any institutions and/or bodies during this visit, if not, what is the position in this regard, if so, (a) which institutions and/or bodies and (b) when was the last time a Minister visited each such institution and/or body? N1510E

**THE MINISTER OF WATER AFFAIRS AND FORESTRY**

(1) No

(a) I had to officiate at the opening of a Water-wise demonstration garden as part of the National Water Conservation Campaign launched and run by my Department. This was held at the National Botanical Gardens in Kirstenbosch

(b) A written apology was sent to parliament stating the reasons for my absence. Furthermore, I had no questions to reply to on that day and MY absence therefore did not in any way impede the normal functioning of Parliament nor did it result in any questions, as far as my Department is concerned, to stand over or to remain unanswered. As a general rule I try to attend the proceedings at Parliament on a regular basis, but obviously, as a Minister, my presence is often required at other functions throughout the country

(c) As mentioned in (a) above, I was in Kirstenbosch, Cape Town

(2) No

(3) The reasons for my absence were not made available to the public as this is not normally done. A press release regarding the function at the National Botanical Gardens was issued and carried in the printed media. Some of the general public may have noted this

(4) No (a), (b), (c) and (d) Fall away

(5) (a) and (b) Fall away

**Minister: present/absent during Question Time**

\*5 Mr P C MCKENZIE asked the Minister for Welfare and Population Development [Written Question No 876]

# Rights groups condemn 'inhumane, punitive' conditions in CMAX

ARG 27/9/97 (253)

Johannesburg – A prisoners' rights group has questioned the "dehumanising" approach adopted by the Department of Correctional Services with the introduction of the first super maximum (CMAX) prison in Pretoria.

Naomi Hill, director of the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro), questioned the department's "out-of-sight, out-of-mind" approach to incarcerating violent and long-term prisoners in isolation for extended periods.

"I understand there has been plenty of pressure on the Government to address the high incidence of escapes, but this out-of-sight, out-of-mind attitude will do little to address the country's prison problems," she said.

Department statistics show that about a third of the 668 prisoners who escaped from Correctional Service custody this year escaped from prisons.

According to Ms Hill, the department needs a more holistic approach to rehabilitating criminals.

The super-prisons might serve as short-term solution to dangerous criminals, but the long-term effects could prove problematic.

"An inmate who serves out his 20 years in virtual isolation and in inhuman conditions will be even further alienated from society when he or she is finally released," she said.

CMAX project manager Frikkie Venter said prison authorities had been in contact with officials from the Human Rights Commission.

The commission might be brought in to assist in the training of warders, Mr Venter said.

He added that 35 warders had received an intensive two-week training course which focused on human rights and each was taught how to deal

with prisoners within the parameters of United Nations approved guidelines.

All warders would also undergo in-service training from time to time, he added.

The Centre for the Study of Violence and Reconciliation has also described features of the new prison as "punitive" and said that while secure facilities were needed, the new jail indicated a trend towards harsher punishment rather than humane treatment with reintegration as its goal.

Certain features were consistent with the need for tight security. But the extent of the surveillance and security procedures seemed extreme.

Rules which forbade smoking, interaction between prisoners, confinement for 23 hours daily, sleeping on concrete slabs and showering in cages were distinctly punitive, the centre said.

While the Correctional Services Department might be right in stating that its measures were not an abrogation of the constitutional rights of the inmates, the CMAX facility was inhumane and impaired human dignity.

The severe restrictions on communications between prisoners cut off what was a clear emotional and developmental need for all people.

It was a denial of humanity of the prisoners incarcerated in the institution, the statement said.

Treatment such as this could engender a range of psychological problems ranging from depression to psychosis.

Placing the prisoners in virtual solitary confinement would increase stress and tension levels.

The criteria for putting prisoners in the CMAX facility was unclear, as was what would be done from information gathered from regular psychological tests on the inmates – Sapa

# Bid to free Prime Evil from 'jail'

## Family says De Kock shouldn't be in SA's toughest new prison

Pretoria - The family of convicted apartheid assassin Eugene de Kock has objected to his transfer to South Africa's first closed maximum security prison (CMAX), saying he is not an habitual criminal.

The Political Rights Organisation (PRO), acting on the family's behalf, said in a letter to the Correctional Services Department that De Kock, the killer dubbed Prime Evil, was last week upgraded to an A-classification prisoner while still at Pretoria Maximum Prison.

This was confirmed by Correctional Services spokesman Russel Mamabolo, who added that De Kock had been granted new privileges on the basis of good behaviour.

The special privileges he now enjoyed included extra television time, unlimited telephone calls and contact visits.

De Kock's family questioned his transfer to CMAX in the light of this, saying he had been in prison for three years and had never caused any trouble.

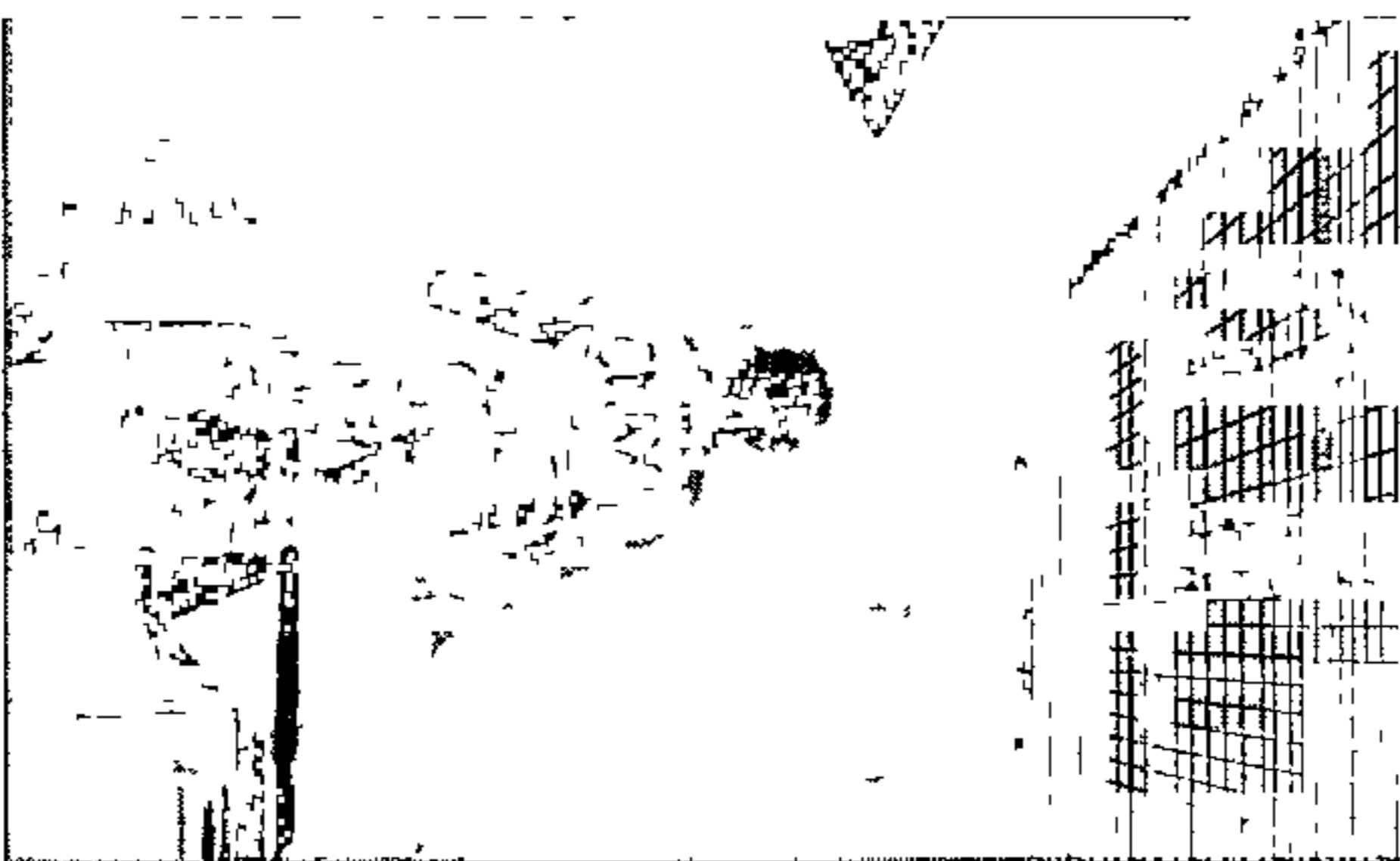
CMAX, a new prison for South Africa's 95 most violent criminals, was officially opened in Pretoria on Monday. Inmates, including murderers, rapists, escaped prisoners and gang leaders, will not be allowed to smoke, shave or talk to one another,



**Prime evil:** Eugene de Kock was involved in Third Force activities, including murder

and will be locked in their solitary cells for 23 hours a day.

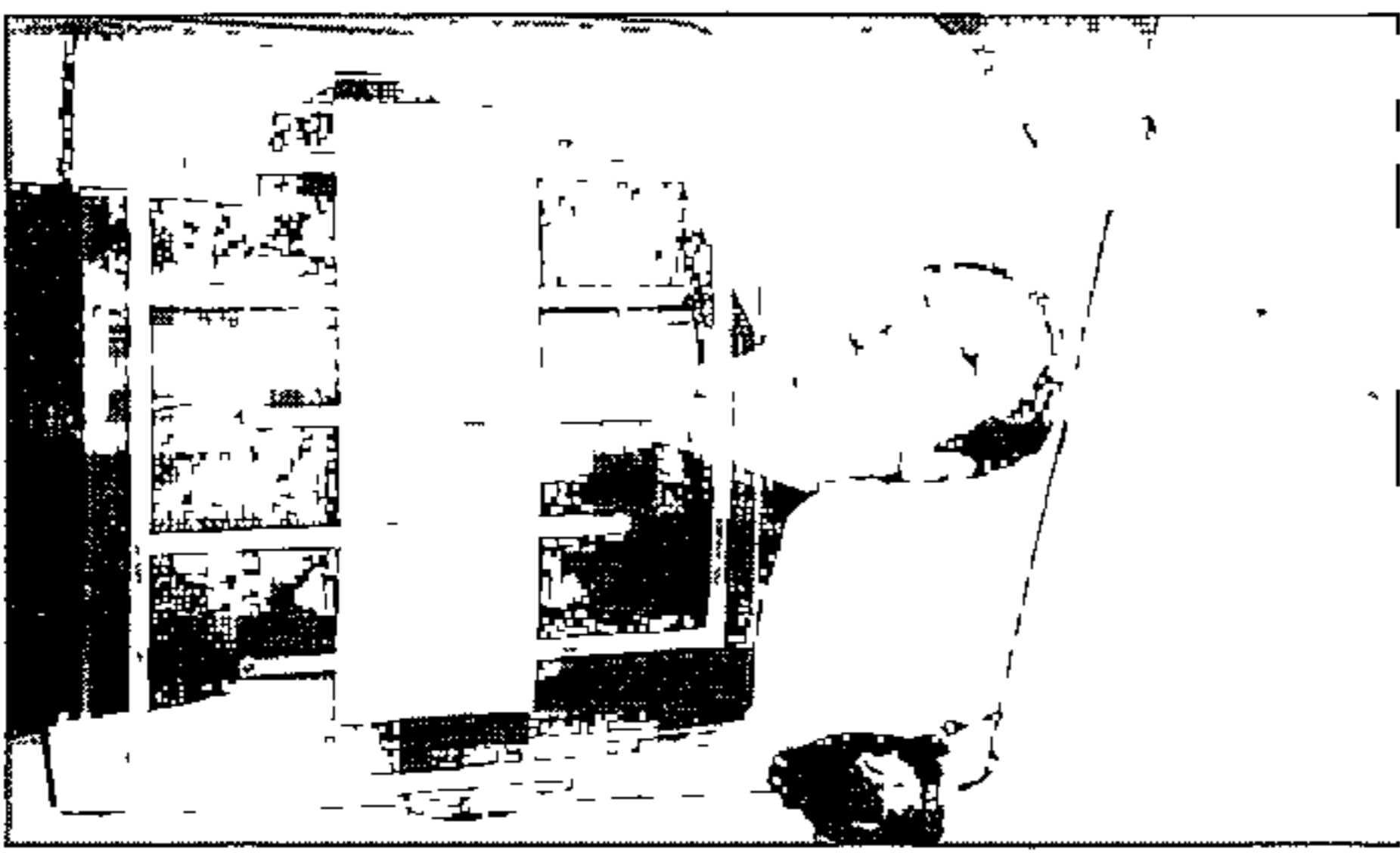
"Mr De Kock is not an habitual criminal, he is not a rapist or a child molester, nor a gang leader, nor has he ever tried to escape from prison," the Political Rights Organisation said.



**Cell life:** an impression of a CMAX cell

"On the contrary, he has always been totally co-operative with prison authorities. Lastly, but not least, he is a political prisoner."

"He has applied for amnesty. The crimes he has committed were on behalf of the previous government," Mr Mamabolo said the transfer of



**Volt:** wardens can use 50 000 volt shields

because De Kock's family intended taking the matter further.

In a separate letter to Barney Pitso, chairman of the Human Rights Commission, the PRO criticised CMAX, saying it infringed on prisoners' human rights. It laud a formal complaint with the



**Cliffed:** a war demonstrates how CMAX inmates will be handcuffed after exercise

SAHRC, citing inmates were being subjected to mental torture, which was forbidden by the constitution.

Although the department called itself Correctional Services, no allowance was being made for the rehabilitation of prisoners, the letter said.

"We have never seen such an inhuman act as the creation of this type of incarceration," the organisation said. "Prisoners are treated worse than dogs."

Commission spokesman John Mojapelo could not say if the complaint had been received yet - Sapa

(253)

AAf 27/9/97

# Prison security and corruption

By PHALANE MOTALE

CORRUPTION by warders and activities of drug syndicates have been identified as the main reason for escapes from South African prisons.

Between last year and March this year, more than 4 240 prisoners escaped.

In a bid to prevent the escape of dangerous prisoners, Correctional Services Minister Sipho Mzimela this week officially opened South Africa's first closed maximum security prison (CMax).

Mzimela told journalists that the unit would be home to people like Eugene de Kock and multiple murderer Sylvester Mofokeng and other prisoners serving sentences from 80 to 100 years.

CMax consists of 102 cells in the closed maximum security prison. It presently has 17 inmates and each prisoner will be locked in a single cell for 23 hours a day with an hour for exercise.

All meals will be served inside cells and prisoners will always be cuffed when outside their cells.

A warder from Pretoria Central Prison claimed that prisoners pay anything from R500 to R1 million for their "freedom".

"That is why drug smugglers, bank robbers and hijackers have a better chance of escaping from jail," Correctional spokesman Russel Mamabolo confirmed that the main contributing factor to the number of escapes was negligence and corruption of personnel.

Commissioner of Correctional Services Khulekani Sithole recently confirmed that corruption was occurring on a "fairly large scale", particularly in smuggling drugs and weapons into prisons.

He said an anti-corruption unit had been established to root out corruption and all parties have agreed that employees found guilty of corruption would face the full wrath of the law and would not be supported or defended by any of the unions through any illegal collective action.

And in a bid to improve the situation, trade unions, including Popercru and the Public Service Association have given prison authorities full backing to immediately suspend personnel accused of corrup-

tion

A departmental spokesman said Boksburg is 85 percent overcrowded and Pretoria 11 percent.

The South African Prisoners' Organisation for Human Rights (Sapohr) has called for the resignation of Correction Services minister Sipho Mzimela for failing to stem the tide of jailbreaks and widespread corruption in the country's jails.

Adding its voice to widespread concern about escaped jailbirds, many of whom are dangerous, a Sapohr statement read:

"Not a week passes without a prisoner escaping from South African prisons and the minister is failing in his job."

Mzimela said the restructuring of the prisons service personnel so

that the department was more representative of the population was almost complete.

The target of 70 Black to 30 White personnel would be reached by mid-October.

Legislation was also being drawn up to enable the appointment of a judge, to inspect prisons independently to the department.

Compared with 125 000 prisoners at the end of December, the prison population was 129 000 at the end of January and more than 135 000 at the end of August. To make matters worse, courts

will in future be able to sentence

criminals to a non-parole term, up to two-thirds of the total sentence, or a maximum of 20 years without parole.

At present the prison authorities can parole a prisoner after he has served one-third of his sentence.

In the case of habitual criminals, this will be a minimum of seven years and for prisoners serving life-sentences there can be no parole before serving 20 years — or 15 years if they reach the age of 65 years.

**A PRIORITY ... Correctional Services Minister Mzimela**



2028/9/97  
Prioritised

# Nationwide drive to improve prisons

(253) Star 30/9/97  
BY DEREK RODNEY

The Department of Correctional Services has begun a nationwide clean-up campaign with the emphasis on "sick prisons" and fighting corruption.

Inspections of its nearly 300 prisons have been ordered by Correctional Services Commissioner Khulekani Sitole to show results by early next year.

Gauteng prisons to be inspected before April include Johannesburg, Modderbee, Leeuwkop, Pretoria Central, Krugersdorp and Zonderwater.

Prisons in other provinces include Groenpunt and Goedemoet (Free State); Umtata, Mdantsane and St Alban's (Eastern Cape); Kimberley (Northern Cape); Barberton and Witbank (Mpumalanga); Rooigrond (North West Province); and Pietersburg (Northern Province)

National Inspectorate and corrup-

tion unit commander Tonie Venter said the service desperately needed an assessment at ground level. Official inspections were suspended soon after 1994 as most inspectorates were sidetracked into investigating matters well outside their mandate, Venter said.

The department was recovering from a dip in discipline and standards because of demilitarisation and initial turmoil generated by labour unions.

The exodus of experienced warders and replacement by inexperienced personnel was still a factor which would take a few years to correct.

Sitole announced his intentions earlier this month of making the department more transparent and accountable.

A corruption hotline has been set up for warders, prisoners and the public to report cases of corruption on a confidential basis to Eddy Adams or Fred Merry at (012) 307-2275 (w)

# CMAX not cruel — it's the best thing that could happen in SA

ARG 8/10/97  
(253)

Since we introduced the new Closed Maximum Security Unit (CMAX) prison in Pretoria to the media on September 22, much has been said and written about it. I have followed this debate closely.

I hope to keep the debate alive and at the same time to address some misconceptions and alleviate serious concerns raised from certain corners. What should first of all be very clearly understood is that CMAX has been developed for the most difficult, unruly and dangerous prisoners in our prison system.

If you look at the conduct and transgressions of these inmates, then they may even be regarded as the most dangerous prisoners in the world.

What do you do when a prisoner is gang-raped by a group just for the sake of gang activities or when an innocent inmate gets decapitated with a shaving blade, all in the name of the gang?

Then there is also the ever present

CMAX prison, namely that it is not conducive to a prisoner's rehabilitation.

In a sense this may be true, but we have never intended a CMAX prison to be a rehabilitation centre.

We have other prisoners with a much better prognosis on whom we can spend our time and resources in terms of rehabilitation.

CMAX prisoners have shown no inclination towards rehabilitation and we will not concentrate our resources on them.

This, however, does not mean that rehabilitation programmes are not allowed in a CMAX prison.

A CMAX prisoner may study through correspondence and if he needs assistance with a specific problem, he will be assisted on an individual basis. At the end of the day, it is for the prisoner himself to decide what his future holds.

Each prisoner at the CMAX will be evaluated after three months and when his assessment proves to be

positive, he will be transferred back to a lower-security prison.

The allegation that we intend to lock prisoners up in solitary confinement for life is false. A prisoner's individual conduct will determine the time he spends at CMAX.

I find it strange that people can make such statements without first ensuring their facts are correct.

I also wish to state categorically that prisoners at CMAX are not punished in any way. They are contained in a very tight security institution for very good reasons and punishment is not part of the agenda.

CMAX prisoners are not in solitary confinement and people who are making these allegations are ill-informed.

CMAX prisoners are allowed to read and to study, they may lodge complaints and make requests daily, they are taken out of their cells once a day to shower, they may make limited phone calls, they may write and receive letters, they are allowed visit-

tors on a limited scale and they are allowed one hour of exercise a day.

This definitely does not constitute solitary confinement, just very tight security.

The Black Sash states that the conditions in CMAX constitute torture. The organisation also has launched a personal attack against Correctional Services Minister Sipo Mzimela, accusing him of having no understanding of basic human rights.

The Human Rights Commission is of the opinion that we are abusive by keeping prisoners in solitary confinement for 23 hours a day and uses words like "cruel" and "unjustifiable retribution".

The Support Police Action Group also wrote an emotional letter to the Cape Argus and recklessly threw in words like "barbaric" and a "slow and agonising death".

I regard these statements as emotional, subjective, uninformed and totally irresponsible.

These critics obviously have not

yet seen CMAX and they, therefore, base their assumptions on second-hand information and engage themselves in the spreading of propaganda.

They would be of much greater service to their constituents and to the community if they availed themselves of the facts before they discredited a system which we in South Africa are much in need of.

CMAX and, later on, super-maximum prisons, are the best things that could happen in the criminal justice system at this stage. Our society and prison system are being brutalised by people who show no respect for other people's lives or property.

Our staff members and prisoners live in constant fear and some are being killed by other prisoners who are beyond rehabilitation and who can only be contained in a high security facility.

Furthermore, we have seen the most daring escapes from prisons, and in many cases offenders with a

history of violent and dangerous conduct now roam the streets.

I want to conclude by assuring the public that we are not dehumanising people, we acknowledge a person's right to dignity and self-respect.

We will not interfere with a person's basic human rights as prescribed in the constitution and we are definitely not torturing prisoners or keeping them in solitary confinement. We are only practising healthy discipline.

The CMAX is not a closed, secret and dark facility where all kinds of evils are practiced.

It is an open and transparent institution and although we cannot allow unlimited access to such a high security institution, from time to time we will allow interest groups into CMAX to demonstrate that what we are doing is only in the interest of South Africa and its criminal justice system.

■ *Tomorrow An Athlone mother speaks out on punishment fitting the crime*

# New rehabilitation plan adopted

David Greybe

CAPE TOWN — In a first for SA, a black African cultural programme to rehabilitate juvenile inmates will be introduced next month at five prisons which house most of the country's juvenile offenders.

This follows a pilot project at Leeuwkop Prison, which has been declared a success.

Welfare Minister Geraldine Fraser-Moleketi said yesterday the programme — the branch of African spiritual leader Credo Mutwa and based on storytelling — should be framed in the context of the broader transformation of SA's child and youth care system.

The programme therefore also had to be seen in the context of residential care facilities which housed juvenile offenders. "On its own, a programme like this, which uses the weapon of culture and storytelling, will not be effective if not framed within the broader context of transformation."

Fraser-Moleketi heads an interministerial committee on "young people at risk" which includes the departments of education, safety and security, and health and justice, and has drawn up an eight-year plan to transform youth and child care

(253)

BD 5/10/97

"The keys to move away from a medical model which focuses on weaknesses, categorising, labelling, helping and curing, towards a developmental and ecological perspective which focuses on reframing problems as strengths, on competency building, and residential environments which empower children, families and communities." This was in line with international developments in child and youth care work.

However, the committee cautioned that regardless of the recommendation to re-orient resources and place greater emphasis on prevention and intervention, it had to be recognised that

- There were nearly 30 000 children in SA's child and youth care system "and it will take years and dedication to develop and implement the full framework and transformation of the system"
- HIV/AIDS "is a factor which will significantly increase the numbers of children needing care and protection", and
- There will "always be a need for residential care programmes (in juvenile prisons) for a percentage of children"

The programme will be introduced at Pollsmoor Prison, Cape Town, St Alban's Prison, Port Elizabeth, East London Medi-

um Prison, Westville Prison in KwaZulu/Natal and Johannesburg Central Prison next month

Mutwa said yesterday that as far as he was concerned "the only way that law-breaking African children can change is to put them in touch with their traditional culture. And what better way than through storytelling?"

The Khulisa (Zulu for "the young child must grow") programme combines storytelling and arts activities to, in Mutwa's words, "restore self-respect and a sense of responsibility in young offenders."

However, the problem was that "prison sentences handed down to young people do little to reinforce morality. In fact, they are probably counterproductive."

Programmes for young people which did not have as their goal the development of positive characteristics would "not change the attitudes of young people and will fail", Mutwa said.

Leeuwkop's juvenile section assistant head Andrew Rakgotho said about Khulisa "In my 18 years in correctional services, I have never seen anything like this. The inmates' attitudes have changed, which offers great hope for their future."



On a wall in the contact room in the juvenile section of Johannesburg's Leeuwkop Prison, Credo Mutwa focuses young offenders on pictures of 'role models' such as Mother Theresa, Princess Diana and Zulu King Chaka's mother, Nandi, as part of his 'Khulisa' storytelling rehabilitation programme. Picture LESLEY ANN TITMINGER

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'UNMANAGEABLE MONSTROSITY'

# Pollsmoor faces the final turn of the key

ET 10/10/97

(253)



**NESTLED AMONG** the leafiest of suburbs, the overcrowded prison may go, reports Political Writer **CHRIS BATEMAN**.

**T**HE seething mass of cheek-by-jowl humanity and corruption that is Pollsmoor Prison has become untenable, and it should be sold as soon as possible, Correctional Services Minister Dr Sipo Mzimela said yesterday.

Top estate agents put a price tag of "well in excess of" R100 million on the 135 hectare prime site, opposite the luxurious Steenberg golf estate in Tokai — and Mzimela says the proceeds would be used to build modern, manageable prisons elsewhere.

The prison closure would aim to break up the culture of corruption at Pollsmoor which sees about R300 000 worth of drug trafficking in any single month, Mzimela said.

Documentation prepared in consultation with the Department of Public Works was "almost ready" to submit to cabinet and "within the next three or so months we should have resolution," he said.

He was confident that cabinet would back the sale and plough the money back into prison reform.

Pollsmoor chief Commander Fred Engelbrecht says the sprawling mass of haphazard prison blocks has an overall occupancy of 188% (up to 50 prisoners in a cell for 20), and needs an extra 120 wardens to manage effectively.

Correctional Services ministry

spokesman, Mr Bert Slabbert bluntly described Pollsmoor as "an unmanageable monstrosity".

Engelbrecht said yesterday that since he took over in June last year, the prison population had soared from 6 500 to 8 159, with the processing "admissions" block now running at 289% above capacity.

"We manage to feed them all and meet their basic rights, but giving them all exercise is not always possible and our staff are overstressed with a five percent absenteeism rate," he added.

Gangs had a big influence in the complex and corruption of staff involved in drugs and escapes had led to three warders being fired and nine suspended this year.

Addressing a Parliamentary Press Gallery luncheon yesterday, Mzimela said it was a "big waste to have this prison here".

Regardless of what category of prisoner was admitted they were very quickly overwhelmed by huge problems, adding "The best way is to break up the prison into four of five smaller centres, so it makes sense to sell it."

Both Slabbert and Engelbrecht agreed that with the new local prisons at Goodwood, Malmesbury and possible extensions to Voorberg Prison near Porterville, a maximum of 2 500 prisoners could be transferred from Pollsmoor, mak-

ing extra prisons vital.

Slabbert said the closure of Pollsmoor would not be practical before 1999, as it took 18 months to complete a new prison.

Mr Roger Gallagher, Cape regional director of Pam Golding Estates, described Pollsmoor estate as "first-class prime land with huge potential for permutations".

It was worth a minimum of R100 million and a developer could turn it into an entire residential suburb with plots, leisure facilities and commercial areas.

"We're very excited and will aggressively pursue purchase — we'll be contacting Mzimela and Mr Jeff Radebe (Minister of Public Works) first off," he added.

Gallagher revealed that his company conducted talks with the two ministers in April this year when it became clear that "they had a possible sale in their sights".

Across the road from Pollsmoor, the Steenberg golf estate has homes for sale at R2-million.

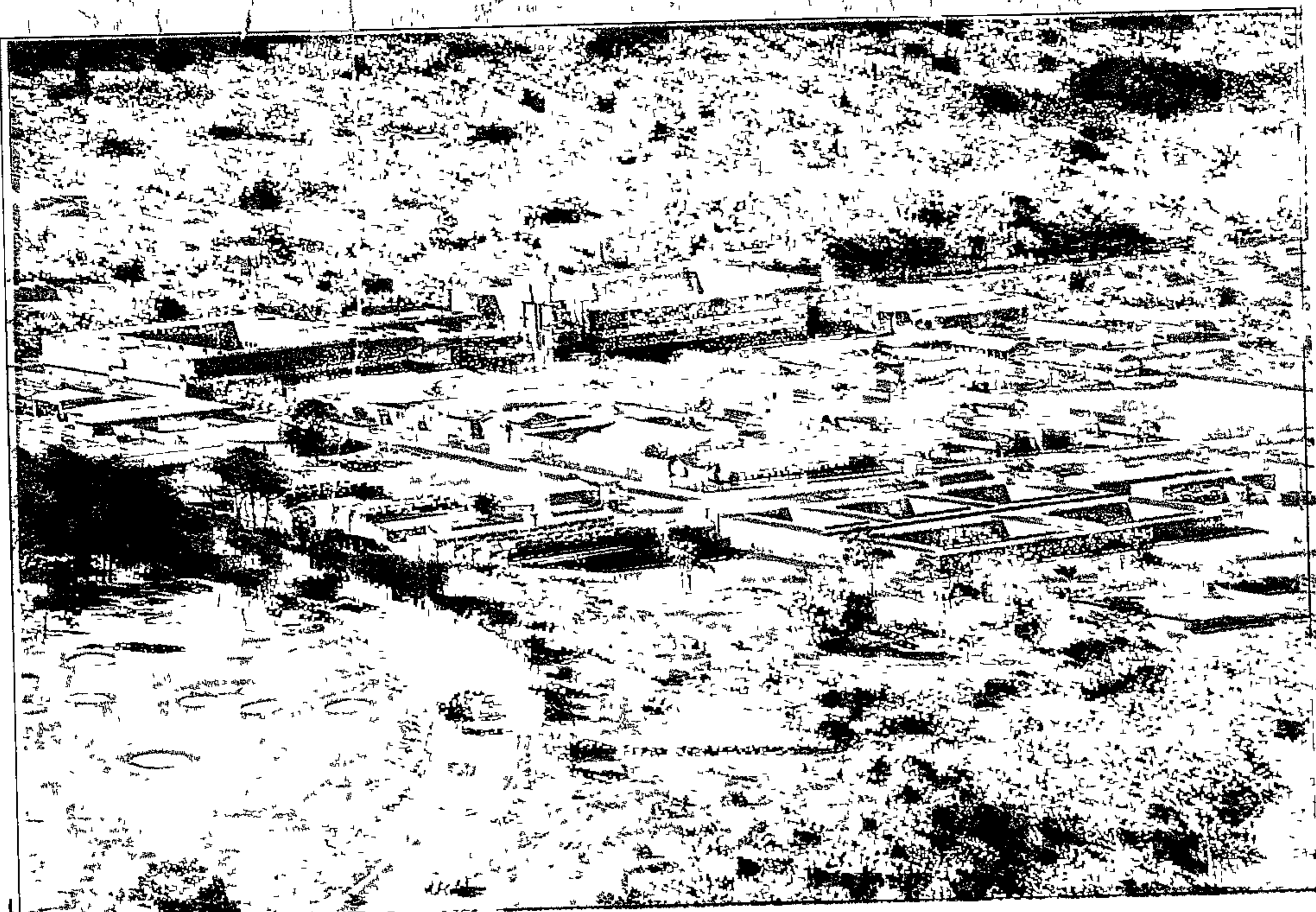
"It's one of the most exciting opportunities in the southern suburbs, which is so desperately short of land," Gallagher added.

Mzimela also disclosed he expected to sign an agreement next week on a multi-million deal with the Ukraine for a private company to purchase two ships' hulls which they would turn into either floating or land-based prisons housing up to 1 200 inmates.

The private company would be paid per prisoner to manage the prisons.

Simon's Town naval base is one of the sites being considered to float one of the prison ships.





**CONDEMNED:** Property speculators may soon buy the sprawling Pollsmoor Prison complex for upmarket development.

PICTURE: ALAN TAYLOR

# Less waiting for awaiting-trial prisoners

CT 10/10/97

**DONWALD PRESSLY**  
POLITICAL STAFF

LEGISLATION is in the pipeline to restrict the period in prison for awaiting-trial prisoners as some languished in jails for months, even years, Correctional Services Minister Dr Sipo Mzimela said yesterday.

Addressing the Parliamentary Press Gallery Association, Mzimela said that in one case a woman in a jail in Johannesburg had been awaiting her trial for four years. This would not happen once legislation had been passed.

His spokesman, Mr Bert Slabbert, said the legislation was likely to go through only next year.

Mzimela said Gauteng, the Western Cape and KwaZulu-Natal had the most awaiting-trial prisoners. There were about 35 000 awaiting-trial prisoners at present.

The department was well on its way to reaching agreement with private companies to provide prison ships for awaiting-trial pris-



**NEW LAW:** Sipo Mzimela

oners. The companies that won the contracts for the ships would have to negotiate where they were to be berthed.

The minister said the process of building a super-maximum prison at Kokstad in KwaZulu-Natal would probably take about 18 months "given the very slow" procedure of deal-

ing with various government departments.

The opening of high security, or so-called central maximum or "C-

Max", prison facilities in Pretoria recently was evidence of the efficiency of the Correctional Services Department in creating highly secure quarters for highly dangerous prisoners.

Mzimela said some reports that this facility was inhumane were untrue.

"Our department abides by the Constitution. Prisoners are given access to reading material, are allowed to study and are able to write letters to loved ones."

A highly dangerous prisoner was also able to phone out "on a restricted basis".

# Escapes drop as prison warders come under scrutiny

By DEREK RODNEY

A hardline approach against prison warders linked to escapes has shown some early success with a significant drop of reported escapes last month and the suspension of numerous warders

Shock tactics, introduced by Correctional Services commissioner Khulekani Sitole, whereby warders linked to escapes are immediately suspended pending the outcome of investigations, resulted in the suspension of 38

warders last month.

Prisons spokesman Chris Olckers said this week that the warders were suspended after initial investigations into 42 escapes - involving 48 prisoners - directly implicated the prison officials

Escapes from prison dropped by a third last month - to 77 cases from the monthly average of 110 escapes - since Sitole's directive came into effect at the end of August.

Eleven warders have been suspended in Gauteng in connection

with 10 incidents involving 17 escapees

Warders suspended in other provinces include, nine in the Free State, eight in North West, five in the Eastern Cape, two each in Mpumalanga and the Western Cape and one suspension in the Northern Cape. KwaZulu Natal is the only province which has not yet implemented a suspension

Sitole earlier this year stated that escapes from prisons was a priority of the department which was working towards reducing escapes by half by mid 1998.

Star 10/10/97 (253)

# Mzimela seeks to replace 'chaotic' Pollsmoor with four prisons

David Greybe

CAPE TOWN — The situation in Cape Town's Pollsmoor prison was so chaotic the only option for government was to sell the property and build four smaller but manageable prisons, Correctional Services Minister Sipo Mzimela said yesterday.

He was speaking when Parliament's correctional services committee met to discuss the final report by an independent board of inquiry into a raid on cells in Pollsmoor in May by a correctional services reaction unit.

The report painted a picture of a prison run by gangsters, which included warders, where order had broken down, where more than 4 000 prisoners had been crammed into a prison built for 1 900, and where drugs worth about R300 000 were traded in cash every week.

Pollsmoor lacked the necessary strong management, while warders were undisciplined and did as they pleased "even to the extent of coming to work drunk".

Government's affirmative action policy was being frustrated by Public Servants Association members who viewed it "with scorn", which had led to clashes with Police and Prisons Civil Rights Union members.

Correctional services spokesman Bert Slabbert said afterwards that the department would be approaching the cabinet for its go-ahead for a departmental inquiry into "dysfunctional" prisons with a view to selling them and using the funds to build more manageable prisons.

Mzimela said the cross-section of inmates in Pollsmoor should be housed in four separate new prisons with high security, juveniles, women and petty criminals.

The inquiry, led by advocate Nkomo Motata, into the night of violence in Pollsmoor concluded that there was "unequivocal and overwhelming evidence" that prisoners had been "brutally assaulted".

BD 15/10/97

(253)

members of the reaction unit during a search for weapons.

However, according to the report, "none of the members of the search teams would concede that assaults and violence (were) perpetrated against the prisoners".

According to the reaction unit members, the prisoners might have injured themselves when they were ordered to lie on the floor in the cells, or by fighting among themselves.

The inquiry found that 155 prisoners sustained injuries, nine of them "very serious", at the hands of

trying to salvage some integrity which is nonexistent".

It recommended an urgent internal inquiry to institute disciplinary measures against members implicated in the report.

Another inquiry should be held to establish why the head of the prison and the area manager did not take action when they were informed of the assaults and violence against prisoners and why, upon receiving such information, the search had not been stopped.

The report further recommended that urgent remedial steps should be taken by the national commissioner to address the "shocking staff shortage at the prison".

Correctional services director-general Khulekani Sisoile said the department accepted the report and gave an assurance it would act against anyone who was found guilty of violence.

The department was also awaiting the conclusions of a separate police investigation.

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11:24  
11:41

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## CT. Prisoners

'deserve

CMAX (253)

15/10/97

CORRECTIONAL Services Minister Dr Sipo Mzimela has rejected criticism of the new maximum security prison, CMAX, saying the violent behaviour of some inmates justified sending them to this type of facility.

Briefing the National Assembly's correctional services committee yesterday, he said CMAX was intended to protect warders and other inmates from the most violent prisoners, as well as to prevent escapes.

To illustrate his case he told of a prisoner who had been sent money and swallowed it to keep inmates from stealing it.

Fellow prisoners slit his stomach and after retrieving the cash, cut out his heart and ate it. In another incident, inmates "tried" a prisoner and sentenced him to death. He was stabbed.

Mzimela said such criminals belonged in CMAX.

It was the department's responsibility, and not that of "weak-kneed liberals", to deal with these prisoners.

Earlier, Correctional Services' Commissioner Ahulekani Sitole said it was high time his department was left to treat prisoners like prisoners, within the bounds of the Constitution and not in a "five-star situation". — Sapa

BAIL LAW AND THE PRISONS

**A political ruse?**

(253)

KM 17/10/97

Tighter bail conditions put heavy pressure on overcrowded jails

New legislation aimed at tightening bail conditions may well be unconstitutional — as some human rights nongovernmental organisations (NGOs) charge. Of more immediate public concern, though, is the effect this could have on overcrowding in jails which are, on average, 150% overfull.

Correctional Services Minister Sipo Mzimela admitted as much last week when he said awaiting-trial prisoners might in future be kept in prison ships, and that his department was close to agreement with private companies on managing the floating dungeons. Where they would berth would be negotiated by the companies.

The new Criminal Procedure Amendment Bill, as it stands, would further swell the prison population. The NGOs — including the Human Rights Committee, the Institute of Race Relations, the Black Sash, and the Catholic Bishops' Conference — argue it is "draconian," and a political ruse by government to divert public attention away from the seriously over-burdened criminal justice system.

Restrictions on bail were last tightened in 1995, with the result that the number of awaiting-trial prisoners has increased from 23 750 in that year to 38 000 now — a 61% increase (see chart). In other words, ever-greater numbers of people are being refused bail and languish in degrading circumstances awaiting their "turn" in court. One woman, says Mzimela, spent four years in a Johannesburg jail awaiting trial.

The argument is that these rising numbers indicate that current bail restrictions are working, but that criminal justice follow-through is dangerously weak.

- The new measures propose
- No after-hours bail applications, including weekends,
  - Postponement of a bail hearing on the basis of a written notice from the Attorney-General that the suspect will be charged with a serious offence, for which there is a schedule listing crimes such as premeditated murder, aggravated robbery, sexual assault, and crimes in which a firearm is used, and
  - Refusal of bail where "there is a likelihood that the release of the accused will disturb the public order or undermine

public peace or security."

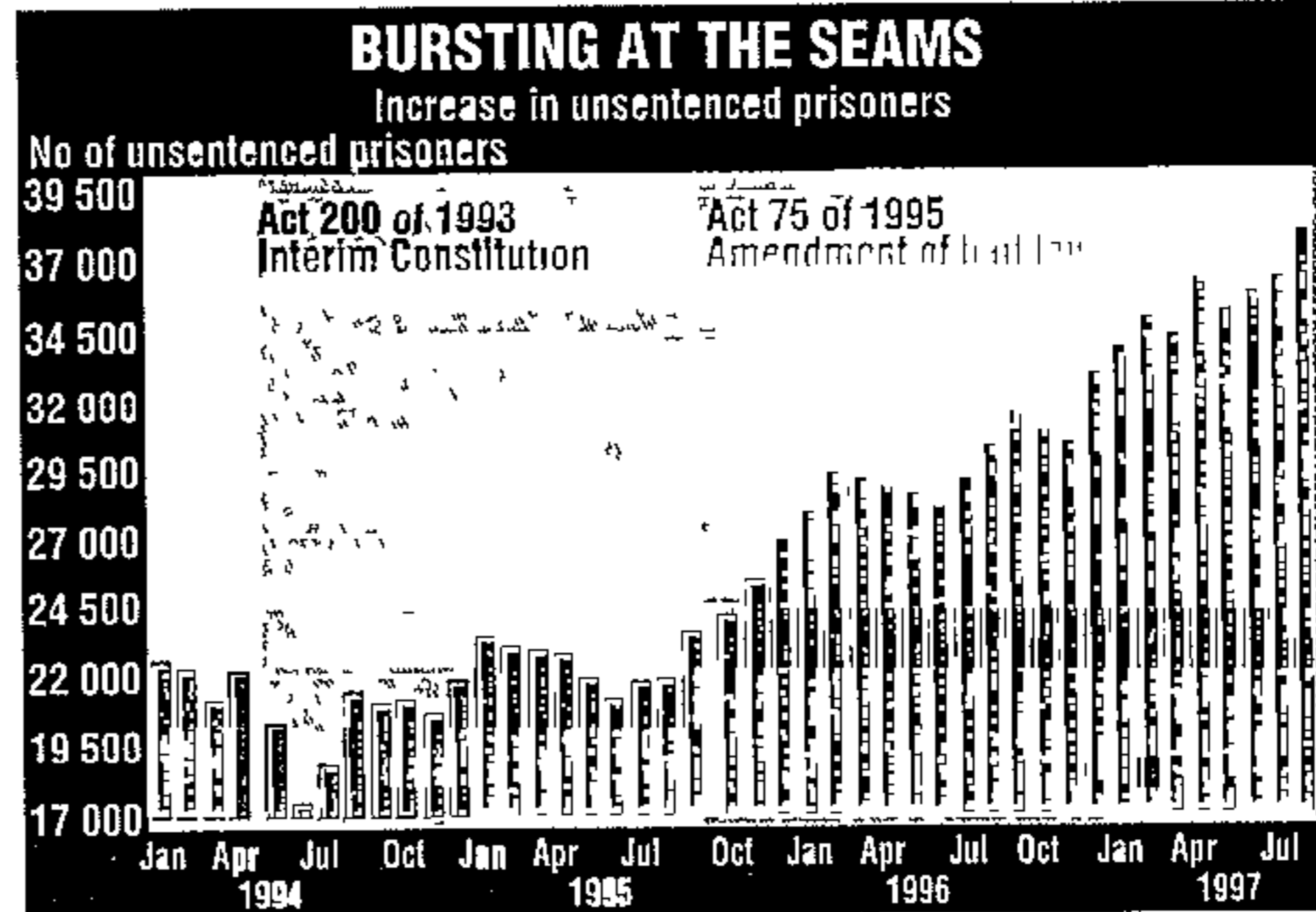
This clause is refined to include crimes that are "likely to induce a sense of shock or outrage in the community where the offence was committed." Further, it has to be considered whether "the sense of peace and security among members of the public will be undermined or jeopardised by the release of the accused," and whether,

in such a case, "the shock or outrage of the community might lead to public disorder."

These criteria are subjective. Race Relations points to the implication that courts could grant or refuse bail "not on the merits of the accused's case, but on the basis of mob rule." The Catholic Bishops' Conference quotes research suggesting that "as long as prosecutors and investigating officers are having to deal with anything up to 70 or 80 cases, we cannot expect the courts to make the right decisions on bail. What

we really need is not more laws, but more resources for the criminal justice system."

However, public opinion — as with the death sentence — may be that keeping hardened or brutal criminals off the streets is precisely what *should* happen, and that the Bill be allowed to stand. For this reason, the opposition political parties in the parliamentary portfolio committee on Justice — which was this week considering the Bill — may feel constrained to support the intention of the legislation, while refor-



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### EARNINGS ANNOUNCEMENT

**AUDITED RESULTS FOR THE YEAR TO 30TH JUNE 1997**  
(all funds expressed in thousands of Canadian dollars  
except for the common share data)

	1996/97 (C\$000)	1995/96 (C\$000)
Sales	<b>C\$167 061</b>	C\$180 645
Earnings from operations	<b>5 756</b>	6 648
Less Minority interest	<b>39</b>	286
	<b>5 717</b>	6 362
Investment income	<b>6 473</b>	8 100
Gain on sale of marketable securities	<b>5 228</b>	7 857
Share in net earnings of company subject to significant influence	<b>21 493</b>	14 402
Gain on sale of company subject to significant influence	-	1 735
Foreign currency gains	<b>972</b>	210
Earnings before taxation	<b>39 883</b>	38 666
Taxation	<b>3 394</b>	3 134
Net earnings	<b>C\$36 489</b>	C\$ 35 532
Earnings per common share	<b>C\$ 2,08</b>	C\$ 2,02

The Directors today have declared a regular dividend on the 17 578 125 Common Shares NPV, payable to Shareholders registered at the close of business on 14th November 1997 at the rate of 75 cents (Canadian) per share. The comparative figure for 1996 was 70 cents per share. The payment date for this dividend is 5th December 1997.

The Annual Report and Accounts for the year ended 30th June 1997 together with the Notice of the Thirty-Sixth Annual Meeting will be mailed to Shareholders on the 24th October 1997 with the usual press announcement appearing the same day. The Thirty-Sixth Annual Meeting will be held on 2nd December 1997. Full details will be circulated with the Notice of the Meeting.

By order of the Board  
M C JOHNSTON Q C  
Director and Secretary

9th October 1997

Suite 1212  
Brunswick Square  
German Street  
Saint John, New Brunswick  
CANADA E2L 4V1

IONSSONS

mulating some clauses to ensure constitutionality

There are differences of opinion within the National Party and the Democratic Party on the merits of the new provisions — but no-one can afford to be seen to be soft on crime. Proposed amendments rather than outright opposition are therefore certain in the committee, particularly on the "mob rule" clause.

However, refusal of bail on the Bill's other criteria could well pass. That means more awaiting-trial prisoners with insufficient facilities. Floating hulks aside, it is also proposed to sell Pollsmoor Prison in Tokai, Cape Town, and possibly to use the proceeds (estimated at R100m for prime land) to build more jails elsewhere. That would take a few years.

Pollsmoor is notorious for its overcrowding (185%-200%) and its escapes. It is a training ground for the gangs operating on the Cape Flats.

But until there are facilities specifically for awaiting-trial prisoners, tighter bail conditions will mean more suspects locked up with hardened criminals. And estimates are that 50% of awaiting-trial prisoners will ultimately be acquitted.

Peter Wilhelm

#### PUBLIC SCHOOLS

## Tempers set to rage again

Teacher redeployment and schools' freedom to choose don't go together

The employment rights of public schools' governing bodies will be toughly debated within parliament's education portfolio committee during the next week or so. Likely to prompt bitter exchanges are changes to the Education Laws Amendment Bill proposed by ANC and SACP stalwart Blade Nzimande, who is chairman of the committee.

The Bill deals mainly with two issues.

The first is whether governing bodies of public schools should be allowed to employ, out of their own privately raised funds, teachers and other staff in addition to those who are paid for by the State. Socialist education policy analysts and the SA Democratic Teachers Union (Sadtu) argue against it, on the grounds that it would perpetuate, and probably increase, present inequalities in education.

Others maintain such employment must be allowed so as to maintain and create

# '5-star hotel' for prisoners opens

ARL 18/10

## Mzimela sketches vision for future

253

JERMANE CRAM

A new chapter in correctional services history in South Africa has been written with the opening of the state-of-the-art Goodwood Prison, which is expected to ease greatly the load on overcrowded Western Cape prisons.

The Correctional Services Ministry has come under fire lately for plans to accommodate awaiting trial prisoners on prison ships and for opening the Closed Maximum Security Unit (CMAX) at Pretoria Central Prison.

At yesterday's opening of the Goodwood Prison Correctional Services Minister Sipo Mzimela allayed fears of Simon's Town residents that a ship carrying 1 200 prisoners would be anchored at the naval base there. He said no decision had yet been made on the venue, and that residents would be consulted before the project went ahead.

Legislation that would enable the private sector to come on board to help fund the venture was pending, he added.

The ship hulls, due to be imported from the Ukraine, will cost R7 million, with a further R40-million for the interior and design.

The Goodwood prison, which will accommodate 1 602 prisoners, cost R140-million to build.

Referring to the CMAX wing opened in Pretoria three weeks ago, Dr Mzimela said he had been "condemned for introducing inhumane conditions in correctional services, bringing back cruelty and going back to the apartheid era".

Prisoners at CMAX are confined for 23 hours a day in a cement cell with a concrete slab for a bed.

But Dr Mzimela stressed his ministry was governed by the constitution and Bill of Rights, and committed to rehabilitation.

There were prisoners whose main objective was to create a "climate of hell" for fellow inmates and warders and were impossible to place in a rehabilitation program, he said.

"We believe people of that ilk should be separated from the rest of the prison community and put in a place where they will be on their own and pose no danger to their warders and have time to think about how they will spend the rest of their lives."

"The prisoners will be reviewed after three months. Their basic human rights will be respected and if there is evidence that they are improving, they will be moved from CMAX," Dr Mzimela said.

The Goodwood prison, which has been described as a "five-star hotel", is certainly a first of its kind for South Africa.

It has a fully electronic control centre, where doors can be opened and closed at the touch of a finger, and television surveillance monitors.

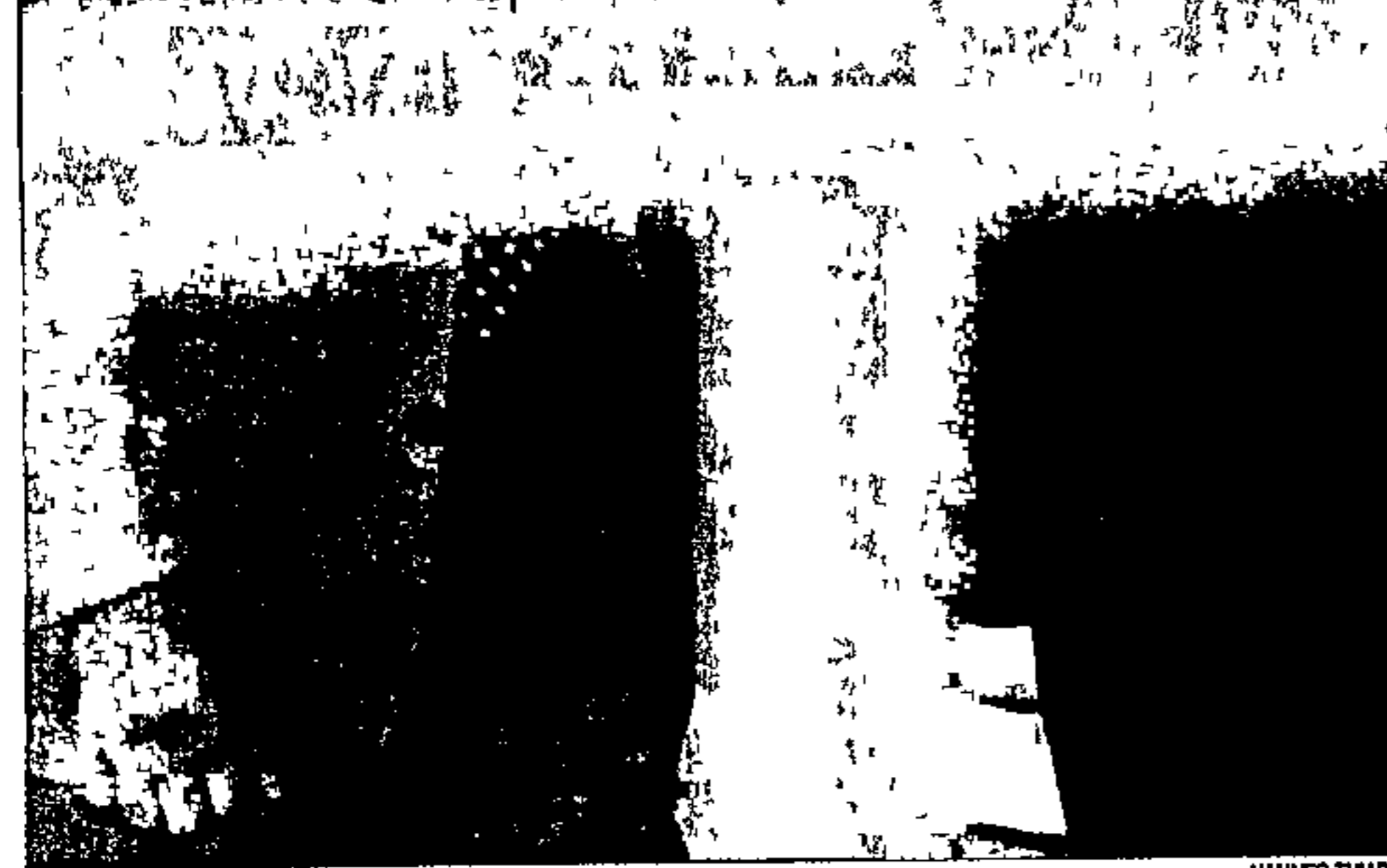
Prisoners have television sets and showers in their cells and there is a training and education section for trades and life skills. The prison is divided into 21 units of 72 prisoners each, making it easier to isolate prisoners and minimise gang activity.

Dr Mzimela said his vision was to create penal institutions with factories alongside so that prisoners could work eight-hour shifts and pay for their board and lodging.

He appealed to the public not to ostracise offenders who had served their time and were willing to be rehabilitated, but to welcome them back into the community.

"It is my wish that as we open Goodwood we will also open our hearts and minds and be willing to assist those who have become victims of our society."

"If we stretch out a helping hand and help them to readjust, we will be making a major contribution to the battle against crime," Dr Mzimela said.



HANNES THART

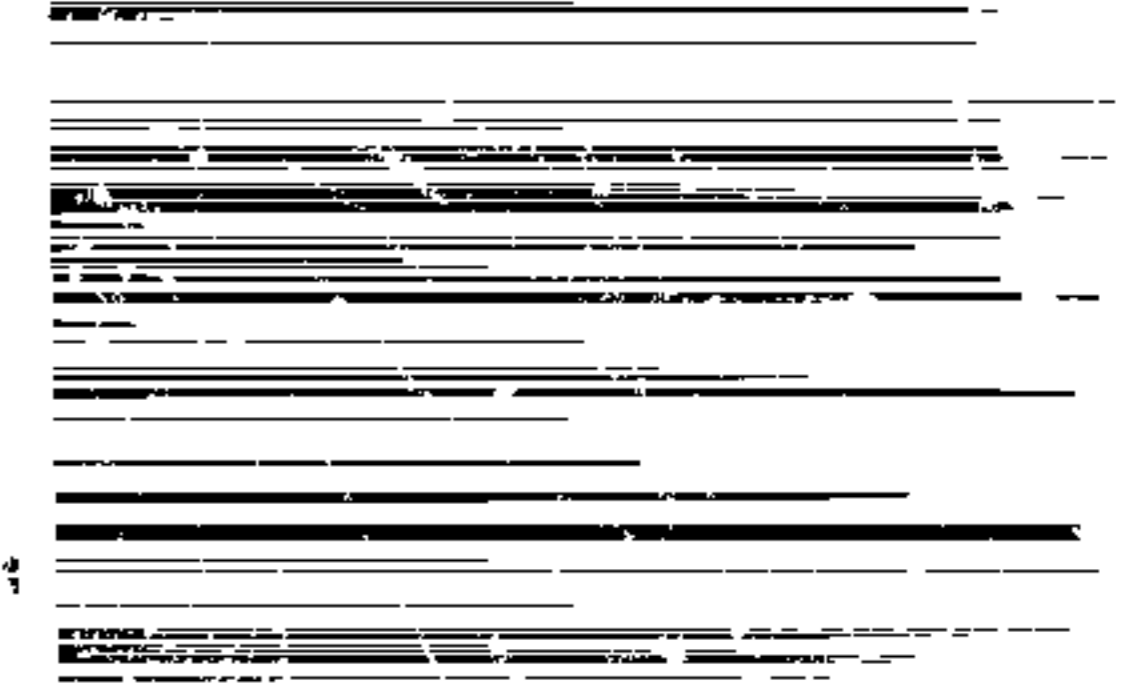
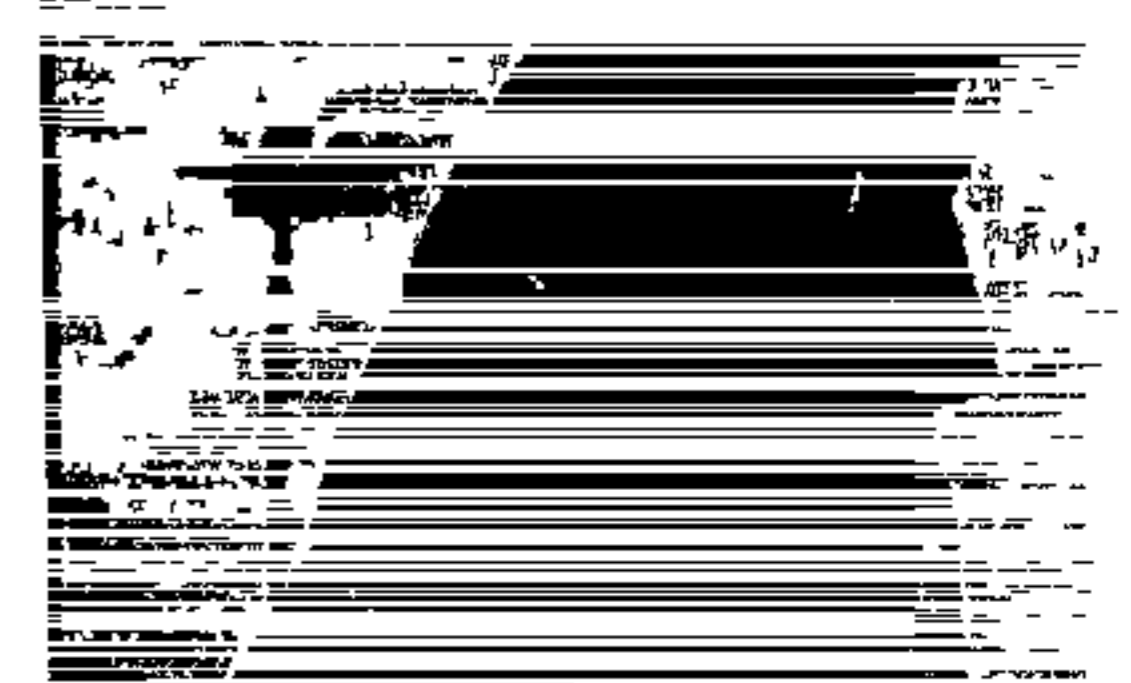
Walkabout: Correctional Services Minister Sipo Mzimela, left, on a tour of the new Goodwood Prison



Room service: Dr Mzimela holds the key to the new prison, which has been called a five-star hotel



Jail trail: Dr Mzimela visits prisoners in their cells at the ...





# Prisoners opens in Goodwood

APR 18/10/97 (253)

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Ministry has plans to accommodate on prison ships Maximum Security Central Prison.

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Jail trail: Dr Mzimela visits prisoners in their cells at the Goodwood Prison. The R140-million prison is divided into 21 units of 72 prisoners each

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# Plan to turn city buildings into prisons

Stephen Laufer

A PROPOSAL to turn inner-city buildings in major SA centres into privately managed prisons would be discussed by Deputy President Thabo Mbeki and Correctional Services Minister Siphon Mzimela today, prisons commissioner Kulekhan Sitole said yesterday.

Among the buildings understood to be under consideration for conversion are the 52-storey Ponte City block in Johannesburg's Hillbrow, a former Anglo American office building at 9 West Street opposite the Johannesburg Magistrate's Courts, the Educamus building at the Pretoria courts, and a block in Durban.

At least some, including 9 West Street, are apparently being touted by agents or prospective project managers rather than their owners.

Sitole said buildings which were within 2km of courts or could be linked by tunnel to them were most likely to get the nod if the project went ahead.

The idea had been introduced to the correctional services department by entrepreneurs keen to convert and operate the facilities. They had pointed to successful projects in the US where inner-city prisons had a good security record and had contributed to urban renewal efforts.

(253)  
BD 28/10/97  
An expert familiar with US inner city prisons said they housed up to 100 000 inmates in New York, Atlanta, Detroit, San Diego, Chicago and elsewhere. They were putting derelict structures and dilapidated buildings, which had become havens for criminals, to good use again.

City governments had turned blighted districts around with the help of the improved security associated with the prisons. The correctional facilities automatically drew more police to the area, and lawyers and others with money to spend gravitated towards the district.

Sitole said the project was "at a very initial stage".

Ponte City could house between 2 000 and 3 000 inmates, some experts believe. This would significantly reduce prison overcrowding in Johannesburg, which Sitole put at 4 000 inmates. Prisons in Durban and Cape Town were similarly overextended, while Pretoria was 2 000 over capacity. Cape Town's excess prisoners were likely to be held on prison ships.

Overall, correctional services facilities were at 147% of capacity.

Private companies would be paid a daily rate per inmate in their care, while the department's role would be limited to inspection and oversight.



Hillbrow's Ponte City Picture TYRONE ARTHUR

# Police 'helping prisoners flee'

(253)

Pearl Sebolao

NEGLIGENCE and dereliction of duty by members of the SA Police Service (SAPS) were largely responsible for escapes by awaiting trial prisoners from police custody, according to a committee set up to investigate the high incidence of escapes occurring in Northern Province.

The committee's report, which was released recently, said that in some cases police had directly "aided and abetted suspects to escape from police custody".

Northern Province safety and security MEC Seth Nthai's spokesman Charley Nkadimeng said that the cases were being investigated departmentally, and that other cases would be referred to the attorney-general for a decision to be taken on whether or not to prosecute

BD 24/10/97

The committee found also that there was poor supervision of and control among members of the service and no evidence existed that provincial and area heads made regular visits to police stations.

If the department decided to go on a witchhunt, more than 50 police officials at all levels of the service could face criminal charges.

However, it was realised that the problem did not lie entirely with them but more with the collapse of the system, Nkadimeng said

He said other factors that had contributed to the high rate of escapes included poor cell conditions, and defective locks that generally had not been repaired

Toilets, water systems and lights were often deliberately damaged by cell inmates in order to make it difficult for police members to gain access to the cells.

At Potgietersrus, a policeman was accosted by inmates at night and his unloaded pistol was taken away from him.

Nkadimeng said that low morale among officers as a result of en masse appointments and transfers had left many uncertain of their future

A lack of decisive disciplinary action by the relevant authorities had added also to the poor management of police stations.

In line with the committee's recommendations, a submission would be made at a meeting of Safety and Security Minister Sydney Mufamadi and provincial MECs and commissioners at the earliest opportunity to address the problem of low morale and the lack of discipline. The "demilitarisation" of the service with the aim of introducing proper discipline would be discussed also, Nkadimeng said

Retraining programmes would be adopted to equip officials with the proper skills.

A copy of the committee's report had been forwarded to the justice ministry and the correctional services department — both were affected by the escapes — for consideration and to increase their co-operation in this matter

# Inner city prisons 'good'

(253)

INNER city prisons could have a greater impact on police retention and improve efficiency in the judicial system, according to a study conducted by the Federal Institute for Central Prison Management.

The partnership and central management system found that prisons were overall located in downtown business districts, where there is a high concentration of commercial and financial activity. In contrast, the out-of-town police headquarters are located in residential areas.

The research was conducted in Wednesday, and it is recommended that the concept of a central management system be implemented.

The partnership and Wednesday are proposed to develop a facility for the central management building, which will provide an important study program of independent crime and police activities in the metropolitan area and a central point in the inner urban neighbourhood. The study will be conducted in Boston, Atlanta and Chicago, among other metropolitan areas.

BD24/10/97

# Tough new parole laws will see prisoners serving more time

**DONWALD PRESSLY**  
PARLIAMENTARY BUREAU

LEGISLATION passed through the National Assembly last night which will ensure that "lifers", prisoners sentenced to life imprisonment, serve at least 25 years before parole can be considered

The Parole and Correctional Supervision Amendment Bill also ensures that those sentenced to life imprisonment — for such crimes as rape, murder or armed robbery — may only apply to the courts for parole and not parole boards as in the case of lesser crimes

At present parole is considered by parole boards which have to take into consideration good behaviour credits, a system which will be done away with. The present system has resulted in lifers serving an average of 15 years

For less serious crimes, parole boards may in future consider

CT 28/10/97  
parole only once half a prisoner's sentenced has been served.

Six of the seven political parties in the National Assembly supported the bill. In addition, courts may lengthen the period during which parole can't be considered to up to two-thirds of the sentence period

Correctional Services spokesperson Mr Bert Slabbert said the bureaucratic process which applied to parole boards in the past will be done away with. In future the boards will include Correctional Services, Justice and police staff and members of the community.

In addition, parole boards can call for evidence from the victims of crime when assessing a prisoner's application for parole.

Correctional Services Minister Dr Sipo Mzimela (IFP) said the bill was the response "to a great deal of criticism in the media about convicted people not serving their time in prison"

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Prisoners would no longer be in the position to serve only a third or a quarter of their sentences

Dr Marthinus Appelgryn (NP) welcomed the scrapping of the credit system for prisoners which had been "open to abuse"

Mzimela also said the system had been used until now to advantage white prisoners

Only the African Christian Democratic Party's the Rev Kenneth Meshoe opposed the bill on the grounds that prisoners should serve their full sentences.

No division was called. ANC spokesperson Mr Andries Nel welcomed the legislation because he said that there was the perception that dangerous criminals were being let out far too early.

● The bill must pass through the National Council of Provinces on November 19 before it can be signed into law by President Nelson Mandela

# Committee wants a say on jail contracts

David Greybe

(253)

BD 29/10/97

CAPE TOWN — The parliamentary correctional services portfolio committee said yesterday it wanted to have a say in the awarding of contracts for SA's first private prisons.

The committee was discussing draft legislation for construction of four new prisons under government's pilot asset procurement and operating partnership programme with the private sector, scheduled to begin next April. The programme is intended to help alleviate overcrowding in SA prisons.

Government envisages the R1bn pilot project will involve international and local consortiums in partnership with it. The prisons — each with a 50-year lifespan — will revert to government after 25 years.

Government wants Parliament to adopt the draft legislation this session, so the bidding process can be completed by end-January next year and construction can begin next April. Full operation of the four prisons is expected by August 1999.

However, political parties yesterday criticised the public works department, which is driving the initiative, for briefing the committee at such a late stage in the process.

African National Congress MP Andries Nel said the fact that the committee was expected to adopt the Correctional Services Amendment Bill before the end of next month made it seem as if the committee "is being asked to legislate with a gun to its head".

The committee did not appreciate legislating under such circumstances, said Nel, to approval of other MPs. The committee continues its discussions today.

Committee chairman Limpho Hani said there remained many unanswered questions. Hani said the committee also felt "we should have a say in the awarding of the contracts".

Public works legal adviser Philip Loots said in response "We would unreservedly welcome Parliament's and this committee's close co-operation in the approval of contracts".

The project was approved by the cabinet last year. The public works department said five consortiums had been short-listed to tender for the projects once the draft bill was passed into legislation.

# Mass jail release on cards

## *Prisons crammed*

The mass release of thousands of petty criminals is in prospect unless urgent steps are taken to ease overcrowding in prisons, Parliament was told today.

Correctional Services Commissioner Khulekani Sitole warned the National Assembly's correctional services committee that this option could not be excluded. About 45 000 prisoners fell into this category.

It was estimated that the prison population would reach 158 000 inmates by the end of the year – 158 percent of national capacity. Some prison cells designed to hold 16 inmates accommodated up to 62.

In addition, the department had been approached by Home Affairs to accommodate about 2 000 illegal immigrants, who had committed no crime other than being in South Africa illegally.

Urgent action to ease the overcrowding had to be taken, or the department would just “have to say one morning ‘We are releasing 20 000 prisoners’,” Dr Sitole said.

He pointed out that such a step could cause friction between the department and the rest of the criminal justice system, as well as among the general public.

Another danger was that petty criminals often went on to commit more serious crimes.

ARG 29/10/97 (253)

The department did not want to go for a mass release without proper co-ordination with all concerned, but the option had to be considered.

Dr Sitole said the department was looking at using suitable empty buildings – such as the giant Ponte building in Berea, Johannesburg – to house awaiting-trial prisoners.

Such buildings could also accommodate other parts of the criminal justice system, including courts, a police station and welfare offices, he said.

The department could accommodate 3 000 awaiting-trial prisoners in the building within six months.

The current private sector prison construction programme would provide only 6 000 of the required 60 000 beds.

Magistrates and judges had to use the correctional supervision sentence option optimally, especially in the case of juvenile offenders.

The department believed correctional supervision was working effectively, but was not convinced that all judges and magistrates believed the same.

More than 46 000 offenders were currently serving such sentences, supervised by only about 1 100 staff members – Sapa

# Govt considers releasing 45 000 convicts

DD 30/10/97

(253)

David Greybe

CAPE TOWN — Government was considering the release of 45 000 petty criminals over the next 18 months to ease overcrowding in prisons, correctional services commissioner Khulekani Sitole told Parliament yesterday.

However, he predicted a "community outcry" if the proposal to convert "less serious crimes" into community correctional supervision went ahead.

The proposal was one of a number of options outlined by Sitole to the correctional service portfolio committee to ease prison overcrowding being considered by the department.

He said it was estimated that SA's

prison population would rise from 137 000 inmates to 158 000 by the end of the financial year. The national prison capacity was 98 000.

The committee unanimously agreed to set up an all-party subcommittee to try to find solutions.

Sitole said afterwards he was confident his department would finalise a plan acceptable to all parties by the end of next month.

He described the situation as alarming. "The fact that South Africans have become immune to it does not make it acceptable."

A correctional services department spokesman said petty crimes could include theft which did not involve vio-

lence or large sums of money, substance abuse, certain categories of first offenders, prisoners who were near the end of their sentences, and women and young people.

Sitole told the committee another option was a general prisoner amnesty, but this was not viable.

The department was also looking at using empty buildings in a number of cities to house awaiting trial prisoners.

The department did not want to opt for a mass release without proper co-ordination with all the stakeholders, but the option had to be considered.

He said plans to build four private prisons to house 5 300 inmates would help ease the overcrowding.



# Mass prisoner release 'a ludicrous proposal'

## 'Will just add fuel to crime fire'

ARG 30/10/97 (253)

JOSEPH ARANES  
STAFF REPORTER

The possible mass release of 45 000 petty criminals to ease prison overcrowding was condemned as ludicrous today by a range of organisations involved in anti-crime and prison rehabilitation work.

Correctional Services national commissioner Khulekani Sitole warned the National Assembly correctional services committee yesterday that the imminent release of prisoners could not be excluded as a possibility to ease overcrowding.

Dr Sithole said it was estimated that the prison population would reach 158 000 by the end of the year - 150% overcrowded.

Some prison cells designed to hold 16 inmates were packed with more than 60 prisoners, he said.

Western Cape Anti-Crime Forum spokesman Chris Ferndale said the release of criminals would "add fuel to the burning fire of crime, violence and death".

"It seems that by releasing criminals back into society before they have served their time, the correctional services department is absconding from its responsibility of rehabilitating them," he said.

"Research has shown that almost 80% of petty criminals return to a life of crime and the only way to stop this is by having effective rehabilitation programmes in place and making sure criminals know they will have to serve their full sentences".

Norman Jantjies, of the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro), said those up for release had to be thoroughly screened.

Mr Jantjies said the department

would have to liaise with community organisations like policing forums, neighbourhood watches and non-government organisations like Nicro to ensure structures were in place to accommodate the prisoners.

He said most of these criminals would not have ended up behind bars if they had proper legal assistance during their trials or the money to pay the fines that in most cases accompanied petty offence convictions.

Western Cape Human Rights Commissioner Rhoda Kadali described the announcement as ludicrous and accused Dr Sitole of not thinking the problem through.

"How can he make such statements at a time when the country is reeling under the pressures of crime and when communities are being given a false sense of hope by irresponsible calls by politicians for a referendum on the death penalty?" she said.

# Prison weighs Hustler's hard cell offer

ARGUS CORRESPONDENT

Pretoria - A goodwill gesture by the publishers of a pornographic magazine has created a headache for Zonderwater prison authorities.

Prisoners at Zonderwater prison are allowed to buy magazines of their own choice with their own money, but this is subject to approval by the prison authorities.

The publishers of Hustler magazine have offered to pay for the cost of the magazine for all prisoners in the prison.

While one may not be offended by the presence of a magazine like Hustler, it could well be offensive to other inmates in the same cell and we have to take the feelings of all prisoners into account, especially when it comes to pornography," he said.

Zonderwater prison authorities are meeting today to decide on the fate of the skin magazines.

Mr Potgieter said the unexpected arrival of the load of Hustlers had created something of a headache for the prison authorities.

Prisoners are allowed to buy magazines of their own choice with their own money, but this is subject to approval by the prison authorities.

# More than 45 000 'petty criminals' could be freed

By Tefo Motshibeli

The Department of Correctional Services is considering setting free 45 000 "petty" criminals to ease overcrowding in prisons - despite the fact that more than half of those freed in the previous mass release, were re-arrested for new offences shortly afterwards.

The release of prisoners is one of several options being considered - including building more prisons, extending correctional-supervision sentences and using prison ships, Correctional Services Commissioner Dr Khulekani Sitole told the correctional services committee of the National Assembly yesterday.

About 46 000 awaiting-trial prisoners were supervised by only 1 100 staff members. Existing prisons can hold 98 000, but there are currently 137 000 prisoners, and estimates are that the prison population will reach 158 000 by the

end of the year.

Sitole said the department was also looking at using suitable empty buildings to house awaiting-trial prisoners.

During the previous mass release in 1995, 15 000 inmates were freed but more than half were re-arrested soon afterwards for new crimes, said prisons spokesman Major Bert Slabbert.

Slabbert said petty criminals and certain categories of women and youths would be released if the latest plan was implemented.

First-time offenders, excluding those serving sentences for serious crimes or those serving long sentences, would also be considered.

He said a mass release was the least-favoured option because it "runs contrary to the spirit of the National Crime Prevention Strategy". Police trade unions say officers on the beat will be up in arms if petty criminals are released.

Star 30/10/97 (253)

# Child cells at Pollsmoor shock foreign legal experts

## *Prison 'horrifying'*

ARG 4/11/97

(253)

**ASHLEY SMITH**  
STAFF REPORTER

The sight of juvenile rapists and murderers sharing an overcrowded prison cell with petty offenders has shocked overseas delegates who are in Cape Town for a three-day international workshop on juvenile justice.

The visitors from as far afield as Canada, Uganda, New Zealand and America, together with a local delegation, visited the infamous B4 section of Pollsmoor Prison yesterday

B4 is where juveniles awaiting trial are held

Up to 30 children are crammed into a cell meant to hold 16

There are over 1 000 children awaiting trial in South African prisons

Julia Sloth-Nielsen of the SA Law Commission Project on Juvenile Justice said the visit had made an impact on several of the foreigners

She said they found it particularly horrifying that juveniles who had

committed petty crimes were being held in the same cell as juvenile rapists and murderers

In a video sketching the background of juvenile justice in South Africa, played last night at the opening banquet of the workshop, the delegates were further shocked by documented cases of children dying while awaiting trial for petty offences

One such example was 13 year-old Neville Snyman who was arrested in 1992 for stealing sweets from a shop. While waiting to be tried, the boy was sodomised and killed by other offenders sharing a cell with him

Justice Minister Dullah Omar was delayed in Johannesburg and his speech was read by Professor Tandang Nhlapo of the SA Law Commission

"What we need is a flexible system which will respond quickly and appropriately to individual children, building in a variety of protections for them," the minister's speech said

However, this did not mean that children should not be held accountable

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# NP requests more time on private prisons bill

BD 7/11/97 (253)

David Greybe

CAPE TOWN — Draft legislation necessary for the tender process to build SA's first private prisons to proceed was held up in Parliament yesterday when the National Party (NP) requested more time to consider its position.

NP MP Gert Oosthuizen told Parliament's correctional services committee the NP supported the Correctional Services Amendment Bill, but had serious reservations about the tender process linked to it.

It would be difficult, once the bill was passed, to pursue "many unanswered questions" about the "prequalification (tendering) phase" conducted by the public works department, which had produced a short-list of five consortiums from 42 applicants, he said.

The NP also wanted to know more about the international companies which had tendered and why public works insisted on the short-list being kept secret.

Committee chairman Limpho Hani agreed to the NP request in a bid, she said, to maintain the unity which had prevailed in the committee. The parties will meet again this morning.

The African National Congress asked public works director-general Siph

Shezi to ensure that Parliament could check on the contracts awarded because of the legislation's effect on future correctional services policy.

The bill makes it possible for the construction of four prisons under government's R1bn pilot operating partnership programme with the private sector to proceed.

However, government wants the bill passed before the current legislative session ends on Friday, so that bidding can be completed by end-January next year and construction can begin next April.

The five consortiums are headed by international companies considered experts in the private prison field, with a minimum 40% local black empowerment component.

Oosthuizen accused Shezi of "threatening" the committee by warning that if the bill was not passed in time, the consequences for SA would be "quite disastrous".

Shezi said government risked being sued by the short-listed consortiums and the international companies would "pack their bags and leave", denting foreign investor confidence.

Shezi responded that he had spoken "openly and honestly" so that members could make informed decisions.

# Split looms as largest Fawu regional executive suspended

BD 4/11/97

Reneé Grawitzky

CAPE TOWN — The Food and Allied Workers' Union (Fawu) Transvaal regional executive committee was suspended at a weekend national executive committee meeting for allegedly contravening the union's constitution.

Union sources warned last night that the suspension of the regional leadership of the union's largest region, if not immediately addressed, could precipitate a split in the union.

The suspensions occurred amid heated debate around the union's alleged precarious financial position and came in the wake of a round of suspensions and dismissals of union officials earlier this year.

The national executive committee was held to discuss the union's financial position which reached crisis proportions after the payment of staff was delayed. The union's general secretary, Mandla Gxanyana, presented a report

compiled by Alexander Forbes on the union's financial position.

Gxanyana said the national executive committee had accepted his departments' six month plan which would phase out the debt and normalise the situation. Branches and regions would be asked to readjust their budgets to fit in with the plan.

Union sources said, however, that there were some problems around reports that the union had managed to sort out its financial position by receiving R6,4m for the sale of Real Africa Investment shares which had not been approved by the union's investment company.

The union failed to respond on the recent suspensions which allegedly occurred after the Transvaal regional executive committee announced that in line with a regional decision, subscriptions would not be sent to the union's head office but diverted to a special account held at the regional office.

## Draft legislation for private prisons is adopted

David Greybe

(273)

BD 5/11/97

CAPE TOWN — Parliament's correctional services portfolio committee unanimously adopted yesterday draft legislation necessary to build SA's first private prisons despite National Party reservations about the tender process. The Correctional Services Amendment Bill is expected to be put to the vote in the National Assembly before

the legislative session ends on Friday. Committee chairman Lympho Hani said afterwards that the committee would still seek an agreement with the departments of correctional services and public works based on an earlier "understanding" that Parliament could in some way check on the contracts awarded because of the legislation's effect on future correctional services policy.

# ANC's plan to buy a prison

MAN  
ARG 8/11/97

(253)

PIETER MALAN

**The African National Congress Youth League is bidding for at least one multi-million rand contract to run a private prison for the Government.**

Parliament's portfolio committee on Correctional Services heard that the ruling party's youth wing could reap millions if its consortium's bid to run a "youth development facility", to hold young offenders in Mpumalanga, were successful

ANC MP Andries Nel has disclosed to the committee that the league is part of a consortium bidding for two prison projects - the other prison project has not been disclosed

The startling revelation may not have come to light if Nel had not admitted to the committee that he was a director of the league's Trade and Investment Company - and that it was bidding to run a prison.

If it was not for Nel's admission, the league involvement would probably never have come to light because its Trade and Investment Company was not listed by name in documents presented to parliamentarians.

The Correctional Services Amendment Act, passed by Parliament this week, paves the way for the Minister of Correctional Services to appoint private contractors to finance, design, build and run four prisons as part of a pilot project.

Five consortia, with international and local partners and a black empowerment element have been shortlisted to bid for four projects

These could be worth R50-million a year over its 25-year lifespan, Saturday Argus was told

Nel spoke last week about the Youth

League's hopes to run a prison, while the portfolio committee on correctional services was debating the Correctional Services Amendment Bill.

Declaring his interests as one of the directors of the Trade and Investment Company, Nel wrote to Limpho Hanu, chairman of the portfolio committee, saying:

"The ANCYL Trade and Investment Co forms part of a consortium led by Siyakha which is in the process of tendering in respect of (prison) projects"

Nel added that as the deliberations of the portfolio committee might impact on this venture, he would allow Hanu to guide his future participation in the deliberations of the committee.

Nel's startling revelation to the committee was met by disbelief by the National Party's Gert Oosthuizen, who demanded to know exactly who the league's partners in the venture were, as the confidential documents provided to the portfolio committee did not make this clear

"I'm still waiting for a straight answer," said Oosthuizen later this week.

The documents provided to committee members show that Siyakha Youth Services Afrika was tendering for the Mpumalanga facility against two other groupings - Ikhwezi Consortium, with Murray & Roberts Construction as one of the partners, and Lungisa, a consortium with WBHO Construction as one of the partners.

It is not clear where the league fits into the Siyakha consortium because it or its development company is not mentioned in documents before Parliament. Documents list the Siyakha Youth Services Afrika's

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## ANC prison-purchase bid slammed

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seven partners as Youth Services International Inc, RFB, Afro-Nyezi, Parsons Corporations (USA), Buna Puri Group (Malaysia), PDE/PDI Involvement and CIBC Wood Gundy

Mr Oosthuizen said that because there was no indication who these companies or groups were, the taxpayer could not be sure whether other political groups were not involved in some of the ventures

He has called for a full disclosure, giving exact details of those

behind each consortium.

"The specific question to be answered is how many front organisations of the ANC have a share in these consortiums.

"How do we know the ANC Women's League is not involved in one of these groupings as well?"

Douglas Gibson, Democratic Party member of the Correctional Service Committee, described the ANC Youth League's involvement in the bid as "awful". Political parties should not be involved in business deals with the Government "They are there to conduct politics, not run businesses," he said

Youth League president Malusi Gigaba could give no details of his organisation's Trade and Investment Company, saying treasurer general Penny Majodina was the only person on the executive who knew of its dealings

"She is not available today she is writing exams I'll ask her to call you," Mr Gigaba said

Mr Nel referred all questions about the company to Temba Kinana, its "permanent" director "I have asked him (Kinana) to get hold of you," Mr Nel said, refusing to give Mr Kinana's telephone number to Saturday Argus

# Shock treatment for escapees

In bid to cut down on high number of breakouts, Correctional Services introduces electrified fences which can knock a man out for four hours

By Rosemary Victor

Rings of electrified razor-wire, capable of knocking a man unconscious for four hours, are going up around prisons as the Department of Correctional Services implements new measures to keep criminals behind bars.

Nineteen of South Africa's most high-risk prisons are being surrounded by electrified perimeter fences in an effort to cut down on escapes.

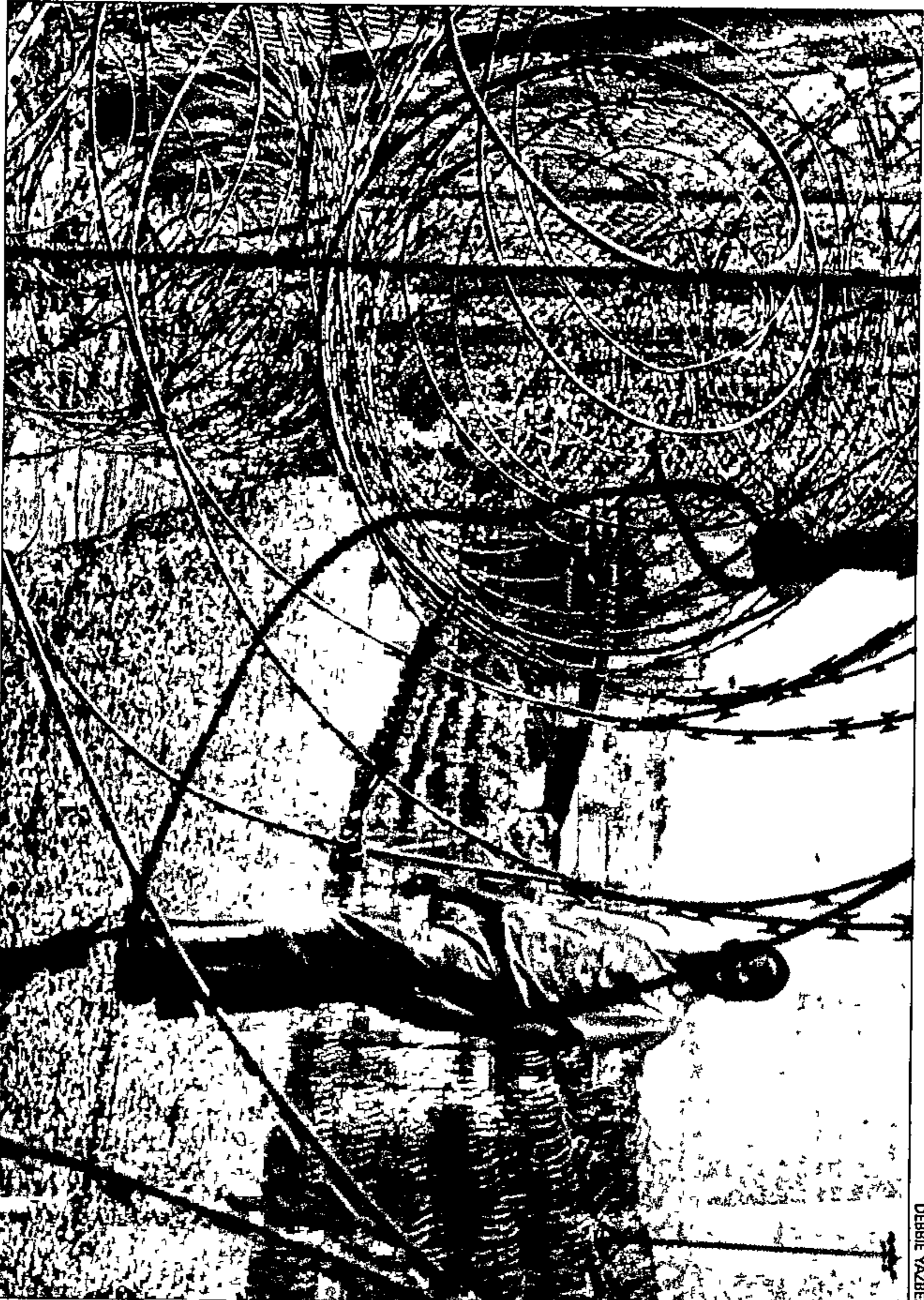
The most recent to go "live" is Johannesburg Prison, where R2,7-million was spent on erecting high-tech electrified fences around the four blocks in the complex. The system underwent final testing last week and was "switched on" on Friday.

Other Gauteng prisons which have been fenced are Leeuwkop and Krugersdorp. "I haven't heard of any escapes at these places since we switched on," said provincial correctional services spokesman Rudi Potgieter.

"It's a new thing and I'm not saying it's 100%, but it's a good investment in preventing escapes and further crime. Unfortunately there's still the human factor - most of our escapes (take place) on the way to court or hospital, or when prisoners are out on work parties," he said.

Potgieter was not sure how far the project had progressed in other provinces, but prisons which are to receive the same treatment include Vereeniging, Nelspruit, Durban, Esheve, Green Point Maximum, Mossel Bay, East London, Kimberley and Umhata. Prisoners with the urge to break out now face a 2m-high ordinary razor-wire fence, followed by a 5m high electrified fence.

"First it gives you a high-voltage shock from a battery, and if you don't take notice it will shock you out of action for three or four hours," said an official at Johannesburg prison. The department was spending R30,4-million this year to put



DEBBIE VAZBEK

No easy walk to freedom: escapees at Johannesburg Prison now face a double barrier of razor-wire which, after a warning shock, can knock a man senseless.

electrified fences around prisons, Potgieter said. The National Crime Prevention Strategy part of the Ministry of Safety and Security had provided R29,9-million.

Next year it would spend a further R29-million to secure 21 other prisons, including Polismoor in Cape Town (R7,2-million) and St Albans in Port Elizabeth (R7,5-million).

The department had also adopted new policies regarding warders implicated in the escape of prisoners. They now face immediate suspension until an inquiry is completed and their names cleared. Metal detectors were being introduced to scan everyone going in or out of a prison, Potgieter said.

Sapa reports that a warrant of arrest has been issued for correctional services medical officer M.M. Nhlapho (29), who allegedly helped two prisoners to escape from Modderbee prison on the East Rand on Friday. He allegedly loaded the two

Portuguese nationals into the boot of his grey Ford Laser and drove out of the prison at about 2.40pm.

The two escapees are Josiah Manuel Gracio (31), who was serving seven years for theft and possession of stolen goods, and Davila Emelio Bravo (32), who was serving 28 years for dealing in cocaine.

**Closed-circuit TV to focus on city crime**

Closed-circuit television cameras are to be installed in Johannesburg's city centre in the fight against crime.

The cameras are expected to be in place by March next year, once the manufacturer has been appointed and all the logistics worked out, Central Johannesburg Partnership spokesman Fransoo Andreone said at the weekend.

"The CCTV project, as it is known, has been under discussion for years, and was given the go-ahead earlier this year. Closed-circuit cameras have been used with great success in the UK to help fight crime.

Andreone said research was still being done on how the system would operate and where the cameras would be installed. A control room would be used to monitor the cameras, but its location had not been decided.

The cameras were also likely to be placed on the fringes of the city centre - around Park Station or the M1 motorway - in an effort to prevent crime moving to adjacent areas.

"We don't want to create this very big displacement (of crime) if we put the closed-circuit television cameras in the middle of the central business district," Andreone said.

He said the CCTV project would be funded jointly by houses, the SA Police Service and Gauteng's safety and security secretariat.

Andreone could not say how much the system would cost, because this was still being negotiated.

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# Prison's shock tactic

## Electric fence plan to cut Pollsmoor's

ARGUS CORRESPONDENT AND STAFF REPORTERS

In an attempt to reduce escapes, the Department of Correctional Services is to spend R7,2-million to fence Pollsmoor Prison with electrified razor-wire capable of knocking a man unconscious for four hours.

The announcement of the tightening of security coincides with the escape of convicted double killer Albert Mathys yesterday - his sixth breakout.

Two weeks ago convicted killer Mario Ames and two others escaped.

Less than a week before he escaped, Ames was sentenced to 28 years in jail for robbing and murdering Cape Town taxi driver Carmelo di Perna

Murder and robbery detective Ivan van den Heever said Mathys was jailed for murdering a shop owner and his girlfriend in Elsie's River in 1995 and for two armed robberies.

Mathys had escaped from police custody and court and prison cells at least five times previously.

Inspector Van den Heever said Mathys was extremely dangerous and would have armed himself.

Mathys was discovered missing at 12 45pm yesterday and was probably hiding out in Elsie's River or Kraaifontein, areas which were familiar to him.

The escapes - and the murder of a prisoner on Saturday - have highlighted the dangerous lack of security at Pollsmoor

Andile Sikithi, 25, was stabbed to death after being grabbed from a warder and a policeman by inmates. He had laid a charge of theft and was showing the policeman his single cell, which had been broken into, when a group of prisoners grabbed him and pulled him into a shower. Warders found Sikithi seriously injured and called an ambulance, but he died on the way to hospital. Police are questioning the prisoners.

A correctional services spokesman said today that 19 of South Africa's highest-risk prisons were being surrounded by electrified fences in a new attempt to keep criminals behind bars.

In the Western Cape, the fencing of prisons at Mossel Bay and Buffelsrivier (near Swellendam) was nearing completion at a

cost of almost R2-million and R800 000 respectively.

George Prison (R3,13-million), Voorberg (R3,7-million) near Porterville and Pollsmoor were still at the tendering stage, said Barry Eksteen, spokesman for the Department of Correctional Services.

Since 1993 an average of 100 prisoners a year had escaped countrywide, but only 30% of them from prison premises. The rest had escaped while out on work teams, Mr Eksteen said today. Escaping prisoners now face 2m-high standard razor-wire fences, followed by 5m hi-tech electrified fences.

The department was spending R30,4-million this year to put electrified fences around prisons, said Correctional Services spokesman Rudi Potgieter. The National Crime

Prevention Strategy, part of the Ministry of Safety and Security, had provided R28,9-million.

Next year it would spend R58-million to secure 21 prisons, including Pollsmoor and St Albans in Port Elizabeth (R7,5-million).

"First it gives you a high-voltage shock from a battery, and if you don't take notice, it will shock you out of action for three or four hours," said a Johannesburg prison official.

■ In another escape from police custody, four prisoners broke out of the Elsie's River police cells yesterday when they sawed through metal bars reinforcing the roof. Police said the four were suspects in armed robbery and attempted murder cases. The escape was discovered during a routine inspection of the cells at 5 45pm.

escapes

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ANALYSIS

# Privatising prisons will improve their success in rehabilitation

BD 10/11/97

(253)

**Cataloguing SA's prison system collapse, Martin Schonteich urges privatisation sooner rather than later**

SA's prison system is facing collapse due to overcrowding. Far from rehabilitating criminals, prisons are rapidly becoming the epicentre of SA's crime problem. What is required is a fresh approach of private sector involvement in order to combat increasing lawlessness in the prison system.

There are more than 138 000 inmates in the prison system. The correctional services department says the projected figure for the end of next year is in the region of 156 000 — an increase of 13%.

Yet the country's 299 prisons, three-quarters of which are more than 20 years old, have a capacity to house only 95 000 prisoners. Prisons are, on average, at 145% of capacity. Some prisons are overcrowded to a much greater extent. Lushaka in the Eastern Cape is overcrowded by a massive 206%.

The correctional services department's budget for the current financial year caters for a mere 118 000 prisoners. Bathing with extreme overcrowding and a budget which ignores about 20 000 inmates, the prison systems are crumbling apart.

At Pollsmoor prison near Cape Town almost 7 000 inmates are squeezed into a facility designed for 1 900. A board of inquiry appointed by Correctional Services Minister Sipo Mzimela uncovered a chaotic situation at the prison. Due to lack of staff and facilities, prisoners receive only two meals a day — breakfast and lunch. Prisoners go "without a meal for approximately 19 hours", the inquiry said.

Lawlessness in the prison system has reached horrific proportions. At Pollsmoor, drug trafficking among inmates is commonplace, with drug related money "exchanging hands" at approximately R300 000 per week.

Mzimela told Parliament's correctional services committee the story of an inmate who had swallowed a valuable item for safekeeping. While he was still alive, his stomach was cut open with a razor blade by cellmates who wanted the item. After retrieving it from the man's stomach, they proceeded to cut his heart out, sliced it up and ate it. The overburdened wardens were unaware of what was happening.

The purpose of imprisonment is to punish the accused, to protect society, and to rehabilitate the prisoner. The latter point is important as "the sentences" and the death penalty do not exist in SA's legal system. Virtually all convicted prisoners are released back into society upon full or partial completion of their sentence.

Due to overcrowding and unmanageable conditions, the recidivism rate is, however, extremely high. Only one in eight prisoners is rehabilitated by his stay in prison, and does not commit further crimes after his release.

Part of the overcrowding problem has been caused by a substantial increase in the number of awaiting-trial prisoners over the past few years. Since the current bail law came into effect in 1995, the number of unsentenced prisoners has increased from 23 750 to 38 000. About 28% of all prisoners fall into this category, in the case of Pollsmoor it is well over 50%.

Due to a slow moving criminal justice system, awaiting-trial prisoners spend an average of five months in prison before their trial is finalised. Only 50% to 75% of these people are convicted, the rest are acquitted having cost the taxpayer R70 for every day spent in prison. Minister of Justice Dullah Omar's new bail law, which is intended to make it more difficult for accused persons to be released on bail, will exacerbate the situation.

Mzimela is to be congratulated for looking to the private sector for assistance. In terms of a cabinet sanctioned scheme called "Asset procurement and operating partnerships", the private sector is to finance, design, construct, operate and maintain a number of prisons.

The correctional services department has been investigating privatisation of prisons since 1994. Yet, thus far little has happened due to an unwieldy gov-

ernment bureaucracy. Mzimela says it takes the approval of "many departments to make simple decisions". Prolonged negotiations with the public works and finance departments, the state treasury and tender boards have, he says, "cost endless time and money" without producing substantial results.

If all goes well, the first private sector prisons should be built next year, to be operational in April 1999. The situation is so critical, however, that the correctional services department should explore other ways to privatise specific aspects of the prison system in the meantime.

The board of inquiry on Pollsmoor prison recommended that "a private security firm should be employed to man all points of entry" into the prison. This would allow wardens to concentrate on their core

functions to guard, feed and rehabilitate the prisoners in their charge. Private guards would also circumvent corrupt wardens, who allow drugs and weapons to be smuggled into the prison. A solution to the meal situation would be to hire a private catering firm to provide inmates with a third daily meal.

These are simple yet effective measures which can alleviate some of the problems facing our prisons. Allowing the private sector to participate in the construction and running of prisons will reduce costs and overcrowding. This will improve the likelihood of rehabilitation. Government must implement its privatisation plans without delay.

*Schonteich is parliamentary affairs manager for the SA Institute of Race Relations*



Who should be behind bars in SA, the criminals or the victims?



## ICS HOLDINGS LIMITED

Company registration number 01/01674/06  
(Incorporated in the Republic of South Africa)

### Group results and dividend declaration

for the year ended 30 September 1997

# Dozens escape from custody

At least 47 prisoners have escaped since Friday in eight separate breaks from jails, police cells and courts around the country.

A total of 22 awaiting-trial prisoners escaped from police holding cells in Mpumalanga in three separate incidents yesterday morning, police spokesman Superintendent Doep du Plooy said.

Four prisoners were re-arrested at Witbank police station while attempting to sneak out of the station yard. A fifth prisoner, Nico Well, escaped after evading police guards who arrested his four companions.

Police were last night still searching for four awaiting-trial prisoners who escaped from Ogies police cells.

Twelve awaiting-trial pris-

oners escaped from the White River police cells yesterday.

An awaiting-trial prisoner, Vincent Kelly, escaped from the Standerton Magistrates' Court on Friday.

Prisoner Albert "Kierie" Matthys (31) escaped from Pollsmoor maximum security prison in Tokai near Cape Town on Sunday. Police yesterday urged members of the public not to approach Matthys under any circumstances because he is considered to be armed and dangerous.

Four men - Theo Piedt, Lawrence Mayesla, Ashley Petersen and Wallied Arendse escaped from the Elsie's River, Cape Flats, police cells on Sunday.

In Alexandra, 18 illegal immigrants escaped from police cells on Sunday - Sapa

Handwritten scribbles at the bottom of the page, possibly including the word "SAPA" repeated.

DD 11/11/97  
(253)

## R30m spent on electric fences for prisons

PRETORIA — The correctional services department spent R30,4m this year on electric fences around 19 prisons countrywide in an attempt to curb escapes, spokesman Barry Eksteen said yesterday.

Another R58,2m was allocated to fence in 21 more prisons next year.

"As far as we know there have been no new escapes from prisons where such fences have been put up," Eksteen said. These included prisons in Krugersdorp, Vereeniging, Nelspruit, Mossel Bay, Groenpunt in the Western Cape, East London, Virginia in the

Free State, Durban and Beekop Medium A prison near Khayalami.

The most recent one to be fenced in was Johannesburg Prison, at a cost of R2,7m. The 5m electric fence was not lethal but would knock a grown man unconscious for three to four hours. Anyone touching the wire would first get a warning jolt, followed by a shock of between 7 000 and 9 000 volts.

The R30,4m had been allocated by the National Crime Prevention Strategy, Eksteen said. Next year the department would pay for the project from its own budget. — Sapa

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# Nelspruit council's water plan on 'temporary' hold

Deborah Fine *BD 12/11/97*

THE proposed 30-year water and sanitation partnership between Nelspruit's council, private SA consortium Metsi-a-Sechaba and UK firm Biwater has been "temporarily placed on hold" to allow further consultation with trade unions and other stakeholders, Nelspruit town clerk Roelf Kotzee said yesterday.

The African National Congress-dominated council — which has hailed the partnership as the only way of extending affordable water and sanitation services to all residents in the greater Nelspruit area within a reasonable time — has been accused by the SA Municipal Workers' Union, the Congress of SA Trade Unions and the SA Communist Party of unilaterally deciding to privatise service delivery without sufficiently consulting other interested parties.

An ANC alliance-partners summit would be held in Nelspruit within two to three weeks to allow all stakeholders to debate the matter further.

# ANC's Turok criticises green paper

Jacob Dlamini

CAPE TOWN — Plans to draw up local government legislation could suffer from the same problems as the reconstruction and development programme unless adequate emphasis was placed on community involvement, African National Congress MP Ben Turok warned yesterday.

Addressing Parliament's constitutional affairs committee hearings on the local government green paper, Turok said the document did not go far enough in recognising the role of municipalities in economic development.

He said the paper failed to strike the right balance between what government could deliver and what community participation could achieve, and unless this was redressed municipalities would suffer.

Turok, who sat on the team which drafted the RDP, said the idea of local develop-

# ment forums had been contentious and had proved difficult to inscribe in the Development Facilitation Act.

*BD 12/11/97*

He said the green paper, published last month as part of a process aimed at developing a comprehensive framework for new local government legislation, was too loose and too general and that it should encourage the emergence of local economic development forums.

In his submission, Monhla Hlahla, the head of the Development Bank of Southern Africa's private sector investments, urged municipalities to adopt private-public sector partnerships. He said government alone could not fulfil SA's infrastructural needs and that partnerships between municipalities and business would enhance efficiency, improve services and give local government access to additional sources of capital.

He warned, however, that poorly structured partnerships could lead to job losses.

# Jailbreakers to serve 80% of sentence before parole

Business Day Reporter *BD 12/11/97*

PRISONERS who escaped from jail and were recaptured would have to serve at least 80% of their total effective sentences before they would be considered for parole, the department of correctional services said yesterday.

The move forms part of the department's tough new measures to clamp down on increasing incidents of jailbreaking, and will apply to awaiting trial prisoners, any person found guilty of attempting to escape from custody, and persons aiding or attempting to aid such escapes.

Any prisoner or awaiting-trial prisoner who escapes more than once will not be considered for parole and will have to complete the full term of effective sentence.

The new measures exclude convicts sentenced to life imprisonment.

ANC remarks kaaninn

# 3 die in Pollsmoor violence

(253)

JOHAN SCHRONEN  
CRIME CORRESPONDENT

ARG 14/11/97

**Three Pollsmoor prisoners have died during the past week, two of them murdered, highlighting the high level of violence in the prison.**

A prisoner who had laid a charge of theft against fellow inmates was stabbed to death in a cell shower last Saturday

On Wednesday a maximum security inmate was found hanged from window bars in a communal cell. It is unclear whether he hanged himself.

And yesterday a prisoner being transferred to Helderstroom Prison outside Caledon was stabbed to death

in a Correctional Services prisoner transport truck

Correctional Services spokesman Eddie Claasen said the spate of deaths emphasised the urgency to relieve overcrowding, a major factor contributing to poor control in prisons

"At Pollsmoor we have only one warden looking after 80 inmates, an unacceptably high ratio which we are trying to remedy all the time," Mr Claasen said

He said yesterday's killing happened while prisoners were being transferred to relieve overcrowding at Pollsmoor. "Next month we are moving prisoners to a new prison in Malmesbury but in the meantime overcrowding is a major problem"

ground on the East Timor question when, on a state visit to Indonesia in

Nzo said government would be briefed on Asian currency problems.

## NP criticises the number of jailbreaks

Wyndham Hartley

CAPE TOWN — Recent jailbreaks and the estimated 7 000 escapes from SA prisons each year gave the impression that it was easier to get out of prison than to get in, the National Party (NP) said yesterday

NP correctional services spokesman Gert Oosthuizen said the high levels of escapes contributed to the high crime rate. He warned that once syndicates which organised jailbreaks turned it into a thriving business, if they had not already done so, it would be "extremely difficult to stop or control".

"The state in effect allows 7 000

crimes to be duplicated each year as it cannot be argued that an escapee will desist from crime. Knowing that he or she is hunted can create a mindset in which even worse crimes are committed because of the perceived borrowed time the prisoner has," he said

Some of the causes were awaiting-trial prisoners being kept in police cells rather than prisons because of overcrowding; negligence by police officers and insufficient security systems and equipment; personnel shortages; syndicate involvement; and a lack of discipline "What we are seeing is only the symptom of a deeper malaise in the entire judicial system," he said.



### JOHANNESBURG STOCK EXCHANGE

#### RARE EARTH EXTRACTION COMPANY LIMITED ("RARECO")

#### QUALIFIED AUDIT OPINION ON ANNUAL FINANCIAL STATEMENTS

The Johannesburg Stock Exchange ("JSE") wishes to advise that the audit opinion on Rareco's Annual Financial Statements for the year ended 30 June 1997, has been qualified.

Accordingly the company's listing on the JET system of the JSE will remain annotated with a "Q", to indicate the qualification. This annotation will be removed when the company produces an unqualified audit opinion.

This advertisement has been placed by the JSE in the interests of shareholders.



14 November 1997

# CMax prison hatched in secret

M+G 14-20/11/97  
Marion Edmunds

**P**retoria's controversial high-security CMax prison was kept secret from key Department of Correctional Services officials until a week before it was put into operation for fear it might provoke protests. Even correctional service's head of prisons, chief deputy commissioner of functional services Timothy Khoza, had not heard about CMax until just before it opened. Khoza was national commissioner Khulekani Sitole's deputy. Khoza has now retired, although

he was asked by Minister of Correctional Services Sipo Mzimela to stay on until next year. He refused to comment this week on his reasons for going early, saying only "Some times there are things that people must not talk about."

Mzimela is reported to have told the parliamentary portfolio committee last month that he could not risk discussing the project before implementation.

"If you think what you are doing is good, you act first and apologise later. The reason why we could not develop the nine-shaft prison idea was that we said it first. We learned from that," he said.

The Black Sash's Sheena Duncan has called for Mzimela's sacking "if this report about the minister is true, then he is totally unsuited for this or any other Cabinet post. Before he does any more damage in secret to human rights in this country, he must be removed."

Neither Mzimela nor Sitole was available for comment this week. In an earlier rebuttal of criticism, Mzimela boasted "CMax — and,



Minister of Correctional Services Sipo Mzimela: Believes that high-security prisons are the best thing that could happen in the criminal justice system at this stage. PHOTOGRAPH HENNER FRANKENFELD

When they come into existence, the super-maximum prisons — are the best things that could happen in the criminal justice system at this stage. Our society and our prison systems are being criticised by people who show no respect for other people's lives or property."

CMax, however, offers scant respect for the dignity and well-being of its inmates. The international organisation, Human Rights Watch, has written to Mzimela complaining that the solitary confinement imposed in CMax contravenes international human rights conventions.

CMax prisoners are kept for 23 hours out of 24 in solitary confinement, with only an hour per day out for exercise and a short shower. Mzimela has denied this is solitary confinement, and described it as "tight security."

CMax prisoners are not allowed to smoke, shave with razors, watch television, talk or associate with oth-

er inmates or receive contact visits. CMax, however, is becoming an embarrassment to the government. Local human rights groups say they are outraged, not only at the conditions in the prison, but also at the lack of consultation with stakeholders before it was set up.

The Human Rights Commission has now visited the prison twice and remains dissatisfied with the way it is run, the criteria used to place prisoners in it and the philosophy behind it.

Commissioner Jody Kollagen said, "CMax serves as a tool of blackmail for prisoners who are not there, but I don't see how CMax is going to assist in stopping escapes."

Kollagen added that the commission had not yet decided whether to litigate against the prison. He said many prisoners had complained bitterly to him about the conditions under which they were kept, and could

not understand why they were there. He said they claimed their complaints went unheeded. There is no formal appeal system for prisoners in CMax.

One of the 18 prisoners held in CMax, Andre Louber, is serving an 11-year sentence for fraud. He tried to escape from prison last year, but does not believe his escape attempt justified the CMax treatment. He has briefed attorneys who are also considering court action.

"The intention behind CMax is basically to try and punish prisoners and to take away their rights. The intention is to keep them secure and to pretend to the public that correctional services is playing a part in lowering the crime rate," said Jeremy Sarkun, a national executive committee member of the Human Rights Committee.

Former apartheid security cop Eugene de Kock is also battling to understand why he has been placed

in CMax. Mzimela told parliamentarians it was for his own safety. His lawyer has denied this to be a valid reason.

CMax is meant to be a pilot project for four new high security prisons, super-maximum prisons, which the department wants to build. Correctional services representative Barry Eksteen confirmed this week that the department was briefed about the prison just seven days before it was put into operation two months ago. He said a select group of about 20 people had been in the know, but would not say who.

"There is nothing sinister about that. You can't brief 30 000 staff members on every project," he said. Eksteen refused to disclose which advisers and senior officials Mzimela and Sitole relied on in developing CMax. Much of the inspiration reportedly came from maximum security prisons in the United States.

# CIMax prison (209) hatched in secret

M+G 14-20/11/97  
Marion Edmunds

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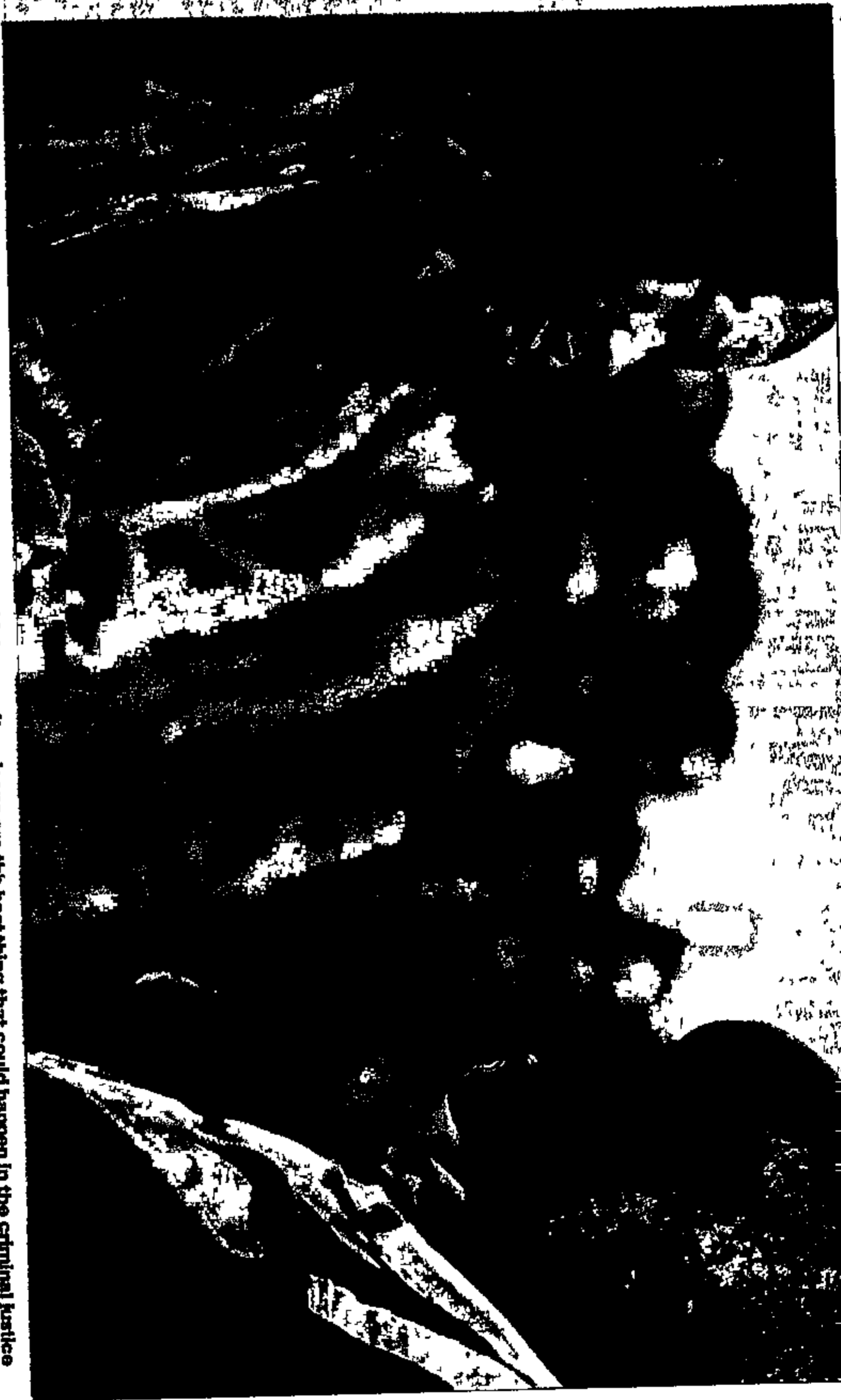
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Minister of Correctional Services Sipo Mzimela: Believes that high-security prisons are the best thing that could happen in the criminal justice system at this stage. PHOTOGRAPH: HENNER FRANKENFELD

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# SA'S leaking police

# cells

(253)

Mar 15/11/97

By PETA KROST

The police cannot hold on to the criminals they arrest 10 a day escape from police custody, many before they can be brought to trial.

Almost 400 prisoners escaped from police detention in the past six weeks, including 185 in the first 13 days of November alone.

"More than 85% of all escapes were due to negligence or corruption of members of the police," according to Director Ben Groenewald, who is heading a special national team probing the widespread escapes.

Security at police holding centres has collapsed dramatically compared to last year, when there was a national outcry over 293 prisoners escaping from police cells in the first eight months of the year.

Although the number of people being held in prisons is far higher than the total held by the police, there were only 100 prison escapes in September, according to the Department of Correctional Services.

While escapes from police cells soar, the percentage of escapes from correctional services custody has fallen since January. The most prison escapes in a month this year was in June, with 117.

Police Commissioner George Fivaz has declared escapes from police custody a national priority crime and is intent on halting them and severely punishing the people involved.

In Gauteng alone, 160 people escaped between October 1 and November 13, with 94 escaping in the past fortnight. While Gauteng is the worst hit, escapes in KwaZulu Natal are also at crisis level, but the problem is smaller in the other provinces.

In August, Fivaz warned police that escapes from custody were damaging the image of the force and he was making station commissioners and management personnel accountable for the escapes.

On September 11 he ordered stations to provide information on escapes to head office within 12 hours.

TO PAGE 2

P.T.O.

## ◆ Escape

(253)  
 15/11/97  
 "The number of escapes has increased alarmingly in the recent past," he wrote, attributing a large number of these breakouts to the police themselves. He said the most stringent possible criminal or departmental steps would be taken against anyone found to have aided these escapes.

Fivaz set up Groenewald's research team to uncover the causes of these escapes. Groenewald ordered each provincial commissioner to devise measures to deal with the problem.

"Once their input has been analysed, we will put together a new national order in dealing with escapes," he said. "However, we are not totally unsatisfied with the existing orders but feel a desperate need to address morale and negligence.

"We have to take a firm stand and ensure that every escape is thoroughly investigated and that policemen, who knowingly helped their escape, are suspended.

In 126 incidents in October, in which 212 people escaped, 54 of the escapers broke out of station cells.

Groenewald added. "Many of these cases are clearly because of serious negligence, with people using hacksaws to escape. If the police were doing their job, the prisoners would not have these blades."

Another 45 people escaped from police station offices, either while being fingerprinted, being questioned or while doing cleaning. A further 10 ran away from hospitals and clinics, and 20 more made their move from either the courts or court cells.

"A new tendency among these detainees is to use someone else's name to get out of the cells," Groenewald said. He added that, apart from negligence and corruption, the poor conditions of cells also contributed to the problem.

He has not yet identified specific stations as being the worst or best, or as having specific problems. He does not know why there has been such an increase in escapes.

Between October 1 and November 13, a total of 47 people were reported to have escaped in Johannesburg alone.

### Phone calls

These are just some of the shocking reports on escapes in Johannesburg.

■ In Randburg police station cells, two prisoners escaped individually after making phone calls. One suspect disappeared when he was left alone in the office to use the phone. The other kicked a policeman in the stomach on his return from phoning, and ran off when his guard fell.

■ Two suspects on charges of attempted bank robbery escaped from the Rand Clinic, Berea, without the four guards assigned to them noticing.

■ A prisoner assigned to hard labour escaped from Parkview police station while he was working in the gardens at 3pm. "The person in charge of the grounds noticed he was no longer there," said a police spokesman.

■ A suspect arrested by the syndicate fraud unit escaped from custody when he drove away from his guarding officer who had told him to follow in his own car.

■ Five suspects at Sandton police station cells escaped when they ambushed two policemen on a cell inspection. One was re-arrested by Coin Security guards nearby. Those still on the loose include two armed robbery suspects, a rape suspect and an attempted murder suspect.

■ An elderly prisoner was brought from the Brixton police cells at 11am to clean the police station floor. When a policeman looked for him 25 minutes later to take him back to the cells, the man had disappeared.

■ Police were unable to explain how two suspects left Diepkloof Prison to be escorted to the Johannesburg magistrates' court, but only one arrived. The escaper was an awaiting-trial armed robbery suspect.

■ A fraud suspect from the Yeoville police cells was booked out for investigation purposes by a policeman who took her to a supermarket in Sophiatown where she went to buy a soft drink and sweets and did not return.

■ A Sophiatown police cell detainee was booked out by his investigating officer after 7pm on a late bail application. He was taken to his home to get bail money and then back to the station where he was left in an office from where he escaped.

■ A Johannesburg Central police station policeman was taking down a robbery suspect's statement when he left the suspect in the care of another policeman. When he returned, the suspect was gone.

■ A Jeppe policeman was arrested after opening a cell and setting a suspect free.

■ A suspect escaped from Sandton police station when he was left unattended by police during fingerprinting.

■ A fraud suspect escaped from the fourth floor of the Johannesburg licensing department where he had been escorted by a member of the syndicate fraud unit to sort out an issue over his car.

■ Police cannot explain how no fewer than 18 illegal immigrants escaped en masse from Alexandra police station cells. They were discovered missing when the duty officer visited the cells during his rounds on November 9.

# Correctional services denies prison service is on verge of collapse

*Says escapes in relation to the jail population have declined*



By  
Phalane  
Motale

(253) CP 16/11/97

The department says it has spent R30,4 million putting up electrified fences around some 12 prisons this year and that it intends to spend a further R80 million to secure another 21 prisons next year.

**L**ACK of staff, corruption and overcrowding in South African jails result in at least 100 prisoners escaping from custody every month. The department is also faced with corrupt and undisciplined staff and disclosed that at least 2 400 staff members were absent from its prisons every day.

Correctional Services spokesman Rudi Potgieter confirmed to City Press that at the Pretoria prison during the December holiday period last year, as many as 83 members were absent daily, while on average 27 were absent for each shift on Mondays.

There are at least 140 000 prisoners looked after by 20 904 warders. Some 500 000 inmates move through the prisons annually.

After more than 50 prisoners escaped from South African jails in some 10 separate incidents this week, National Party spokesman Gert Oosthuizen said one gained the impression that it was easier to get out of prison than to get into it.

Oosthuizen said the causes of prison escapes were multi-dimensional, but included awaiting-trial prisoners being kept in police cells rather than prisons because of prison overcrowding, negligence by police officers, insufficient security systems and equipment, personnel shortages, syndicate involvement and a lack of discipline.

The underlying structural issues, such as prison overcrowding, crime levels and personnel shortages, appeared to make a solution extremely difficult.

"What we are seeing is only the symptom of a deeper malaise in the entire judicial system. This is yet another indication of the institutional collapse of the public service," he said.

But the department of correctional services has rejected the claims and said instead, in relation to the overall prison population, the percentage of escapes from custody had fallen.

Potgieter said on average 100 prisoners escape each month. Sixty percent of them are from work teams, hospital custody, court custody or under escort.

"Escapes in relation to the overall prison population have in fact declined," a statement said. "The claim that it is easier to get out of prison than to get into it, is rejected."

About 1 000 prisoners had escaped since January. The highest number of escapes was in June when 117 inmates broke out. Potgieter said rings of electrified razor wire capable of knocking a man unconscious for hours are going up around 19 of South Africa's highest risk prisons in a bid to keep criminals behind bars.

The department has spent R30,4 million this year on electrified fences and the most recent to go "live" is Johannesburg prison where R2,7 million was spent on putting high-tech electrified fences around the four individual blocks in the complex.

Other prisons that have already been switched on are Krugersdorp, Leeuwkop and Vereeniging, Durban, Nelspruit, Eshowe, Greenpoint, Mossel Bay, East London and Kimberley. Umtata are soon getting their electrified fence. Next year the department will spend a further R58 million to secure 21 other prisons, including Pollsmoor.

The department on Wednesday said it would crack down on escapes from prisons.

The new measures would include restrictions on prisoners' parole. If they are involved in any way with an escape or an escape attempt, they will be kept in jail until they have served 80 percent of their sentence, the statement said. This would also apply to awaiting-trial prisoners who escaped from police cells or custody and were recaptured.

If any prisoner or awaiting-trial prisoner escaped more than once, they would have to serve their entire sentence and would not be considered for parole.

Prison officials would also be suspended if it was suspected they had in any way assisted convicts in escaping.

Meanwhile, a warrant has been issued for the arrest of correctional services medical officer MM Nhlapo (29), who allegedly helped two long-term prisoners - Josiah Manuel Gracio (31), who was serving seven years for theft and possession of stolen goods, and Davila Emelio Bravo (52), who was serving 28 years for dealing in cocaine, escape from the Modderbee prison on Friday.

Potgieter said Nhlapo allegedly loaded the two Portuguese nationals into the boot of his grey Ford Laser and drove out of the prison.

The Goodwood prison became operational on October 1

The 400 Correctional Services officers and about 800 inmates are still coming to terms with unfamiliar prison surroundings, which some have likened to a "five-star hotel"

Everything at Goodwood prison is geared towards prisoner rehabilitation

Head of the prison Mr Pieter Loggenberg explained "It is not our job to punish"

This attitude-shift starts with the use of the word inmates instead of prisoners "Prisoner, because of past connotations, can be regarded as a bit harsh," Loggenberg said "Inmate falls better on the ear"

The prison grounds are grassed and neatly maintained and the brightly painted corridors and cells mirror the exterior

The cells are designed to sleep a

maximum of 18 inmates and the bolted beds ensure there is no overcrowding

In such an environment the inmates feel free to decorate their cells with posters, drapings and handcrafted ornaments One cell even has a fully functional fish tank

All the cells are fitted with powerpoints for electrical appliances, including television sets, VCRs, radios and clocks Inmates are also eagerly awaiting the completion of their soccer field

The Goodwood prison was originally designed mainly as a "holding" facility for awaiting-trial prisoners, with a permanent population of only 400 sentenced inmates

Strict selection criteria were set to ensure that only the best of the best were transferred to Good-

wood Inmates were to have been restricted to those with sentences not exceeding four years, those with no internal disciplinary offences in the previous 12 months, and those willing to take part in the prison's rehabilitation programmes

However, the chaotic and overcrowded state of Pollsmoor Prison prevented this "We got everyone here," said Loggenberg

A month into its operation Goodwood prison is still setting up many rehabilitation programmes, including life skills, psychology, conflict management, education, religious care, recreational and health care

There are also advanced programmes to treat sexual offenders and inmates with chronic aggression

The prison will also offer pre-

release programmes focusing on money management and preparation for job interviews

The inmates at Goodwood prison have responded positively to the new face of South African prisons

Hisam Toefy, who works as a cook in the prison's huge and sophisticated kitchen, said "This prison is clean, neat and fruitful"

Toefy, who spent time in Pollsmoor's maximum and medium security sections, described the Goodwood prison as a "pleasure" and said it was ideal for those "inmates who want to rehabilitate"

He had had to share a cell with 56 other prisoners in Pollsmoor Now he shares one with eight other inmates and enjoys far more privacy His cell is equipped with a shower, toilet, sink, TV, video and

radio

Other prisoners, such as Warren Lawrence, who is serving a sentence for housebreaking and theft, said the "set-up here is good"

However, despite the almost-luxurious nature of the facilities, the Goodwood prison still puts a high price on its primary function — to contain

It has had no prisoner escapes and has a R12-million electronic security system that is run from a central electronic control which, with the sub-station's operators, more than 30 security cameras

NEW APPROACH AT GOODWOOD PRISON

# Cells have TV sets, VCRs, radios

STAFF REPORT

(253)

**EVERYTHING** at Goodwood prison is geared to rehabilitating not punishing the "inmates", reports **LINDIZ VAN ZILLA.**

**T**HE Closed Maximum Security Unit (CMAX) at Pretoria Central Prison confines prisoners to impregnable cement cells for 23 hours of the day. Pollsmoor maximum security prisoners are sardined 60-80 to a cell.

But at the opposite end of the jail scale lies the apricot-coloured medium security prison in Goodwood.

It is a modern prison — built at a cost of R139 million — and designed to hold 1 692 lesser offenders in a "user-friendly" environment.

And the latest inmate at Goodwood prison is Trevor Tutu, 41-year-old son of Archbishop Desmond Tutu. Tutu was transferred to Goodwood from St Albans Prison in Port Elizabeth last week.

He is serving a 3 1/2-year sentence for making a bomb threat at East London Airport in 1989. Prison authorities said one of the reasons for his transfer from St Albans was so he could be closer to



**CELL MATE:** Vuyani Mishaba, a prisoner in the new Goodwood medium security prison, studies the fish in the tank he is allowed to keep in his cell. **PICTURE: GARTH STEAD.**

# Privatisation of prisons not a quick-fix panacea

Any wholesale privatisation of SA's prisons service could be a recipe for disaster, says Chris Giffard (253) BD 18/11/97

THE article on private prisons by Martin Schonteich (Business Day, November 10) paints a dismal but accurate picture of SA prisons

It is of little use talking glibly about the "rehabilitative role" of the correctional services department, as the department itself often does, when little is offered in this area. Indeed, prisons — largely because of their conditions — have often been said to create more crime than they prevent. The prison system is "falling apart", as Schonteich puts it, and it is important that we start to see it in this way.

Yet Schonteich's quick-fix solutions are one-dimensional and simplistic. It may well be worth considering private security firms to guard prison perimeters in the short-term. But will they necessarily be more effective than government guards? Are they less susceptible to corruption? Why should they be?

Similarly, private catering firms are not a bad idea, but they would not solve the problem of having only two meal times a day. The real issue is not having enough staff to get food to the prisoners three times a day. At Pollsmoor Maximum Prison, for example, when the last group of prisoners receive their breakfast the first group arrives to get lunch (and supper). Private firms would not help solve this problem even if they could provide better or cheaper food.

Schonteich's solution is the speedy privatisation of prisons. But it is — or should be — far more complex than just overcoming an unwieldy bureaucracy.

Sure, privatisation may well prove to help in some areas. It should assist with overcrowding (although it is not likely that any building programme could keep up with the current increase in prisoner numbers).

Privatisation should also ensure that well-designed and constructed prisons replace the prisons — like Pollsmoor — that Correctional Services Minister Sipo Mzimela accurately refers to as "cattle sheds".

It is also possible privatisation could bring in a breath of fresh air as far as management approaches are concerned, and side-step some of the old practices that seem to have become ingrained in our prisons.

However, privatisation brings with it enormous complications, which Schonteich does not seem to recognise. Privatisation of prisons is not the same as selling off a state electricity or telephone corporation. This "industry" deals specifically with human beings and has always been accepted as a core function of the state, along with policing and the courts.

The debate about the moral issues surrounding private companies administering punishment is too complicated to go into here.

Supporters of privatisation anyhow argue that it is possible to separate the allocation of punishment from its administration. However, private prison management still has to use various forms of internal punishments, or the threat of them, to maintain order and discipline in a prison. In the SA model of privatisation there will be a state employee, "the controller", who works daily in each privately run prison. The controller will be responsible for this internal disciplinary decision. Yet, how does government ensure that this controller is not "captured" or co-opted by private prison management?

Is this potential problem being examined? Despite the number of problems which could be raised, the bottom line is — as Schonteich points out — that there is an urgent need for new prisons now. Government cannot provide them, so the private sector needs to be involved.

However, there are important practical problems with prison privatisation that need to be confronted head on if we are not going to run into more problems.

SA is privatising very quickly, and in just a couple of years will have more private prisons than England and Australia (with the second and third largest private prison populations). SA is the first — and so far the only — developing country to privatise, and we



The way private prisons are handled and established will determine their success

have to ensure that this country is not just another foreign investment opportunity for the (mostly US-based) international corrections companies.

Already a serious problem has arisen, with the African National Congress Youth League announcing its interests in a consortium bidding for a youth facility in Mpumalanga. The obvious problem here is that policy-makers should not have a financial interest. In this case, the youth wing of the ruling party, with at least one of the directors of its investment company a member of Parliament, is wanting to profit from its own imprisonment policies.

Also, there is nothing in the new Correctional Services Amendment Bill, or in the draft contract, that obliges the contractor to run programmes or to try to rehabilitate prisoners. Private prison operators, it seems, are intended to be prison guards only.

These are two of many problems. One of the weaknesses is that there has been no debate up to now, as in other countries. In SA, there is not much interest in prisons. This could be called the "black box" syndrome, in which the sentence is seen as the end of the criminal justice process. Yet the lack of debate means we do not know what problems and pitfalls to be on the lookout for in the arena of private prisons.

The introduction of private prisons is no panacea. It is the way they are established and handled that will determine their success or otherwise. If they are handled well, and their potential problems are rigorously examined, they will probably be able to assist in the long and difficult process of improving the prison system.

Clearly there is an urgent need to get cracking with building new and decent prisons, in partnership with the private sector. And the private management of some new prisons will hopefully aid in developing better management practices. Yet the speed needed must not prevent rigorous analysis of potential problems. If it does, and if privatisation is handled as a purely technical and administrative process, then it will create as many problems as it solves.

□ Giffard is an independent penal analyst

# What other surprises does Sipo have



*The Most Reverend*  
**Njongonkulu**

**Ndungane writes that Sipo Mzimela's actions reflect a cavalier attitude to democratic government**

It is common cause that South Africa has some of the most overcrowded prisons in the world. It is also common cause that this country earned a name for itself, pre-1994, as having a prison system which regularly raised the eyebrows of organisations such as Amnesty International

Those of us who experienced such prisons know that the conditions were harsh and inhumane. Such was the treatment of prisoners that, on a pilgrimage to Robben Island in March this year, the president of the Land Claims Court, Judge Fikele Bam, could not help but show his emotion on his third visit back to the island since his release.

The words he used on that occasion struck a chord among those who had been incarcerated. "The lion's lair is always dangerous — even



**Above scrutiny: Sipo Mzimela and his confidants 'act first, apologise later'. PHOTOGRAPH: KENTRIDGE MATHABATHE/PRETORIA NEWS**

when the lion is not there." During that pilgrimage I called for prison reform, appealing for the authorities in our land to ensure that

those who are incarcerated are employed productively and in a way that can improve the quality of life in society.

As archbishop, I made that call against the background of an experience on Robben Island in which I had, as a prisoner, stood with two medical

doctors awaiting medical attention, ironically from someone with not even a basic qualification in first aid. Little did I know at the time that

(253) M+G 21-27/11/97

# Ministers at war over kids in jail

Star 22/11/97

By GLYNNIS UNDERHILL

Hundreds of awaiting-trial children, as young as 10 are being abandoned in our overcrowded prisons, where some have been forced to sleep in toilets to protect them from adult prisoners

A furious Correctional Services Minister, Sipo Mzimela, said this week the horrific plight of these children was continuing and their numbers were growing "in leaps and bounds"

In May there were 245 awaiting-trial children held in prisons around the country. Yet there are now 1,253 unsentenced children under 17 years old being held

Almost half of these children are in prisons across Gauteng. Lebelo Maloka, a spokesman for the province's Department of Welfare and Population Development, said the numbers "tend to vary" each month, but he understood they usually average out at about 500

An angry Mzimela said "No one really speaks for them. You have yet to convince me it is necessary to put an 11-year-old in prison"

He said these juveniles were the responsibility of the Department of Welfare, which was to blame for the crisis. "Plain and simple, they don't care. Children don't vote. We don't have to worry about them in 1999"

The majority are awaiting trial indefinitely for minor offences, and many of them are being thrown into prison illegally. Amendments to prison legislation currently allows for the detention of awaiting-trial juveniles between the ages of 14 and 18 who are suspected of serious crimes

Mzimela said he had held talks this week with the minister responsible, Geraldine Fraser-Moleketi, to discuss the problem

"We talked about the issue and discussed how something has to be done by May. What that something is, heaven knows," he said

The legislation prescribes that all the children must be removed from prison by May next year, Mzimela said. "They are Welfare's responsibility because they are children, yet Welfare keeps claiming they don't have enough places to house them. But they have plenty of places"

Fraser-Moleketi said it was unfortunate such "strong allegations" were coming from Mzimela, when he and his department formed part of the Inter-Ministerial Committee on Young People at Risk (IMC)

The IMC, chaired by Fraser-Moleketi, was established by the Cabinet to manage the process of crisis intervention and support, and to design the trans-

formation of the child and youth-care system

She said the unco-ordinated release and transfer of about 800 children awaiting trial on May 8 1995 had exacerbated the long-standing crisis in the system

"In attempting to solve these problems it became clear that piecemeal solutions were neither possible nor appropriate, and that a new vision for effectively serving young people and families was required"

"Prisons are not meant for children, whether awaiting trial or not. The committee, since inception, has made progress in the transformation of the child and youth-care system in the country," Fraser-Moleketi claimed.

However, Mzimela said that at Nelstroom prison in Northern Province he had found unsentenced children sleeping in toilets. This inhumane arrangement had been made to try to separate them from the adults, he said

"These children are brought to us by the police. I tell the prison authorities to tell the police that there is no room. I mean, if you go to a hotel and there is no room, you turn people away. If it is full, it is full. We simply can't keep any young children under these conditions"

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P.T.O



# Ministers row over jail kids

GLYNIS UNDERHILL

Hundreds of awaiting-trial children as young as ten are being abandoned in South Africa's overcrowded prisons, where some have been forced to sleep in toilets to protect them from adult prisoners.

Furious Correctional Services Minister Sipo Mzimela said the number of children enduring this horrific plight was growing "in leaps and bounds".

In May there were 245 children awaiting trial being held in prisons around the country. There are now 1 253 unsentenced children under 17 years old being held in prison, he said in Cape Town.

"No-one really speaks for these little children. You have yet to convince me it is necessary to put an

eleven-year-old in prison," said an angry Dr Mzimela.

These juveniles were the responsibility of the Department of Welfare and Population Development, which was to blame for the crisis, said Dr Mzimela.

"Plain and simple, they don't care. Children don't vote. We don't have to worry about them in 1999."

The majority of the children are indefinitely awaiting trial for minor offences and many of them are being thrown into prison illegally. Amendments to prison legislation currently allows for the detention of awaiting trial juveniles between the ages of 14 and 18 who are suspected of serious crimes.

Dr Mzimela said he met Welfare and Population Development Minister Geraldine Fraser-Moleketi this week to discuss the escalating

problem "We talked about the issue and discussed how something has to be done by May. What that something is, heaven knows?"

In May next year legislation prescribes that children must be removed from South Africa's prisons, said Dr Mzimela.

"They are Welfare's responsibility because they are children, yet Welfare keeps claiming they don't have enough places to house them. But they have plenty of places."

Ms Fraser-Moleketi said it was unfortunate such "strong allegations" were coming from Dr Mzimela, at a time when he and his department formed part of the Inter-Ministerial Committee on Young People at Risk (IMC).

The IMC, chaired by Ms

Turn to page 3

## Children left in adult prisons

From page 1

Fraser-Moleketi, was established by the Cabinet to manage the process of crisis intervention and support, and design the transformation of the child and youth care system

Ms Fraser-Moleketi said the uncoordinated release and transfer of about 800 children awaiting trial on May 8, 1995 exacerbated the crisis in the child and youth care system.

"In attempting to solve these problems it became clear that piecemeal solutions were neither possible nor appropriate and that a new vision and system for effectively serving young people and families was required," she said.

"Prisons are not meant for children, whether awaiting trial or not. The Inter-Ministerial Committee on Young People at Risk, since inception, has made progress in the transformation of the child and youth care system in the country," said Ms Fraser-Moleketi.

However, at Nelstroom Prison in Northern Province, Dr Mzimela found there were unsentenced children sleeping in toilets. This inhumane arrangement had been made to separate them from adults, he said.

"These children are brought to us by the police. I tell the prison authorities to tell the police there is no room. We cannot keep children under these conditions."

At Nelstroom Prison, Dr Mzimela intervened and new sleeping quarters were found for the children

Claims were made by some prison authorities there was not enough space to separate the children from the adults awaiting trial; he said.

"In some cases that is genuine but in other cases they just make up stories," he said

At Pollsmoor Prison, where there are no school programmes for the children, there are 42 unsentenced boys who are only 14-years-old. There are now 203 awaiting trial children being held at Pollsmoor

Ms Fraser-Moleketi said in May 1996 the IMC was requested by the Cabinet to undertake an investigation into state residential care facilities for young people, she said

On May 4 1995, Mr Mandela signed a proclamation declaring that awaiting trial juveniles may no longer be kept in jails. But the public backlash against rampant crime by juvenile criminals after the signing of the proclamation pushed the Government to consider amendments

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# New law on way to end the 'horror' of years in prison awaiting trial

ARC 24/11/97

Correctional Services Minister Sipo Mzimela is proposing far-reaching legislation to stop people being held in prison for years without trial.

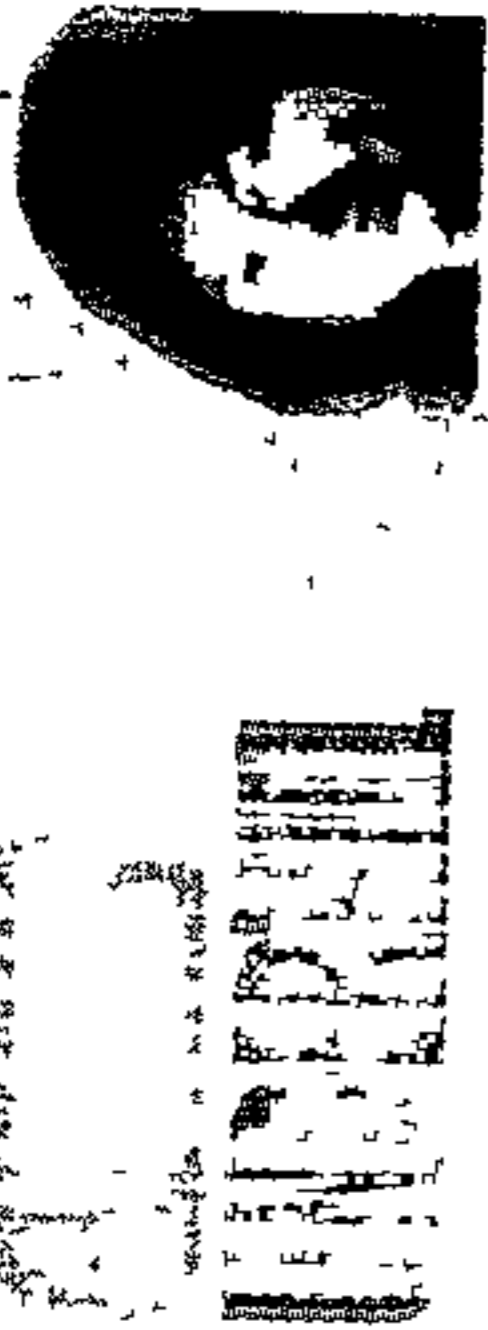
More than a quarter of the people in South Africa's chronically overcrowded jails were awaiting trial, and some cases he had encountered were "just horrendous", Dr Mzimela said.

He blamed the inefficiency on the Department of Justice and the judicial system.

"We think the best way to go about it is to legislate. That will be the guarantee for us, because if we leave it to the good hearts of magistrates or the justice people, very little will happen," he said.

Dr Mzimela said the Correctional Services Act had been rewritten to make it "constitution-friendly", and it was his firm intention to include provisions to limit the period people could be held without trial.

The first draft was in the hands of the



SPECIAL WRITER

Portfolio Committee on Correctional Services, which would probably consider holding public hearings on the issue, he said. The Department of Correctional Services had tried in vain to work out a solution with the Department of Justice.

"We proposed that they rehire retired magistrates and prosecutors and hold courts at weekends and at night in order to deal with these large numbers of people awaiting trial," he said.

The chief director of communications

services in the Department of Justice, David Porogo, said, the department had introduced a monitoring mechanism that required magistrates' offices to submit monthly returns on court roll statistics.

Cases of prisoners awaiting trial for six months would be investigated to determine the cause of the delay, he said.

The Department of Correctional Services was also submitting returns to magistrates showing the time prisoners had been awaiting trial.

Mr Porogo said the department had initiated and was already implementing the "cluster system", a new court management programme.

It had also introduced a new pre-trial services system, responsible for tracking alleged offenders and providing court-based services to witnesses, and this was likely to

To page 3

## Long wait for trials set to change

From page 1

reduce the number of prisoners awaiting trial

Dr Mzimela expected the legislation to be passed in the first quarter of next year.

He said: "The experts will have to give solid advice, but my own thinking is that no one should be held for more than six months without appearing in court and being sentenced or released."

Dr Mzimela said he had investigated the case of a woman who had been in jail in Johannesburg for four years awaiting sentencing. While she had appeared in court several times, police investigations into her case continued.

"I think it is the height of inefficiency to investigate a case for more than six months. I have grave problems understanding that," said Dr Mzimela.

In the Western Cape more than 146 people had been held in prisons without trial for more than a year.

One was Bennett Brown, 42, who was detained at Pollsmoor Prison on December 29, 1995, on a robbery charge and was still awaiting trial, according to Correctional Services spokesman Johann Pienaar.

Mr Brown was sharing a communal cell with 40 other prisoners.

According to Section 35 3(d) of the Constitution, everyone has the right to a fair trial, which should begin and be concluded without unreasonable delay.

"On the basis of that, I would say that it would be unconstitutional to hold somebody for up to four years in prison," said Angela Andrews, an attorney at the Legal Resources Centre.

# Killers, rapists, hijackers now face 25-year terms

## Stringent bail conditions also on cards

ARG: 24/11/97

(252) (253)

Minimum sentences of life imprisonment for murderers, rapists, car hijackers, police killers and robbers and tough provisions for granting bail to people facing these charges are contained in imminent legislation.

Uncertainty about what a life sentence is will come to an end as the law will also ensure that convicts sentenced to life will serve at least 25 years before being considered for parole, which can be granted only at the discretion of the court which sentenced them.

In terms of the new Criminal Law Amendment Bill, harsh sentences will also be meted out to corrupt law enforcement officials convicted of drug trafficking or fraud-related charges.

The bill has been passed by Parliament and requires only President Mandela's signature to become law.

Cape Attorney-General Frank Kahn welcomed the legislation on

**SPECIAL REPORT**



**DENNIS CAVERNELIS**

minimum sentences, saying his office had found "that since the abolition of the death sentence, sentences for serious cases have varied widely".

These new measures will be in effect for just two years but may be extended by the president and Parliament for a year at a time.

"The attorney-general's office welcomes Parliament's strong message to the courts that it wants less bail granted and heavier sentences imposed," said Mr Kahn.

"Serious crimes will be dealt with at the bail stage and during the trial. We hope there will be a follow through at the prison stage, when it

comes to parole.

"There must be harmony between the Justice Department and the Department of Correctional Services, which we hope will be able to deliver

"In the interests of consistency and uniformity, minimum sentences are welcome as they underpin heavier sentences for serious offences and that is always welcome in these times."

The new bail law "cures practical defects we have experienced in the system, we can now, for example, apply for a person's bail to be cancelled if new evidence comes to light after the bail hearing".

The law would also allow the State not to provide the accused with the police docket, "which prevents witness intimidation at an early stage".

And because technology prevented the State from obtaining an accused person's record of previous convictions quickly, an onus now rested on the accused to tell the court

what these previous convictions were - and if it was later found that the accused had lied, he or she would face a fine or up to two years' imprisonment.

The new law provides for a court to cancel bail and commit an accused person to jail if it is in the interests of justice to do so.

Bail may also be cancelled if a person tries to abscond, interferes or tries to interfere with witnesses or defeats the ends of justice or tries to do so.

It also provides for the record of bail applications to be admitted during trials and for accused persons' testimony at the bail hearings to be used as trial evidence.

The chief of the regional Department of Justice, Hismodien Mohammed, said there had been an "outcry" for legislation determining the duration of sentences of life imprisonment.

Editorial comment, page 11

## Do the crime, do the time: bill lays down law

The new provisions for minimum sentencing will allow High Court judges to sentence criminals to life imprisonment for:

- premeditated murder;
- the murder of a law enforcement officer, including Correctional Services officials and members of the National Intelligence Agency and the South African Secret Service;
- the murder of a witness in a criminal trial;
- murder with rape or robbery;
- murder by conspiracy or by a group with common purpose;
- rape of a victim more than once;

- gang rape;
- rape by a person with two or more previous convictions for rape but not yet sentenced for those convictions;
- rape by a person aware they have AIDS or HIV;
- rape of a person younger than 16 or especially vulnerable because of physical disability or mental illness; and
- rape involving grievous bodily harm.

The bill does make provision for lighter sentences for these crimes if the court is satisfied that "substantial and compelling circumstances exist".

Harsh sentences will also be

imposed by judges and regional court magistrates for:

- murder with less serious circumstances; and
- robbery with aggravating circumstances, car hijacking and drug trafficking, depending on the value of the drugs involved;
- arms dealers or people convicted of possession of automatic or semi-automatic weapons, explosives or armament; and,
- criminals convicted of any offence relating to exchange control, corruption, extortion, fraud, forgery, uttering or theft involving more than R500 000 or involving more than R100 000 if committed by a syndicate or group with a common

purpose; or if a law enforcement officer is convicted of these charges;

Convictions on these charges will carry sentences of a minimum of 15 years imprisonment for first offenders, 20 years for second offenders and 25 years for third or subsequent offenders.

Rape in "less serious" circumstances, indecent assault of children younger than 16 with intent to do grievous bodily harm, assault with intent to do grievous bodily harm and any offence in contravention of the Arms and Ammunition Act will carry sentences of a minimum of 10 years for first offenders, 15 years for second offenders and 20 years for third or subsequent offenders.

## RESTRUCTURING *Pilot projects plot new course*

# Business takes on task of prison rehabilitation

CT (BR) 24/11/97 (253)  
**ADELE SHEVEL**

Johannesburg — Correctional services are ready to undergo their own rehabilitation with the implementation of new management structures. The explosion of private-sector involvement in correctional services in the UK, the US and Australia will take hold in four South African pilot prison projects which will incorporate the same guiding principles.

Killian Masipa, the chief director of the asset procurement and operations partnership systems (APOPS), a co-ordination unit within the public works department that co-ordinates public and private partnerships in procuring services for client departments, said there were four key private-sector prison operators in the industry worldwide. Each held a stake in one of the local consortiums.

Five consortiums have been shortlisted to build the four prisons, which will be operational by 1999. The contracts will be awarded by the first quarter of next year. Jeff Radebe, the public works minister, has said early estimates of initial capitalisation costs could range from R150 million to R200 million for each prison, with the total contract over 25 years.

"The private-sector consortia will be expected to make their own funding arrangements with regard to these pilot projects," Daniel Mmnele of African Merchant Bank, the financial advisers to the South African Custodial Services Consortium, said last week.

"The funding structure, given the relatively high level of predictability of the revenue stream, is expected to be predominantly by way of debt. The private sector will recover costs and make the return from payments received from government on the basis of the number of prisoner places made available and subject to meeting a contractually stipulated level of operational performance.

"The private sector is geared for profit and, as such, are bound to be cost efficient. The state will buy the service from the operators," said Masipa.

To be eligible for the tender, at least 40 percent of the consortium had to have been from previously disadvantaged communities or entities.

Masipa said further prisons may be built, based on the success of the pilot projects. The contract has yet to be formulated, but a 20- to 25-year lease has been discussed, due to be signed in the first quarter of next year.

The five consortiums involved in the bid include Themba Le Africa, South African Custodial Services, Ikhwezi, Siyakha Youth and Lungisa. They will present proposals for the design, construction and operation of two 1 500-bed maximum security jails in the Northern Province and the Free State, an 800-bed youth correctional centre in Mpumalanga and a 1 500-bed awaiting-trial prison in Gauteng.

Lungisa comprises Wilson Bayley Homes Ovcon, Vuna Industrial Holdings, the Youth Development Trust and Management and Training Corporation, a company from Ogden, Utah in the US. The Ikhwezi consortium comprises Murray & Roberts, Group Four, Ten Alliance and Vulindlela Holdings.

South African Custodial Services includes offshore operation Wackenhut, a corrections firm from the US and Kensani, a local women's consortium. Other groups will be working with them, including Group 5, Concor, Fidelity Guards and Makhosi projects.

It has been said that the prison structures in South Africa have contributed to criminal activities.

Mmnele said the operational approach of South African Custodial Services would be to place an emphasis on rehabilitation, to prepare criminals for a return to society as responsible citizens.

# For some crimes 'life' will now mean exactly that

BD 27/11/97

(972)  
(253)

IN THE past week, Parliament has passed three tough anticrime laws which signal a renewed commitment by government to take drastic action to fight crime

While these laws will not be a quick fix for the very serious problem of criminal activity, they will significantly strengthen the state in the fight against crime

A notable feature of the laws is that those accused of serious, and especially violent, crime, will be dealt with much more harshly in all parts of the criminal justice system

These criminals will, in the words of Cape attorney-general Frank Kahn, "carry the mark of Cain" throughout the whole system. They will

- Find it difficult to get bail,
- Receive heavy minimum sentences which cannot be suspended; and
- Qualify for parole only after serving a much longer part of their sentences

The bail law is the first of the new measures.

It creates a new schedule six of "super crimes" for which it will be extremely difficult to get bail — the accused will have to prove that "exceptional circumstances" exist to get bail

The schedule six super crimes include

Murder deliberate or premeditated murder, or murder during rape or robbery, as well as murder of a witness, and murders by a gang or a syndicate. Special protection is given to law enforcement officers, who are covered even off-duty;

Rapes where serious injury is inflicted, where the victim is raped more than once, or is under 16 or is particularly vulnerable due to disability. Also targeted are gang rapes and rapists who are facing more than one charge. An innovation is the addition of those who rape knowing that they are HIV-positive;

Serious robberies, for instance where the robber is armed with a gun, or inflicts serious injury. All car hijackings are covered because of the seriousness of the problem;

Previous offenders: those who previously committed any of the

Government's commitment to get tough on crime has been demonstrated by recent legislation, says African National Congress MP Willie Hofmeyr

wider group of serious crimes listed in schedule five (see below)

These bail applications must be heard in the regional courts to ensure that the most experienced magistrates and prosecutors deal with them

Even if prosecutors agree to bail, they will have to provide reasons that allow the magistrates to make a proper decision

The bail law creates also a larger category of serious crimes in schedule five.

For these offences, it will be more difficult than normal to get bail, because the onus is on the accused to prove that he or she should get bail.

Schedule five targets a number of serious offences for more harsh treatment

- Serious violent crimes not in the super category,
- Drug or arms smuggling,
- Mere possession of automatic firearms or large amounts of ammunition,
- Economic crimes involving more than R500 000, and
- Certain offences committed against children.

Furthermore, crimes committed by law enforcement officials or by crime syndicates will be regarded as more serious

The bail law also contains measures to make our bail system more effective, but I will not deal with them here.

The second new anticrime measure is the imposition of drastic minimum sentences for these serious crimes. The court may deviate from these minimum sentences only if "substantial and compelling circumstances" exist, and the courts cannot suspend the sentence

For the super crimes in schedule six, life imprisonment must be imposed, except in the case of serious robberies

For serious robberies and the other serious crimes in schedule five, the minimum sentence is 15 years for a first offence, 20 years for a second and 25 years for a

third (For a few crimes, it is 10, 15 and 20 years respectively)

To add to its strong anti-violence message, the law states that a five-year, minimum sentence must be imposed for any less serious crime where a firearm is used.

The third new measure is a radical reform of the old parole system, which meant that even very serious criminals could be released after serving only a third of their sentences.

The new parole system now provides that prisoners serving life can be released on parole only if the court agrees, and they must serve at least 25 years before they can apply to court

This will mean in serious cases that life imprisonment will mean life.

For prisoners serving the above minimum sentences, the change is equally drastic: they must now serve at least 80% of their sentence before qualifying for parole, although the court may reduce this to 67%.

All other prisoners must serve at least 50% of their sentence, but the court can increase this to 67%.

These laws are an indication that government will not hesitate to take drastic measures to fight the scourge of crime. They attempt to deal also with many of the valid public concerns about problems in the old systems of bail, sentencing and parole.

But, more important, these laws aim to send a clear message to those who commit serious violent crimes

If they use violence or commit very serious crimes, they will be treated as harshly as possible in a democratic society.

We will not allow a bunch of criminals to undermine the democracy that has been built with so much sacrifice in our country.

Hofmeyr is a member of the justice committee in the National Assembly

# Warders 'helping' prisoners in easy walks to freedom

By PHILLIPANE MOKOALE

AT LEAST 18 prisoners have allegedly walked out of prison, allegedly with the assistance of warders, but not a member has been suspended. Last year 17 prisoners escaped from Standerton prison and the warder was found guilty of complicity in corruption.

Since the beginning of the year, 18 prisoners have allegedly walked out of prison, allegedly with the assistance of warders, but not a member has been suspended. Last year 17 prisoners escaped from Standerton prison and the warder was found guilty of complicity in corruption.

This is in defiance of a directive by the Commissioner of Correctional Services Khulekani Sithole in August to top management to prosecute warders who take part in such escapades.

When City Press visited the prison on Thursday, acting head of the Medium B prison Mzondisi Maseko and spokesperson Nthabizwe Maweni refused to talk, but referred all enquiries to the provincial medical officer Cynthia Kuhn.

In one incident last Sunday, a warder who works in the prison hospital and who is known to City Press allegedly took prisoner Lucas Strike Magagula (22), who was serving three years for house-breaking and theft, to visit his

# 'Back after Christmas, say Vryheid jailbreakers

By CHRIS HLONGWA

WHILE he back after Christmas, Vryheid prisoners are waiting for the return of their captives. The prisoners are waiting for the return of their captives. The prisoners are waiting for the return of their captives.

The South African Prisoners' Organisation for Human Rights (SAPHR) alleged that the spate of escapes was a deliberate attempt to disrupt the prison system. The prisoners are waiting for the return of their captives.

In the latest incident, 15 dangerous prisoners broke out of Vryheid prison on Tuesday night by holding the gates open.

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*Black contractors threaten court action*

# Uproar over tenders for new prisons

CT (MR) 3/12/97 (253)

**ADELE SHEVEL**

specialises in prison design

Johannesburg — The National Black Contractors Forum threatened yesterday to take the public works department to court over the tender adjudicating process for the construction of the new prisons, which will be privately built and operated

The prisons are to be built from the first quarter of next year, and operated and maintained over the next 25 years in deals with a value of R10,7 billion, according to Kobie Willemse, the forum's secretary-general

He said the public works department conducted the tender

bid without reference to several acts, rendering the process illegal. The forum represents about 600 contractors from small, medium, and micro-enterprises spanning services, construction services, goods and technology.

Willemse said

Sipho Mzimela, the minister of correction-

al services, circumvented the procurement principle when he tabled a bill in parliament. The National Black Contractors Forum intended to apply for legal aid to challenge Mzimela's actions in the Constitutional Court.

He said the bureaucrats relied on "old-line", larger-established firms in a competitive bidding process, rather than smaller, less well-known competitors.

The forum submitted its proposal as a joint venture between it and the National Corrections Corporation of Columbia, South Carolina, a US company that

Public works announced the five short-listed bidders in August, and the forum was not among them. Willemse said the shortlisted companies were all "people with power". He alleges that the department was supposed to submit all documentation to the State Tender Board but did not do so.

"The department withheld information, and the State Tender Board practically signed blank cheques for the department's ratification process," said Willemse.

Killian Masipa, the chief director of assets, procurement and operational partnerships at

public works, said the value of the contract to build and operate the prisons had not yet been established because there was no contract on the table.

He said that all documents were submitted to the tender board as set procedure. "The tender board is a legitimate body that works

according to regulations and will not approve anything that does not comply."

The correctional service venture is the largest private-public sector partnership in South Africa to date.

Masipa said even the big names had amalgamated with many small companies, or they would not have made the shortlist. More than 30 submissions had been put through for the five projects. He said a question and answer forum had taken place with all unsuccessful bidders, which Willemse had attended.



Sipho Mzimela

# Jail chaos probe: warders warned

JOHAN SCHRONEN  
CRIME CORRESPONDENT

ARG 4/12/97

Police have warned 132 prison warders of 170 charges of assault, theft, pointing firearms and malicious damage to property being investigated against them after the mayhem at Pollsmoor Prison during a search of cells and prisoners in May.

Investigating officer Leon La Grange said his task team had opened 92 assault dockets and 52 theft dockets, among others, after taking 648 statements from prisoners.

The 20-member team had also searched the homes of several warders, but found nothing. Superintendent La Grange said the investigation involved the biggest photo identification parade yet in South Africa. Photographs of 355 warders were used to

(253)  
identify possible suspects. The team had spent 70 000 man hours on the case so far and covered 55 000 km by road taking statements from victims and suspects.

Superintendent La Grange said warders implicated in the cases were from Helderstroom, Brandvlei, Voorbrug, Alanberg, Drakenstem and Pollsmoor prisons.

"We are now handing a 109-page report to the attorney-general for his consideration. We are confident we have a strong case. We have done all our homework from medical reports to witnesses' statements and the search of homes," he said.

Chaos erupted in the admission section of Pollsmoor Prison early on May 23 when warders allegedly ran amok, assaulting prisoners, robbing them of valuables and money and breaking possessions.



# Super-secure jails for violent convicts

BD 4/12/99

(253)

David Greybe

CAPE TOWN — By January 1999 half of SA's estimated 7 000 most dangerous prisoners would be kept in ultra-secure, escape-proof CMax and super maximum prisons, Correctional Services Minister Sipo Mzimela said yesterday.

He predicted this would have a deterrent affect on the remaining dangerous inmates, and would help facilitate "a new prison culture" where the emphasis was on rehabilitation in the form of education and skills training.

Mzimela challenged "starry-eyed" human rights groups to stop "barking" that the rights of dangerous inmates were being violated in the country's first CMax prison (150 inmates) in Pretoria and to take him to the Constitutional Court.

"Nobody can tell me I am violating fundamental human rights if I take dangerous inmates out of ordinary prisons where they run amok," Mzimela said. Organisations like the Human Rights Commission were "nit-picking" about the details of the CMax instead of seeing the project for what it was, part of a two-pronged strategy to isolate dangerous prisoners who disrupted rehabilitation programmes.

The department is understood to be considering a possible further five CMax prisons in Johannesburg, Durban, Cape Town, Port Elizabeth and Bloemfontein.

CMax prisons are established by converting a section in a normal maximum prison into an ultrasecure escape-proof CMax Super-maximum prisons are built from scratch, along the lines of similar prisons in the US. CMax prisons are smaller versions of super-maximum prisons.

Mzimela said the government hoped to award the contract for SA's first super-maximum prison (1 500 inmates) in Kokstad early next year.

He estimated about 5% — or 7 000 — of the prison population of about 140 000 were "of a violent nature", mostly dangerous gangsters who tried to take over prisons through violence, murder, sodomising and intimidation of warders and fellow inmates.

He was confident his department would succeed in changing the culture of prison life by eliminating gangsterism — starting by identifying gang leaders and placing them in CMax and super-maximum prisons.

The Human Rights Commission said although it was mindful of the fact that high security prisons had become necessary to deal with the high rate of escapes, the conditions at CMax were excessive. "At CMax inmates are kept in isolation for 23 hours a day. Apart from a 10-minute shower in a shower cage and a further one hour in a 4m by 1,5m exercise cage, the inmate is confined to a cell," the commission said.

Commissioner Jody Kollapen said while the criteria for admission to CMax had been set out, it was not clear what procedure would be followed to ensure administrative fairness.

The commission also expressed concern about the effect 23 hours of solitary confinement would have on the psychological and emotional profile of inmates "Will it simply not destroy individuals while our stated commitment is to rehabilitate them?"

Kollapen questioned whether it would not be better for the state to spend its money on improving prison perimeter fencing and staff morale in a bid to lower the number of escapes (about 100 a month), rather than building CMax prisons.

Mzimela said in response it was mainly dangerous inmates who escaped, and by isolating them in CMax and super-maximum prisons the high number of escapes would drop. "We have to protect the community at large," he said.

# Juvenile criminals may soon be attending ordinary schools

From page 1

society. The only other criteria for admission is that the children do not have any serious learning disabilities.

But the head of a Gauteng place of safety, who did not wish to be identified because of the tentative nature of the policy, said bluntly "Inclusion will not work. The community has always opposed us trying to register our children at the schools in the area and I don't see how it will be successful now." Gauteng education department spokeswoman Evelyn Bramdeow says the policy was born out of the new Constitution, which ensures the right of all children to a proper education. Ms Bramdeow said Gauteng could begin preparing schools for the "Inclusion" policy as early as January next year.

The "Inclusion" policy was drafted by the National Commission on Special Needs in Education and Training, which released documents and held public debates on the proposal last year.

Although set to be nationally implemented, the special needs of each province would be taken into account and the policy moulded to adapt successfully to each of them.

Disabled learners are currently being educated in institutions' comprised solely of other disabled students.

This poses problems when they leave that environment and have to socialise with able-bodied people as well as the physically impaired, according to an official in the Gauteng education department who declined to be named.

The officials said "disabled people have to live in society with both types of people, but their education has isolated them." She feels the policy will address this problem.

She said that Gauteng is at the forefront of this groundbreaking approach to education, which will place physically, visually and aurally impaired pupils in public schools.

South African Democratic Teachers' Union (SADTU) national education officer Aubrey Matlole sees "Inclusion" as holding a dual advantage, not only for the disabled, but also for the pupils in main stream education.

"Inclusion will change the psychology of learners currently in school and make them realise that disabled people can compete with them on certain levels," Mr Matlole said.

Mr Matlole said teachers were in favour of the system, providing their jobs were not threatened.

Several individual teachers, however, expressed concern for their pupils' safety and educational progress if the plan was implemented.

Although no definite structure has been established, teachers feel that the children with a criminal history will only cause further disruption in already overcrowded classrooms.

They said that although these children might be able to learn alongside normal pupils, they still had enormous behavioural problems that could cause huge difficulties in a classroom situation.

Mr Matlole said he recognised these obstacles and that when a budget was allocated, it would have to cater for reconstruction and further development of schools because "the public schools are structured incorrectly in terms of accommodating the disabled".

Budgets have not been allocated yet, but Ms Bramdeow says psychologists, councillors and psychotherapists would, at great costs, have to be added to school staff to set the correct guidance structure in place.

AAG 6/12/97

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# Rehabilitation is key to freedom at new prison in Malmesbury

ARG 6/12/97  
(253)  
Malmesbury - The newly opened Malmesbury prison, built for 912 selected prisoners at a cost of R173-million, should become the showpiece of prison reform in South Africa, Correctional Services Minister Sipo Mzimela has said.

Speaking at the official opening of the prison, he said the Malmesbury pilot project could provide the key to reducing overcrowding in South Africa's prisons.

The prison should show how to rehabilitate prisoners and return them to society, he said.

"This prison is a break with the past, a break from the inhuman and degrading places of detention, to a modern facility where the emphasis will be on unit management and rehabilitation," he said.

He said the "recycling" of crime had to be stopped. Statistics showed that 70% of released prisoners returned to jail, but Malmesbury could make a difference, he said.

In fact, it could be harder to get into Malmesbury than to get out, he said.

Only prisoners serving two to four years and with a good prognosis for rehabilitation would go to Malmesbury. The prisoner would have to sign a contract declaring himself willing to undergo rehabilitation. He would have to undertake to give full co-operation.

Should a prisoner not give his full co-operation, he would be taken to "intensive care" for a month, where he would be counselled.

If this did not succeed, he would be transferred back to his previous prison.

The new prison has two sections with six independent units, each with its own classrooms, TV room, kitchen, workshops, sports fields and gymnasium. Prisoners can also have television sets in their rooms.

The prison has barbed wire electric fences and a face brick interior.

Mr Mzimela said the emphasis had shifted from "warehousing" prisoners, where the weight of numbers and overcrowding made rehabilitation almost impossible.

At Malmesbury the warden/prisoner ratio would be 1:30 and each of the wardens would carry the case docket of his 30 men. There are no facilities yet for female prisoners.

The warden would be responsible for his men. He would have to see to it that they made use of the education facilities, attended and paid attention in class, did their homework, joined in recreation and used their 16-hour day constructively.

"We want to give the prisoners a chance to rehabilitate themselves. We will walk the extra mile with every one in order to return a useful citizen to society," said Dana Coetzee, one of the unit managers. - Sapa

# JAILBREAK

## Men linked to major armed robberies make their getaway through faulty electronic gate held shut with a broomstick

ST 7/12/97 (253)

MARLENE BURGER and ELIAS MALULEKE

**A** POLITICAL row is brewing between ministers responsible for policing and prisons following a daring daylight breakout by six armed and dangerous prisoners at Pretoria Central Prison on Friday.

Investigators believe the escape was the brainchild of three of South Africa's most dangerous crime syndicates, who may have joined forces and paid big money to set free the six alleged key members of organised crime gangs.

One of the fugitives, Collen Chauke, is a former member of the ANC's armed wing, Umkhonto weSizwe.

Two of the men are linked to the R17-million Bronkhorstspruit highway robbery, another to the R18-million SBV security heist at the Nedbank Plaza in Pretoria, and three others to armed robberies and a mandrax tablet syndicate.

The men escaped on Friday afternoon after a gun was smuggled into the prison.

The fleeing convicts made their way past an electronic gate which was reported broken on November 11 and was still not working yesterday — it was being held shut with a broomstick, which had been jammed underneath it to prevent it sliding open.

Angry detectives who brought the suspects to book accused prison staff of negligence.

The Minister of Safety and Security, Sydney Mufamadi, briefed President Nelson Mandela on the situation and said the President would be "taking matters up" with Correctional Services Minister Sipo Mzimela.

"I am in despair. It is a futile exercise for police to notch up breathtaking successes in major cases, only to be defeated by a corrupt system," said Mufamadi.

Shortly after the escape, one of South Africa's top policemen, Director Bushy Engelbrecht, was appointed to head a task team to investigate the jailbreak and find the fugitives. Mzimela also ordered a top-level internal investigation into possible collusion by warders.

day, acquired the firearm which he used to force four warders into a cell before taking their keys and setting seven fellow inmates free.

Correctional Services spokesman Rudi Potgieter said it was "standard practice" for awaiting-trial prisoners to be searched when they were brought back after court appearances, but could not say whether this had been done in the case of Nkuna on Friday.

Awaiting-trial prisoners are usually taken to and from court under police guard.

● See page 11

gelbrecht, "are not cooperating".

Entries made in a log book kept in the office where the electronic gate is controlled indicate that the gate was reported as "inoperative" from November 11.

One of the officials who made entries noted "This is a high security section and how are we expected to work when the gate is inoperative".

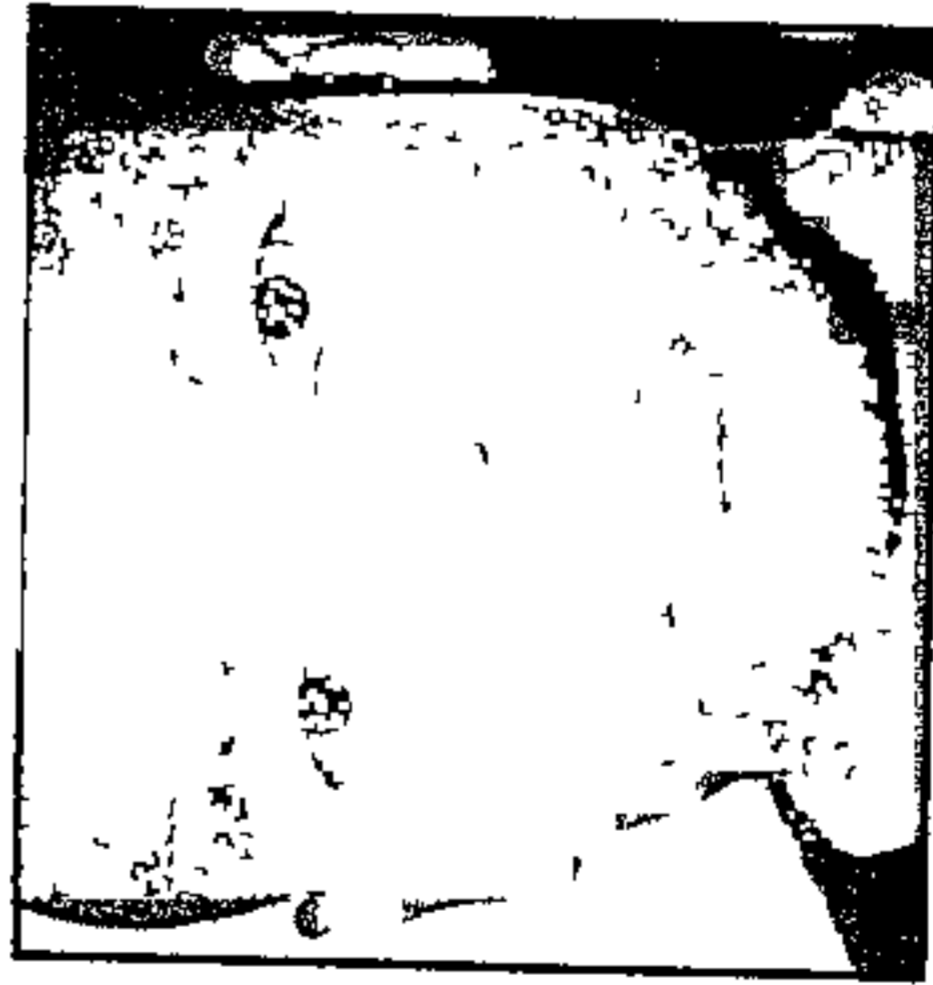
One of the biggest questions to be answered is how and where Nkuna, who set the escape in motion while being returned to his cell after appearing in the Pretoria magistrate's court earlier in the

● Sipho Nkuna and Lassie Sibaye, suspects in a multimillion-rand car theft syndicate, and

● Abdul Gafoor Kala, arrested after police shut down a major mandrax manufacturing plant

Two men who were caught by warders as they tried to escape are also alleged syndicate members. They are Themba Mahlangu, another suspect in the Bronkhorstspruit robbery, and Sydney Frankel, known as "the chemist", who is also facing mandrax charges.

Both men were questioned by police yesterday, but according to En-



**COLLEN CHAUKE**

● Chauke, one of four men arrested following an R18-million heist in October at the Arcadia, Pretoria, cash clearing depot of SBV,

"This was a particularly well-planned escape," said Engelbrecht, "and it seems likely that big money was involved. The men who were set free were obviously carefully selected."

By yesterday afternoon, a crack team of 20 detectives had been pulled together to hunt down the men. The fugitives are

● Oupa Edwin Sihani and Dennis Nkobezi, suspects in the R17-million robbery near Bronkhorstspruit in July, which left two people dead,

# Heads to roll as another daring jail-break hits

By PHALANE MOTALE

HEADS ARE expected to roll at the Pretoria Local Prison after a daring escape by six dangerous awaiting trial prisoners - including three held in connection with two multi-million-rand heists in the area recently.

Oupa Sihani and Dennis Ngobeni, held in connection with the R17-million Bronkhorstspuit heist in July, and Collin Chauke, held in connection with an R18-million heist at the SVB Security Services depot in Pretoria in October, and Abdul Kala, Sipho Nkana and Lassie Sibiya were among eight prisoners who made the jail break on Friday afternoon.

Correctional Services spokesman Rudi Potgieter said two other unidentified suspects were re-arrested before they could leave the prison. They are now being held at the maximum security CMax prison. The others will also be held at CMax when re-arrested.

Potgieter said the armed prisoners escaped when Kala, Nkana and Sibiya were being led to a security checkpoint at the prison's reception area after returning from court.

He said Nkana allegedly pulled

CP 7/12/97  
out a firearm and held the warders hostage while they were joined by Sihani, Ngobeni and Chauke.

They then allegedly hijacked a car from a woman outside the prison and drove down Potgieter Street with warders firing shots at them. The stolen car was later found abandoned in the centre of Pretoria.

Potgieter said the possibility that the escapees could have had inside help, and the possibility of bribery and corruption in the department were being investigated.

The department and unions have an agreement that employees found guilty of corruption will face the full wrath of the law and will not be supported or protected by any of the unions through any illegal collective action.

Corruption by warders and activities of drug syndicates have been identified as the main reason for escapes in prisons.

The jailbreak in Pretoria came only a few hours after Correctional Service Minister Sipho Mzimela opened a new prison at Malmesbury, built at a cost of R173 million for 912 selected prisoners. Mzimela said the Malmesburg pilot project could provide the key to depopulate the country's jampacked prisons.

# Ministers clash as high-tech jail opens

Rehabilitation of inmates comes first in trend-setting prison

YVETTE VAN BREDA

**A** BITTER behind the scenes tussle between Correctional Services Minister Sipo Mzimela and Public Works Minister Jeff Radebe has marred the opening of the country's first state-of-the-art electronic prison.

The Malmesbury prison, which houses 950 inmates, was opened by Mzimela at the weekend.

But neither Radebe, nor his representative who was supposed to hand over the prison officially, were at the function, despite the fact that the prison had been built by Radebe's department.

Radebe's spokesman, Zaid Nordien, said Correctional Services had refused "certain requests" made by Radebe and it appeared that Mzimela was determined to take all the credit for the new facility.

Nordien did not elaborate on the requests that were made, but a spokesman for Mzimela said Radebe had wanted his name on the plaque and to share the opening ceremony.

Speaking at the opening, Mzimela denied there was any "bad blood" between himself and Radebe, but he launched a scathing attack on Public Works officials for "refusing to break



**WELCOME:** The head of the Malmesbury prison, Charles Thompson, shows off one of the jail's single cells  
Picture: RICHARD SHOREY

away from the past" He said Radebe could not be blamed for mistakes made by Radebe's officials who had not given Correctional Services "value for money".

"They know nothing about prisons, but they choose to ignore what we want. We could have had a better facility for slightly less money. I'm not happy with the mistakes they made," said Mzimela.

Excitement was high at the opening of the trend-setting prison on Friday. The prison, which is to house about 950 inmates in single or double cells, is

the first electronically controlled, unit management institution which focuses on the prisoner and his direct supervision.

As opposed to the "warehouse" prisons of the past, where 45 inmates were often crammed into 18-man cells, Malmesbury boasts only single and double cells, with eating halls, phones, recreational yards, and modern laundry facilities.

High-tech remote-controlled doors will make the institution secure. From a central control room, the operator can see and speak to any inmate in any cell in

the prison and control most of the doors.

Because of the centralised control, the number of prison staff would be able to be drastically reduced, cutting costs considerably, said Goltz Westmann, personal adviser to Mzimela.

The new prison concept was geared to prevent the recycling of crime, he said.

Statistics showed that in traditional prisons 70 percent of released prisoners eventually ended up back in jail. But the Malmesbury prison was expected to change this trend.

Huge recreation communal halls are to be filled with table tennis gear, televisions, musical instruments and all sorts

of games, said the prison heads, Charles Thompson and Willie Bergh.

In his opening address, Mzimela said "This prison is a break with the past, a break from the inhuman and degrading places of detention, to a modern facility where the emphasis will be on unit management and rehabilitation."

Only prisoners serving two to four years and with a good prognosis for rehabilitation would be accepted at Malmesbury. The prisoners would have to sign a contract declaring themselves willing to undergo rehabilitation.

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# ST (CM) 7/12/97

# Prisons pointing finger at police after Pretoria escapes

Taryn Lamberti

(253)

THE correctional services department has pointed a finger at police in the wake of six of SA's most dangerous prisoners escaping from Pretoria Central on Friday.

The six, some linked to highway heists involving millions of rands, broke free on Friday evening after one of the prisoners, Sipho Nkuna, allegedly smuggled a gun into the prison after appearing in a Pretoria court.

Correctional Services spokesman Bert Slabbert said if bribery had played a part in the escapes then "police must have been bought as well".

He was reacting to allegations in the Sunday Times by Safety and Security Minister Sydney Mufamadi, who blamed the escapes on a "corrupt" prison system.

"The police came and fetched him (Nkuna) and brought him back from court on Friday. If they had done their job properly he wouldn't have got in with a gun," Slabbert said. Prisoners were searched when they came in from court and "there might have been negligence on our part there".

National police commissioner George Fivaz would not comment yesterday because the matter had been handed over to an investigating team, headed by Dir Bushy Engelbrecht, said Fivaz's spokesman, Sally de Beer.

Engelbrecht played down the row between police and correctional services, saying his colleagues were "just frustrated because they had spent so

much time arresting the suspects". Engelbrecht said he had met Mufamadi and prison officials at Pretoria Central yesterday "They are just as concerned as we are and we are trying to find a solution together".

He did not want to get into a mud-slinging match with prison authorities, but said the "last action was theirs" and they should have searched Nkuna before he entered the prison.

A highly specialised "hunting team" was following up some positive leads, he said.

Prisons spokesman Rudi Potgieter said a preliminary report would be handed to Correctional Services acting commissioner Steven Corabie today.

Potgieter confirmed allegations that the prison gate had been jammed shut with a broomstick after its motor was sent for repairs. "The electronic motor couldn't cope with the weight of the gate," Potgieter said.

The six escapees are Dennis Ngobese and Oupa Seeane, allegedly involved in a R17m heist in Bronkhorst-spruit in July; Collin Chouke, charged with an October highway robbery involving R18m, Abdul Kafoor Kalla and Selashe Jimmy Sibuya, both wanted in connection with corruption involving Mandrax, and Nkuna.

A car the six allegedly used in their escape was found abandoned about a kilometre from the prison. No arrests had been made by last night.

A preliminary report on the escapes will be released by the correctional services department today.

## Mandela orders jailbreak investigation

Bonile Ngqiyaza

PRESIDENT Nelson Mandela has ordered a top-level investigation of the jailbreak by six prisoners from Pretoria Central at the weekend.

Justice ministry spokesman Pule Setsetse said yesterday officials from three government ministries would oversee the investigation and file a preliminary report by next Monday. This followed a meeting between Mandela, Justice Minister Dullah Omar, Safety and Security Minister Sydney

Mufamadi and Correctional Services Minister Sipo Mzimela.

Sapa reports that at the weekend another prisoner, convicted murderer and rapist Mandla Radebe, escaped from Pretoria Central Prison; two prisoners escaped from the Itsoseng police cells in North West, five awaiting-trial prisoners escaped from their cells in Mmabatho, and an awaiting-trial prisoner escaped from the Coffee Bay police cells in the Eastern Cape.

Comment: Page 9



## No opportunity escapes this desperate band

(253) Star 9/12/97

Scores of dangerous prisoners have escaped from prisons and police cells this year for reasons which include corruption among policemen and prison warders, negligence, inappropriate holding cells, gross understaffing and massive overcrowding. Statistics indicate that almost 7 000 prisoners escape from custody each year.

These are some of the escapes in Gauteng which are still being investigated:

■ One of Gauteng's most notorious bank robbers, Josiah "Fingers" Rabotapi, escaped after his arrest earlier this year while being transported from the Brixton police cells to Johannesburg prison.

Rabotapi, who escaped twice

before, is still on the run.

■ Martin Ngema, suspected murderer of Sandton businessman Lee Bennett, escaped late last year after obtaining a forged magistrate's order which enabled him to get R3 000 bail.

■ Samson Masithulele and Lawrence Mazimba, suspected killers of Eliakim "Pro" Khumalo, escaped from Soweto's Protea police cells in May. They fled after holding up a policeman with a gun that had been smuggled into the cells. They have since been recaptured.

■ Suspected serial killer Jan van der Westhuizen escaped from custody at a Pretoria police station for the seventh time last month. Alleged to have brutally murdered three people, he

sawed his way through three steel bars at the station's gymnasium before climbing over a barbed-wire fence.

■ Two robbers casually walked out of Johannesburg prison last month when the electrical fence malfunctioned. Shepherd Nhlanhla Dube and Obed Nhlapo were awaiting trial for a range of serious charges.

■ Lax security measures at Johannesburg prison allowed Sylvester Mofokeng twice within 18 months to escape from jail and to murder 12 people within a three-month period.

■ Three women jailed for drug smuggling walked out of Johannesburg prison during visiting hours in September this year. They were in civilian clothing.

## Jailbirds are on the run again after weekend breakouts

These are some of the jailbreaks reported around the country at the weekend.

**Friday:** Six dangerous awaiting-trial prisoners escaped from Pretoria Central prison after hijacking a car on the prison premises.

**Saturday:** Five awaiting-trial prisoners escaped from a cell at

Matlala police station, 40km west of Pietersburg, after sawing through the bars.

**Saturday:** Five awaiting-trial prisoners escaped in Mma-batho on Saturday evening.

**Saturday:** In the Eastern Cape, a prisoner escaped from the Coffee Bay police cells.

**Sunday:** Two prisoners, one a

convicted rapist, escaped from the Itsoseng police cells in the North-West Province.

**Sunday:** A prisoner was shot dead at Bellville South police station during an escape attempt after he overpowered the charge office commander and robbed him of his pistol. - Pretoria Correspondent

# Mandela cracks whip after latest daring jailbreak

By Anso Thom

The latest daring jailbreak by six dangerous prisoners has given impetus to closer co-operation between the Departments of Correctional Services, Safety and Security and of Justice in their joint effort to plug South Africa's leaking jails.

A high-level investigation team was set up yesterday after a tense meeting between President Mandela, Safety and Security Minister Sydney Mufamadi, Correctional Services Minister Sipo Mzimela and Justice Minister Dullah Omar.

It was also revealed yesterday that the section in Pretoria Central prison from which the men escaped on Friday had been built to house 2 200 prisoners. But it was currently holding 4 300 prisoners. The prison was also understaffed.

Presidential spokesman Parks Mankahlana said the closer co-operation between the departments was encouraging. "The president views this escape in a very serious light and the Government is under no il-



Too late... a heavily armed prison warden guards the faulty gate through which six dangerous prisoners escaped on Friday.

lusion that these escapers are small players in the crime network."

By late yesterday the six men who escaped on Friday and a seventh who escaped on Sunday were still on the run.

Omar said Mandela had expressed concern about the escape, asking the ministers to set up an urgent investigation and to report to him before the

end of the year.

The ministers held talks with their directors-general yesterday and a team consisting of director Stefan Grobler, head of the SAPS anti-corruption unit, advocate Chris Jordaan, Pretoria deputy attorney-general, and deputy director Johannes Makgoba, head of the Pretoria prison, was set up.

They will file a preliminary

report by December 15 and a final one by December 22.

Friday night's escape involved hijacking suspect Siphon "Killer" Nkuna, who overpowered four warders before freeing his seven accomplices. Six men managed to escape and two were forced to remain behind due to lack of space in the hijacked getaway vehicle.

The fugitives are Oupa Edwin Seane and Dennis Ngobese, arrested in connection with the R17-million heist near Bronkhorstspuit; Colin Chauke, arrested after an R18-million heist at the Pretoria SBV cash-clearing depot; Nkuna and Selashe Jimmy Sibiya, suspects in a multimillion-rand car-theft syndicate; and Abdul Kafoor Kalla, arrested after police shut down a mandrax manufacturing plant. A seventh prisoner, Mandla Radebe, serving 29 years apparently walked out of the prison after mingling with the organisers of a church service on their departure.

► More reports

ster

# Eight escape from cells

(253) ARGUS 10/12/97

and the CP said the country's prisons ment. Daan du Plessis special inquiry into m Pretoria Cen- rial prisoners. men were still at

Pretoria - Eight prisoners escaped from Bronkhorstspuit holding cells today after a man smuggled in a hacksaw blade in his rectum.

Police spokesman Gideon Thessner said Andr Osher smuggled in the hacksaw blade.

Osher, Alfred Shelike, Mathews Victor, Hendric Mnisa, Christopher

Mkari, Patric Masilela, Lucas Mabena and Chris Tlhope escaped after sawing through the cell bars.

The men are wanted on charges of murder, theft, burglary and house-breaking

It is not known how Osher gained access to the blade. - Argus Correspondent

# s street children

799 500g	Peck's Anchovette Regular 289 125g	120ml each
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# Blacks set to gain from prison bid

By Joshua Raboroko

INFORMAL black business organisations are set to receive a major boost if French multinational construction company Spie Batignolles TP wins the bid to build a multi-million rand prison at Empangeni in KwaZulu-Natal.

Spie Batignolles TP, which has among its local shareholders members of the African Council of Hawkers and Informal Business (Achib) and spaza shop owners, is tipped to win the bid.

Eight local and international companies have been short-listed for the construction of the prison.

The company's R189 million bid as well as its inclusion of the black informal sector companies has put it in the forefront of bidders, sources disclosed.

Spie Batignolles TP, which has participated in many construction undertakings including hospitals, housing and other infrastructure development throughout the world, is part of the South African-based African Genesis Investment (AGI).

AGI executive chairman Lawrence Mavundla, who is also Achib's president, said if the vision for the Empangeni prison reached fruition, it would transform informal enterprises into big business.

He said that the construction company's policy was aimed at education, training and empowerment of emerging black enterprises and individuals from various provinces.

AGI, as the investment and economic empowerment vehicle of Achib,

would strive to equip 85 000 informal businesses with the use and development of skills in the construction industry.

Public Works' communications spokesman Chris van der Walt confirmed yesterday that Spie Batignolles was leading other companies in the bid, but would not speculate on what the tender board would decide.

He conceded that the company's proposal met the crucial criteria - the lowest bid and the black empowerment objective.

However, a final decision would be made in February next year.

Other bidders were Murray and Roberts, Basil Read-Bougues, Group 5-Gold Fields-Concor, LTA, Stocks and Stocks and Grinaker-WBHO.

# Probe into cops' role in prison escapes begins

*Sowetan 10/12/97*

(253)

**By McKeed Kotlolo and Charity Bhengu**

POLICE have launched an internal investigation to determine whether any police members could have been implicated in the daring escape by nine awaiting-trial juveniles at Randburg Police Station on Monday.

Johannesburg police spokesman Captain Andy Pieke said yesterday that police were investigating whether this could have been an "inside job". He said the search for the juveniles - aged between 13 and 16 - was continuing.

The youths, who had been ordered to the holding cells by a magistrate, escaped in two separate groups by sawing through the bars on their cell windows and then climbing up drainage pipes onto the roof. They had been in police custody for alleged housebreaking and theft.

Meanwhile, the six prisoners who escaped from Pretoria Central Prison at the weekend were yesterday still at large and police said they were confident of making early arrests.

Director Bushy Engelbrecht, who is coordinating investigations into the jailbreak by the six "dangerous" awaiting-trial prisoners, said yesterday no arrests had yet been made "but we are confident to make a breakthrough in this case".

Engelbrecht said they were happy the way things were going. "We are receiving many valuable tip-offs from the public since the announcement on Monday of the R250 000 reward for information that could lead to their re-arrest," he said.

He said the police were working hard at the case and "I believe that the escapees are spending sleepless nights wherever they are".

Sapa reports that presidential aide Mr Parks Mankahlana said yesterday

that President Nelson Mandela had full confidence in Correctional Services Minister Sipo Mzimela and saw no reason to dismiss him from the Cabinet.

Mankahlana was reacting to calls by the National Party and the Conservative Party that Mandela should dismiss Mzimela in the wake of jailbreaks countrywide.

"The President has instructed that a special investigation be carried out by the three Ministers which is an indication that he has full confidence in Minister Mzimela in his capacity as Minister of Correctional Services," Mankahlana said.

He was referring to Monday's announcement that Mzimela, Safety and Security Minister Sydney Mufamadi and Justice Minister Dullah Omar would set up a high-level special investigation team to combat the spate of prison escapes.

# Mandela rejects calls for sacking of prisons minister

ARGUS CORRESPONDENT AND SAPA

Pretoria - President Mandela has declared full confidence in Correctional Services Minister Sipo Mzimela and rejected opposition calls for his sacking over a wave of jailbreaks. Spokesman Parks Mankahlana

was reacting yesterday to demands from the National Party and the Conservative Party that Mr Mandela should dismiss Mr Mzimela, the Inkatha member of his Cabinet. "The president has instructed that a special investigation be carried out by the three ministers - which is an indication that he has full confidence

in Mr Mzimela in his capacity as Minister of Correctional Services." Mr Mankahlana was referring to Monday's announcement that Mr Mzimela, Safety and Security Minister Sydney Mufamadi and Justice Minister Dullah Omar would set up a high-level special investigation team to combat the spate of prison escapes

ARKY 10/10/97  
The NP and the CP had the capacity to make far more useful contributions than merely calling for a minister's dismissal, he said. "The president would like to appeal to them to apply their minds to other proposals which could further enrich the campaign against crime," said Mr Mankahlana.

EARLIER, the NP and the CP said the management of the country's prisons was clearly incompetent. CP spokesman Daan du Plessis also demanded a judicial inquiry into Friday's escape from Pretoria Central by six awaiting-trial prisoners. Police said the men were still at large late yesterday.

# Full jails cost taxpayer R3-m daily

BY ANSO THOM AND  
FIKILE NTSIKELELO MOYA

The clogged court system is costing the taxpayers at least R3-million a day as awaiting-trial prisoners spend up to eight months in jail before being tried

According to information in The Star's possession, 38 000 of South Africa's 130 000 prisoners are awaiting trial

It takes an average of five months for their cases to be processed, with half the people being acquitted

It costs the country R75 per prisoner a day and this is expected to rise to R80 in the next few months

Yesterday five suspected robbers were denied bail by the Johannesburg Magistrates' Court and their trial date set for the end of August

Earlier this week the trial date for Constable Mishack Doctor Ntimane, accused of shooting and killing a complainant at

Cleveland police station, was set for September 7. He is in custody

A second bail application of two elderly Americans who have been in custody since their arrest in January 1995 is expected to be heard today

According to Democratic Party MP Douglas Gibson, about R2,8-million could be saved if the awaiting-trial period were shortened by one day

Gauteng Correctional Services Department spokesman Rudi Potgieter revealed earlier this week that Pretoria Central prison had been designed to keep 2 200 people, but was holding 4 300, of which 3 200 were awaiting-trial prisoners

Johannesburg Magistrates' Court chief bail officer, Warren Matidza, said Johannesburg prison's awaiting-trial section was 181% overpopulated

More than half those in custody had been granted bail of R500 or less

Correctional services spokes-

man Bert Slabbert said the long awaiting-trial period was exacerbating overpopulation in prisons

Another source in the department said it affected safety, rehabilitation, staff morale and escapes. He said warders, who were outnumbered, were suffering from stress, leading to absenteeism and suicide. Drug and gang activity had also increased.

Justice Ministry spokesman Paul Setsetse blamed staffing shortages for the problem. He said 100 trainee prosecutors had been deployed to help deal with the backlog

The situation has prompted the newly established Bureau of Justice Assistance to initiate a new project to ensure that suspects who do not pose a serious danger to society are granted affordable bail or released on strict conditions that can be monitored

► In and out

Star 10/12/97 (253)

## Eight escape from cells

(253) ARG 10/12/97  
Pretoria - Eight prisoners escaped from Bronkhorstspruit holding cells today after a man smuggled in a hacksaw blade in his rectum.

Police spokesman Gideon Thesener said Andr Osher smuggled in the hacksaw blade.

Osher, Alfred Shelike, Mathews Victor, Hendric Mnisa, Christopher

Mkari, Patric Masilela, Lucas Mabena and Chris Tlhope escaped after sawing through the cell bars.

The men are wanted on charges of murder, theft, burglary and house-breaking.

It is not known how Osher gained access to the blade. - Argus Correspondent



REFORMATORY MADE A 'GRAVE MISTAKE'

# 'Crisis' as young rapists, murderers are released

ET 11/12/97 (253)

**YOUNG CRIMINALS** have been released from a reform school that apparently misinterpreted an education department instruction. Education Writer **TROYE LUND** reports.

**C**ONVICTED juveniles at Porter Reform School call it the lucky "strooitjie" (straw) — a card they receive as a pass for the Christmas holidays

But this year the "strooitjies" had no return date on them

The misinterpretation of an instruction by the Western Cape Education Department (WCED) has led to rapists and murderers ranging from 14 to 20 years old being released for good

All inmates, except for those 25 who arrived within the past three weeks, went home on Friday

A psychologist at the school, Mr Billy Goesi, said: "This is nothing short of a crisis. Some of these boys are hard-core criminals — rapists and murderers. They have been released into communities with no support structures. They will be a danger to themselves and to the community"

He was speaking at a press conference yesterday called by the South African Democratic Teachers Union and the National Health Workers Union.

According to psychologists and teachers at Porter, the education department told principals at reform schools, schools of industry

and places of safety in November this year of a move to "unblock" them to make way for children awaiting trial in prison and for children in need of the programmes run at the institutions

To move as many juveniles out of the system as possible, they said they had been given specific criteria to consider when deciding which juveniles to release, Porter staff and the unions said

These were

- Boys from other provinces.
- Boys over 18 years of age
- Boys who had relatively good home environments to go to
- Boys who would have been released before March

A teacher at Porter, Mr Lawrence Hoepner, said. "These categories are in line with the inter-ministerial committee's (IMC) document formulated after an investigation of residential care facilities for juveniles

"It is an excellent document aimed at transforming the system, but it makes it clear that structures have to be in place in communities to receive boys that are sent home. This is not the case. The boys we sent home are not coming back and will go straight back to crime

## Boy breaks into club three times in one year

**FATIMA SCHROEDER**

**JASON** Smith, aged 16, has been in and out of jail and a reformatory for a string of burglaries, and has been charged with sodomising two boys. Two weeks ago he was one of 240 inmates released from the Porter Reform School — but within days he was back.

Jason (not his real name) was released on November 30 from the Tokai school. The next day, he broke into the Pines Ten Pin

Bowling Club in Parow for the third time this year.

The first time, in May, he was held at Parow police station for nine days and released under his mother's supervision. Two months later he committed the same crime and was held at Pollsmoor Prison for two months, until a vacancy was found for him at the reformatory.

Released again, he broke into the club the next day. He's now back at the reformatory

One boy, who was released, has already committed another crime."

A teacher in Porter's psychology department, Ms Charmaine McQueen, said. "We sent through release forms for all the boys, they are not coming back"

However, the WCED said it had not instructed Porter or any other school to release inmates for good

The other five reform schools in the Western Cape said that they had not released their inmates permanently as the release criteria had

only been verbally communicated. Inmates at these schools had been sent home for the holidays only. The schools said most inmates did return, only about 15% absconded

IMC spokesperson, Ms Leslie du Toit, said Porter had made a grave mistake if they had let all the boys go. Although the idea was to "unblock" the system there was no intention or instruction to "willy nilly" send juveniles from these institutions home.



**DESPAIR:** Project Go offers the promise of a better future for this reform school boy. According to a government report, many of these children have been subjected to human rights abuses

PICTURE BENNY GOOL

# Prison head 'sold gun to inmates'

(2/3)

Star 11/12/97

Deputy director and 15 wardens have to answer to claims that they were involved with prison escapees

By Cecilia Russell,  
Gill Gifford and Sapa

The head of Pretoria Local Prison faces suspension following allegations by awaiting-trial prisoners that he smuggled a gun into the prison and sold it to high-profile inmates for R100 000.

This is the latest controversy facing the Department of Correctional Services over continuing escapes of dangerous prisoners, as well as corruption among its members.

The prison head, Deputy Director Johannes Makgoba, is one of more than 16 prison officials facing suspension after the escape of seven dangerous criminals from Pretoria Central Prison in two separate incidents at the weekend, correctional spokesman Russel Mamabola said today.

Allegations by awaiting-trial prisoners that Makgoba had sold a gun to the prisoners and had recently visited and talked with the escapees would be investigated, Mamabola said.

Makgoba will be served with a letter warning him of possible suspension today and will be given until tomorrow to respond in writing, spokesman Rudi Potgieter said. "If his response is not satisfactory, then he could be suspended tomorrow."

Makgoba has also been suspended from the team investigating the prison escapes.

Potgieter confirmed that act-

ing commissioner Steven Korabie has given the other 15 wardens the opportunity today to defend themselves against suspension.

Eight of the members were on duty on Friday when six men broke out of the prison, and the other eight were on duty when a convicted murderer and rapist simply walked out of the gates on Sunday.

South Africa's top investigators, working under Director Bushie Engelbrecht in a search for the escaped prisoners, have not yet yielded any results.

Mamabola said a number of factors would be taken into account at the suspension hearing, including negligent behaviour and whether the prescribed orders of the prison had been followed by the officers.

If suspended, they will still receive their full pay until the official investigation, ordered by President Mandela, was finalised.

Major Bert Slabbert, spokesman for Correctional Services Minister Sipo Mzimela, said yesterday a report on the escape of the six prisoners was currently being prepared for submission to President Mandela next week.

He admitted that the department was in a predicament about the latest bout of escapes, adding "we are not at liberty to discuss the situation as it is currently under thorough investigation and an interim report

will be going to the President's office on Monday".

The team from the criminal justice system conducting the probe is required to produce its first report by next Monday and a final one by December 22.

Between January and October this year, there have been 937 escapes from South African prisons and 229 from prisons in Gauteng. About 140 000 people are housed in prisons on an average day.

The six prisoners who escaped on Friday are Dennis Ngobese and Oupa Seane (allegedly involved in the R17-million Bronkhorstspuit robbery in July), former ANC councillor Collin Chauke (a former MK cadre allegedly involved in the robbery of R18-million in Arcadia in October), Abdul Kafoor Kalla and Selashe Jimmy Sibiyi (for corruption involving Mandrax) and Siphon Nkuna.

Convicted rapist and murderer Mandla Radebe, who is serving a 29 year sentence, escaped from the prison after a church service on the premises on Sunday afternoon.

Meanwhile, warden M.J. Pelele was arrested yesterday when he removed a television from the prison on the pretence that it had to be repaired. When he returned it was searched and dagga was found hidden in the TV, Potgieter said.

Police are offering a reward of up to R250 000 for information leading to the recapture of the six men.

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# Jailbirds contest C-Max transfers

**Andy Duffy**

**T**he man who killed a Dutch pensioner and stuffed the dismembered corpse into a suitcase is to take legal action against the Department of Correctional Services for transferring him to controversial high-security prison C-Max

Jano Nortje, convicted last year of murdering a 76-year-old Dutch family friend, and triple murderer Casper Kruger were transferred to C-Max two weeks ago — apparently because they jointly tried to escape from Pretoria Maximum Security Prison earlier this year.

The transfer followed days after the prison's evaluation committee had decided the two had been sufficiently punished for their botched walkabout.

Lawyers for Human Rights (LHR), backed by the Legal Aid Board, have taken up their case. LHR believes the department breached its own rules in ordering the transfer.

The LHR's penal reform project co-ordinator, Rudolph Jansen, issued a letter of demand this week to Minister of Correctional Services Sipo Mzimela and provincial prisons officials to have the transfer reversed, or the prisoners' privileges reinstated. Failing that, LHR will bring an application before the Pretoria High Court on December 23.

The legal action is the first Mzimela has faced since he opened C-Max in September.

The prison, which draws its inspiration from the United States, is supposed to prevent escape attempts and isolate prisoners judged a danger to others or themselves. Inmates spend 23 hours of the day in tiny cells, they shower and exercise in cages and they are denied any contact with fellow prisoners.

The treatment of inmates has enraged local and international human rights groups. Mzimela, eager to show the South African public that he can prevent at least some prisoners escaping, has so far brushed off their concerns.

Jansen, an advocate at the Pretoria Bar, concedes that Nortje and Kruger are "bad". Kruger is already serving two years for an earlier escape attempt, on top of the 31-year sentence he received for murdering three men in Emmarentia.

But Jansen says the convicts' transfer to C-Max was unlawful. "I don't really think it fits the criteria."

Jansen says Nortje and Kruger launched their bid for freedom in May, "wanting off" from medical facilities at the nearby Pretoria Local Prison where they were being treated for food poisoning. They were



**Sipo Mzimela: Prisoners are threatening to take him to court**

MTG 12-18/12/97

(252)

caught the same day in Johannesburg, spent a month in solitary confinement, and were demoted from high privilege A-grade prisoners to D grade.

The prison's institutional committee decided on November 13 that the two should be promoted back to C-grade. Their transfer order to C-Max came through on November 26. Correctional services declines to be drawn on the decision, claiming it

cannot comment if legal action is pending. But department representative Chris Olickers says prison head Frank Hatswayo, area manager Zebulon Monama and provincial commissioner Patrick Gillingham, would have made the decision. "If a prisoner's behaviour and profile are such that he poses a risk, he is identified as a possible candidate to be transferred," Olickers says.

C-Max had 18 inmates on the last count, including former Vlakplaas commander Eugene de Kock. Its newest addition is the multiple rapist and murderer Moses Sithole. Several inmates, including De Kock, are likely to be transferred early next year to a "halfway house" facility being built at C-Max — the first step back into the general prison population.

# Situation in SA prisons 'under control' despite 937 escapes this year

Stephané Bothma (253)

PRETORIA — Nine hundred and thirty seven prisoners had escaped from correctional services facilities country-wide this year, acting correctional services commissioner Steven Korabie said yesterday.

Despite the high number of jailbreaks, Korabie said the situation at prisons was under control and escapes by inmates had actually declined. The country has a total prison population of 141 000, amounting to an

"overpopulation" of 50 000.

The statement came as a correctional services spokesman said Pretoria local prison head Johannes Makgoba faced suspension — unless he could give reasons why such action should not be taken against him — for allegedly taking a R100 000 bribe. Makgoba had until today to respond. Eight other prison officials had received similar notices. This follows the escape of six dangerous prisoners last Friday from Pretoria local prison, which is next to Pretoria central prison.

Police are still hunting the six escapees — three of them held for recent heists in Pretoria and Bronkhorstpruit involving millions of rands. Potgieter said Makgoba was given a letter of intended suspension earlier in the day after two awaiting-trial prisoners alleged he had received R100 000 for giving a gun to a prisoner. But he said the department supported fair labour practices and would not summarily suspend staff members without considering all the facts. The eight other officials were being

accused mainly of negligence on the basis of information gathered in an internal investigation into last Friday's breakout, Potgieter said. Reacting to last weekend's escape, Korabie said the perception that the situation was out of control, that the system was failing and that the department had done nothing to address the issue, was wrong. "For example, in 1976 the department had a prison population of about 94 000 and the number of escapes that year was 2 339. "In 1996 the prison population was

about 118 000 with the number of escapes at 1 345," Korabie said. He said it had to be taken into account that there was an overpopulation of more than 50 000 prisoners, a staff shortage of more than 6 000, and that the department was underfunded. "It must also be borne in mind that the department has a turnover of more than half a million prisoners annually." These days SA faced international crime syndicates and more desperate and hardened criminals who would do anything to regain their freedom.

PRISON CHIEF FACES SUSPENSION

# R100 000 bribe claim

ET 12/12/97 (253)

**JOHANNESBURG:** Despite recent break-outs there has been a decrease in escapes from prisons since new security measures were put in place, officials say.

**P**RETORIA local prison chief Mr Johannes Makgoba faces suspension for allegedly taking a R100 000 bribe during last Friday's break-out by six high-profile prisoners

Spokesperson Mr Rudi Potgieter said Makgoba had until Friday to respond to the allegations

Eight other prison officials were served with similar notices of intended suspension

Three of the escapees are being sought in connection with heists in Pretoria and Bronkhorstspuit involving millions of rands

Potgieter said two awaiting-trial prisoners alleged that Makgoba had taken R100 000 for giving a prisoner a gun

The eight other officials were being accused mainly of negligence after an internal probe into the break-out, Potgieter said

Should the nine officials be suspended, they would continue to receive their monthly salary, but would forsake all allowances

"Such a suspension would remain in effect pending the outcome of a full investigation into the allegations," Potgieter said

Meanwhile, senior policemen from several specialist units said many investigations were being hampered by the fact that detectives were having to recapture fugitives who had taken months to arrest in the first place

"In many instances these guys have learnt from their mistakes and have turned living on the run into an art form," one murder and robbery unit detective said

Statistics indicate that escapes by awaiting-trial prisoners account for more than two-thirds of all escapes from detention

More than 300 escapes were recorded each month this year

Acting Commissioner Steven Korabie yesterday rejected assertions that the Department of Correctional Services was not doing anything to curb escapes

Department of Correctional Services figures show that 44 prison officials are facing disciplinary action since a directive released by Commissioner Khulekani Sitole in August that officials implicated in break-outs be suspended pending investigations

The hardline approach led to a significant drop, to 77 cases from the monthly average of 110, when it was implemented in September

Measures introduced by the Department of Correctional Services to tackle escapes are yet to be matched by the police service

SAPS procedures dictate that a police member can be suspended only after an investigation has been completed and a formal charge laid against the accused.

Escapes from prisons were actu-

ally declining, a Correctional Services spokesperson said in Pretoria yesterday

Acting Commissioner Steven Korabie said there had been fewer escapes since measures were taken to combat the problem

Korabie said 1 345 inmates from a total prison population of about 118 000 had escaped last year. This year, the prison population had risen to about 141 000, while the number of escapes had fallen to 937. Prison statistics show that monthly escapes had dropped from an average of 112 last year to 93 this year, despite an increase in the prison population by more than 21 000 inmates

The preventive measures taken, included erecting electric fences around prisons and suspending corrupt officials

"Measures have also been taken to act against prisoners who escape. They will have to serve at least 80% of their effective sentence if convicted of escape" — Sapa, Own Correspondent

6/12/77  
**'We gave  
Prison  
official  
bribe'**

By Pearl Rantsekeng (253)

Prisoners have claimed that the head of the Local Prison accepted a bribe of R1000 to provide the gun used to murder the prisoners.

Department of Correctional Services said deputy director Mr Johannes Makgoba would be suspended if the allegations against him were true.

The allegations were made by two awaiting trial prisoners who were among a group of eight prisoners who made an escape bid last Friday.

The escapees included hijacking suspect Simon Miller, who held up four warders before freeing his accomplices.

However, only six men managed to escape, the other two were forced to remain behind because there was no space in a getaway vehicle.

Correctional Services spokesman Mr Rudi Potgieter said according to a Johannesburg daily newspaper, the two prisoners alleged that the gun used during the escape was provided by Makgoba.

**Not suspended yet**  
Potgieter said Makgoba had not been suspended yet as investigations were continuing. "We cannot suspend Makgoba without first investigating if there is any substance to the allegations."

Once the investigation is finalised we can then decide his possible suspension. Potgieter said eight other prison officials, six of whom were on duty that day, might also be suspended for negligence.

The six dangerous escapees are still at large. Since the beginning of the year 1977, Acting Commissioner Mr Steven Korabie said since the escape last Friday, a perception had been created that the department was out of control and that his department had done nothing to address the issue.

He said the opposite was true. For example in 1976, the department had a population of plus-minus 94 000. The number of escapes that year was 2 339. In 1977 the prison population was about 118 000 with the number of escapes 1 345.

He said prisons were being built at a rate of 50 000 more prisoners and houses 3 500 prisoners annually. The present holds over 700 000 prisoners. It has a turnover of R10 000 million annually.

However, the department accepted it had a responsibility towards the prisoners it served, Korabie said.

# Leaky jails making more work for the

## Detectives are having to backtrack on their investigations to arrest suspects and convicts for the

By DEREK ROONEY  
Crime Reporter

Angsters who have escaped from prison or police detention are in many instances providing the expertise for bank robberies, as well as armed robberies of businesses and cash-in-transit vehicles

Senior policemen from several Johannesburg specialist units told The Star yesterday that many investigations were being hampered by the fact that detectives were having to recapture fugitives who had taken months to arrest in the first place.

"In many instances these guys have learnt from their mistakes and have turned living on the run into an art form," one murder and robbery unit detective said

Brixton murder and robbery unit detective Captain Jakes van Niekerk, speaking about Gauteng's most wanted escaper, Josiah "Fingers" Rabotapi, said hundreds of man-hours a year were wasted by exhausted detective teams which had to retrace their steps in numerous investigations in the hope that they could track down their man again

"Informers will tell you that they saw him in a taxi in central Johannesburg and then on the same day you could be following dead ends in another part of the province. In the meantime the load of new cases just keeps on growing," he said.

Although reluctant to reveal details of their investigations, detectives from most of the high-profile investigation units

admitted that a disturbing number of current investigations related to suspects who had escaped.

Official statistics indicate that police cell escapes by awaiting-trial prisoners account for more than two-thirds of all escapes from detention

With more than 300 escapes recorded each month this year, coupled with several high-profile escapes by suspects held in connection with organised criminal activities, the Department of Correctional Services (DCS) was prompted to defend itself in the wake of perceived uncontrolled circumstances existing in the country's prisons.

Acting Commissioner Steven Korabie yesterday rejected assertions that the department was not doing anything to curb prison escapes.

DCS figures reveal that 44 prison officials are facing disciplinary action since a directive released by DCS Commissioner Khulekani Sitole in August that officials implicated in breakouts be suspended pending investigations.

The hardline approach led to a significant drop, to 77 cases from the monthly average of 110, when it was first implemented in September.

The DCS's Barry Eksteen said the hearings against the suspended officials were in various stages of completion. "We have no accurate figure for acquittals or convictions yet, but we are working on it."

Prison statistics show that monthly escapes had dropped from an average of 112 last year to 93 this year, despite an increase in the prison population

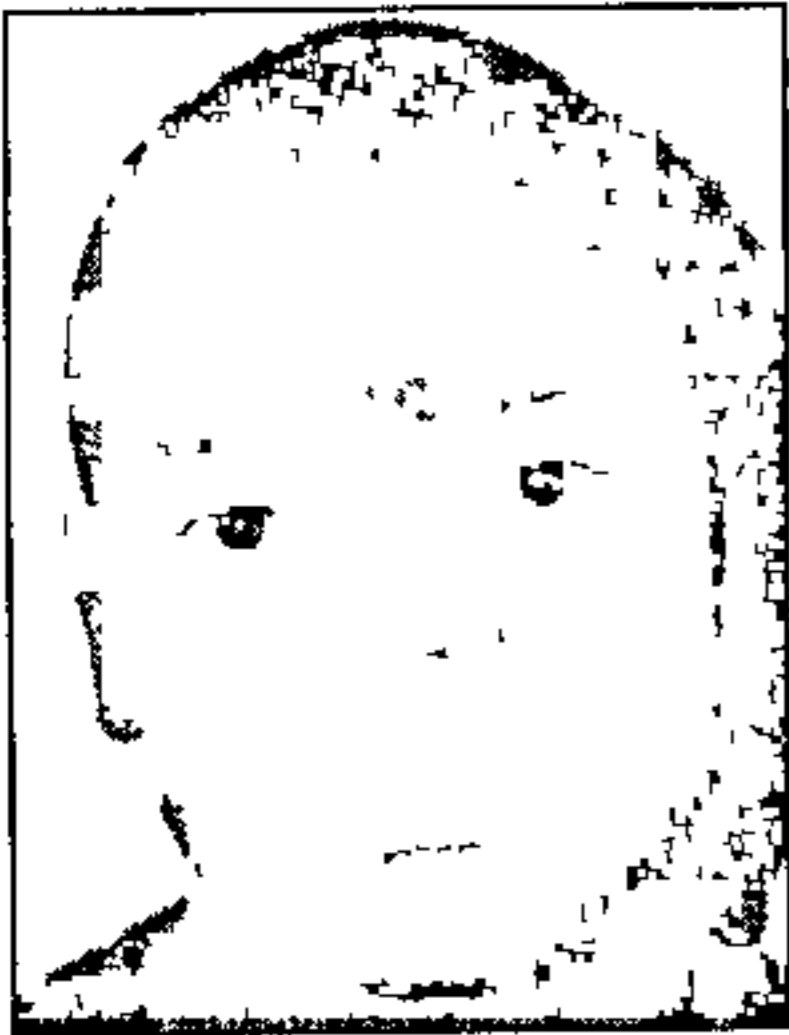
by more than 21 000. Ironically, the introduced by the DCS escapes are yet to their police counterparts.

SAPS procedures that a police suspended only after litigation has been and a formal against the accused.

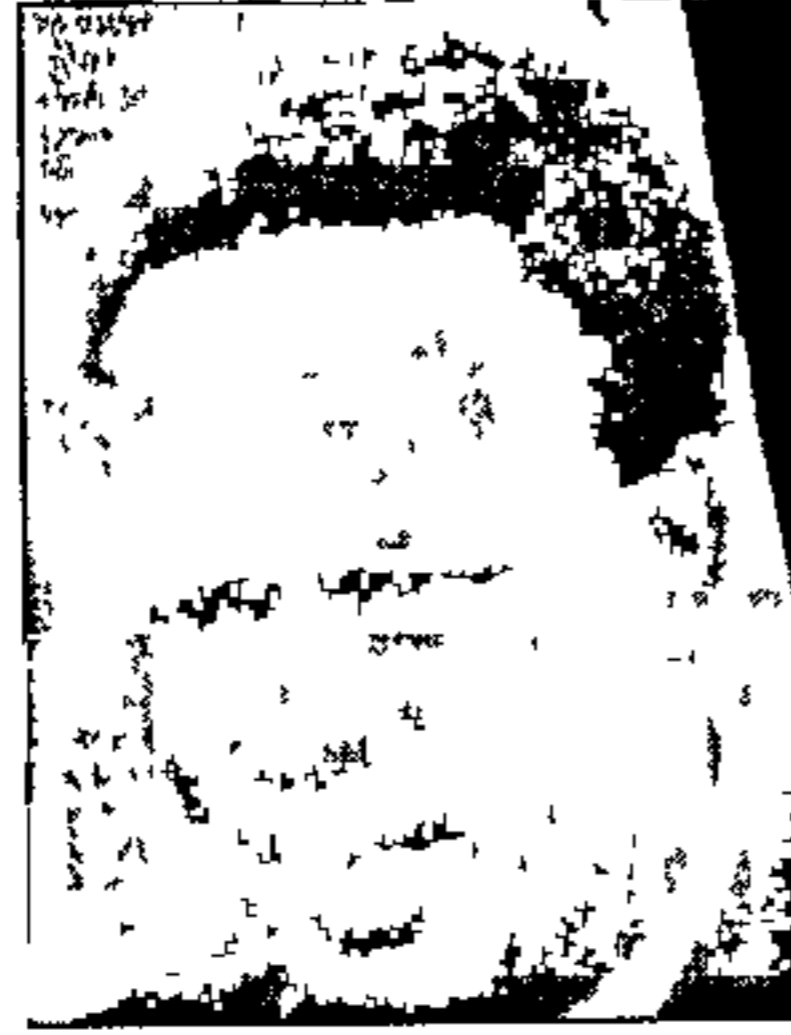
Police human management Superintendent S... said a policeman suspended only once evidence had been an investigation team.

Other tough by the department erecting electric prisons, suspending officials, and making prisoners serve at their effective

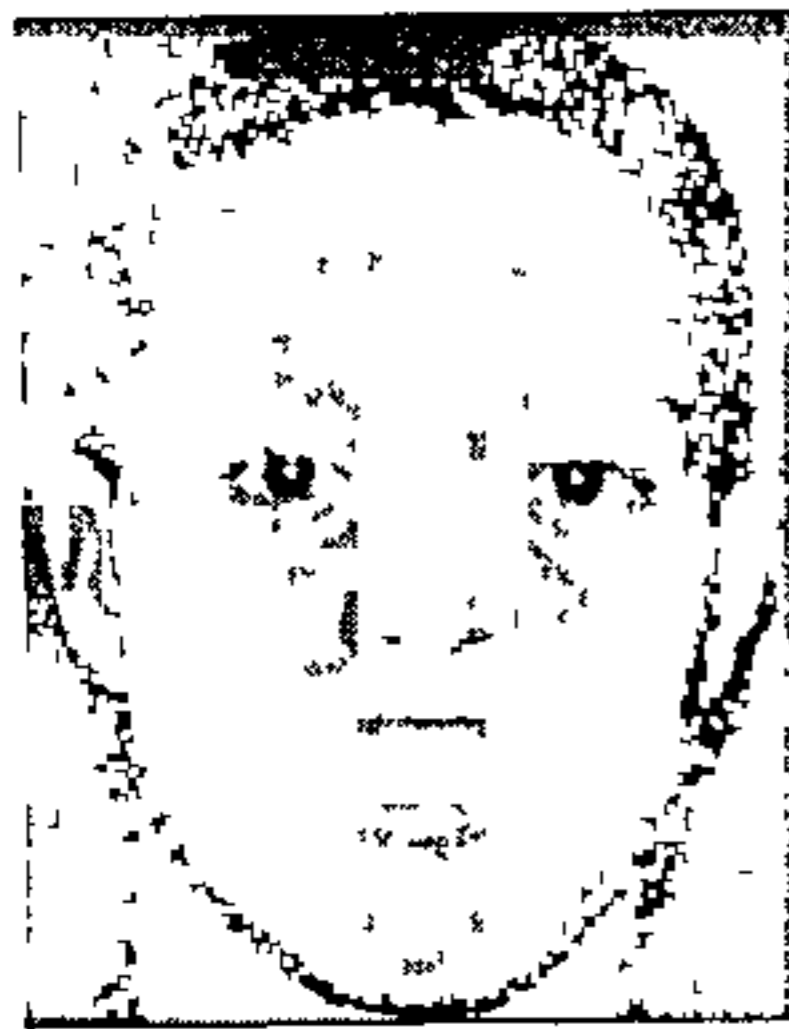
Star 12/12/97 (253)



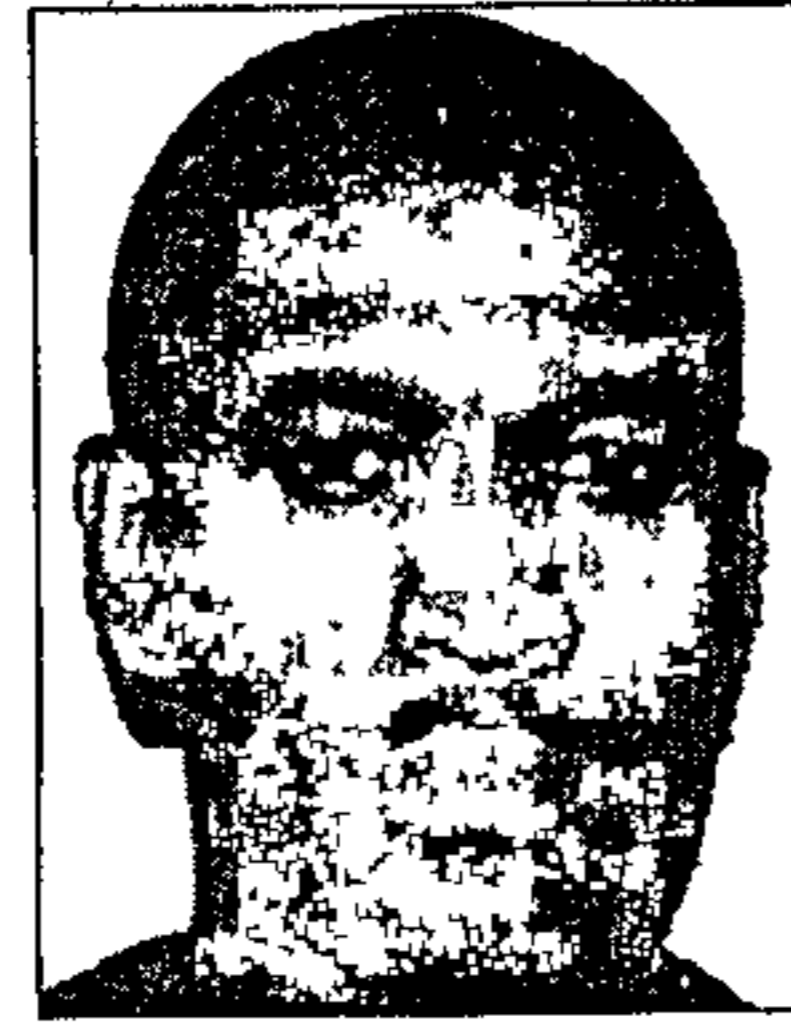
Collin Chauke ... arrested for R12,5-million SBV depot heist



Oupa Seane (38) .. wanted for multimillion-rand theft



Selashe Sibuya, alias Lassie (22) ... arrested with Nkuna



Siphon "Killer" Nkuna (27) .. initiated big Pretoria breakout

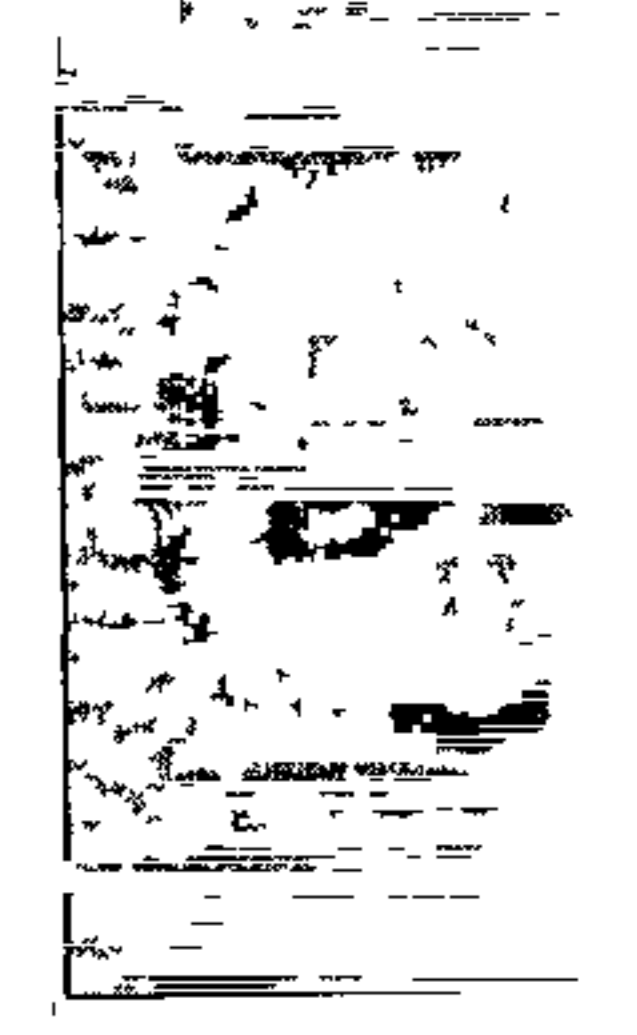
### Escapes from SA prisons

YEAR	ESCAPES	PRISON POPULATION	MONTH AVERAGE
1975	2 339	94 861	195
1985	1 007	111 401	85
1995	1 247	110 069	103
1996	1 345	118 731	112
1997 JAN - OCT	937	141 000	93

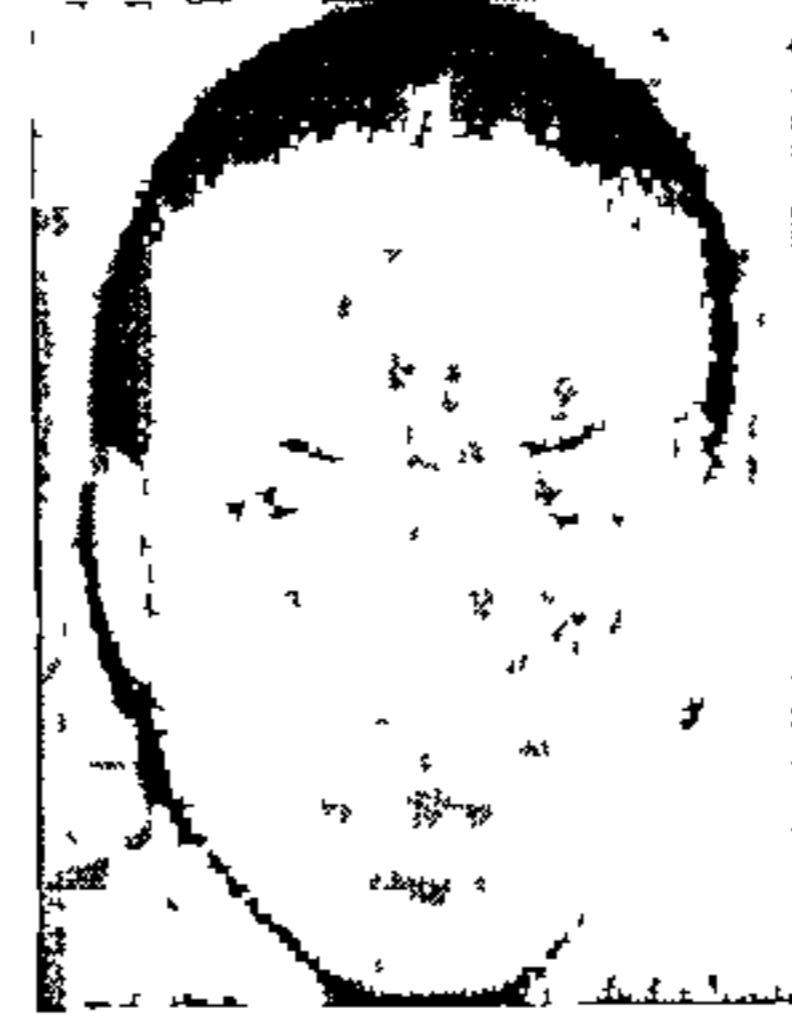
  

PROVINCE	ESCAPES	PRISON POPULATION	MONTH AVERAGE
Gauteng	229	37 128	22.9
KwaZulu Natal	160	21 256	16
North West	132	10 154	13.2
Eastern Cape	122	16 859	12.2
Western Cape	102	23 505	10.2
Free State	73	12 929	7.3
Mpumalanga	68	9 515	6.8
Northern Cape	26	4 989	2.6
Northern Province	23	3 970	2.5

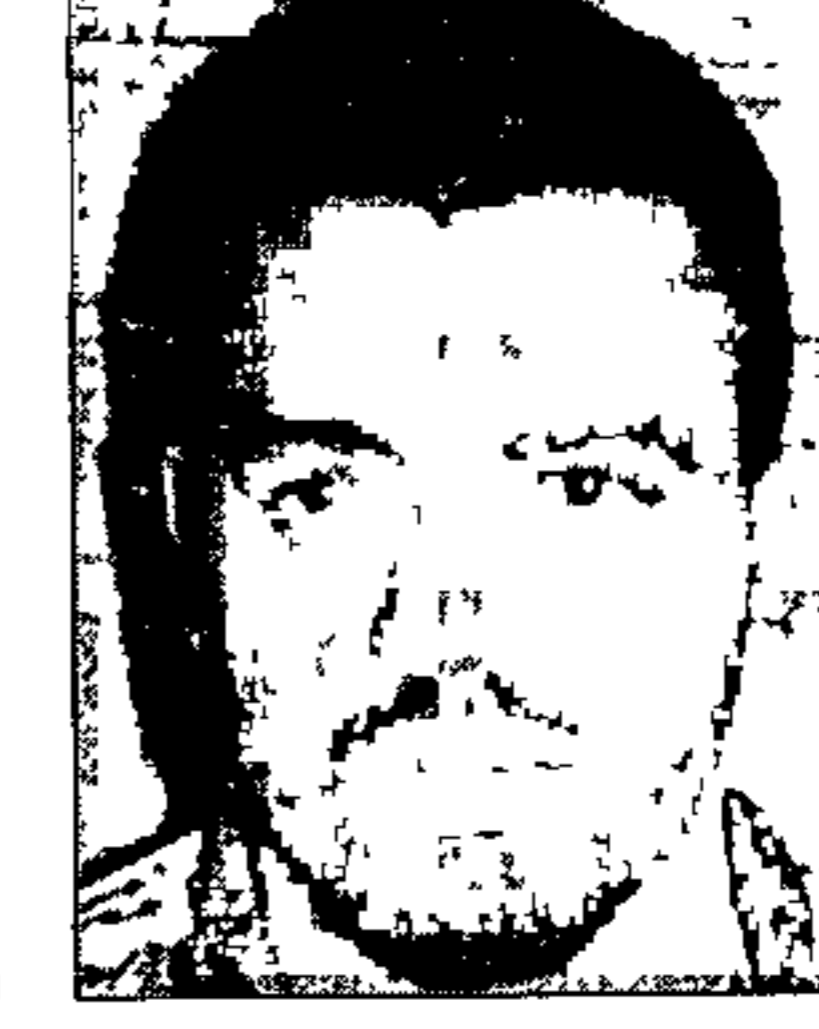
Source: Department of Correctional Services



Dennis Ngobese (million heist suspect)



Lucas Mabeki Tshabalala ... escaped from Mondeor



Jeffrey Williams .. armed-robbery suspect on the run



Josiah "Fingers" SA's most wanted

## Angry crowd storms dock at Sifiso Nkabinde's bail hearing

Pietermaritzburg - A failed bail application by Richmond political leader Sifiso Nkabinde ended dramatically in the Regional Court here yesterday afternoon when fists flew and an angry crowd stormed the dock and hurled abuse at policemen accused of

"pushing" their leader. The furore erupted moments after Regional Court Magistrate Fred Heuer refused bail on grounds that he is still of the opinion that the ousted ANC leader's release would pose a direct or indirect threat to witnesses and would not be

in the interests of justice. Murmurs of disappointment echoed around court among Nkabinde's family. Nkabinde was indicted to appear in the High Court in Pietermaritzburg on February 9 on 18 counts of murder - Own Correspondent

## Hijacker who escaped is back

A convicted hijacker was sent back to Boksburg prison, where he was supposed to be serving a 10-year sentence, after he was refused bail in the Johannesburg Regional Court yesterday. Bongani Vilakazi escaped from jail last year, according to evidence submitted during his

bail application. This week he along with A... Mathehula and ... allegedly conspiring BMW in Cleveland, burg Mathehula face further lawful possession

# Doing more work for the police

their investigations to arrest suspects and convicts for the second time

Star 12/12/97 (253)

admitted that a disturbing number of current investigations related to suspects who had escaped. Official statistics indicate that police cell escapes by awaiting-trial prisoners account for more than two-thirds of all escapes from detention. With more than 300 escapes recorded each month this year, coupled with several high-profile escapes by suspects held in connection with organised criminal activities, the Department of Correctional Services (DCS) was prompted to defend itself in the wake of perceived uncontrolled circumstances existing in the country's prisons. Acting Commissioner Steven Korabie yesterday rejected assertions that the department was not doing anything to curb prison escapes.

DCS figures reveal that 44 prison officials are facing disciplinary action since a directive released by DCS Commissioner Khulekani Sitole in August that officials implicated in breakouts be suspended pending investigations. The hardline approach led to a significant drop, to 77 cases from the monthly average of 110, when it was first implemented in September. The DCS's Barry Eksteen said the hearings against the suspended officials were in various stages of completion. "We have no accurate figure for acquittals or convictions yet, but we are working on it." Prison statistics show that monthly escapes had dropped from an average of 112 last year to 93 this year, despite an increase in the prison population

by more than 21 000 inmates. Ironically, the measures introduced by the DCS to tackle escapes are yet to be matched by their police counterparts. SAPS procedures dictate that a police member can be suspended only after an investigation has been completed and a formal charge laid against the accused. Police human resources management spokesman Senior Superintendent Strim Govenor said a policeman could be suspended only once sufficient evidence had been gathered by an investigation team. Other tough measures taken by the department include erecting electric fences around prisons, suspending corrupt officials, and making recaptured prisoners serve at least 80% of their effective sentence.

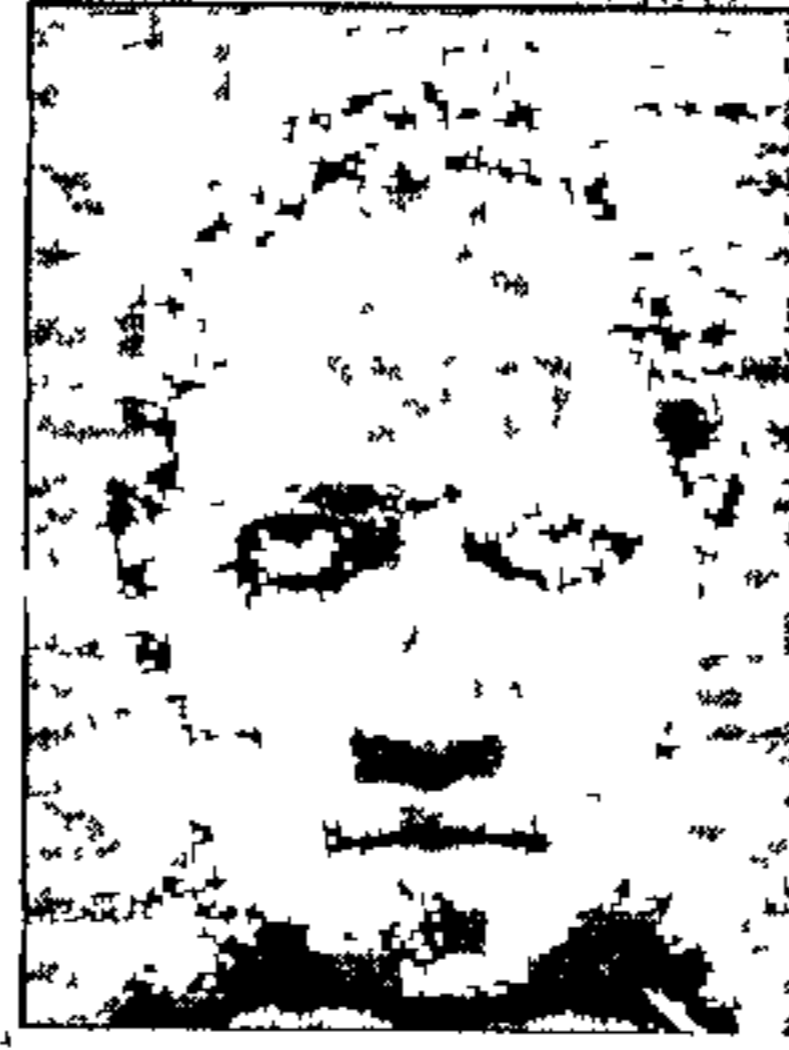
convicted of escape. "It is a fact that South Africa has to face international crime syndicates, and more desperate and hardened criminals who will do anything to regain their freedom," Korabie said. "In any event, what does a criminal have to lose if he faces a sentence of 100 years or more?" ■ Pretoria local prison head Johannes Makgoba faces suspension for allegedly taking a R100 000 bribe during last Friday's breakout by six high-profile prisoners. Eight other prison officials have also been served with similar notices. The eight were mainly being accused of negligence on the basis of information gathered in an internal investigation into the breakout.

### Escapes from SA prisons

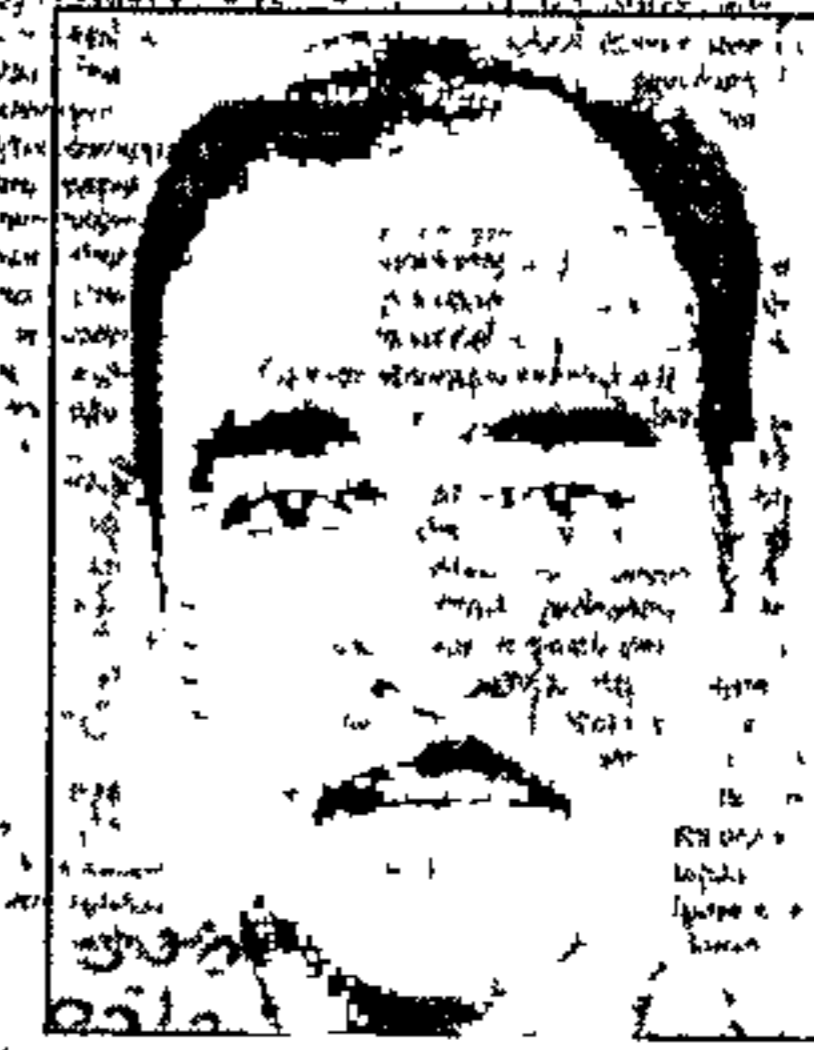
YEAR	ESCAPES	PRISON POPULATION	MONTH AVERAGE
1975	2 389	94 861	195
1985	1 007	111 401	85
1995	1 247	110 069	103
1996	1 345	118 731	112
1997 JAN - OCT	937	141 000	

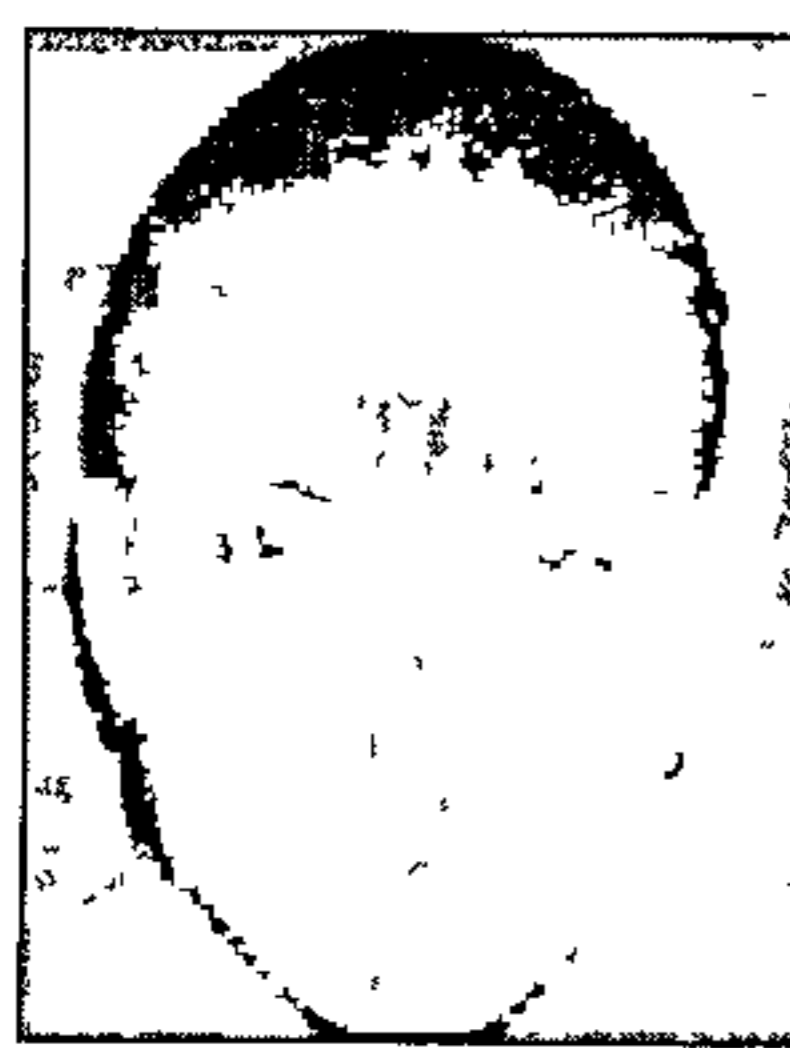
PROVINCE	ESCAPES	PRISON POPULATION	MONTH AVERAGE
Gauteng	150	37 128	22.9
KwaZulu Natal	132	21 256	16
North West	122	10 154	13.2
Eastern Cape	122	16 859	12.2
Western Cape	73	23 505	10.2
Free State	68	12 929	7.3
Mpumalanga	68	9 515	6.8
Northern Cape		989	
Northern Province			



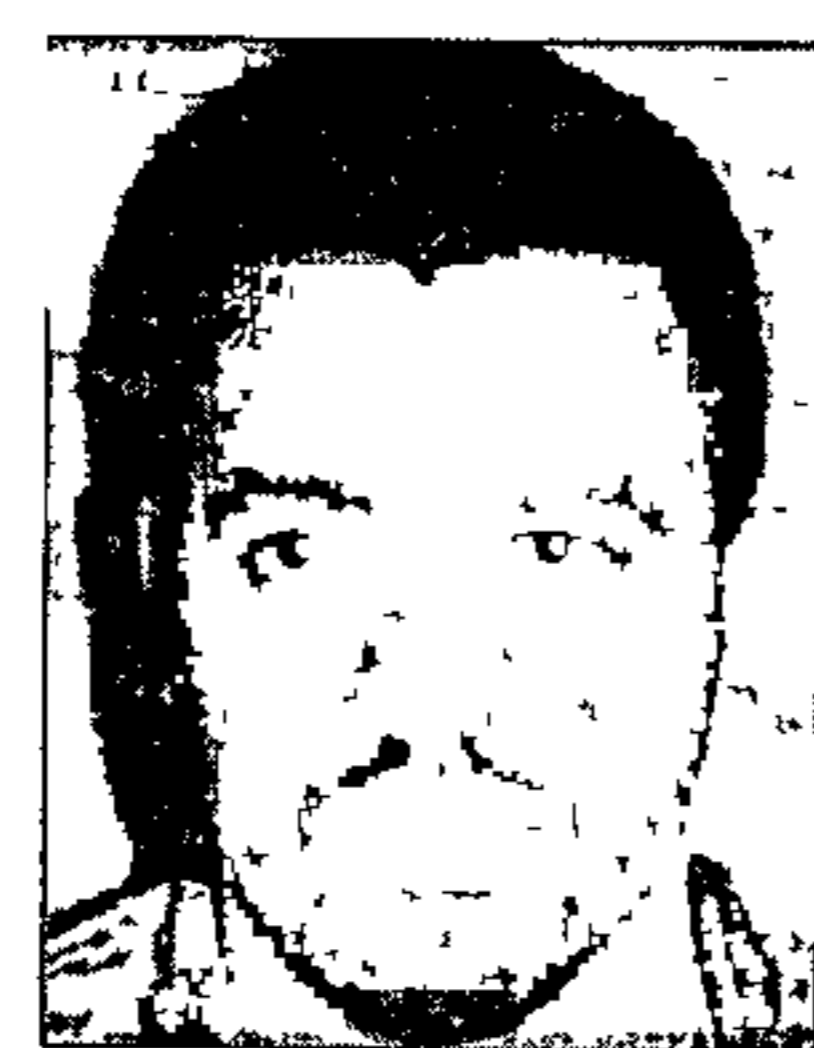
Dennis Ngobese (34) ... R17-million heist suspect



Abdul Kalla (50) ... Mandrax plant "chemist"



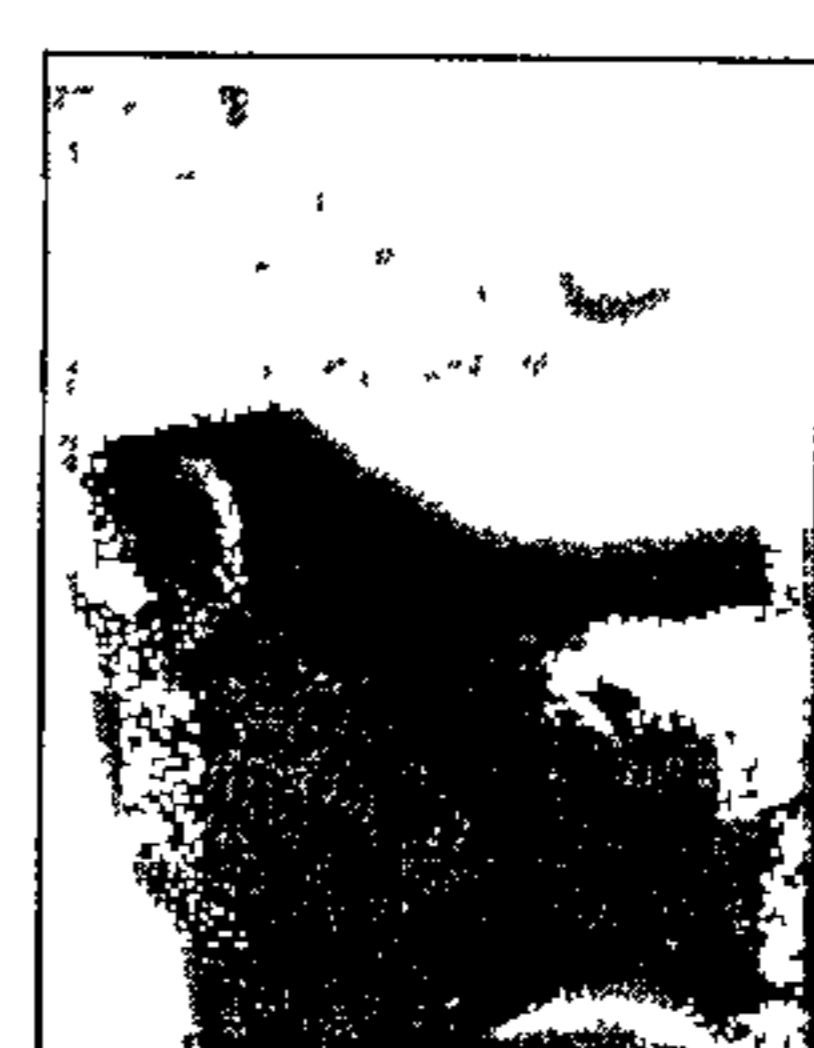
Lucas Mabeki Tshabalala ... escaped from Mondeor



Jeffrey Williams ... armed-robbery suspect on the run



Josiah "Fingers" Rabotapi ... SA's most wanted escaper



Kerry Anne Harris ... cocaine mule who walked out of jail

## Nkabinde's bail hearing

in the interests of justice. Murmurs of disappointment echoed around court among Nkabinde's family. Nkabinde was indicted to appear in the High Court in Pietermaritzburg on February 9 on 18 counts of murder. - Own Correspondent

## Hijacker who escaped is back in court on new charge

A convicted hijacker was sent back to Boksburg prison, where he was supposed to be serving a 10-year sentence, after he was refused bail in the Johannesburg Regional Court yesterday. Bongani Vilakazi escaped from jail last year, according to evidence submitted during his

bail application yesterday. This week he was arrested, along with Aubrey Thulani Mathebula and Tseke Tefu, for allegedly conspiring to hijack a BMW in Cleveland, Johannesburg. Mathebula and Tefu each face further charges of unlawful possession of a firearm

and ammunition. After Magistrate J Baloyi denied bail to all three men, Vilakazi was taken to Boksburg prison by prison warders. The others will be held in Johannesburg prison until their next hearing on January 15 - Court Reporter



# It's a cell hell ...

Star 13/12/97 (253)

By JACQUI REEVES

The inmates of cell block A1 at Johannesburg prison sit in rows on their bunks, their eyes cast down, fidgeting nervously.

Although it is exercise time and free movement is allowed, most inmates choose to stay in their cells because many do not have enough warm clothing to protect them from the unseasonal cold morning air.

The inmates of A1 are all awaiting-trial prisoners. The crimes they have been accused of vary, but they do all have something in common - they are all less than 18 years old.

The boys are not eligible to vote, drive a car or legally buy liquor, yet they are being exposed to the harsh and frightening world of prison.

## Irate minister

This month an irate Minister of Correctional Services, Sipo Mzimela, blamed the Department of Welfare and Population Development for what he called the crisis facing awaiting-trial youths.

In May this year there were 245 awaiting-trial children across the country - the latest figure is a shocking 1 253.

The blame Mzimela levelled against the Welfare and Population Development was countered by its minister, Geraldine Fraser-Moleketi.

She told the *Saturday Star* that the "strong

allegations" were unfortunate, seeing that Mzimela and his department form part of the Inter-ministerial Committee (IMC) on Young People at Risk.

The IMC, chaired by Fraser-Moleketi, was established by the Cabinet to manage the process of crisis and support, and to structure the transformation of the child and youth-care system.

Fraser-Moleketi said the uncoordinated release and transfer of about 800 children awaiting trial on May 8 1995 exacerbated the long-standing crisis in the child and youth-care system.

Conrad Groenewald, a social services worker with Johannesburg prison, said those awaiting trial and who are between 14 and 18 are referred to as Article 29 children. He said no child younger than 14 is allowed to stay in prison.

The Article 29 clause is something many of the younger boys try to take advantage of. Most realise that being 13 or younger is a ticket out of block A1 and into a place of safety.

One boy told the *Saturday Star* he was 13 and had been doing nothing more than sleeping on a pavement when he was falsely accused and arrested for shoplifting.

In some instances, juveniles are sent to hospitals



**LONELY, FEARFUL:** This youngster lives in appalling conditions if he were 13, he'd have been taken to a place of safety. PHOTOGRAPH CHRIS ADLAM

for x-rays, from which doctors estimate their real ages according to the development of their bone structure.

The cells that greet the juvenile offenders are appalling. Although inmates have to clean the cells and keep the area relatively hygienic, conditions are unpleasant.

The air is thick with the smell of old food, stale sweat, and ammonia bathing to mask the stench of

urine that emanates from the communal bathroom.

Prison officials keep the younger boys, aged between 14 and 17, separate from the 18 to 20-year-olds for their own safety.

Godfrey Motsoahole, a warder with the juveniles, said the boys have to be kept separate because of intimidation and the influence of the older boys.

Groenewald said the Department of Correctional Services has been working closely with the justice and welfare departments to try to solve the plight of the awaiting-trial juveniles, but the problem is that there are too few places of safety.

Prison officials work with magistrates and investigators to try to hasten the hearing of cases, but long stays

for many of the juveniles are not unusual.

Lawrence came to Johannesburg prison in March, and said he has no idea when he will leave.

"Cases are frequently postponed for two weeks at a time while the police investigate. People have to give evidence and witnesses need to be tracked down, so the process can drag on," Groenewald said.

Life-skills classes are presented to the inmates twice a week by the Youth for Christ group, but

trainers are often frustrated by the high turnover of boys because of bail, court cases, or moves to places of safety.

Some of the inmates have parents or other family members who visit them once a week. Family members may bring clothing or prepared food for the inmates.

One 17-year-old boy said he did not know if his parents knew he was in prison, and did not want them to find out. He said he preferred to handle things on his own.

Groenewald said that in a survey conducted by the Department of Correctional Services last year, it was found that 70% of the juveniles awaiting trial were later sentenced.

## Frightening statistics

The survey also found that the average sentence for these offenders was 8.8 years.

"One of the most frightening statistics that the survey revealed was that 82% of the juveniles who were sentenced were sentenced for aggressive crimes such as armed robbery or rape, so it is not as if these boys are here for petty things," he said.

On the day of the *Saturday Star's* visit, 121 juveniles were being housed at the prison, and the juvenile cells were holding up to 45 boys - 13 over the cells' optimal capacity.

# Awaiting-trial prisoners clogging up Pollsmoor

*People too poor to pay lowest of bails*

LENDRE OLIVER  
STAFF REPORTER

**The number of awaiting-trial prisoners from Mitchell's Plain who are being held in Pollsmoor Prison has rocketed because people are too poor to pay their bail.**

A report by Pre-trial Services, a section of the Justice Department, said the number of prisoners who would be tried at the Mitchell's Plain magistrate's court had increased from 290 in June 1997 to 392 in October.

A total of 75% of Mitchell's Plain prisoners who were granted bail were unable to pay it. This compared with a figure of 38,3% for Pollsmoor awaiting-trial prisoners, as a whole.

Pre-trial Services provides the courts with verified information about accused people that enable the courts to make better bail and pre-

trial release decisions. The report said the prisoners were probably in jail because they were too poor to afford to pay their bail, despite the bail amounts set by the courts being relatively low.

Of the prisoners given bail, almost half (45,9%) had bail of R500 or less and a further 45,9% had bail set between R500 and R1 000.

The report said that although bail levels appeared relatively low, the amounts had to be considered in the light of the poor socio-economic conditions and high unemployment in Mitchell's Plain.

Data showed that most people could not pay their bail the day it was granted, if it exceeded R300.

The seven most common charges facing awaiting trial prisoners were housebreaking with intent to steal, theft, rape, robbery, murder, possession of an unlicensed firearm and possession of dagga.

ARG 15/12/98-97

Courts tended to set higher bail for more serious charges and the highest average bails were for housebreaking with intent to steal, robbery, murder, attempted murder and rape, while the lowest average amounts were for drunken driving, assault with intent to do grievous bodily harm and possession of dagga.

Economic crimes such as robbery, theft and housebreaking with intent to steal had the largest variation in bail amounts and 75% of bail amounts fell within a range of R500 or more. Of the persons charged with drunken driving 86% were granted bail of R100.

It was also found that the Mitchell's Plain Magistrate's night court was more likely to deny bail than courts sitting during working hours.

The night court denied bail to 13,2% people compared to 8,3% for courts sitting during normal hours.

# Jailbreak: official moved

(253)  
Sowetan 15/12/97

By McKeed Kotlolo

THE head of Pretoria Local Prison has been transferred to another section in the department pending the outcome of investigations into the escape of six high-profile prisoners a week ago from Pretoria Central Prison.

Deputy director Johannes Makgoba, who is alleged to have received a bribe of R100 000 for the escape of the six awaiting-trial prisoners, was relieved of his job on Friday as head of the prison and placed in another position in the department.

Spokesman for Correctional Services Rudi Potgieter said five of the eight other prison officials who were being investigated internally have been suspended from duty. The internal investigations started shortly after the jailbreak by the six and an interim report has already been issued resulting in the suspensions.

One of the remaining three is reported ill and "we have requested him to give reasons why he should not be suspended from duty and the other two were allowed to continue with their duties as usual", Potgieter said.

He said the joint investigations team comprising members of the Department of Justice, Correctional Services and the SA Police Service had taken over the remaining investigations.

Meanwhile, the six escapees are still at large and angry residents have laid charges of harassment against police looking for the escapers.

Director Bushy Engelbrecht, who is coordinating the search for the escapers, told *Sowetan* yesterday that no arrests had yet been made. He said police were following all the leads received from the public.

Engelbrecht confirmed that his office had received complaints of harassment by policemen investigating the case of the escaped prisoners from Mabopane and Winterveldt residents.

A Winterveldt shebeen owner and community leader Mr Joseph Leepile told *Sowetan* that police ruffled his family, slapped his wife in the face and forced his three children to lie on the floor as they questioned them about the whereabouts of the escaped prisoners.

lowed by a meal and gifts of bars of soap wrapped in facecloths handed out by Mrs Solomons

They sat in a sparsely decorated hall in the women's section of the jail, most staring at the Christmas tree in the corner

But after the party they were more than willing to talk

Gerard, a 17-year-old from Strand, has spent the past 19 months in prison and said he lived in fear of groups of young gangsters who were "running the jail"

Aubrey, 16, from Bellville, has been in jail for only five days but already describes the prison as "no place for human beings"

He said he was praying he would be convicted and sent to a reformatory

Anthony, 17, from Kuils River, said In jail you are forever being assaulted - and you always end up getting seriously hurt "

Robert, 15, from Lavender Hill, has been inside B4 for 10 months and can still remember vividly the fear and apprehension he felt when he first

**Bleak:** Anthony, left, and Gerard, two awaiting-trial prisoners, contemplate a festive season behind bars at Pollsmoor's infamous section B4

walked into his communal cell

All the boys interviewed said they were facing the prospect of Christmas in prison with dread - and hoped the new year would bring an end to their long wait for trial

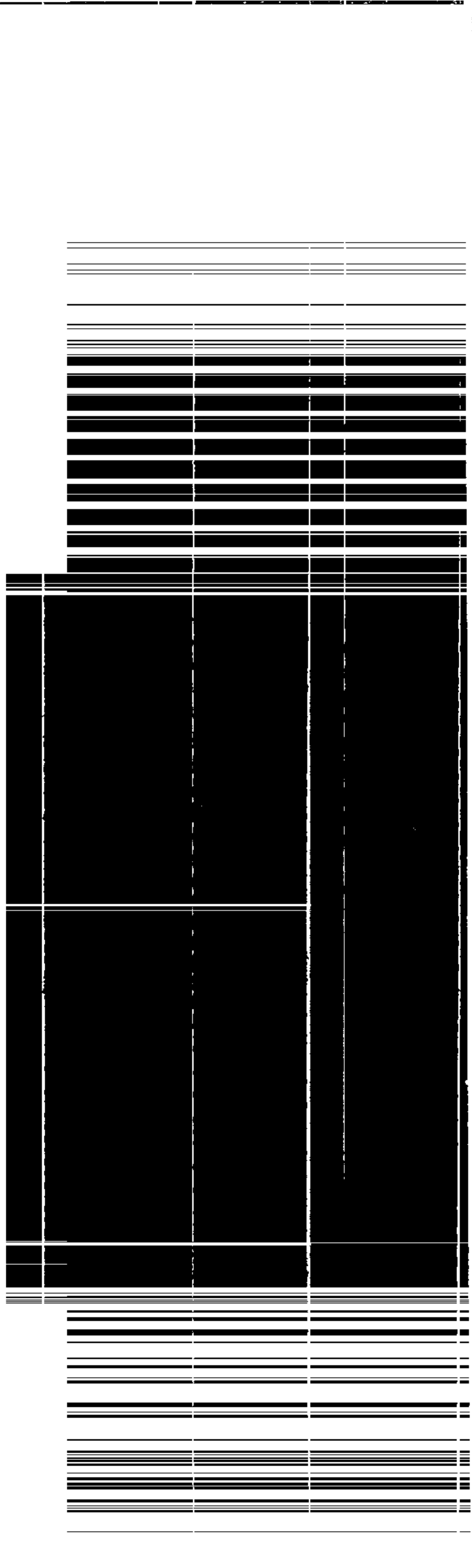
In an emotional speech Mrs Solomon said no matter where the young boys found themselves, they were "still part of the future of the country"

"I also live in the ghetto, in a township of disadvantaged communities, and I know it is extremely difficult for young people to escape gangsterism, drugs and the violence it brings " The boys also had the right to be cared for and protected "We as a community have failed if there are no structures in this society to empower you", she said

Warder Riaan Rheeder appealed to the public for clothing for the juveniles since most of their clothes were "tattered and torn" ■ Surnames have been omitted to protect the youngsters



**Reaching out:** Cape Town mayor Theresa Solomon, right, and prison pastor Shona Allie hand out gifts to juvenile prisoners



# Season of fear for detainees

## Awaiting-trial juveniles face yuletide with dread

(A13)

ART 18/11/98 18/12/97

**ASHLEY SMITH**  
STAFF REPORTER

The sparsely-decorated tree is Christmas for Pollsmoor's 164 awaiting trial juvenile detainees.

Many said at a Christmas party for them this week that they were looking forward to a season of fear, rather than a season of cheer.

The boys, aged between 14 and 17, are housed in Pollsmoor's infamous B4 section which was built to hold only 86 prisoners.

Some had been in prison for nearly two years waiting to be tried for crimes ranging from petty offences to robbery, murder and rape, a prison spokesman said.

Cape Town mayor Theresa Solomon and a church group working inside the juvenile prison hosted the annual two-hour party and church service.

Pollsmoor spokesman Keith de Vries said the Cape Argus could interview the detainees - but no questions about the crimes they had allegedly committed could be asked.

He said many juveniles did not want their parents to know they were in prison or that they had committed serious crimes like robbery, rape and murder.

The boys were quiet throughout a



LEON MILLER

# IFP calls for suspension of prison boss

~~252~~ (253)

*Sowetan 18/12/97*

**By Mbulelo Baloyi**

THE Inkatha Freedom Party has called on the correctional services department in KwaZulu-Natal to suspend Newcastle Prison Acting Commander Bhekani Ngubo.

This follows allegations that Ngubo, who is also a senior official of the Police and Prisons Civil Rights Union, assaulted a woman employee at the department's Pietermaritzburg provincial headquarters last week.

It is alleged that Ngubo had gone to the offices to query irregularities in the deductions of his November salary when he had an argument with the woman employee.

IFP spokesman in KwaZulu-Natal Midlands and MPL Mr David Ntombela said his party found it inconceivable that Ngubo could continue to hold such a senior position with the correctional services department.

"It is unacceptable - given the special responsibilities which a prison manager has in our country at a time when attention is on the criminal justice system - that a person facing such serious charges as Ngubo continues in

this position," said Ntombela.

At present Ngubo is out on bail after he was charged with murder and attempted murder arising from the killing of IFP supporters in Impendle, west of Pietermaritzburg, last year.

"The IFP calls on the Minister (of Correctional Services Dr Siphon Mzimela) to take urgent action against Ngubo and will mobilise all its structures in protest against his continued employment in this sensitive position," Ntombela said.

He said the IFP called on the African National Congress to clarify Ngubo's position with regard to holding office in local government structures while serving in the department of correctional services.

Ngubo is also the ANC councillor in the Indlovu Regional Council.

**The IFP calls on Mzimela to take urgent action against Ngubo**

# Prison escapes 'lowest in 20 years'

By PETA KROST

2012/12/17

Correctional Services bosses have no idea exactly how many of their employees have helped criminals escape from prisons.

That was the response of the Department of Correctional Services (DCS) this week to queries from the *Saturday Star*.

However, the department says the 1 035 escapes this year, from a prison population of 140 000, are at one of the lowest levels for the past 20 years. The target is to reduce that escape figure by half within a year.

While the department knows how many prisoners have escaped over the past 20 years, they do not know who helped them, when and where.

The department does not know how many staff members have been suspended, undergone internal disciplinary hearings and returned to duty, or have been fired. It was unable to say how many officials have been charged under the disciplinary code for offences relating to escapes.

"It is simply not at our fingertips and we are unable to get it until next year," said department spokesman Barry Eksteen yesterday.

Chairperson of the parliamentary portfolio committee on correctional services Limphe Hani was amazed. "I was under the impression that this information was readily available."

Khulekani Stole, National Correctional Services Commissioner, refused to comment. "This is an administrative matter which I will deal with administratively. I don't need to deal through the press." He slammed down the phone.

James Selfe, Democratic Party spokesman on correctional services, said the fact that this information was not available was "outrageous".

Gert Oosthuysen, National Party spokesman on correctional services, attributed this and other major problems within the DCS to the arrogant minister running the department. Oosthuysen claimed that "with a department run by unskilled and untrained personnel, how could we expect anything else?"

Eksteen said, although five warders were under police investigation for aiding and abetting prison escapes, most staff members involved in escapes were guilty of negligence as well as the police. Cases of alleged negligence are dealt with internally by the area managers. Only in more serious escapes, the office of either the provincial commissioner or the national commissioner may get involved.

"A prison warder who takes a prisoner to hospital and leaves him to go to the toilet without checking the leg irons, would be subject to a disciplinary hearing."

Eksteen said as many as 70% of escapes were from outside the prison walls. Until December 18, there were 1 035 escapes this year from a prison population of 140 000. While in 1972, there were 1 960 escapes with a daily average of 95 014 prisoners. In 1994, there were 1 10 933 prisoners and 1 253 escapes and in 1986, there were 963 escapes from a population of 114 098.

# Male prisoners may seriously affect SA's population growth

By MARTIN NTSOELENGOR

THE HIGH crime rate, particularly among black youth, may seriously affect the population growth within the black communities in the near future

Thousands of young black males, some in their tender teens, are languishing in South African jails

Worse still, when these young men eventually get out of prison, they will be old enough to be grandfathers, leaving many women without men to marry

At present there are 39 056 men under the age of 25 serving long prison terms

Over the age of 25 there are 62 592 men under the age of 25 serving long imprisonment number 108, and 515 over 25 years are behind bars for life

Among the more gory trials this year were those of Sylvester Thapelo Mofokeng and Moses Sithole, dubbed the deadliest charmer, raped and murdered more than 40 women

He is arguably the worst killer and rapist in the world

He was sentenced to 2 410 years in jail, earning a place in the *Gyinness Book of Records*

Judge Curlewis made sure that Sithole, who suffers from AIDS, would never see the outside world again

Mofokeng boasted at the end of his trial that he had murdered more than 50 men since he was a teenager

He said he was following the footsteps of his father, also a criminal

Mofokeng, serving 10 life sentences at the tender age of 23, makes him one of the youngest killers in the country

Three other men who received heavy sentences are Amos Mbulawa (22), Sindile Mangidi (25) and Zwelibanzi Mbatha (27)

Before passing sentence of 40 years each, Judge Stegmann said they needed to be sent away for a long time so that when they are released they would be old enough to respect society

The 17-year-old youth and his friend, who cannot be named because of their juvenile status, convicted of murdering and robbing Dr Ming chi Pon are serving life sentences

The high crime rate and over-populated prisons in the country is a headache for political leaders, and, worse, the taxpayer

Newly appointed SA Police Service chief executive Meyer Khan, recently told political leaders in Pretoria that the country should strive to be one of the 20 safest in the world

However, he conceded that South Africa is at present far from achieving that objective

South Africa is at the "bottom" of the "file" of 70 countries in annual statistics



## Omar plans 'prison courts' to help stop escapes

Justice Minister Dullah Omar is considering legislation to counter the number of criminals escaping from custody while being transported from jails to courtrooms.

Omar said yesterday. "We are considering a proposal which will enable us to hold court at prisons in certain specific instances."

He emphasised: "We do re-

spect the right of people to be tried in open court and that right will be respected.

"But, for example, persons who have already been convicted of serious crimes and are appearing on other charges could be heard at prison."

Omar said that the Justice Department was also considering hearing bail applications from prisoners who were

already in custody in prisons.

"It may mean the amendment of the Criminal Procedures Act in certain respects and we are looking at that," Omar said.

If the measures were implemented it would mean there was less likelihood that people charged with serious offences would be able to escape, Omar said - Sapa

(253) Star 23/12/97

# Probe into organised jailbreak syndicates

ART 27/12/97 (253)

PAUL KIRK

Prisons officials believe organised jail-breaking syndicates may be behind some of this year's 946 escapes from South African jails.

The announcement of a probe into the possibility of a syndicate aiding escapes follows yet more jailbreaks over the past two days, in which 18 awaiting-trial prisoners fled custody.

Correctional Services spokesman Philemon Ntuli said: "It is clear that sinister forces, organised syndicates, are behind a number of these escapes. Too many mass escapes are just too similar and too sensational for it to be coincidental."

Mr Ntuli said his department suspected armed robbers were buying their freedom from organised gangs of jailbreakers who helped them escape while being transported to court. In other instances, corrupt officials were being bribed to leave doors open, smuggle prisoners out of jail and, in one instance, to drive a prisoner out of jail.

In the latest round of escapes, four policemen face disciplinary action after three awaiting trial prisoners escaped from the cells at the CR Swart Square police station in Durban on Christmas morning.

Two of the escapees, who had been charged with the murder of well-known Durban advocate Alan Brooks, later handed themselves in at the police station, provincial police commissioner Chris Serfontein said.

The third suspect, who was arrested on Wednesday evening for reckless and negligent driving, is still at large.

"The area commissioner has reported to me that as a result of an investigation one member of the service has been suspended without financial benefits and disciplinary measures are to be instituted against three other police officers for neglect of duty," Commissioner Serfontein said.

In a separate incident, 11 awaiting trial prisoners escaped from Kokstad police custody yesterday. The men, facing charges ranging from rape to arson, dug through a 30cm wall.

Police spokesman Bala Naidoo said

the 11 were regarded as dangerous and violent and an investigation had been launched into how they dug through the wall without guards being alerted.

Director Naidoo said: "We are not sure how they cut through the wall but what we want to know is how they got their jail-breaking instrument into the cell."

This was the second mass escape at the Kokstad police cells in less than two months. Nine prisoners recently escaped from the cells after breaking a hole through a wall.

Police spokesman Eugene Opperman said four awaiting-trial prisoners had escaped from the cells at the Brakpan police station on Christmas Day.

The four - Mandla Maseko, Simon Mthetwa, Raymond Mazibuko and Ceryl Olivier - were to stand trial for offences ranging from theft to house-breaking.

Superintendent Opperman said officers claimed they had visited the cells at 5am. When they returned an hour later they found the prisoners had escaped after sawing through the iron bars to the cells.

Martin Aylward of the National Special Investigation Team said: "Although we are not investigating a jail breaking syndicate I can confirm we have information that those involved in the recent multi-million rand armed robberies have escaped from custody in the past, in suspicious circumstances."

Meanwhile, Mr Ntuli disclosed yesterday that the annual turnover at South African prisons amounted to 500 000 people, with Correctional Services personnel being outnumbered by prisoners by 20-to-1.

Thousands of parolees had gone missing in the past five years, mainly because desperately short-staffed correctional services parole supervisors have been unable to visit the huge number of parolees released from jail.

Mr Ntuli said prisoners attempting to break out would automatically face possible transfer to the top security C Max prison - as well as having to serve 80% of their sentence before being considered for parole.

# 900 prisoners

# flee - but

(253)

# police escape

ARG 29/12/97

# tough action

## Only 27 disciplined

ARGUS CORRESPONDENT

Johannesburg - The South African Police Service has disciplined only 27 policemen implicated in escapes from police or court cells even although most escapes are by inmates in their care.

More than 900 prisoners have escaped from police custody this year, most of them from charge offices and during normal working hours.

But unlike the Department of Correctional Services which suspends an employee suspected of involvement in an escape, the SAPS waits until a formal charge has been laid against a police officer.

Escapes from prison have become a top priority of Correctional Services. After introducing hardline measures in August allowing for the immediate suspension of an official after an escape pending the outcome of an investigation, there was a drastic decline in breakouts in the last quarter of 1997.

More than 50 prison officials have been suspended since the directive was issued. Escapes from prisons have declined from about 110 a month before August to 86 a month in September, October and November.

The SAPS has been reluctant to introduce similar measures because of the number of police stations and

because the impact suspensions would have on the already depleted manpower of the service would be "too severe to contemplate".

National human resource management spokesman Senior Superintendent Strini Govender said the SAPS's policy of transferring the member to another section pending the outcome of an internal investigation "made more sense" than simply suspending an official who may or may not be found guilty of an offence.

"The member, if found guilty of any offence, may be punished in two ways.

"An internal disciplinary committee may impose a fine or the member may be criminally charged and dismissed from the service," he said.

■ Five awaiting-trial prisoners escaped from the Mankweng police station near Pietersburg on Saturday night after cutting the bars of a skylight in their cell's training section on Saturday night.

Northern Province police spokesman Superintendent Phuti Setati said the prisoners were considered "extremely" dangerous.

The escapees are Jerry Seabe, who was arrested for murder, Lawrence Sathage, in custody on double rape charges, and Steven Thoka, William Monyane and Jeffrey Maleka, all being held for armed robbery.

## Crack team moves to stop breakouts by heist suspects

ARGUS CORRESPONDENT

Pretoria - Escapes from police custody have forced Director Bushie Engelbrecht and his team to initiate special steps to prevent breakouts by suspects linked to SAPS National Special Investigation Team cases.

Director Engelbrecht said the new measures were considered necessary after a spate of escapes around the country.

None of the escapes was connected with cases under investigation by the special team, which is now focusing on

a series of multimillion rand cash-in-transit heists.

Director Engelbrecht said his team was determined to bring to justice those responsible for the recent armed robberies.

He said details of the improved security measures would not be revealed for obvious reasons. They had been formulated to prevent escapes and also to foil possible attempts to free suspects from outside.

The special security measures, including tightening routine procedures, were drawn up by elite SAPS units.

# Alleged rapist of 7-year-old escapes from Sterkfontein

Pule Molebeledi

DAN Mabote, the man who allegedly murdered seven-year-old Mamokgethi Malebane while out on bail on a charge of having raped her, escaped on Sunday from Sterkfontein Hospital where he was sent for psychiatric observation

Dean Stevenson, a psychiatrist at the hospital, said Mabote and awaiting-trial state patients Nic Groenewald and Williams Madison escaped by climbing through the roof. Groenewald was accused of assault while Madison was held on a house-breaking charge.

Safety and Security Minister Sydney Mufamadi said he had a "grim view" of the escape. He had asked acting police commissioner Morgan Chetty to submit an urgent report on the escape.

He promised that his department would do everything in its power to re-arrest the escapees as soon as possible

BO 30/12/97 (253)  
The remains of Malebane, still clad in her school uniform, were found in a small grave after a four-month hunt by police. Sapa reports that Mabote, 30, is accused of strangling her in March this year and burying her in a veld in Kattleng on the East Rand one day before

she was due to testify against him on a rape charge involving herself and two other girls.

Mabote appeared in the Johannesburg High Court last month, but the trial was postponed after his legal counsel claimed he had suffered a blackout during the murder. The court ordered that he be sent to Sterkfontein for 30 days of observation.

Police director Nengovhela Azwindim said it appeared that it was the responsibility of the



MUFAMADI

mental institution to safeguard the patients. Mufamadi said it was unacceptable that the hard work of the police officials involved in Mabote's arrest was rendered fruitless by his escape.

# Security boost after suspect flees

ARGUS CORRESPONDENT

**Johannesburg – Police and health authorities are considering various options to increase security measures at hospitals in a bid to prevent prisoners escaping while seeking medical treatment.**

These moves come in the wake of the escape on Sunday of alleged child rapist and killer Dan Mabote and two other prisoners from Sterkfontein Psychiatric Hospital in Krugersdorp

Gauteng MEC for Health Amos Masondo said he would appoint a team to investigate the escape of Mr Mabote and two others from the hospital

Mr Mabote, 30, is accused of murdering seven-year-old Mamokgethi Malebane of Thembisa, the day before she

~~553~~ (253) was to testify against him on a rape charge earlier this year.

"We need to know precisely how and why the three men made their escape unnoticed. The investigating team's primary task will be to establish answers to these questions. If anybody is found to have failed in their responsibility, disciplinary action will be instituted," Mr Masondo said

He said the team would be announced next week, and would be expected to report its findings by the end of January

Acting national police commissioner Morgan Chetty said Mr Mabote's escape reflected the need for a review of security procedures – not only at psychiatric institutions but at all hospitals which housed dangerous criminals

ARG 31/12/97  
"Opportunities for escape often arose because of a lack of interaction between the police and the medical profession," Mr Chetty said

Dr Ruth Zwi, Gauteng's director of Mental Health Services, said the current policy regarding the handling of suspects undergoing psychiatric observation needed to be clarified

"The patients are the joint responsibility of health, justice and correctional services.

"We therefore need to improve communication between these departments in order to find and close the holes in the system

"And until this is done we will take interim measures – requesting guards to help in securing specific patients if necessary," she said