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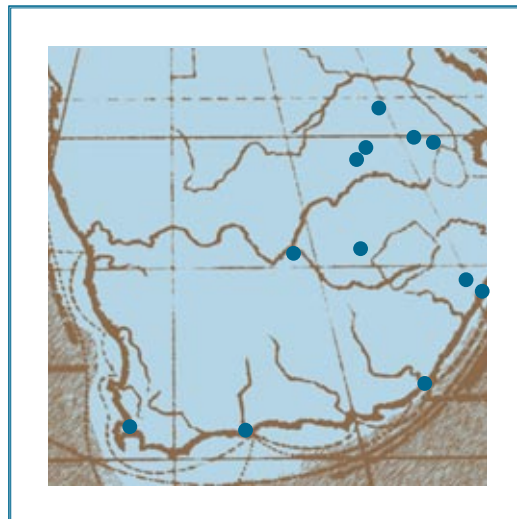
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INTRODUCTION

*Parum est
Coercere improbos Poena
Nisi probos efficias
Disciplina*

Translated, it means

*It is of little use
To restrain the bad by punishment
Unless you render them good
By training or discipline*

EXECUTIVE SUMMARY

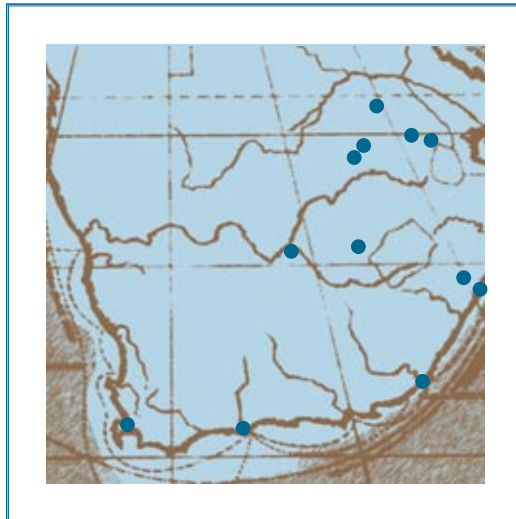
The quotation above from one of the attorneys who visited the Durban prison is extremely relevant in prefacing the general atmosphere that prevails in the South African prisons. The overall picture painted by the visiting teams of attorneys is not encouraging and seems to be worse off than the previous evaluation of 2001.

Despite nine years into our democracy it would seem that the culture of human rights has not taken root in some of the very institutions where culture change is needed most.

This indictment falls squarely on the Departments of Correctional Services, Justice and Constitutional Development and the other departments in this cluster. These Departments should ensure that there is a huge, expeditious and tangible shift in changing the culture and purpose of imprisonment from that of merely punishing the offender to that of correctional supervision and rehabilitation to bring forth a changed person. The first prerequisite for such rehabilitation to take place must be a conducive environment in which correctional

supervision and training in life skills take place.

A simple example of such an expeditious and tangible shift would be to diligently separate non smoking prisoners from those that smoke, change the evening meal times from 14h00 to a reasonable time later in the evening, respect the prisoners and stop reading their mail. Separating smoking and non-smoking prisoners will in the long run save the state millions in health care. It would seem that the prison system is trampling on the basic human rights of prisoners by continuously exposing them to situations where they will end up with communicable diseases.



These few bold moves and many more do not need much more resources than what is currently available- all it needs is a change of culture!

This report, an evaluation of the prison visits undertaken in 2001, shows that overall conditions in the various prisons have worsened (with the exception of the

Nelspruit and East London prisons) and very little of the recommendations that were made by the Law Society of South Africa have been implemented.

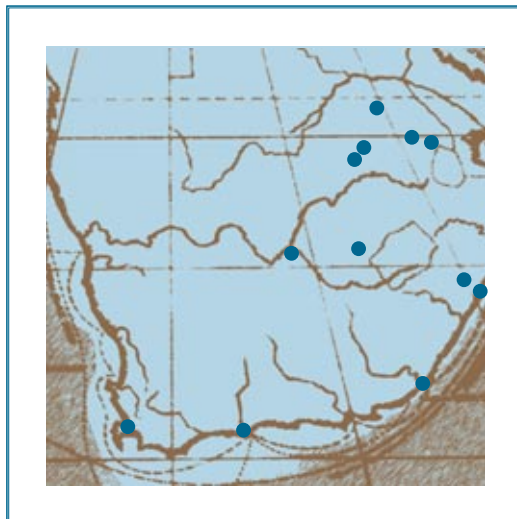
If anything the recent fiasco in the Grootvlei prison bears testimony that not much is changing in the way the country's prisons are run. The recent revelations of corruption amongst the warders and the inmates paint a grim and daunting task that needs urgent attention.

This is not only the fault of the warders but more importantly the fault of the system within which they operate in, particularly the lack of resources and personnel to give human rights a compassionate face. There is now an all time urgent need to set aside enough financial and human resources to

retrain all warders to comply with human rights imperatives of the new democracy. One would understand the history of the prisons and the culture that existed prior to 1994. However, this can no longer be the excuse for our justice-legal system to continue to dehumanize prisoners.

The government needs to be taken to task through its Ministers via the Constitutional Court because what the prisoners, particularly unsentenced and awaiting trial prisoners, experienced and are experiencing comes well within the constitutional proscription of 'not to be treated in a cruel, inhuman or degrading way.'

Unless South Africa can improve the living conditions of the inmates and introduce tangible achievable measures of rehabilitation and training the justice legal system will increasingly produce a super breed of criminal that leaves the prison walls to continue coming back over and over again each time with a more grievous offence.



On a more positive note it is commendable that several prisons are attempting to overcome the problem of overcrowding by applying Section 6 (A) and Section 62(F) of the Criminal Procedure Act to release certain inmates on warning.

The Act mainly provides for an unsentenced prisoner facing petty crime charges and has children, to be assessed by a social worker who will then liaise with the accused's community to determine whether the accused can be released on warning. The community and the assessment by the social worker would ascertain that the accused would attend trial.

The Worsening State of the Prisons.

- The continued incarceration of mentally ill prisoners in prisons

countrywide without providing adequate training for the warders on how to deal with this kind of prisoner.

- The Grootvlei exposé where warders are said to have allowed juveniles to be sold to adult offenders for sex, amongst other corrupt activities.
- The denial of contact visits to babies and children in the Pretoria Female prison.
- Extreme overcrowding has increased in all (except East London) the prisons visited last year.

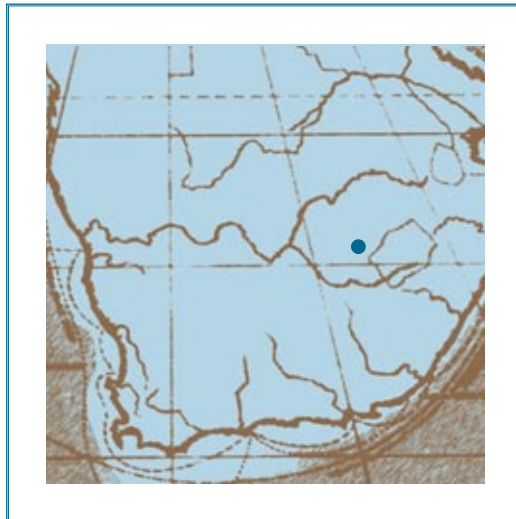
• Female warders are said to be continuing abusing female inmates in the Grootvlei prison including group punishment for one inmate's offences.

• Female inmates are forced to strip naked before the other inmates in the Grootvlei prison.

• Female warders reading female inmates' letters at Grootvlei and then making jokes out of the contents of such letters to other inmates.

- The general allocation of budget is 10 percent down from the previous year in the Youth Centre in the Westville prison.
- An acknowledged increase in the incidences of drugs smuggling by warders, prisoners and their visitors in the Durban Prison.
- An increase in the spread of HIV and other sexually transmitted diseases amongst the prison populations in particular in KwaZulu Natal and Gauteng. Johannesburg Prison has 700 documented cases.

- *The marked prevalence of male rape and sexual abuse and assaults in the male sections of the prisons countrywide.*
- *The continued absence of adequate numbers of doctors, psychologists therapeutic professionals and other nursing staff for the prisons: all the prisons are running on short supply of medical personnel.*
- *The insensitive use of (only) English in notices on the walls of prisons (mostly in KwaZulu Natal) informing prisoners of their rights and the protocols regarding asserting them: the irony is that most of the prisoners are Nguni speaking and the literacy rate is very poor amongst them.*
- *The continued housing together of prisoners who smoke, those with tuberculosis and those without.*
- *The continued disregard for changing prisoners' dinner times from 14h00 to more reasonable times in all countrywide prisons.*
- *No adequate access to parole officers and very little feedback from the parole officers.*
- *The increasing numbers of warders appearing on disciplinary charges resulting in suspensions and dismissals thereby depleting an already struggling system. Johannesburg Prison has an average of five suspensions and an equal number of dismissals per month.*



THE VISITS

BLOEMFONTEIN

Overcrowding:

The prison was built to accommodate 918 prisoners but on the day of the inspection visit there were about 2110 prisoners. The majority (1431) are unsentenced.

Rehabilitation is often made difficult because of lack of a shortage of facilities to cater for the huge numbers

Proper Separation of Juveniles from adult offenders:

There is proper separation of juveniles from adult offenders. Although there is a school for adults, the juveniles are not allowed to attend this school, as this would defeat the separation imperative. The department says that it does not have enough facilities for a separate juvenile school or vocational centre.

Rehabilitation is often made difficult because of lack of a shortage of facilities to cater for the huge numbers

Female Section:

Although the inmates in this section initially indicated that they were happy with their living conditions (in the presence of warders) once the warders left they told the visiting team of grueling emotional abuse by the warders who forced them to undress in front of other inmates and read their mail from home and made jokes of the contents of such letters. The warders are said to punish all the inmates for one inmate's offences.

Overall Pending Cases:

The attorneys were informed that there were three sexual cases and 8 cases of assaults pending against warders and inmates.

Latest Developments:

The delegation was told that because of the Jali Commission of Inquiry, warders had received a wake-up call and there was a slight change in attitude and conduct on the part of some warders. The presence of the Commission led to the suspension of some twenty odd warders including the Head of the Prison.

DURBAN

Overcrowding:

The overcrowding is more marked in the male sections of the prison with the female and youth sections following close behind. The delegation of visiting attorneys says that be that as it may, the levels of overcrowding are not acceptable for human habitation.

Female Section:

Those prisoners nearing their parole period are usually selected to attend courses run by the Department of Labour. These courses include patchwork, art, baking, computers, curtain and dressmaking, upholstery, knitting and crocheting.

Female prisoners are said to have numerous problems relating to their being in prison. They generally receive divorce summons a few weeks after being in prison, and within three to

four years with the mother in prison, the eldest child is also in prison. This is where there is a need to provide counseling and financial assistance to the families left behind where the women were the caregivers and primary financial supporters. The prisoners rely on NGO's and Christian care groups who tend to provide food parcels for the families. However this is just a trickle in the pond of needy prisoners.

Juvenile Section:

Proper Separation of Juveniles:

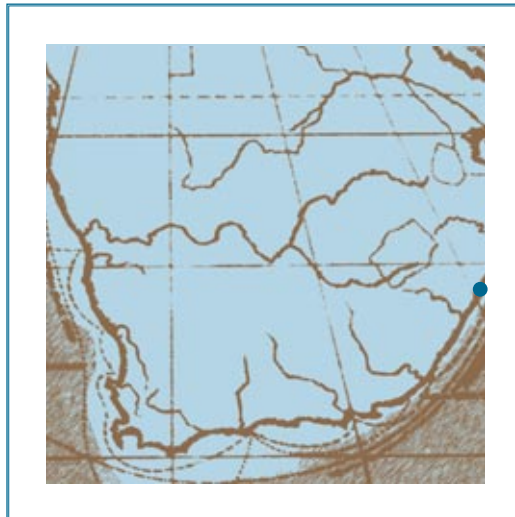
The Juveniles numbering 1051 are housed in a separate facility. There is a prevalence of HIV amongst the juveniles as they engage in sexual activities. An AIDS/HIV Social worker is rolling out an educational programme in the youth facility to empower the inmates on the prevention of the disease. In mates are said to be reluctant to report rape and other sexual abuses although they are encouraged to

do so. The issue of rape is more prevalent amongst the awaiting trial prisoners.

This Youth Facility has also introduced a cashless environment where inmates do not keep their money but rather the warders in a system where the inmates use the account system to buy whatever they need. The warders say the system is working extremely well.

MEDIUM C (male)

In order to fully describe the situation in this part of the prison- the following quotations from some of the attorneys who took part in the visit will help.



“Ever since my visit to the prison, I have been haunted by the ‘innocent until proven guilty’ as well as the right to human dignity, declarations inherent in the Bill of Rights, in so far as the rights of awaiting trial prisoners is concerned.”

“I was transported into the Dickensian epoch circumscribed by overcrowding, poor lighting and ventilation and lack of developmental opportunities available to its occupants.”

“The plaintiff cries of awaiting trial prisoners number 200174146 and 202218286 sear at my conscience and I would be failing in my duties if their plight were omitted by me. As at December 10, the former had been in custody since 15 September 2000, and the later since May 16, 2002.”

This section of the prison was built to accommodate 2308 prisoners but on the day of the inspections its occupancy was 3600. Only 56 were sentenced and the remainders were unsentenced.

Latest Developments

Because of the overcrowding problem, the head of the female prison, Mr Dladla says that there is an attempt to reduce the numbers of awaiting trial prisoners being held in the prison, by applying Section 62(F) of the Criminal Procedure Act which makes provisions for some awaiting trial prisoners to be released on warning pending their trials.

The Department is in the process of implementing a unit management system where warders will be assigned specific prisoners and will have to interact with each of those prisoners for whom they will be responsible and to keep records of such interactions, which will be available in respect of the case reviews of such prisoners.

Recommendations from the visiting attorneys

a. The Department should explore more and achievable ways of ensuring that women in prison receive some form of education or skilling that will make them self reliant upon leaving the prison.

b. There is a need to increase the time to five years that female prisoners spend with their children in prison

c. The department should urgently fill in the vacant posts in the prison including the medical and nursing staff.

d. The awaiting trial female prisoners need much greater attention in terms of educational/ vocational and psychological attention.

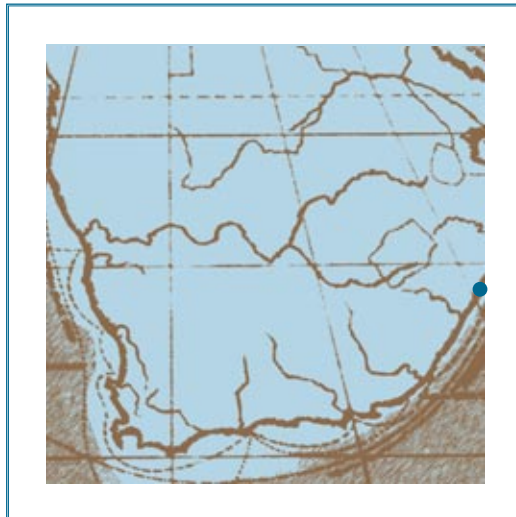
e. There needs to be co-operation between the Department of Correctional Services and the

Department of Social Welfare so that provision can be made for follow up-care once the prisoners are released into the custody of their families pending trial and also when prisoner’s children are released into the care of their families whilst their mothers finish off their sentences.

f. The government needs to provide anti-retroviral drugs for HIV/AIDS

g. Education should be provided to female prisoners against the backdrop of high illiteracy rates amongst the prisoners.

The department has to provide for gender sensitivity training to both inmates and warders.



h. There is an urgent need to lift the morale of the warders and all categories of the prisoners at the Durban prison.

EAST LONDON

The West Bank Prison in East London has now been converted into a juvenile centre. The adult prisoners have been and are still being transferred to other prisons around the Eastern Cape and only the female prisoners are kept at the West Bank Prison. The only other prisoners kept here are awaiting trial as well as hard labour male prisoners.

The media from the Daily Dispatch was present with Mr Mande and they started inspecting the juvenile section.

Juvenile Section

Prisoners serving from 15 years up to life are kept here. There were no complaints from the prisoners and they seemed to be happy in their environment

Awaiting Trial Section

This section was extremely overcrowded as prisoners said that they were not able to afford the bail amounts set by the courts and hence they had to remain in prison.

Female Section:

The major complaint from the females was that they had to sometimes wait for a year to receive the right size of prison uniform. They also mentioned that fruit was served only once a month.

The female prisoners with babies complained that there was no differentiation between the food that is served to one year olds and all the way up to five years. The prison just supplied one type of food. The mothers also complained about the quality of the milk that they were given for their babies saying that it was not good enough as it was the cheapest on the market.

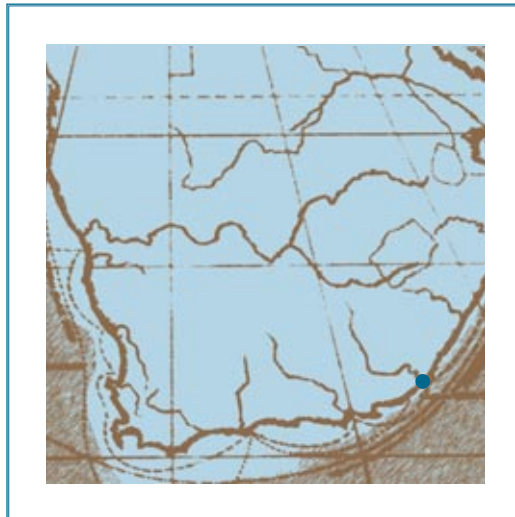
Medical: The prison has a small clinic on site and a psychologist is also in attendance.

Complaints mechanism:

Each cell has a book where inmates can write their complaints for the warders to look into.

Recommendation:

The head of the prison, Mr Plaatjies told the visitors that in future he would like the Law Society of South Africa to invite magistrates to come along to understand the conditions in the prisons before they remand the accused in custody.



Remarks:

The attorney who carried out this visit with members of the media had previously been into the prison in 2001 to carry out these inspection visits. That group of visitors had filed a damning report on the state of the prison then and described it as a scene from war torn "Bosnia without the bodies"

He says that the changes in the prison are remarkable with neatly painted walls, windows replaced, bathrooms in excellent clean conditions. All the cells have been furnished with television sets and video machines.

JOHANNESBURG

Overcrowding:

The prison is so overcrowded that at least 20 new cases of tuberculosis are diagnosed every month. Inmates' visitors are given only three minutes to visit as the prison must cater for more than 1600 visitors per day and the space allocated to this is inadequate.

Because of the overcrowding in the prison scabies and chicken pox are rife and to aggravate this inmates do not have enough time to bath as for example 50-60 inmates share only 3 showers.

The cells in the juvenile sections must accommodate only 38 prisoners but often have to house 80 prisoners.

Although up to 400 prisoners are transferred from the Johannesburg Prison to the private prisons at Bloemfontein and Louis Trichardt, the use of S62 and 63(F) of the Criminal procedure Act and the Saturday Courts- all these measures have not made any dent to the Johannesburg prison's numbers.

Complaints by prisoners: Prisoners complained that the system does not allow for quick and effective transfers to prisons closer to their families. Because of the poor socio-economic backgrounds that some prisoners come from it is important that their families do not have to spend a lot of money traveling for the monthly visits to Johannesburg.

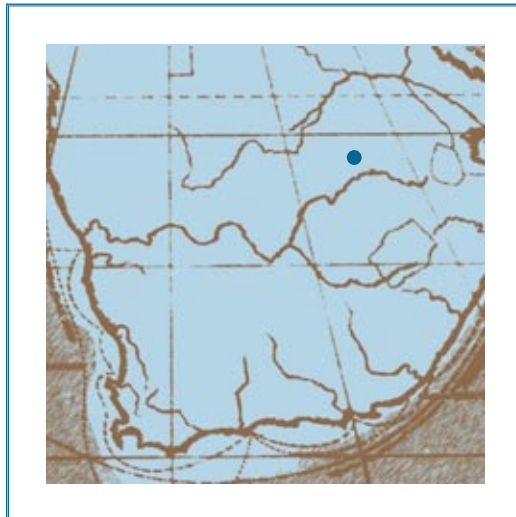
Sexual abuse cases are said to be reducing in the numbers reported. This might not be a true reflection as some cases may be going unreported. There are a few formal reports on

verbal abuse by warders and other inmates. Inmates complain of deprivation of privileges.

Awaiting trial prisoners medical facility: This facility is grossly understaffed. It was built to accommodate around 400 prisoners but is now catering for plus minus 7000 prisoners. For these 7000 prisoners there is only 1 examination bed.

Disciplinary Hearings:

These relate to escapes, fraud, assault, absenteeism, insubordination, alcohol abuse, sale of drugs and other prohibited substances. As at October 2002 there were 25 cases pending against warders. Each year the prison deals with about 50 dc cases. The prison finalized 50 cases and of these 50, 10 were dismissed. Approximately 40 appeals have been advanced to the CCMA



Resources

The head of the prison told the visitors that financial resources were satisfactory but the provision of human resources to run the prison effectively were lacking. Several posts continue to be unfilled for the umpteenth year.

Rehabilitation:

A project launched by the Minister is in place and there are further discussions with the Minister of Correctional Services with respect to easing the overcrowding by removing sentenced prisoners to outer management areas of the prison system.

Latest Developments:

After the Jali Commission's inspection of the Johannesburg prison, disciplinary measures and behaviour has improved and it would appear that the relationship between prisoners and has improved.

KIMBERLEY

Overcrowding:

This prison is 243% overcrowded and not much has improved from the previous inspection visit of 2001

Remedial steps:

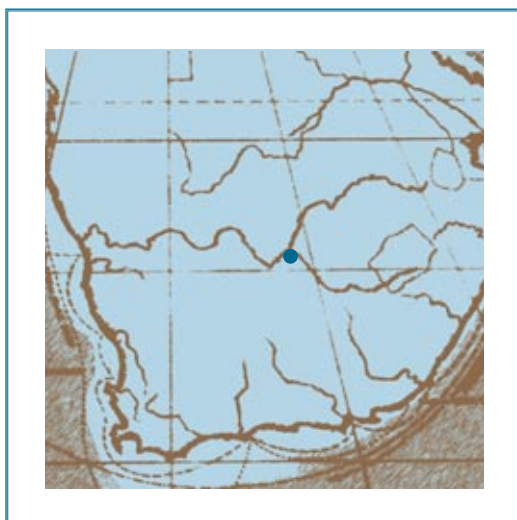
The prison authorities have been communicating with the department of Justice to reconsider the bail amounts set in order to make it affordable to ensure that prisoners up for petty crime are released and can await their trial dates from home.

Health:

The prison has a number of HIV positive prisoners and has also embarked on a concerted HIV prevention education campaign, and condoms are freely available. Although scabies and other skin diseases are very scarce, recently there was an outbreak of chicken pox. The prison has very few deaths and these occur mainly through illness.

Juvenile Section:

The living space is crowded and on the day of the visit there was a foul smell in the cells. There is a greater need to educate the juveniles on hygiene. Although there is a school in the prison for the juveniles, the majority of the juveniles are said to be uninterested in schooling. The school has a shortage of teachers. A 13-year-old juvenile was living with 20 year olds in a cell and the explanation given was that the 13 year old had run away from a place of safety and committed more grievous crimes hence his presence in the particular cell.



Provision of adequate and clean food:

Although the visitors did not witness mealtime, the kitchen was neat and very clean on inspection.

Female Section and children

Provision of clean and adequate play centers for the children of

prisoners: children are taken outside of the prison to a day centre for them to get exposed to real life. The prison has provided toys for the children for use after they come back from crèche

This section was clean, neat and the inmates said that they were happy with the provision of food and clothes for their children.

Staff:

Only 6 warders are available for the over 400 prisoners and morale is very low and some members are frustrated because of the staff shortage and the facilities available. Apart from the above issue of understaffing the warders told the attorneys that their other conditions of service were satisfactory.

Disciplinary Hearings:

The prison has very few disciplinary hearings and few suspensions. Ten cases are pending and very few warders have been dismissed. The nature of the disciplinary hearings range from insubordination, leaving the workplace without official leave and a few cases of theft.

vocational training for the juveniles.

As far as the visitor could ascertain there was no sexual, emotional or physical abuse of the prisoners

Complaints by prisoners for the period Dec 2001- Nov 2002 amounted to 120 and all the complaints have been finalized.

LYDENBURG

It is commendable that although this prison was not on the list of prisons to be visited, a lone attorney working in this town took this huge responsibility and carried out an inspection visit.

The prison has a population of 130 and is overcrowded by 30%. Mostly the awaiting trial and unsentenced prisoners whose cases get postponed now and gain have created this overcrowding.



A variety of skills training is continuously being offered in motor mechanics, electrical, carpentry and many others. Motivating the prisoners also happens constantly.

Steps taken to minimize or eradicate corruption:

The prison has made available free access to an anti-corruption telephone line.

Health:

A professional nurse is on permanent employment and a doctor visits the prison once a week. All prisoners suffering from HIV –Aids related illnesses, HIV and any other skin diseases are sent to an outside hospital. The prison clinic has good record keeping and statistics are available.

Staff:

The prison has 40 warders and their morale is good. They told the visitor that their conditions of service were satisfactory and this is indicated by the absence of internal disciplinary hearings, nor suspensions nor convictions.

Juvenile Section:

Juveniles are properly separated from adult offenders and their feedback to the visitor was that they are satisfied with their living conditions. The prison has provided for schooling and

The head of the prison said that this prison has enough resources from the government and future plans would be for a bigger prison to be built and more warders to be provided.

NELSPRUIT

Overall Conditions:

The prison was built in the 70's and has a capacity of 840 inmates of which 70 could be women. It currently houses in excess of 1400 inmates, of which 53 are women. In total the prison is 67% overcrowded. This position is much worse in the men's section where the overcrowding percentage is 180%.

A high percentage of inmates are awaiting trial prisoners, a situation which is exacerbated by Nelspruit's proximity to Mozambique and Swaziland. Many illegal immigrants, as well as unemployed rural South Africans, come to Nelspruit in search of work, and later become involved in crime in the area.

Health Facilities:

The prison has a specially equipped clinic in the women's section, catering for the needs of women and child patients. It has a full time qualified nurse, and the prison doctor is available on Tuesdays and Thursdays. In the male section, there is a 20- bed- hospital (of which 17 were occupied at the time of the visit) as well as five separate cells for inmates with contagious diseases. The hospital has five nursing sisters and the prison doctor is available on Tuesdays and Thursdays.

Computerized records are kept in the prison hospital and upon release the prisoner is given a copy. For further specialized treatment the inmates are referred to the Rob Ferreira Public hospital or other outside practitioners.

Provision of anti-retroviral:

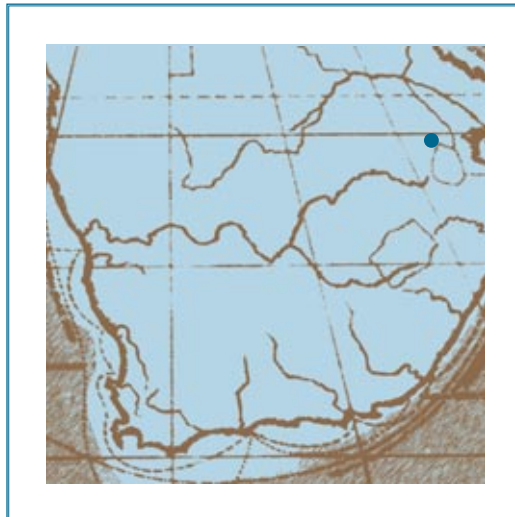
Inmates who are HIV positive are not isolated, unless they become terminally ill. One prisoner complained about lack of access to appropriate anti-retroviral drugs, and enquired whether our delegation could not assist him in obtaining same.

Proper Separation of Juveniles from adult offenders:

The prison did not have a large number of juveniles at the time of the inspection visit. Juveniles younger than 17 years are sent to the Barberton prison. Juveniles between 17 and 20 years old are kept strictly separate from adult offenders. There were 28 juveniles on December 10 in a cell fully equipped to cater for that number.

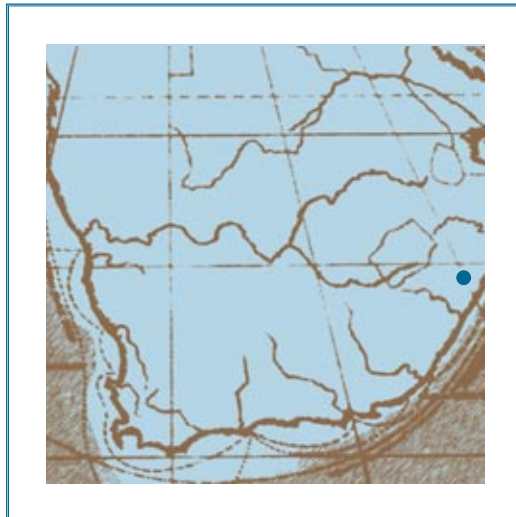
Discussions with individual juveniles indicated no occurrence of sexual, physical or emotional abuse

by the warders or other inmates. According to them they receive adequate good food. We were informed that all juveniles, must within seven days of being accepted into prison, attend an evaluation session with the prison educationist to determine their requirements for academic schooling or vocational programmes. All prisoners at the Nelspruit prison are given the fullest opportunity to undertake formal schooling, correspondence studies or other vocational training. The prison has a special section, headed by a principal with two teachers where inmates can undergo formal schooling in 2 classrooms. An equipped library is available and the prisoners have access to resources from the Nelspruit public library.



Female Section and Children:

This is a very well run section, which had 53 inmates on December 10, 2002. Seven of these were awaiting trial. Inmates are trained in various skills and facilities exist for baking, sewing and various other artistic activities. A separate section holds mothers with small children. This section has 5 cells with cots; a playroom and an outside play area. This area also houses the clinic and has a separate kitchen where mothers prepare meals for their kids. The delegation noted that fresh vegetables and other foodstuffs were available in the children's kitchen. At the time of the visit, only two inmates with children were housed in the section. The children are allowed regular contact with outside family members. The walls of the cells and the playroom were painted in cheerful colours and decorated. The bedding was very clean and had bright colours. All in all this section was very well run.



Warders:

The prison has 220 warders, of whom 53 are women. The head of the prison and the human resources manager said that there was a need for a minimum of 30 more warders. Warders were generally in good morale but some complained of being stressed and overworked due to the staff shortage.

New Developments:

The head of the prison told the visitors that although there were no immediate plans to expand the prison, a maintenance and upgrading project worth R 15 million had been approved by central government and work was said to begin in January 2003.

PIETERMARITZBURG:

Overcrowding:

The situation has not improved a bit from the previous inspection in 2001. The prison was built to accommodate 1050 prisoners but on December 10, 2002 more than 3000 inmates were housed. Some of the reasons given for this overcrowding are that although the prison is classified as a Medium prison, it also has been accepting Maximum prisoners and also serves as a reception institution for other outer prison management areas in KwaZulu Natal.

Proper Separation of Juveniles from adult offenders:

This has not been done across the board. The awaiting trial juveniles are housed together with adult offenders and this is very unconstitutional. The separation is visible in the sentenced juveniles.

The juveniles have been provided with satisfactory schooling and vocational training facilities.

The complaints were many and varied:

- *the juveniles were kept locked and say that they hardly see the sun.*
- *their applications to the head of the prison for radios and new television sets have not been processed.*
- *they do not receive their full rations of prison food.*
- *their appeals were not processed and feedback was not given.*

- warders used vulgar language when dealing with them.
- individual complaint from a prisoner that suggests that when he told a warder of his problems with another person in the section, he was told to resolve it by hitting the person he had a problem with.
- complaint that prisoners were given the same medication for various ailments.

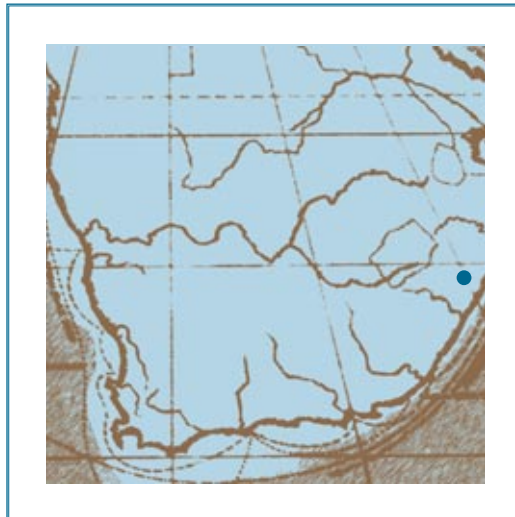
Female Prison

This prison houses only prisoners who are serving short term sentences up to two years. The various sections of the prison were generally neat and clean and the conditions were satisfactory. This section does not suffer from the same overcrowding issue as the New Prison.

The visiting team of attorneys visited the hospital section where a number of pregnant women and women with young children are housed. The facilities seemed adequate and the women did not raise any issues. However during the inspection visits of 2001 the women prisoners in this prison had raised many issues of abuse by the female warders.

In its entirety no complaints were raised and this prompted one of the attorneys to say that he did not believe that the visit was extensive enough to determine the level of abuse if any.

Prison warders were generally reluctant to talk of their working conditions and the standard response was that things in the prison were quiet and that they were short staffed.



Complaints raised by prisoners

Overcrowding:

Cells meant to accommodate 3 persons were sometimes keeping as many as 7 or 8

Handling of cash:

Inmates complained that the new (cashless) system that will be introduced as of January 1, 2003 would revive gangsterism and cash smuggling into the prison. If inmates are not allowed to carry cash then they will seek ways to bring it in. Some warders agreed with this assertion.

Dinner Time:

Prisoners are requesting that the dinnertime be moved from 14h00 to a more decent time such as 17h00.

Bed Time:

Prisoners are requesting that sleeping time be extended from 4pm to 5pm over weekends to enable them to watch sports.

HIV Positive and those with TB

There is a general complaint that prisoners infected with the above and other related diseases are housed together with people who are not ill. This is likely to cause new infections exacerbated by the overcrowding.

Medication:

Prisoners complained that all outpatients are treated with the

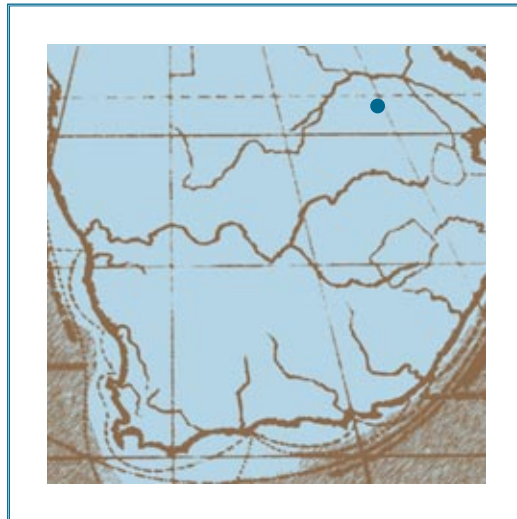
same type of tablets irrespective of their differing ailments. Most of them say that they are given Panado for all ailments.

Delay in processing Appeals:

This results in delays and frustrations relating to transfers. Prisoners are not transferred from Pietermaritzburg to other prisons until such time as the appeal process is completed.

Visits by the LSSA:

Prisoners generally welcomed these inspection visits although the general feeling was that these visits happen, notes are taken and nothing ever comes out from these visits. Prisoners suggested that there should be some feedback from the LSSA.



POLOKWANE

Overall Conditions:

This prison is overcrowded, having been built to accommodate 538 inmates; on the day of the inspection visits it was housing 1249 prisoners. This was more than 100% overcrowded with other male prisoners said to be sleeping on the floor. There was no moving space inside the cells. The whole area is stuffy and poorly ventilated.

Causes of Overcrowding:

Officials said that overcrowding was partly caused by the court system where high bail was fixed and there was a general tendency to postpone cases- and this resulted in the

awaiting trial prisoners increasing in numbers.

Remedial steps taken since last visit:

Recommendations have been forwarded to the Department of Justice that cases should be finalized as quickly as is reasonably possible. It was further recommended that bail should be fixed at affordable amounts, which may, in the event of successful trial by the state be used as the fine imposed. Since then no other better recommendations have been made to the Justice Department. It was further recommended that the Magistrates, Prosecutors, and Legal representatives should visit

prisons at regular intervals to note the conditions of overcrowding in the prisons.

Health:

One full time nurse is appointed at the prison and there is no in-house doctor. Serious illnesses were referred to the Polokwane hospital. The nurse keeps the medical records in a logbook. The visiting team was able to inspect such

records from 1998 to date. The prison has 7 TB patients and 17 HIV infected prisoners.

The nurse said that the TB and HIV infected prisoners are kept separately from the rest of the prison population. One prisoner with full-blown AIDS is kept in a single separated cell. There has been an increase in the number of fungal infections contaminated from the showers. One prisoner committed suicide in February 2002.

Provision for Schooling and Vocational Training:

The prison has put in place provisions for schooling and other vocational training. Prisoners are offered subjects such as

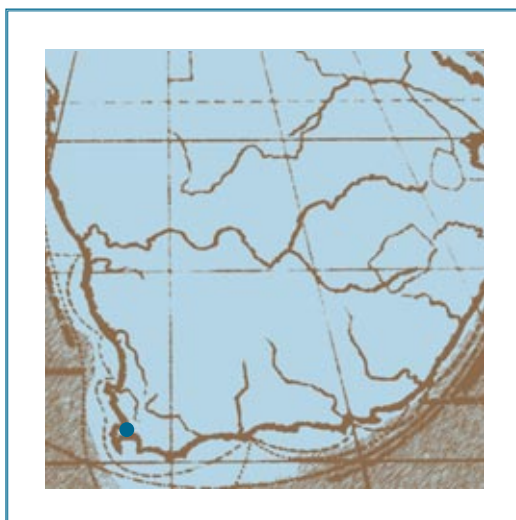
Mathematics, Biology, Biblical Studies, Languages and other skills training.

Kitchens and Food:

Although the prisoners said that their food was adequate and well cooked, the inspecting team noted with disapproval the condition of the flooring in the kitchen. After raising the issue, management promised to clean the kitchen regularly.

Warders:

The prison is under staffed with 225 warders of whom 196 are permanent and the rest temporary. This is a problem as the correct ratio of warder to prisoners should be 1:8 and yet under the circumstances the ratio becomes 1:12. The warders said that their conditions of service have improved and that in the past twelve months since the 2001 inspections there were no dismissals.



Complaints:

The prisoners did not raise any sexually related complaints against the warders nor against the other inmates. The sexually related complaints were those that were raised in 1998, 1999 and 2000. These cases had not yet been finalized as at December 10, 2002.

Comments By The Head Of The Prison

He said that there was a need for intercoms to be installed in each cell so that a number of problems emanating from the inmates can be quickly attended to by the warders on duty.

The prison has made an application to the Department of Correctional Services for the building of an educational centre and they are still waiting for feedback.

The visiting team was invited to inspect the prison more regularly and not wait for Human Rights Day only.

POLLSMOOR

Overall Conditions:

The physical conditions of the prison have deteriorated from the last inspection in 2001. It would appear that the repair work is being hampered by various factors; the most notably one is the overcrowding. The prison was 194% overcrowded at this inspection visit.

Awaiting Trial Section:

Area was heavily overcrowded, grubby, and the amenities were largely out of order. Showers and toilets were broken and sewerage conduits were leaking. The kitchen area was very unhygienic with mop water collecting in the recesses of broken tiles.

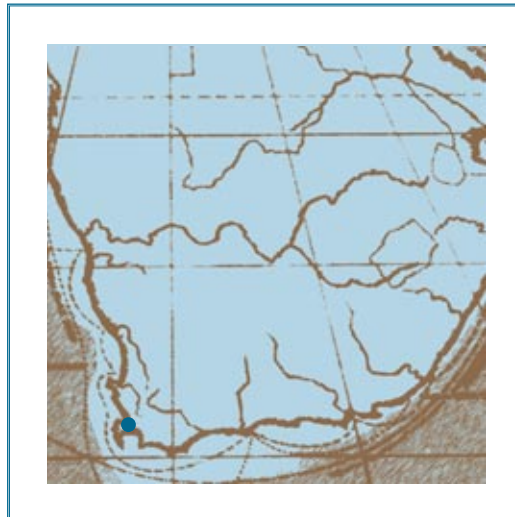
The most compelling issue in this section is the average incarceration time of these prisoners, which is in the vicinity of two years. Several prisoners told the visiting delegates that they have made 5 or more court appearances and had been detained for months without a bail hearing. Some of the prisoners have been granted bail, which their families cannot afford.

Juvenile Section:

The area is extremely overcrowded and although violent assaults have decreased, there are definite signs of sexual abuse by fellow prisoners. Of late the trend has been one report per fortnight. The awaiting trial juveniles have not been provided with schooling facilities. The separation from the adult offenders is clearly visible.

Hospital Section

The so-called hospital, which appeared to be nothing, more than a first aid area was acceptably clean. The medical officer, who was not a qualified doctor, answered certain questions. He endeavoured to answer some questions on statistics on HIV infections. This was very unsatisfactory as the visitors could see that these were not scientific reports as he indicated that there was no compulsory testing of inmates.



Health Matters:

The observation made was that the prisoners are fed adequately and there seemed to be a greater awareness (than during the previous inspection in 2001) of diseases such as TB, scabies and AIDS. What was disappointing to the visitors was that the prison hospital was not equipped with the proper anti-aids drugs. Coupled with this unavailability of drugs is the severe crowding that stifles access to medical examinations. In the past year 16 deaths occurred in the prison with 11 of these related to HIV- TB. It is also estimated that about 5% of the prison population has TB and that 10% are HIV positive.

Scabies and STD's appear at 2% and up to 20% respectively. A total of 44 prisoners are disabled. The vast majority of these came into the prison disabled. The visitors could not ascertain the numbers of those that got disabled in the prison.

Morale of the Warders:

It seemed that the warders had been briefed before hand on what information they can give out to the visitors and this was indicative that the morale cannot be high where you are told what to say or what to do. Staff shortages result in being over-worked and stress is said to be common among the warders.

Female Section:

The section of the prison was built to accommodate 240 prisoners. On the day of the inspections there were 290 prisoners. The section was clean and seemed to be well run.

Medium C Prison:

Although the section is crowded, it is not as crowded as the awaiting trial prisoners' section and furthermore it appeared to be cleaner in all respects.

Recommendations made by the visitors:

In general terms, the inspection was very much a snapshot affair. It is almost impossible to make a fair and meaningful assessment of conditions in prison and, in particular, issues such as gangsterism, drugs, corruption, and HIV without doing a proper in-depth observation and analysis. Attorneys wishing to participate in such an exercise could do so as part of their community service

The overcrowding in the Pollsmoor prison is obviously very complex and seems that one of the most compelling difficulties is the workload and the pressure on the investigating officers, prosecutors and magistrates. There is an understanding that there is a programme where attorneys and advocates assist the courts in order to address the problem and alleviate backlogs. The visitors concede that the problem is so dire that perhaps more could be done. A suggestion has been made for the Cape Law Society Council to discuss further actions to help alleviate the overcrowding in the prison.

prisoners' children.

Most of the complaints that the prisoners had were those that they had brought from the previous prisons where they served the major bulk of their terms.

Rehabilitation:

Prisoners are encouraged to participate in the workshop projects that are run by the St Albans Prison. Several skills including carpentry, mechanics and welding are taught.

Health:

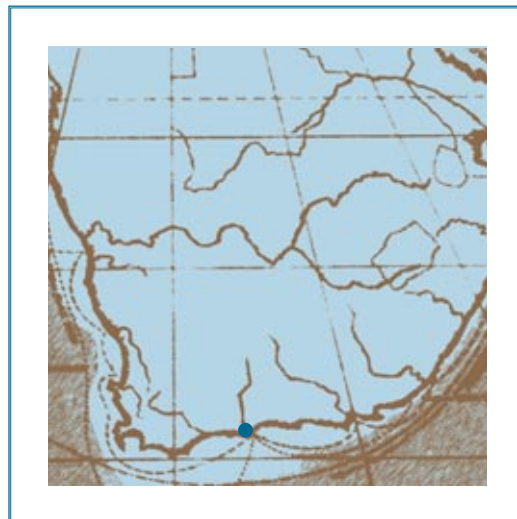
The access to medical attention is not at all satisfactory. For the more than 700 inmates, there is a small clinic with 3 nursing sisters without a resident doctor. The visiting doctors do not always honour their scheduled visits and this causes anxieties amongst the nursing staff should they need to refer a patient to the doctor. The prison has 8 TB patients and a similar

number of AIDS patients. The clinic keeps accurate and up to date records for all sick prisoners.

There are minor incidences of scabies and there were no deaths reported for the past year.

Warders:

There are 200 warders and according to the visiting attorneys their morale is somewhat satisfactory. The prison had two pending disciplinary hearing cases. The most common nature of disciplinary cases include being intoxicated during office hours and drunken driving.



PORT ELIZABETH

This prison has been turned into a centre for prisoners waiting to be released and as such there are very few facilities and most of the conditions are unsatisfactory. The prison is generally overcrowded. There is however, proper separation of juveniles from adult offenders as far as is possible.

Complaints by Prisoners:

For those female prisoners with children the diet given to the mothers is the same that gets given to their toddlers. There are no clothes supplied to the children, no toys nor is there a play centre. The prison does allow 5 visits per month for the

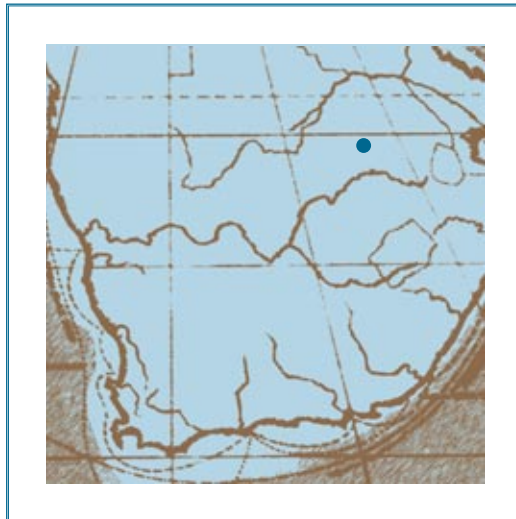
Latest Developments:

The visitors were told that as the prison serves only as a release centre there have not been any complaints lodged by the prisoners against the warders and as such none of the warders have appeared before the Jali Commission of Inquiry into corruption in the countrywide prisons.

PRETORIA

Juvenile Section:

Still as overcrowded as reported during the previous inspection. Approximately 40 inmates have two showers, two basins and one toilet. Some windows in these cells were broken with a section of the roof leaking. The glass tubes of the fluorescent lights have been broken and what is dangerous is that the wiring is now in the open and this causes a potential fire hazard to the inmates.



Proper separation of Juveniles from adult offenders:

The juveniles complained about the variety of the food, which they said was sickening because it was always steamed and not thoroughly cooked. The juveniles complained bitterly about the cashless system that the prison was going to introduce. Their complaint was based on fears that there will be limited use and they would have to be told by the warders how much money they were left with in their account.

Also housed in this section are approximately 78 children (aged 14-17) in groups of 30-40 in cells not meant to accommodate such huge numbers. Due to insufficient numbers of

warders and little facilities, the children are only allowed out into a small courtyard once or twice a week for an extremely short period of time. The visitors were informed that most of the children lived on the streets and had no fixed abode and hence the reason the police kept them incarcerated at the Pretoria prison for easy access to court appearances.

The visiting team was distressed by this situation and also mentioned that it would be advisable to screen the children and keep those that had committed more serious offences away from the petty offenders as this created serious consequences.

The facilities in these two sections are inadequate for the numbers and some of the toilets and urinals were broken (as observed in the previous inspection)

Pretoria Local Prison (Male)

The conditions in the prison known as "Pretoria Local" are to say the least, horrendous and disconcerting as the prison was built to accommodate 2000 inmates but on the day of the inspection there was a total of 4,660 inmates including those already sentenced and those with further charges.

Each adult cell was housing approximately 52 inmates without regard to the type of crimes committed. The dangers of this kind of housing and mixing results in crime bonding and recruiting others for committing more horrendous crimes after being released from prison.

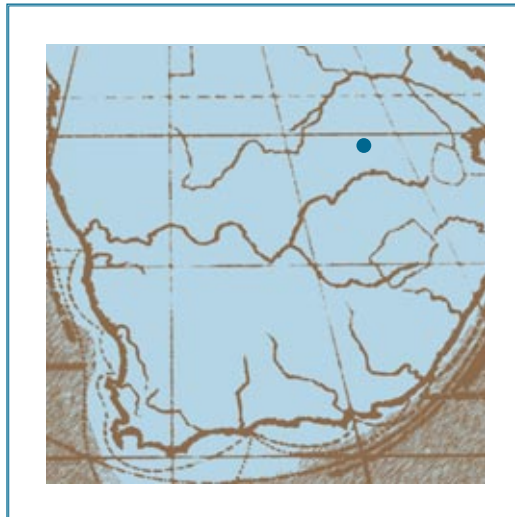
There is a severe shortage of ablution facilities in this section with up to 60 inmates sharing one toilet. The walls are peeling and the structure is largely derelict. The warders informed the

visitors that various contractors were contracted by the Department of Public Works to separately fix the plumbing, the electrical cables and the structure. The contractors failed to coordinate their day-to-day work schedules and some of them have in the meantime gone bankrupt resulting in unfinished work or not having undertaken anything at all.

The section had 3 transvestites who were housed separately in one cell and are not allowed to mingle with the rest of the prisoners.

Hospital:

The hospital appeared clean and as far as the visitors could ascertain, it was reasonably resourced. It appeared capable of coping with all sorts of ailments. There were inmates with various conditions, e.g. Hypertension, HIV-AIDS, a man who had had a heart by pass four times and those with pneumonia.



Health:

Access to medical attention seemed to be satisfactory; it was the quality that was of great concern to the visitors. The inmates complained that for every type of illness the hospital dispensed one type of tablets- Panado. Inmates suffering from HIV-AIDS and TB were housed in the hospital, which was satisfactory. Scabies and other skin rashes are prevalent especially in the awaiting trial sections. The prison did not have any deaths or any new disabilities at the time of the inspection visit.

Female Section:

This section had 226 inmates against an official capacity of 199. Of these 226 prisoners, 122 were sentenced and 102 were unsentenced. There were also nine babies with their mothers.

Access to medical attention appeared to be adequate. The hospital in the local section is utilized and everyday basic medical attention is provided. The women complained about the following:

- *Their babies and children are repetitively given mashed potatoes and pumpkin.*
- *Dinner was provided early at lunchtime and the mothers have to store the food in plastic containers. This is especially problematic in summer as the food goes off and the minors refuse to eat.*

- *Warders are hesitant to refer sick babies and children to outside specialist in situations where the prison's medical attention provided is inadequate. Permission to use one's private doctor is also not granted.*

- *The prison did not provide adequate counseling for drug addicts as the counselors only make one monthly visit. In the interim the prisoners display withdrawal symptoms and*

there is no psychological help and this adversely affects the other prisoners.

Juveniles in the Female section:

Proper separation from adult offenders is clearly visible. On the day of the visit both sentenced and unsentenced were housed together because of renovations taking place. No complaints were made by the juveniles as they seemed to be content.

The observation by the visitors was that this section was extremely well run by all interested parties. There appears to be better interaction with NGO's and other counselors in private practice. Donations for expectant mothers and babies are received from time to time..