

ANNUAL REPORT

2020 2021

OUR
DIGNITY



JICS

Judicial Inspectorate for
Correctional Services

'Our law envisions a carceral system based on human rights and dignity. We are struggling to fulfil its standards, but there is hope.'

The DCS statistics provided to JICS, as of 31 March 2021, are prior to their audit process. These statistics may vary annually from JICS as the reporting categories although similar, may not be identical e.g. DCS under natural deaths only reports on confirmed natural deaths, however, JICS includes all of the natural death reports received from DCS.

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ACRONYMS

CEO	Chief Executive Officer
CMCs	Case management committees
CMR	Central Management Region
CSA	Correctional Services Act 111 of 1998
CSPB	Correctional Supervision and Parole Board
DCS	Department of Correctional Services
DPWI	Department of Public Works and Infrastructure
EC	Eastern Cape
ECMR	Eastern Cape Management Region
EST	Emergency support team
Exco	Executive Committee
FS	Free State
HCC	Head of Correctional Centre
ICCVs	Independent Correctional Centre Visitors
ICT	Information and communications technology
IJ	Inspecting Judge
IT	Information technology
JICS	Judicial Inspectorate for Correctional Services
KZNMR	KwaZulu-Natal Management Region
KZN	Kwa-Zulu Natal
LMN	Limpopo, Mpumalanga and North West
NC	Northern Cape
NGC	National government component
NMR	Northern Management Region
NPI	National Inspections Plan
NPM	National Preventive Mechanism
OPCAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PPP	Public private partnership
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SITA	State Information Technology Agency
SMS	Senior management service
VC	Visitors' Committee
WC	Western Cape
WCMR	Western Cape Management Region





A



GENERAL
INFORMATION

GENERAL INFORMATION

JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES HEAD AND REGIONAL OFFICES		
HEAD OFFICE – CAPE TOWN		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag X9177 Cape Town 8000	Tel: 021 421 1012 Fax: 021 418 1069	Standard Bank Building (Ninth Floor) 1 Thibault Square, Cnr Long Street and Hans Strijdom Avenue Cape Town 8001
HEAD OFFICE – PRETORIA		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: 012 321 0303	SALU Building (27 th and 29 th Floors) 316 Thabo Sehume Street Pretoria 0001
CENTRAL MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO BOX 3839 Bloemfontein 9301	Tel: 051 430 1954 Fax: 051 440 1045	Fedsure House (Third Floor) 62 St Andrews Street Bloemfontein 9300
KWAZULU-NATAL MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO Box 1322 Durban 4000	Tel: 031 366 1900 Fax: 031 368 1872	Aqua Sky Building (Eighth Floor) 275 Anton Lembede Street Durban 4001
EASTERN CAPE MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO Box 192 East London 5201	Tel: 043 722 2729	Magistrate Court (Third Floor) 4 Buffalo Street East London 5200
NORTHERN MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: 012 663 7521 Fax: 012 663 7510	265 West Avenue Tuinhof Karee (West Block) Centurion 0046

Table 1: JICS contact information

Crucially, the Correctional Services Act pierced the closed institutional culture of the apartheid prisons system by requiring the establishment of an independent judicial inspectorate tasked with monitoring, inspecting and reporting on the conditions of prisons and the treatment of detained and incarcerated persons.



FOREWORD BY THE INSPECTING JUDGE

JUSTICE EDWIN CAMERON

The Covid-19 pandemic continued this year to wreak havoc on the lives, livelihoods, safety and happiness of too many. The emerging variants and slow pace of vaccine provision (coupled with unnecessary vaccine hesitancy) threaten to defer our dreams for a safe and healthy world.

The United Nations Secretary-General noted that 'Covid-19 has deepened pre-existing divides, vulnerabilities and inequalities, and opened up new fractures, including fault lines in human rights.'¹ This is instanced most poignantly in South Africa. The pandemic has overlapped with and intensified other pandemics ravaging our society, thus imperilling our constitutional aspirations. These pandemics include poverty, violence, femicide,

alcoholism, corruption, HIV and Aids – and also mass incarceration.

The Covid-19 pandemic has also exposed a deeper problem – in tackling complex public health issues, we mistakenly grasp the blunt heavy hand of the criminal law. We approach a public health crisis by carving out new crimes, coercing compliance, exercising brutal force. And then we impose the labels of stigma and shame that are criminality's inevitable accomplices.

Human stories poignantly evidence these tragedies – the death of Collins Khosa and too many others – but the numbers do, too.

¹ António Guterres in *The Guardian* 'The world faces a pandemic of human rights abuses in the wake of Covid-19' (22 February 2021) available at <https://www.theguardian.com/global-development/2021/feb/22/world-faces-pandemic-human-rights-abuses-covid-19-antonio-guterres> (accessed on 2 July 2021).

At the start of the nationwide lockdown, the remand detainee population showed a sharp rise, largely because people were arrested for lockdown transgressions. Many courts were closed to bail and other applications, and lawyer consultations were severely restricted.

This affected us at the Judicial Inspectorate for Correctional Services (JICS), too, and our work in seeking dignity and safety for all within the correctional system. For the first two months of lockdown, JICS's exclusion from the exemptions meant it was barred from entering correctional facilities. JICS fought back, successfully. Precisely the closed nature of correctional facilities and the deadly effect of a viral contagion mean that JICS must be more present than ever in correctional facilities. The pandemic cannot be a moratorium on human rights for those incarcerated and detained.

On reflection, apart from impelling us at JICS to sharpen our energies, focus and commitment, the Covid-19 pandemic has had a dual impact on our correctional facilities.

'Much to my disappointment, JICS did not manage to persuade the Minister, soon after the Covid lockdown in April last year, that the regulations empowered him to implement a large-scale unilateral release of remand detainees who were granted bail but could not afford it. It remains radically offensive from both a human-rights and a correctional-institutional perspective that we keep thousands of poor people in prison while they await their trial, simply because they are poor.'

On the one hand, there has been positive progress. It shone a spotlight on the plight of incarcerated persons and helped us – 27 years into our democracy – question the consequences of misguided sentencing and carceral policies.

Correctional facilities are known as reservoirs for the spread of infectious and communicable diseases – and outbreaks in prisons may spill over into outside communities.

These fears led to landmark developments. On 8 May 2020, the President authorised a special dispensation to bring forward the parole dates of about 19 000 non-violent incarcerated persons.² In January 2021, Minister Lamola issued directions for measures to address, prevent and combat the spread of Covid-19.³

The impact of these interventions is clear in the statistics. At 31 March 2021, the total inmate population was 140 948 (93 066 sentenced offenders and 47 882 remand detainees), with a national overcrowding rate of 23%. This contrasted well with 31 March 2020 (inmate population 154 437, with 102 841 sentenced offenders and 51 596 remand detainees, and a national overcrowding rate of 32%). The incarcerated population shrunk by 9% in 2020/2021. These are laudable developments, yet they prompt a more profound question: why were these persons inside in the first place?

On the other hand, snags. The Covid-19 pandemic has been harsh on those behind bars. Social distancing? How? Near impossible in the prison setting. As inmates enter the various correctional facilities or exhibit symptoms, they are labelled 'Covid-suspect' and are obliged to isolate in segregation units. Lockdowns within correctional facilities may, over long periods, amount to de facto solitary confinement, with deep disturbance of mental and physical wellbeing.

In addition, rehabilitation and education programmes and visits from loved ones were put on hold or limited during the lockdown. This is a major concern if, as experts increasingly warn, Covid-19 is here to stay. The closed nature of correctional facilities made it difficult to consider the extent of the spread of Covid-19 behind bars. We are aware of 4 083 positive cases and 71 Covid-19 related deaths among the incarcerated⁴ – not the carnage we had feared, but that may still eventuate.

In South Africa, we incarcerate more than any country in Africa and the 12th highest in the world. Our prison population has burgeoned since 1995.⁵ Despite our lavish human rights-embedded approach to crime and punishment, our strategy has been the blunt misplaced instrument of mass incarceration – a noxious concoction

² Proclamation No 19, 8 May 2020 'Placement on Parole of Selected Categories of Sentenced Offenders'. It stated that 'I hereby authorise the placement on parole of qualifying sentenced offenders in terms of the criteria mentioned below, who are or would have been incarcerated on 27 April 2020 subject to such conditions as may be recommended by the Correctional Supervision and Parole Board under whose jurisdiction such sentenced offenders may fall'. Unfortunately, only 12 654 inmates stand to benefit from the early releases and only 10 094 have already been released.

³ Government Gazette, No 44111, 28 January 2021.

⁴ Over the same period, 7 126 correctional officials tested positive and there were 171 Covid-19 related deaths of correctional officials.

⁵ The total prison population was 112 572, comprising 85 252 sentenced offenders and 27 320 remand detainees.

of mandatory minimum sentences, tightening bail and parole and the hopelessly misdirected 'war on drugs'.

Yet over-incarceration has not made us safer. Violent crime still plagues us.

The impact of these misguided strategies is all-too evident:

- Remand detainees – those not yet proven guilty – comprise about one-third of the prison population. Approximately 2 000 remand detainees cannot afford bail of R1 000 or less. They are 'prisoners of poverty'.
- Seventy percent of sentenced offenders are serving sentences of more than seven years, with 54% serving more than 10 years.
- Persons serving life sentences increased to 17 188. This is an increase of 332 (2%) over 2019/2020 – and a dismaying 43-fold increase since 1995. Of the 17 188, 4 494 are eligible for parole consideration and only 36 (0.2%) were placed on parole. Parole processes for 'lifers' are also in crisis. The statute empowers only the Minister to make the ultimate decision⁶ on their parole. This has created a severe overload on the Minister's desk. Efficient, fair and firm parole processes are vital to the whole correctional system. It must offer hope. Without it, the system becomes dysfunctional and even dangerous.

The Correctional Services Act (CSA)⁷ imposes an unequivocal mandatory reporting obligation – it requires the Department of Correctional Services (DCS) to report the use of force, segregations and mechanical restraints to JICS. Despite these peremptory obligations, the department's electronic system became dysfunctional at the end of 2016 and the department continues to fail to fulfil these obligations.

The consequences are dire – JICS, a watchdog, does not know what is happening behind bars, the reported cases cannot be verified, and inmates may not be informed of or able to exercise their right to appeal to the Inspecting Judge (IJ). The gross underreporting imperils safeguards and accountability.

Here, unsettling trends (probably underestimated) were apparent during the 2020/2021 year:

- Across correctional facilities, violence is rampant. The use of force (applied by officials on inmates) more than doubled, increasing to 694 instances (336 more than reported the previous year).
- A particularly disturbing feature was a sharp rise in cases where the use of force caused the deaths of inmates.

- Segregations were also underreported – only 4 645 segregations were reported to JICS. But, before the reporting system collapsed, 10 000 segregations were reported. The drop is a mirage. Only a sliver of all segregations – of 10% – is reported to JICS.
- Disturbingly, only three segregation appeals were lodged.
- Requests for transfers from maximum facilities (where segregations are routinely practised) manifested as a problem. There is only a fine line, if any, between segregations and solitary confinement. JICS must consider what options it may have.
- Reports of the use of mechanical restraints remained largely the same (42), though assuredly also underreported. Disquietingly, no mechanical restraints appeals were received.

Broader concerns:

- Sexual violence, too, was almost certainly underreported, with only 13 complaints lodged. Our independent correctional centre visitors (ICCVs) dealt with nine incidents. This seems implausible. We must help end the silence and diminish the stigma from sexual violence behind bars.
- A novel addition to our annual report this year is the inclusion of 26 criminal investigations to which JICS is currently attending – plus 92 inquest matters, outstanding since 2019.
- JICS received a higher number of complaints about parole and transfers (most wanted to be closer to their loved ones). A particularly high number of complaints emanated from Ebongweni Supermax Correctional Centre. Incarcerated persons claimed that institutional policy hampers their chances of parole.
- Physical institutional decay is undeniable. Facilities are deteriorating. Corruption and official malfeasance are reported as widespread. Healthcare workers (including social workers and psychologists) are in dire need.
- General despondency and misery within correctional facilities also became apparent through the signal number of hunger strikes, attempted suicides and suicides.

Our correctional facilities are not a picture of functionality. To use a metaphor employed at the JICS seminar on violence, this is not merely a few rotten apples or barrels. We are lost in the orchards. The system is afflicted.

What can JICS do? JICS lacks binding and enforcement powers over the department. It has a voice but no

⁶ On recommendations from the Correctional Supervision and Parole Board through the National Council: section 136(4).

⁷ 111 of 1998.

accompanying bite.⁸ And even its voice is attenuated – although already under-resourced and under-capacitated, JICS's budget was slashed by more than R3 million.

But good news. The year saw important positive developments for JICS's independence and capacity building:

- On 4 December 2020, the Constitutional Court handed down a path-breaking judgment affirming JICS's important role in our constitutional democracy⁹ and buttressed JICS's independence (structural, operational financial and perceived).
- A draft JICS Bill is being processed, which will give practical effect to JICS's independence, enhance reporting obligations and embed cooperation with the Department of Correctional Services.
- The Inter-Departmental Assessment Committee (IAC) recommended that JICS be established as a national government component. Various ministers supported this.
- In line with the United Nations Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), JICS actively participates in the National Preventive Mechanism (NPM) coordinated by the South African Human Rights Commission (SAHRC). This is under a memorandum of agreement JICS and the SAHRC concluded in January 2021.

These developments open the path for JICS to begin to exercise at least some meaningful impact to effectively vindicate the rights of all in the carceral system.

Crime and corruption, together with Covid-19, all underscore JICS's importance – but also the heavy responsibility it bears.

Former president Nelson Rolihlahla Mandela observed that the apartheid prison system had 'no room for human rights' and was 'designed to rob each prisoner of his human dignity' – which in the end 'also took away the human dignity of the prison authorities and personnel themselves'.¹⁰

Have we relapsed? Or did we ever give democratic and constitutional correctional principles a real chance?

It is not too late for us as a society to imagine, build and manage correctional facilities that nourish human dignity, respect, wellbeing and care for all.



⁸ This apt description was provided by an incarcerated person at Brandvlei Correctional Centre.

⁹ *Sonke Gender Justice NPC v President of the Republic of South Africa* [2020] ZACC 26 at para 28:

'And, while our country has stepped decisively away from the darkness of our past, this is indisputably a continuing project. Correctional centres remain fertile breeding grounds for autocracy and human rights abuses, cloistered as they are from the view of society. It is within this context that the Judicial Inspectorate carries out its mandate, with the constitutional rights of incarcerated persons hanging in the balance.'

¹⁰ Address by President Nelson Mandela at the official launch of the Retraining and Human Rights Project of the Department of Correctional Services (25 June 1998) available at http://www.mandela.gov.za/mandela_speeches/1998/980625_dcshr.htm (accessed on 2 July 2021).

It was a positive development that the apex court of South Africa reaffirmed the crucial role of JICS in upholding the rights of incarcerated persons and reaffirmed that JICS be adequately independent to discharge its oversight function.



STATEMENT BY THE CHIEF EXECUTIVE OFFICER

General Overview

I welcome the opportunity to present the 2020/2021 annual report of the Judicial Inspectorate of Correctional Services (JICS). I do so during an unprecedented and challenging time, where the global Covid-19 pandemic continues to spread, causing loss of lives and livelihoods and impacting all parts of society, including the susceptible and vulnerable incarcerated persons under our watch.

During 2020/2021, JICS maintained and reinforced its critical watchdog role over some of the most vulnerable in our country and continues reforming as an institution to increase its capacity, credibility and clout.

JICS has had to cope with both the unprecedented additional operational pressures this pandemic has presented, against a concerning reduction in its budget. While these factors have not been easy to manage, our commitment is evident in that even with the reduction of our budget of R3 370 500, we began a gradual return to work from 1 June 2020. It also shows in the 136 inspections and 64 investigations carried out across 235 operational correctional facilities.

A key factor for the credibility of any oversight function such as that performed by JICS is to have its operational independence entrenched. It was a positive development that the apex court of South Africa reaffirmed the crucial role of JICS in upholding the rights of incarcerated persons and reaffirmed that JICS be adequately independent to discharge its oversight function. This paved the way for JICS

to be constituted as a national government component (NGC). It is encouraging, given the goal of operational independence, that a draft JICS Bill is being considered. We remain committed to meaningfully engaging with stakeholders, addressing their concerns and producing helpful recommendations.

Road to JICS's Independence

JICS as an NGC

For several years, JICS has worked tirelessly to entrench its independence from DCS. The 2020/2021 year brought in some key developments that advance this.

On 5 September 2019, the Western Cape High Court declared sections 91, 88A(1)(b) and 88A(4) of the Correctional Services Act (CSA) constitutionally invalid as it fails to guarantee JICS's independence. On 4 December 2020, the Constitutional Court confirmed the great substance of the High Court's judgment, underscoring the importance of a properly functioning oversight body such as JICS and that independence – structural, operational and perceived – is an 'inherent characteristic' of an oversight body. The Constitutional Court confirmed that sections 91 and 88A(1)(b) are constitutionally invalid and provided a constitutionally compliant interpretation of section 88A(4). The declaration of invalidity is suspended for 24 months to allow Parliament to remedy the defects.

Following the Constitutional Court's judgment, the IAC appointed in terms of Regulation 34 of the Public Service Regulations 2016, recommended that JICS be established as an NGC to give it adequate independence to properly execute its oversight mandate.

Constituting JICS as a government component will further the constitutional rights of incarcerated persons. JICS will function independently and be perceived as independent so that incarcerated persons and the public may place their trust and confidence in it.

Draft JICS Bill

During apartheid, incarcerated persons faced the harshest forms of punishment. The advent of our constitutional democracy necessitated extensive reform to our approaches to criminal justice. The Constitution implicitly acknowledges the vulnerability of incarcerated persons and requires, under section 35(2)(e), that conditions of incarceration and detention are 'consistent with human dignity'. Section 85 of the CSA provides for the establishment of JICS as an independent office under the control of the IJ. JICS's overarching mandate is to facilitate the inspection of correctional centres and remand detention facilities so that the IJ may report on

the treatment of incarcerated persons, conditions in facilities and corrupt or dishonest practices.

The vulnerability of incarcerated persons and the risk of infringement of their rights impose a positive obligation on the state to provide appropriate protection. The constitutional obligation is fulfilled through the establishment of an independent oversight mechanism, such as JICS.

JICS, as an organ of state, seeks to protect and vindicate the rights of incarcerated persons and effectively oversee the department, reporting its findings to the Minister of Justice and Correctional Services and Parliament's Portfolio Committee on Justice and Correctional Services. The Republic of South Africa ratified OPCAT in 2019, which requires every state party to establish and maintain an NPM for the prevention of torture domestically. Article 18 requires every state party to 'guarantee functional independence' and 'independence of its personnel'. That JICS is an independent oversight body was underscored by the judgments of the Western Cape High Court and Constitutional Court mentioned above.

In light of these developments, it has become imperative that the legislature instil and affirm its independence through its governing statute. Accordingly, the draft Bill seeks to properly address the lack of independence of JICS and related issues.

Overview of Operations

Inspections

In the 2019/2020 performance cycle, 131 inspections of the 237 operational correctional facilities were conducted (55%).

At 31 March 2021, there were 243 correctional facilities in the country, eight of which were temporarily closed for renovation, resulting in only 235 active correctional facilities.

For the year under review, JICS planned 136 inspections among the 235 operational correctional facilities. By the end of 2020/2021, all 136 planned inspections had been completed, equating to 57.8%.

Of the inspections over the reporting period, 12 (8.8%) correctional facilities were rated unsatisfactory, 113 (83%) were rated satisfactory and 11 (8%) were rated good.

Investigations

There were 64 investigations mandated for 2020/2021; a noteworthy achievement as JICS does not employ specialised investigators and does not have an approved

or constituted directorate to deal with investigations. Investigations were carried out on an ad hoc basis by regional inspectors and JICS management.

Noteworthy investigations conducted by JICS during this reporting period included:

- An assessment of the extent to which dignity was preserved when dealing with mentally ill people: 'Our dignity – do we care about mentally ill people?'
- The prevalence of suicide, reflecting harsh conditions: 'Mommy this is too much for me please understand and let me go ...' (excerpt from the inmate's suicide note).
- The culture of silence in prisons: 'I did not see anything'.
- The issue of harm inflicted on prisoners: 'Ankle injury'.
- Mob justice and security.

Human resources

At 31 March 2021, there were 86 permanent approved and funded positions on the fixed establishment – 84 filled posts and two (2.33%) vacancies. There were 270 contracts for ICCV positions – 222 posts filled and 48 vacancies (17%).

Overview of finance results

JICS's compensation budget for the 2020/2021 financial year was reduced by R3 370 500 compared to the previous financial year. This reduction affected the human capital and filling of critical positions. Of the allocated budget, 93% was utilised during the year.

Virements/rollovers

There were no virements/rollovers of funds.

Unauthorised, fruitless and wasteful expenditure

No unauthorised, fruitless and/or wasteful expenditure was incurred.

Gifts and donations received in kind from non-related parties

There were no gifts and/or donations received in kind from any non-related parties.

Exemptions and deviations from National Treasury

No exemptions or deviations were requested from National Treasury.

Public-private partnerships

No public-private partnerships (PPP) currently exist.

Governance and accountability

In fulfilling our obligations to ensure effective and efficient use of resources, JICS adopted processes and systems to detect and prevent irregular, fruitless, wasteful and unauthorised expenditure. A set of governance and monitoring structures was put in place to ensure there is full transparency and no conflict of interest. We are committed to making our organisation open, transparent, ethical, credible and most of all, accountable.

Discontinued activities/activities to be discontinued

The previous selection, recruitment and appointment processes of ICCVs have been discontinued, redressed and aligned to the Public Service Act. This programme continues to be reformed and aligned to the core mandate of JICS.

Other

All material facts or circumstances or requirements that may influence the understanding of JICS's financial position are addressed in this report.

Acknowledgements

My work was facilitated through engagement with key constituencies, which provided oversight, guidance and support. I begin by extending my sincere gratitude and appreciation to the Minister, Ronald Ozyi Lamola, MP, Deputy Minister, Nkosi SP Holomisa, MP, Inspecting Judge, Justice Edwin Cameron, and National Commissioner, Arthur Fraser, for their leadership and stewardship.

My sincere thanks and appreciation go also to the Portfolio Committee on Justice and Correctional Services for its unwavering support and guidance.

I acknowledge the executive management and staff of DCS for their assistance and cooperation.

To all JICS stakeholders, chapter nine institutions, Justice, Crime Prevention and Security Cluster, NPM, non-governmental organisations, community-based, faith-based and other organisations, I appreciate your continued cooperation and valued support.

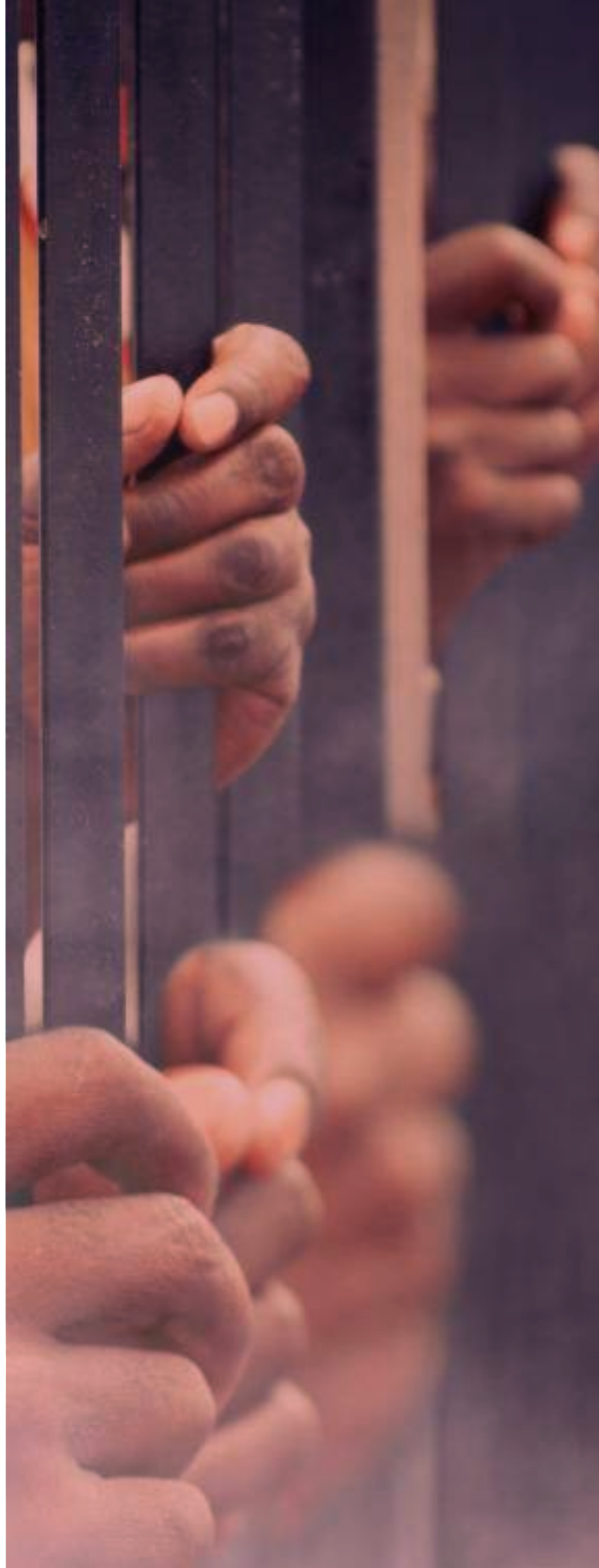
Finally, to all JICS staff, thank you for the hard work and team effort during the Covid-19 pandemic and for ensuring that we continue to execute our independent oversight mandate effectively.

Approval and sign off

I approve and sign off the annual report as a true reflection of the work performance undertaken during the 2020/2021 financial year.



Vickash Misser
Chief Executive Officer (CEO)
Judicial Inspectorate for Correctional Services



STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF THE ACCURACY OF THE ANNUAL REPORT

To the best of my knowledge and belief, I confirm the following:

- All information and amounts disclosed in the annual report are consistent.
- The annual report is complete, accurate, and free of omissions.
- The annual report has been prepared following the guidelines on annual reports issued by National Treasury.
- The Annual Financial Statements (Part D) have been prepared following the modified cash standard and the relevant frameworks and guidelines issued by National Treasury.
- The Chief Executive Officer is responsible for the preparation of the annual financial statements and the judgments made in this information.
- The Chief Executive Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable quality assurance of the integrity and reliability of the performance information, the human resources information and the annual financial statements.
- The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, performance information, human resources information and financial affairs of JICS for the financial year ended 31 March 2021.



Vickash Misser
Chief Executive Officer
Judicial Inspectorate for Correctional Services

STRATEGIC OVERVIEW

VISION

To uphold the human dignity of inmates through independent, proactive and responsive oversight.

MISSION

To independently inspect, investigate, report and make recommendations on the conditions in correctional centres and remand detention facilities and on the treatment of inmates to ensure the protection of the human rights of inmates.

VALUES

JICS subscribes to the following values:

- Human dignity
- Independence
- Fairness
- Efficiency
- Integrity
- Professionalism
- Accountability
- Legality

LEGISLATIVE AND OTHER MANDATES

1. Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa is the supreme law of the country. The founding values of the Constitution include human dignity, equality, the advancement of human rights and freedoms and the rule of law. Chapter 2 of the Constitution entrenches the Bill of Rights – a progressive array of human rights. These rights are justiciable and indivisible. However, the rights in the Bill of Rights may be limited to the extent that the limitation is reasonable and justifiable in an open and democratic society. The sections below contain some of the rights applicable to inmates.

- Section 9: Equality
- Section 10: Human dignity
- Section 11: Life
- Section 12: Freedom and security of the person
- Section 13: Slavery, servitude and forced labour
- Section 14: Privacy
- Section 15: Freedom of religion, belief and opinion
- Section 27: Healthcare, food, water and social security
- Section 28: Children
- Section 29: Education
- Section 30: Language and culture
- Section 31: Cultural, religious and linguistic communities
- Section 32: Access to information
- Section 33: Just administrative action
- Section 34: Access to courts
- Section 35: Arrested, detained and accused persons

Crucially, the lodestar for the rights protected in the correctional environment is section 35(2)(e), which provides for 'conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment'.

2. Correctional Services Act 111 of 1998 (CSA)

The CSA is the primary statute that provides for the correctional system. It is supplemented by regulations, B-orders and institutional orders. DCS is guided by two strategic documents that inform, among other things, the human rights philosophy that ought to underline its operations and give effect to the Bill of Rights. These are the 'White Paper on Corrections in South Africa, 2005' and the 'White Paper on Remand Detention Management in South Africa, 2014'.

3. Other South African legislation

The South African legislature has adopted numerous statutes that are applicable to the correctional environment. These include:

- Criminal Procedure Act 51 of 1977
- National Health Act 61 of 2003
- Mental Healthcare Act 17 of 2002
- Promotion of Administrative Justice Act 3 of 2000
- Prevention of Combating and Torture of Persons Act 13 of 2013



4. International and regional human rights instruments

South Africa has ratified several international and regional treaties and conventions on incarceration and detention. The Constitution provides in section 39(1) that when interpreting the Bill of Rights a court, tribunal or forum 'must consider international law' and 'may consider foreign law'. The authority, procedure and incorporation of international agreements, customary law and their application are set out in sections 231, 232 and 233 of the Constitution.

International law instruments relevant to the South African correctional setting as hard or soft law instruments are the following:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
- United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)

- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- African Commission Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines)

In line with the obligations of OPCAT, JICS forms part of the NPM coordinated by the South African Human Rights Commission and includes other oversight bodies.



ORGANISATIONAL STRUCTURE AT 31 MARCH 2021

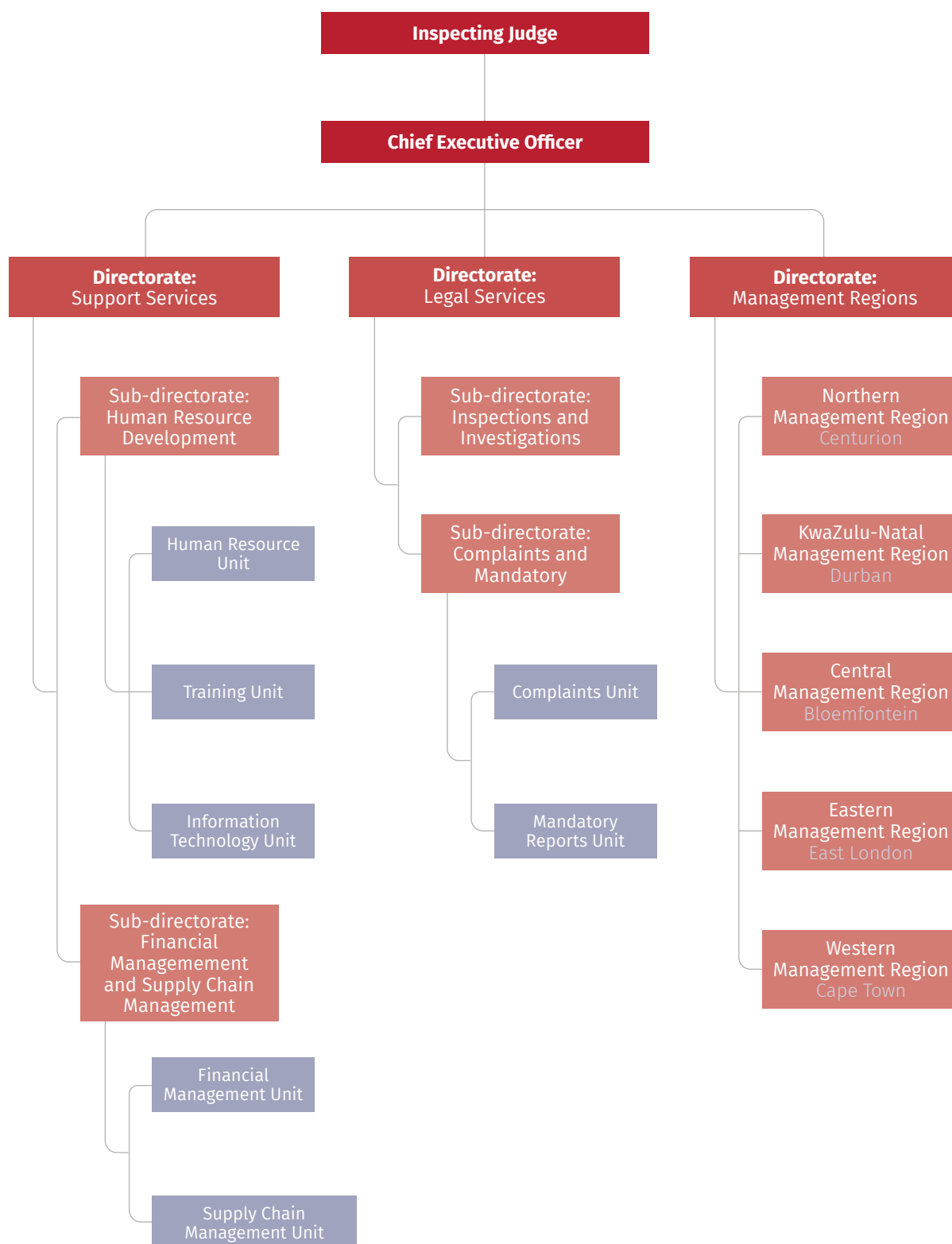
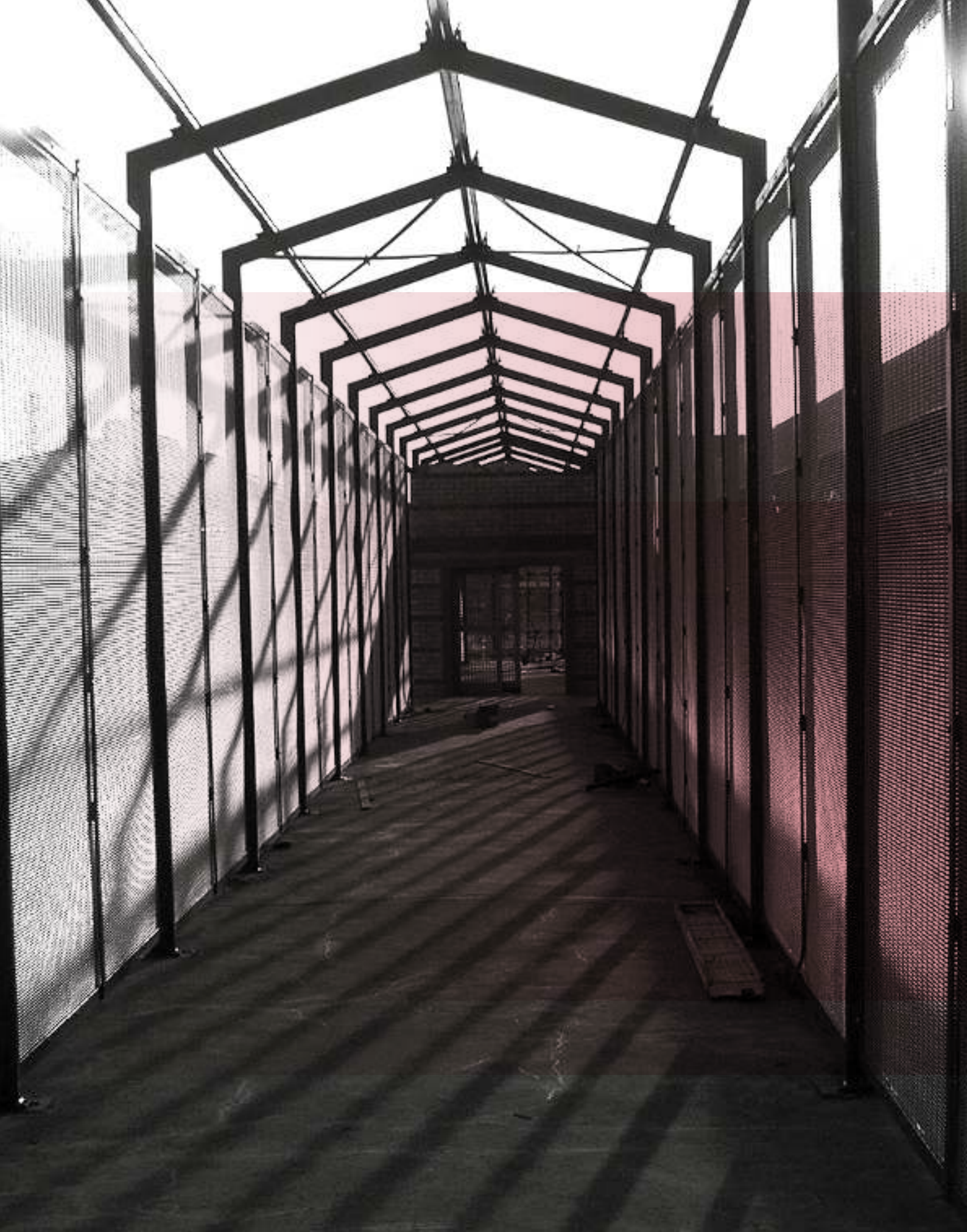


Figure 1: Organisational structure at 31 March 2021





B

PERFORMANCE INFORMATION AND OVERSIGHT REPORTING

PERFORMANCE INFORMATION

Oversight report

Introduction

JICS is mandated to provide effective independent oversight of all places of detention managed by DCS. These are correctional centres where sentenced offenders are incarcerated and are entitled to rehabilitation and remand detention facilities where detainees awaiting trial or still appearing in court are accommodated. Those in remand detention facilities are only housed and no rehabilitation or other structured programmes are offered. According to DCS, detainees have not been found guilty and, as such, are deemed innocent.

The division between sentenced inmates and remand detainees is further distinguished in the CSA, where the two categories have specific rights and responsibilities.¹¹

In this section of the report, DCS correctional centres and remand detention centres will collectively be referred to as correctional facilities and all incarcerated persons as inmates. Most correctional facilities house both sentenced offenders and remand detainees.

JICS's legislative mandate is derived from the CSA and is as follows:

Sections of the CSA	Mandate
85 (1)	Establishes JICS as an independent office controlled by the Inspecting Judge.
85 (2)	Outlines the object of JICS to facilitate the inspection of correctional facilities so that the Inspecting Judge may report on the treatment of inmates in correctional centres and on conditions in correctional centres.
90 (1)	The Inspecting Judge inspects or arranges for the inspection of correctional facilities to report on the treatment of inmates in correctional facilities and on conditions and any corrupt or dishonest practices in correctional facilities.

Sections of the CSA	Mandate
90 (3) and (4)	The Inspecting Judge must submit reports on each inspection to the Minister of Justice and Correctional Services (Minister) and the Portfolio Committee on Justice and Correctional Services (Portfolio Committee). The Inspecting Judge must submit an annual report to the President and the Minister.
90 (5)	Conduct investigations and enquiries, and hold hearings.
15 (2)	Any death in the correctional centre must be reported forthwith to the Inspecting Judge, who may carry out or instruct the National Commissioner to conduct an enquiry.
30 (6) and (7)	All segregation and extended segregation must be reported immediately by the Head of the Correctional Centre to the National Commissioner and the Inspecting Judge. An inmate who is subjected to segregation may refer the matter to the Inspecting Judge who must decide within 72 hours.
31 (3)(d) and (5)	All cases of the use of mechanical restraints must be reported immediately by the Head of the Correctional Centre to the National Commissioner and the Inspecting Judge. An inmate who is subjected to such restraints may appeal against the decision to the Inspecting Judge who must decide within 72 hours.
32 (6)	All use of force must be reported to the Inspecting Judge immediately.
75 (8)	A parole board decision is final except that the Minister, the National Commissioner or the Inspecting Judge may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration.

JICS's oversight is measured against standards set out in, among other things, the following Acts and instruments:

¹¹ Chapter IV deals specifically with sentenced offenders and Chapter V with remand detainees.

a. Constitution of the Republic of South Africa and the Bill of Rights

The Constitutional Court has affirmed that the Bill of Rights applies to all citizens, including those detained and incarcerated, and that there is a substantial residue of basic rights that may not be denied to incarcerated and detained persons.¹²

b. CSA, its Regulations and DCS standing orders

The CSA sets the standards for the treatment of inmates and the conditions under which they are incarcerated. It regulates inmates' rights and responsibilities regarding most aspects of their imprisonment, e.g. mealtimes, exercise, contact with the community and educational programmes. It also prescribes complaints procedures and how certain incidents must be reported to JICS. The standing (or 'B') orders were last officially amended in 2005 and need urgent amendments to adhere fully to the latest amendments of the CSA.

c. UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

Nelson Mandela Rules set out guidelines for the treatment of inmates and for independent inspections, dealing with complaints, deaths and segregation.

d. OPCAT

The ratification of OPCAT by the government of South Africa came into effect on 20 June 2019.

Article 17 of OPCAT requires that each state party maintain, designate or establish one or several independent national preventive mechanisms for the prevention of torture domestically.

It further requires member states to establish an NPM to prevent torture, and other cruel, inhuman or degrading punishment or treatment.

The South African Human Rights Commission (SAHRC) is designated by government to perform a coordinating and functional role in the NPM.

JICS, as the legislative oversight body of DCS, is a member of the NPM and reports on all torture, and other cruel, inhuman or degrading punishment or treatment in all correctional facilities.

INSPECTIONS

JICS conducts inspections as scheduled in terms of the approved National Inspections Plan (NIP), which outlines centres to be inspected and dates. NIP is compiled annually and approved by the CEO before the start of each performance year. JICS is not confined to NIP, but may also carry out unannounced inspections, and inspections on the request of the NPM, the Inspecting Judge and the judiciary.

Inspection of correctional facilities is the core mandate of JICS and uses a significant portion of its budget. Inspections of correctional facilities have financial and other implications, thus NIP forms part of JICS's strategic planning. In the strategic plan, logistics, budgetary constraints and availability of human resources are taken into account.

In the 2018/2019 performance cycle, JICS conducted 122 inspections of the 136 on NIP.

In the 2019/2020 performance cycle, 131 inspections of the 237 operational correctional facilities were conducted.

At 31 March 2021, there were 243 correctional facilities in the country, eight of which were temporarily closed for renovation, leaving 235 active correctional facilities. The table below lists the eight correctional facilities temporarily closed on 31 March 2021.

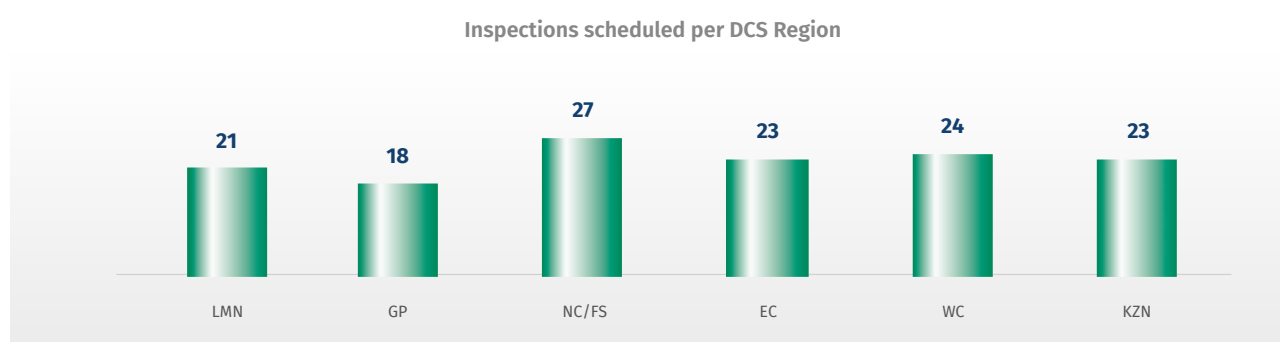
¹² For example: *S v Makwanyane* [1995] ZACC 3 and *August v the Electoral Commission* [1999] ZACC 3.

Region	Reasons for closure/temporary closure of the correctional facility	
	Name of centre	Reason
KwaZulu-Natal	Umzimkulu	Under construction
Limpopo/Mpumalanga/North West	Geluk	Dilapidation
Limpopo/Mpumalanga/North West	Brits	Under construction
Gauteng	Emthonjeni Juvenile	Under construction
Free State/Northern Cape	Ladybrand	Repairs were done to the damaged roof
Free State/Northern Cape	Ficksburg	Due to fire damage in the kitchen
Western Cape	Swellendam	Due to dilapidation
Western Cape	Brandvlei Maximum	Under construction

Table 2: Temporarily closed correctional facilities at 31 March 2021

For the performance year under review, JICS planned 136 inspections among the 235 operational correctional facilities and conducted all 136 planned inspections, which equated to 57.8% of all facilities.

The graph below details all inspections conducted in DCS's regions for the 2020/2021 performance year.



Graph 1: Inspections conducted during 2020/2021 within DCS regions

On 18 March 2020, the President declared a nationwide lockdown, placing the country on lockdown alert level 5 due to the Covid-19 pandemic. During this time, JICS had no access to correctional facilities, thus no inspections were performed. From 1 May 2020 when the country moved to alert level 4, JICS access was granted. JICS reviewed its NIP and adopted a catch-up plan to achieve all outstanding inspections by utilising all JICS managers and appointed inspectors.

In compliance with the Covid-19 regulations and directives issued by the Department of Corporate Governance and Traditional Affairs, read with JICS's Covid-19 directives and guidelines issued, the Inspectorate developed a Covid-19-specific inspection tool and procedure to ensure that inspections were conducted responsibly and safely. Inspections included observing whether the correctional facilities were adhering to protocols to minimise the spread of Covid-19. Due to proper management and control, no inspectors or managers conducting JICS

inspections tested positive for Covid-19 during the performance cycle.

For announced inspections, JICS follows a three-phased approach:

Phase 1: Notice

The announced inspections are preceded by an official notice informing the head of the correctional centre (HCC). The notice is accompanied by a questionnaire that must be completed. JICS has noted with concern the unwillingness of many HCCs to complete the questionnaire. The HCC is notified of the inspection in advance to allow time for questionnaire completion, but this does not happen.

Ten facilities did not provide any statistical information to JICS inspectors, leaving them unable to obtain vital statistical information and having to rely on observation only to assess the centres.

Phase 2: In loco inspection

The inspector inspects the physical conditions of the facility and audits journals and registers. It is important for the inspector to establish whether the concerns emanating from previous inspections were addressed and if not, to find out why. The most prevalent complaints raised by the inmates are addressed during the inspection. JICS developed new strategies to continue conducting inspections as thoroughly as possible within the limits of Covid-19 precautions. A new physical inspection tool was developed whereby JICS would visit the facility but limit close interaction with DCS staff and inmates. JICS inspectors, nevertheless, visited and evaluated the facility's medical centre, kitchen, a typical single cell and a typical communal cell.

Phase 3: Reporting and rating

Following the inspection, a detailed report outlining the findings and recommendations is prepared. Generally, each centre's performance is classified 'unsatisfactory', 'satisfactory' or 'good' after evaluations of:

- Inmate population (overcrowding)
- Professional staff and service
- Healthcare
- Facility structure
- Safe custody (fire safety, separation of vulnerable inmates, assaults etc)
- Nutrition
- Complaint resolution
- Exercise
- Visitation (contact with the community)¹³
- Rehabilitation and other programmes¹⁴

A finalised inspection report is submitted to DCS for comments and possible rectification of shortcomings. All inspections are reported quarterly to the Minister, Deputy Minister, National Commissioner, NPM and Parliamentary Portfolio Committee.

For the year under review, JICS rated 12 centres unsatisfactory, 113 satisfactory and 11 good.

¹³ For most of the 2020/2021 cycle, inmates were not allowed to receive visits so this area was not visited during inspections.

¹⁴ For most of the 2020/2021 cycle, programmes and other activities were either suspended or severely limited so this area was not closely examined during inspections.

Facilities rated 'unsatisfactory'

Estcourt Correctional Centre in KwaZulu-Natal was inspected on 3 September 2020 and was rated unsatisfactory:

The HCC was not available on the day and JICS inspectors were assisted by another DCS manager. The centre is newly renovated and the structure of the centre should have been rated good.

Healthcare was rated unsatisfactory:

On the day of the inspection, there were no nurses on duty and the hospital was closed. It was unclear what would have happened during a medical emergency.

Facilities were rated unsatisfactory:

The centre was new and in good condition.

The following downgraded the rating:

- The pneumatic doors were not functioning and officials were opening the doors by hand. There seemed no sense of urgency to repair the doors.
- Dysfunctional internal doors were not guarded.
- A CCTV system was installed but the system could not be operated, apparently due to the contractor not training officials on how to operate the system.
- There were seemingly no landlines installed in the offices and officials used their cellphones.

Rehabilitation and other programmes were rated satisfactory.

Safe custody was rated unsatisfactory:

Juvenile and adult inmates shared the same unit.

Nutrition was rated unsatisfactory:

- The kitchen was in very good condition and medical and religious diets were provided.
- Three meals were offered to inmates but not within the prescribed timeframes.
- Inmates were found working in the kitchen without any supervision.
- The official who was assigned to work in the kitchen was absent.
- There was no fire blanket.

Complaint resolution was rated satisfactory and contact with family was rated satisfactory.

Historically unsatisfactory facility

During previous inspections of the Stanger, KwaZulu-Natal facility, JICS inspectors and the erstwhile Inspecting Judge, Justice van der Westhuizen, rated it unsatisfactory. JICS's inspection conducted on 8 October 2020 found that the situation remained the same.

The physical condition of the centre was rated unsatisfactory:

- The structure was old and dilapidated.
- Ventilation and roofing are problematic.
- Inmates were all sleeping on the floor as no beds were allowed for security reasons.
- The ablution facilities and visit area needed urgent renovation.

Professional staff: The centre employed only one nurse.

Healthcare was rated unsatisfactory:

- The clinic was small.
- The centre did not employ a sessional doctor and the nurse was unavailable on the day of the inspection (she was also not available during the previous inspection).
- One bottle of expired medication was found.

The visiting area was rated unsatisfactory: The centre does not have a suitable visit area and the space for visitors is insufficient.

Facilities rated 'good'

Small rural centre well managed

Mount Ayliff in Eastern Cape was inspected on 17 August 2020.

The centre was overcrowded by 56.47%, but the clinic, although small, was neat.

The centre was in a good condition and well maintained with only minor maintenance needed. It had a school facility and rehabilitation programmes were offered to inmates.

Vulnerable inmates were separated from the general population.

The kitchen was clean and neat and three meals were served within the prescribed timeframes.

All Covid-19 precautions were taken, with all officials and inmates wearing masks and no inmates tested positive.

New generation centre

Malmesbury Medium A in the Western Cape was inspected on 8 November 2020. With approved accommodation of 1 392, it was not overcrowded, with 871 sentenced inmates and 505 remand detainees present and no state patients on inspection day. The team comprised one sessional doctor, seven nurses, six social workers, two educators and two artisans.

The clinic was found in a good condition.

The single cells used as normal accommodation were clean and neat and the facility disability-friendly.

The kitchen was neat and clean with equipment in good order. Medical, cultural and religious diets were provided to inmates and three meals were offered daily. The kitchen had a valid compliance certificate issued by the Department of Health.

'Very stringent lockdowns seem to have produced the low reported prevalence of Covid-19 in correctional centres. These were imposed at a high cost to human rights and basic privileges.'

Outcome of inspections

This schedule lists all inspections and their ratings.

Centre	Region	Inspection conducted	Rating (good/satisfactory/unsatisfactory)
Kimberley (old)	Central Management Region	28/7/2020	Satisfactory
Tswelopele	Central Management Region	27/7/2020	Satisfactory
Kgosi Mampuru C-maximum	Northern Management Region	10/6/2020	Good
Kutama Sinthumule	Northern Management Region	15-16/9/2020	Good
Makhado	Northern Management Region	17/9/2020	Satisfactory
Durban Medium A	KwaZulu-Natal Management Region	28-29/10/2020	Unsatisfactory
New Hanover	KwaZulu-Natal Management Region	1/9/2020	Good
Greytown	KwaZulu-Natal Management Region	2/9/2020	Good
Escourt	KwaZulu-Natal Management Region	3/9/2020	Unsatisfactory
Pollsmoor female	Western Cape Management Region	19/8/2020	Satisfactory
Pollsmoor Medium A (maximum)	Western Cape Management Region	29/9/2020	Satisfactory
Patensie	Eastern Cape Management Region	6/7/2020	Satisfactory
Kirkwood	Eastern Cape Management Region	7/7/2020	Satisfactory
Barberton Maximum	Northern Management Region	26/8/2020	Satisfactory
Lydenburg	Northern Management Region	28/8/2020	Satisfactory
Barberton Medium B	Northern Management Region	27/8/2020	Satisfactory
Witbank	Northern Management Region	28/8/2020	Satisfactory
Dundee	KwaZulu-Natal Management Region	8/7/2020	Satisfactory
Glencoe	KwaZulu-Natal Management Region	7/7/2020	Satisfactory
Brandvlei Maximum	Western Cape Management Region	17-18/9/2020	Unsatisfactory
Brandvlei Juvenile	Western Cape Management Region	18/9/2020	Satisfactory
Umtata Maximum (Remand)	Eastern Cape Management Region	23/6/2020	Satisfactory
Umtata Medium	Eastern Cape Management Region	24/6/2020	Satisfactory
Hoopstad	Central Management Region	30/7/2020	Satisfactory
Odendalsrus	Central Management Region	29/7/2020	Satisfactory
Vereeniging	Central Management Region	25/8/2020	Satisfactory
Mogwase	Central Management Region	30/6/2020	Satisfactory
Odi	Central Management Region	1/7/2020	Satisfactory
Standerton Medium A	Northern Management Region	23-24/6/2020	Satisfactory
Devon	Northern Management Region	25/6/2020	Satisfactory
Durban female	KwaZulu-Natal Management Region	17/8/2020	Satisfactory
Durban juvenile	KwaZulu-Natal Management Region	18/9/2020	Satisfactory
Brandvlei Medium B	Western Cape Management Region	8/7/2020	Unsatisfactory
Worcester female	Western Cape Management Region	7/7/2020	Satisfactory
St Albans Medium A	Eastern Cape Management Region	9/7/2020	Satisfactory
St Albans Maximum	Eastern Cape Management Region	22/7/2020	Satisfactory

Centre	Region	Inspection conducted	Rating (good/satisfactory/unsatisfactory)
St Albans Medium B	Eastern Cape Management Region	24/7/2020	Satisfactory
Grootvlei Medium A (maximum)	Central Management Region	18-19/8/2020	Satisfactory
Mangaung	Central Management Region	12-13/8/2020	Satisfactory
Ventersburg	Central Management Region	31/7/2020	Satisfactory
Thohoyandou female	Northern Management Region	9/7/2020	Satisfactory
Tzaneen	Northern Management Region	8/7/2020	Satisfactory
Belfast	Northern Management Region	7/7/2020	Satisfactory
Volkstrust	Northern Management Region	9/7/2020	Satisfactory
Piet Retief	Northern Management Region	10/7/2020	Satisfactory
Melmoth	KwaZulu-Natal Management Region	7/7/2020	Good
Empangeni	KwaZulu-Natal Management Region	8/7/2020	Satisfactory
Qalakabusha	KwaZulu-Natal Management Region	9-10/7/2020	Satisfactory
Pollsmoor Medium A	Western Cape Management Region	28/9/2020	Satisfactory
Pollsmoor Medium C	Western Cape Management Region	27/1/2020	Satisfactory
Mount Ayliff	Eastern Cape Management Region	17/8/2020	Good
Ntabankulu	Eastern Cape Management Region	18/8/2020	Unsatisfactory
Goedemoed Medium B	Central Management Region	18/8/2020	Satisfactory
Goedemoed Medium A	Central Management Region	19/8/2020	Satisfactory
Nelspruit	Northern Management Region	4/8/2020	Satisfactory
Barberton Town	Northern Management Region	5/8/2020	Satisfactory
Witbank	Northern Management Region	28/8/2020	Satisfactory
Pietermaritzburg	KwaZulu-Natal Management Region	13/8/2020	Satisfactory
Sevontein	KwaZulu-Natal Management Region	14/8/2020	Satisfactory
Drakenstein Maximum	Western Cape Management Region	30/9/2020	Satisfactory
Warmbokveld	Western Cape Management Region	18/8/2020	Satisfactory
East London Medium B (remand)	Eastern Cape Management Region	14/9/2020	Satisfactory
East London Medium A (maximum)	Eastern Cape Management Region	17/9/2020	Satisfactory
Bezzah Makathe Medium B	Central Management Region	7/9/2020	Satisfactory
Bezzah Makathe Medium C	Central Management Region	8/9/2020	Satisfactory
Baviaanspoort Maximum	Northern Management Region	7/9/2020	Satisfactory
Johannesburg Medium B	Northern Management Region	8-9/9/2020	Satisfactory
Johannesburg Medium C	Northern Management Region	10/9/2020	Good
Ebongweni Maximum	KwaZulu-Natal Management Region	15-16/9/2020	Satisfactory
Kokstad Medium	KwaZulu-Natal Management Region	17/9/2020	Satisfactory
Port Shepstone	KwaZulu-Natal Management Region	18/9/2020	Unsatisfactory
Uniondale	Western Cape Management Region	17/9/2020	Satisfactory
Knysna	Western Cape Management Region	21/9/2020	Satisfactory
Bizana	Eastern Cape Management Region	29/9/2020	Satisfactory
Lusikisiki	Eastern Cape Management Region	30/9/2020	Satisfactory

Centre	Region	Inspection conducted	Rating (good/satisfactory/unsatisfactory)
King Williamstown	Eastern Cape Management Region	25/9/2020	Satisfactory
Wolmaransstad	Central Management Region	23/11/2020	Satisfactory
Hopetown	Central Management Region	26/11/2020	Unsatisfactory
Kuruman	Central Management Region	24/11/2020	Satisfactory
Upington	Central Management Region	7/12/2020	Satisfactory
Rooigrond Medium B	Central Management Region	6/10/2020	Satisfactory
Mafikeng female	Central Management Region	7/10/2020	Satisfactory
Potchefstroom remand	Central Management Region	9/10/2020	Unsatisfactory
Johannesburg female	Northern Management Region	19/10/2020	Satisfactory
Johannesburg Medium A	Northern Management Region	20/10/2020	Satisfactory
Boksburg Medium A	Northern Management Region	21/10/2020	Satisfactory
Stanger	KwaZulu-Natal Management Region	21/10/2020	Unsatisfactory
Drakenstein Medium B	Western Cape Management Region	8/10/2020	Satisfactory
Buffeljagsrivier	Western Cape Management Region	9/10/2020	Good
Krugersdorp	Northern Management Region	12-13/11/2020	Satisfactory
Kgosi Mampuru II Local	Northern Management Region	10/11/2020	Satisfactory
Waterval Medium A	KwaZulu-Natal Management Region	11/11/2020	Satisfactory
Waterval Medium B	KwaZulu-Natal Management Region	13/11/2020	Good
Helderstroom Medium	Western Cape Management Region	17/11/2020	Satisfactory
Helderstroom Maximum	Western Cape Management Region	20/11/2020	Satisfactory
Malmesbury Medium A	Western Cape Management Region	8/11/2020	Good
Butterworth	Eastern Cape Management Region	16/11/2020	Satisfactory
Mount Frere (Kwa-Baca)	Eastern Cape Management Region	17/11/2020	Satisfactory
Mount Fletcher	Eastern Cape Management Region	18/11/2020	Satisfactory
Parys	Central Management Region	14/12/2020	Satisfactory
Bizzah Makhate Medium A	Central Management Region	11/1/2021	Satisfactory
Rustenburg Medium A	Central Management Region	22-24/2/2021	Satisfactory
Heidelberg	Northern Management Region	8/2/2021	Satisfactory
Leeuwkop Medium A	Northern Management Region	4/2/2021	Satisfactory
Modderbee	Northern Management Region	9/2/2021	Satisfactory
Boshof	Central Management Region	22/1/2021	Satisfactory
Douglas	Central Management Region	18/1/2021	Satisfactory
Durban Medium C	KwaZulu-Natal Management Region	22/1/2021	Satisfactory
Pollsmoor Medium C	Western Cape Management Region	27/1/2021	Satisfactory
Stellenbosch	Western Cape Management Region	26/1/2021	Satisfactory
Bethulie	Eastern Cape Management Region	19/1/2021	Satisfactory
Zastron	Eastern Cape Management Region	20/1/2021	Satisfactory
Ficksburg	Central Management Region	25/2/2021	Unsatisfactory
Winburg	Central Management Region	26/2/2021	Satisfactory

Centre	Region	Inspection conducted	Rating (good/satisfactory/unsatisfactory)
Senekal	Central Management Region	9/2/2021	Unsatisfactory
Leeuwkop Medium C	Northern Management Region	12/3/2021	Satisfactory
Kgoši Mampuru II Central	Northern Management Region	4/2/2021	Satisfactory
Kgoši Mampuru II female	Northern Management Region	5/2/2021	Satisfactory
Utrecht	KwaZulu-Natal Management Region	16/2/2021	Good
Volkstrust (for Northern Management Region)	KwaZulu-Natal Management Region	17/2/2021	Satisfactory
Dwarsrivier	Western Cape Management Region	12/2/2021	Satisfactory
Obiqua	Western Cape Management Region	12/2/2021	Satisfactory
Flagstaff (Siphaqeni)	Eastern Cape Management Region	23/2/2021	Unsatisfactory
East London Maximum	Eastern Cape Management Region	25/2/2021	Satisfactory
Frankfort	Central Management Region	9/2/2021	Satisfactory
Harrismith	Central Management Region	8/2/2021	Satisfactory
Heilbron	Central Management Region	8/2/2021	Satisfactory
Leeuwkop Maximum	Northern Management Region	3/2/2021	Satisfactory
Leeuwkop Medium B	Northern Management Region	11/2/2021	Satisfactory
Umzinto	KwaZulu-Natal Management Region	24/2/2021	Satisfactory
Oudtshoorn female	Western Cape Management Region	4/3/2021	Satisfactory
George	Western Cape Management Region	5/3/2021	Satisfactory
Goodwood	Western Cape Management Region	8/3/2021	Satisfactory
Dordrecht	Eastern Cape Management Region	23/2/2021	Satisfactory
Burgersdorp	Eastern Cape Management Region	24/2/2021	Satisfactory
Sterkspruit	Eastern Cape Management Region	25/2/2021	Satisfactory

Table 3: Ratings of correctional centres inspected in 2020/2021

Thematic inspections

In addition to the inspections above, JICS also conducted two thematic inspections.

These are conducted when JICS becomes aware of thematic issues.

Mangaung Public-Private Partnership Correctional Centre – a pressure cooker

A team of senior JICS officials visited Mangaung after a trend of violence noted through ICCV visits and reports. The centre is a modern, privately managed facility housing maximum inmates.

The facility had sufficient professional staff and is always fully occupied.

The infrastructure is maintained and all equipment was found neat and in working order, including CCTV cameras.

Sufficient rehabilitation programmes and skills development initiatives are available to inmates.

G4S, which manages the facility, indicated that the centre is a 'dumping ground' for violent inmates and high-ranking gang members and it has become difficult to effectively rehabilitate inmates.

Although the facility does cater for recalcitrant inmates, DCS is filling the centre with only such inmates.

DCS acknowledged this, saying that it is part of the contract of G4S to accommodate such inmates.

The DCS area commissioner of Grootvlei makes decisions on transfers to and from Mangaung. The facility has no choice.

A follow-up inspection is planned for the 2021/2022 performance cycle.

Unnatural deaths at Qalakabusha

JICS became aware of three unnatural deaths in three months. One was not reported to JICS but was discovered when an audit was conducted with DCS head office for the annual report statistics.

The centre was clean and well maintained.

The CCTV cameras were out of order and the pneumatic gates were operated manually.

The centre's approved bed space is 1 395. On the day of inspection, the centre housed both remand detainees (187) and sentenced inmates (1 463). It was overcrowded by 18.28%.

The team inspected unit 12, which housed inmates with further profiles. The unit had a library and social programmes were offered.

The centre did not segregate inmates because the head of the centre believed that since the centre comprises only single cells, segregation was not possible. Clarity was provided and the HCC undertook to report segregation.

JICS perused all registers and files on the deaths of inmates. In one matter the disciplinary hearing was pending and JICS is awaiting feedback on the outcome.

On the statements made under oath on the incident of use of force, officials alleged to have had no understanding of the legislation regulating the use of force and its consequences. The head of the centre indicated that the officials had a better understanding at the time of the inspection.

JICS is following up on the criminal investigations of these matters.

'It is a known fact of history and epidemiology that deadly contagion spreads dangerously in prisons, putting inmates and personnel and surrounding communities in profound peril.'

The effect of the Covid-19 pandemic on the inmate population

As mentioned above, JICS inspectors and ICCVs continued with their tasks from alert level 4 of the lockdown.

Due to the Covid-19 pandemic, JICS identified two major changes in the inmate population.

Remand detainees

The number of remand detainees rose at the start of lockdown as people were arrested for transgressing the rules and as some courts were closed, inmates' cases could not be adjudicated or bail considered.

Later, when most courts resumed their duties, the number of remand detainees dropped significantly.

Sentenced inmates

In December 2019, as reported in the JICS' annual report of 2019/2020, the President announced a special remission for certain categories of inmates.

The effect of reduction in sentences carried into 2020/2021 as qualifying inmates had their sentences reduced in general and could therefore benefit in the future.

Following petitions from several stakeholders, including JICS, the President on 24 April 2020 announced further measures to reduce the sentenced inmate population to 'address, manage and combat the spread of the Covid-19 virus in all correctional centres'.

Parole system challenges

Proclamation No 19 of 2020 dated 24 April 2020 authorised that parole consideration dates of inmates in certain categories be brought forward by up to five years from 27 April 2020. Any inmate entitled to consideration for parole for up to five years in future (27 April 2025) was immediately eligible for consideration.

The proclamation, unlike that of December 2019, did not give a blanket amnesty by reducing sentences but required that all qualifying inmates go through all the usual parole processes.

Inmates, therefore, still had to complete all their rehabilitation programmes and also had to give fingerprints and DNA samples to the South African Police Service (SAPS) as a prerequisite for release.

As sentences were not reduced, all people benefitting will still have to complete their full sentences in the community and be subjected to parole conditions.

The following categories were also specifically excluded:

- Lifers, sexual offenders, murderers and attempted murders
- Those guilty of sedition, high treason, sabotage and terrorism
- Gender-based violence and child abuse perpetrators
- Offenders declared dangerous by the court in terms of Section 286 A of the Criminal Procedure Act 51 of 1997
- Offenders certified as mentally ill and detained per the Mental Healthcare Act, 17 of 2002
- Offenders with further charges where bail was not fixed or fixed but not paid
- Escaped or absconded prisoners who were still at large on the date of the announcement
- Offenders out on bail pending appeal on the date of the announcement

- Violators of the Domestic Violence Act, 116 of 1998
- Those sentenced for armed robbery/robbery with aggravating circumstances
- Perpetrators of any crime linked directly to any of the abovementioned crimes (i.e. housebreaking with the intent to steal and rape)
- Anyone attempting, inciting, soliciting or conspiring to commit any of the above crimes.

About 19 000 inmates were identified for possible early release.

The twofold setback of remission of sentence and advancement of parole dates meant that some inmates convicted and sentenced to fairly long sentences were released after only a few months of incarceration.

CASE STUDY

'Was justice served?'

Ms X, convicted on 385 counts of fraud involving some R4.6 million, was sentenced to direct imprisonment of nine years in February 2020.

In terms of the current parole regime, she should have been eligible for parole after serving 50% of her sentence in a correctional centre, i.e. August 2024.

The proclamation advancing parole dates for non-violent inmates made her immediately eligible for parole consideration. According to DCS, she underwent the compulsory rehabilitation programmes and satisfied other conditions for parole, such as DNA samples and confirming a support system outside of prison.

Ms X was released on parole after serving only about six months of her sentence, creating an outcry from the local community.

She will, however, remain on parole until the sentence expires in February 2029. Should she be found guilty of any offence during this period, the parole could be revoked and she would serve out the remainder of her sentence inside a correctional centre.

As can be expected, the advancement of parole dates placed a huge burden on a parole system already plagued by (among other things) the following challenges:

- Dissatisfaction with altered employment conditions and salaries of correctional supervision and parole board (CSPB) chairpersons and members of the community who form CSPBs.
- Vacancies of chairpersons and other CSPB members not being filled for long periods.
- The closure of some of CSPBs and offices of DCS case management committees (CMCs) due to Covid-19 infections.
- The already extra burden placed on CSPBs and CMCs by the advancement of parole consideration dates for certain people sentenced to life imprisonment¹⁵ and the backlog created by the 2019 remission.

It was also found that the inmates' sentence plans had to be altered to ensure that rehabilitation programme timeframes were advanced. Some of the programmes required intense one-on-one interventions from DCS social workers and psychologists, which created backlogs for other programmes.

DCS is reviewing its parole system.

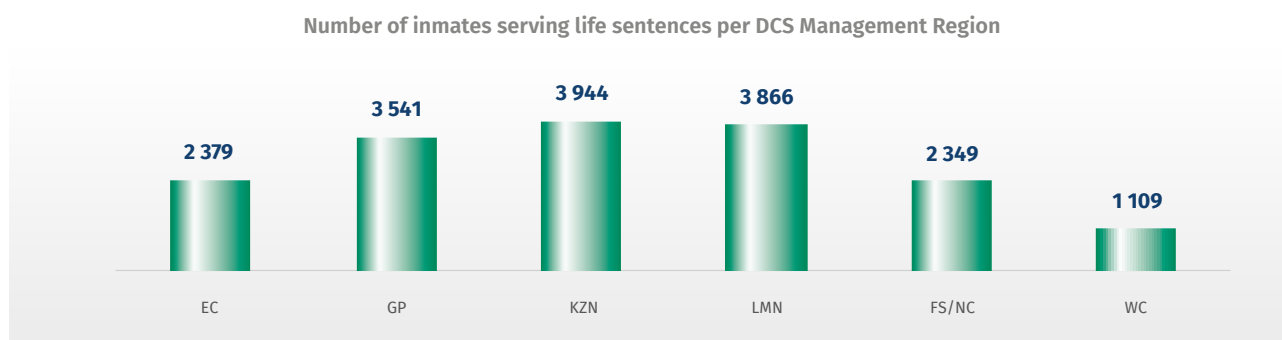
¹⁵ *Phaahla v Minister of Justice and Correctional Services* [2019] ZACC 18.

Persons serving life sentences

In terms of section 78 of the CSA, only the Minister can grant parole for a person sentenced to life imprisonment.

However, parole consideration for people sentenced to life imprisonment remains a significant challenge. On 31 March 2021, 17 188 inmates were serving life sentences compared to 16 856 on 31 March 2020.

The diagram below depicts inmates currently serving life sentences per DCS region on 31 March 2021.



Graph 2: Inmates serving life sentences per DCS region at 31 March 2021

Parole for persons serving life sentences

All inmates serving life sentences must be considered for parole as the sentence of 'life without parole' is deemed unconstitutional.

Inmates serving life sentences can be divided into four groups:

Group 1: Inmates sentenced between March 1994 and June 1998 (collectively known as Van Vuren¹⁶ cases). They must serve 15 years of their sentences before being eligible for parole consideration.

Group 2: Inmates sentenced between July 1998 and September 2004 (collectively known as Van Wyk¹⁷ cases). They must serve 20 years minus credits (in total 12 years four months) before being eligible for parole consideration.

Group 3: Inmates sentenced to any period of imprisonment (including life) after September 2004, but who committed the offence before 1 October 2004 (collectively known as Phaahla¹⁸ cases). Inmates in this category must be considered under either Van Vuren or Van Wyk rules depending on the date the offence was committed.

Group 4: Inmates who committed the offence and were sentenced to life imprisonment after 1 October 2004. They must serve 25 years of their sentence before being eligible for parole. The earliest that these inmates will be eligible for parole consideration is 2029.

The schedule below depicts the number of inmates from the Van Vuren, Van Wyk and Phaahla categories still incarcerated at 31 March 2021:

Van Vuren		Van Wyk		Phaahla		Total
Male	Female	Male	Female	Male	Female	
40	-	2 848	3	1 579	24	4 494

Table 4: Number of inmates from the Van Vuren, Van Wyk and Phaahla categories still incarcerated at 31 March 2021

Processing of lifers' parole applications, specifically, has created a crisis. Since only the Minister can make the ultimate decision on lifers' parole (on CSPB recommendation through the National Council) there is a backlog on the Minister's desk.

¹⁶ Van Vuren v Minister of Correctional Services [2010] ZACC 17.

¹⁷ Van Wyk v Minister of Correctional Services [2011] ZAGPPHC 125.

¹⁸ Phaahla v Minister of Justice and Correctional Services [2019] ZACC 18.

According to DCS, the following lifers were released during 2020/2021:

Van Vuren		Van Wyk		Phaahla		Total
Male	Female	Male	Female	Male	Female	
-	-	35	1	-	-	36

Table 5: Lifers released on parole in 2020/2021

The current minimum sentencing with the abolishment of the death sentence has ballooned the number of persons serving life sentences.

The table below depicts the population statistics at 31 March 2021 per category.

Remand detainees (47 882)							Sentenced inmates (93 066)							
Adult female	Adult male	Juvenile male	Juvenile female	Child male	Child female	State patients	Adult female	Adult male	Female juveniles	Male juveniles	Child male	Child female	Babies	
1 222	43 359	3 060	60	1	47	133	2126	89 241	43	1 616	40	-	47	

Table 6: Correctional facilities population statistics at 31 March 2021

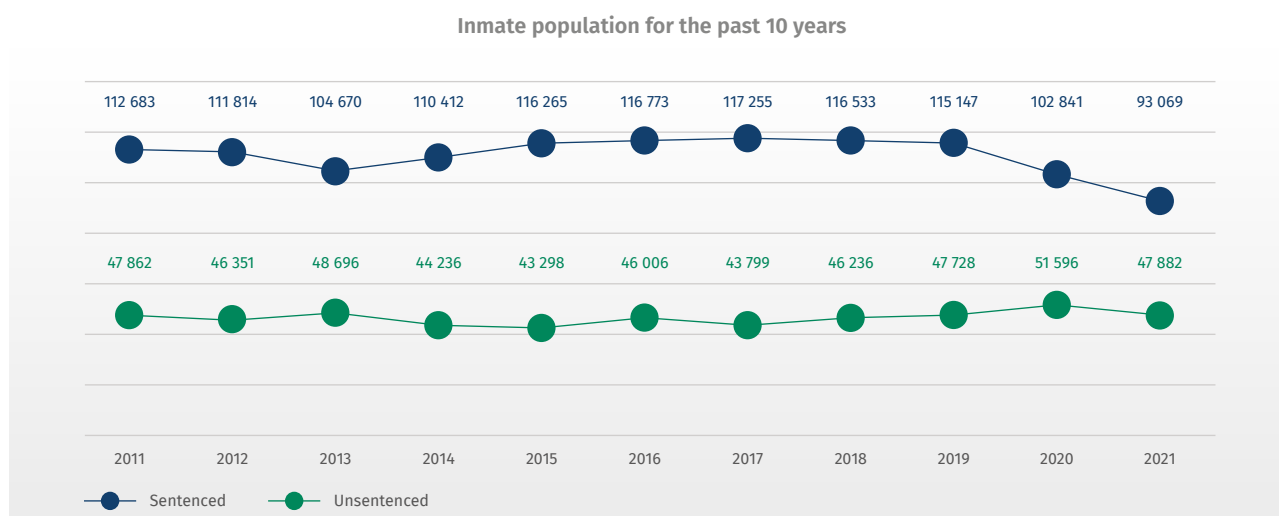
The graph below depicts the inmate population for the past 10 years.

The decrease in the sentenced population between 2012/2013 and 2019/2020 is the result of two presidential remissions – in April 2012 and December 2019.

Population statistics

DCS statistics show that at 31 March 2021, the inmate population was 140 948, comprising 93 066 sentenced offenders and 47 882 remand detainees. The official bed space at all correctional centres was 120 567. Correctional facilities were 23% overpopulated at 31 March 2021 compared to 32% overcrowding on 31 March 2020. In real terms, there was a reduction of 13 489 inmates.

The drastic reduction in the current inmate population is the result of the 2019 remission and the 2020 advancement of parole dates.



Graph 3: Inmate population for the past 10 years

Population statistics per DCS region¹⁹

Gauteng region

Gauteng is the smallest province geographically but has the most inmates in its correctional facilities. JICS inspected 18 correctional facilities in the province. The Johannesburg facilities (colloquially known as 'Sun City') were found to be very overcrowded, with Medium A still accommodating more than double its approved capacity. Three centres²⁰ inspected were not overcrowded.

The table below depicts the four most overcrowded facilities inspected in the region²¹:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Johannesburg Medium A	2 630	5 600	113%
2	Johannesburg Medium B	1 300	2 231	71%
3.	Krugersdorp	1 625	2 694	66%
4.	Baviaanspoort Maximum	429	634	48%

Table 7: Top four overcrowded facilities inspected in Gauteng

Limpopo/Mpumalanga/North West

Although the correctional facilities in Limpopo, Mpumalanga and North West are generally smaller and in rural areas, most of the 21 facilities inspected were also found to be overcrowded. Three centres did not provide statistics on their inmate population, and a further seven were either not overcrowded or 100% occupied. Eleven HCCs indicated that their centres were overcrowded to some extent.

The table below depicts the five most overcrowded facilities in Limpopo, Mpumalanga and North West:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Mbombela	828	1 276	54%
2.	Rooigrond Medium B	266	403	52%
3.	Barberton Medium B	635	954	50%
4.	Mogwase	412	534	30%
5.	Makadu	324	420	30%

Table 8: Top five overcrowded facilities inspected in Limpopo, Mpumalanga and North West

As shown, most correctional facilities in Limpopo, Mpumalanga and North West are not as large as those in the Gauteng province. At Rooigrond Medium B, for example, overcrowding of just 137 inmates caused the centre to be 52% overcrowded on the day of the inspection.

This does not mean that the challenges caused by overcrowding are less severe in a small centre. The DCS staff complement, for example, is based on the approved capacity of a centre and overcrowding diminishes the effectiveness of service delivery to inmates and may also harm the safety and security of both inmates and officials.

¹⁹ Includes both remand detention facilities and correctional centres.

²⁰ Figures on the date of the JICS inspection.

²¹ Atteridgeville, Kgosi Mampuru II C-Max and Heidelberg.

Eastern Cape

JICS inspected 23 correctional facilities in Eastern Cape. Inspections at the St Albans facilities are conducted every financial year due to the proliferation of violence and the structural challenges reported by JICS in its 2019/2020 annual report.

As in Limpopo, Mpumalanga and North West, some facilities are very small and only a few inmates too many cause the overcrowding percentage to rise steeply. It seems as if the early release of inmates in this region was not very effective as six of the facilities inspected were more than 100% overcrowded.

The table below depicts the four most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Burgersdorp	149	382	158%
2.	Bizana	47	110	134%
3.	Lusikisiki	109	246	126%
4.	St Albans Medium A	706	1 549	119%

Table 9: Top four overcrowded facilities inspected in Eastern Cape

KwaZulu-Natal

JICS inspected 23 facilities in KwaZulu-Natal, ranging from Pietermaritzburg Medium A with a population of 3 348 on the day of the inspection to Utrecht with 28 inmates. JICS found 13 facilities that were under capacity. The HCCs of a further three facilities did not provide any population statistics. The rollout of early parole was effective in the region.

The table below depicts the four most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Qalakabusha	1 395	1 905	37%
2.	Pietermaritzburg Medium A	2 490	3 348	34%
3.	Durban Medium A	2 501	3 107	24%
4.	Waterval Medium A	619	697	13%

Table 10: Top four overcrowded facilities inspected in KwaZulu-Natal

Western Cape

Western Cape is traditionally one of the most overcrowded regions. JICS inspected 24 facilities, three of which were under capacity. Five HCCs failed to provide population statistics of their centres.

The rollout of the early parole was relatively effective in the region but had less effect on the maximum facilities as it was mostly inmates with shorter sentences for non-violent crimes who benefitted from the early parole.

The table below depicts the four most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Stellenbosch	71	144	103%
2.	Drakenstein Maximum	386	586	52%
3.	Pollsmoor remand	1 880	2 821	50%
4.	Helderstroom Maximum	589	835	42%

Table 11: Top four overcrowded facilities inspected in the Western Cape region

Free State/Northern Cape

This region had the fewest overcrowded facilities, with 17 of the 27 facilities inspected either under capacity or 100% occupied. Ficksburg, a small facility on the border between South Africa and Lesotho, was found to be 122% overcrowded. The facility accommodates mostly foreign nationals awaiting deportation.

The table below depicts the four most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Ficksburg	79	176	122%
2.	Grootvlei Medium A	896	1 415	58%
3.	Harrismith	267	361	35%
4.	Grootvlei Medium B	699	937	34%

Table 12: Top four overcrowded facilities inspected in Free State/Northern Cape

Grootvlei Medium A, a remand detention facility near Bloemfontein, was by far the most overcrowded in numbers, accommodating 509 inmates more than it was designed for.

‘Overcrowding thwarts good governance and administration. The closed, security-focused institutional culture of the Department of Correctional Services persists. When security is the main priority, rehabilitation, education and social reintegration programmes are deprioritised as luxuries, not necessities.’

Professional staff

Professional staff are essential for rendering specialised services to inmates.

Nurses and other medical staff

With the Covid-19 pandemic, nurses and other medical staff played a pivotal role in correctional facilities and it was found that the presence of at least one nurse at all centres was crucial. All inmates must have their health assessed on admission. This includes screening for communicable diseases such as tuberculosis and Covid-19.

Most centres inspected had at least one permanent nurse. Only one facility, Ventersburg in Free State, employed no nurse.

Larger facilities had adequate numbers of nurses employed:

Facility	Region	Number of nurses ²²
Kutama Sinthumule PPP Correctional Centre	Limpopo/ Mpumalanga/ North West	24
Mangaung	Free state/ Northern Cape	21
Ebongweni Super Maximum	KwaZulu-Natal	20
Johannesburg Medium B	Gauteng	20
St Albans Medium B	Eastern Cape	13
Pollsmoor remand detention facility	Western Cape	10
Goodwood	Western Cape	10

Table 13: Large facilities employing adequate numbers of nurses

²² On the day of the inspection.

All facilities rely on public hospitals to treat seriously ill inmates. Smaller facilities inspected have sessional doctors and dentists visiting on certain days. Large facilities such as Kgosi Mampuru II, Durban, Pietermaritzburg, Johannesburg and East London employ permanent doctors. Management areas have pharmacists who distribute medicine to the facilities in the area.

Social workers

Section 41(3) of the CSA states that DCS must provide social workers and psychological services to develop and support sentenced inmates by promoting their social functioning and mental health. Social workers play an important part in the rehabilitation of inmates and in ensuring that family relations are maintained during incarceration.

Social worker reports are used by CSPBs to determine an inmate's suitability for parole. This was especially important during the advancement of inmates' parole consideration dates. According to information supplied by HCCs during JICS's inspections, the following centres had no social workers permanently employed on the day of the JICS inspection:

- Gauteng: Krugersdorp
- Limpopo/Mpumalanga/North West: Standerton and Rustenburg Medium A.
- Free State/Northern Cape: Parys, Bethulie, Zastron, Ficksburg and Winburg.
- Eastern Cape: Thabankulu.
- Western Cape: Buffelsjagsrivier, Oudtshoorn female and Obiqua.
- KwaZulu-Natal: Utrecht, Umzinto, Stanger, Port Shepstone and Empangeni.

The shortage of social workers is a major issue. The shortages were mainly in rural areas and JICS recommends that DCS attract professionals to these areas.

Educationists

Although education is not officially part of an inmate's rehabilitation programmes, DCS is obliged by the CSA²³ to compel illiterate inmates or children to participate in educational programmes. In addition, DCS must, as far as is practicable, meet the educational and training needs of all sentenced offenders.

JICS found no educators permanently appointed nor educational programmes offered to inmates in several small rural facilities. Educational programmes are also not offered at larger centres that house remand detainees. These facilities include Potchefstroom, Kgosi Mampuru II Local and Mthatha remand.

Healthcare, including Covid-19

All correctional centres inspected that provided requested information to JICS indicated that inmates admitted were medically assessed within 24 hours of admission.

DCS also stated that voluntary HIV testing was conducted and inmates were provided with anti-retroviral medication where necessary. Several non-governmental organisations assisted DCS in HIV awareness and screening.

Statistical information could not be obtained at all facilities inspected, as some HCCs did not provide the requested information.

23 Section 41(2)(a).

CASE STUDY

'Neglected'

Inmate L was a 66-year-old awaiting trial detainee accommodated at Johannesburg Medium A remand detention facility at Diepkloof. He appeared in court five times, with his last court appearance scheduled for 4 August 2020 at the regional court, Soweto. On 14 June 2020, inmate L was brought to the medical facility of the centre with weakness, dyspnoea (difficulty with breathing) and an unusual gait. He was immediately referred to the facility's doctor, who examined and referred him to the Chris Hani Baragwanath hospital. On 15 June 2020, the facility was informed that inmate L had died, the cause of death telephonically specified as organophosphate poisoning.

An official inquest was opened with SAPS.

No official determination can be made as to the actual cause of death before receipt of the toxicology report, which may take up to six years.

The inmate was admitted on 5 March 2020 and readmitted to the centre five more times before his death. It seems that he was never thoroughly assessed as there were no official medical records (health file) for him before he was brought to the DCS medical facility on 14 June 2020.

The DCS healthcare policy prescribes the opening of health files for every inmate. All medical screenings done must be recorded and the records filed in the health file.

According to section 6 (5) of the CSA, all newly admitted inmates must undergo a medical screening as soon as possible after admission. Regulation 3 (3) of DCS Regulations specifies that the medical assessment must take place within 24 hours and before the inmate is allowed to mix with the general population.

The healthcare policy prescribes that the test include screening for mental illness and lice infestation.

DCS should, therefore, have assessed inmate L when he was first admitted and every time he was readmitted from the court. There is doubt whether this was done as no one seemed to officially notice that inmate L was lice infected and there is also no official record that this was addressed. There was also doubt from the medical staff whether the inmate was mentally ill so it seems no official assessment of his mental state was conducted.

Recommendations

JICS must follow up on the inquest until it is concluded.

The DCS healthcare manager must inform JICS of the measures put in place to ensure that all newly admitted inmates are effectively screened as prescribed by the official DCS healthcare policy.

The file is to be provisionally closed until the toxicology report is received from DCS.

On enquiry on 29 April 2021, DCS stated that it still awaits the toxicology report. It was further confirmed that no insecticide or other poison is allowed in the centre (the possibility that it was smuggled in cannot be excluded), insecticides are not sold at the facility's tuckshop and no insecticides or other poisons are used on the grounds.

The facility's fumigation dates did not correspond with the inmate's death.

Declared state patients

When a court of law believes that a state patient poses a threat to his/her safety or that of others, it may direct that such person be temporarily housed at a correctional centre. The number provided by DCS of state patients incarcerated at 31 March 2021 was 133.

Region	Children (younger than 18 years)		Juveniles (18 to 20 years)		Adults (21 years and older)		Total
	Female	Male	Female	Male	Female	Male	Females and males
Eastern Cape	-	-	-	-	-	41	41
Gauteng	-	-	-	-	-	9	9
KwaZulu-Natal	-	-	-	-	-	14	14
Limpopo/Mpumalanga/ North West	1	-	-	1	-	24	26
Free State/Northern Cape	-	-	-	3	-	4	43
Western Cape	-	-	-	-	-	-	-
Total	1	-	-	4	-	128	133

Table 14: State patients incarcerated as per DCS statistics

The following facilities accommodated the highest number of state patients on the day of the JICS inspection:²⁴

Facility	DCS region	Number of state patients on the day of the inspection
Mthatha remand detention facility	Eastern Cape	21
Kimberley	Free State/ Northern Cape	9
Kgosi Mampuru Local	Gauteng	8

Table 15: Number of state patients identified during JICS inspections: 2020/2021

State patients are housed at correctional facilities because there is insufficient accommodation at mental health facilities. JICS believes that this is not ideal, as DCS does not have officials trained to deal with mentally incapacitated people and state patients should not mix with the general inmate population. Thus, correctional facilities are not conducive for the health of state patients and the safety of officials and other inmates. DCS and the Department of Health must consider this issue.

²⁴ Information provided by DCS during the JICS inspection.

CASE STUDY

'Our dignity: Do we care about mentally ill people?'

Inmate H was a 49-year-old female remand detainee charged with attempted housebreaking and remanded at Oudtshoorn female correctional centre who was found dead in her cell by DCS officials on 1 April 2020. DCS reported the death the next day as 'unnatural unknown' and the incident was officially investigated by JICS.

As the country was in lockdown level 5 due to the Covid-19 pandemic, the JICS investigator was able to visit the centre only after June 2020 during level 4.

The inmate suffered a 'psychotic break' in late 2019 involving self-destructive behaviour. She was also sexually assaulted by fellow (female) inmates during the episode.

In early-2020, she was referred by the court to Falkenburg hospital for 30 days' observation but returned to the correctional centre after only 19 days without a medical file and (it was later discovered) a broken shoulder. Despite several telephonic requests from the DCS nurses to Valkenburg, the file was never provided. DCS made an appointment for inmate H at the George fracture clinic for 2 April 2020. Because of her vulnerability, she was accommodated alone in a communal cell. She was, however, allowed to mix with other inmates during exercise. When she was found dead in her cell on 1 April 2020, neither the DCS nurse nor the paramedic called to the scene could find any obvious reason for the death.

An autopsy conducted on 3 April 2020 found that she had died due to 'asphyxia, due to acute airway obstruction from a foreign body lodged in the throat'. The foreign object was a clear bottle cap lodged in her larynx.

An inquest was registered at the Oudtshoorn police station, the findings and conclusions of which are awaited.

Recommendations

JICS found that although the death was an accident and could not have been prevented by DCS, DCS must inform JICS if the inmates who perpetrated the crime of sexual assault were charged both internally and criminally and what was the outcome. The Inspecting Judge should consider referring this matter to the national and provincial departments (Western Cape) of health for a further investigation surrounding the health condition of inmate H, enquire why the medical file did not accompany inmate H when she was returned to DCS, the circumstances of her fractured shoulder and steps taken to prevent similar cases, and why inmate H returned to the correctional centre after 19 days, as well as who was responsible and accountable for her safe custody at the institution.

A comprehensive investigation is being conducted into the circumstances surrounding inmate H.

State of facilities

The dilapidated state of correctional facilities has been of concern for several years.

Most JICS inspections found facilities in need of at least some renovation or maintenance. HCCs usually criticised the Department of Public Works and Infrastructure (DPWI) for not renovating facilities timeously.

The Inspecting Judge is engaging with the DCS National Commissioner on the state of correctional facilities.

The practical results of improper (or no) maintenance include:

- Potential spreading of disease as a result of drains overflowing and dysfunctional ablution facilities.
- Inhuman treatment of inmates, including no warm water for bathing, which is especially problematic in winter.
- Leaking taps waste water.
- Faulty, unsafe electrical systems.

The reduction in the inmate population had a positive effect on some of the facilities inspected. JICS found, however, that effective management of a facility plays a significant role in the conditions in which inmates are accommodated.

Safe custody

Ensuring safe custody of all inmates, and maintaining security and good order in correctional facilities are the responsibilities of DCS as envisaged by section 4(2)(a) of the CSA.

It is ideal to house vulnerable inmates separately from the general population to minimise unsafe custody. JICS must assess, among other things, the number of assaults on inmates, the number of unnatural deaths and use of force etc to infer how safe the custody of inmates in a particular correctional facility is.

Later in this report, the particulars of assaults and deaths are detailed.

Fire safety is always of concern, as correctional facilities have no easily accessible fire escapes for security reasons. Overcrowding also contributes to the danger of fire, as every cell holds more mattresses, bedding and clothing than intended.

JICS established from most of its inspections that firefighting equipment is serviced and ready for use. The following centres' firefighting equipment was not serviced as per the scheduled service intervals:

- Free State/Northern Cape – Parys, Bizzah Makhate Medium A, Heilbron, Harrismith, Frankfort and Winburg
- Limpopo/Mpumalanga/North West – Piet Retief, Mogwase, Wolmaransstad and Lydenburg
- Gauteng – Johannesburg Female, Johannesburg Medium A, Kgosi Mampuru II Central and Kgosi Mampuru II female
- Western Cape – Malmesbury Medium A
- KwaZulu-Natal – Melmoth, Dundee, Utrecht and Umzinto.

Nutrition

Kitchens were assessed and the following aspects evaluated:

- Hygiene
- Facilities
- Functionality of equipment
- Meal plans, including special diets
- Timeframes for serving meals.

During JICS's inspections, it was established that there is a lack of uniformity across DCS centres' kitchens. Some facilities had an acceptable standard of kitchens while some were in an unacceptable state and not in compliance with the Department of Health's standards.

As alluded to above, infrastructure challenges experienced by most kitchens are attributed by DCS to a combination of lack of maintenance by DPWI, overcrowding and old infrastructure.

In overcrowded centres, the kitchen has to cater more than one meal. The kitchen equipment is short-lived through overuse.

There are prescribed numbers of meals and timeframes within which inmates must be served. DCS has been found wanting in adhering to these. The meals are either not served on time or do not meet the nutrition standard.

Sometimes, both lunch and supper are served at the same time, the reason cited by other centres is that outgoing shifts serve the meals before they leave and inmates are expected to keep a portion for consumption later. How hygienic will food kept in an overcrowded cell be when the inmate eventually consumes it?

Exercise

In terms of section 11 of the CSA, inmates must have at least an hour of exercise a day, but more time may be given if there are personnel available to monitor the inmates.

Many inmates spend up to 23 hours a day in their cells as DCS officials apply the minimum period of one hour per day. DCS maintains this is due to a combination of overcrowding and under-staffing.

DCS should find innovative ways to ensure inmates receive enough exercise as this is a basic right.

By contrast, JICS found that inmates at smaller, less-overcrowded centres are often allowed to exercise for a large part of the day or from unlock to lock up.

Rehabilitation and education programmes

All sentenced inmates serving sentences of two years or more must participate in rehabilitation programmes, which are offered by social workers and other DCS officials.

Educational programmes must be offered to all illiterate inmates and children in terms of section 41 of the CSA.

As a result of Covid-19, educational and group rehabilitation programmes were severely curtailed for most of the performance cycle.

'There is a sustained focus on incarceration over rehabilitation.'

Oversight visits by the Inspecting Judge

The table below depicts inspections conducted by the Inspecting Judge, Justice Edwin Cameron.

Name of facility	Date of the oversight visit	Comments
Johannesburg Medium A	5/5/2020	Covid-19 oversight visit and meeting with the DCS National Commissioner at the centre
Johannesburg Medium A	29/09/2020	Oversight visit focusing on the extradition application of a suspect currently in the UK
Makhado	2/3/2021	Oversight visit to address DCS officials and ICCVs during a training session

Table 16: Oversight visits conducted by the Inspecting Judge during 2020/2021

Further information on oversights and activities of the Inspecting Judge is incorporated under Sub-directorate: Communications.

Visits by other judges

The table below depicts inspections conducted by other judges and reports compiled.

Facility	External judge	Date
Bizzah Makhate	NS Daniso	17/09/2020
Mangaung PPP	S Chesiwe	08/03/2021

Table 17: Visits by other judges in 2020/2021

Reports on visits conducted by the Inspecting Judge have been completed and submitted to the Minister, Deputy Minister, National Commissioner and Portfolio Committee.

In addition to exhorting all judges to visit correctional facilities, the Inspecting Judge has engaged the Chairperson of the Magistrates' Commission, Deputy Judge President Ledwaba, in imploring for active involvement of magistrates in the inspections of correctional facilities.

No magistrates' inspection report was received during 2020/2021.

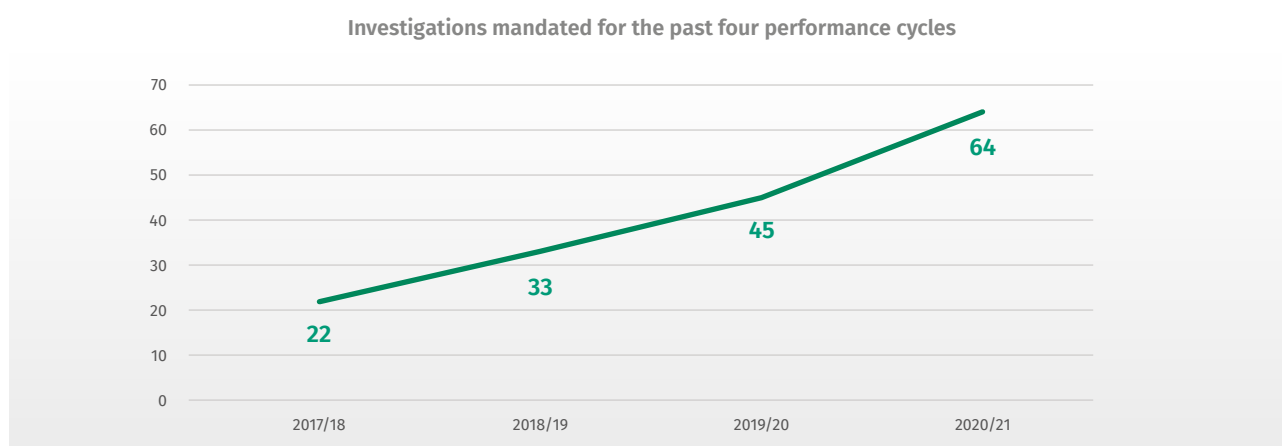
INVESTIGATIONS

JICS investigated most cases of violence during the performance cycle. The increase of violent incidents that involved DCS officials and that resulted in the death of inmates reported in the previous annual report continued to rise.

Sixty-four investigations were mandated for the 2020/2021 performance cycle, a noteworthy achievement as JICS does not employ specialised investigators nor does it have an approved or constituted investigations directorate. Investigations were carried out on an ad hoc basis by regional inspectors and JICS management.

As with inspections, JICS has reached the output limit with its constrained human resources and will not be able to increase the number of investigations unless the capacity of the inspections function on the JICS approved establishment is increased.

The graph below shows the increase in the number of investigations by JICS over the past four performance years.



Graph 4: Number of investigations conducted over the past four performance years

The table below details investigations conducted by JICS for the 2020/2021 performance cycle:

Date	Correctional centre	Investigation	
26/05/2020	St Albans Medium A	Suicide	‘Secluded’ – inmate asked to be placed in a single cell for personal reasons. He hanged himself.
27/5/2020	Oudtshoorn	Accidental death	‘Our dignity – do we really care about mentally ill people?’ – see case study
29/5/2020	Pollsmoor female	Unnatural death	‘Unexplained so far’ – the sudden death of inmate RH.
29/5/2020	Pietermaritzburg Medium A	Homicide	‘Fight! Fight!’ – inmate S died after a fight with another inmate.
24/6/2020	Brandvlei Area	Death as a result of arson	‘Fire trap’ – inmate B set his cell alight and later died of his injuries.
30/6/2020	KwaZulu-Natal	Unnatural death	‘Not planned, it just happened’ – the death of inmate M possibly due to a drug overdose. The toxicology report is still outstanding.
20/7/2020	Johannesburg Medium A	Suspected organophosphate poisoning	‘Neglected’ – inmate L was allegedly lice infested. He died of possible organophosphate poisoning (usually found in insecticides). Toxicology report awaited.
20/7/2020	Mangaung	Alleged homicide	‘Come and get your dog’ – inmate M was allegedly killed by his cellmates during an argument.
20/7/2020	Potchefstroom	Overdose of antiretrovirals	‘If only I could have a second chance...’ – suicide of inmate P.
27/7/2020	Malmesbury Medium B	A mass escape of remand detainees	‘Run baby run’ – mass escape of inmates from Malmesbury Medium B. Inmates were re-apprehended in due course.
08/05/2020	Pollsmoor Medium A	Unnatural death	‘Preventable?’ – the sudden death of inmate A, later reclassified as death from natural causes.
05/08/2020	Durban Medium A	Alleged homicide	‘Not accurately reported’ – DCS initially reported only the use of force, not the death. The inmate allegedly died due to excessive force by DCS officials during an incident.
05/08/2020	Leeuwkop Medium A	Alleged homicide	‘No cooperation from DCS officials’ – inmate M stabbed a fellow inmate. Inmate M was then questioned by officials and was taken to hospital with serious injuries, where he died a short while later. DCS officials refused to cooperate with JICS investigators.

Date	Correctional centre	Investigation	
17/8/2020	Potchefstroom	Assault of inmates by DCS officials	‘Catching an inmate with contraband does not justify violence’ – inmate M was caught with drugs in his possession during a search by DCS emergency support team (EST) officials. Inmates allege that they were assaulted by the officials. The officials were interviewed and denied any assault.
18/8/2020	Durban	Stabbing of officials and assault	‘I can’t hear anything from you – this is my jail’ – after a stabbing, an inmate was relocated to another cell. One inmate got into an argument with an official as the cell was already overcrowded. The official assaulted the inmate during the argument.
31/8/2020	Durban Medium A	Mass assault	‘Out of control’ – it is alleged that DCS officials entered the unit and assaulted inmates for no obvious reason.
31/8/2020	Ermelo	Suicide	‘Watch him closely’ – inmate D had a history of attempted suicide. DCS officials were aware of the situation but neglected to keep a close watch. The inmate committed suicide.
31/8/2020	Mogwase	Drowning	‘All alone’ – a mentally and physically handicapped inmate was found in the bathtub of the hospital unit after he apparently tried to take a bath and drowned.
1/9/2020	Qalakabusha	Alleged homicide	‘I did not see anything’ – alleged homicide of inmate X after an altercation between inmates, handled with excessive force by officials. DCS officials allegedly involved indicated that they did not see or participate in the incident.
01/09/2020	Groenpunt	Alleged homicide (burn wounds)	‘Argument got out of control’ – inmate M died after a fellow inmate poured boiling water over him while he was sleeping. The perpetrator told JICS investigators that he did it following an earlier argument with the inmate.
01/09/2020	Durban female	Suicide	‘No bail’ – inmate M, awaiting trial for heroin possession, committed suicide by hanging herself in a single cell at the centre’s hospital.
01/09/2020	Kutama Sinthumule	Suicide	‘Older’ – inmate M (a known psychiatric patient) was found hanging in his cell. He was 72 years old and was serving a life sentence for rape.
08/09/2020	Sevontein	Suicide	‘Undisciplined’ – inmate M, a known gangster, was sent to the segregation unit of the centre after he stabbed a fellow inmate, his second stay there for a similar offence. He was found hanging in his single cell.
2020-08-09	Witbank	Suicide	‘One day in’ – inmate H, 51 years age, was sentenced to 36 years’ imprisonment. He committed suicide a day after admission to the centre.
10/09/2020	Johannesburg female	Suicide	‘Mommy this is too much for me, please understand and let me go’ – inmate L was accused of murder and attempted murder of her children. She committed suicide by overdose.
25/9/2020	Witbank	Overdose	‘I can’t stand it’ – inmate M was an awaiting trial detainee who committed suicide by overdosing on antiretrovirals a few days before he was due to appear in court.
25/9/2020	Thohoyandou	Alleged homicide	‘Home was safer’ – inmate N fought with a fellow inmate, who was helped by other inmates. Inmate N was fatally injured.

Date	Correctional centre	Investigation	
05/10/2020	Mangaung	Alleged torture of inmate N	See case study.
13/10/2020	East London	Death by soap ingestion	‘Soap ingestion’ – inmate P was taken to hospital as he had seizures. He died shortly after, his autopsy indicating that he had 500 grams of soap in his stomach.
26/10/2020	Goodwood	Mass assault: officials on inmates	‘Violence begets violence’ – an official was stabbed by an inmate. DCS officials then assaulted at least five more inmates who claimed not to have had anything to do with the original attack.
02/11/2020	Pietermaritzburg	Death as a result of burns	‘Rejection’ – inmate S was a known thief who regularly stole from fellow inmates. They did not want him in their cells. Segregated for his safety, he set his cell on fire and died in the blaze.
04/11/2020	Glencoe	Alleged homicide: officials on inmate	‘Ankle injury?’ – inmate M attacked a fellow inmate. DCS officials reportedly used force on the inmate, who then complained about an ankle injury but later died at the local public hospital. The diagnosis was crush syndrome and the cause of death subdural haemorrhage.
04/11/2020	Klerksdorp	Suicide	‘I will give myself a release date’ – suicide of inmate S.
06/11/2020	Sevontein	Suicide of inmate H	‘Abused’ – inmate H, allegedly under mental health care, committed suicide after being assaulted by fellow inmates.
17/11/2020	Allandale	Homicide of inmates L and K by other inmates	‘Drugs and gang violence’ – inmate L was killed in a gang-related fight over drugs. A few hours later, inmate K was killed in a continuation of the fight.
17/11/2020	St Albans Medium A	Suicide	‘No support’ – inmate F, a lifer, committed suicide as he allegedly had no support from family.
17/11/2021	St Albans Medium A	Alleged homicide	‘Ultimate trauma’ – DCS reported that on 5 September 2020, at around 23:55, the official on night duty reported that inmate B was sick. He later died and his cause of death was reported as blunt force trauma.
19/11/2020	Drakenstein Medium A	Death by arson	‘Deathtrap’ – inmate S was a known suicide risk. He was not closely monitored by DCS officials and committed suicide by setting his cell alight.
24/11/2020	Pollsmoor Medium B	Alleged homicide	‘He ran into the gate’ – inmate stabbed an official. Force was used by DCS and the inmate allegedly died as a result.
25/11/2020	Kokstad Medium B	Overdose of inmate	‘No reaction from officials’ – inmate M overdosed in a communal cell. DCS officials were alerted, but apparently, managers and medical staff did not react. The inmate was found dead when officials opened the cell the next morning.
25/11/2020	Kgosi Mampuru II Local	Alleged homicide	‘Whodunnit?’ – officials found inmate M with his throat cut during unlock. Inmates stated that he cut his own throat, but DCS suspected homicide. The lights in the cell were dysfunctional and all parties claim it was too dark to see anything.
27/11/2020	Atteridgeville	Suicide	‘Parole break’ – inmate committed suicide after he was readmitted to the centre for alleged parole violation.
11/12/2020	Kuruman	Death through arson	‘Another arson’ – mentally ill inmate M fought with other inmates and was segregated as a result. He committed suicide by setting his cell alight.

Date	Correctional centre	Investigation	
15/12/2020	George	Death by overdose	'Over(dosed) and out' – the inmate died after a suspected drug overdose. DCS stated that the inmate was diagnosed with schizophrenia and was on psychiatric treatment.
01/04/2021	Bethlehem	Alleged homicide	'I want him dead – move, let me get a chance to hit him too' – DCS officials used force on inmate T, killing him.
01/04/2021	Pollsmoor Medium B	Suicide of inmate M	'Hanging up' – the inmate committed suicide by hanging himself.
07/01/2021	Johannesburg Medium A	Death due to subdural haematoma	'Is it mob justice?' – the inmate died of subdural haematoma, allegedly because of an assault by the community. An autopsy report is still outstanding.
07/01/2021	Nigel	Alleged suicide	'It was the best for me' – alleged suicide of inmate S.
11/01/2021	Tswelopele	Alleged assault of inmates H, T and B by officials	'My blood was shed by offenders in K10 and I am fetching it back' – inmates argued with officials, during which officials assaulted the inmates.
18/01/2020	Atteridgeville	Death by overdose	'Unplanned 1' – accidental overdose of inmate R.
18/1/2021	Atteridgeville	Death by overdose	'Unplanned 2' – accidental overdose of inmate M.
27/1/2021	Volksrust	Suicide	'In and out' – inmate O was a drug addict whose parole was suspended as he allegedly stole from his family to feed his drug habit. He committed suicide.
27/1/2021	Mangaung	Alleged homicide	'Gang murder' – inmate M was attacked and killed by six gang members in the courtyard during exercise. Because inmates are monitored by CCTV, no DCS officials were present to prevent the alleged homicide.
27/1/2021	Rustenburg Medium A	Suicide	'Dereliction of duty' – the inmate was segregated without any procedures followed. DCS officials indicated that they patrolled the unit but it seems untrue as the inmate was found hanging in his cell only the next morning.
03/02/2021	Johannesburg Medium A	Suicide	'Sorry mum no-one gives a fu%k' – suicide of inmate T.
3//2/2021	Pollsmoor	Alleged homicide of inmate H by another inmate	'Irritation death' – DCS officials reported that after a fight between inmates, they found remand detainee H unresponsive and motionless on the floor. He later died of his injuries. Another inmate confessed that he assaulted inmate H because he irritated him.
09/02/2021	Durban Medium A	Death of inmate N from a spine injury	'Deliberately?' – inmate N was allegedly thrown from his bed by a fellow inmate. He sustained a spine injury and lost sensation in his lower limbs. He died a few days later in a public hospital.
11/02/2021	Rustenburg Medium A	Suicide	'All in order?' – inmate H committed suicide by cutting himself with a razorblade. Fellow inmates tried to alert DCS officials but no official reacted. The night duty journal, however, recorded that the official patrolled and that everything was in order.
01/03/2021	Durban Medium A	Suicide	Suicide (hanging) of inmate M.
08/03/2021	Leeuwkop	Torture of inmate K	See case study.
11/03/2012	Modderbee	Suicide of inmate Z	'Hanged by own hand' – suicide (hanging) of inmate Z in his cell.
17/03/2021	Johannesburg Medium A	Suicide of inmate N (aka M)	'Single hanging' – suicide (hanging) of the inmate in a single cell.

Date	Correctional centre	Investigation	
23/03/2021	Pietermaritzburg Medium A	Alleged homicide of inmate N by officials	'Assault after stabbing' – inmate N was assaulted by DCS officials after he stabbed fellow inmates. He died in the local public hospital.
26/03/2021	Modderbee	Suicide of inmate K	'Storeroom suicide' – (hanging) of inmate K in the storeroom of the unit.

Table 18: Investigations conducted during 2020/2021

As can be seen from the table above, a disturbing trend came to the fore during the performance cycle. Incidents of 'use of force' by officials on inmates, causing death, increased sharply, with at least six cases being investigated. Another five cases of alleged assault or torture of inmates by DCS officials were also investigated.

Below are synopses of some investigations:

Name of report:
'Mommy this is too much for me please understand and let me go...' (excerpt from the inmate's suicide letter)
<p>Ms RL, a 29-year-old awaiting trial detainee, was accommodated at Johannesburg female (in Diepkloof). During the early hours of 4 September 2020, she died after taking an overdose of tablets.</p> <p>JICS's investigation revealed the following:</p> <ul style="list-style-type: none"> • No official determination can be made on the cause of death before receipt of the toxicology report. This usually takes up to six years • DCS officials reacted timeously to the incident • The prescription medicine in the inmate's possession should ideally have been seized by medical staff when she was readmitted. However, the nurse said that the inmate did not seem to pose a suicide threat at the time.
Name of report:
'I did not see anything'
<p>X was a 25-year-old sentenced inmate at Qalakabusha (near Empangeni, KwaZulu-Natal). On 17 November 2019, just before 12:00, X allegedly stabbed inmate C in the head with a sharpened object. Officials arrived on the scene and used force to control X and both he and C were taken to the centre's medical facility.</p> <p>Inmate X died a short while later at the centre's medical facility. Inmate C recovered.</p> <p>The DCS officials did not cooperate with the JICS investigator, which frustrated the investigation, especially as the HCC was not at the centre during the investigation to instruct officials to cooperate.</p> <p>The death occurred in 2019 but was officially reported by DCS only on 31 July 2020.</p> <p>JICS investigated and recommended that the officials involved be subject to a disciplinary hearing by DCS and that DCS officials must receive training on the use of force.</p> <p>JICS will follow up on the criminal case until its conclusion.</p>

Name of report:**'Ankle injury?'**

Housebreaker and rape inmate M (42) was a sentenced inmate at Glencoe (KwaZulu-Natal).

He was also a registered sex offender and a member of the 26 gang. On 25 August 2020, during the morning counting of inmates, inmate M stabbed another inmate (inmate Z) with a sharp object. Another stabbing took place at the same time.

DCS officials 'used force' to bring the situation under control. All inmates (victims and perpetrators) were taken to the hospital, where inmate M died a few hours later.

JICS investigated and found that on a balance of probabilities, excessive force was used on inmate M by DCS officials and this ultimately led to his death. DCS officials again adopted the (by now) standard approach of not cooperating with the JICS investigator. It is unknown whether they had cooperated with DCS and SAPS investigators. This situation allows officials to operate with impunity and may result in some officials quite literally getting away with murder.

It seemed that the DCS nurses and the medical staff at the hospital (and the inmate himself) were unaware of his head injury (subdural haemorrhage). It is uncertain if a thorough examination (or scan) of the inmate's head was made as he apparently did not draw the medical staff's attention to it. The symptoms of crush syndrome manifested only later when he was already at the Dundee public hospital.

Officials seemingly blatantly disregarded their legislative reporting obligations in terms of sections 15 and 32 of the CSA.

Recommendations

- The HCC must provide JICS with written reasons on why the use of force on inmates M and N and the death of the former were not reported in terms of sections 32 and 15 of the CSA. In addition, the HCC must confirm steps taken to prevent recurrence, including consequence management against officials tasked with such reporting
- DCS must put measures in place to ensure that all its facilities are equipped with CCTV surveillance systems or that officials have body cameras
- JICS to follow up on the DCS (disciplinary hearing) and criminal investigations until they are concluded.

Name of report:**'Is it mob justice?'**

N was a 34-year-old awaiting trial detainee at Johannesburg ('Sun City') remand detention facility (near Diepkloof). On 2 January 2021, he was brought to the medical facility by cellmates in the presence of DCS officials. Inmate N was semi-conscious, could not walk or talk and did not react directly to stimuli. The nurse immediately called the ambulance and referred inmate N to Chris Hani Baragwanath Hospital. The ambulance arrived and inmate N was taken to the hospital at 18:45 on 2 January 2021. Two days later, at 07:00, the hospital phoned to tell DCS that inmate N died from a subdural haematoma the previous evening.

JICS officially investigated and found that no official determination can be made until receipt of the full autopsy report. DCS officials reacted timeously to the incident.

Allegations of torture investigated

As JICS is part of the NPM under the umbrella of the SAHRC, it must report on torture allegations. The following torture cases were investigated by JICS during the performance year:

Name of report:
'Security'
<p>Inmate K is a high-profile non-national imprisoned at Leeuwkop Maximum, Gauteng, where he alleges that he is tortured because the fluorescent light in his cell is kept on for 24 hours a day, preventing him from sleeping and also causing him migraines. Inmate K also informed JICS staff that he suffers from a mental illness, which is exacerbated by the lighting.</p> <p>JICS investigated and found that DCS conceded that the lights are on for 24 hours, but in the whole centre for security reasons (the centre houses inmates classified as a maximum security risk) and this is also approved by DCS policy (an institutional order eventually produced by DCS officials confirmed this).</p> <p>Recommendations</p> <ul style="list-style-type: none">• JICS investigators must obtain medical evidence on the mental state of inmate K and evidence of whether permanent lighting affects him adversely• JICS investigators must obtain proof (statements from inmates and officials if necessary) whether the lights at Leeuwkop Maximum are indeed on for 24 hours a day in all cells• DCS must consider security alternatives to keeping the lights on. Night-duty officials have torches to shine into cells and they may also increase the frequency of patrols, randomise their patrolling patterns or use any other method that does not affect the inmates as much or for a longer period than necessary.
Name of report:
'No assault witnessed or perpetrated'
<p>Inmate N is a 35-year-old sentenced inmate at Mangaung PPP, where he alleges that he was tortured by G4S officials (EST) on 25 July 2020. The incident took place in a cell with no CCTV cameras and resulted in him suffering a broken arm.</p> <p>On investigation, JICS found that inmate N's injured right hand/arm was the only evidence of the alleged torture, as there were no witnesses. G4S, on the other hand, in its internal investigation report, indicated that the inmate could not have been assaulted/tortured due to documented timeframes that limited the presence of EST. Statements from officials on the scene all indicate that no assault took place. Inmate N also apparently changed his version of the incident several times during the G4S investigation. This, according to the G4S report, totally refutes the inmate's allegations.</p> <p>The lack of CCTV evidence is, according to G4S, due to the incident not officially being reported timeously. It seems that all CCTV records not specifically saved remain on the CCTV system for only seven days.</p> <p>Inmate N was not injured at all when he was taken to the nurse after he attacked another inmate. It was only later, after he was strip-searched in the presence of only G4S officials, that he stated that his hand was injured. The injured hand (probably not broken) is logged in the inmate's medical records. G4S speculation that the inmate injured his hand during the attack on his fellow inmate seems unconvincing as the nurse who first assessed him did not notice any injury and inmate N also did not complain about any injury or pain.</p> <p>Even though it seems, on a balance of probability, that inmate N may have been injured in some way during the strip-search in the cell, there is no real evidence. G4S already concluded that its officials were not involved in any assault.</p> <p>The case, as it currently stands, will be very hard to take to the court as the inmate will have to prove beyond reasonable doubt that he was indeed assaulted/tortured by G4S officials.</p> <p>JICS recommends that G4S put measures in place to ensure that all its officials (especially the members of the EST) are issued with body cameras.</p>

Complaints

In terms of the provisions of section 21(1) of the CSA as amended 'every inmate must, on admission and daily, be given the opportunity of making complaints or requests to the Head of Correctional Centre or a correctional official authorised to represent such Head of Correctional Centre'.

Section 90(2) of the CSA provides that the Inspecting Judge may receive and deal with complaints submitted by the National Council, the Minister, the National Commissioner, VCs and the ICCVs. In addition, it empowers the Inspecting Judge to deal with any complaint of his own volition. JICS has adopted its role as facilitator, adjudicator and monitor.

Statistics

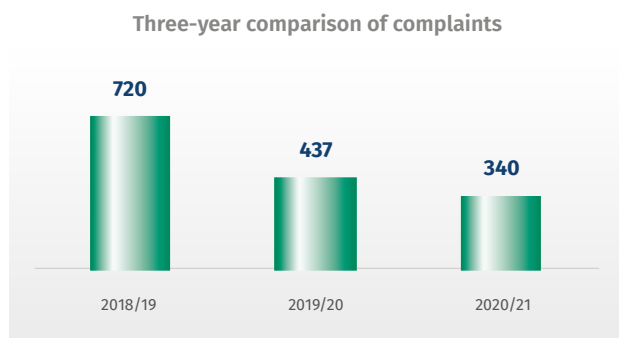
The numbers of internal and external complaints dropped significantly from internal and external sources.

Internal sources refer to ICCVs, inmates, their legal representatives and family. External refers to other oversight bodies, such as the Public Protector, Legal Aid South Africa and SAHRC that refer matters to JICS on the treatment of inmates and conditions inside a correctional centre. For the 2020/2021 performance period, JICS registered 340 complaints, categorising matters as depicted in the table below.

Categories	Q1: April to June		Q2: July to September		Q3: October to December		Q4: January to March		Total
	Internal	External	Internal	External	Internal	External	Internal	External	
Appeal	-	-	4	-	3	-	5	-	12
Assault (inmate on inmate)	1	1	13	-	18	1	12	1	47
Assault (official on inmate)	3	-	15	3	24	-	15	2	62
Assault (sexual)	-	1	1	-	6	1	3	1	13
Attempted suicide	1	-	5	-	7	2	5	-	20
Bail	-	1	-	-	1	-	-	-	2
Communication with family	-	-	3	-	2	-	1	-	6
Conditions	-	-	-	-	1	1	1	-	3
Confiscation of possession	-	-	1	-	1	-	1	1	4
Conversion of sentence	1	-	-	-	1	-	1	-	3
Corruption	-	-	-	-	2	-	-	-	2
Food	-	-	2	1	-	-	-	-	3
Healthcare	2	1	3	1	3	-	7	1	18
Hunger strike	1	-	-	-	2	3	2	3	9
Inhumane treatment	1	-	-	-	-	-	1	-	2
Legal representation	1	1	-	-	-	-	-	-	2
Medical release	-	-	-	-	-	-	-	-	-
Parole	7	-	5	3	17	-	28	-	60
Reclassification	-	-	2	-	1	-	4	-	7
Rehabilitation programmes	1	-	2	-	3	-	1	-	7
Remission	-	-	2	-	-	-	2	-	4
Torture	-	1	-	-	-	-	-	-	1
Transfers	1	1	3	1	9	-	13	1	29
Others	1	-	5	-	5	2	6	1	20
Total	21	7	66	11	106	10	108	11	340

Table 19: Complaints per category for 2020/2021

Covid-19 alert levels and regulations restricted access to correctional centres, causing very few complaints to be recorded. This event is coupled with JICS's decentralisation of complaints to its regional offices. Complaints about assaults, parole and transfers remained dominant and in line with previous financial years' findings. Below is a three-year comparison highlighting this:



Graph 5: Three-year comparison of complaints received by the complaints unit

CLUSTERING OF COMPLAINTS

JICS has identified the following clusters of complaints:

Cluster 1: Appeals, bail and legal representation

The unit received 12 appeals against convictions and/ sentences. There were two requests for bail and two for legal representation, which were referred to stakeholders such as Legal Aid South Africa.

Cluster 2: Conversion of a sentence, medical release, reclassification, rehabilitation programmes, parole and remission

Parole²⁵

Covid-19 restrictions caused panic and increased requests and complaints about release from custody through conversion of a sentence, medical release, parole, rehabilitation programmes, remission and reclassification. This resulted in 60 parole complaints registered during the performance cycle.

Effect on prison population?

DCS projected about 19 000 inmates who committed non-violent crimes would benefit from the special parole dispensation, but after verifying its statistics, reported by DCS and according to a media release, the numbers had dropped to 17 922.²⁶ Inmates with underlying health conditions, the elderly and females with infants were prioritised and released in phases. DCS released 13 903 inmates on parole. This had little impact on the overcrowded correctional facilities with an approved capacity of 118 572, which is expected to accommodate more than 140 000 inmates. Overcrowding is a historical problem that requires collaboration between government departments and non-governmental organisations.²⁷

'Globally, all places of detention have been severely impacted by the Covid-19 pandemic. In South Africa, the recorded numbers appear to be relatively modest – but some disquiet about the official figures appears to be warranted.'

Cluster 3: Communication with family and transfers

Transfer

JICS received 29 transfer requests. Inmates are transferred between correctional centres if the transfer is either compulsory or it benefits either inmates or DCS. JICS often receive transfer complaints from inmates wishing to be close to their families and those aggrieved by the department's unilateral decision to transfer inmates without due warning, merely citing 'security reasons'.

The CSA states that a sentenced inmate must be housed at a correctional centre closest to where he will stay after release.²⁸ Nelson Mandela Rules provide that every inmate has the right and shall be given the means and ability to inform his family about his imprisonment or his transfer to another institution.²⁹ Special attention is required to maintaining and improving relationships between an inmate and his family as it aids with rehabilitation and reintegration into society, but other factors to be

²⁵ Please also see the discussion under 'Outcome of inspections'

²⁶ [www.Parliament.gov.za/Parliamentary press release dated 12 May 2021](http://www.Parliament.gov.za/Parliamentary%20press%20release%20dated%2012%20May%202021).

²⁷ White Paper on Corrections.

²⁸ Section 43 Correctional Services Act 111 of 1998.

²⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015, Rule 68.

considered, such as the inmate's security classification, inmate's age and gender, whether an inmate has pending or further charges, whether he is required as a witness or in an ongoing investigation, and whether he requires specific medical treatment or is enrolled for a course offered at a specific correctional centre. As there are also financial implications to transferring an inmate, the department must then look at the most economical option, the centre population and the risk of escape. The decision to transfer is a careful balancing act between the needs of inmates and the department and often the department fails to properly explain the reason for a transfer, merely citing 'security reasons', causing more confusion and frustration to inmates and their families.

It is the department's prerogative to transfer and see to inmates' proper accommodation, but JICS ensures that inmates' requests for transfer are executed in line with guiding legislative prescripts, fairly and reasonably.³⁰

Cluster 4: Conditions, hunger strike, food and healthcare

Complaints about inmates' healthcare are assessed on a case-by-case basis. Hunger strikes are particularly concerning as they may lead to death. JICS received 18 hunger strike complaints during the year.

Private prisons such as Mangaung are better at reporting hunger strikes, where ICCVs are integral in reporting such matters in correctional facilities. Continuous monitoring and daily feedback are required when dealing with a hunger striker, as he may refuse to acknowledge that he is on hunger strike and state merely that he is fasting and practising his religion, while physical deterioration is visible and death is looming. Correctional staff and medical practitioners are placed in a legal and ethical dilemma when trying to save inmates' lives.³¹ JICS keeps inmates informed of the consequences of refusing treatment, advises on proper recordkeeping, delves into reasons for hunger strikes as they are often protests, advocates resolution of inmate complaints and educates all parties on dealing properly with such matters.

Cluster 5: Violence, including confiscation

Assaults

JICS reports on inmate-on-inmate assaults (47 during 2020/2021), official-on-inmate (62) and sexual assaults (13), which usually involve conflict between prison gangs (for example, the numbers gangs) as has been the case since JICS's establishment.³²

Allegations of assault may, at times, be fabricated by inmates but often it is the lack of evidence or inadequate departmental investigations that result in no action against officials. Even criminal investigations lodged with SAPS receive little attention other than creating a case number. JICS has continuously highlighted gross human rights violations and recommended that investigators undergo training.

Findings/recommendations

JICS's findings or recommendations usually highlight shortcomings and suggest improvements to DCS facility management and operations. They provide a holistic approach to answering the aggrieved, assist inmates to have a better understanding of the rules and regulations of their incarceration and advise on legislative changes.

JICS managed 277 findings and recommendations, a staggering 250% increase from 2019/2020, at 79, due to changes in the unit's functioning, referral of matters to JICS regional offices and filling a vacant position. Challenges include complaints not reaching the unit timeously and delayed DCS investigation reports.

³⁰ *The Constitution, 1996, Section 33; PAJA 3 of 2000.*

³¹ *The World Medical Association adopted Malta Declaration 1991; Rule 27: Nelson Mandela Rules.*

³² *See JICS annual reports and Parliamentary Portfolio Committee Meeting minutes.*

Below are case studies with recommendations finalised in 2020/2021:

CASE STUDY

Sexual assault Potchefstroom

On 15 April 2019 inmate KL was sodomised by another inmate. The two inmates shared a bed. The perpetrator offered the victim food and requested sexual favours before the incident. The victim refused to provide sexual favours but accepted the food. A criminal case was opened with SAPS, and inmate KL received medical treatment. The investigation fails to properly address the issues.

The case reinforced the need for investigators to comply with B-order 3, Chapter 4, sections 1, 3.3.2 and 5 and for inmates to receive multidisciplinary medical care after reporting an incident of sexual assault as per DCS policy and procedures manual.

Both inmates were disciplined under section 23(h) of the CSA.

CASE STUDY

Inhumane treatment Witbank

(Received February 2019 and finalised April 2020)

The matter, reported by a Member of Parliament and attorneys, centred on an inmate's allegations of being strip-searched, molested, falsely accused and verbally abused racially.

On 6 January 2019, during a search, the inmate was found to have a cellphone containing explicit pornographic images, photos and videos of himself and females. WhatsApp and text messages contained derogatory terms and racial comments by the inmate. No evidence existed to support the inmate's claims. It was found that he fabricated stories as he was upset that his phone was confiscated.

In terms of CSA section 4(2), DCS must ensure the safe custody of every inmate and maintain security and good order in every correctional centre. The National Commissioner may restrict, suspend or revise amenities for inmates of different categories.

Bill of Rights section 36 states that limitation of rights must be justifiable and reasonable in an open democratic society and be of general application.

B-order 2, chapter 14 section 2.4(a) states that an inmate may be searched on reasonable grounds ... in the presence of an official of the same gender.

Section 23 of CSA allows disciplinary action to be taken through subsections (m) and (q).

The matter was nevertheless reported to the NPM.

CASE STUDY

Conditions Johannesburg Medium C

(Received November 2015 and finalised November 2020)

JICS received complaints from the Public Protector, the inmate, ICCVs and a trusted company.

The inmate alleged that the D unit is unhygienic and beyond repair, has no electricity and no hot water. He is diabetic and needs medication.

On inspecting the D unit, the inspector found that toilets utilised by officials are out of order, toilets in the hospital and cells 8, 9 and 10 do not flush, and taps and showers leak water. Matters were attended to according to the maintenance register.

The inmate has an approved Jewish diet.

Allegations of corruption are still pending investigation.

The inmate wanted to visit the doctor. The complaint was resolved by the HCC.

The inmate was found in possession of a cellular phone and alleges that he is helping other inmates with loans.

The inmate started a hunger strike without following the proper process. His diabetic condition was assessed, as per G339 A, he received medical treatment and his blood sugar levels are stable.

The case reinforced the importance of continuous monitoring by ICCV/region so that the HCC can finalise an inmate's complaints as per progress reports received, that investigators must comply with B-order 3, chapter 4, sections 1, 3.3.2 and 5, that B-order 2 chapter 14 requiring proper searching of inmates, their cells and their belongings should be enforced and that officials should be admonished for assault and behaviour that disrupts the security and good order in correctional centres.

CASE STUDY

Assault Knysna

(Received May 2018 and finalised April 2020)

It was reported that an inmate was assaulted by officials during a search operation on 14 May 2018. Medical services were offered but refused. SAPS was called but no criminal case was registered. There was insufficient evidence to reach a logical conclusion.

Section 4(2) (a) of the CSA requires the department to ensure the safe custody of every inmate and to maintain security and good order in every correctional centre. B-order 2 chapter 14 requires proper searching of inmates, their cells and their belongings. Cells and courtyards must be searched daily. Both officials and inmates should be admonished for assault and behaviour that disrupts the security and good order of a centre.

CASE STUDY

Torture Mdantsane

(Received July 2019 and finalised December 2020)

It was reported that in December 2018, two inmates were searched by the national EST and a cellular phone charger and two sim cards were found near them. When they could not explain this, they were beaten and shocked.

The inmates received medical care on 23 December 2018. No injuries were found but pain medication was administered.

A complaint was lodged after the EST left, but as the inmates were unable to identify members, a criminal case could not be opened.

The matter was not investigated by DCS.

Serious allegations not investigated are gross negligence and cause a miscarriage of justice. The inmates stated that they wished to withdraw the complaint.

DCS officials should ensure that when an assault has occurred, inmates are taken to a medical practitioner as stipulated in the B-order chapter on assaults and injuries. The HCC must record surprise searches and items confiscated.

All complaints are to be recorded in G365 and attended to by the HCC or delegated officials.

MANDATORY REPORTING

DCS is legally obliged to report to JICS:

- The death of any inmate³³, irrespective of cause and circumstances. The HCC is also obligated to report any death that a medical practitioner cannot attribute to natural causes in terms of the Inquests Act 58 of 1959³⁴.
- Segregation of an inmate³⁵, whether at his or her request, to effect the decision of a disciplinary finding to restrict the amenities of the inmate, on medical grounds, to prevent violence, where reasonable suspicion exists that a recaptured escapee will re-escape or attempt to, or where SAPS requests it and the HCC considers it in the interests of justice to comply.
- Mechanical restraint of an inmate³⁶ for safety, the prevention of damage to any property, if reasonable suspicion of escape exists or if requested by a court.

- Use of force³⁷ where necessary for self-defence, defence of another person, preventing an inmate from escaping or protecting property.

Previously JICS reported that the DCS electronic medium of reporting became dysfunctional towards the end of 2016. A new e-Corrections system has been designed that will allow HCCs to report mandatory matters to the Inspecting Judge. The system is currently being rolled out.

JICS has required its staff to monitor more closely DCS compliance at each facility. While great care is taken by JICS to ensure compliance with each mandatory report, the statistics quoted in this report may vary from those of DCS. This is a major problem as it is difficult for JICS to be fully aware of what is happening in correctional facilities across the country.

³³ Section 15 of the CSA.

³⁴ Section 2.

³⁵ Section 30 of the CSA.

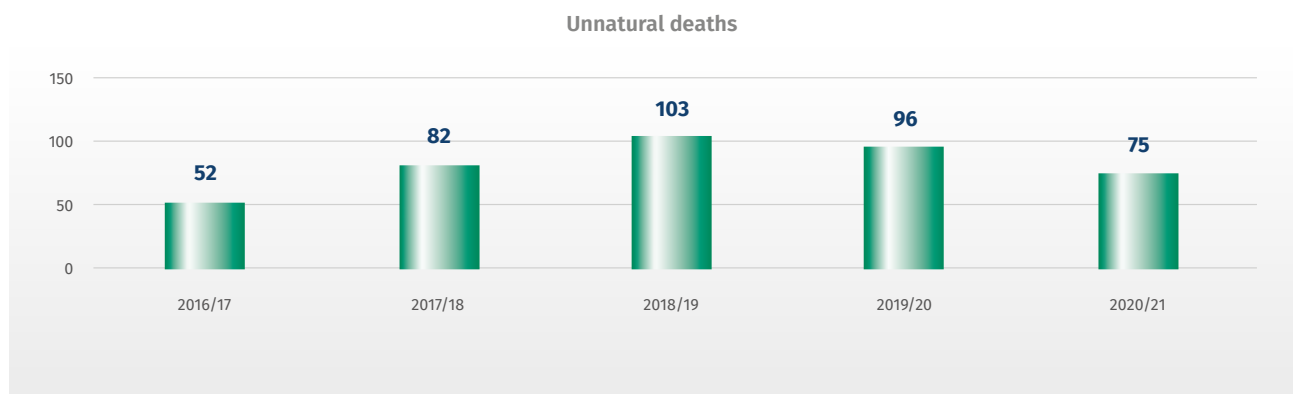
³⁶ Section 31 of the CSA.

³⁷ Section 32.

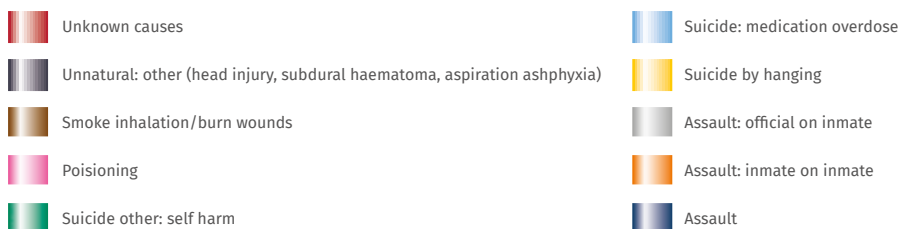
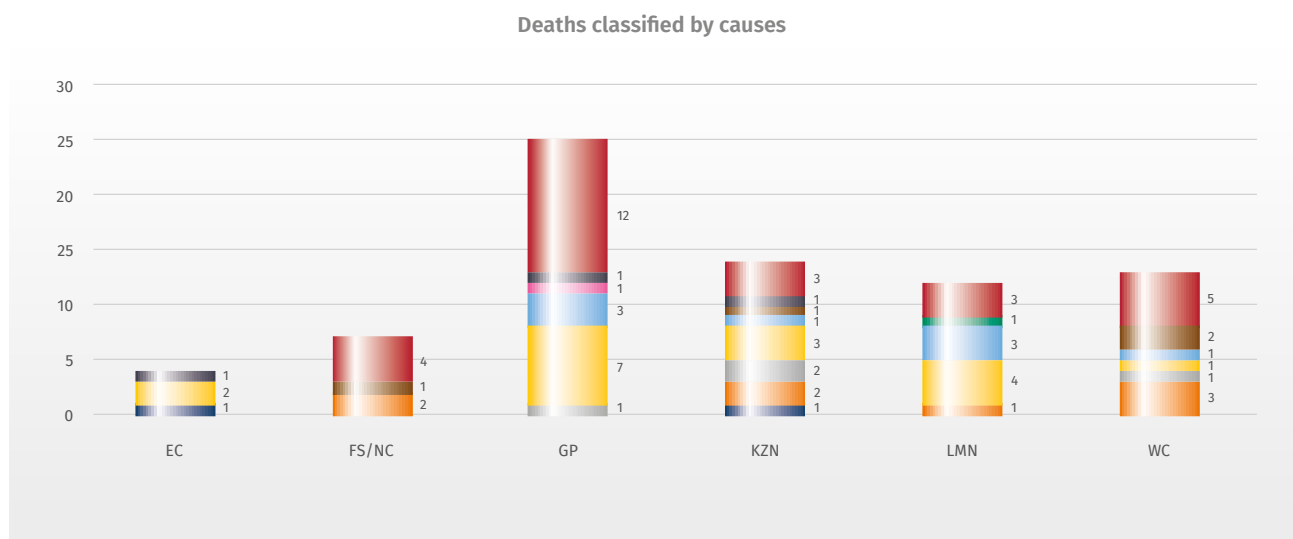
Deaths from unnatural causes

Introduction

In this reporting period, 75 deaths from unnatural causes were reported. A closer look at the causes, however, reveals that, in most cases, the deaths were reported as 'unknown other', as defined below. The graph below shows unnatural cause deaths reported by DCS from 2016/2017 to 2020/2021.



Graph 6: Number of unnatural deaths from 2016 to 2021



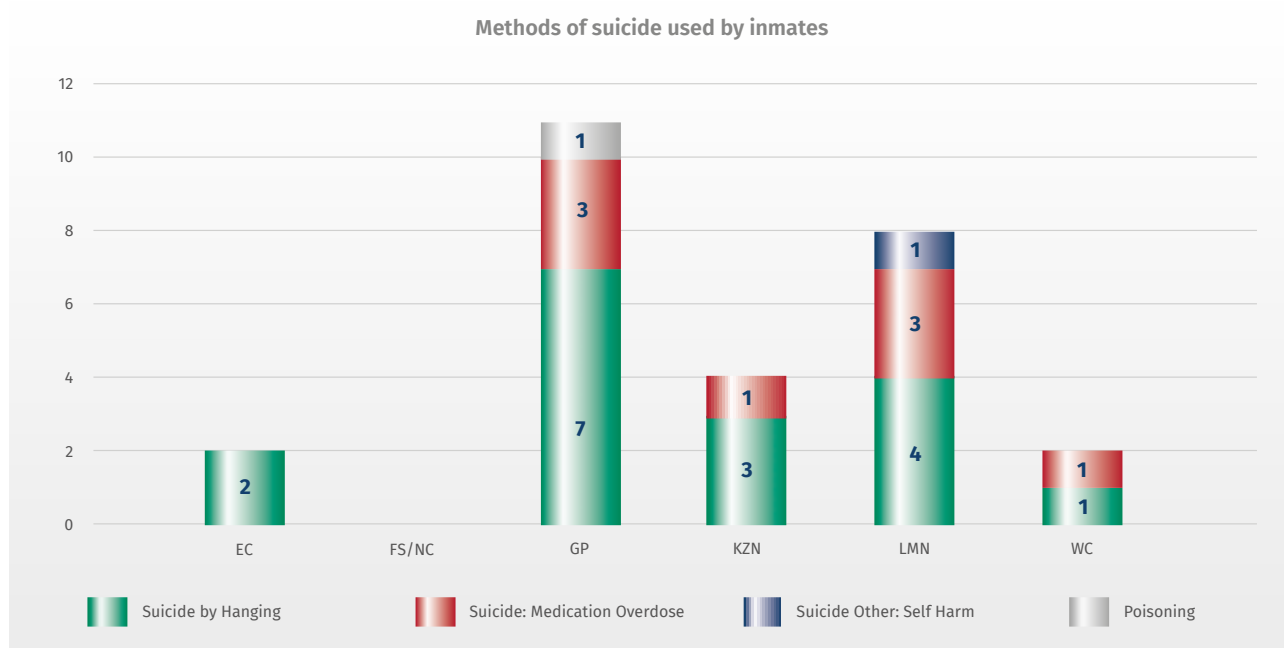
Graph 7: Deaths classified by causes for 2020/2021

Unnatural deaths ‘other’

All deaths where the cause is not immediately apparent (e.g. a seemingly healthy inmate collapses and dies suddenly or is found dead in his bed) are classified as ‘unnatural other’. This is a temporary classification and the cause of death is officially determined once the autopsy report is received. The backlog reported by the Department of Health of autopsy and other scientific reports, for up to five years in some provinces, is a perennial problem. JICS relies on DCS to supply these reports and, when these are not provided, the final determination on the cause and whether any liability can be ascribed are delayed.

Suicides

Twenty-seven suicides were reported during 2020/2021, most in Gauteng and Limpopo/Mpumalanga/North West. Hanging was the most common method, with 88% (17 inmates) dying this way. Several items are used, but mainly ligatures fashioned from bedding and clothing. Fifteen of the 17 hangings occurred in a single cell.



Graph 8: Methods of suicide used by inmates during 2020/2021

CASE STUDY

Suicide Johannesburg Medium A

‘No one gives F-word’ were his last words.

On 27 January 2021, at around 20:00, DCS officials found inmate KN dead in his single cell, an apparent suicide by hanging with a shoelace tied to a fluorescent light fitting. The inmate was sharing a cell with inmate M. Inmates at centres such as Johannesburg Medium A share a single cell due to lack of bed space.

It was stated that when remand detainee M returned from court on 27 January 2021 at about 17:00 they were at reception for screening until 19:45 when they were taken to the units. Officials tried to open the cell of KN, but it was barricaded. The officials could not see inside the cell as it was dark, but they looked through the window and saw that inmate KN had hanged himself.

The JICS investigation found that there were no material breaches of security nor other protocols and that DCS could not have prevented the death.

CASE STUDY

Suicide Klerksdorp Correctional Centre

Inmate AD was serving his murder sentence at Klerksdorp Correctional Centre.

It is alleged that on 26 October 2020 he was escorted to see the parole board. He told inmate MK that if he was not given a date, he would give himself a date. Inmate PT indicated that he was called by another inmate at about 15:10 to speak through the grille door. When he returned to his bed he saw the deceased hanging by a shoelace and belt from the electric steel pipe attached to the bathroom wall.

JICS recommended that the area commissioner request a forensic investigation to determine if the inmate's death was indeed suicide and that the investigation report and a SAPS case number be provided to JICS.

Deaths due to overdose

Medication is dispensed to inmates in bulk, making it possible to collect and store it over time and, potentially,

ingest it all at once. It is critical that inmates be observed when taking their medication and that officials be vigilant and search inmates and cells diligently, particularly if it is known that an inmate receives a bulk supply.

CASE STUDY

Suicide Kokstad Medium

On 11 November 2020 at around 23:30, it is alleged that inmate B swallowed all his medication. His cellmate pressed the speaker to alert DCS officials who did not respond at first. He then kicked and banged the cell door until officials responded. Inmate N explained to the officials that inmate B had swallowed pills. The toxicology report is still outstanding.

JICS found that inmate N called for assistance around 23:00. The official on duty went to look for assistance from the official on standby and the official in charge. The official on standby did not come and indicated that the nursing staff must arrive at the section before he could open the cell. Two nursing sisters who were on standby did not answer their phones. At 04:00, another nursing sister was contacted who promptly came to the centre and declared the inmate dead.

JICS recommended that DCS officials such as medical staff, managers and officials on standby should avail themselves for emergencies.

The internal investigation report from DCS is still outstanding.

Homicides

Inmate-on-inmate deaths are often, but not always, related to gang rivalry. Inmates are stabbed with self-made knives, assaulted with fists and/or kicked to death. This extreme violence and brutality occur among both remand detainees and sentenced offenders.

When investigating homicides, JICS aims to determine the culpability of the inmate and/or the DCS official who allegedly perpetrated the crime, and whether the homicide was the result of intent or negligence. In the 2020/2021 performance cycle, there were at least four inmate homicides at the hands of officials and eight inmate-on-inmate homicides.

CASE STUDY

Use of force and death of inmate Pietermaritzburg Medium A

DCS reported to JICS on 3 March 2021 that on 2 March 2021 at about 11:40 inmate DN assaulted (stabbed) fellow inmates SMM and PG in the passage leading to the H unit.

DCS stated that its officials used minimum force to disarm DN. All three inmates were referred to the centre's internal medical facility for treatment. Inmate DN was referred to Edendale Hospital, where he died on 11 March.

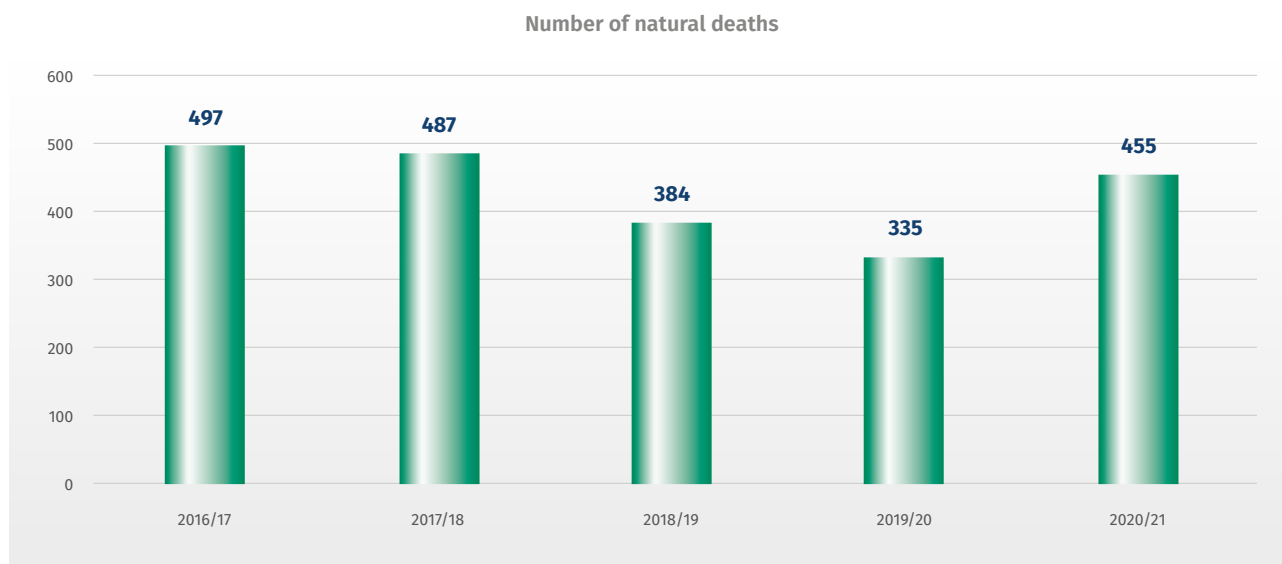
JICS is currently investigating the use of force by officials and the death of the inmate.

Deaths from natural causes

Due to the dysfunctional DCS electronic reporting system, JICS cannot report on the exact number of natural deaths in correctional facilities for this performance cycle. However, 455 deaths due to natural causes were reported to JICS by DCS.

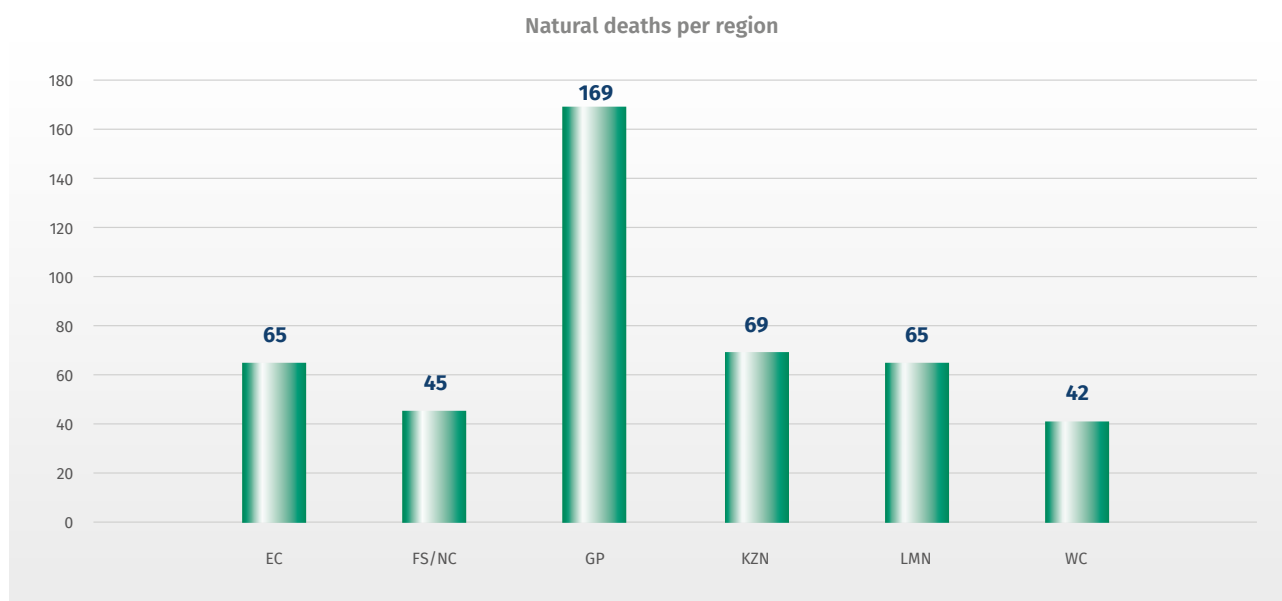
JICS received 27 reports of deaths attributed to Covid-19. Death should not be certified as Covid-19 even when a person is positive if the virus played no role. Covid-19 deaths are those resulting from Covid-19-related illness.

The number of natural-cause deaths in correctional facilities decreased in the previous two reporting cycles, but increased slightly in 2020/2021, as seen below:



Graph 9: Number of natural deaths from 2016 to 2021

Gauteng had the highest number of natural deaths, which correlates with the distribution of the prison population. The graph below shows the number of natural deaths per region.



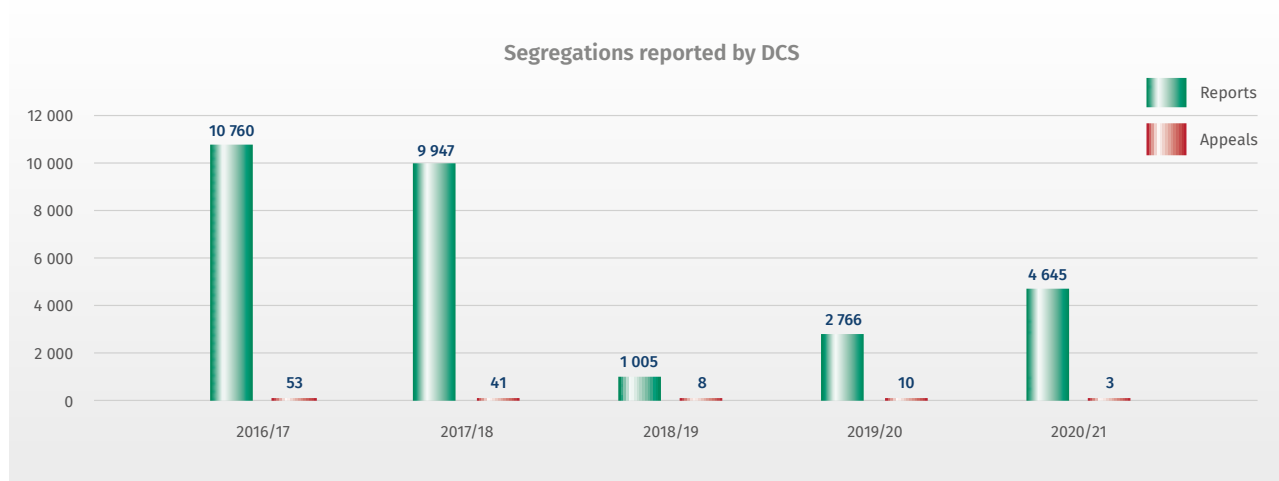
Graph 10: Number of natural deaths per DCS region for 2020/2021

Segregation

No accurate statistics of the number of inmates who were segregated could be obtained due to the dysfunction of the DCS electronic system. However, the number of segregations that were reported to JICS by DCS for the performance cycle was 4 645. This is significant under-

reporting by DCS. In previous years, DCS reported about 10 000 segregations each year. It seems, therefore, that only around 10% of segregations are currently reported to JICS.

The graph below depicts segregations reported by DCS from 2016/2017 to 2020/2021.



Graph 11: Segregations reported by DCS to JICS from 2016 to 2021

Inmates may appeal their segregation to the Inspecting Judge, who must decide within 72 hours of receipt of the application. Three segregation appeals were received and dealt with by JICS during the year. This number is

disturbingly low and infers that either inmates are not informed of their rights to appeal their segregations or segregations are not being reported to JICS.

CASE STUDY

Segregation appeal Kgosi Mampuru Central

On 11 January 2021, JICS received a segregation referral from Ms BM (family member) on behalf of inmate M. It is alleged that on or about 1 June 2020, M and other inmates were found with cellphones after a surprise search by officials.

They were charged, subjected to a disciplinary hearing and found guilty. Punishment was the restriction of amenities for 42 days. It is alleged that when the 42-day sanction was about to lapse, M was brought before the CMC and downgraded to C-group and later moved to a further segregation unit known as C-max.

The family also indicated that the area commissioner failed to establish why M was singled out for harsh treatment.

The commissioner informed the family that M's girlfriend reported that he threatened to kill her brutally and that after his cellphone was confiscated, threatening messages were found. It was further alleged that neither the CSA nor Correctional Services Regulations makes provision for a CMC to downgrade offenders.

JICS found that the segregation of inmate M did not appear to have violated section 30 of the CSA. M's placement at C-max did not constitute segregation since the centre has only single cells.

The HCC must indicate to the Inspecting Judge if the inmate has seen the CMC for reclassification. The full proceedings of the CMC and its report must be made available to JICS for scrutiny.

The HCC should confirm if the centre follows the closed maximum procedures and, if so, indicate which of the three phases of behaviour modification applies to the inmate.

CASE STUDY

Segregation appeal Groenpunt Medium

The segregation was reported to the Office of the Inspecting Judge on 19 November 2020. It is alleged that inmate LZ was placed in segregation after he was involved in a gang-related incident that caused security instability and also tried to burn a cell. He was placed in segregation in terms of section 30(1)(d) of the CSA.

The inmate had lodged an appeal with the Office of the Inspecting Judge, claiming that neither he nor his fellow inmates were involved in unlawful activity but wanted to see the area commissioner because centre management had not attended to certain complaints. The inmate asked the Inspecting Judge to review the segregation in terms of section 30(7) of the CSA.

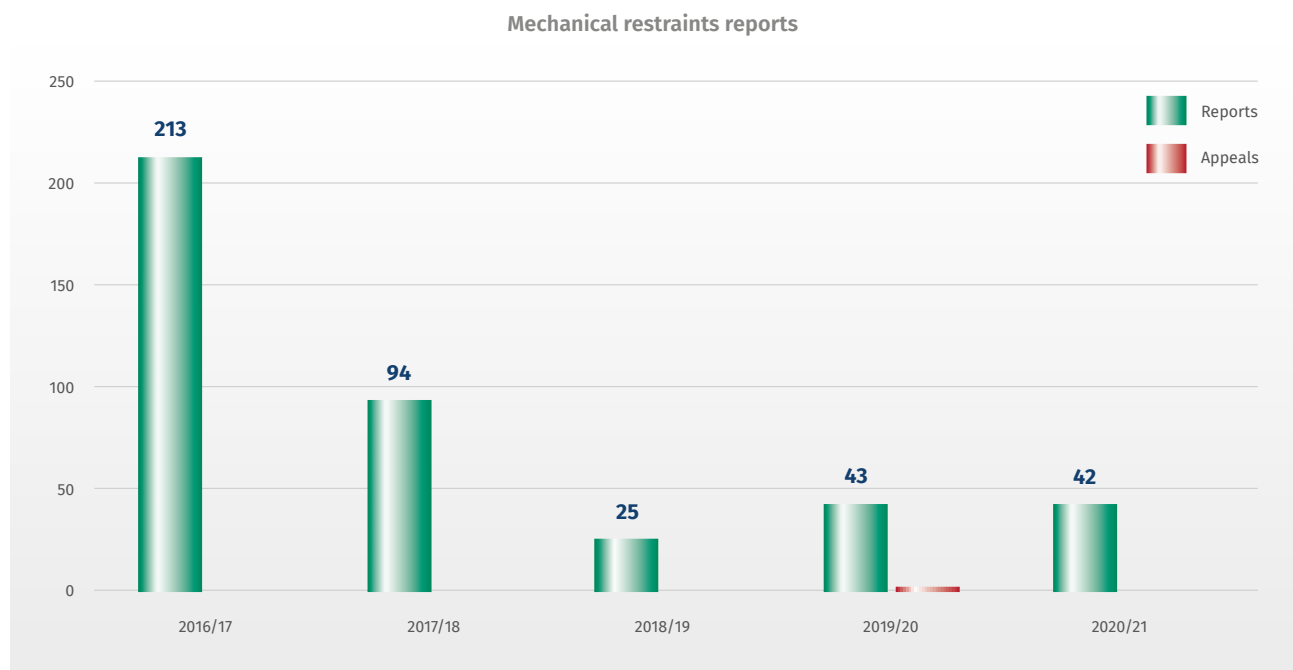
JICS's inquiry found that the centre followed the procedures of section 30 for placing an inmate in segregation and the segregation was not used as punishment.

Mechanical restraints

The use of mechanical restraints is regulated by section 31 of the CSA. During the review year, JICS received 42 reports on the use of mechanical restraints, comparable to 2019/2020. No appeals were received for the performance

cycle. The dysfunction of the electronic reporting system again suggests underreporting.

A comparison of the number of reports on mechanical restraints received over the past five years shows the steady decline in reporting from DCS.



Graph 12: Mechanical restraints reports from 2016 to 2021

CASE STUDY

Mechanical restraint Mogwase Correctional Centre

DCS reported to JICS that on 20 October 2020, the inmate, who has a history of violence, demanded that he be transferred to another centre. When the procedure of transfers was explained to him, he became violent and started breaking furniture and throwing broken furniture at officials. The inmate was mechanically restrained due to his conduct.

CASE STUDY

Mechanical restraint Krugersdorp Correctional Centre

DCS reported on 27 December 2020 that inmate MM was threatening violence in the unit. He threw faeces on an official and in the office of officials and damaged the registers. In his cell, he cut his upper body and neck with a razor blade. He also threatened to break the globes and swallow them. The inmate was mechanically restrained to prevent further self-harm.

CASE STUDY

Mechanical restraint Pollsmoor Medium A

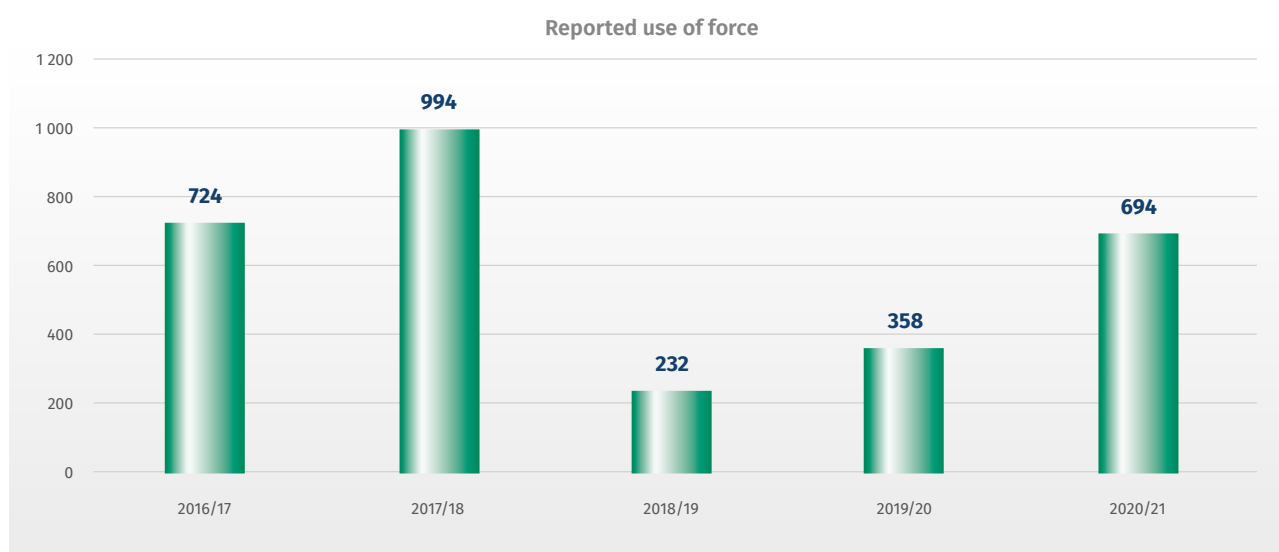
On 11 February 2021 at about 23:30, a remand detainee broke the toilet bowl and the basin and became aggressive, screaming and disturbing the section and other remand detainees. Officials and the medical officer on standby were called and gave him calming medication. He was placed in another single cell, where he broke a basin and was placed in mechanical restraints.

Use of force

In the performance cycle, 694 instances of the use of force by DCS officials were reported to JICS, an increase from the 358 reports of 2019/2020.

Section 32 of the CSA states that minimum force may be used for self-defence, for the defence of another person, to prevent an inmate from escaping and to protect property.

The objective of the use of force must always be the safe custody of inmates, with the emphasis on restraining the inmate(s) and stabilising the situation. The dysfunction of the DCS electronic reporting system was again evident in the obvious underreporting illustrated below.



Graph 13: Reported use of force cases from 2016 to 2021

CASE STUDY

Use of force Kimberley Correctional Centre

DCS reported to JICS that on 3 April 2020 at around 13:30 sentenced offenders DM and TM fought, while returning from the dining hall to the unit. An official intervened but was overpowered, having to use a tonfa to administer minimum force to separate them. Offender DM received a cut to the head and was taken for medical treatment. Both offenders were disciplined in line with section 23 of the CSA.

CASE STUDY

Use of force Lindley Correctional Centre.

DCS reported to JICS that on 4 May 2020, remand detainees demanded to go to court, refused to wear their uniform clothing and threatened officials.

The offenders gathered in unit C in the courtyard and when officials entered the courtyard they ran to the cells and closed the grille to prevent officials from entering the cell. One remand detainee who stayed in the special care unit and two other offenders did not participate in the riot. Pepper spray was issued to remove the offenders from the grille and minimum force was applied to calm the situation. One offender was injured.

CRIMINAL INVESTIGATIONS

During 2020/2021, JICS started following up on 26 criminal matters outstanding in 2019 and with the National Prosecuting Authority or SAPS. One matter involves inmate RT who had been assaulted by officials at the Ebongweni Correctional Centre in 2009. After delays and refusal to prosecute, the matter was brought to the attention of the

Director of Public Prosecutions in KwaZulu-Natal and the matter is currently under formal inquest proceedings at the Kokstad Magistrates Court.

The table below details the 26 criminal matters currently being followed up.

1. Criminal investigations/case

Date of death	Date reported	Sentenced/ remand detainee	Name of correctional centre DCS region, age and race and gender	Single/communal cell/hospital	Classification/cause of death
01/09/2019	02/09/2019	Sentenced	St Albans Medium B Eastern Cape 35-year-old African male		Unnatural causes – assault (official on inmate/use of force)
17/02/2020	18/02/2020	Remand detainee	St Albans Medium A Eastern Cape 27-year-old African male	Livingstone Hospital	Unnatural causes – assault (official on inmate/use of force)
05/09/2020	13/11/2020	Remand detainee	St Albans Medium A Eastern Cape 30-year-old coloured male	B7 D-unit cell 5	Unnatural causes – assault (blunt force trauma)

Date of death	Date reported	Sentenced/ remand detainee	Name of correctional centre DCS region, age and race and gender	Single/communal cell/hospital	Classification/cause of death
13/02/2020	14/02/2020	Sentenced	Virginia Free State/Northern Cape 26-year-old African male	Pelonomi Regional Hospital	Unnatural causes – assault (official on inmate/use of force)
08/07/2020	14/07/2020	Sentenced	Mangaung Free State/Northern Cape 42-year-old African male	External hospital	Unnatural causes – assault (inmate on inmate)
23/05/2020	16/11/2020	Remand detainee	Harrismith Free State/Northern Cape 46-year-old African male	Thebe District Hospital	Unnatural causes – other (assault: Inmate on inmate)
23/01/2021	26/01/2021	Sentenced	Mangaung Free State/Northern Cape 28-year-old African male	External hospital	Unnatural causes – other (alleged assault: Inmate on inmate)
03/08/2020	04/08/2020	Sentenced	Leeuwkop Medium A Gauteng 33-year-old African male	Centre hospital	Unnatural causes – other (alleged assault: Official on inmate)
23/02/2019	25/06/2019	Remand detainee	Newcastle KwaZulu-Natal 26-year-old African male		Unnatural causes – assault (members of public/taxi drivers)
25/03/2019	25/06/2019	Sentenced	Pietermaritzburg Medium A KwaZulu-Natal 29-year-old African male	Edendale Hospital	Unnatural causes – assault (inmate on inmate)
28/10/2019	28/10/2019	Sentenced	Qalakabusha KwaZulu-Natal 60-year-old African male	Prison clinic/ centre hospital	Unnatural causes – assault
17/11/2019	31/07/2020	Sentenced	Qalakabusha KwaZulu-Natal 24-year-old African male	Centre hospital	Unnatural causes – assault (official on inmate/use of force)
20/04/2020	20/04/2020	Sentenced	Pietermaritzburg Medium A KwaZulu-Natal African male	Edendale Hospital	Unnatural causes – assault (inmate on inmate)
03/08/2020	03/08/2020	Remand detainee	Durban Medium A KwaZulu-Natal 35-year-old African male	B1 courtyard King Edward Hospital	Unnatural causes – other (alleged assault: Inmate on inmate)
26/08/2020	12/11/2020	Sentenced	Glencoe KwaZulu-Natal 40-year-old African male	Dundee Hospital	Unnatural causes – assault (official on inmate)
06/02/2021	07/02/2021	Remand detainee	Durban Medium A KwaZulu-Natal 22-year-old African male	King Edward Hospital	Unnatural causes – T-spine injury (possible assault)

Date of death	Date reported	Sentenced/ remand detainee	Name of correctional centre DCS region, age and race and gender	Single/communal cell/hospital	Classification/cause of death
11/03/2021	12/03/2021	Sentenced	Pietermaritzburg Medium A KwaZulu-Natal African male	Edendale Hospital	Unnatural causes – assault (official on inmate/use of force)
24/09/2020	24/09/2020	Remand detainee	Thohoyandou Medium B Limpopo/Mpumalanga/ North West 28-year-old African male	Communal cell	Unnatural causes – assault (inmate on inmate)
11/03/2019	13/03/2019	Sentenced	Barberton Maximum Limpopo/Mpumalanga/ North West 30-year-old African male	Single cell	Unnatural causes – assault (inmate on inmate)
18/09/2019	26/09/2019	Unsentenced	Goodwood Western Cape 28-year-old coloured male	Internal sickbay (hospital unit)	Unnatural causes – other (assault)
29/10/2019	30/10/2019	Remand detainee	Pollsmoor Medium A Western Cape 40-year-old coloured male	Groote Schuur Hospital	Unnatural causes – assault (inmate on inmate)
25/02/2020	26/02/2020	Remand Detainee	Pollsmoor RD Western Cape 33-year-old coloured male	Communal cell	Unnatural causes – other (possible assault: Inmate on inmate)
08/07/2020	12/11/2020	Remand detainee	Allandale Western Cape 28-year-old African male	Communal cell	Unnatural causes – assault (inmate on inmate)
08/07/2020	12/11/2020	Remand detainee	Allandale Western Cape 28-year-old coloured male	Communal cell	Unnatural causes – assault (inmate on inmate)
22/11/2020	23/11/2020	Sentenced	Pollsmoor Medium B Western Cape 26-year-old African male	Correctional centre hospital	Unnatural causes – assault (official on inmate)
24/01/2021	29/01/2021	Remand detainee	Pollsmoor Maximum remand Western Cape coloured male	Centre hospital	Unnatural causes – other (assault: Inmate on inmate)

Table 20: Outstanding criminal investigations followed up by JICS

The table below lists 92 outstanding inquests since 2019.

2. Outstanding inquests

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
23/03/2019	24/03/2019	Remand detainee	Mthatha Eastern Cape 29-year-old-year-old African male	Single cell	Unnatural causes – suicide by hanging
20/03/2019	04/04/2019	Remand detainee	St Albans Medium A Eastern Cape 26-year-old white male	Single cell	Unnatural causes – suicide by hanging
02/09/2019	19/09/2019	Sentenced	Lusikisiki Eastern Cape 23-year-old African male		Unnatural causes – other (electrocution)
21/09/2019	21/09/2019	Sentenced	Kirkwood Eastern Cape 34-year-old coloured male	Centre hospital	Unnatural causes – medication overdose
20/10/2019	23/10/2019	Sentenced	Cofimvaba Eastern Cape 18-year-old African male	Cofimvaba Hospital	Unnatural causes – use of force
27/11/2019	16/01/2020	Remand detainee	East London (Max) Medium B Eastern Cape 37-year-old African male	Frere Hospital	Unnatural causes – attempted suicide by hanging
07/04/2020	08/04/2020	Remand detainee	St Albans Medium A Eastern Cape 21-year-old coloured male	Single Cell: Cell No 7	Unnatural causes – suicide by hanging
09/09/2020	13/10/2020	Remand detainee	East London Medium B Eastern Cape 28-year-old African male	Frere Hospital	Aspiration asphyxia secondary indigestion of soap and vomitus
28/09/2020	13/11/2020	Sentenced	St Albans Maximum Eastern Cape 31-year-old African male	Single cell	Unnatural causes – suicide by hanging
21/04/2019	24/04/2019	Sentenced	Grootvlei Medium A Free State/Northern Cape 29 -year-old African male	Hospital communal cell	Unnatural causes – suicide by hanging
21/06/2019	22/06/2019	Sentenced	Goedemoed Medium B Free State/Northern Cape 25-year-old coloured male	Single cell	Unnatural causes – suicide by hanging
26/05/2019	04/06/2019, 31/07/2020	Sentenced	Groenpunt Maximum Free State/Northern Cape 29-year-old African male	Public hospital Sebokeng	Unnatural causes – third-degree burns
29/12/2020	30/12/2020	Sentenced	Bethlehem Free State/Northern Cape 28-year-old African male	Reception area	Unnatural causes – other (unknown)

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
15/09/2019	18/09/2019	Sentenced	Tswelopele Free State/Northern Cape 42-year-old coloured male		Unnatural causes – suicide by hanging
18/10/2019	23/10/2019	Sentenced	Tswelopele Free State/Northern Cape 44-year-old coloured male	Public hospital	Unnatural causes – medication overdose
01/12/2020	07/12/2020	Remand detainee	Kuruman Free State/Northern Cape 20-year-old African male	Single cell C-unit	Unnatural causes – suicide (smoke inhalation/burn injuries)
30/01/2019	01/02/2019	Sentenced	Johannesburg Female Gauteng 27-year-old African female	Charlotte Maxeke Hospital	Unnatural causes – medication overdose
17/04/2019	26/04/2019	Remand detainee	Krugersdorp Gauteng 29-year-old male	Communal cell	Unnatural causes – suicide by hanging
15/05/2019	15/05/2019	Sentenced	Zonderwater Medium A Gauteng 40-year-old white male	Kalafong Hospital	Unnatural causes – medication overdose
17/06/2019	17/06/2019	Remand detainee	Krugersdorp Gauteng 50-year-old African male	Communal cell toilet	Unnatural causes – suicide by hanging
21/07/2019	21/07/2019	Remand detainee	Johannesburg Medium A Gauteng 29-year-old African male	Healthcare unit	Unnatural causes – other (gunshot wound to the abdomen)
28/08/2019	28/08/2019	Sentenced	Kgosi Mampuru II Central Gauteng 29-year-old African male	Communal cell	Unnatural causes – suicide by hanging
30/08/2019	30/08/2019	Unsentenced	Kgosi Mampuru II Local Gauteng 33-year-old African male		Unnatural causes – Other (Possible Overdose)
20/09/2019	20/09/2019	Unsentenced	Kgosi Mampuru II Central Gauteng 65-year-old white male	Kalafong Hospital	Unnatural causes – other (possible medication overdose)
08/10/2019	08/10/2019	Sentenced	Kgosi Mampuru II Central Gauteng 46-year-old white male	Central cell 16 F-unit	Unnatural causes – suicide by hanging
23/10/2019	23/10/2019	Sentenced	Kgosi Mampuru II Central Gauteng 27-year-old African male	Cell A1-49	Unnatural causes – suicide by hanging
24/10/2019	25/10/2019	Remand detainee	Kgosi Mampuru II Local Gauteng 38-year-old African male	Prison hospital	Unnatural causes – suicide by hanging

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
09/12/2019	11/12/2019	Sentenced	Kgosi Mampuru II Central Gauteng 29-year-old African male	Communal Cell Medium C F-Unit	Unnatural causes – suicide by hanging
04/12/2019	11/12/2019	Remand detainee	Johannesburg Female Gauteng 44-year-old white female	Chris Hani Baragwanath Hospital (intensive care unit)	Unnatural causes – blunt force head injury
11/12/2019	13/12/2019	Sentenced	Kgosi Mampuru II Central Gauteng 50-year-old African male	Medium C E-unit	Unnatural causes – suicide by hanging
25/01/2020	26/01/2020	Remand detainee	Johannesburg Medium A Gauteng 34-year-old African male	Chris Hani Baragwanath Hospital	Unnatural causes – traumatic brain injury
06/02/2020	07/02/2020	Remand detainee	Kgosi Mampuru II Local Gauteng 37-year-old white male	Centre hospital	Unnatural causes – suicide by hanging
02/01/2020	10/02/2020	Sentenced	Johannesburg Medium B Gauteng 48-year-old African male	Chris Hani Baragwanath Hospital	Unnatural causes – inserted foreign object into the rectum
20/01/2020	19/02/2020	Sentenced	Odi Gauteng 27-year-old African male	Public hospital	Unnatural causes – drug overdose
11/12/2019	19/02/2020	Sentenced	Boksburg Gauteng 29-year-old African male	Public hospital	Unnatural causes – other (use of unknown substance)
05/04/2020	08/04/2020	Sentenced	Odi Gauteng 30-year-old African male	Prison cell (B5)	Unnatural causes – medication overdose
05/04/2020	08/04/2020	Unsentenced	Kgosi Mampuru II Local Gauteng 38-year-old African male	Local remand detention centre, admin block on the way to the hospital	Unnatural causes – other (unknown)
27/04/2020	28/04/2020	Sentenced	Johannesburg Medium C Gauteng 34-year-old African male	Internal hospital	Unnatural causes – medication overdose
15/06/2020	24/06/2020	Remand detainee	Johannesburg Medium A Gauteng 66-year-old African male	Chris Hani Baragwanath Hospital	Unnatural causes – organophosphate poisoning
04/09/2020	06/09/2020	Remand detainee	Johannesburg Female Gauteng 29-year-old African female	Outside the centre on the way to the ambulance	Unnatural causes – medication overdose
18/11/2020	22/11/2020	Sentenced	Atteridgeville Gauteng 32-year-old African male	Special care unit	Unnatural causes – suicide by hanging

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
03/01/2021	04/01/2021	Remand detainee	Johannesburg Medium A Gauteng 36-year-old African male	Chris Hani Baragwanath Hospital - high care casualty	Unnatural causes – other (subdural haematoma)
05/01/2021	06/01/2021	Remand detainee	Nigel Gauteng 23-year-old African male	Communal cell (E-unit cell 2 - toilet)	Unnatural causes – suicide by hanging
28/01/2021	28/01/2021	Remand detainee	Johannesburg Medium A Gauteng 28-year-old African male	Single cell	Unnatural causes – suicide by hanging
02/03/2021	03/03/2021	Remand detainee	Modderbee Gauteng 29-year-old African male	Shower cell G-5	Unnatural causes – suicide by hanging
02/03/2021	03/03/2021	Remand detainee	Johannesburg Medium A Gauteng 30-year-old African male	E-single cell 18	Unnatural causes – suicide by hanging
13/03/2021	14/03/2021	Remand detainee	Kgosi Mampuru II Local Gauteng 24-year-old African male	Prison hospital	Unnatural causes – suicide by hanging
15/03/2021	24/03/2021	Sentenced	Modderbee Gauteng 42-year-old African male	Storeroom J-unit	Unnatural causes – suicide by hanging
17/02/2019	22/02/2019	Sentenced	Ebongweni Super Max KwaZulu-Natal	Single cell	Unnatural causes – suicide by hanging
27/02/2019	27/02/2019	Sentenced	Durban Medium A KwaZulu-Natal African male	Communal cell	Unnatural causes – suicide by hanging
27/02/2019	05/04/2019	Sentenced	Dundee KwaZulu-Natal 29-year-old white male	Single cell	Unnatural causes – suicide by hanging
07/06/2019	10/06/2019	Remand detainee	Durban Medium A KwaZulu-Natal 32-year-old male	Single cell	Unnatural causes – suicide by hanging
23/04/2019	22/07/2019	Sentenced	Dundee KwaZulu-Natal 20-year-old African male		Unnatural causes – suicide by hanging
06/08/2019	06/08/2019	Remand detainee	Durban Medium A KwaZulu-Natal 25-year-old African female	Communal cell (B202 section cell)	Unnatural causes – suicide by hanging
17/09/2019	30/09/2019	Sentenced	Qalakabusha KwaZulu-Natal 55-year-old African male	Ngwelezane Hospital	Unnatural causes – third-degree burns
26/12/2019	27/12/2019	Sentenced	Ebongweni Maximum KwaZulu-Natal 38-year-old African male	Single cell – prison hospital	Unnatural causes – suicide by hanging

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
04/02/2020	04/02/2020	Remand detainee	Pietermaritzburg Medium A KwaZulu-Natal 23-year-old African male	Single cell (G2 cell 52)	Unnatural causes – suicide by hanging
30/12/2019	26/02/2020	Sentenced	Pietermaritzburg Medium A KwaZulu-Natal African male	J-unit cell 12	Unnatural causes – suicide by hanging
25/11/2019	31/07/2020	Remand detainee	Durban Female KwaZulu-Natal 28-year-old African female		Unnatural causes – suicide by hanging
05/06/2020	08/06/2020	Remand detainee	Durban Medium A KwaZulu-Natal 40-year-old African male	Communal cell	Unnatural causes – other (head injury)
26/08/2020	31/08/2020	Sentenced	Sevontein KwaZulu-Natal 28-year-old African male	Isolation unit cell no 1042	Unnatural causes – suicide by hanging
26/10/2020	27/10/2020	Sentenced	Pietermaritzburg Medium A KwaZulu-Natal 25-year-old African male	Greys Hospital	Unnatural causes – suicide (smoke inhalation/burn injuries)
07/07/2020	05/11/2020	Sentenced	Sevontein KwaZulu-Natal 41-year-old African male	Hospital single cell	Unnatural causes – suicide by hanging
11/11/2020	20/11/2020	Sentenced	Kokstad Medium KwaZulu-Natal 36-year-old African male	E3-2 section cell no 25	Unnatural causes – medication overdose
24/02/2021	25/02/2021	Unsentenced	Durban Medium A KwaZulu-Natal 33-year-old African male	Durban Medium A hospital single cell	Unnatural causes – suicide by hanging
17/01/2019	17/01/2019	Remand detainee	Thohoyandou Female/Juvenile Limpopo/Mpumalanga/North West 21-year-old African male	Single cell (with two other inmates)	Unnatural causes – suicide (smoke inhalation/burn injuries)
17/01/2019	17/01/2019	Remand detainee	Thohoyandou Female/Juvenile Limpopo/Mpumalanga/North West 19-year-old African male	Single cell D6	Unnatural causes – suicide (smoke inhalation/burn injuries)
21/01/2019	23/01/2019		Makhado Limpopo/Mpumalanga/North West 30-year-old African male	Single cell	Unnatural causes – suicide by hanging

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
25/03/2019	25/03/2019	Sentenced	Polokwane Limpopo/Mpumalanga/ North West 38-year-old African male		Unnatural causes – other (complications of head injury)
06/08/2019	07/08/2019	Sentenced	Thohoyandou Medium A Limpopo/Mpumalanga/ North West 42-year-old African male	High Court holding cells	Unnatural causes – shot by SAPS
15/09/2019	15/09/2019	Sentenced	Polokwane Limpopo/Mpumalanga/ North West 29-year-old African male	Single cell	Unnatural causes – suicide by hanging
23/01/2020	31/07/2020	Sentenced	Kutama Sinthumule Limpopo/Mpumalanga/ North West 71-year-old African male	Blue prison N-block pod C cell 20	Unnatural causes – suicide by hanging
10/04/2019	31/07/2020	Sentenced	Ermelo Limpopo/Mpumalanga/ North West 36-year-old African male		Unnatural causes – suicide by hanging
29/08/2020	29/08/2020	Sentenced	Witbank Limpopo/Mpumalanga/ North West 56-year-old African male	Single cell	Unnatural causes – suicide by hanging
21/09/2020	22/09/2020	Unsentenced	Witbank Limpopo/Mpumalanga/ North West African male	C-unit	Unnatural causes – medication overdose
13/05/2020	20/01/2021	Remand detainee	Volksrust Limpopo/Mpumalanga/ North West 30-year-old white male	Communal cell	Unnatural causes – suicide by hanging
12/06/2019	13/06/2019	Sentenced	Rooigrond Medium A Limpopo/Mpumalanga/ North West 29-year-old African male	Single cell	Unnatural causes – suicide by hanging
07/12/2019	07/12/2019	Remand detainee	Potchefstroom Limpopo/Mpumalanga/ North West 41-year-old African male	Communal cell shower A-nit cell16	Unnatural causes – suicide by hanging
28/06/2019	31/07/2020	Remand detainee	Mogwase Limpopo/Mpumalanga/ North West 39-year-old African male	Bathroom: Hospital unit	Unnatural causes – drowning
04/07/2020	06/07/2020	Remand detainee	Potchefstroom Limpopo/Mpumalanga/ North West 32-year-old African male	A-unit cell 4	Unnatural causes – medication overdose

Date of death	Date reported	Sentenced/remand detainee	Name of correctional centre DCS region age, race and gender	Single/communal cell/hospital	Classification/cause of death
26/10/2020	31/10/2020	Sentenced	Klerksdorp Limpopo/Mpumalanga/ North West 33-year-old African male	Communal cell	Unnatural causes – suicide by hanging
26/01/2021	26/01/2021	Sentenced	Rustenburg Limpopo/Mpumalanga/ North West 24 -year-old African male	Single cell B-unit	Unnatural causes – suicide by hanging
09/02/2021	09/02/2021	Sentenced	Rustenburg Limpopo/Mpumalanga/ North West 40-year-old white male	Communal cell	Unnatural causes – suicide
28/02/2021	31/03/2021	Sentenced	Losperfontein Limpopo/Mpumalanga/ North West 37-year-old African male	Brits Hospital	Unnatural causes – medication overdose
14/01/2019	14/01/2019	Remand detainee	Pollsmoor Remand Detention Western Cape white male	Single cell	Unnatural causes – medication overdose
12/02/2019	12/02/2019	Remand detainee	Worcester Male Western Cape 28-year-old African male	Communal cell	Unnatural causes – suicide by hanging
05/03/2019	08/03/2019	Sentenced	Drakenstein Maximum Western Cape 24-year-old coloured male	Single cell	Unnatural causes – suicide (smoke inhalation/burn injuries)
10/03/2020	12/03/2020	Remand detainee	Pollsmoor Medium A Western Cape 20-year-old African male	Single cell	Unnatural causes – suicide by hanging
19/06/2020	23/06/2020	Sentenced	Brandvlei Maximum Western Cape 25-year-old coloured male	Single cell (Tygerberg Hospital)	Unnatural causes – suicide (smoke inhalation/burn injuries)
18/11/2020	19/11/2020	Sentenced	Drakenstein Medium A Western Cape 29-year-old coloured male	Paarl General Hospital	Unnatural causes – suicide (smoke inhalation/burn injuries)
13/12/2020	14/12/2020	Sentenced	George Western Cape 34-year-old coloured male	Isolation area	Unnatural causes – medication overdose
04/01/2021	04/01/2021	Sentenced	Pollsmoor Medium B Western Cape 41-year-old African male	B-unit single cell 181	Unnatural causes – suicide by hanging

Table 21: Outstanding inquests from April 2019 to March 2021



C

DIRECTORATE MANAGEMENT REGIONS

Regional offices are at the coalface of service delivery, rendering support to the ICCVs who are JICS's frontline workers.

The regional offices augment and strengthen the management of ICCVs' duties and responsibilities, providing oversight over human rights issues of inmates,

and the promotion of stakeholders' engagement in correctional matters. The management of all unresolved complaints of inmates at visitor committee (VC) meetings is crucial in ensuring that inmates' complaints are addressed. Should it not be resolved regionally, the complaint is escalated to the Office of the Inspecting Judge for facilitation of its resolution.

ICCV OVERSIGHT

The ICCV system is a JICS oversight mechanism focusing exclusively on the promotion and protection of inmates' human rights. ICCVs are responsible for the daily monitoring and report on the conditions of correctional centres and the treatment of inmates. Individuals who are appointed to serve in these positions should be persons with an interest in human rights. ICCVs deal with inmates' complaints as follows:

- Regular visits interviewing inmates in private
- Recording complaints in an official diary and monitoring how they have been dealt with
- Discussing complaints received with the HCC, or the subordinate correctional official, to resolve issues internally.

Minimum standard of service delivery by ICCVs

The minimum standard of service delivery is the standard operating procedure for ICCVs, which determines service standards and procedures.

It includes site visits, interviews with inmates, monitoring of G365 registers, private consultations with inmates and attendance of VC meetings.

Site visits: During a site visit, the ICCV is expected to conduct a full-scale observation, which includes visiting all communal cells, special care units, hospitals, kitchens and any other place within the correctional centre. The observations of ICCVs are reflected in their monthly reports, including conditions under which inmates are incarcerated, rehabilitation programmes offered, and the number of state patients and non-national inmates. There were site visits during the period under review.

Interviews: A key performance area of ICCVs is daily interviewing of inmates, during which inmates may register complaints and requests with the ICCV. These complaints and requests are recorded in an 'Index of interview' register and the ICCV monitors how these complaints are handled and resolved by the officials. During 2020/2021, ICCVs conducted 43 542 interviews.

Private consultations: ICCVs are required to consult with the inmates to address complaints and unresolved requests. They also facilitate the resolution of complaints between the HCC and inmates. During 2020/2021, ICCVs conducted 25 324 private consultations.

In line with section 94(3) (a) of CSA, ICCVs referred 327 complaints to VC meetings for resolution, with 295 resolved and 32 complaints pending. Feedback was provided to inmates on all complaints resolved in VC meetings.

Management regions	Site visits	Interviews	Private consultations	Complaints referred and discussed at VC meetings	Number of complaints resolved at VC meetings
Central Management Region	-	-	7 394	112	112
KwaZulu-Natal Management Region	334	7 440	6 220	115	115
Northern Management Region	1 973	36 102	5 312	48	22
Eastern Cape Management Region	-	-	4 769	16	10
Western Cape Management Region	-	-	1 629	36	36
TOTAL	2 307	43 542	25 324	327	295

Table 22: Minimum standards of service delivery for 2020/2021

Complaints handled by ICCVs

ICCVs monitored and handled 22 308 complaints during this performance period. The table below includes all general complaints not sent to DCS.

Nature of complaint	Regions					Total per category
	Central Management Region	Eastern Cape Management Region	KwaZulu-Natal Management Region	Northern Management Region	Western Cape Management Region	
Appeal	269	66	535	163	143	1 176
Assault (inmate on Inmate)	403	166	89	68	105	831
Assault (official on Inmate)	161	169	42	37	24	433
Assault (sexual)	16	12	5	5	8	46
Bail	23	96	334	100	30	583
Communication with family	231	418	216	419	138	1 422
Conditions	157	176	197	131	116	777
Confiscation of possession	23	24	21	20	14	102
Conversion of sentence	2	7	4	4	8	25
Corruption	4	-	-	1	6	11
Food	53	93	226	84	106	562
Healthcare	443	943	131	232	194	1 943
Hunger strike	60	9	3	8	6	86
Inhumane treatment	17	23	24	1	20	85
Legal representation	148	196	508	284	99	1 235
Medical release	2	5	9	4	5	25
Parole	111	628	235	221	177	1 372
Reclassification	97	8	16	113	45	279
Rehabilitation programmes	430	320	230	133	82	1 195
Remission	11	30	21	7	22	91
Request for social worker	188	4	62	56	33	343
Torture	-	1	-	6	1	8
Transfer	763	771	658	408	255	2 855
Other	2 537	1 631	527	1 412	650	6 757
Attempted suicide	33	11	4	11	7	66
Total	6 182	5 807	4 097	3 928	2 294	22 308

Table 23: Complaints handled in JICS management regions

Analysis of prevalent complaints 2020/2021

Other (6 757)

The category 'other' refers to numerous inmates' requests and complaints, including inmates' uniforms, toiletries, requests to see a social worker because of family issues, requests for victim-offender mediation. These are mostly day-to-day requests and complaints that ICCVs deal

with during their visits. Consistent visits of ICCVs to the correctional centres are essential to facilitate inmates' complaints daily. Most of these complaints are serious. Implementation of the Public Servants Association of South Africa guidelines on working hours ensured that ICCVs were visible in the centres daily. ICCVs during their visits also ensure that inmates are seen by DCS officials. ICCVs' role in issue resolution has been highly successful.

CASE STUDY

Inmates at Brandvlei Max registered their concerns about DCS not allowing them access to the internet for study. Following meetings with the area commissioner and the HCC, the complaints were immediately addressed by DCS, which enabled inmates to write their final examinations.

Transfer (2 855)

Transfers were the second most prevalent complaint during the year. Transfer applications from inmates were handed to the HCC or delegate to process as per section 43 of CSA. Most of these requests are motivated by a wish to be closer to family, but most are processed only when the inmates are closer to their parole release date. Most of the transfer applications were declined as they were made during alert level 5, which prohibited transfers except under exceptional circumstances, approved by the DCS: Chief Operations Officer to curb the spread of Covid-19. The moratorium on transfer remained until level 1 when requests were once again processed and reasons are given for any refusals.

Healthcare (1 943)

Most of these complaints are about access to medication and medical treatment. Complaints included stomach pains, coughing, headaches, fever, wanting to see a medical doctor, wanting to be tested for TB and HIV and enquiring about referral dates to outside hospitals. ICCVs also dealt with complaints relating to mentally ill inmates.

Communication with family (1 422)

Section 13 of the CSA deals with contact with the community. Most remand detainees claim to be incarcerated without the knowledge of their families. Correctional facilities very often allow inmates to contact their families. ICCVs ensure that inmates are assisted.

Parole (1 372)

Parole is embedded in a correctional system to encourage good behaviour and afford inmates a second chance at freedom. The system is an integral part of court sentences

and essentially a continuation of a sentence outside the correctional centre. During the period under review, 1 372 parole complaints were received from inmates, most for inadequate feedback from the CSPB, which, in turn, had not received responses from the National Council of Correctional Services and the Minister of Justice and Correctional Services, sometimes for up to three years. Numerous parole complaints were received from Ebongweni Super Max from inmates alleging that they have served half of their sentences and are being unfairly prejudiced by the institutional policy of the centre. DCS is attending to these matters.

'We need an efficient, smoothly-functioning parole system that delivers parole to deserving and eligible inmates on known, fair conditions. Right now, JICS is experiencing an overload of complaints about parole, especially for "lifers"'

Appeal and legal representation (1 176)

Most appeal, bail and legal complaints were referred to Legal Aid South Africa as per the memorandum of understanding. These complaints included requests for legal representation for bail applications, lack of feedback from legal representatives on appeals or petitions, and inmates' inability to afford bail and if bail is granted, the inability of DCS to confirm inmates' addresses.

Representatives from Legal Aid South Africa and the Department of Justice and Constitutional Development attended to these matters after they were tabled at VC meetings.

Rehabilitation programmes (1 195)

ICCVs handled 1 195 complaints in this category, including requests for inclusion in drug rehabilitation, victim-offender-dialogue and vocational training programmes.

The Covid-19 pandemic affected most inmate services and visits from programme providers were prohibited, even social work services and psychologists. As a result, some complaints were not adequately resolved.

Assault: Inmate on inmate (831)

During the review year, 831 inmate-on-inmate assaults were reported.

Section 4(2) (a) of the Correctional Services Act 111 of 1998 (as amended) provides that:

'The Department must take such steps as are necessary to ensure the safe custody of every inmate and to maintain security and good order in every correctional centre.'

DCS has a constitutional responsibility to protect the safety of all inmates. Assaults in a correctional centre signal lack of accountability and failure to uphold this constitutional obligation.

Below are examples of incidents/allegations of sexual assaults dealt with during this financial year.

Facility	Number of incidents	JICS region	Comments
Leeuwkop Medium A	1	Northern Management Region	The inmate alleged that he was sexually assaulted, having woken up to find that his anus was bleeding. He reported the matter five days after it occurred. Medical treatment was provided and a case was opened with SAPS. The inmate was segregated.
Durban Medium A	4	KwaZulu-Natal Management Region	Incident 1: Inmate-on-inmate sexual assault was reported by the ICCV. The victims received medical treatment and were moved to another cell section. The matter of inmate X was reported to SAPS Westville. The investigation is ongoing. Incident 2: The inmate alleged that he was sexually assaulted by inmate X. The inmate reported that he was medically attended at a local hospital. He did not want to open a SAPS case. Psychosocial services were recommended for the inmate. Incident 3: The inmate alleged that he was sexually assaulted on 17/09/2020 by another inmate, who allegedly admitted the offence. The inmate received medical treatment and the matter was referred to the HCC. It is still pending. Incident 4: The inmate alleged he was sexually assaulted by eight inmates. He received medical treatment but was not permitted to open a SAPS case. The ICCV intervened and the HCC will investigate and provide feedback to JICS.
Ladysmith	1	KwaZulu-Natal Management Region	The inmate alleged that he was sexually assaulted by a fellow inmate. DCS officials promptly assisted him, referring him for medical treatment and allowed him to open a criminal case. The matter is still in progress.
Vereeniging Correctional Centre	1	Central Management Region	Incident 1: The inmate alleged that he was sexually abused by another inmate from December 2020 until late February 2021. He was forced to join a gang for protection. He was not taken to the hospital for post-exposure prophylaxis because 72 hours had passed when the incident was reported. However, an HIV rapid test was done and the alleged victim was seen by a social worker. DCS removed the alleged victim to another cell. No further investigation was done because DCS claimed the inmate provided conflicting statements. No SAPS case was opened.

Facility	Number of incidents	JICS region	Comments
Rooigrond	2	Central Management Region	Incident 1: An inmate complained that two offenders sexually abused him on 2 January 2021 after he was allegedly drugged with sleeping tablets. He was in pain when he awoke and asked another inmate to call officials, who took him to hospital. The inmate received medical treatment within 72 hours and was counselled by the social worker. He opened a SAPS case. The HCC recommended that a follow-up should be made to determine if the perpetrator – who was since released – was charged by the court. DCS investigation is still outstanding. Incident 2: An inmate alleged that a sexual assault was perpetrated in the toilet by the cell monitor and four inmates on 29 July 2020. The alleged victim was taken to the care unit and later referred to the crisis centre at Potchefstroom Hospital. He does not feel safe. A SAPS case was opened. DCS completed an incident report.
Modderbee	1	Northern Management Region	The inmate alleged that when he woke up he found his pants down and had been sexually assaulted. The matter was reported to SAPS and a case was opened.
Krugersdorp	1	Northern Management Region	The inmate alleged that he fell asleep after taking medication and when he woke up he was being sexually assaulted by three inmates. He received medical attention, was moved to another section and the case was reported to SAPS.
Thohoyandou	1	Northern Management Region	The inmate alleged that he was sexually assaulted by another inmate but he refused to open a case with SAPS.
Polokwane	1	Northern Management Region	The inmate alleged that he was sexually assaulted by another inmate. He was isolated at sickbay.

Table 24: Incidents/alleged sexual assaults dealt with by ICCVs during 2020/2021

Corruption (11)

Eleven cases of corruption were reported, a suspected underreporting, possibly due to fear of reporting.

Corruption reported by inmates included having to pay for a service or privileges to which they are entitled, and smuggling and trading in contraband as a result of an official-inmate-dependent relationship (e.g. dagga, cellphones).

Durban Medium A Correctional Centre

A remand detainee from Burundi alleged that his prison card was reissued by the centre to another inmate using his fingerprints. The culprit used the prison card to rent a TV set for himself and the complainant incurred the costs. DCS is still investigating the matter and JICS has asked for a copy of the internal investigation report. Feedback is still outstanding.

Groenpunt Juvenile Correctional Centre

The ICCV received a complaint from an inmate stating that an official who had agreed to buy him dagga and a cellphone took the money, but did not buy the goods. DCS conducted an investigation and found that the inmate had no evidence to support his allegations against the official.

Potchefstroom Correctional Centre

The ICCV received a complaint that an official called the parents of two inmates requesting money on behalf of the inmates. The matter was reported to the HCC and the police were called. DCS found that the families of the inmates were indeed contacted by someone claiming to be an investigating officer wanting money in exchange for the cases being withdrawn. SAPS did not open a case because the family members did not pay the money. The report concluded that the official asked for the telephone numbers of the families of the inmates, but for someone claiming to be an investigating officer.

The findings of the Jali Commission of Inquiry into correctional centre corruption and maladministration show clearly that something is fundamentally wrong in correctional centres and government cannot ignore it. According to Prof Muntingh, in his article dated 10 August 2016 'Investigating prison corruption in South Africa', the Grootvlei video, as it became known, and the Jali Commission hearings provided an intriguing glimpse into life in a correctional centre. He writes that corruption redirects resources intended for public benefit towards private gain, or requires citizens to pay for services that they are entitled to without payment. Therefore, corruption affects the rights of citizens and those of inmates by either denying them a service (a right) or making the service (the right) conditional to payment. In remand detention facilities, inmates are made to pay for sleeping on the bed or for basic human rights such as toiletries. Corruption is rife in correctional facilities and it is generally a broader reflection of state capture, corruption and maladministration in all state institutions. However, corruption in correctional facilities has a particular sting to it given the closed nature of these facilities.

Hunger strikes (86)

There were 86 hunger strikes reported in 2020/2021. This category is also urgent. DCS officials must try to resolve the issues identified by inmates as the reasons for declaring a hunger strike. Prolonged hunger strikes may cause serious personal harm, even death, but they are a common protest through which inmates draw officials' attention to requests or complaints. Other reasons given for hunger strikes include segregation after being found in possession of unauthorised articles and dissatisfaction with the transfer process.

Medical release (25)

During this performance cycle, 25 medical paroles or releases were reported. Section 79(1) states that 'Any sentenced offender may be considered for placement on medical parole by the National Commissioner, the Correctional Supervision and Parole Board or Minister, as the case may be, if

- (a) such offender is suffering from terminal disease or condition or if such offender is rendered physically incapacitated as a result of injury, disease or illness, to severely limit daily activity or inmate self-care,
- (b) the risk of re-offending is low, and
- (c) there are appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released.

Attempted suicide (66)

Sixty-six attempted suicides were reported during the year. DCS does not have enough mental health professionals to provide care to suicidal inmates, who need psychological care in an environment that is not anti-therapeutic. Reasons for suicide include conflict and assaults, or inability to cope with the death of a family member.

An inmate at Waterval Medium A burnt himself on being segregated after being threatened by a fellow inmate for stealing from him and others. He blocked the door using the steel bed and set the cell alight with the blanket and mattress. He died from his burns. JICS investigated.

An inmate at Kokstad attempted to overdose when the outcome of his CSPB was unsatisfactory. He was admitted to the hospital for observation and referred for psychosocial services. He is currently stable.

A Durban Medium B communal-cell inmate cut his wrists with a blade and tried to overdose after fighting with another inmate. The ICCV intervened and a psychological assessment was performed. The inmate is under psychiatric treatment and DCS has recommended his transfer.

Torture (8)

During the year, JICS reported eight cases of torture, another urgent category. The Constitution provides in section 12(1)(d) and (e) that: 'Every person has the right to freedom and security of the person, which includes not to be tortured in any way and not to be treated or punished in a cruel, inhuman or degrading way.' The Universal Declaration of Human Rights states in Article 5 that 'No one shall be subjected to torture or cruel,

inhuman or degrading treatment or punishment.’ South Africa has domesticated OPCAT through the Prevention of Combating and Torture of Persons Act 13 of 2013. Rule

1 of Nelson Mandela Rules prohibits torture and other cruel, inhuman or degrading treatment or punishment of inmate.³⁸

Waterval Medium B

A group complaint of remand detainees was tabled at a VC meeting on 10 March 2021. They alleged that they were denied a right to appear in courts and that their court cases were remanded in their absence. They found themselves in legal limbo with their matters indefinitely postponed and no cogent reason from the courts and DCS administration. This happened under alert level 3 when trials and criminal proceedings were suspended due to lockdown restrictions. It was noted that under level 1, all services resume and the inmates will be called to attend the scheduled trials.

Waterval Medium A

A complaint was tabled at the VC meeting of 10 March 2021 that an inmate refused to take his psychiatric medication for his medical condition. The nurse allegedly gave the inmate a consent form to sign to release himself from medication. The ICCV noted that the inmate’s mental health had severely deteriorated, but efforts to resolve the situation were unsuccessful. The Area Coordinator: Corrections will investigate the matter and provide feedback to JICS on whether the inmate understood what he was signing, if he is a danger to himself or others and if involuntary treatment is justifiable.

VC MEETINGS

VCs are established in particular management areas by the Inspecting Judge in terms of section 94(1) of the CSA. The VC comprises all ICCVs in that management area and meets at least quarterly. There are 34 constituted and established VCs nationally.

As stipulated in section 94 (3) of the CSA, the functions of the VC include:

- to consider unresolved complaints with a view to their resolution
- to submit to the Inspecting Judge complaints that the committee cannot resolve
- to organise a schedule of visits

- to extend and promote the community’s interest and involvement in correctional matters
- to submit minutes of meetings to the Inspecting Judge.

VC meetings’ core functions are to discuss and facilitate the resolution of unresolved complaints and/or requests from inmates, and to promote community interest and involvement in correctional matters. During the period under review, 18 out of 141 planned VC meetings could not be conducted due to Covid-19 restrictions. These meetings were rescheduled for the next performance year. During the VC meetings, 283 complaints were resolved.

³⁸ Rule 1 provides that:

‘All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.’

Region	Planned VC meetings	Actual number of VC meetings held	Number of complaints	Reasons for deviation from the planned meetings	Corrective steps if planned meetings not achieved
Central Management Region	36	34	112	Due to Covid-19 restrictions, Rustenburg and Kimberley VC meetings were not held during the first quarter: April to June 2020.	VC meetings were rescheduled with the lifting of lockdown restrictions.
Eastern Cape Management Region	25	16	16	The rapid increase in Covid-19 cases in some areas disrupted the meeting schedule.	Virtual meetings were considered but connectivity was problematic in some areas.
KwaZulu-Natal Management Region	28	28	115	The region complied with the JICS governance calendar.	The region adhered to the governance calendar 2020/2021.
Northern Management Region	28	27	48	During the third quarter, a joint VC meeting was convened for Johannesburg and Leeuwkop due to the unavailability of a meeting venue in Leeuwkop.	VC meetings were rescheduled with the lifting of lockdown restrictions.
Western Cape Management Region	24	18	36	No meetings were held during the first quarter due to Covid-19 restrictions.	All meetings for the last two quarters were held.
TOTAL	141	123	283	-	-

Table 25: VC meetings held per JICS region in 2020/2021

Training is provided to ICCVs during these meetings. Therefore the attendance of JICS representatives and/or regional managers strengthens VCs and encourages them to submit complicated, serious and critical complaints after exhausting all necessary avenues at the centre. As

of the last quarter of the performance cycle, VC meetings have been chaired by the regional or assistant regional managers, which has enhanced interaction and increased stakeholder participation.

INCARCERATED STATE PATIENTS

The Healthcare Act 17 of 2002 states that an inmate certified as a state patient may not be detained in a correctional centre, but be transferred to a health facility. However, a shortage of beds in psychiatric hospitals means that inmates are housed at the centres while they await transfer.

Section 79 of CSA states that any person serving any sentence in a prison and who, based on the written evidence of the medical practitioner treating that person, is diagnosed as being in the final phase of any terminal disease or condition may be considered for placement under correctional supervision or parole by the National

Commissioner or parole board or the court as the case may be, to die a consolatory and dignified death. Section 49 D(1) states that the National Commissioner may detain a person suspected of being mentally ill in a single cell or hospital section for observation by a medical practitioner. Section 49 D (2) states that DCS must provide within its available resources adequate healthcare services for the prescribed care and treatment of mentally ill remand detainee(s). Section 49 D (3), states that DCS may as far as practicable, provide social and psychological services to support mentally ill remand detainees and promote their mental health.

The table below reflects the number of declared state patients.

Region	Male state patients	Children under 18 years	Juveniles over 18 years	Female state patients	Total	Remarks
Central Management Region	41	-	2	-	43	VC committee meeting held on 18 March 2021 agreed that the JICS regional office should arrange a meeting with the Department of Health for its intervention.
Eastern Cape Management Region	41	-	-	-	41	The number of state patients in the province was lower than in the previous year.
KwaZulu-Natal Management Region	14	-	-	-	14	The number of state patients in correctional centres decreased significantly compared to the previous financial year: Pietermaritzburg Medium A: 6 Ladysmith: 7 Durban Medium A: 1 Pietermaritzburg Medium A was designated to accommodate all patients from the other centres so that psychiatric services can be rendered by psychiatrists contracted by Fort Napier to reduce the backlog.
Northern Management Region	34	-	1	-	35	The three are incarcerated at Kgosi Mampuru Local. They are awaiting beds at psychiatric institutions.
Western Cape Management Region	-			-	-	N/A
TOTAL	130	-	3	-	133	-

Table 26: State patient incarceration at 31 March 2021

STAKEHOLDER MEETINGS

JICS must render oversight of correctional facilities, and raise awareness and encourage collaboration of services with stakeholders. VC meetings provide the platform for stakeholder engagements by extending and promoting the community interest and involvement in correctional matters. Stakeholders include the inter-justice cluster, non-governmental organisations, cultural denominations and religious denominations.

- Central Management Region participated in a virtual meeting hosted by SAHRC on 28 August 2020. Legal Aid South Africa was a participant in the meeting. JICS made a presentation on the nature and number of complaints received during the lockdown and how they were resolved and raised areas of concern

in how DCS is protecting the rights of persons in detention.

- Bloemspruit SAPS arranged a meeting on 24 March 2021 that focused on the backlog of criminal case complaints from inmates mainly from Mangaung. The meeting agreed that SAPS investigators must visit Mangaung on Tuesdays and Grootvlei on Wednesdays to deal with the backlog of cases from 2020. SAPS is to conduct an awareness campaign educating inmates about the process of opening cases.
- KwaZulu-Natal regional office joined a virtual meeting hosted by the African Policing Civilian Oversight Forum on 8 June 2020. The UN and African Union have developed international instruments on the use of force by law enforcement officials (the police

and the military to the extent that they enforce the law) that South Africa has adopted as binding. The meeting focused on global and regional human rights standards on police use of force, stimulated discussion on legality, necessity, proportionality, precautionary measures and accountability for potentially unlawful use of force, and rules that regulate the use of firearms by law enforcement officials.

- The KwaZulu-Natal provincial forensics mental health intersectoral collaboration virtual meeting on 31 August 2020 discussed the out-patient possibility and attending to clients at correctional centres. The meeting was informed of a significant budget given to the Department of Health to deal with the backlog of outstanding cases referred for mental observation, and that the budget was to secure the services of private psychiatrists. Thus, Pietermaritzburg Medium

A would accommodate all referrals from other centres as it is close to Fort Napier psychiatric hospital.

- Eastern Cape: The region is actively involved in stakeholder relations. JICS attends quarterly Provincial Efficiency Enhancement Committee meetings to increase its visibility and strengthen working relations in the region. JICS's work is presented at each meeting, challenges highlighted and solutions actively sought.

Among these challenges during the year was the high number of declared state patients in correctional centres, most in the northern part of the region, held for long periods while awaiting admission to a hospital in another province. The Judge President and other role-players undertook to change the orders to a facility in the Eastern Cape, where movement can be monitored by DCS.

PUBLIC AWARENESS AND ADVOCACY INITIATIVES

Fast-tracking forensic patients

JICS is an active member of the Forensic Mental Health Intersectoral Committee, whose main aim is the efficient handling and treatment of forensic patients and fast-tracking their admission to psychiatric hospitals. By highlighting the plight of state patients, the committee has decreased the number of cases in the province with the assistance of the local district hospital.

Hunger strike at Lydenburg

During a meeting with the HCCs of Lydenburg, it was reported to JICS that 16 of 19 non-national inmates were on hunger strike as their sentences had expired but they had not yet been deported. At the time there were delays due to the pandemic and lockdown restrictions. JICS staff undertook to meet with the Department of Home Affairs the next day and the hunger strike was called off. Following the meeting, the 19 individuals were deported within four days.

Piet Retief postponements

During a VC meeting with Ermelo, HCCs expressed concern about unnecessary postponements at Piet Retief Magistrate Court for trial dates of awaiting trial inmates. The matter was successfully addressed during the case flow meeting.

Lack of consultation

The Makhado VC meeting heard several complaints about Legal Aid South Africa not consulting inmates at Kutama-Sinthumule and Makhado prisons. Although hampered by Covid-19, Legal Aid South Africa agreed to step up consultation and non-contact visits, with telephonic consultations with attorneys during level 4.

Access at borders

During VC meetings at Makhado, Mbombela and Ermelo it was reported that non-national offenders who are deported return three days later, gloating about the ease of returning to South Africa. The HCCs were concerned about recycling non-nationals through the Justice, Crime Prevention and Security Cluster, as this is a waste of funds and negatively affects the morale of departments.

JICS travelled to eight South African land border gates. These, from a safety³⁹, security⁴⁰ and health safety⁴¹ perspective were found to be unprotected, insecure and unsafe. Anyone with resources and logistical support can cross the border.

JICS has no jurisdiction over the Border Management Agency, but proposed the following solutions:

- South African National Defence Force to be more visible and to actively guard at South African borderlines.

39 Deported offenders returning the same day of deportation and stolen vehicles crossing land borders.

40 South Africa borders are at risk of an invasion of foreign insurgence forces.

41 Covid-19 can spread as no Covid-19 tests are conducted at illegal border crossings.

- Bimonthly meetings between both land border authorities as is already happening at Beitbridge.
- Meetings between border authorities to provide transport from the border post to the deported offenders' residences in the country of birth.⁴²
- A more secure border fence at notorious illegal border crossings.
- Collaboration between departments and authorities to work towards the 'ideal situation'⁴³.

NON-NATIONALS

JICS monitors the status and incarceration of non-nationals.

At 31 March 2021, 14 833 non-nationals were incarcerated within the correctional facilities, as detailed below.

Regions	Number of non-nationals incarcerated			
	Sentenced		Remand detainees	
	Male	Female	Male	Female
Central Management Region	1 530	182	573	17
Eastern Cape Management Region	104	6	53	10
KwaZulu-Natal Management Region	398	6	85	-
Northern Management Region	5 032	196	5 211	142
Western Cape Management Region	784	17	477	10
TOTAL: 14 883	7 848	407	6 399	179

Table 27: Non-nationals incarcerated at 31 March 2021

Covid-19 report

JICS monitors the prevalence of the virus in correctional centres and its effects on inmates and correctional officials. The table below depicts the regional breakdown at 31 March 2021.

Regional breakdown

Regions	JICS officials	DCS officials	DCS official deaths	Inmates	Inmate deaths	Recoveries
Eastern Cape	1	1 187	27	1 235	12	2 422
Free State and Northern Cape	11	1 096	19	243	7	1 120
Gauteng	2	1 300	27	965	27	2 265
KwaZulu-Natal	2	1 124	35	423	8	1 547
Limpopo, Mpumalanga and North West	-	866	25	255	8	1 121
Western Cape	7	1 553	38	962	9	2 515
Pretoria and Cape Town	4	-	-	-	-	4
TOTAL	27	7 126	171	4 083	71	10 994

Table 28: Covid-19 stats at 31 March 2021

⁴² It is unlikely that any inmate will have his country of birth's cash currency after deportation.

⁴³ The 'ideal situation' is to ensure that borders are safe with no unauthorised entry to South Africa or unauthorised access to a neighbouring country.

Although it was feared that the number of Covid-19 infections would sky-rocket in correctional centres, it accounted for only 4 083 positive cases and 71 deaths among inmates. Officials who tested positive numbered

7 126, with 171 deaths. It can be deduced that the implementation of infection prevention and control strategies deployed in correctional facilities was fairly successful.

SUCCESSSES, CHALLENGES AND INTERVENTIONS

Notable successes were noted during 2020/2021 in improving the treatment of inmates and conditions of incarceration.

JICS officials rendered services throughout Covid-19 alert levels to ensure that clients' needs were addressed and service delivery goals were met. Oversight continued and an efficient reporting mechanism was established for ICCVs to alert JICS of any incidents. When necessary, JICS representatives visited the correctional centres to obtain first-hand information.

Despite lockdown, virtual VC meetings were held and inmate complaints were discussed and addressed.

Two meetings were held with visitors centre coordinators to improve the management, control and performance of ICCVs.

Circular No 5 of 2021 was issued to strengthen ICCV performance.

A JICS national conference is planned for December 2021 and the regions are organising radio coverage of ICCV work.

JICS was a panellist in a successful webinar hosted by the NPM and SAHRC on 14 August 2020 to discuss issues affecting women, particularly those incarcerated. JICS presented on interactions and observations during visits and inspections.

'There is an intolerable paradox at the heart of the corrections system. The Correctional Services Act is a noble and progressive Mandela-era statute. But there are neither the resources nor, seemingly, the patience, commitment and will to realise its forward-looking goals.'





D

DIRECTORATE SUPPORT SERVICES

SUPPORT SERVICES

Purpose: Ensure organisational support and administration.

Functions:

- Ensure that budget requirements meet the main cost items, which include compensation of employees and goods and services.
- An integrated and comprehensive human resources service covering employment equity, workplace skills plan, training plan, employee wellness programme, human resource planning and administration, organisational development, recruitment and selection.
- Create business value through reliable integrated and secured information and communications technology (ICT) infrastructure and business application systems to ensure effective strategic alignment and enhancement of business processes.
- Facilitate an efficient and effective communications system (internal and external communication) through:
 - Consistency in the practice and application of communication internally while building and promoting JICS as an entity.

- Consistency in the practice and application of communication throughout JICS.
- Senior management support for the communication programme by allowing and encouraging staff to actively participate in departmental initiatives. A committee comprising representatives must allow all branches to actively participate in departmental internal communication activities.
- Response to media enquiries within 24 hours of receiving a request.
- Empower and inform staff on JICS issues, including crucial information that may affect staff.
- Manage JICS's information and communication technology, including software, hardware, remote access; LAN, WAN and website.

SUB-DIRECTORATE: FINANCE AND SUPPLY CHAIN MANAGEMENT

Purpose: Provide financial administration and budget management for JICS.

Budget allocation 2020/2021

The original budget allocation for 2020/2021 was R81 493 000. Following the Minister of National Treasury's budget speech 2020, the compensation of employees for JICS was unilaterally cut by DCS by R14 481 000, notwithstanding that JICS's funds are ring-fenced. This was despite an earlier decision that no budget cuts would take place without consultation with JICS. After discussions with the National Commissioner, the cut was reduced to R7 040 500.

The table below depicts the adjusted budget allocation of R74 452 500.

Items	Balance
Total budget allocation	R74 452 500
Compensation of employees	R64 420 500
Goods and services	R7 302 000
Transfers and subsidies	R15 000
Capital assets	R2 715 000

Table 29: Budget allocation for 2020/2021

Detailed expenditure report

Economic classification	2018/2019	2019/2020	2020/2021
Current payments			
Compensation of employees	R52 739 455.43	R55 484 655.49	R59 918 697.47
Salaries and wages	R48 251 625.26	R50 200 503.99	R54 382 753.83
Social contributions	R4 487 830.17	R5 284 151.50	R5 535 943.64
Goods and services	R9 710 648.51	R10 950 304.33	R6 245 327.31
Advertising	R320 768.18	R313 530.10	R249 737.23
Assets less than the capitalisation threshold	R417 674.00	R528 331.91	R177 512.70
Bursaries: Employees	R242 430.00	R205 000.00	R320 107.00
Catering departmental activities	R247 180.55	R365 662.52	R141 987.19
Communication	R494 339.73	R510 986.98	R633 788.98
Consultants and professional services: Business and advisory services	R15 050.00	R29 894.00	-
Entertainment	-	R3 004.10	R81 650.00
Fleet services	R769 002.14	R569 824.74	-
Consumable supplies	R73 417.44	R44 704.90	R332 209.30
Consumable: Stationery and printing	R492 732.75	R462 618.24	R312 618.71
Property payments	R58 284.63	R42 759.00	R607 696.27
Travel and subsistence	R5 560 459.48	R7330 279.26	R25 507.00
Training and development	R133 642.00	R174 436.00	R2 928 763.04
Operating payments	R755 612.11	R365 072.58	R16 882.00
Venues and facilities	R130 055.50	R4200.00	R416 867.89
Transfers and subsidies	R25 287.07	R17 475.45	R20 866.00
Provincial and municipalities	R25 287.07	R17 475.45	R20 866.00
Payments for capital assets	R4 847 305.69	R643 943.90	R 2 936 805.77
Machinery and equipment	R1 569 357.90	R643 943.90	1 206 113.62
Motor vehicle	R3 277 947.79	-	R1 730 692.15
Other	R155 616.87	R61 934.70	R34 903.47
TOTAL	R67 478 313.57	R67 158 313.87	R69 156 600.02

Table 30: 2018/2019, 2019/2020, 2020/2021 expenditure reporting

Expenditure for the financial year amounted to R69 156 600.02, JICS having underspent by 7.11% (R5 295 899.98).

Reasons for underspending/overspending on standard chart of accounts items:

Compensation of employees	Ideal	Deviation
93.01%	100%	6.99%

Table 31: Underspending on standard chart of accounts items

Underspending is due to vacant funded positions within the organisation.

Goods and services	Ideal	Deviation
85.52%	100%	14.47%

Table 32: Goods and services at 31 March 2021

Underspending was due to the suspension of some activities during the national lockdown. An amount of R1 540 000 was shifted to fund payments of capital assets.

Transfers and subsidies	Ideal	Deviation
139.11%	100%	-39.11%

Table 33: Transfers and subsidies at 31 March 2021

Overspending was due to inadequate allocation to licensing of government vehicles.

Capital assets	Ideal	Deviation
108.17%	100%	-8.17%

Table 34: Capital assets at 31 March 2021

Overspending was due to the purchasing of new vehicles and laptops. However, the budget allocation was insufficient to cover the financial year.

Supply chain management (SCM)

This function provides procurement services and asset management control, manages the properties of JICS and ensures a conducive working environment for the staff.

Goods and services

The following purchasing orders were processed and generated on the Logis system for the period under review:

- Purchase orders generated: 285
- Purchase orders cancelled: 25
- No credit notes were issued

Finance leases

JICS currently has nine lease agreements for photocopiers and six lease agreements for telephones (Cape Town, East London, Centurion, Bloemfontein, Durban and Pretoria).

Asset management

During 2020/2021, JICS conducted an annual asset verification at only two regions (Pretoria and Centurion) due to Covid-19 travel restrictions.

Transport management

The table below reflects the distribution of JICS's state vehicles.

Management area/region	Total number of vehicles
Pretoria head office	4
Northern Management Region	6
Central Management Region	6
KwaZulu-Natal Management Region	6
Eastern Cape Management Region	7
Western Cape Management Region	5
Total	34

Table 35: Vehicle allocation per JICS regions for 2020/2021

JICS is disposing of six vehicles due to high mileages and uneconomical repair.

Property management

The table below lists the various office accommodation utilised by JICS during the year.

Physical address	Type of agreement	Status on 31 March 2021
Pretoria head office: 316 Thabo Sehume Street, 27th and 29th floors, SALU Building, Pretoria	No lease agreement. Pretoria head office accommodated at SALU Building Pretoria at no cost to the state since June 2018 and is awaiting finalisation of permanent office allocation. A bid for alternative accommodation, with DPWI recommendations for two buildings, was discontinued due to National Treasury's recommendation.	Pretoria head office accommodated at SALU Building Pretoria at no cost to the state. The National Commissioner was requested on 31 March 2021 to facilitate procurement of new office accommodation for JICS head office.

Physical address	Type of agreement	Status on 31 March 2021
Cape Town head office: 9th Floor, Standard Bank Building, 1 Thibault Square, Cnr Long Street and Hans Strijdom Avenue, Cape Town	Month to month.	The lease agreement expired on 31/05/2019.
Central Management Region: 3rd floor, 62 Andrew Street, Bloemfontein	Lease.	The lease agreement approved for three years, expiring 31/05/2024.
Northern Management Region: 265 West Ave, Tuinhof, Karee (West Block) Centurion	Month to month.	The lease agreement expired on 30/06/2007.
KwaZulu-Natal Management Region: 8th floor, 275 Anton Lembede Street, Durban	Lease agreement.	The lease agreement approved for three years, expiring 31/12/2021.
Eastern Cape Management Region: 4 Buffalo Street, Magistrate Court, 3rd Floor, East London, 5200	Eastern Cape Management Region has been temporarily accommodated at East London Magistrate Court at no cost to the state since September 2018 and is awaiting finalisation of permanent office allocation.	On 31 March 2021, the National Commissioner was requested to facilitate the procurement of new office accommodation.

Table 36: JICS property management for the financial year 2020/2021

Conclusion

The shortage of finance and SCM personnel delays service delivery to internal and external clients. This will be addressed through the finalisation of the JICS business case.

JICS and DCS continue to have a prodigious relationship that has ensured greater effectiveness and efficiency in line with operational independence. Through a smooth working relationship with DCS, specifically the office of the National Commissioner and Chief Financial Officer, the budget was reprioritised, which enabled JICS to procure critical and essential goods and services.

SUB-DIRECTORATE: HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

Purpose: To ensure organisational support and administration.

Status of human resources

At 31 March 2021, there were 86 permanent approved and funded positions on the fixed establishment, 84 filled and two (2.33%) vacant.

The IAC is currently reviewing the organisational structure of JICS as a government component.

Human resources priorities for 2020/2021

DCS was requested on 8 December 2020 to assist JICS with the creation of the following permanent additional posts on the establishment structure:

- 20 administration positions
- 278 ICCV positions.

Despite numerous follow-ups, the creation of these permanent additional posts is still pending.

Employee performance management

All performance moderations of officials from 1 April 2019 to 31 March 2020 were finalised. No performance incentives for qualifying employees can, however, be processed as a decision on the relevant type and/or percentage of incentives is awaited from DCS.

Performance moderations for 1 April 2020 to 31 March 2021 will be finalised by 31 July 2021 as prescribed in the Public Service Regulations, 2016.

Human resources achievements

Five permanent, nine contract and 58 ICCVs positions were filled during the year under review.

Human resources challenges

Centralisation of Persal systems and functions at DCS head office continues to be a challenge (e.g. creation of positions hampers JICS's service delivery targets). Currently, contract workers are paid periodically, which is unauthorised, and the creation of additional posts is dependent on DCS, resulting in different salary payment dates (i.e. not on the last day of the month).

DCS was approached in December 2020 to create additional posts to eradicate irregular payment of contract workers at JICS. Despite numerous follow-ups, no response has been received from DCS.

Plans

JICS and the Department of Public Service and Administration are determining a modest functional start-up organisational structure to support the recommendations of the IAC that JICS be established as an NGC.

Human resources oversight statistics

Personnel-related expenditure

The following table summarises the final audited personnel-related expenditure by salary bands, indicating the amount spent on personnel and amounts spent on salaries, overtime, homeowners' allowances and medical aid.

	Total expenditure	Personnel expenditure	Training expenditure	Professional and special services expenditure	Personnel expenditure as a percentage of total expenditure
Total	R60 054 697	R54 382 753	R136 000	R5 535 943	86.83%

Table 37: Personnel expenditure by programme from 1 April 2020 to 31 March 2021

Employment and vacancies

The following table summarises the number of posts on the establishment, the number of employees, the vacancy rate and whether there are any staff additional to the establishment. This information is presented by type and salary band.

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Permanent	86	84	2.33%	-
Contract	-	16	-	16
ICCVs	(270)	222	17.78%	222
Total	86	322	20.11%	238

Table 38: Employment and vacancies by programme at 31 March 2021

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Lower skilled (levels 1 and 2)	1	1	-	-
Skilled (levels 3 to 5)	20	19	1.16%	-
Highly skilled production (levels 6 to 8)	39	39	-	-
Highly skilled supervision (levels 9 to 12)	22	21	1.16%	-
Senior management (levels 13 to 16)	4	4	-	-
Contract (level below 1) intern/ learnership	-	-	-	-
Contract (levels 1 and 2)	-	5	-	5
Contract (levels 3 to 5)	-	8	-	8
Contract (levels 6 to 8)	-	-	-	-
Contract (levels 9 to 12)	-	2	-	2
Contract (levels 13 to 16)	-	1	-	1
ICCVs	(270)	222	17.78%	222
Total	86	322	20.11%	238

Table 39: Employment and vacancies by salary band at 31 March 2021

Filling of senior management service (SMS) posts

The tables in this section provide information on SMS employment and vacancies by salary level. They also provide advertising and filling of SMS posts.

SMS level	Number of funded SMS posts	Number of SMS posts filled	Percentage of SMS posts filled	Number of SMS posts vacant	Percentage of SMS posts vacant
Salary level 14	1	1	100%	-	-
Salary level 13	3	3	100%	-	-
Total	4	4	100%	-	-

Table 40: SMS post information at 31 March 2021

SMS level	Advertising	Filling of posts	
	Number of vacancies per level advertised in six months of becoming vacant	Number of vacancies per level filled in six months of becoming vacant	Number of vacancies per level not filled in six months but filled in 12 months
Salary level 13	2	2	-
Total	2	2	-

Table 41: Advertising and filling of SMS posts from 1 April 2020 to 31 March 2021

Employment changes

This table provides turnover rates by salary band and by critical occupations. Turnover rates indicate trends in the employment profile of JICS.

Salary band	Number of employees at beginning of period (1 April 2020)	Appointments and transfers into JICS	Terminations and transfers out of JICS	Turnover rate
Lower skilled (levels 1 and 2)	1	-	-	-
Skilled (levels 3 to 6)	26	-	2	7.69%
Highly skilled production (levels 7 to 10)	45	-	2	4.44%
Highly skilled supervision (levels 11 to 12)	7	1	1	12.5%
SMS band A (level 13)	2	2	1	25%
SMS band B (level 14)	1	-	-	-
Contracts (levels 1 and 2)	5	-	-	-
Contracts (levels 3 to 6)	4	8	2	16.66%
Contracts (levels 7 to 10)	1	-	-	-
Contracts (levels 9 to 12)	1	-	-	-
Contract (levels 13 to 16)	-	-	-	-
Contract (level below 1)	-	-	-	-
ICCV	211	35	24	9.76%
Total	306	92	32	8.04%

Table 42: Annual turnover by salary band from 1 April 2020 to 31 March 2021

The tables below identify the reasons why staff left JICS:

Permanent staff termination type	Number	Percentage of total terminations
Death	1	16.67%
Resignation	2	33.33%
Transfers	3	50%
Discharged due to ill health	-	-
Dismissal – misconduct	-	-
Retirement	-	-
Abscondment	-	-
TOTAL	6	100%
Number of employees who left as a percentage of total employment		7.14%

Table 43: Reasons why permanent staff left JICS from 1 April 2020 to 31 March 2021

Contract staff termination type	Number	Percentage of total terminations
Death	-	-
Resignation	1	50%
Discharged due to ill health	-	-
Dismissal – misconduct	-	-
Retirement	-	-
Abscondment	-	-
Expiry of contract	1	50%
TOTAL	2	100%
Number of employees who left as a percentage of total employment		12.5%

Table 44: Reasons why contract staff left JICS from 1 April 2020 to 31 March 2021

ICCV termination type	Number	Percentage of total terminations
Death	-	-
Resignation	2	8.33%
Discharged due to ill health	-	-
Dismissal – misconduct	-	-
Retirement	-	-
Abscondment	1	4.17%
Expiry of contract	21	87.5%
TOTAL	24	
Number of employees who left as a percentage of total employment		10.81%

Table 45: Reasons why ICCV staff left JICS from 1 April 2020 to 31 March 2021

Employment equity

The table below depicts the employment equity status at JICS at 31 March 2021. The statistics comply with JICS's approved employment equity plan.

Occupational category	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Senior management (levels 13 and 14)	-	-	1	1	2	-	-	-	4
Professionally qualified and middle management (levels 11 and 12)	3	1	-	1	1	1	-	-	7
Skilled technical and academically qualified workers, junior management, supervisors (levels 7 to 10)	16	8	-	-	19	3	1	1	48

Occupational category	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Semi-skilled and discretionary decision making (levels 3 to 6)	6	-	-	-	13	5	-	-	24
Unskilled and defined decision making (levels 1 and 2)	1	-	-	-	-	-	-	-	1
Contract workers	3	-	-	1	9	2	-	1	16
ICCVs	88	10	2	-	112	9	1	-	222
Total	117	19	3	3	156	20	2	2	322
Employees with disabilities	1	-	-	-	-	-	-	-	1

Table 46: Number of employees (including employees with disabilities) in each occupational category at 31 March 2021

Occupational band	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management	1	-	-	-	-	-	-	-	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	-	-	-	-	-	1	-	-	1
Total	1	-	-	-	-	1	-	-	2
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 47: Promotions from 1 April 2020 to 31 March 2021

SMS performance agreements

All SMS members must conclude and sign performance agreements, as detailed below.

SMS level	Number of funded SMS posts	Number of SMS members	Number of signed performance agreements	Signed performance agreements as a percentage of the number of SMS members
Salary level 14	1	1	1	25%
Salary level 13	3	3	3	75%
Total	4	4	4	100%

Table 48: Performance agreements by SMS members at 31 March 2021

Leave

The Public Service Commission identified the need for careful monitoring of sick leave in the public service. The following tables outline leave at JICS.

Salary band	Total days	Percentage days with medical certification	Number of employees using sick leave	Percentage of employees using sick leave	Average days per employee
Lower skilled (levels 1 and 2)	3	0.27%	1	1.49%	3
Skilled (levels 3 to 5)	130	27.42%	14	20.90%	9.28
Highly skilled production (levels 6 to 8)	249	55.11%	32	47.76%	7.78
Highly skilled supervision (levels 9 to 12)	83	15.86%	18	26.87%	4.61
Senior management (levels 13 to 16)	8	1.34%	2	2.98%	4
Contract (levels 1 and 2)	23	82.61%	4	80.00%	5.75
Contract (levels 3 to 5)	11	27.27%	5	50.00%	2.20
Contract (levels 6 to 8)	-	-	-	-	-
Contract (levels 9 to 12)	-	-	-	-	-
Contract (levels 13 to 16)	-	-	-	-	-
ICCVs	321	69.16%	84	38.71%	3.82
TOTAL	828	57.43%	160	33.5%	5.18

Table 49: Sick leave from 1 January 2020 to 31 December 2020

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (levels 1 and 2)	16	16.00	1
Skilled (levels 3 to 5)	240	16.00	15
Highly skilled production (levels 6 to 8)	724	21.94	33
Highly skilled supervision (levels 9 to 12)	316	18.59	17
Senior management (levels 13 to 16)	77	25.67	3
Contract (levels 1 and 2)	47	11.75	4
Contract (levels 3 and 5)	95	9.50	10
Contract (levels 6 to 8)	-	-	-
Contract (levels 9 to 12)	15	7.50	2
Contract (levels 13 to 16)	-	-	-
ICCVs	1 293	8.86	146

Table 50: Annual leave from 1 January 2020 to 31 December 2020

Labour relations

The following tables detail labour relations matters dealt with in the year under review.

Outcomes of disciplinary hearings	Number	Percentage of total
Corrective counselling	-	-
Verbal warning	-	-
Written warning	-	-
Final written warning	1	33.33%
Suspended without pay	1	33.33%
Demotion	-	-
Dismissal (termination of service)	1	33.33%
Not guilty	-	-
Case withdrawn	-	-
No outcome	-	-
Total	3	100%

Table 51: Misconduct and disciplinary hearings from 1 April 2020 to 31 March 2021

Type of misconduct	Number	Percentage of total
Fails to comply with, or contravenes an Act, regulation or legal obligation	2	66.66%
Without permission possesses or wrongfully uses the property of the State, other employees and/or a visitor	1	33.33%
Total	3	

Table 52: Misconduct addressed at disciplinary hearings from 1 April 2020 to 31 March 2021

Grievances	Number	Percentage of total
Number of grievances finalised	2	100%
Number of grievances pending	-	-
Total number of grievances lodged	2	100%

Table 53: Grievances logged from 1 April 2020 to 31 March 2021

Disputes	Number	Percentage of total
Number of disputes upheld	1	33.3%
Number partially upheld	1	33.3%
Number of disputes dismissed	-	-
Pending disputes	1	33.3%
Total number of disputes lodged	3	100%

Table 54: Disputes lodged with councils from 1 April 2020 to 31 March 2021

Skills development

Due to the outbreak of Covid-19 and the restrictions imposed by the Disaster Management Act, training and skills development of staff could unfortunately not take place.

JICS granted the following bursaries to 25 staff members to enable them to acquire higher qualifications.

Field of study	Number of bursaries
Law	6
Human resources	3
Public administration	5
Finance	1
Supply chain management	2
Consumer science	1
Management	7

Table 55: Bursaries granted to JICS staff for the academic year 2020

Covid-19

The following table shows the impact of Covid-19 on JICS through staff who tested positive.

Office/region	April 20	May 20	June 20	July 20	August 20	September 20	October 20	November 20	December 20	January 21	February 21	March 21	Total
Head office (Pretoria and Cape Town)	-	-	-	-	-	-	-	-	3	1	-	-	4
Western Cape Management Region	-	-	2	-	1	-	-	-	3	1	-	-	7
Eastern Cape Management Region	-	-	-	1	-	-	-	-	-	-	-	-	1
Central Management Region	-	-	1	1	1	-	8	-	-	-	-	-	11
Northern Management Region	-	-	-	-	-	-	-	-	-	1	1	-	2
KwaZulu-Natal Management Region	-	-	-	-	1	-	-	-	-	-	1	-	2
Total per month	-	-	3	2	3	-	8	-	6	3	2	-	27

Table 56: Covid-19 positive cases within JICS for the period 1 April 2020 to 31 March 2021

SUB-DIRECTORATE: INFORMATION SYSTEMS

Purpose: Create business value by providing reliable integrated and secured ICT infrastructure and business application systems to ensure effective strategic alignment and enhancement of business processes.

Information technology (IT) includes all computer software and hardware. JICS is dependent on many transversal systems of the DCS, such as Bas, Logis and Persal. The IT office provides support on all network-related matters and assists JICS regional offices with IT support (hardware, software and network).

Projects

Computers for ICCVs

ICCVs currently do not have access to computers at the correctional centres. JICS's desktop rollout project will resume in May 2021, having been halted by Covid-19.

DCS e-Corrections

In 2016, the DCS electronic reporting system crashed. The new e-Corrections system is designed to accommodate JICS's oversight statutory reporting requirements.

The system, which is being rolled out nationally, will enhance JICS's reporting competence, especially on mandatory reporting of deaths, mechanical restraints, segregation and the use of force. DCS's statutory obligation to report on all these areas will be enhanced.

Mail server and website

The domain jics.gov.za was registered for JICS e-mail exchange and website by the State Information Technology Agency (SITA). A new server has been installed and configured for a separate JICS domain, e-mail exchange and website, independent of DCS. As at 1 April 2021, an active directory had been installed to register JICS user profiles. The SITA technical team is finalising a JICS e-mail exchange configuration for the creation of user mailboxes.

SUB-DIRECTORATE: COMMUNICATIONS AND MEDIA

Activities during the review year in this sub-directorate included:

- Engagement with DCS, SITA and other role-players to design the e-Corrections system, which is being rolled out by DCS regionally and will replace the 20-year-old JICS management information system
- Covid-19 information dissemination via the cluster WhatsApp platform and emails for government departments to distribute. Information was provided in real-time as it became available.
- Tailoring government communications on Covid-19 to JICS branding and target audiences, including e-deskdrops from the Office of the CEO, video messages of support from the Office of the Inspecting Judge, posters, social media videos and memes.

Media

JICS engaged in several media activities during 2020/2021, including media releases, requests and responses. The emphasis is on impactful themes rather than quantity.

A key message during the year was the importance in the wake of Covid-19 of the release of certain inmates to relieve overcrowding at correctional centres.

April to June 2020:

- Covid-19-related news in correctional centres
- 19 000 parolees
- Goedemoed Correctional Centre follow up
- Wardens assault

July to September 2020

- Prisoners are not being seen as human beings
- St Albans inmates on prolonged hunger strike over alleged beatings and growing Covid-19 concerns
- South Africa should end its trade and use of torture equipment
- Prisoners at Brandvlei starved of water
- Prisoners fear for their lives at Sun City as Covid-19 wave spreads
- DCS officials in trouble for giving special treatment
- Covid-19 statistics and deaths
- Foreign nationals in correctional centres
- DCS considering prison visits under level 2
- JICS op-ed
- Hlophe Report

October to December 2020

- JICS quarterly reports
- Hlophe Report

- Rajbansi matter
- No dignity for SA prisoners
- An inmate at Pollsmoor dies
- Constitutional Court judgment

January to March 2021

- Appalling living conditions in SA prisons
- Vaccines in correctional centres
- Covid-19 Leeuwkop and alleged brutality
- JICS annual report
- JICS should exercise stronger oversight
- Violence and Covid-19 in prisons
- Inmate's death at Mangaung
- Prisoners and the Covid-19 lockdown
- Violence and Covid-19 in prisons
- Internal communication

JICS management released several internal communiques to keep staff informed and ensure and maintain accountability and transparency. The email topics are listed below:

April to June 2020

- Availability of the e-disclosure system on the internet
- Freedom Month
- Amended JICS directives in response to the lockdown
- A national call to action
- National School of Governance
- From the desk of the CEO
- Circular No 8 of 2020 Covid-19, level 4 phase-in approached to return to the workplace
- No communicable disease
- Phase-in approach
- IJ visit to Jhb CC
- Social distancing, quarantine and self-isolation
- Summary of alert levels
- Circular No 9 – Screening checklist for JICS offices
- Covid-19 stats (updated and sent out regularly)
- Restrictions
- We are all in this together
- From the desk of the President
- We need all hands on deck
- We are gradually easing restrictions
- President's address announcement
- President's speech
- News24 op-Ed – A visit to 'Sun City' prison: Nightmare to manage the virus in confined spaces
- We cannot let up now
- Video: Step-by-step guide to using your mask
- Visual tutorial: Stigma and privacy
- From the desk of the President
- Covid-19 call centre contact details

- Circular No 10: Unused leave credits 2019 cycle
- Do I need to get tested?
- State of the Nation Address
- Alert levels
- Eid Mubarak message to staff
- JICS e-newsletter: What to do if you experience Covid 19 symptoms
- Covid-19 level 3
- Video: Message of encouragement from IJ
- From the desk of the President
- Circular No 14 of 2020 – JICS workplace plans and safety measures
- Managing Covid stress (video)
- Circular No 15 of 2020 – Advertising of vacancies and managing selection and recruitment strategies to support operations and responsiveness during Covid-19 alert level 3
- Circular No 16 of 2020 – e-disclosure for middle management services and ethics officers (staff dealing with finance and SCM issues)
- JICS Quarterly Report
- How to prevent Covid in the office (video)
- Circular No 17: Guide on conducting inspections during Covid-19
- Covid oversight visits
- Guide on conducting inspections
- Standing operating procedures: Covid inspections
- Directorate: Legal Services introduction
- From the Office of the CEO: Update
- JICS handwashing poster
- Can adolescents spread Covid?
- Level 3 advanced pictorial
- Not another life must be lost
- Transfer and acting responsibilities
- Africa Public Service Day
- Correctional services new regulations dated 18 June 2020
- Supplementary budget speech: 15:00
- KwaZulu-Natal regional office cell number change
- Inaugural discussion webinar
- Procedures for self-quarantine under Covid-19

July to September 2020

- Presidential imbizos on Covid-19
- Stop gender-based violence and femicide (GBVF) – Mandela Month
- Covid-19 stats
- Protecting each other poster
- Video: IJ six months in office
- Circular No 17 of 2020 – submission of performance management development system documents 2020
- Violence is not the answer poster
- Condolences on the passing of a loved one
- Alert level 3 restrictions remain in place infographics
- Covid-19 emergency warning signs poster
- How to use a disposable mask poster
- JICS guidelines and directives on working from home

- in terms of the Disaster Management Act, 57 of 2002
- Mandela: Let's support each other poster
- Video: CovidConnect
- Pretoria head office closed for decontamination
- Covid-19 prevention on public transport
- Department of Justice and Constitutional Development Budget Vote
- Level 3 restrictions remain in place
- Fighting the Covid-19 stigma (staff posters campaign)
- Mandela: Lifespan of GBVF
- Covid-19 mental wellbeing (staff poster campaign)
- SA crime stats
- JICS Women's Month profile
- Temporary Covid-19 care away from home
- Taking control in the workplace
- Workplace health and safety procedures for Covid-19
- Acting Deputy Director: Finance and SCM
- Circular No 18 of 2020: JICS – file plan
- JICS first quarterly report, 1 April – 30 June 2020
- National Hygiene Strategy and Implementation Plan
- JICS workplace plans alert level 2
- JICS staff Covid-19 stats
- JICS Women's Month profile
- Office of the CEO: Update August 2020
- Anxiety during a pandemic
- Scheduled downtime for the justice domain, 28 – 30 August 2020
- Circular No 19 of 2020 – authorisation forms for removal of state-owned equipment/property
- Fatigue during illness – Covid-19
- Heritage Month
- Public Servants Month campaign
- Financial accountability – Covid-19
- Virtual meeting etiquette
- Bursary application, 2021 academic year
- Covid-19 SA Stats
- Employment assistance programme brochure
- DCS Covid-19 stats
- Compulsory online course: Ethics in the public service
- Tribute to and appreciation for Mr Umesh Raga
- President to address the nation
- Alert level 1 infographic
- Communication strategy – Covid-19
- IJ Video to Staff
- Heritage Day
- Covid-19 alert level 1 JICS poster
- Alert level 1 reopening borders

October to December 2020

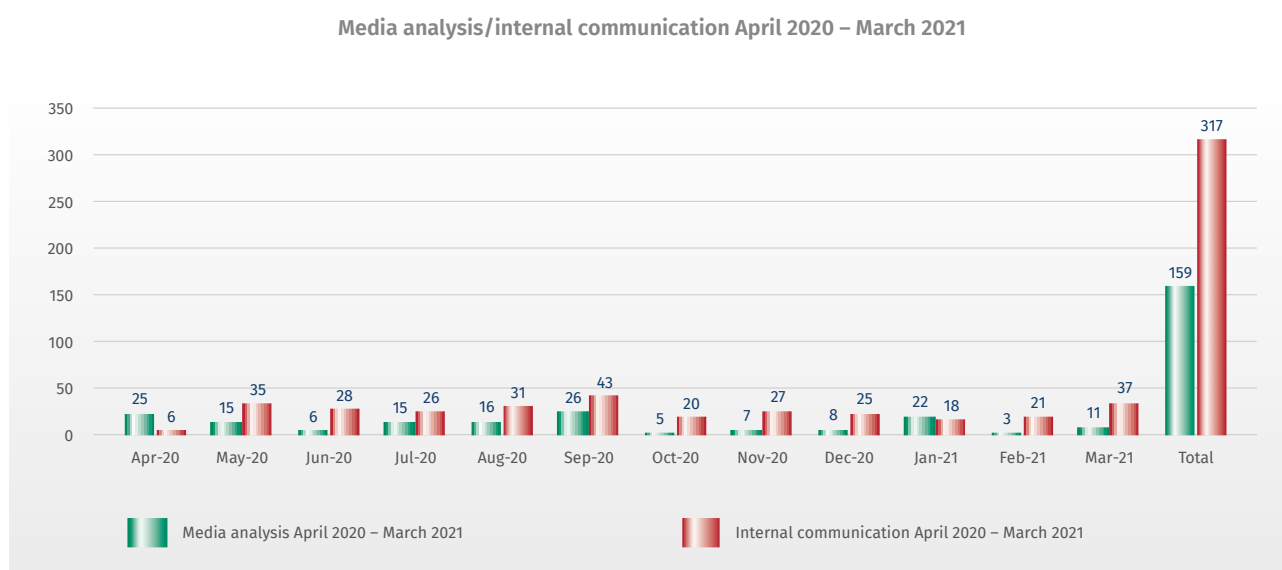
- Covid-19 SA stats
- Strike action notice: Cosatu Section 77 protest action
- Corruption hotline
- Acting appointments 1 October 2020 – 31 January 2021
- Report corruption
- Face masks, please
- National anti-corruption hotline
- Fighting corruption is everyone's business

- Circular No 55 of 2020 (5 October 2020) measures for risk alert level 1
- Circular No 21 of 2020 – processing of ICCV remuneration
- Covid on the increase
- SA possible resurgence video
- Constitutional Court judgment
- JICS new appointments
- JICS advert: Deputy Director Complaints and Mandatory Reporting and Deputy Director Communications
- JICS annual report 2019/2020
- JICS vacancies – Post advert 13 November 2020
- President to address the nation
- Restrictions remain alert level 1
- Crime safety tips
- Sub-directorate: Human Resource Management introduction
- Covid-19 precautions reminder
- 16 Days of Activism 2020, JICS ‘Against domestic abuse’ campaign
- Acting appointment CEO: RE Brewis, 26 November to 6 December 2020
- Scam alert: Department of Justice and Constitutional Development
- JICS 2020 second quarterly report
- Domestic abuse campaign: How much more?
- Stop abuse now
- Covid-19 alert level 3 amendments
- IJ final 2020 video message to staff
- JICS go virtual poster
- JICS go spacious poster
- Play your part and save lives
- Festive restrictions to save lives
- Office of the CEO deskdrop, December 2020
- Fumigation and deep cleaning of Pretoria office, Salu Building
- JICS go outdoors poster
- JICS season's greetings
- JICS go smaller poster

January to March 2021

- SA remains on alert level 3
- National effort to contain Covid-19
- Myth-busting: Covid-19
- Summary of Covid-19 stats
- Keep yourself safe – JICS poster
- JICS instructions on rotation as per Department of Public Service and Administration Circular No 1 of 2021
- From the desk of the President
- Covid-19 factsheet
- JICS circulars 2, 3 and 4 of 2021
- JICS delegations revised
- JICS revised policies
- Covid-19 vaccine free at the point of service
- Changes to alert level 3
- JICS ‘Leading by example’ facemask campaign
- State of the National Address
- Survey – JICS golf shirt
- Circular No 5 of 2021 – normative standards for ICCV performance
- Circular No 6 of 2021 – dealing with complaints and requests
- JICS third quarterly report 2020/2021
- Circular No 7 of 2021, amendments – JICS financial instructions
- JICS golf shirt orders
- Webinar invitation: A review of the 2019/20 annual report of the Judicial Inspectorate for Correctional Services (3 March 2021).
- Human Rights Month | March 2021
- Director Management Regions: Introduction
- International Women's Day
- JICS alert level 1: Workplace plans and safety measures
- Annual report timeframes
- Reminder: Ordering of JICS golf shirts
- JICS Circular No 8 of 2021 – qualification audit
- Circular No 9 of 2021: JICS – Recruitment and Selection Policy and Procedure Manual: Standard operating procedure for pre-employment policy
- JICS Circular No 10 of 2021 – annual leave plans

The graph below shows the media engagement and internal communication for 2020/2021.



Graph 14: Media engagement and internal communication for 2020/2021

Office of the Inspecting Judge

The Inspecting Judge, Justice Edwin Cameron, undertook several activities during the review year:

- Zonderwater Correctional Centre on 29 January 2020, Johannesburg Correctional Centre on 5 May 2020 and Johannesburg Correctional Centre mediums A and C on 29 September 2020. The last-mentioned visit was at the request of the United Kingdom Crown Prosecution Service to inspect and check accommodation suitability for the detention of an offender subject to extradition from the UK to South Africa to face trial.
- Kutama-Sinthumule Correctional Centre on 29 September 2020, where the training of ICCVs was taking place. The IJ expressed his appreciation for ICCVs for the important work they do for JICS. Before this meeting, DCS Area Commissioner Netshivhazwaulu assembled his management team for an extended dialogue with the IJ.
- With the CEO's assistance, engaged the Minister of Justice and Correctional Services and the Minister of Public Service and Administration to endorse and finalise JICS's business case, which was subsequently submitted to the IAC for scrutiny and then to the ministers, who approved it and recommended that its future independent structure be secured as a separate NGC.
- Following the Sonke Gender Justice judgment of the Constitutional Court dated 4 December 2020, worked, with the assistance of the CEO and other JICS staff members, on the draft JICS Bill and amendments to the CSA. On 30 March 2021, the Bill and draft notice

ready for public comments were submitted to the Minister.

- Engagement with the National Commissioner for a formal response to the December 2019 report by the former IJ, Justice van der Westhuizen, titled 'From security to cruelty? Supermax correctional centres: Ebongweni'. The focus of the report was the Ebongweni Correctional Centre and the issue of solitary confinement (or 'segregation' in the nomenclature of the statute). Since 9 February 2021, the Office of the IJ has followed up, but no response has been provided. On 9 February 2021, the IJ and JICS managers provided a virtual audience to Dr Lincoln Fitz of Unisa's School of Criminal Justice to present his proposal on the 'Development of risk framework to reduce security incidents in South African correctional centres'.
- On 12 March 2021, reached out to the Minister, Deputy Minister and National Commissioner to secure implementation of a fully funded best practice model for HIV, TB and hepatitis prevention and treatment to be rolled out in correctional centres across the country.
- Received and dealt with many complaints directly from the public and inmates' families and loved ones.
- Continued to engage with the JICS executive on the impact of Covid-19 on JICS's ability to fully discharge its mandate and ensure unrestricted access to inmates and its staff.
- Helped finalise JICS's annual report 2019/2020 and the 2020/2021 quarterly reports. He presented the annual report to the Deputy Minister on 9 September 2020 and to the Minister on 16 September 2020. On

20 October 2020, he submitted the annual report to the President, the Minister, Deputy Minister, Portfolio Committee on Justice and Correctional Services and stakeholders.

- Initiated engagement with the Ministry and DCS on the challenges facing parole boards. On 11 August 2020, he met with the Deputy Minister, Judge Siraj Desai and DCS officials monitoring the parole board. On 16 September 2020, he met with the parole board chairperson and the regional parole board chairpersons, Deputy Minister, DCS officials and the Minister's adviser to hear their challenges. He continuously engaged with the Deputy Minister on parole board processes and challenges to seek practical solutions.
- On 4 December 2020, engaged with the National Commissioner in person and in writing on JICS's accommodation issues, DCS facilities issues, JICS's business case, amendments to the CSA, the National Commissioner's response to the Ebongweni Supermax report and review of JICS's organisational structure.
- With the assistance of the CEO, submitted a memorandum to the Minister to nominate two members of JICS to serve on the IAC to assess the feasibility of JICS as a government component per the JICS business case.
- Worked on the mid-term and final performance, and final assessments of staff.
- In consultation with Exco, initiated a roundtable discussion on DCS's facilities and JICS's office accommodation with Ministers of DCS and DPWI and their deputies, their directors-general and other officials in their departments. Letters proposing further discussions were sent to the ministers and National Commissioner on 28 October 2020.
- Communicated directly with the Minister of DPWI to resolve the JICS office accommodation impasse.
- Participated in meetings and activities of the OPCAT structure managed under SAHRC and met with SAHRC Commissioner, Chris Nissen, to discuss the JICS and SAHRC collaboration on the NPM and identification of joint NPM activities, and finalise the memorandum of agreement between JICS and SAHRC for the NPM.
- Strongly backed, supported by Exco, the Prison-to-College-Pipeline initiative coordinated by Dr Bianca Parry of Unisa and requested DCS area commissioners' endorsement and involvement.
- Supported the Ubuntu learning community, South Africa's first prison-university partnership, led by Dr Mary Nel of the Stellenbosch University Faculty of Law. This creates opportunities for incarcerated individuals to learn alongside students and academics at Brandvlei Correctional Centre in Worcester in collaboration with DCS.
- On 28 August 2020, met with the leader of the South African Prisoners Organisation for Human Rights, Miles Bhudu, on possible future engagements.
- Convened and was present for all JICS Exco virtual meetings.
- With the assistance of the CEO, managers and staff started arrangements for a seminar on 'Excessive use of force in correctional centres: The role of the department, JICS and civil society'. The seminar will be held on 27 and 28 May 2021 to provide a platform for international and local speakers to propound practical solutions.
- In February 2021, sent letters to the judge presidents and the Chairperson of the Magistrates' Commission to exhort them to conduct correctional centres visits as permitted by the CSA.
- Continuously engaged the media – with the assistance of his law clerk and JICS Communications – on the treatment of inmates and the state of correctional centres. He also publicly advocated prioritising inmates and other congregate populations for Covid vaccination.
- Presented lectures and keynote addresses to local and international institutions on JICS's work and challenges in criminal justice reform. These virtual presentations shed light on what is happening behind bars in South Africa and included:
 - Keynote address in November 2020 for the 75th anniversary of the Allard School of Law, University of British Columbia, Vancouver, on 'Prisons and the F-word: Has the time come for a fundamental rethink?'
 - Opening remarks at the May 2020 Stop TB Partnership: Health rights in prison on the importance of promoting and protecting the health of prisoners and people deprived of their liberty
 - Lecture to Middle Temple, London, on 27 May 2020 on 'Prisons – perils and false promises'
 - SAHRC online seminar on OPCAT discussion 'To mark the international day of support for victims of torture' (June 2020)
 - Lecture to the Stetson University College of Law on the 'The crisis of mass incarceration in South Africa and the US – can prison inspectorates do good?' (February 2021)
 - JICS annual report 'Highlights, challenges, possible solutions and opportunities' as part of the African Criminal Justice Reform webinar series (March 2021) and
 - Keynote address to the Administrative Justice Association of South Africa's annual general meeting: 'Prisons – a call to action for post-apartheid administrative lawyers' (March 2021).

- Published, in well-regarded local news sources, various opinion pieces (op-eds) that have sparked debates and led to the IJ participating in various radio and televised interviews. These included:
 - 'Botched bail decisions can be curbed' (Sunday Times, 19 January 2020)
 - 'Our prisons are failing – they need to become correctional facilities' (GroundUp and News24, 3 March 2020)
 - 'Covid-19 and the perils of over-incarceration' (Daily Maverick and GroundUp, 24 April 2020);
 - 'A visit to 'Sun City' prison: Nightmare to manage the virus in confined spaces' (News24, 14 May 2020)
 - 'Enemies of the nation: How the war on drugs has failed South Africa' (GroundUp, TimesLive and Daily Maverick, 19 August 2020)
 - 'Violence in prisons is increasing. The prisons watchdog needs more power to stop it' (GroundUp, Daily Maverick and TimesLive, 4 September 2020) and
 - 'To enforce the Covid lockdown, did we wage a war against the people of South Africa?' (News24, 6 March 2021).
- Helped finalise and then circulated research reports on solitary confinement versus segregation, CCTV and hunger strikes in correctional centres.

'Taunting our country's humane and sensible vision of criminal justice, our correctional facilities are quickly growing increasingly dangerous. They stand as reminders of how hard it is to heal from the violence of our past.'



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