

To: The Honourable Minister Ronald Lamola, MP
Minister of Justice and Correctional Services

Dear Minister Lamola

The coronavirus pandemic poses an unprecedented challenge to our correctional system. On 6 April 2020, the first case of Covid-19 was reported within the system – in the East London Correctional Centre.

Less than three weeks later, 115 cases of COVID-19 cases have been confirmed in six correctional centres, across four provinces. There is every reason to fear that the virus may spread more fearsomely within our correctional system, and soon.

As Inspecting Judge of Correctional Services, I am keenly aware of your concern about this, and your wish to find practically warranted and principle-based solutions.

Today I address you to deliver a plea: that you take urgent steps to alleviate overcrowding in our correctional centres by effecting carefully-targeted, selective releases of remand and sentenced inmates.

I do so with the support of my full executive and management staff within the Judicial Inspectorate of Correctional Services, and also that of the Detention Justice Forum and its widely varied and inclusive members.

Conditions of overcrowding and strained resources mean that correctional centres and their personnel are not able to respond adequately to the health needs of inmates. This imperils both inmates and officials.

Moreover we are troubled by reports that unrest and violence linked to COVID-19 have occurred in a number of correctional centres.

Our call to you asks you to do no more than many other jurisdictions and countries have already done. And it has strong support in international law and practice.

The UN High Commissioner for Human Rights has urged governments to reduce prison populations and to prevent uncontrollable outbreaks of COVID-19. Around the world, governments have already taken significant action to decongest prisons through emergency releases.

Jurisdictions as diverse as Iran, India, certain states in the US, Chile, Morocco – and, on our own continent, Uganda, and Nigeria, have done so.

In keeping with international trends and recommendations we now respectfully call upon you and the Department of Correctional Services to take urgent action to relieve overcrowding in correctional centres.

We do not presume to be prescriptive. We yield to the special operational expertise of those charged primarily with running the correctional system.

What we do urge is speedy and unequivocal action. In this, special consideration may be given to:

1. elderly inmates over 60 years old, as well as frail, sick and terminally ill inmates and those eligible for medical parole;
2. petty offenders and non-violent offenders, including all inmates convicted of drug offences in nonviolent circumstances;
3. inmates with sentences remaining of less than one year;
4. inmates approaching their parole date;
5. inmates imprisoned with the option of paying a fine; and
6. foreign nationals currently detained on immigration-related charges

We further suggest that, to the extent appropriate, you use your high office to urge that, once courts reopen, the number of people remanded to custody be restricted and, so far as possible and justifiable, alternatives to incarceration be considered.

With respect and in solidarity at a time of national peril

EDWIN CAMERON

INSPECTING JUDGE OF CORRECTIONAL SERVICES

DETENTION JUSTICE FORUM:

Members:

ACJR – Africa Criminal Justice Reform

APCOF – African Policing Oversight Forum

CALS - Centre for Applied Legal Studies

JDI-SA – Just Detention International – South Africa

NICRO – National Institute for Crime Prevention and the reintegration of Offenders

Phoenix Zululand

Scalabrini Centre

Sonke Gender Justice