

# ANNUAL REPORT 2023/24



**JICS**  
Judicial Inspectorate for  
Correctional Services





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# LIST OF ABBREVIATIONS AND PLACE ACRONYMS

<b>AC</b>	Area Commissioner	<b>IT</b>	Information Technology
<b>CEO</b>	Chief Executive Officer	<b>IU</b>	Investigations Unit
<b>CF</b>	Correctional Facility (Correctional Centre and Remand Detention Facility)	<b>JCPS</b>	Justice, Crime Prevention and Security Cluster
<b>CFO</b>	Chief Financial Officer	<b>JICS</b>	Judicial Inspectorate for Correctional Services
<b>CMCs</b>	Case Management Committees	<b>KZNMR</b>	KwaZulu-Natal Management Region
<b>CMR</b>	Central Management Region	<b>LGBTIQ+</b>	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
<b>CPA</b>	Criminal Procedure Act 51 of 1977	<b>MIS</b>	Management Information System
<b>CPF</b>	Community Policing Forum	<b>MRU</b>	Mandatory Reporting Unit
<b>CSA</b>	Correctional Services Act 111 of 1998	<b>MSSD</b>	Minimum Standard of Service Delivery
<b>CU</b>	Complaints Unit	<b>NMR</b>	Northern Management Region
<b>DCS</b>	Department of Correctional Services	<b>PCN</b>	Public Calling for Nominations
<b>DHA</b>	Department of Home Affairs	<b>PEEC</b>	Provincial Efficiency and Enhancement Committee
<b>DLS</b>	Directorate Legal Services	<b>PMDS</b>	Performance Management Development System
<b>DMR</b>	Directorate Management Regions	<b>PPP</b>	Public-Private Partnership
<b>DoH</b>	Department of Health	<b>RDs</b>	Remand Detainees
<b>DPP</b>	Director of Public Prosecutions	<b>RoC</b>	Record of Consultation
<b>DSD</b>	Department of Social Development	<b>RSA</b>	Republic of South Africa
<b>DSS</b>	Directorate Support Services	<b>SAHRC</b>	South African Human Rights Commission
<b>EC</b>	Eastern Cape	<b>SAPOHR</b>	South African Prisoners Organisation for Human Rights
<b>ECMR</b>	Eastern Cape Management Region	<b>SCOA</b>	Standard Chart of Accounts
<b>EXCO</b>	Executive Committee	<b>SITA</b>	State Information Technology Agency
<b>FS/NC</b>	Free State/Northern Cape Management Region	<b>SMR</b>	Strategic Midterm Review
<b>GITO</b>	Government Information Technology Officer	<b>UNISA</b>	University of South Africa
<b>GCIS</b>	Government Communication Information System	<b>VC</b>	Visitors' Committee
<b>GP</b>	Gauteng Province	<b>VCCO</b>	Visitors' Committee Coordinating Officer
<b>HCC</b>	Head of Correctional Centre	<b>WCMR</b>	Western Cape Management Region
<b>ICCVs</b>	Independent Correctional Centre Visitors		
<b>IJ</b>	Inspecting Judge		
<b>ISS</b>	Integrated Security System		







# A

## GENERAL INFORMATION



# GENERAL INFORMATION

CONTACT INFORMATION		
HEAD OFFICE – PRETORIA – CHIEF EXECUTIVE OFFICER		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: (012) 321 0303	Eco-Origins Block C3 349 Witch-Hazel Avenue Highveld Ext 79 Centurion 0169
CENTRAL MANAGEMENT REGION – REGIONAL MANAGER: MICHAEL PRUSENT		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
P.O. BOX 3839 Bloemfontein 9301	Tel: (051) 430 1954 Fax: (051) 440 1045	Fedsure House, 3 <sup>rd</sup> floor 62 St Andrews Street Bloemfontein 9300
EASTERN CAPE MANAGEMENT REGION – REGIONAL MANAGER: JUSTINE GERICKE		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO Box 192 East London 5201	Tel: (043) 722 2729	Magistrate Court 3 <sup>rd</sup> floor) 4 Buffalo Street East London 5200
KWAZULU-NATAL MANAGEMENT REGION – REGIONAL MANAGER: SHADRACK SIBANYONI		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
P.O. Box 1322 Durban 4000	Tel: (031) 3661900 Fax: (031) 368 1872	Aqua Sky Building 8 <sup>th</sup> floor 275 Anton Lembede Street Durban 4001
NORTHERN MANAGEMENT REGION – REGIONAL MANAGER: MURASLET MENTOOR		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: (012) 663 7521 Fax: (012) 663 7510	Eco-Origins Block C3 349 Witch-Hazel Avenue Highveld Ext 79 Centurion 0169
WESTERN CAPE MANAGEMENT REGION – ASSISTANT REGIONAL MANAGER: SAMBESO SANI		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag X 9177 Cape Town 8000	Tel: (021) 421 1012 Fax: (021) 418 1069	Standard Bank Building 9 <sup>th</sup> floor 1 Thibault Square, Cnr Long Street and Hans Strijdom Avenue Cape Town 8001

Table 1: JICS contact information



## FOREWORD BY THE INSPECTING JUDGE

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The pains that have beset the prison system since I began as Inspecting Judge continue to plague it: overcrowding, degraded infrastructure, high levels of violence, and too few, far too few, rehabilitation, education and training opportunities. The correctional centres I visited over this performance period speak vividly.

We in the JICS inspection party found St Albans Maximum Correctional Centre under a month-long lockdown. Inmates were confined perpetually to overcrowded cells, without even the statutory guaranteed minimum of one hour of exercise a day. The reason? A dramatic increase in gang-related stabbings of officials. The Acting Area Commissioner explained that gangs controlled the flow of money, food, and contraband, comparing prisons to “schools for crime.” Gang activity spilled over to the rest of the correctional system and outside communities.

Vryheid Correctional Centre provided acute images. Remand detainees were crammed into overcrowded, unhygienic cells. One cell, designed to accommodate 20-

25 inmates, housed 41. The showers and toilets were in disrepair, with peeling paint, leaking taps, and blocked drains. A powerful stench of effluent compounded the unhygienic conditions. Remandees were often denied their daily hour out because of staff shortages. Evidently, one 750ml of household cleaner would achieve elemental improvement. Who was I, happening on the Centre in the middle of a icily snowy week, to ask the Head of Centre to consider buying cleanser herself? I did, anyhow, in hope, not dudgeon.

Even centres we rated good or satisfactory are not without blemish. Ekuseni Youth Centre was well-managed, with what seemed good relationships between officials and the youngsters in their care. However, the buildings, though clean, were old, dilapidated and lacked security features. An entire unit was shut down in 2017, because it was no longer suitable for human accommodation. Consequently, the Centre’s approved capacity fell from 600 to 155. The patently good work the personnel were doing was being made to shrink.

The Centre battled bravely to secure repairs by the Department of Public Works and Infrastructure (DPWI) and by private, contracted entities. For instance, repairs to the Centre's generator had been outstanding for almost a year, and the Centre had been without hot water for 13 months. This, while snow topped the nearby Drakensberg mountains.

In addition, though Ekuseni had an impressive array of programmes to keep inmates occupied and to facilitate rehabilitation, there was a shortage of officials qualified to run vocational training in the region. We were told this had led the Acting Regional Commissioner to suspend Technical and Vocational Education and Training (TVET) programmes in 2020. Officials pointed out, with evident regret, that Ekuseni's impressive vocational training centre was abandoned and unused.

Across the country, correctional centres replicate these anguishing stories.

Other concerns that plague the correctional system continue to trouble JICS:

- **Unaffordable bail and long periods of pre-trial detention:** JICS records no fewer than 2 391 inmates in correctional centres even though they have been granted bail of less than R1000. Attempts by DCS to intervene by facilitating sections 49G, 63A, and 62F applications to magistrates have had limited success.
- **Unlawful solitary confinement:** This practice persists at Ebongweni Supermaximum Correctional Centre and Kgosi Mampuru II C-Max. JICS initiated a study and hosted a seminar that vividly showed solitary confinement's adverse mental health effects. This resulted in reinvigorated engagements with DCS. Regrettably, JICS's reports on solitary confinement to the previous Parliamentary Portfolio Committee have not produced interventions.
- **State patients wrongly detained in correctional centres:** Large numbers of state patients are wrongly detained in correctional centres for long periods. JICS has recorded 204 state patients. The cause? Delay in transferring them to psychiatric hospitals that lack bedspace.
- **Reports of assault and inhumane treatment:** Grim reports of assault, excessive violence and inhumane treatment of inmates (and even grossly inappropriate body searches of visitors).
- **Accountability for wrongdoing:** Accountability for DCS officials implicated in wrongdoing too often remains elusive because of insufficient follow-up by police and prosecution.
- **Parole system issues:** A creaking parole system suffers from unfilled vacancies on parole boards and the impossible burden the Minister carries because the statute requires final sign-off by the Minister for every lifer granted parole. Though the Minister has made progress in remedying the

backlog, JICS continues to receive complaints from inmates, their families and officials about delays and inconsistencies in the process.

- **Public Private Partnership centres:** These are required by contract to be full but never overcrowded. As a result, they are spared the horrible conditions overcrowding causes. These seem inexorable at DCS centres. Though the physical infrastructure at "private" centres seems better, JICS continues to receive complaints about how inmates are treated, about lack of DCS oversight and about how complaints are managed. The scandalous escape of Thabo Bester from Mangaung Correctional Centre, and riots and arson at Kuthama-Sinthumule Correctional Centre, highlighted these problems.

## JICS's Impact and Achievements

Despite these challenges, JICS made significant strides in the 2023/2024 period:

- **Complaints and Inspections:** JICS's 203 Independent Correctional Centre Visitors (ICCVs) handled 46 494 complaints, and the complaints unit handled 720 complaints. JICS conducted 136 announced inspections and 12 unannounced inspections. Our investigation unit mandated 51 investigations, focusing on violence and corruption.
- **Training and Partnerships:** JICS continued to train officials, with ICCVs receiving training on LGBTIQ+ inmate challenges and sexual abuse prevention. JICS also cooperated with Just Detention International, NICRO, and the Bertha Foundation on various initiatives.
- **Legislative and Structural Advances:** The Correctional Services Amendment Act 14 of 2023 secured JICS's financial and functional independence, with JICS now a National Government Component. This includes expanded inmate rights and increased DCS reporting obligations to JICS.

JICS's performance was bolstered by significant progress towards complete financial and functional independence. Over this performance period, the Correctional Services Amendment Act 14 of 2023 was adopted. The amendments remedy the defects the Constitutional Court identified in *Sonke Gender Justice NPC v President of the Republic of South Africa* [2020] ZACC 26. DCS no longer determines JICS's budget; Parliament does. JICS's CEO is now identified by the Inspecting Judge and appointed by the Minister, rather than by the National Commissioner. Misconduct and incapacity of the CEO are determined not by the National Commissioner, but by the Inspecting Judge, who must refer the issue to the Minister for implementation.

The new provisions also expand inmates' rights, DCS's reporting obligations and JICS's powers. Inmates subjected to segregation must be informed of their right to appeal to the Inspecting Judge. DCS must now respond to JICS's queries on segregation appeals within 24 hours;



and, consistently with South Africa's international undertakings, DCS must report to JICS all acts constituting torture or cruel, inhuman or degrading treatment or punishment, sexual violations, hunger strikes, attempted suicides, escapes, and dishonest practices or corrupt activities.

On 1 April 2024, JICS was formally constituted as an autonomous National Government Component. Not quite a Department on its own, JICS is now removed from the organisational structure and control of DCS. Though this is a new chapter for JICS, austerity measures and an inadequate budget impede its more effective functioning.

Other progress includes:

- JICS and the National Council for Correctional Services (NCCS) cooperated in submitting joint memoranda to the Minister advocating reforms to parole board management and the parole process for lifers, including making the NCCS the final decision-maker, while reserving a Ministerial veto.
- A “first” was that JICS applied for and was granted *amicus curiae* (friend of the Court) status before the Supreme Court of Appeal (SCA) in the laptops-in-cells case, *Minister of Justice and Correctional Services v Ntuli* [2023] ZASCA 146. JICS supported computer access in their cells for inmates to study. The SCA found DCS's policy invalid insofar as it prohibited using personal computers in cells. DCS was given 12 months to revise its policy to permit using personal computers in cells for study. DCS has appealed to the Constitutional Court, where JICS has again applied to be admitted as an *amicus*.
- JICS engaged productively with the Department of Health (DoH) and Health Ombud on state patients in correctional centres. The DoH produced a comprehensive response to JICS's worries, as well as an implementation plan to expand capacity and ensure the transfer of state patients to mental wellness facilities.
- JICS continued to encourage Judges and Magistrates to exercise their statutory powers to inspect prisons. JICS created a handily concise inspecting and reporting tool to assist judicial officers in inspections.
- JICS has embraced a welcome partner in its book donation campaign: the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO). NICRO is now managing the intricate logistics of collecting and disseminating the donated books to correctional centres nationwide.
- JICS's Incarcerated Women project facilitated large donations of sanitary products to correctional centres, where these were desperately needed.
- Engagements with the Bertha Foundation on the feasibility of a bail fund in South Africa have progressed, and the feasibility report is at an advanced stage.

But painful questions remain. Does JICS's work produce improved conditions?

Despite JICS's efforts, and those by many DCS officials, prisons remain overcrowded and dilapidated places where violence, by officials and inmates, often remains unanswered. Despite JICS's sharp criticism, and appeals to Parliament and the Minister, unlawful practices, including prolonged solitary confinement, remain.

Are these features inherent to prisons? If so, do JICS's conscientious inspections, reports and investigations serve to legitimise an unjust system – one incapable of fulfilling the Constitution's promise of conditions of dignity?

Despite anguishing doubts, as my time at JICS draws to a close, I feel no doubt that JICS's work matters – and matters a lot. When JICS's interventions succeed – and they often do – they change lives. We treasure correspondence about inmates who have been granted parole, been transferred closer to their families, received access to healthcare or education, or simply had their story told, especially about being re-integrated into society, and taken seriously because of JICS's work.

ICCVs shinningly instance JICS's power to make a difference. Though ICCVs bear the brunt of inmates' frustrations, senior JICS officials have noted how levels of violence at correctional centres demonstrably decrease when an ICCV is stationed at the centre.

No prisons inspectorate is a panacea. Oversight plays a valuable role in seeking to uphold minimum standards of treatment and detention, but oversight alone does not transform. That is why the work JICS has done to advocate for systemic change is key: calling to abolish mandatory minimum sentences, exploring the possibility of bail and parole reform, and participating in the campaign to decriminalise drug use, sex work, and petty offences. These bold, necessarily controversial, reforms have the potential to perceptibly improve our justice and correctional system.

I know JICS will persist in this remedial work under a new Inspecting Judge, continuing to cast light on dark recesses, and sounding a voice for reform, demanding the improvements that, with enough purposeful commitment, are within our grasp.



**Justice Edwin Cameron**

Inspecting Judge

Judicial Inspectorate for Correctional Services (JICS)

19 September 2024





## REPORT BY THE CHIEF EXECUTIVE OFFICER

### General Overview

As we reflect on the 2023/2024 financial year, it is my honour to present this Annual Report on the work performance of JICS. This period has been both challenging and productive, marked by significant strides towards enhancing the oversight and human rights protection within our correctional environment.

Notably, the long-awaited independence of JICS has been achieved. Effective from 1 April 2024, JICS has been constituted as a National Government Component, insulating it as an independent oversight body for the DCS.

Reflecting on the last challenging but productive year of JICS, I can confirm that the organisation continues to perform its oversight function without fear, favour or prejudice. JICS's legislative mandate and powers have been strengthened to secure the independence of

JICS, thereby supporting JICS in keeping pace with the dynamic transformation and the growing demands of the correctional environment. Anticipation of JICS's autonomy has warranted the organisational re-engineering process. Through consultation and constant engagement with stakeholders, civil society, other partners and staff, a new vision, mission and values of JICS will chart a new path to ensure enhanced service delivery.

### JICS road to independence

- i) Proclamation  
With effect from 1 April 2024, JICS has been constituted a National Government Component by Presidential Proclamation. This has the effect of insulating JICS as an independent oversight body of the DCS. The JICS team is working vigorously to enable JICS's transversal operating systems amongst others, to secure its independence from DCS. The journey continues.



- ii) **CSA Amendment Bill**  
The Correctional Services Amendment Act, 14 of 2023, came into operation on 1 April 2024, curing the mischief identified in the Constitutional Court's Sonke judgment. These amendments provide for strengthened financial independence and enhanced mandatory oversight reporting by DCS to JICS on, amongst other things, any act constituting torture or cruel, inhuman or degrading treatment or punishment, sexual violations, and hunger strikes.
- iii) **Memorandum of Understanding**  
A Memorandum of Understanding (MoU) has been submitted to the National Commissioner for consideration. The MoU provides the transitional phase as JICS detaches itself from DCS. It is anticipated that the MoU will, in the interim, enable DCS to assist JICS with access to some of its systems until JICS is completely separated from DCS.
- iv) **JICS Draft Bill**  
A draft JICS Bill is currently being processed. The Bill seeks to comprehensively regulate JICS's independence and to enhance JICS's powers and duties.

## National Preventive Mechanism

As an affiliated member of the South African National Preventive Mechanism (NPM), a mechanism required by our country's obligations under international law, JICS reports quarterly on its oversight function with a focus that includes torture and cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty. JICS plays an active role in ensuring the NPM delivers on its mandate.

## Overview of operations

### Inspections

There are 238 operational correctional facilities in South Africa. During the performance period, 136 announced inspections were planned and conducted. JICS also performed 12 unannounced inspections, which increased the number of inspection to a total of 148 inspections during the performance cycle. This equates to a 62% overall performance output.

DCS reported the total inmate population as at 31 March 2024 to be 156 600. Approximately 97 026 were sentenced inmates, and 59 574 well over one-third were remand detainees.

As at 31 March 2024, 18 795 inmates were serving life sentences, in comparison with 518 lifers in 1996. Furthermore, during this performance period, 21 828 non-nationals were incarcerated in South African correctional

facilities, and 204 declared state patients are awaiting transfer to mental healthcare institutions.

### Investigations

JICS conducted 51 investigations during the reporting period, an increase of 10 investigations compared to the previous cycle.

Among the investigations conducted, the reports on "Security versus Human Dignity" at St Albans Maximum Correctional Centre in the Eastern Cape and "Lela means Cry or A remarkable red cricket bat" at Mossel Bay Youth Correctional Centre in the Western Cape raise serious concerns about the treatment of inmates and their families. DCS has yet to respond to these reports and others.

### Independent Correctional Centre Visitors (ICCVs),

The ICCV programme is critical to JICS's performance of its oversight mandate. The programme continues to be re-engineered in line with the Public Service and the Public Service Act. This programme continues to be reformed and aligned with the core mandate of JICS.

## Human resources

As at 31 March 2024, the approved post establishment of JICS provides for 86 permanent staff and 242 contract employees, of which 225 are ICCVs, stationed at various correctional centres. Of the total of 328 positions, 303 were filled with 25 vacancies, equating to a 7% vacancy rate.

The new approved organisational structure will be implemented in a phased approach, in line with the budgetary process and the Medium Term Expenditure Framework (MTEF).

## Finance

The budget allocated to JICS for the 2023/2024 financial year was R 81 076 000, within an overall allocation to DCS of R26 026 672 000. The breakdown of the allocated budget was as follows:

• CoE	R 70 671 000
• Goods & Services	R 10 187 000
• Transfer & Subsidies	R 18 000
• Capital Assets	R 200 000

The total expenditure for the 2023/2024 financial year was R 82 220 346, which resulted in an over expenditure of R 1 144 346. (1.41%). The over expenditure was the result of insufficient funding received from DCS/National Treasury (NT) on our cost of living adjustment to employees, amongst others.

## Virements/roll overs

During the 2023/2024 financial year, there were no virements/rollovers of funds for JICS.

## Unauthorised, fruitless and wasteful expenditure

No unauthorised, fruitless and/or wasteful expenditure was incurred during the 2023/2024 financial year.

## 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 during the 2023/2024 financial year.

## Exemptions and deviations from NT

No exemptions and or deviations were requested from NT during the 2023/2024 financial year.

## Public-Private Partnerships

No public-private partnerships currently exist, though JICS has informal *pro bono* relationships with several non-governmental organisations for the benefit of incarcerated persons.

## Governance and accountability

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

## Seminars, studies and events

### Mental health seminar

JICS hosted a Mental Health and Solitary Confinement seminar in March 2024, in collaboration with the Department of Health and the University of KwaZulu-Natal School of Law. The seminar featured expert and public participation and was informed by JICS's exploratory study findings at Ebongweni Super Maximum Correctional Centre (Ebongweni). JICS had previously found that inmates at Ebongweni are subjected to unlawful prolonged solitary confinement. The study confirmed that these conditions of detention harmed the mental health of both inmates and officials. The seminar advocated for several interventions to end solitary confinement and enhance mental health care services.

## Overcrowding study

JICS embarked on a comparative study of overcrowding. The study examines overcrowding in South Africa, regionally, and internationally. Drawing on challenges, successes, and best practices from around the world, it seeks to contribute to a better understanding of overcrowding in South Africa and recommends steps to alleviate it.

## Other

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

## Acknowledgements and conclusion

My work was facilitated through engagement with key constituencies, who provided oversight, guidance and support. I begin by extending my sincere gratitude and appreciation to the Minister, Mr Ronald Ozzy Lamola, MP; Deputy Minister, Mr Nkosi Sango Pathekile Holimisa, MP; Inspecting Judge, Justice Edwin Cameron, and the National Commissioner, Mr Makgothi Samuel Thobakgale, for their leadership and stewardship.

My sincere thanks are also extended to the Portfolio Committee on Justice and Correctional Services for their unwavering support and guidance.

I must also acknowledge DCS's executive management and staff for their assistance and cooperation.

I also wish to thank all JICS stakeholders, Chapter Nine Institutions, JCPS cluster, NPM members, civil society and other organisations for their continued cooperation and valued support.

Finally, to all JICS staff, thank you for your commitment and teamwork in ensuring that we continue to execute our independent oversight mandate effectively and efficiently as we move forward together.

## Approval and sign off

I approve and sign off the Annual Report as a true reflection of the work performance undertaken during the 2023/2024 financial year.



**Mr V. Misser**

Chief Executive Officer (CEO)

Judicial Inspectorate for Correctional Services (JICS)





# 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 from any omissions.
- The Annual Report has been prepared under the guidelines on the Annual Report as issued by National Treasury.
- The Annual Financial Statements (Part E) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.
- The Chief Executive Officer is responsible for the preparation of the Annual Financial Statements and the judgements 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 as to 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, the performance information, the human resources information and the financial affairs of JICS for the financial year ending 31 March 2024.



**Mr V. Misser**

Chief Executive Officer (CEO)

Judicial Inspectorate for Correctional Services (JICS)

# STRATEGIC OVERVIEW

## Vision

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

## Mission

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

## Values

JICS ascribes to the following values:

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

# LEGISLATIVE FRAMEWORK AND OTHER MANDATES

## 1. Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa is the country's supreme law. It incorporates the Bill of Rights. These rights are indivisible, and some are non-degradable. Each applies to the circumstances, either on its own or in combination. Some of these rights are subject to limitations as stipulated in the Constitution. 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: Right to health care services, food, and water
- Section 28: Children
- Section 29: Right to education
- Section 31: Cultural, religious, and linguistic
- Section 32: Access to information
- Section 33: Just administrative action
- Section 34: Access to courts
- Section 35: Arrested, detained, and accused persons

Section 35(2) (e) provides that "conditions of detention must be consistent with human dignity, including, at least, exercise, adequate accommodation, nutrition, reading material and medical treatment".

## 2. Correctional Services Act 111 of 1998

The Correctional Services Act (CSA) is the primary ordinary statute that applies to inmates. Regulations and orders supplement it. DCS is guided by two strategic documents that inform the human rights philosophy behind the department's operations: the policy papers on corrections, 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 apply to the correctional and remand detention environment. These include:

- Criminal Procedure Act 51 of 1977

- National Health Act 61 of 2003
- Mental Health Care 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 relating to incarceration. The Constitution provides a guide on the interpretation of the Bill of Rights, and its provisions in section 39(1) require that when interpreting the law, any 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, foreign law, and other international instruments of relevance in the South African correctional and remand detention environment are the following:

- Universal Declaration of Human Rights
- United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT)
- International Covenant on Civil and Political Rights (ICCPR)
- 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, Inhumane 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 (the Beijing Rules)
- European Convention on Human Rights
- African Commission Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhumane or Degrading Treatment or Punishment in Africa (Robben Island Guidelines)
- NPM ratification and JICS as a member of the SA NPM



# ORGANISATIONAL STRUCTURE AS AT 31 MARCH 2024

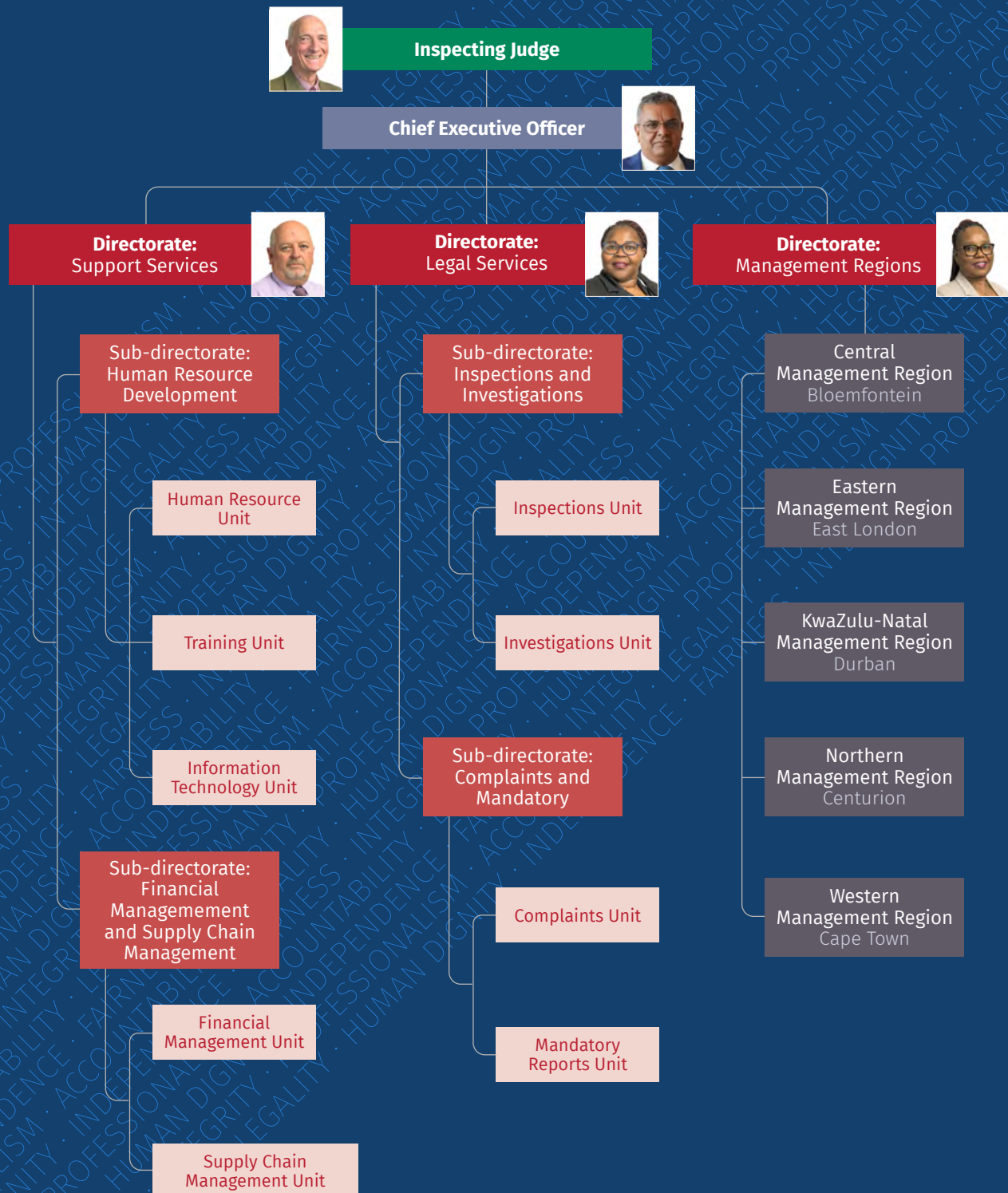


Figure 1: Organisational structure as at 31 March 2024



# B

## PERFORMANCE INFORMATION AND OVERSIGHT REPORTING

# Oversight report

## Introduction

JICS is mandated by the CSA to ensure independent oversight of all detention facilities managed by DCS, focusing on safeguarding the rights of incarcerated individuals. This includes the two Public-Private Partnership (PPP) Correctional Centres. As at 31 March 2024, our country had 243 correctional facilities, with five temporarily closed for renovation due to dilapidation. Notably, the Geluk and Swellendam Correctional Centres have been closed for an extended period, and their re-opening status remains uncertain. Consequently, as at 31 March 2024, there were 238 operational DCS facilities.

The table below shows the five correctional facilities temporarily closed as at 31 March 2024.

Region	Reasons for closure/temporary closure of correctional facilities	
	Name of centre	Reason
WC	Swellendam	Dilapidation
WC	Brandvlei Maximum	Dilapidation
LMN	Geluk	Dilapidation
LMN	Brits	Upgrade
FS/NC	Parys	Upgrade

**Table 2: Temporarily closed correctional facilities as at 31 March 2024**

## DCS manages two distinct types of facilities

- Correctional facilities: These establishments house individuals serving sentences, providing them with incarceration and access to rehabilitation programmes.
- Remand detention facilities: These facilities house individuals awaiting trial, offering accommodation without structured rehabilitation or other programmes. DCS justifies this approach by emphasising that detainees are presumed innocent until proven guilty.

The CSA further delineates the differences between sentenced inmates and remand detainees, specifying their rights and responsibilities.<sup>1</sup>

For this report, both DCS correctional centres and remand detention facilities will collectively be referred to as correctional facilities, and the individuals confined within them will be referred to as inmates.

It is essential to note that most correctional facilities accommodate both sentenced offenders and remand detainees. In terms of section 7 of the CSA, sentenced inmates and remand detainees are not allowed to be accommodated in the same unit. JICS found during its inspections that this section was usually adhered to except in some cases where remand detainees and sentenced inmates shared communal cells at a correctional centre hospital.

JICS derives its legislative mandates from the CSA, which are as follows:

Sections of the CSA	Mandate
S15 (2)	Enquire into the death of any inmate or instruct the National Commissioner of DCS to enquire into such deaths.
S30 (6) and (7)	Receive reports of all instances where inmates are segregated and deal with segregation appeals received from inmates.
S31 (3)(d) and (5)	Receive reports of all instances where inmates are mechanically restrained and deal with appeals in this regard.
S32 (6)	Receive reports of all instances where force is used against inmates.
S75 (8)	Present parole cases to the Correctional Supervision and Parole Review Board for parole review.
S90 (1)	Inspecting correctional facilities to assess inmate treatment, facility conditions, and instances of corruption or dishonest conduct.
S90 (2)	Deal with the complaints of inmates received from internal and external sources.
S90 (3) and (4)	Submit reports (including an annual report) to the President, Minister, and Parliamentary Portfolio Committee.
S90 (5)	Conduct investigations and hold hearings.

**Table 3: JICS's legislative mandate**

<sup>1</sup> Chapter VI of the CSA deals specifically with sentenced offenders and Chapter V with remand detainees

JICS's statutory oversight function is measured against standards set out in the following Acts and legal instruments, amongst others:

**a) Constitution of the Republic of South Africa, 1996 (with specific reference to Chapter 2 - Bill of Rights)**

In numerous established cases<sup>2</sup>, the Constitutional Court has affirmed that the Bill of Rights applies to all citizens, including individuals in places of detention. Section 35 of the Constitution specifically addresses the rights of arrested, accused and detained persons<sup>3</sup>.

**b) CSA, its Regulations and DCS standing orders**

The CSA sets standards for inmates' treatment and their confinement conditions. It regulates inmates' rights and duties regarding various aspects of their imprisonment, including meal schedules, exercise opportunities, community interactions, and educational programmes. Moreover, it stipulates the protocols for lodging complaints and reporting specific incidents to JICS.

Following the completion of all requisite administrative and legislative processes, the CSA Amendment Bill (Bill 14 of 2023) was forwarded to the President for assent.

Once the Amendment Bill comes into effect, DCS will be obliged to report the following incidents to JICS:

- (a) any deaths of inmates in correctional centres in terms of section 15(2) of the CSA;
- (b) segregation and extended segregation of inmates in terms of section 30(6) of the CSA;
- (c) the use of mechanical restraints in terms of section 31(3)(d) of the CSA;
- (d) the use of force in correctional centres and remand detention facilities in terms of section 32(6) of the CSA;
- (e) assault of an inmate by a correctional official;
- (f) assault of a correctional official by an inmate;
- (g) any act constituting torture or cruel, inhumane or degrading treatment or punishment;
- (h) any sexual violations;
- (i) any hunger strikes;
- (j) any attempted suicides;
- (k) any escape of an inmate; and
- (l) matters related to dishonest practices or corrupt activities in correctional centres or remand detention facilities.

DCS will further be obliged to, within 24 hours after notifying the Inspecting Judge (IJ) in terms of the above, submit a written report to the IJ in the prescribed form and manner on the matters contemplated in (a) to (l) above.

The IJ may investigate or instruct the National Commissioner or request any appropriate authority to investigate any matter contemplated in (a) to (l) above.

**c) International instruments**

The United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Nelson Mandela Rules, establish guidelines for inmate treatment, independent inspections, handling complaints, managing deaths, segregation, and other related matters.

The South African Government ratified the Optional Protocol to the UN Convention Against Torture (OPCAT) on 20 June 2019. OPCAT creates international and domestic mechanisms to prevent torture through regular visits to places where liberty is restricted. It also mandates member states to establish a National Preventive Mechanism (NPM) to prevent torture, cruel, inhumane, or degrading treatment or punishment. The government appointed the South African Human Rights Commission (SAHRC) to coordinate and function as part of the South African NPM.

As the statutory oversight body over DCS, JICS is affiliated with the NPM and reports on all instances of torture or other forms of cruel, inhumane, or degrading treatment or punishment in correctional facilities. The NPM holds quarterly meetings to review the activities of individual oversight bodies. Currently, it is in the process of establishing its structure, business model, and legislative mandate, and it conducted visits to various places of detention during the reporting period. The NPM's report on its activities, including findings and recommendations, is underway.

The NPM reports its activities to the Subcommittee on Prevention of Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment (SPT). Member states that ratified OPCAT granted the SPT, by implication, the authority to visit their countries' places of deprivation of liberty and inspect the treatment of individuals held therein.

<sup>2</sup> E.g., *State v Makwanyane and another CCT 3/94* and *August and Another v the Electoral Commission and others CC 8/99*.

<sup>3</sup> *Everyone has the right 'to conditions of detention that are consistent with human dignity, including at least exercise, and the provision of adequate accommodation, nutrition, reading material and medical treatment at State expense'.*



## Inspections

### Announced inspections

JICS conducts inspections in line with its National Inspections Plan (NIP), which identifies the correctional centres to be inspected and the scheduled inspection dates. The NIP is compiled annually and endorsed by JICS before each operational cycle. While JICS primarily adheres to the NIP for inspections, it also performs unannounced inspections.

Inspection of correctional facilities is the central mandate of JICS, amongst others, and is strategically organised based on financial and operational implications. Factors like logistics, budget, and human resource availability are considered during the planning phase.

Throughout the reporting period, a total of 136 planned inspections was conducted. JICS planned to inspect 56% of all 243 active correctional facilities. Despite facing challenges such as personnel shortages, JICS Inspectors completed all 136 planned inspections. This is the fourth consecutive performance cycle where JICS managed to conduct all its scheduled inspections.

### Unannounced inspections by JICS management

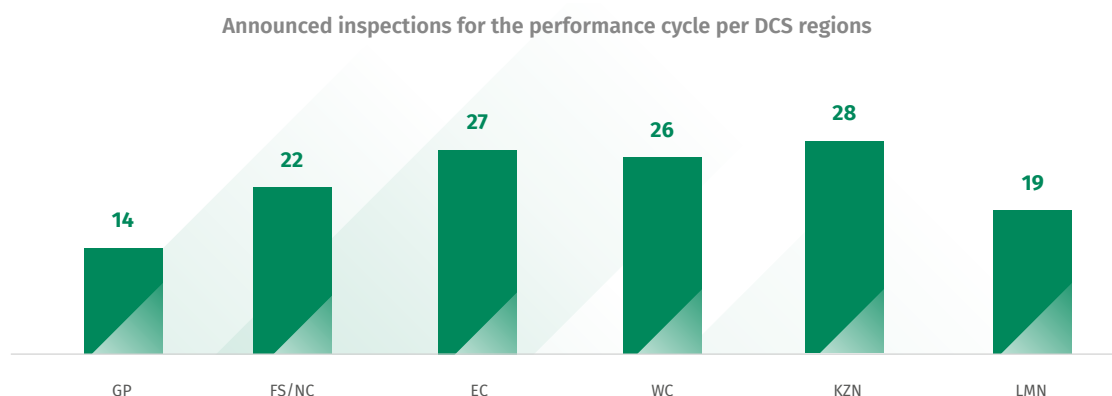
To expand the inspection coverage and expose managers to correctional facility inspections, JICS launched the Abahloli Project. This initiative includes senior managers from JICS, including the IJ, conducting unannounced inspections. A total of 12 unannounced inspections were carried out during the first quarter of the reporting period. Cost containment measures resulted in the suspension of the Abahloli Project.

### Inspections by the Inspecting Judge

Additionally, apart from regular inspections, the IJ and senior JICS personnel also conducted thematic inspections.

All inspections by the IJ are unannounced. Correctional facilities that are rated as unsatisfactory are referred to the IJ and inspected.

The graph below shows all announced inspections conducted during the 2023/2024 performance cycle.



*Graph 1: Announced inspections conducted during the 2023/2024 performance cycle*

**JICS follows a three-phased approach when conducting announced inspections. These phases are as follows:**

- Phase 1:** JICS provides notice to DCS regarding the intention to inspect a specific facility 14 days prior the inspection. A questionnaire is sent to the Head of the Correctional Centre (HCC) of the identified facility. The HCC is required to complete the inspection questionnaire and hand it to the JICS inspector on the day of the inspection.
- Phase 2:** The in-loco inspection takes place during this phase.
- Phase 3:** The inspection report is prepared, and the facility is rated. The report is submitted to the HCC, Area Commissioner (AC), and Regional Commissioner (RC), who are requested to indicate the steps taken to address any adverse findings identified during the inspection.

## Ratings of centres

JICS applies standard norms when evaluating centres during both announced and unannounced inspections. These norms include the following aspects:

- Overcrowding and professional staff
- Medical facility
- Kitchen
- Safe custody of inmates
- State of facilities
- Reviewing records (relevant registers and journals)
- Contact with the community
- Rehabilitation and other programmes

JICS follows a three-level system when rating correctional facilities by classifying them as good (green), satisfactory (yellow) and unsatisfactory (red):

- **Good** – The centre is deemed to be in a better-than-expected condition. Centre management is very competent; there are no or few areas where improvement is needed; and inmates are generally treated well.
- **Satisfactory** – The centre is in an average condition. There are some deficiencies requiring attention; management of the centre is adequate; and inmates are treated satisfactorily.
- **Unsatisfactory** – The conditions at the facility are poor. There are severe structural or other deficiencies at the centre; and the centre management is inefficient.

## Outcomes of announced inspections:

The ratings of all 136 correctional facilities inspected during the 2023/2024 performance cycle are shown below.

No.	Correctional facility	DCS Region	Inspection conducted	Rating (Good/ Satisfactory/ Unsatisfactory)
1.	Brandfort	FS/NC	14/4/2023	Satisfactory
2.	Virginia	FS/NC	13/4/2023	Satisfactory
3.	Odendaalsrus	FS/NC	12/4/2023	Satisfactory
4.	Johannesburg Med A	GP	12/4/2023	Satisfactory
5.	Johannesburg Medium B	GP	13/4/2023	Satisfactory
6.	Bergville	KZN	18/4/2023	Satisfactory
7.	Ladysmith	KZN	19/4/2023	Satisfactory
8.	Estcourt	KZN	20/4/2023	Good
9.	Pollsmoor Maximum	WC	12/4/2023	Unsatisfactory
10.	Goodwood	WC	13-14/4/2023	Good
11.	Sada	EC	19/4/2023	Satisfactory
12.	Middledrift	EC	18/4/2023	Satisfactory
13.	Groenpunt Maximum	FS/NC	09/5/2023	Satisfactory
14.	Groenpunt Medium	FS/NC	10/5/2023	Satisfactory
15.	Groenpunt Juvenile	FS/NC	11/5/2023	Satisfactory
16.	Tzaneen	LMN	09/5/2023	Good
17.	Polokwane	LMN	10/5/2023	Satisfactory
18.	Modimolle	LMN	12/5/2023	Good
19.	Durban Medium A	KZN	09/5/2023	Unsatisfactory
20.	Durban Medium B	KZN	11/5/2023	Unsatisfactory
21.	Beaufort West	WC	19/5/2023	Satisfactory
22.	Ladismith	WC	16/5/2023	Satisfactory
23.	Prince Albert	WC	6/5/2023	Satisfactory
24.	Willowvale	EC	10/5/2023	Unsatisfactory
25.	Idutywa	EC	14/5/2023	Satisfactory

No.	Correctional facility	DCS Region	Inspection conducted	Rating (Good/ Satisfactory/ Unsatisfactory)
26.	Fauresmith	FS/NC	13/6/2023	Satisfactory
27.	Edenburg	FS/NC	14/6/2023	Satisfactory
28.	Attridgeville	GP	12/6/2023	Satisfactory
29.	Kgoši Mampuru II Central	GP	13/6/2023	Satisfactory
30.	Mogwase	LMN	14/3/2023	Satisfactory
31.	Durban Juvenile	KZN	12/6/2023	Satisfactory
32.	Durban Medium C	KZN	13/6/2023	Satisfactory
33.	Brandvlei Medium	WC	21/6/2023	Good
34.	Worcester Male	WC	22/6/2023	Good
35.	Engcobo	EC	13/6/2023	Satisfactory
36.	Barkley East	EC	14/6/2023	Unsatisfactory
37.	Wepener	FS/NC	12/7/2023	Satisfactory
38.	Mangaung	FS/NC	13 -14/7/2023	Satisfactory
39.	Bethal	LMN	11/7/2023	Satisfactory
40.	Belfast	LMN	12/7/2023	Satisfactory
41.	Witbank	LMN	13/7/2023	Satisfactory
42.	Nkandla	KZN	11/7/2023	Satisfactory
43.	Pomeroy	KZN	12/7/2023	Satisfactory
44.	Knysna	WC	11/7/2023	Good
45.	George	WC	12/7/2023	Good
46.	Mosselbay	WC	13/7/2023	Satisfactory
47.	Stutterheim	EC	31/7/2023	Satisfactory
48.	East London Medium A	ECMR	27/7/2023	Unsatisfactory
49.	De Aar	FS/NC	11/8/2023	Satisfactory
50.	Colesburg	FS/NC	10/8/2023	Satisfactory
51.	Barberton Medium A	LMN	15/8/2023	Good
52.	Barberton Medium B	LMN	16/8/2023	Satisfactory
53.	Barberton Maximum	LMN	17/8/2023	Satisfactory
54.	Nelspruit	LMN	18/8/2023	Satisfactory
55.	Kokstad Medium B	KZN	15/8/2023	Satisfactory
56.	Ebongweni Super Max	KZN	16/8/2023	Satisfactory
57.	Malmesbury Medium B	WC	15/8/2023	Satisfactory
58.	Riebeeck West	WC	16/8/2023	Satisfactory
59.	Fort Beaufort	EC	17/8/2023	Satisfactory
60.	Grahamstown	EC	16/8/2023	Satisfactory
60.	Bizzah Makhate Medium B	FS/NC	13/9/2023	Satisfactory
61.	Bizzah Makhate Medium C	FS/NC	14/9/2023	Satisfactory
62.	Kgoši Mampuru II Local	GP	26/9/2023	Satisfactory
63.	Kgoši Mampuru II C-Max	GP	13/9/2023	Satisfactory
64.	Zonderwater Medium B	GP	14/9/2023	Satisfactory
65.	uMzimkhulu	KZN	12/9/2023	Unsatisfactory
66.	Ixopo	KZN	13/9/2023	Satisfactory
67.	Pietermaritzburg Medium B	KZN	14/9/2023	Satisfactory
68.	Oudtshoorn Medium A	WC	22/9/2023	Good
69.	Oudtshoorn Medium B	WC	21/9/2023	Satisfactory
70.	Elliotdale	EC	12/9/2023	Unsatisfactory
71.	Nqgeleni	EC	13/9/2023	Satisfactory
72.	Mnqanduli	EC	14/9/2023	Satisfactory

No.	Correctional facility	DCS Region	Inspection conducted	Rating (Good/ Satisfactory/ Unsatisfactory)
73.	Henneman	FS/NC	10/10/2023	Satisfactory
74.	Bizzah Makhate Med A	FS/NC	11/10/2023	Satisfactory
75.	Makhado (Replaced Kutama Sinthumule that burned down)	LMN	10/10/2023	Satisfactory
76.	Thohoyandou Female	LMN	11/10/2023	Satisfactory
77.	Thohoyandou Medium B	LMN	12/10/2023	Satisfactory
78.	Dundee	KZN	10/10/2023	Satisfactory
79..	Ekuseni	KZN	11/10/2023	Satisfactory
80.	Newcastle	KZN	12/10/2023	Satisfactory
81.	Allandale	WC	10/10/2023	Satisfactory
82.	Hawequa	WC	11/10/2023	Satisfactory
83.	Drakenstein Medium A	WC	12/10/2023	Satisfactory
84.	Graaff-Reinet	EC	11/10/2023	Satisfactory
85.	Middleburg	EC	12/10/2023	Satisfactory
86.	Jansenville	EC	10/10/2023	Satisfactory
87.	Richmond	FS/NC	7/11/2023	Good
88.	Victoria West	FS/NC	8/11/2023	Satisfactory
89.	Klerksdorp	LMN	7/11/2023	Satisfactory
90.	Lichtenburg	LMN	8/11/2023	Unsatisfactory
91.	Rooigrond Medium A	LMN	9/11/2023	Satisfactory
92.	Maphumulo	KZN	7/11/2023	Satisfactory
93.	Stanger	KZN	8/11/2023	Unsatisfactory
94.	Kranskop	KZN	9/11/2023	Satisfactory
95.	Robertson	WC	7/11/2023	Satisfactory
96.	Caledon	WC	8/11/2023	Satisfactory
97.	Nqamakhwe	ECMR	9/11/2023	Satisfactory
98.	Lady Frere	EC	7/11/2023	Unsatisfactory
99.	Cofimvaba	EC	8/11/2023	Unsatisfactory
100.	Kuruman	FS/NC	17/1/2024	Satisfactory
101.	Barkley West	FS/NC	9/1/2024	Satisfactory
102.	Tswelopele	FS/NC	10-11/1/2024	Satisfactory
103.	Kimberley	FS/NC	30/1/2024	Satisfactory
104.	Baviaanspoort Maximum	GP	9/1/2024	Good
105.	Emthonjeni	GP	10/1/2024	Good
106.	Zonderwater Medium A	GP	11/1/2024	Satisfactory
107.	Mthunzini	KZN	17/1/2024	Satisfactory
108.	Qalakabusha	KZN	16/1/2024	Satisfactory
109.	Pollsmoor Medium A	WC	15/1/2024	Satisfactory
110.	Pollsmoor Medium B	WC	16/1/2024	Satisfactory
111.	St Albans Medium A	EC	9/1/2024	Satisfactory
112.	St Albans Medium B	EC	10/1/2024	Satisfactory
113.	St Albans Maximum	EC	12/1/2024	Satisfactory
114.	Grootvlei Maximum	FS/NC	12-13/2/2024	Unsatisfactory
115.	Grootvlei Medium	FS/NC	14/2/2024	Satisfactory
116.	Modderbee	GP	13/2/2024	Satisfactory
117.	Nigel	GP	14/2/2024	Satisfactory
118.	Boksburg Medium A	GP	15/1/2024	Satisfactory
119.	Ncome Medium A	KZN	06/2/2024	Unsatisfactory



No.	Correctional facility	DCS Region	Inspection conducted	Rating (Good/ Satisfactory/ Unsatisfactory)
120.	Ncome Medium B	KZN	07/2/2024	Satisfactory
121.	Voorberg Medium A	WC	21/2/2024	Unsatisfactory
123.	Voorberg Medium B	WC	20/2/2024	Good
124.	Somerset East	EC	21/2/2024	Satisfactory
125.	Cradock	EC	20/2/2024	Satisfactory
126.	Lindley	FS/NC	14/3/2024	Satisfactory
127.	Heilbron	FS/NC	13/03/2024	Satisfactory
128.	Harrismith	FS/NC	12/3/2024	Satisfactory
129.	Krugersdorp	GP	5/3/2024	Satisfactory
130.	Leeuwkop Maximum	GP	6/3/2024	Satisfactory
131.	Nongoma	KZN	6/3/2024	Satisfactory
132.	Ingwavuma	KZN	5/3/2024	Satisfactory
133.	Van Rhynsdorp	WCMR	6/3/2024	Satisfactory
134.	Calvinia	WC	7/3/2024	Unsatisfactory
135.	Ntabankulu	EC	5/3/2024	Satisfactory
136.	Matatiele	EC	6/3/2024	Good

**Table 4: Announced inspections conducted during the 2023/2024 performance cycle**

## Outcomes of unannounced inspections

In addition to the 136 announced inspections conducted, JICS also performed 12 unannounced inspections during the performance cycle, bringing the total of inspected facilities to 148. The unannounced inspections were conducted by JICS management as part of an ad hoc task, aimed at knowledge transfer and enabling managers to conduct inspections at the correctional facilities.

During these unannounced inspections, DCS ACs and HCCs welcomed JICS management and granted them unrestricted access to the facilities. These inspections adhere to a specific inspection tool tailored for this purpose. Since no prior notice is given, they primarily focus on direct observations, with less reliance on input from the HCC. The facilities inspected are rated on the same principles as with announced inspections.

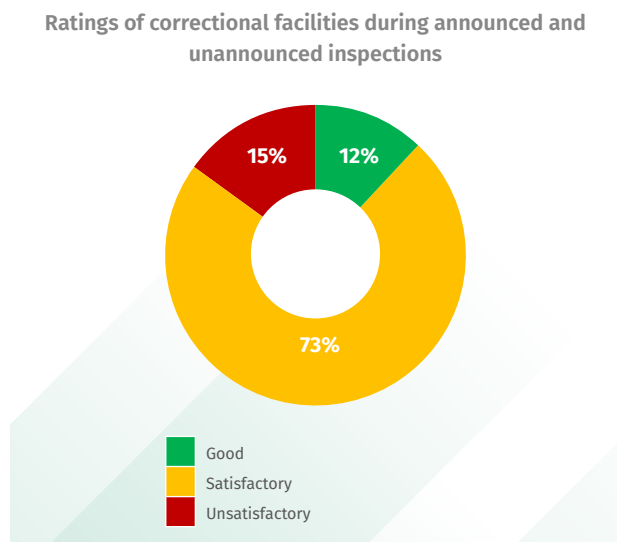
The table below shows unannounced inspections.

No.	Facility	Region	Inspection conducted	Rating (Good/ Satisfactory/ Unsatisfactory)
1	Mthatha Maximum	EC	12/6/2023	Unsatisfactory
2.	Mthatha RDF	EC	13/6/2023	Satisfactory
3.	Nkandla	KZN	20/6/2023	Satisfactory
4.	Eshowe	KZN	21/6/2023	Unsatisfactory
5.	Port Shepstone	KZN	23/6/2023	Unsatisfactory
6.	Ixopo	KZN	22/6/2023	Satisfactory
7.	Frankfort	FS/NC	13/6/2023	Unsatisfactory
8.	Harrismith	FS/NC	14/6/2023	Satisfactory
9.	Potchefstroom	LMN	3/8/2023	Satisfactory
10.	Klerksdorp	LMN	2/8/2023	Satisfactory
11.	Burgersdorp	EC	12/9/2023	Unsatisfactory
12.	Dordrecht	EC	13/9/2023	Satisfactory

**Table 5: Unannounced inspection reports received and evaluated during 2023/2024 performance cycle**

## Summary of inspection ratings

Of the 148 inspections conducted during the reporting period, 22 (15%) correctional facilities were found to be unsatisfactory, while 108 (73%) received satisfactory ratings, and 18 (12%) were classified as good.



**Graph 2: Summary of announced and unannounced inspections ratings**

## Ratings of inspections

### Correctional facilities rated as ‘Unsatisfactory’

Below are the primary reasons for rating facilities as unsatisfactory:

- Severe overcrowding;
- Deteriorated infrastructure;
- Lack of adequate hygiene and cleanliness;
- Deficient management (such as missing or outdated records);
- Substandard medical facilities and kitchens; and
- Insufficient food to maintain required dietary standards for inmates.

An illustration of an unsatisfactory centre is Port Shepstone in southern KwaZulu-Natal:

#### Port Shepstone - KZN

The structure, dating back to the late 1800s, was in a state of deterioration.

Asbestos roofing in the “C” unit posed health risks to inmates.

Showers in cell ablution facilities were malfunctioning.

Extensive renovations or a complete rebuild were necessary for the centre.

### Correctional facilities rated as “Good”:

JICS recognises and commends DCS’s HCCs who ensure their centres are well-maintained and in good condition. An example of such a centre was Emthonjeni in Gauteng. Below are the reasons for rating this facility good:

- The centre was well-kept, clean, and in good repair;
- Medical services were provided by two nurses and a sessional doctor;
- Ablution facilities were in satisfactory working order;
- Food provisions adhered to DCS policies, including catering to special diets for medical, religious, and cultural reasons; and
- Daily complaints of inmates were documented and addressed.

## Analyses of findings

### Inmate Population

As at March 31, 2024, the total inmate population in correctional facilities was reported to be 156 600. This population comprised 97 026 sentenced offenders and 59 574 remand detainees.

### Bed Capacity

The official bed capacity across all correctional facilities was reported to be 105 474. Consequently, there was an official shortage of 51 126 beds, resulting in 48% overcrowding.

Compared to the previous cycle, a decrease of 2 108 bed spaces is noted. This decrease may be attributed to ongoing renovation projects within correctional facilities.

### Comparison with the previous year

On March 31, 2023, DCS reported a total inmate population of 157 056, with 107 582 bed spaces available. This resulted in an overcrowding percentage of 46%.

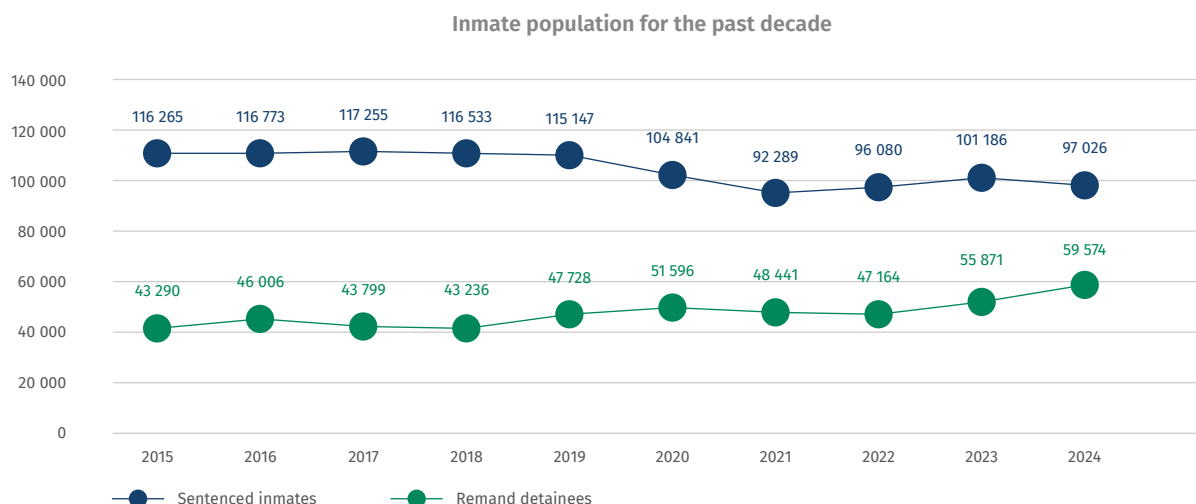
### Trends

The number of sentenced inmates experienced a slight decrease, falling just below 100 000.

Conversely, during the period under review, the number of remand detainees showed an increase, with 59 574 unsentenced inmates in the correctional system. This represents the highest figure in over a decade.

The number of non-nationals in our correctional facilities contributed to overcrowding with a total of 21 828 non-nationals incarcerated.

The graph below shows the inmate population for the past decade.



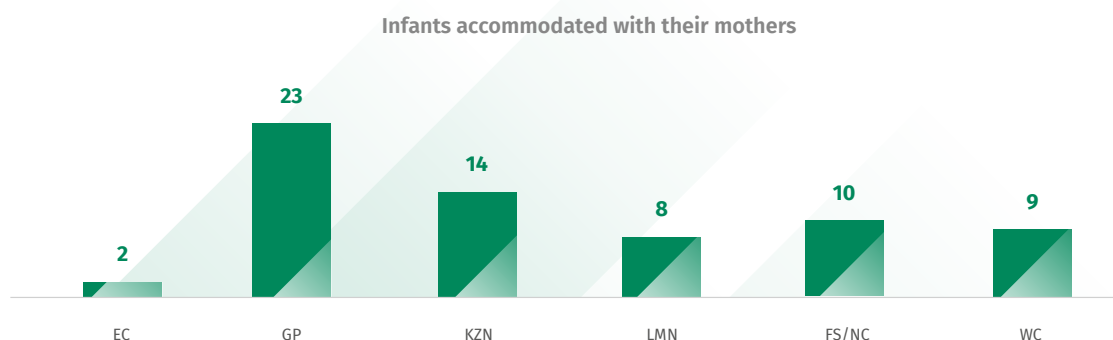
**Graph 3: Inmate population for the past ten years**

### Infants accommodated with their mothers

DCS facilities housed 66 infants under their mothers' care as at 31 March 2024. These infants can reside with their mothers for up to 24 months. Upon reaching the age of 24 months, an infant is either placed with the inmate's family or, in the absence of a suitable support network, placed in foster care or an orphanage.

Infants and their mothers are accommodated in specialised mother and baby units, that is distinct from the general female population. They receive essential provisions such as diapers, milk formula, baby food, and clothing. Additionally, social work services and medical care are also provided.

The graph below shows the number of infants accommodated with their mothers as at 31 March 2024, categorised per DCS region.



**Graph 4: Infants accommodated with their mothers during the 2023/2024 performance cycle**

### Lifers

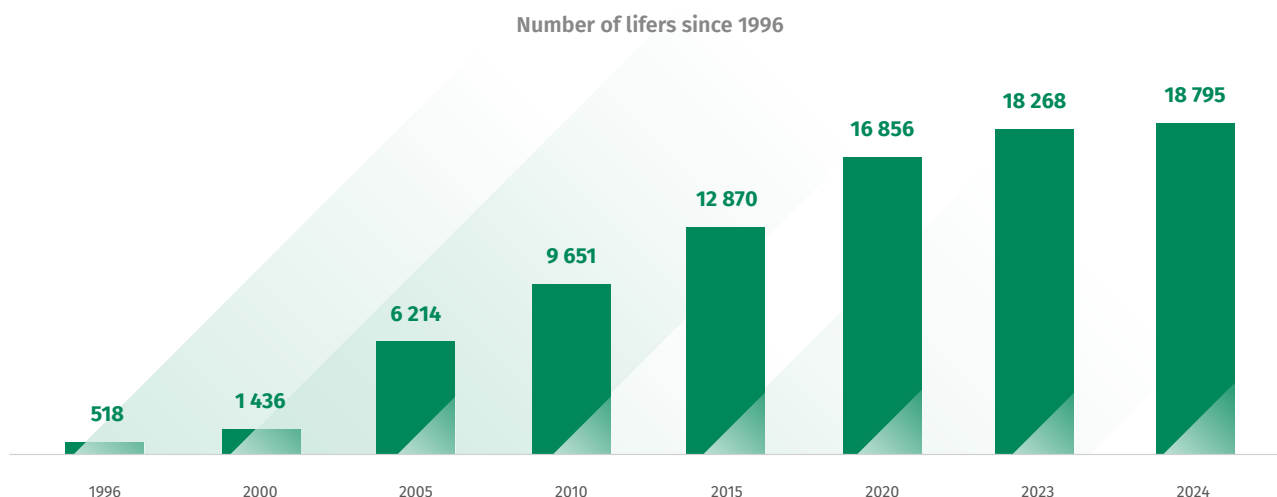
As at 31 March 2024, there were 18 795 inmates serving life sentences, which shows a continuing rise in inmates serving life sentences over 28 years.

The total number of those serving life terms has seen a substantial upsurge. This surge not only mirrors the escalation of violent offences during this timeframe but also underscores the impact of minimum sentencing regulations on the overall growth of South Africa's incarcerated populace.

In addition, inmates serving life sentences, remain incarcerated for longer periods before being granted parole. All inmates who committed crimes and were sentenced to life imprisonment after 1 October 2004, must serve 25 years imprisonment before being considered for parole.

Before 2004, inmates served between 14 and 20 years before being eligible to be considered for parole.

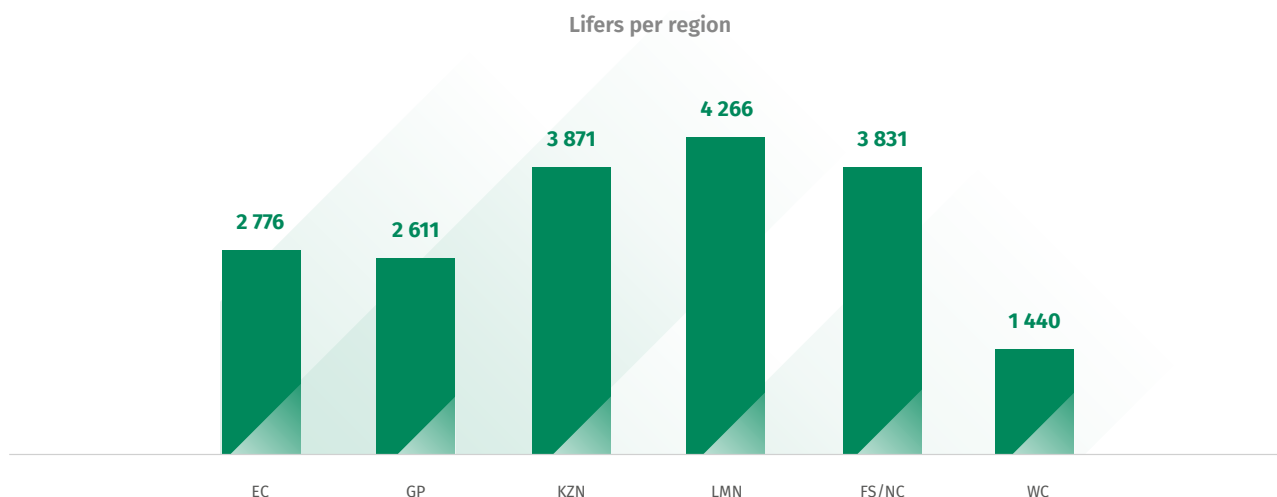
The graph below shows the steady increase in the number of individuals serving life sentences from 31 March 1996 to 31 March 2024.



**Graph 5: Inmates serving life sentences from 1996 to 2024**

Inmates serving life sentences are incarcerated across all DCS management regions. The LMN region once again has the highest number of lifers, with 4 266 individuals, while the Western Cape remains the lowest with 1 440.

The graph below shows the total number of persons serving life sentences as at 31 March 2024 per DCS region.



**Graph 6: Total number of people serving life sentences as at 31 March 2024 per DCS region**



Parole eligibility for individuals serving life sentences applies to a portion of the current lifer population. Some inmates serving life sentences meet the criteria for consideration for parole.

Parole consideration for inmates serving life sentences is divided into three groups based on different court judgments and legislation:

**Group 1:** inmates convicted between March 1994 and June 1998 (*Van Vuren* cases) are required to serve a minimum of 15 years of their sentences before they can be considered for parole, following the precedent set by the *Van Vuren*<sup>4</sup> court case.

**Group 2:** inmates sentenced between July 1998 and September 2004 (*Van Wyk*<sup>5</sup> cases) must serve a total of 20 years minus any earned credits (equivalent to 12 years and four months) before becoming eligible for parole, under the *Van Wyk* court case.

**Group 3:** inmates who committed a crime and who were sentenced to any term of imprisonment (including life) after September 2004 but who committed the offence before 1 October 2004, fall under the *Phaahla*<sup>6</sup> cases. They are subject to either the *Van Vuren* or *Van Wyk* rules, depending on the date of the offense.

Currently, all inmates covered by the *Van Vuren* and *Van Wyk* rulings are already eligible for parole, as are most *Phaahla* cases.

Parole consideration for inmates sentenced to life imprisonment remains a significant challenge. The Minister of Justice and Correctional Services (the Minister) holds the authority to grant parole for individuals serving life sentences, as outlined in section 78 of the CSA.

Many inmates serving life sentences who meet the criteria for parole consideration have waited far longer than the minimum prescribed period to be considered and placed on parole.

While the Minister has the authority to grant parole for individuals serving life sentences, Correctional Supervision and Parole Boards make recommendations concerning parole to the NCCS. The NCCS then advises the Minister on parole decisions.

Given the Minister's responsibilities within a large Department and numerous other tasks, it can be challenging to focus exclusively and effectively on parole matters.

According to DCS statistics, the NCCS submitted 438 parole applications to the Minister during the 2023/2024 performance cycle.

The Minister dealt with 2 149 parole applications during this time.

703 lifers were placed on parole.

The Minister returned 1 446 lifer profiles to the NCCS for further review. JICS wishes to record its appreciation to the Minister for reducing the historical backlog of parole applications in his office. In total, 3 270 lifers who qualified for parole consideration were still incarcerated as at 31 March 2024. A further 15 525 inmates who serve life sentences are not currently eligible to be considered for parole.

The IJ continues engaging with the NCCS in search of a practical solution to this challenge. JICS has also provided feedback on the draft Parole Position Paper, contributing to ongoing efforts to address the parole consideration process.

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4 *Van Vuren v Minister of Correctional Services and Others* 2010 (12) BCLR 1233

5 *Van Wyk v Minister of Correctional Services and Others* (40915/10) [2011] ZAGPPHC 125; 2012 (1) SACR 159 (GNP) (26 July 2011)

6 *Phaahla v Minister of Justice and Correctional Services and Another* (Tlhakanye Intervening) 2019 (7) BCLR 795.

The table below shows the number of inmates eligible for parole per DCS region as at 31 March 2024.

No.	Numbers of lifers as at 31 March 2024					
	Region	Van Wyk	Van Vuren	Phaahla Van Wyk	Phaahla Van Vuren	Grand Total
1.	EC	242	3	173	0	418
2.	GP	238	0	110	4	352
3.	KZN	312	5	437	4	758
4.	LMN	312	2	468	1	783
5.	FSNC	418	0	217	1	636
6.	WC	172	0	147	4	323
<b>National</b>		<b>1 694</b>	<b>10</b>	<b>1 552</b>	<b>14</b>	<b>3 270</b>

**Table 6: Inmates eligible for parole as at 31 March 2024**

## Population statistics per DCS Region<sup>7</sup>

### Gauteng region

Gauteng accommodated 21 441 inmates as at 31 March 2024. The province has the largest correctional facilities in the country. Overcrowding is high in general with only a few exceptions such as Kgoši Mampuru II C-Max which was not overcrowded on the day of the JICS inspection.

The table below shows the four most overcrowded facilities inspected in the region.<sup>8</sup>

No.	Correctional facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Krugersdorp	1 466	3 560	142%
2.	Johannesburg Medium A	2 468	5 554	125%
3.	Modderbee	2 309	4 895	112%
4.	Emthonjeni	192	321	67%

**Table 7: Top four overcrowded correctional facilities inspected in the Gauteng region during 2023/2024**

### Limpopo, Mpumalanga, and Northwest

Limpopo, Mpumalanga, North-West (LMN) consists mainly of medium and small centres. The main exception is Kutama-Sinthumule PPP, which has an approved capacity of just more than 3 000 maximum security inmates. Due to Kutama Sinthumule's destruction by fire allegedly ignited by inmates in the latter part of 2023, JICS did not inspect the centre.

The table below shows the four most overcrowded facilities inspected in the region.

No.	Correctional facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Polokwane	504	1 241	146%
2.	Makhadu	305	654	114%
3.	Rooigrond Medium A	654	1 143	75%
4.	Barberton Medium B	606	986	62%

**Table 8: Top four overcrowded facilities inspected in the LMN region during the 2023/2024 performance cycle**

<sup>7</sup> Includes both remand detention facilities and correctional centres.

<sup>8</sup> Figures as on the date of the JICS inspection as provided by the HCC..

## Eastern Cape

The Eastern Cape province consists mainly of small rural centres, with the main exceptions being the East London and St Albans centres. A small number of additional inmates at a small centre can have a severe impact on the overcrowding percentage, as can be seen by the information in the table below, which shows an overview of the four most overcrowded facilities inspected in the region.

No.	Correctional facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Graaf Reinet	68	196	193%
2.	Tabankulu	46	110	139%
3.	St Albans Medium A	733	1 604	119%
4.	Nkamakwe	57	101	98%

**Table 9: Top four overcrowded facilities inspected in the EC region during the 2023/2024 performance cycle**

## KwaZulu-Natal

Centres in KwaZulu-Natal differ from small rural centres such as Port Shepstone to large urban facilities such as Durban Westville.

The table below shows the four most overcrowded facilities inspected in the KZN Region.

No.	Correctional facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Ladysmith	307	762	149%
2.	Durban Medium B	1 570	3 411	117%
3.	Durban Medium A	2 170	3 769	74%
4.	Ncome Medium A	534	795	49%

**Table 10: Top four overcrowded correctional facilities inspected in the KZN region during the 2023/2024 performance cycle**

## Western Cape

The Western Cape remains the province with the highest overcrowding percentage in general. JICS found during its inspection at Knysna, for example, that the centre, initially designed for 537 occupants, was overpopulated by 878 inmates

The table below shows an overview of the four most overcrowded facilities inspected in the Western Cape.

No.	Correctional facility	Approved Capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Oudtshoorn Female	60	174	193%
2.	Beaufort West	68	187	177%
3.	Allandale	293	786	169%
4.	Knysna	537	1 415	164%

**Table 11: Top four overcrowded correctional facilities inspected in the WC region during 2023/2024 performance cycle**

## Free State/Northern Cape

The majority of inmates in the Free State/Northern Cape Region are located specifically within the Free State province. One of the largest centres in the country is Tswelopele (Kimberley), with approved bed space for 2 920 inmates. However, on the day of the JICS inspection, it was found that the centre had 702 open bed spaces.

The table below shows the four most overcrowded correctional facilities inspected in the Free State/Northern Cape Region, all in the Free State Province.

No.	Correctional facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Odendaalsrus	293	816	178%
2.	Grootvlei Maximum	806	2 192	172%
3.	Harrysmith	209	438	110%
4.	Heibron	54	91	69%

**Table 12: Top four overcrowded correctional facilities inspected in the FS/NC region during the 2023/2024 performance cycle**

## Professional staff

Ensuring that inmates have access to specialised services provided by skilled professionals is essential. Those in correctional facilities depend on the state to deliver such services, including fundamental medical, educational, and social work assistance, as stipulated by the CSA.

## Nurses and other medical staff

During the inspections, many large facilities had a sufficient number of employed nurses. The following facilities were found to have an adequate number of nurses.

No.	Correctional facility	Region	No of nurses <sup>9</sup>
1.	Tswelopele	FS/NC	13
2.	Mangaung	FS/NC	19
3.	Johannesburg Medium A	GP	17
4.	Kgoši Mampuru II Central	GP	12
5.	Modderbee	GP	15
6.	Durban Medium B	KZN	16
7.	Voorberg Medium B	WC	3 (for 461 inmates)

**Table 13: Facilities with the most nurses employed as at 31 March 2024**

As per the regulations outlined in the CSA, every inmate is required to undergo a health status assessment promptly upon admission. Nurses and other medical personnel play a vital role in administering these evaluations and offering essential medical care to inmates.

All centres in the Eastern Cape, Gauteng, LMN, and KwaZulu-Natal inspected had at least one nurse employed.

During JICS inspections, it was observed that certain small correctional facilities lacked designated nurses responsible for delivering medical services to inmates.

The table below shows some centres where no nurses were employed during the JICS inspection.

No.	Correctional facility	Region
1.	Prince Albert	WC
2.	Heilbron	FS/NC
3.	Victoria West	FS/NC
4.	De Aar	FS/NC

**Table 14: Correctional facilities with no nurses rendering medical services to inmates as at 31 March 2024**

According to DCS, the ratio of nurses to inmates is currently 1:240. Some centres with populations below 240 do not have any nurses. Most small centres employ one nurse, which creates challenges when the nurse is on leave or elsewhere occupied.

Section 6(5) of the CSA requires that every inmate undergoes a health status examination promptly upon admission, including testing for contagious and communicable diseases if deemed necessary by the correctional medical practitioner to protect the health of inmates and others. Additionally, DCS Regulations, for example (Regulation 3(a), specify that this medical assessment must occur within 24 hours of incarceration and before the inmate's integration into the general inmate population.

Correctional centres without nurse staffing must outline the steps they have taken to adhere to the CSA and DCS Regulations during each inspection, while ensuring adequate health services are maintained.

## Social Workers

Social workers provide social and psychological services to sentenced inmates, promoting their social functioning and mental well-being. They address family-related issues, facilitate specialised rehabilitation programmes, and prepare pre-release reports. However, recruiting social workers, especially in rural areas, poses a challenge due to the scarcity of these professional skills.

<sup>9</sup> On the day of the inspection.



DCS must address staffing shortages of nurses and social workers in correctional facilities to ensure the proper provision of essential healthcare and support services to inmates, as mandated by the CSA. Efforts should concentrate on attracting qualified professionals and providing sufficient resources to meet the needs of the inmate population effectively.

The following is a sample of small facilities with no social worker employed on the inspection day.

No.	Correctional facility	Region
1.	Lichtenburg	LMN
2.	Fauresmith	FS/NC
3.	Edenburg	FS/NC
4.	Wepener	FS/NC
5.	Victoria West	FS/NC
6.	Lindley	FS/NC
7.	Heilbron	FS/NC
8.	Idutywa	EC
9.	Caledon	WC
10.	Prince Albert	WC
11.	Nongoma	KZN
12.	Ingwavuma	KZN

**Table 15: Correctional facilities where no social workers were employed**

## Educators

The CSA mandates DCS to offer practical programmes and activities tailored to address the academic and training requirements of sentenced offenders. Additionally, it requires the participation of illiterate inmates in educational programmes. Education plays a pivotal role in the rehabilitation process.

JICS's inspection reports during the period under review showed that Tswelopele, Mangaung, and Durban Juvenile Correctional Facility were among the centres with the highest number of educators employed. Conversely, several smaller facilities reported a shortage of officially employed educators.

The table below shows a sample of some small centres without educators.

No.	Correctional facility	Region
1.	Brandfort	FS/NC
2.	Fauresmith	FS/NC
3.	Edenburg	FS/NC
4.	Lichtenburg	LMN
5.	Belfast	LMN
6.	Kranskop	KZN
7.	Stanger	KZN
8.	Caledon	WC
9.	Calvinia	WC

**Table 16: Some facilities where no educators were employed**

## Declared state patients

When a court determines that an individual declared a state patient poses a risk to their safety or that of others, it may order temporary accommodation at a correctional facility. However, due to limited space in mental institutions, correctional facilities are often used as a temporary form of accommodation. While JICS acknowledges that housing state patients in correctional facilities is suboptimal, it is sometimes the only feasible option given the circumstances.

The incarceration of state patients at a correctional facility must, however, be for the shortest duration possible before the patient is transferred to a mental health institution. DCS lacks officials trained to handle mentally incapacitated individuals, further highlighting the inadequacy of correctional facilities for the safekeeping of state patients. State patients in correctional facilities pose a potential risk to the safety of officials and other inmates.

On days of the inspections conducted by JICS, the following correctional facilities accommodated declared state patients:

Declared state patients observed during JICS inspections			
No.	Correctional facility	Region	No. of patients
1.	Groenpunt	FS/NC	23
2.	Witbank	LMN	15
3.	Sada	EC	7
4.	Barberton Medium A	LMN	4
5.	Nelspruit	LMN	4
6.	Modderbee	GP	3
7.	Stutterheim	EC	3
8.	Grahamstown	EC	2
9.	Bethal	EC	2
10.	Kgoši Mampuru II Local	GP	2
11.	Lindley	FS/NC	1
<b>Total</b>			<b>66</b>

**Table 17: Number of declared state patients observed during inspections**

Grootvlei Correctional Centre in the Free State had the highest number of declared state patients, with 23. At the Witbank Correctional Centre (Mpumalanga), 15 declared state patients were accommodated on the day of the inspection.

The schedule below shows the details of declared state patients in the care of DCS as at 31 March 2024 as provided for by DCS.

State patients as at 31 March 2024							
Region	Children		Juveniles		Youth & adults		Total
	Females	Males	Females	Males	Females	Males	
EC	0	0	0	0	0	91	91
GP	0	0	0	0	1	10	11
KZN	0	0	0	0	0	12	12
LMN	0	0	0	1	2	35	38
FSNC	0	0	0	1	1	50	52
WC	0	0	0	0	0	0	0
<b>National</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>198</b>	<b>204</b>

**Table 18: State patients accommodated at correctional centres as at 31 March 2024**

## State of correctional facilities

The deteriorating condition of correctional facilities has raised concerns over the past few years. Throughout the majority of JICS inspections, it was noted that these facilities needed renovations or maintenance. The Department of Public Works and Infrastructure (DPWI) often faces criticism for failing to carry out timely renovations.

The lack of adequate maintenance has led to various practical issues, including:

- Potential spread of diseases due to overflowing drains and dysfunctional ablution facilities;
- Inhumane treatment of inmates, particularly during winter when warm water for bathing is unavailable;
- Water wastage due to leaking taps;
- Faulty and unsafe electrical systems;
- Electrical malfunctions and inadequate lighting; and
- The decrease in the inmate population has positively impacted some of the inspected facilities.

JICS stressed the importance of effective property management of correctional facilities in ensuring suitable conditions for accommodating inmates.

JICS submitted a list of the 15 most dilapidated facilities to the Ministry, National Commissioner, and the Portfolio Committee during the first quarter of the performance cycle. No feedback was received at the time of compiling this report.

### Case study

The IJ and team conducted an unannounced inspection at Vryheid Correctional Centre on 11 July 2023.

Vryheid is a town in rural KZN located about 315 kilometres from Durban.

The inspection team was appalled at the centre's condition and the inmates' treatment.

The ablution facility was dysfunctional, and the cells, especially those of the awaiting trial detainees, smelt strongly of urine.

The centre needed to be painted and renovated.

The security fence was breached at places, and members of the community were able to throw contraband over the fence into the correctional facility courtyard.

As a result of the contraband (drugs, money and cell phones) being thrown into the courtyard, the exercise of inmates was severely curtailed.

State and private property were reported as stolen by members of the community who gained access to the centre through the breached sections of the external fence at night and over weekends.

JICS recommended that the centre's fence be rebuilt and the centre be extensively renovated.

Inmates must receive sufficient exercise and other activities to keep them busy.

### Safe custody

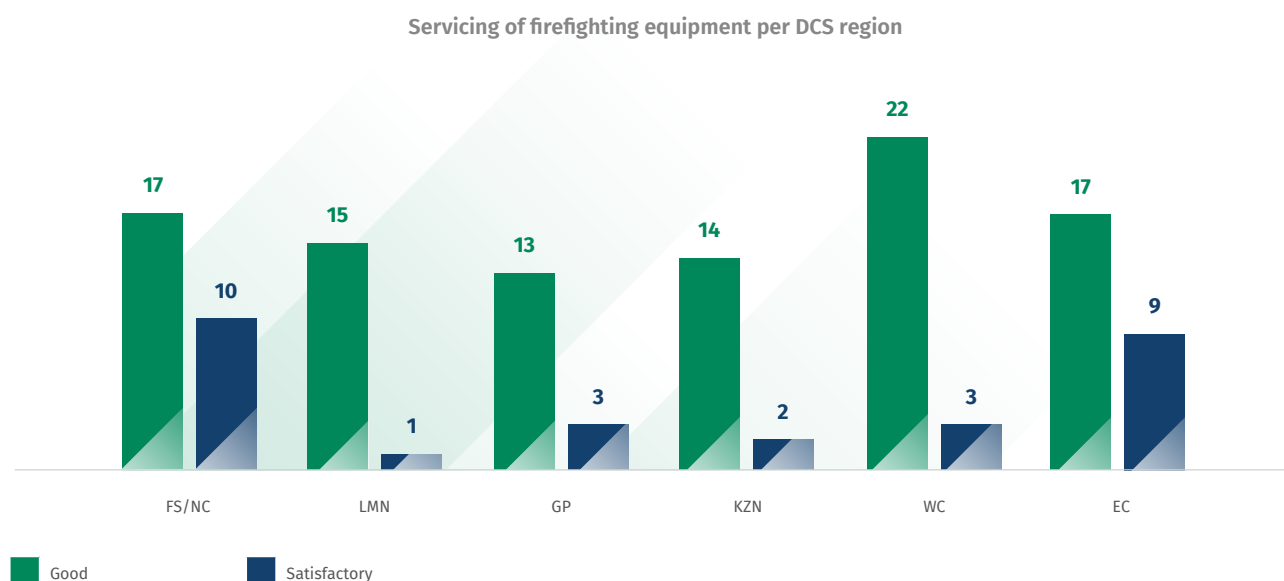
Section 4(2)(a) of the CSA mandates DCS to ensure the secure custody of all inmates and maintain security and order within correctional facilities.

To mitigate the risk of unsafe custody, it is advisable to segregate vulnerable inmates from the general population. JICS evaluates the safety of custody in a particular correctional facility by considering factors such as the frequency of inmate assaults, unnatural deaths, and use of force. Please see later in this report for details of the segregation of inmates.

Fire safety remains a constant concern, given that correctional facilities often have limited access to fire escapes for security reasons. Overcrowding exacerbates the fire hazard, as cells frequently contain more mattresses, bedding, and clothing than originally intended.

Through the majority of its inspections, JICS found that fire-fighting equipment is regularly serviced and functioning properly.

The graph below illustrates the number of correctional facilities inspected where firefighting equipment was not serviced on time.



**Graph 7: Number of correctional facilities where firefighting equipment was not serviced on time**

- On 7 August 2023, a fire was intentionally started by inmates at Kutama Sinthumule PPP Correctional Centre, resulting in extensive damage to the facility. The fire claimed the lives of two inmates and caused injuries to eight others, in addition to two officials who were also injured. Following the incident, all inmates accommodated at the centre were relocated to other facilities.
- The investigation conducted by JICS is ongoing, primarily due to the following factors:
  - The necessity to interview a large number of inmates who were transferred to different centres;
  - The extensive review of CCTV footage from the facility; and
  - Challenges posed by the destruction of documentary evidence in the fire.

This incident underscores the critical importance of robust fire safety measures in correctional facilities. It highlights the need to adapt contingency plans to address specific challenges, including:

- The absence of fire escapes in correctional facilities, stemming from security needs.
- Protocols that allow for the safe and controlled opening of all inmate cells during emergencies, ensuring both inmate safety and the prevention of escapes.
- Control of inmates at assembly points and the location of assembly points within correctional facilities.

## Nutrition

During inspections, JICS assessed various aspects of the kitchens, which included:

- Hygiene;
- Functionality of equipment;
- Meal plans, including special diets, and
- Time frames for serving meals.

JICS raised concerns regarding correctional facilities' non-compliance with meal intervals as outlined in the CSA. While DCS officials reported serving three meals a day, it was discovered that in most larger facilities, supper and lunch are combined. This practice is far from ideal and poses health risks. Additionally, some inmates who require chronic medication in the evening may only take their medicine after meals. The shift system and shortage of officials were cited as reasons for combining meals.

No centre was inspected where inmates received only one meal per day.



**Graph 8: Centres where inmates received only two meals a day**

In terms of section 8(5) of the CSA, specific timeframes are mandated for mealtimes in correctional facilities. The provision stipulates that meals must be served within certain intervals, including:

- Not less than four and a half hours and not more than six and a half hours during the day; and
- an interval of not more than 14 hours between the evening meal and breakfast.

## Exercise

As per section 11 of the CSA, inmates are entitled to at least one-hour of exercise each day. This one-hour provision serves as the minimum requirement, and additional time should ideally be allocated depending on staff availability to supervise the inmates. Unfortunately, due to issues such as overcrowding and understaffing, many inmates end up spending a total of 23 hours a day confined to their cells. In addition, DCS officials seem to be under the impression that the one-hour provision for exercise must be strictly adhered to, even when sufficient staff members are available to allow inmates to exercise over an hour.

During inspections, JICS observed that smaller, less crowded centres often permit inmates to exercise for longer durations compared to larger facilities. However, during the inspection of Edenburg (FS/NC) and Robertson (WC) correctional facilities, it was discovered that inmates were receiving less than the minimum of one hour of exercise per day.

## Rehabilitation and education programmes

According to section 41 of the CSA, all sentenced inmates serving a term of two years or more are obliged to engage in rehabilitation programmes. These programmes are not exclusively facilitated by social workers, but also by officials from DCS. Educational programmes must be extended to all inmates, especially those who are unable to read and write.

However, DCS's methods for identifying illiterate inmates and whether all of them are provided with Adult Education and Training (AET) programmes is uncertain. JICS inspectors encountered challenges in obtaining accurate information from centres in the Eastern Cape.

The table presented below shows the number of inmates participating in Adult Education and Training (AET) per DCS region.

Region	Number of inmates participating in AET programmes
EC	During our inspection, the inspector requested the information. In the Eastern Cape, HCC did not furnish the information, so we report that it was not furnished.
GP	461
KZN	620
LMN	678
FSNC	956
WC	398
<b>National Total</b>	<b>3 113</b>

**Table 19: Number of inmates participating in AET per DCS regions**

## Oversight visits/inspections by the Inspecting Judge

The CSA mandates JICS and the IJ to conduct inspections in correctional centres to report on inmates' treatment, conditions of detention, and any corrupt or dishonest practices. In accordance with this mandate, the IJ and JICS executive officials conducted five unannounced inspections over the performance period. After these inspections, the IJ often engages with HCCs, RCs, and the NC to address serious problems observed at the centres.



The table below shows an overview of the inspections conducted by the IJ and senior management.

Name of correctional facility	Region	Date of the oversight visit	Inspection team	Comments
Vryheid	KZN	11 July 2023	IJ and team	Rated unsatisfactory
Ekuseni Youth Development Centre	KZN	12 July 2023	IJ and team	Rated good
St Albans Maximum	EC	13 August 2023	IJ and team	Rated unsatisfactory
Port Elizabeth	EC	14 August 2023	IJ and team	Rated good
Mangaung	FS/NC	20 November 2023	IJ and team	IJ visit focused on inmate complaints, followed up with G4S and DCS

**Table 20: Oversight visits conducted by the IJ and JICS senior management during the 2023/2024 performance cycle**

## Strategic Engagements

The IJ meets with and maintains contact with various strategic partners to advocate for inmates' rights and address pressing issues in the correctional environment. High-level engagements are summarised below.

### Meetings with the Portfolio Committee on Justice and Correctional Services

According to the CSA, JICS must submit its Annual Report to the President and the Minister, who then tables the report in Parliament. JICS presents its Annual Report to the PC on Justice and Correctional Services and also submits quarterly reports to the PC.

JICS participated in the PC's inquiry into the escape of inmate Thabo Bester. JICS reported on its investigation, oversight of Mangaung Correctional Centre, protection of whistleblowers, and the steps JICS took to encourage DCS, G4S and SAPS to treat the incident as a potential escape, inform the public and re-arrest Bester. JICS forwarded the PC its final investigation report on the incident.

### Meetings with the National Commissioner

Engaging with the NC, the administrative head of the DCS, is crucial for JICS to fulfil its mandate effectively. JICS aims to meet with the NC and his team quarterly to address issues related to JICS's mandate. These issues encompass various aspects, such as JICS's independence, solitary confinement, infrastructure, segregation appeals, allegations of Emergency Response Team (ERT) misconduct, access to telephones in correctional centres, and the wearing of nametags by DCS officials.

### Communications with the Ministry, PC and NC

With the support of the CEO and the JICS Executive, the IJ has been actively engaging with the Minister, Deputy Minister, NC, and the PC through written correspondence.

These communications have covered a wide range of essential topics, including:

- Advocating for JICS's independence and establishing it as an independent national government component;
- Finalising the Draft JICS Bill, Draft CSA Amendment Bill and associated Cabinet memoranda;
- Highlighting challenges with JICS's budget and resources;
- Addressing issues about parole board dysfunction and lifer parole reform;
- Highlighting the findings and recommendations of key JICS investigations into DCS officials' misconduct;
- Identifying and addressing challenges and policies in correctional centres, including infrastructure and maintenance, handling segregation appeals, and searches;
- Highlighting the crisis of declared state patients in correctional centres;
- Discussing the establishment of a bail fund for South Africa; and
- Answering the PC's queries regarding the escape of inmate Thabo Bester.

These engagements demonstrate the proactive efforts of the IJ, CEO, and JICS Executive in advocating for necessary reforms, addressing challenges, and ensuring transparency and accountability within the correctional system.

## National Council for Correctional Services

JICS and the NCCS have established a subcommittee to address matters related to parole and other mutual interests. The IJ, and a select JICS team participate in the JICS-NCCS Subcommittee, which convenes quarterly. Discussions within these engagements primarily focus on parole board dysfunction and the crisis surrounding the lifer parole process. JICS and the NCCS finalised and submitted joint memoranda to the Minister proposing potential reforms in these areas.

Though JICS is not mandated to deal with parole, JICS frequently receives complaints from inmates struggling to navigate the parole system. Over this performance cycle, the IJ exercised his statutory right to refer some of these matters to the Correctional Supervision and Parole Review Board.

The IJ also attended a productive colloquium on restorative justice hosted by the NCCS.

## National Preventive Mechanism

JICS is a member of the NPM, overseen by the South African Human Rights Commission (SAHRC). The NPM's mandate involves monitoring various places of detention to ensure compliance with South Africa's international commitments under the OPCAT. The IJ and the JICS team provided strategic insights to bolster the NPM's efforts throughout the reporting period.

JICS joined in oversight visits to several correctional centres, police stations, hospitals, and mental institutions. The IJ led an NPM visit to Barberton Correctional Centre, following which he wrote to the Minister and NC regarding obstruction faced by other NPM members when attempting to access parts of the correctional centre.

The IJ also addressed a training workshop hosted by the NPM on engaging LGBTQIA+ people in places of detention. Judiciary

The Judiciary plays a central role in influencing and monitoring conditions in correctional centres. The IJ has previously engaged with the Chief Justice, the Prisons Committee at the Constitutional Court, and the Judge Presidents to encourage judges and judicial officers to exercise their statutory right to conduct regular visits to correctional centres within their jurisdictions.

During this performance cycle, the IJ engaged with Deputy Judge President Sutherland and a delegation of Judges from the Johannesburg High Court who inspected the Johannesburg Remand Centre and made adverse findings about the treatment of remand detainees. When requested, the IJ's office also provided Judges and Law Clerks with inspection and reporting tools to facilitate their inspections.

## National Prosecuting Authority and SAPS

The IJ and the JICS Executive maintain ongoing engagement with the National Prosecuting Authority (NPA) and the SAPS on matters directly relevant to JICS's mandate, specifically accountability for DCS officials responsible for the death or severe assault of inmates.

## Health Ombudsman

The IJ and JICS Executive met with the Health Ombud, Professor Taole Mokoena, to discuss the pressing issue of state patients detained in correctional centres. Both parties acknowledged the urgency of resolving the matter and agreed to collaborate on a productive way forward.

## Complaints from inmates

While JICS has a dedicated Complaints Unit (CU), the IJ also receives complaints directly from inmates, their family members, loved ones, parliamentarians, and interested public members. These are forwarded to JICS's CU for proper resolution. The IJ's office created and administers an online Complaints Matrix to facilitate effective follow up. All complaints received by JICS, regardless of the source, are treated with equal concern. Complaints should be reported to ICCVs and the CU, as they are best positioned to address and resolve such issues.

## Campaigns and advocacy

In 2021, the IJ initiated the JICS Books Drive with the objective of collecting and donating books to various correctional centres. The campaign achieved success, with hundreds of books being donated and distributed. The campaign continues under the IJ's leadership in partnership with NICRO.

In the 2022/2023 performance cycle, JICS launched the Women in Incarceration campaign, facilitating donations of hygiene and sanitary products to incarcerated women. JICS employees enthusiastically contributed to the campaign, and several large donations from members of the public were received.

The IJ has continued to engage with civil society organisations to study the feasibility of establishing a bail fund in South Africa to address high levels of pre-trial detention and unaffordable bail.

The IJ submitted comments to the South African Law Reform Commission on its consultation paper reviewing the criminal justice system. JICS's comments concerned bail reform, mandatory minimum sentences and the incarceration of state patients.

The IJ addressed participants at the high-level event on implementing the United Nations Common Position on Incarceration. The IJ discussed the 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty, expressing his hope that the principles would assist in combatting the dangerous trend towards overcriminalisation.

## Seminars/workshops

JICS participates in seminars and workshops to engage with other stakeholders in initiatives that align with the organisation's mandate. The IJ's office engaged with the South African Litigation Centre (SALC) on the hosting of the African Regional Judges' Forum. Judges from Namibia, Malawi, South Africa and elsewhere in the region met in Johannesburg to formulate action plans to tackle over-incarceration, criminalisation and overcrowding.

The IJ attended and played a key role in organising the Mental Health and Solitary Confinement seminar hosted by JICS in partnership with the DoH and UKZN. The IJ communicated the study's findings and called on various stakeholders, including the Minister, DM, NC, and PC, to follow up on its recommendations.

## Internal JICS engagements

### Executive Committee meetings

To ensure the effective functioning of JICS, the Inspecting Judge monitors its operations, along with the Executive and JICS directorates, through monthly Executive Committee (ExCo) meetings. The ExCo serves as a crucial platform for the IJ to receive real-time updates on JICS's management, guide its strategic direction, follow up on commitments made by the Executive, and provide encouragement and support to the Executive team. The positive outcomes of these engagements subsequently cascade to the Management Committee (MANCO) and Regional Forum Meetings.

### ICCV engagements

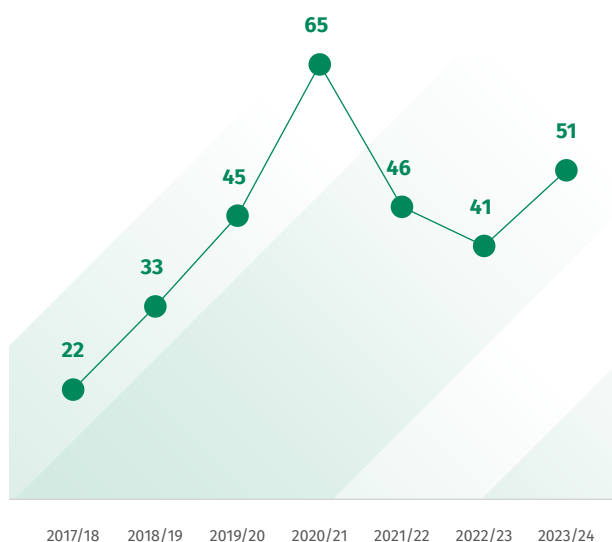
ICCVs are essential for JICS's oversight function. The IJ engaged with ICCVs on many occasions during the performance cycle, most notably during the orientation and induction session of new ICCVs and the virtual regional engagements with all ICCVs.

## Investigations

During the 2023-2024 performance cycle, JICS primarily focused on cases related to violence while also investigating allegations of corruption.

For the 2023/2024 performance cycle, JICS conducted 51 investigations, an increase of ten investigations compared to the previous cycle. The graph below shows the number of investigations carried out by JICS over the past seven performance cycles.

Investigations for the 2023/24 performance cycle



Graph 9: Number of investigations conducted over the past seven performance cycles

The table below shows all the investigations conducted by JICS during 2023/2024.

No.	Ref	Date of mandate	Correctional facility	Region	Name of the report
1.	1-23/24	28/4/2023	Grootvlei Med A	CMR	Betrayal from the love of my life sent me to the world of unknown
2.	1A -23/24	25/4/2023	Goodwood	WCMR	Investigation ongoing
3.	2-23/24	28/4/2023	King Williams Town	ECMR	Investigation ongoing
4.	3-23.24	15/5/2023	St Albans	ECMR	Investigation ongoing
5.	4.23/24	15/5/2023	Modderbee	NMR	Family matters
6.	5.23/24	18/5/2023	Elliotdale	ECMR	Don't teach people how to be human, teach them how to stop be inhuman
7.	6-23.24	18/5/2023	Van Rhynsdorp	WCMR	My dignity
8.	7-23.24	18/5/2023	Kimberley	CMR	Investigation ongoing
9.	8-23/24	29/5/2023	Groenpunt Max	CMR	I am holding you with balls-Ngizonibhebha
10	9-23/24	30/5/2023	Odi	NMR	My silence, my story
11.	10-23/24	31/5/2023	Grootvlei	CMR	It seems impossible until is done
12.	11-23/24	1/6/2023	Newcastle	KZNMR	Show me your marks
13.	12-23/24	9/6/2023	Kgoši Mampuru II Central	NMR	Denial of prima facie evidence
14.	13-23/24	12/6/2023	Qalakabusha	KZNMR	Let me in
15.	14-23.24	20/6/2023	Johannesburg Female	NMR	4 days in
16.	15-23.24	22/6/2023	Durban Med A	KZNMR	All I see are shadows, I never see light
17.	16-23.24	27/6/2023	St Albans Max	ECMR	Offended
18.	17-23.24	25/7/2023	Mangaung PPP	CMR	Investigation ongoing
19.	18-23.24	25/7/2023	Pollsmoor Med A	WCMR	Hopelessness
20.	19-23.24	25/7/2023	Losperfontein	NMR	Imaging possible situations
21.	20-23.24	10/8/2023	Kutama Sinthumule	NMR	Investigation ongoing
22.	21-23/24	21/8/2023	Boksburg Medium	NMR	Investigation ongoing
23.	22-23/24	22/8/2023	Mangaung	CMR	Its too late one can assist me
24.	23-23/24	28/8/2023	Boksburg	NMR	Investigation ongoing
25.	24-23/24	28/8/2023	East London Max	ECMR	Investigation ongoing
26.	25-23/24	6/9/2023	Goedemoed	CMR	Investigation ongoing
27.	26-23/24	7/9/2023	Durban Med A	KZNMR	Bang, bang, bang
28.	27-23/24	15/9/2023	Kgoši Mampuru Central	NMR	In pursuance peace & comfort in the world of unknown
29.	28-23/24	15/9/2023	Pollsmoor Med B	WCMR	Humiliation
30.	29-23/24	30/9/2023	Krugersdorp	NMR	Investigation ongoing
31.	30-23/24	10/10/2023	East London Max	ECMR	Investigation ongoing
32.	31-23/24	19/10/2023	Johannesburg Female	NMR	I want my phone
33.	32-23/24	17/11/2023	Kgoši Mampuru Local	NMR	When the truth is replaced by silence, silence
34.	33-23/24	24/11/2023	St Albans Maxi	ECMR	Security versus human dignity: where to draw the line
35.	34-23/24	11/12/2023	Middleburg Correctional Centre	NMR	Investigation ongoing
36.	35-23/24	18/12/2023	Mossel bay youth	WCMR	A remarkable red cricket bat/Lela means cry
37.	36-23/24	22/12/2023	Tswelopele Correctional Centre	CMR	Investigation ongoing
38.	37-23/24	22/12/2023	Pollsmoor RDC	WCMR	Investigation ongoing

No.	Ref	Date of mandate	Correctional facility	Region	Name of the report
39.	38-23/24	9/01/2024	Zonderwater Med B	NMR	It ruined my life
40.	39-23/24	22/01/2024	Tswelopele Correctional Centre	CMR	Investigation ongoing
41.	40-23/24	19/01/2024	Durban Youth	KZNMR	Investigation ongoing
42.	41-23/24	25/01/2024	Durban Med A	KZNMR	Investigation ongoing
43.	42-23/24	25/01/2024	Bizzah Makhate Med A	CMR	Investigation ongoing
44.	43-23/24	26/01/2024	Pollsmoor RDF	WCMR	Investigation ongoing
45.	44-23/24	02/02/2024	Johannesburg Med A	NMR	Investigation ongoing
46.	45-23/24	27/02/2024	Johannesburg Med A	NMR	Investigation ongoing
47.	46-23/24	27/02/2024	Modderbee Correctional Centre	NMR	Investigation ongoing
48.	47-23/24	05/03/2024	Voorberg Medium B	WCMR	Investigation ongoing
49.	48-23/24	22-03/2024	Groenpunt Max	CMR	Investigation ongoing
50.	49-23/24	26/03/2024	Witbank	NMR	Investigation ongoing
51.	50-23/24	28/03/2024	Qalakabusha Correctional Centre	KZNMR	Investigation ongoing

**Table 21: Investigations conducted in 2023/2024 performance cycle**

The majority of the investigations concerned inmates who committed suicide within the cells. Suicide by hanging was the most prevalent method used. In addition, JICS also investigated cases of homicide of inmates by other inmates and correctional officials.

Officials from DCS used what they sometimes describe as “maximum force” on inmates who assault officials and inmates. These assaults by DCS officials after an attack by an inmate sometimes lead to either severe injury or death of the inmate who was the initial aggressor or his death. Later in this report, the chapter on mandatory reporting details the number of inmates who died in custody during this performance cycle.



## Case study

### St Albans Maximum Correctional Centre (Eastern Cape Province)

Name of report: *Security versus human dignity: Where to draw the line?*

#### 1. Background

- 1.1. On 30 November 2023, JICS became aware of media reports regarding invasive strip searches of female visitors to St Albans Maximum Correctional Centre (the Centre).
- 1.2. JICS immediately communicated with DCS at the centre and at the Regional Commissioner's office at East London.
- 1.3. The Area Commissioner (AC) denied any wrongdoing and referred JICS to the DCS searching policies.
- 1.4. JICS investigators visited the centre to conduct an in loco investigation on 27 and 28 November 2023.

#### 2. Findings

- 2.1. All the visitors interviewed detailed the same basic version of events, showing convincingly that inappropriate searches and inhumane and degrading treatment did take place at the centre.
- 2.2. DCS officials do not wear nametags as JICS has repeatedly counselled, allowing abuse to occur with impunity because victims struggle to identify officials responsible for mistreatment.
- 2.3. The centre does not adhere to constitutional principles of human dignity, the Batho Pele principles and common courtesy regarding visitors. Visitors are stripped of their dignity, and subjected to invasive, inhumane, and degrading treatment and searches at the centre.
- 2.4. JICS received no complaints that males or DCS officials were searched in the same inhumane and degrading way. It appears that this invasive treatment targeted female visitors.

#### 3. Conclusions

The DCS Standing (B) orders that were made available to JICS do not allow for strip-searches or cavity searches of visitors. JICS is of the view that these searches are contrary to the Constitution, statute, Regulations and DCS's B-Orders.

#### 4. Recommendations

JICS recommendeds that the acting Regional Commissioner of the Eastern Cape Region:

- (i) Bring the adverse remarks contained in this report to the attention of the implicated officials and allow them to respond in compliance with the audi alteram partem rule and the rules of natural justice.
- (ii) Ensure the finalisation of the internal investigation concerning the inappropriate searching, inhumane and degrading treatment of females visiting the correctional centre and submitting the report to JICS.
- (iii) Institute misconduct proceedings against officials implicated in the inappropriate, inhumane, and degrading treatment of female visitors to the Centre.
- (iv) Consider disciplinary steps against the head of the Centre and other implicated officials for failing to report the inappropriate, inhumane and degrading treatment of visiting females to the correctional centre to the AC and the RC;
- (v) Report to JICS on the outcome of all misconduct proceedings instituted.
- (vi) Ensure continuous training is provided to officials on permissible search practices and the treatment of visitors.
- (vii) The AC of St Albans must inform JICS of the alternative searching methods to be employed to ensure that searches are conducted in a thorough but humane and dignified manner.
- (viii) The AC of St Albans must inform JICS of the measures in place to ensure that DCS officials are always identifiable and abide by name tag policy.
- (ix) The AC of St Albans must inform JICS of the measures in plans to sensitise DCS officials on adhering to the Batho Pele Principles.
- (x) If there are any existing approved DCS policies specifically authorising strip-searches or cavity-searches of visitors, the AC of St Albans must make copies of same available to JICS.

JICS provided copies of this report to the Minister of Correctional Services, Deputy Minister, National Commissioner, Regional Commissioner, Head of Centre, Portfolio Committee on Justice and Correctional Services, South African Human Rights Commission as part of the National Preventive Mechanism on Torture, and the Commission on Gender Equality.

## Case study

### Durban Westville Medium B Correctional Centre (KZN Province)

Name of the report: *"Evil was not seen nor heard"*

#### 1. Background

- 1.1. JICS investigated allegations of assault of inmates in April 2023.
- 1.2. On 21 March 2023, local officials from DCS conducted a search at Durban Medium B.
- 1.3. A total of 24 DCS officials were involved in the search.
- 1.4. As part of the preparation for the search, officials were issued with Personal Protective Equipment (PPE), masks, torches and tonfas.
- 1.5. The search commenced at 19:00.
- 1.6. Officials reported that they found cell phones in the possession of at least two inmates, M and H.
- 1.7. Inmates M and H, as well as several other inmates, allege that they were assaulted by DCS officials during the search. They furthermore alleged that a taser (stun gun) was used during the assault.
- 1.8. DCS officials interviewed all claimed that they did not assault anyone and did not see any official who assaulted inmates during the search.

#### 2. Findings

- 2.1. It is found on a balance of probability that inmates were randomly assaulted and treated inhumanely by DCS officials during the search on 21 March 2023.
- 2.2. Elements of torture were present as inmates were assaulted to obtain information regarding the whereabouts of their cell phones and other contraband.
- 2.3. Without access to the new DCS searching policy, it is difficult to ascertain whether DCS adhered to it. It must, however, be inferred that DCS officials did not follow their own policy, as it is hard to believe that the policy would authorise assault and torture.
- 2.4. DCS managers clearly lacked control over the searching officials. A case in point is that a DCS official brought in a private taser, according to inmates and at least one DCS official. Private security equipment is prohibited in terms of section 33 of the CSA. DCS officials were free to assault inmates in the cells according to statements of inmates and medical evidence obtained.
- 2.5. It is hardly credible that DCS managers standing outside the cells were totally unaware of the assault that took place inside the cells. It might be a case of "see no evil, hear no evil."
- 2.6. The statements from officials that they did not assault anyone and likewise did not see any assault taking place constitute a standard answer by DCS officials whenever they are implicated in mass assaults.
- 2.7. It is stated that after the search, inmates had no complaints. It is not surprising that inmates were hesitant to complain about being assaulted to the very officials responsible for the assault.
- 2.8. DCS officials were wearing masks. It is assumed that the officials wore COVID-type masks as part of their PPEs, which made them difficult to identify. In this case, however, the officials conducting the search were from the same centre, and the inmates could recognise some of them.

#### 3. Recommendations

- 3.1. The Area Commissioner (AC) of the Durban Management Area must inform JICS of the outcome of the disciplinary processes against DCS officials identified during the JICS and DCS investigations.
- 3.2. DCS officials must receive training followed by regular sensitising sessions on acts of torture, including the consequences should DCS officials be found guilty of an act of torture.
- 3.3. The AC must inform JICS of the measures put in place to ensure that all DCS officials are identifiable at all times, and JICS must escalate the issue of identification to regional and national levels.
- 3.4. The AC must inform JICS whether changes were implemented in how DCS officials conduct mass searches.
- 3.5. JICS will follow up on the criminal investigation into the allegations by the South African Police Services.

## Case study

### East London Maximum Correctional Centre (Eastern Cape)

Name of the report: *"Locked Room Mystery"*

#### 1. Background of the incident

- 1.1. DCS reported to JICS that inmate Z committed suicide during the evening of 7 April 2023 by hanging himself in his single cell.
- 1.2. From the incident report by DCS, the suicide was unexpected and unforeseen.
- 1.3. Upon receipt of the autopsy report, it became evident that there were some discrepancies between the DCS report and the pathologist's findings.
- 1.4. The report from the pathologist indicated that the inmate was hogtied. His wrists were tied behind his back and one of his feet was tied to the hands. The ligature had three knots (below the chin, towards the right of the midline and right lateral aspects of the neck).
- 1.5. The conclusion reached by the pathologist was that the cause of death was "Not inconsistent with Incaprettemento".

#### 2. Investigation focus

- 2.1. As a result of the findings of the pathologist, the JICS investigation focused on the following:
  - 2.1.1. Was inmate Z alone in the cell on the evening of his death?
  - 2.1.2. If he was alone, was there any possibility that someone (either a DCS official, inmate or any other person) could have gained access to the cell on the evening of his death?
  - 2.1.3. By perusing the cell register of the single cells and from the statements of officials and an inmate, it was established that inmate Z was accommodated alone in his single cell on the evening of his death.
  - 2.1.4. The investigation then explored the possibility of anyone gaining entry to the inmate's cell on the evening of his death.
  - 2.1.5. DCS Standing (B) Orders regulate DCS standard operational procedures for handling keys.
  - 2.1.6. It was established through interviews with DCS officials on duty, and inmates in adjacent cells that no one entered or left his cell after the cell was locked with the master key for the night.
- 2.2.6. Examination of official records as well as the physical location of the relevant keys further confirmed this.

#### 3. Findings and conclusions

On the evidence available, JICS makes the following findings:

- 3.1. It would have been challenging for anyone to enter the cell of inmate Z on the evening of his death as the use of the master key is highly regulated (no opportunity).
- 3.2. There seems to be no motive to murder inmate Z elaborately. A check into the reason for his incarceration did not indicate that he was involved in organised crime or gangsterism. DCS officials and the social worker stated that he was not troublesome.
- 3.3. Inmate Z committed suicide with the apparatus available to him - a torn sheet from his bed.
- 3.4. Inmate G, who was incarcerated next to inmate Z, stated that he was awake the whole time, and there were no sounds of anyone opening the cell door of cell 3 or of a struggle.
- 3.5. It is therefore concluded that unless there was a plot on a "Bester" scale to murder inmate Z, inmate Z most probably committed suicide on 7 April 2023.
- 3.6. DCS could not have reasonably foreseen the suicide.
- 3.7. According to DCS records and statements from officials, the officials patrolled the unit as they were supposed to. In addition, all procedures were followed by DCS after the suicide was discovered.

#### 4. Recommendations

- 4.1. A copy of this report must be made available to the DCS Area Commissioner of the East London Management Area and the Head of Centre, East London Maximum.
- 4.2. The JICS Manager: Mandatory reporting must follow up on the inquest outcome.
- 4.3. Upon receipt of the inquest's outcome, the matter can be considered finalised.

## Case study

### Mosselbay Youth Correctional Centre

Name of the report: *"Lela means cry"* or *"A remarkable red cricket bat"*.

#### 1. Background

- 1.1. On 12 December 2023, at approximately 11h00, an argument erupted between inmates L (24 years) and F (21 years).
- 1.2. The inmates swore at each other while waiting for consultation at the correctional centre's case management office.
- 1.3. Later the same day, at approximately 15h00, during the serving of dinner in the dining hall of the East Wing unit, inmates L and F engaged in a physical fight. Inmate J and L attacked inmate F.
- 1.4. The three inmates were taken to the office where they were allegedly assaulted with a red cricket bat and loose wooden planks.
- 1.5. The inmates indicated that they were assaulted by four DCS officials whose names are known to JICS.
- 1.6. The above-mentioned officials indicated that one inmate attacked them with a cricket bat that was in the office, and they used force to defend themselves and to stabilise the situation.
- 1.7. The HCC did not authorise the force used by officials.
- 1.8. It was further found that the use of force was also not reported to the HCC and the Inspecting Judge as required in section 32 of the (CSA).
- 1.9. The inmates were returned to their cells after the alleged assault. They received medical examinations and attention from the nurse on 13 December 2023, and a sessional doctor examined them on 19 December 2023.

#### 2. Findings

- 2.1. The DCS officials implicated were all on duty in the unit on the day of the alleged assault. This is confirmed by their statements and documentary evidence.
- 2.2. The statements from inmates L, F and J confirm that these inmates had an altercation during the serving of meals in the East Wing dining hall around 15h00 on 12 December 2023.
- 2.3. The DCS officials present managed to separate the three inmates in the dining hall and brought the situation under control. All three inmates were taken to the office. At this point, the inmates were no longer fighting amongst themselves or with the officials.
- 2.4. While in the office, the four officials interrogated the inmates regarding the cause of the fight.
- 2.5. Officials claim that force was used to discipline the three inmates because one inmate attempted to attack the four officials with a cricket bat in the office.
- 2.6. An inference can be drawn that the four officials unlawfully and intentionally applied excessive force on the three inmates since there was no threat from the inmates when they were brought to the office from the dining hall.
- 2.7. The excessive use of force by the officials resulted in assault with intent to cause grievous bodily harm against the inmates.
- 2.8. Unauthorised and impermissible instruments were used to discipline the inmates. Furthermore, officials did not receive or request authorisation to use force; they did not report the use of force to the HoCC and the Inspecting Judge. They failed to refer the inmates to hospital after the use of force as a result of the injuries sustained and as required by the CSA.
- 2.9. The incident was reported to the Correctional Centre Corrections, Correctional Centre Support Services and to the Divisional Head Security, but not to the HCC.
- 2.10. The three managers referred to above also failed to report the incident to the HCC until it was brought to the HCC's attention by the unit supervisor, who only reported to duty on 14 December 2023.
- 2.11. The working relationship between management and officials appears beset by challenges.
- 2.12. The evidence gathered shows that there is a lack of effective management of the correctional centre; there is no effective patrolling of units by the HCC and managers to assist the inmates who feel tormented by unit managers and custody officials.
- 2.13. It was brought to JICS's attention by an official that, as a result of this incident, racial tensions have arisen between officials. If true, this ought to be urgently addressed.
- 2.14. During the investigation, it was discovered that allegations of theft/corruption of around R 700 000.00 were evident.

### 3. JICS recommends that the DCS Regional Commissioner of the Western Cape Region:

- (i) Bring the adverse remarks contained in this report to the attention of the implicated officials and allow them to respond in compliance with the audi alteram partem rule and the rules of natural justice;
- (ii) Institute misconduct proceedings against the identified officials for failing to obtain necessary permission for the use of force and for the use of impermissible instruments on inmates H, VR and JO;
- (iii) Monitor and cooperate with SAPS's investigation into the registered criminal complaint against the identified officials by inmates L, F and J;
- (iv) Report to JICS on the outcome of these proceedings;
- (v) Ensure continuous training be provided to officials on the permissible use of force and discipline of inmates;
- (vi) Consider disciplinary steps against the HCC, CC Corrections, CC Support Services and the Divisional Head Security for failing to report the excessive use of force in terms of section 32 of the CSA;
- (vii) Ensure the finalisation of the internal investigation concerning the excessive use of force on inmates L, F and J and the submission thereof to JICS;
- (viii) Ensure the finalisation of the investigation into complaints of sexual harassment of juveniles lodged against a DCS official (name known to JICS) and the implementation of appropriate disciplinary steps;
- (ix) Monitor and report to JICS on the criminal case registered against the official in respect of sexual harassment of juveniles;
- (x) Ensure the finalisation of an internal DCS investigation into allegations of corruption, regarding the monies of the recreation club amounting to approximately R700 000.00 and report on the outcome thereof to JICS; and
- (xi) Ensure that appropriate steps are taken amongst officials to address the racial tensions that have arisen in this correctional centre as a result of this incident.

## Complaints and Mandatory Reporting

### Complaints

#### Introduction

Inmates' right to lodge complaints and make requests is important to ensure that DCS complies with its own policies and that inmates are not exploited. Emphasis must be placed on setting up procedures to ensure that complaints and requests are dealt with effectively and efficiently.

Every inmate must, on admission and on a daily basis, be given an opportunity to lodge complaint/s or make request/s to the HCC or an authorised official as contemplated in section 21(1) of the CSA.

Section 90(2) of the CSA empowers the IJ to receive and deal with complaints submitted by the NCCS, the Minister, the NC, Visitor Committees (VCs), and the ICCVs. In addition, the IJ may deal with any complaint of his own accord.

Both JICS's Regional Offices and the CU receive and manage complaints from inmates. All those complaints that are without immediate threat and which are deemed convenient for the ICCVs to deal with are handled by the Regional Offices. The CU is responsible for dealing with complaints that involve imminent threats to inmates' lives, serious injuries requiring medical attention or time bound specific requests. JICS not only receive complaints from inmates and their families but also receives complaints from Chapter 9 Institutions, stakeholders, and civil society organisations.

#### Statistics by category

The CU received a total of 720 complaints during the period under review. During the previous performance cycle, 2022/2023, 410 complaints were received. The current performance cycle's complaints almost doubled compared to the last cycle's performance. The categories of complaints are informed by the nature of the queries received by JICS, the frequency, volume and changes in penology-related legislation, and the focus and direction of the IJ.



The table below shows the number of complaints received during the the 2023/2024 performance cycle.

Categories	Q1		Q2		Q3		Q4		Total
	Internal	External	Internal	External	Internal	External	Internal	External	
Appeal	4	0	0	0	2	1	4	0	11
Assault (inmate-on-inmate)	59	0	53	6	53	1	52	5	229
Assault (official-on- inmate)	17	2	22	8	18	4	42	3	116
Assault (Sexual)	8	2	9	4	4	0	7	1	35
Assault (inmate-on-official)	3	0	2	0	2	0	2	0	9
Attempted suicide	3	1	1	1	8	0	8	0	22
Bail	0	0	0	0	0	0	0	0	0
Communication with family	3	0	1	0	2	0	0	0	6
Conditions	6	0	3	1	4	0	2	2	18
Confiscation of possession	2	0	2	0	3	0	0	0	7
Conversion of sentence	0	0	0	0	0	0	0	0	0
Corruption	1	0	1	0	3	0	1	0	6
Food	2	0	1	0	1	0	2	0	6
Health care	8	0	5	0	8	1	4	3	29
Hunger strike	5	1	3	2	1	1	3	0	16
Inhumane treatment	3	0	0	0	0	0	1	1	5
Legal representation	0	0	0	0	0	0	0	0	0
Medical release	0	0	0	0	0	0	0	0	0
Parole	8	0	16	1	9	2	10	2	48
Re-classification	1	0	1	0	1	0	1	0	4
Rehabilitation programmes	0	0	4	1	4	0	1	0	10
Remission	0	0	0	0	0	0	0	0	0
Self-harm	1	0	1	0	0	0	1	0	3
Torture	2	0	0	0	0	0	0	0	2
Transfers	10	3	15	2	13	2	27	2	74
Others	9	2	10	2	15	3	18	5	64
<b>Total</b>	<b>155</b>	<b>11</b>	<b>150</b>	<b>28</b>	<b>151</b>	<b>15</b>	<b>186</b>	<b>24</b>	<b>720</b>

Table 22: Compliants per category for the 2023/2024 performance cycle

## Clustering of complaints

JICS categorises certain complaints into clusters to highlight different grievances emanating from inmates. There are currently five clusters of complaints, and they will be discussed below.

### **Cluster 1:** Appeals, bail and legal representation

Under this category, JICS's CU received 11 appeal complaints against convictions and/or sentences. There were no requests relating to bail. There was one complaint for legal representation, which the unit referred to Legal-Aid South Africa, who are better equipped to assist.

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

#### **a) Parole**

During the period under review, JICS received 48 complaints on parole matters.

#### **b) Medical release**

Similar to the previous cycle, JICS received no complaints or inquiries regarding this category.

Section 79(1)(a) of the CSA provides the criteria for the release of inmates on medical parole. The following criteria is considered:

- an inmate must be suffering from a terminal disease.
- an inmate must be physically incapacitated as a result of injury, disease or illness to severely limit daily activity or inmate self-care.
- a medical practitioner must recommend in his medical report that the inmate is incapacitated to the extent that his daily activities or self-care is limited<sup>10</sup>;
- appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released."<sup>11</sup> must also be done.

#### **c) Rehabilitation programmes**

It is the responsibility of DCS to provide humane, safe, and secure detention, providing needs-based rehabilitation and successfully reintegrating inmates into communities. JICS received ten complaints in this category.

On 8 November 2023 the Supreme Court of Appeal (SCA) handed down a unanimous judgment in *Minister of Justice and Constitutional Development v Ntuli* [2023]

ZACC 146. This matter concerned the request made by inmate Mr Ntuli to use his personal computer in his cell for his studies only, which was declined by the correctional centre authorities. The inmate challenged the centre's decision at the Gauteng Division of the High Court. The Court found that the policy was an unjustified limitation of Mr Ntuli's constitutional right to further education in terms of section 29(1)(b) of the Constitution and constituted unfair discrimination in terms of the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000. The High Court declared that Mr Ntuli is entitled to use his personal computer in his cell, without a modem, provided he remains a registered student with any recognised tertiary institution in South Africa, subject to inspections at any time by DCS officials. The Minister of Justice and Correctional Services, the National Commissioner of Correctional Services and the HCC of Johannesburg Correctional Centre appealed to the High Court, and the Court refused leave to appeal. However, the SCA granted leave to appeal. Then, the SCA ordered, among other actions to be taken by DCS, that: to the extent that the Policy Procedure Directorate Formal Education, as approved by the NC and dated 8 February 2007, prohibits the use of personal computers in cells, was declared invalid and set aside; directed the Minister and the NC to – within 12 months – from the date of SCA's order, after consultation with the JICS to prepare and promulgate a revised policy for correctional centres permitting the use of personal computers in cells for study purposes; further the Minister and the NC were to share the revised policy with the HCCs and heads of education at correctional centres; and furthermore ordered DCS to post notice of the revised policy on notice boards in all prisons where prisoners can see the information and that such notice must inform the inmates as to where they may obtain copies of the revised policy. The Department appealed the SCA's judgment to the Constitutional Court, and at the time of compiling this report, the judgment had not yet been handed down.

The SCA admitted JICS as a "friend of the court" (*amicus curiae*). The Court expressed its gratitude to JICS for its assistance and ruled that it would be 'helpful' if the Department were to formulate its revised policy after consultation with JICS.

The Court granted the Department 12 months to revise its policy, subject to certain conditions.

The SCA judgment will remain suspended until the Constitutional Court decides on this. This means that the Department's original policy continues to apply.

DCS is revising its policy with the assistance of and consultation with JICS.

<sup>10</sup> Section 79(2)(b) and (c)

<sup>11</sup> Section 79(1) (c) Correctional Services Act 111 of 1998 as amended.

### **Cluster 3: Communication with family and transfer**

#### **a) Transfer**

Section 43 of the CSA regulates the location and transfer of sentenced inmates. Inmates are transferred between correctional centres for one of three specific reasons: it is compulsory, it is to the benefit of an inmate, or it is to the benefit of DCS.

JICS received 74 transfer complaints and requests which is an increase of more than 100% compared to 36 received in the previous performance cycle.

During emergency situations at correctional centres such as riots, unrest and fires it is noted that mass transfers occur in a rush. This creates an opportunity for forceful removals, loss of possessions and a disregard for compliance with transfer policies. Complaints of lost items, such as identity documents, wristwatches, radios and shoes, have been a common phenomenon. Transfer requests to be closer to familial support or for education purposes have also been common.

### **Cluster 4: Conditions, hunger strike, food and healthcare**

JICS received 29 complaints relating to healthcare, 16 hunger strike complaints and 18 complaints relating to the conditions in correctional facilities.

### **Cluster 5: Violence, including confiscation of possession**

#### **a) Assaults**

As with the previous performance cycle, the dominant complaints continue to be assaults. Reports of assaults (by inmate-on-inmate were 229) contributed to 32% of the total complaints received. Conflict between inmates is unavoidable in a place of incarceration, especially since being a member of a gang and participating in its activities are still very popular. Inmates will use self-made weapons using the resources provided to them, such as sharpening the back end of a toothbrush, melting soap slivers and forming it into a penetrable object, using a padlock in a sock as a bludgeoning weapon, or even using hot water to burn each other. JICS received 116 complaints of assault incidents where one or more officials are the perpetrators, i.e. official-on-inmate, which is found to take place more often during search operations. Inmates allege that the searches are conducted aggressively and force is applied. We have found that there is a lack of reporting on the use of force as required in section 32 of the CSA.<sup>12</sup> Assaults of a sexual nature have increased to 35.

Incidents of assault by inmates on officials has, in comparison to the previous performance cycle, decreased marginally. JICS recorded 12 incidents in the last cycle and only nine incidents were recorded during the period under review.

#### **b) Attempted suicides**

JICS also records incidents of attempted suicides and 22 incidents of attempted suicide were recorded during the period under review.

### **Findings and Recommendations**

Of the 720 urgent matters that JICS had requested DCS to investigate and provide substantive feedback during the performance cycle, DCS provided only 41 investigation reports.

CU finalised 39 matters by way of written reports. JICS closed 24 matters due to one or more of the following reasons:

- Where the matter was pending and DCS investigation reports were outstanding, but sufficient feedback was provided to resolve the complaint;
- Where the inmate was released from custody; or
- Where the complaint contained insufficient detail to proceed.

Below are case studies with findings and recommendations finalised within the 2023- 2024 performance year:

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<sup>12</sup> Section 32 of the Correctional Services Act 111 of 1998 as amended.

## Case study

Conditions: Accommodating a remand detainee in C Max is unconstitutional, and prolonged detention in a single cell is equivalent to solitary confinement.

Kgoši Mampuru C Maximum

(Timeline: received February 2023 and finalised April 2023)

### The complaint

The inmate brought a complaint alleging that his incarceration at Kgoši Mampuru C Maximum is unconstitutional because he is a remand detainee and is being held with sentenced inmates. He further alleged that he was moved from Kgoši Mampuru Local (remand centre) to C Maximum without a reasonable cause, which has rendered it impossible for him to consult with his lawyers. He argued that his detention in C-Max amounted to solitary confinement as he had spent more than 15 consecutive days in C-Max.

More specific complaints were raised regarding conditions at the centre and the inmates' rights to exercise, food, visits/communication with family and legal representatives, clothing, and religion. All the complaints mentioned above support a transfer request back to Kgoši Mampuru Local Correctional Centre until the finalisation of his trial or extradition.

### Findings

The HCC denied that the complainant was held in segregation and confirmed that he is accommodated in C Maximum for security reasons. The complainant further stated that the reason he requested to be moved to the remand centre is that he has no access to private consultations with their lawyers. They only get ten minutes a week of access to a telephone; they cannot discuss the case with their co-accused; they do not have access to a shop; there are no privileges and no food can be provided during the visits.

JICS inspection report rated the centre as good as it was renovated in 2020. The centre does not have communal cells and only single cells are being utilised. Each cell has a toilet. All inmates are kept separate during shower and exercise times. Provision is made for special diets for medical and religious reasons such as high fibre, soft diet, diabetic, Shembe, Halaal and Kosher. Inmates receive one hour of exercise daily. Their complaints are taken daily, they have access to a library and board games or playing cards, they can access the shop once a month, non-contact visits are allowed, and the centre has seven booths with working speakers.

The decision to transfer was based on the complainant being graded as an extremely high-risk individual.

Both the ICCV and the complainant confirm that he was kept separate from the sentenced inmates as he was accommodated in a single cell. He exercises alone and showers alone as the centre makes use of caged showers and caged exercise areas. He was able to communicate with his legal representatives and has access to reading material from the library. He was able to receive non-contact visits and make telephone calls for ten minutes each week.

It is problematic that the complainant is kept in a single cell without meaningful human contact for more than 22 hours a day.

## Recommendations

All inmates receive an adequate diet, taking into account health and religious requirements. The correctional centre does make provision for Kosher food.<sup>13</sup>

The complainant is allowed visitors, is free to practice his religion, has access to reading material and he can lodge complaints on a daily basis.<sup>14</sup>

DCS must provide the minimum of one hour exercise daily, the exercise time and area of exercise may be increased where possible.<sup>15</sup>

DCS must provide the complainant with a complete set of clothing and bedding sufficient to meet the requirements of hygiene and climatic conditions.<sup>16</sup>

Consultation with legal representation must take place, but certain restrictions may be imposed if such restrictions are necessary for the safe custody of inmates. However, legal confidentiality must be respected.<sup>17</sup>

The complainant should be informed prior to a transfer. If the transfer adversely affects him then it must be in writing stating the reasons. The transfer should not be done arbitrarily.<sup>18</sup>

Remand detainees must be kept separate from sentenced inmates.<sup>19</sup>

Accommodation in a single cell without meaningful human contact for more than 22 hours in a day in Kgoši Mampuru C Max resembles solitary confinement like conditions. This practice is unlawful and should be addressed as a matter of urgency.

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<sup>13</sup> Section 8 of CSA

<sup>14</sup> Section 14 of CSA

<sup>15</sup> Section 11 of CSA

<sup>16</sup> Correctional Services Regulations, 2012 Chapter IV, regarding Clothing and Bedding:

<sup>17</sup> Section 17 of CSA

<sup>18</sup> Section 43 of CSA

<sup>19</sup> Section 7 of CSA



## Case study:

### Assault inmate-on-inmate; gang-related; use of padlocks.

#### Bizzah Makhate

(Timeline: received January 2023 and finalised February 2024)

The Complaint

Inmate alleged that he was assaulted by another inmate.

#### Findings

The record of consultation completed by the ICCV revealed that the complainant was assaulted with a padlock on his head.

The complainant, in his statement, indicated that he argued with a fellow inmate over hygiene. The complainant accused the perpetrator of not being clean and dirtying his bed space. The complainant sleeps on the top of the bed, which he shares with the perpetrator. The argument led to a fight, and the complainant was attacked and hit with a padlock, which was fastened with a piece of cloth, on the head. The officials were immediately called and managed to stop the assault. The complainant was taken to the hospital, where he was medically treated for the injury sustained.

The perpetrator is an active member of the 28 gang. He declared in his statement that on 3 January 2023, he argued with his cellmate. The argument was about the untidiness. During the argument, the complainant swore at him, which made him angry. He instantly took a padlock, fastened it with a piece of cloth and attacked him on the head. Officials were subsequently called in to stop the fight. He was taken to a special care unit for displaying aggressive and violent behaviour. Disciplinary measures were taken against him for his conduct.

From the statements given by inmates, it is evident that an argument occurred on 3 January 2023, which led to the complainant sustaining an injury: a laceration on the back of the head.

The perpetrator confirmed in his statement that he had used a padlock to assault the complainant on his head.

The complainant was afforded an opportunity to open a criminal case, but he decided not to exercise his right to do so. He further declared in his statement that he does not hold the DCS accountable for his injuries.

Even though the complainant does not hold DCS accountable, the officials must maintain good order and always be vigilant while performing sectional duties.

#### Recommendations

Non-compliance with section 35(2)(e) of the Constitution, which provides that everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity. The DCS officials should be more vigilant when performing section duties.

Compliance with sections 22 and 23 of the CSA regarding disciplinary action against inmates who contravene sub-sections 23(1)(b), (c) and (h) of the CSA is mandatory.

Non-compliance with sections 2 and 4 of the CSA, the DCS - is responsible for maintaining safety and security, detaining all inmates in safe custody whilst ensuring their human dignity. In this instance of inmates using padlocks to carry out assaults amongst inmates, the court decided in *Befile v Minister of Justice and Correctional Services*<sup>20</sup> that DCS should take steps to eliminate the use of padlocks on inmates convicted of serious crimes and those who are members of gangs in centres to reduce the assaults.

20 *Befile v Minister of Justice and Correctional Services* (3868/2017) [2020] ZAECHGHC 11 (28 January 2020)

## Mandatory Reporting

### Introduction

The CSA <sup>21</sup> makes it obligatory for the DCS to report to JICS certain incidents that occur in the correctional facilities. JICS defines the four mentioned reports as “Mandatory Reports.” The objectives of the JICS Mandatory Unit is, after receiving such reports, to ensure that proper data are kept of all reports by HCCs, to monitor and check compliance that HCCs report to JICS timeously and accurately and to ensure that the reporting of these matters is not merely an administrative function, but the data are used to analyse trends and investigate if it is necessary.

The following are incidents or occurrences that the DCS must report to JICS:

### Death of any inmate

Any death in a correctional facility must be reported to the IJ, who may carry out an inquiry or instruct the NC to conduct an inquiry. The HCC is also obliged to report any death that a medical practitioner cannot certify as the result of natural causes in terms of the Inquests Act 58 of 1959.<sup>22</sup>

### Segregation of an inmate

The CSA requires DCS to notify the IJ of all instances of inmate segregation lasting seven days or more, up to 30 days.

Section 30 of the CSA provides for an inmate’s segregation for a certain period. Segregation may be effected for the whole or part of the day and may include detention in a single cell other than normal accommodation in a single cell.

The segregation of an inmate is permissible for the following reasons:

- Written request by the inmate;
- Disciplinary decision to restrict the inmates’ amenities;
- Medical grounds recommended by the correctional medical practitioner;
- Preventing violence towards an inmate or if the inmate displays violence;
- Reasonable suspicion of a re-captured escapee attempting to escape again or
- SAPS request, deemed in the interests of the administration of justice by the HCC.

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<sup>21</sup> 111 of 1998.

<sup>22</sup> Section 2

## Mechanical restraint

The CSA makes it compulsory for DCS to notify the office of the IJ of all instances of mechanical restraints. Mechanical restraint of an inmate<sup>23</sup> is permitted by the CSA in the following situations:

- if necessary for the safety of the inmate or any other person.
- the prevention of damage to any property.
- if a reasonable suspicion of escape by an inmate exists or if requested by a court.

### Use of force

The CSA states that every correctional official is authorised to use lawful means to detain all inmates in safe custody subject to the restrictions of the CSA or any other law and may use force to achieve this objective where no other means are available. However, a minimum degree of force must be used, and the force must be proportionate to the objective.

The CSA <sup>24</sup> authorises a correctional official to use lawful means to detain all inmates in safe custody, and subject to the restrictions of the CSA or any law, to use minimum force where it is necessary in the following situations:

- self-defence;
- defence of any other person;
- preventing an inmate from escaping; and
- for the protection of property.

The e-Corrections system is currently being rolled out to facilitate the mandatory reporting process.

Whilst JICS has taken great care to ensure that each mandatory report is complied with, the statistics quoted in this report may vary with those of DCS.

## Deaths from unnatural causes

### Introduction

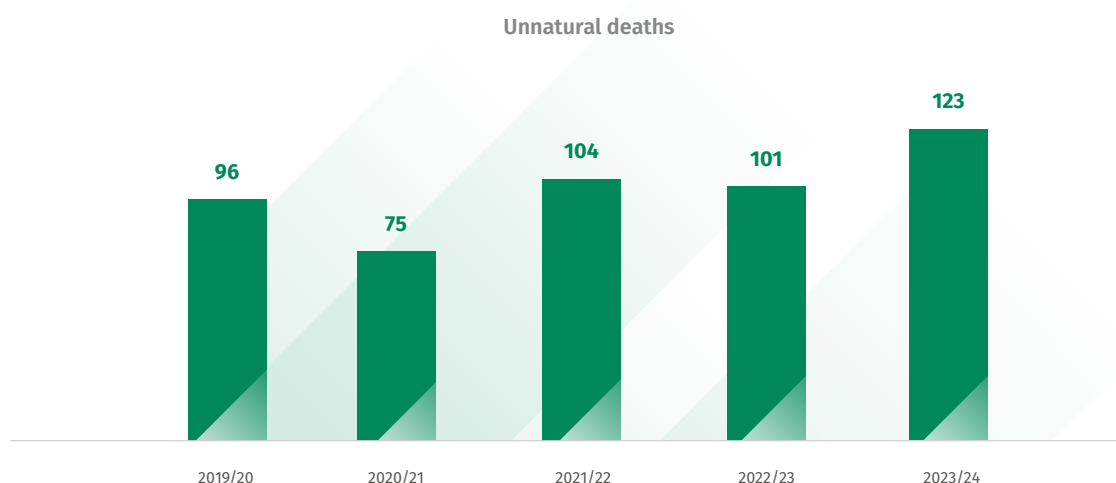
In this reporting period, a total of 123 deaths from unnatural causes was reported. A closer look at the causes of unnatural deaths, however, reveals that in most cases, the deaths were reported as “unknown other”.

The graph below shows the deaths by unnatural causes reported by DCS, spanning from the 2019/2020 to the 2023/2024 performance cycles.

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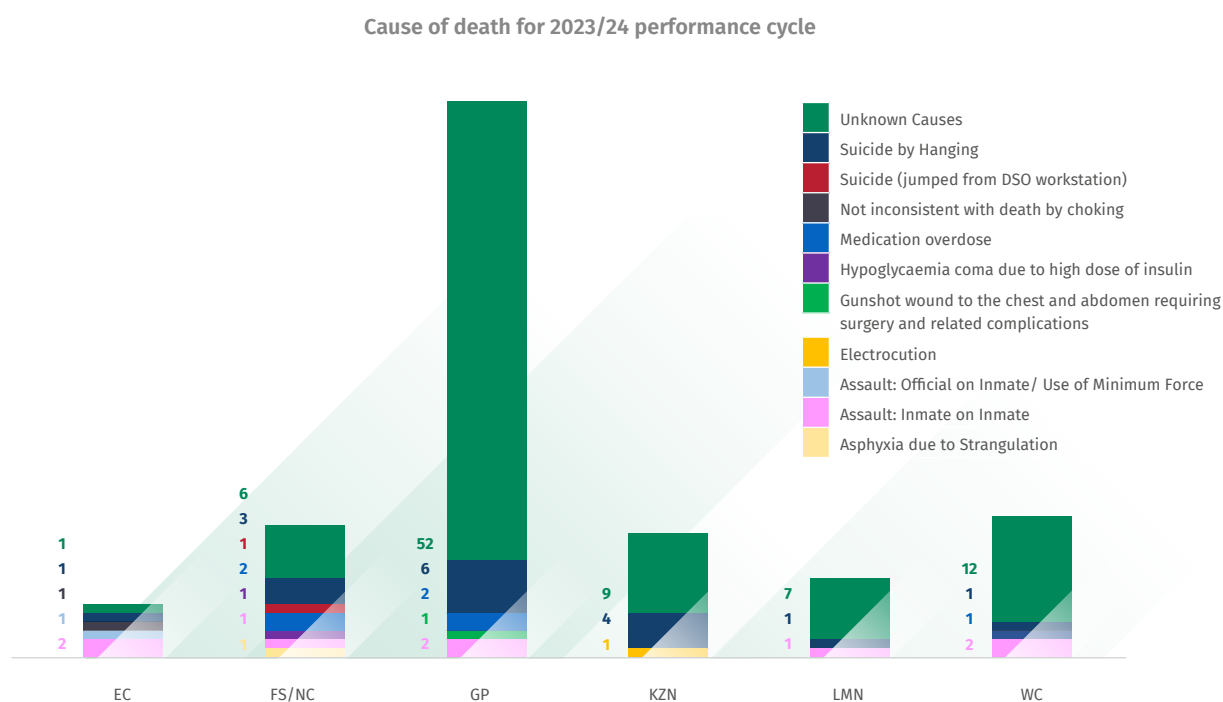
<sup>23</sup> Section 31 of the CSA.

<sup>24</sup> Section 32.



**Graph 10: Deaths reported by DCS from unnatural causes from 2018/2019 to the 2023/2024 performance cycle**

The graph below shows all deaths classified by cause of death for the 2023/2024 performance cycle.



**Graph 11: Deaths classified by causes of death per region**

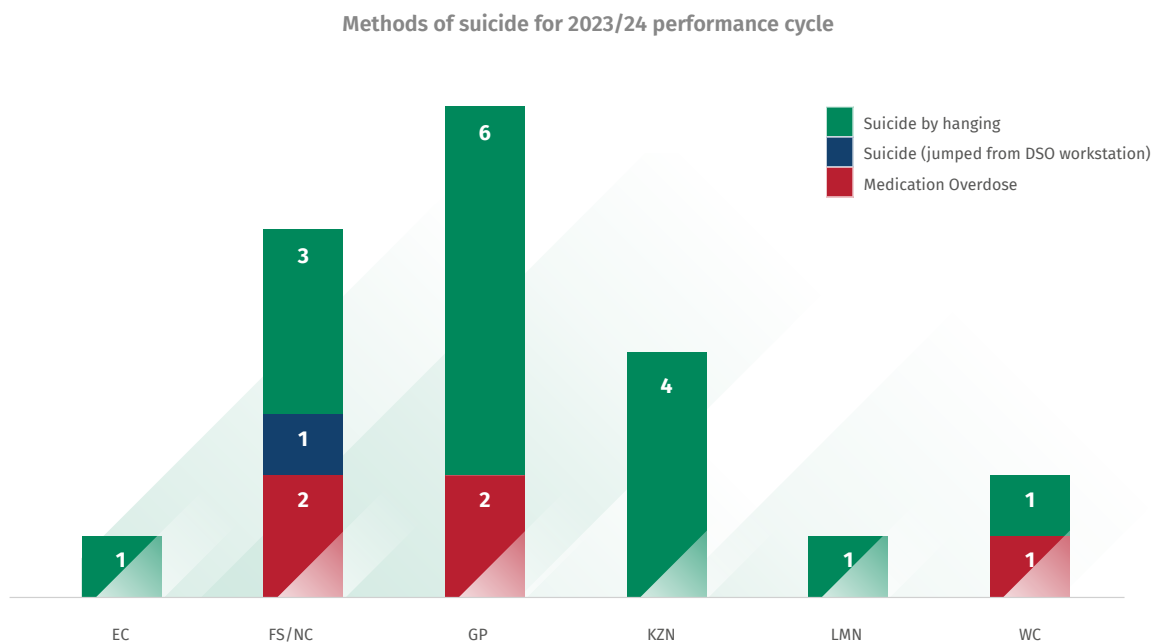
## Unnatural deaths “other”

Unnatural deaths “other” is a term that DCS use for unnatural deaths that, at the time of reporting the cause of death has not yet been determined. Unnatural “other” is where an apparently healthy inmate suddenly passes on and the cause of death is unknown.

## Suicides

A total of 21 cases of suicide was reported during the 2023/2024 reporting cycle. Most of these suicides occurred in the FS/NC and Gauteng regions. Hanging appeared to be the most common method, with 76% (16 inmates) dying as a result of this. A variety of items are used, but mainly ligatures fashioned from bedding and clothing; eight of the 16 suicides by hanging occurred in a single cell.

The graph below shows methods of suicide used in the 2023/2024 performance cycle.



**Graph 12: Methods of suicide reported in the 2023/2024 performance cycle**

## Case Study

### Suicide at Qalakabusha

It was reported to JICS that the inmate was admitted as a parole breaker for 48 hours on 8 June 2023 at approximately 20h15. He was placed at a correctional facility hospital, where he committed suicide by hanging himself on the window frame with a bed sheet.

The JICS investigation found that the deceased was incarcerated after he handed himself over to the police. He claimed that people wanted to take his life. He was taken to the centre by DCS Community Corrections on 7 June 2023.

At the centre, one inmate claimed he had witnessed the deceased swallowing several pills. The inmate was taken to the centre hospital for assessment as he was regarded as a new admission and because there was an allegation that he had swallowed pills.

The inmate was found hanging at the hospital single-cell window frame. It was also found that there was no light in the single cell on the day of the incident and prior.

## Case study

### Suicide at Modderbee

It was reported to JICS that on 06 September 2023, at about 15h50 after the counting of inmates for lock-up at the hospital unit, officials heard other inmates banging the door in H319 communal cell. When they went to investigate, they found that the inmate had hung himself in the shower window. The inmate utilised his t-shirt to hang himself. The JICS investigation found that the deceased was admitted to the centre hospital due to his health issues that required close monitoring. He was a first-time offender, and the death was reported to JICS within the time frame.

## Deaths due to overdose

JICS is concerned that inmates' medication is dispensed in bulk. Having lots of medication at inmates' disposal poses a risk to their health and safety. JICS calls for DCS to find other means of distributing medication to ensure the safety of inmates. Bulk medication dispensing enables inmates to accumulate medication and potentially ingest it all at once.

### Case study

#### Suicide at Pollsmoor Medium A

It was reported that an inmate was admitted on 17/04/2023 at Pollsmoor Medium A Correctional Centre from court, on a charge of malicious injury to property. He was a known epileptic patient.

On 12 July 2023 the deceased overdosed on his medication, he was taken to the centre's hospital for medical attention. Cape Medical Response was called and on 13 July 2023 he was referred to Victoria hospital for further medical treatment and was later transferred to Groote Schuur hospital. On 15 July 2023 at about 01h35 he was declared dead by the doctor at Groote Schuur hospital.

### Case study

#### Suicide at Grootvlei Medium A

It was reported to JICS that the inmate was transferred to the centre in December 2022, and upon his arrival, he was placed in a single cell at the special care unit for his safety. On 22 May 2023 at about 13h30, officials heard loud banging on the door from one cell and when they went to investigate the inmate in the cell indicated that he heard a commotion from the cell next door. When officials arrived in the cell, they noted the inmate was semi-conscious on the floor. The inmate was taken to the centre hospital for medical assistance and was immediately referred to an outside hospital, where he passed away the following day.

The JICS investigation found that the inmate was placed in a single cell. He was on chronic treatment for HIV and was being given ARVs during the term of his incarceration at the centre.

On the morning of the allegedly incident he had enquired about a transfer to the Western Cape. Three empty containers of medication (pills) were found in the bin when he was transferred to the district hospital. Postmortem results will confirm the cause of death.

## Homicides

Violence and brutality are rife in the correctional environment. Inmate-on-inmate deaths are common, but not always related to inter-gang rivalry. These incidents involve various methods, including stabbings with self-made knives, physical assault with fists, and fatal kicks. Extreme violence and brutality are prevalent amongst both remand detainees and sentenced offenders.

JICS's investigations aim to determine the culpability of the perpetrators of the crime, and whether the homicide was the result of a specific intent or whether it was caused by negligence.

In the 2023/2024 performance cycle, there was at least one inmate homicide committed by officials, which is a decrease in comparison to five incidents in the previous cycle. There were eight homicides between inmates in the performance cycle under review. This is an increase from the two incidents recorded during the last report.



## Case study

### Use of force and subsequent death of an inmate at Durban Maximum

It was reported to JICS that on 23 April 2023, at about 11h30 the deceased assaulted an official with a sjumbana (padlock in a sock) and minimum force was used to stop him. It was also stated that the inmate had a history of diabetes.

The DCS and JICS investigation is still underway.

## Case study

### Inmate-on-inmate assault at Tswelopele

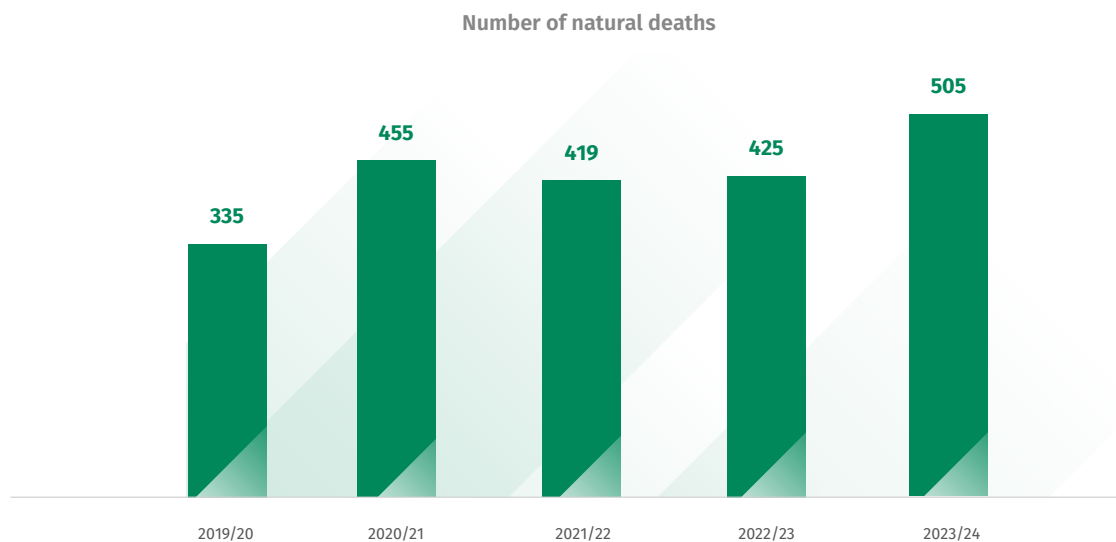
It was reported that the deceased was admitted at Robert Mangaliso Sobukwe Hospital on 9 January 2024 after an alleged fight in the cell with fellow inmates, and he sustained injuries on the head. On 13 January 2024 at about 18h00, the inmate's condition deteriorated. He was taken to high care and incubated. He passed away in the intensive care ward, where the nurses and doctors were busy with him. The inmate passed away at Robert Mangaliso Sobukwe Hospital ward A4 in the intensive care ward.

The DCS and JICS investigations are still underway.

## Deaths from natural causes

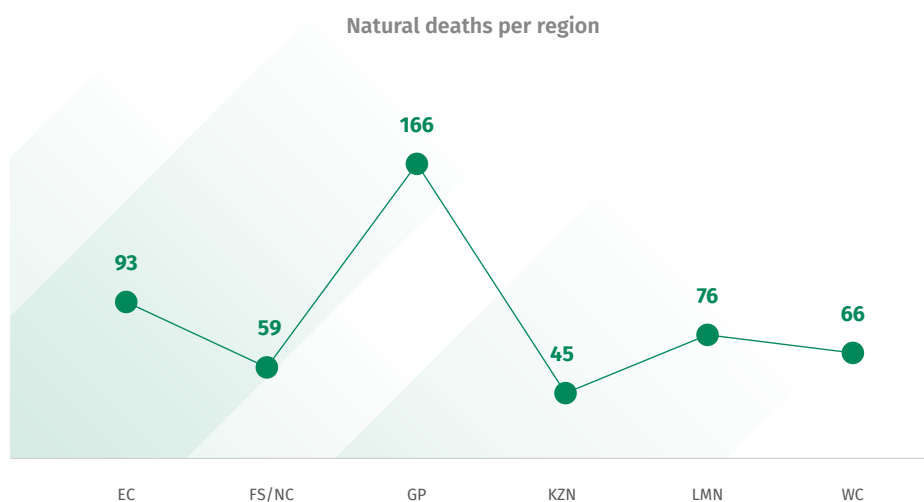
During the performance cycle, 505 deaths due to natural causes were reported to JICS by DCS. There was an increase from the 425 reported in the previous report.

The graph below shows the number of deaths from natural causes from the 2019/2020 to 2023/2024 performance cycles.



**Graph 13: Deaths from natural causes from 2019/2020 to 2023/2024 performance cycles**

Gauteng had the highest number of natural deaths which is consistent with the inmate population. The graph below shows the number of natural deaths per region during the performance cycle.



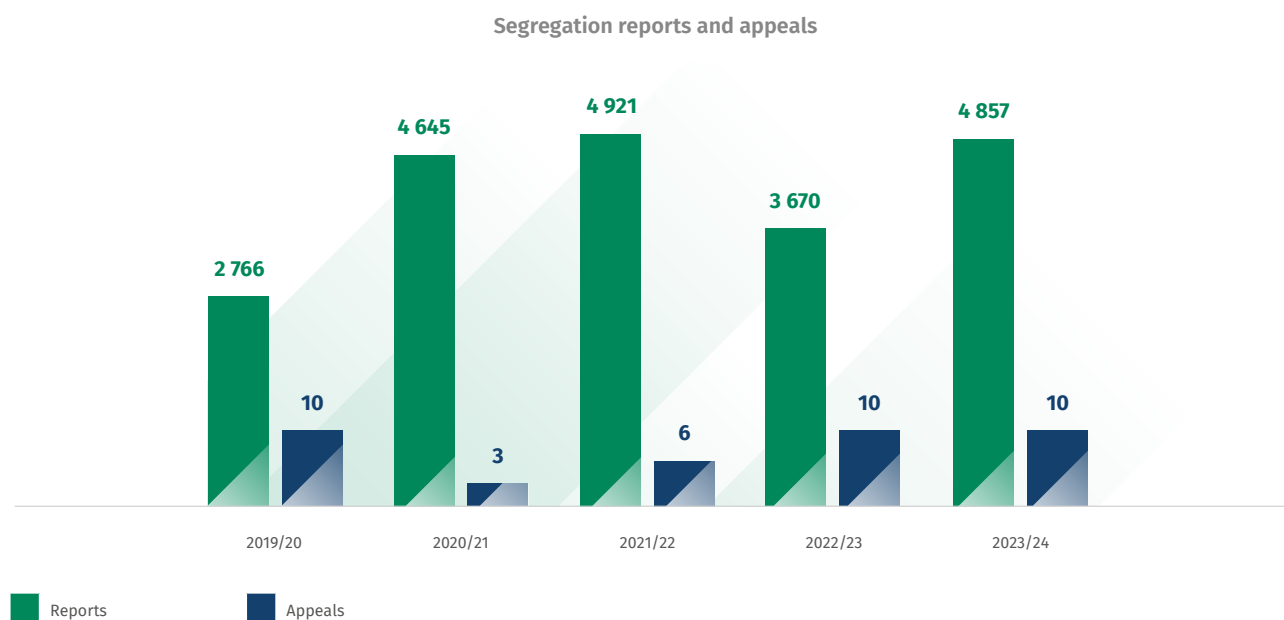
**Graph 14: Natural deaths per region for 2023/2024 performance cycle**

## Segregation

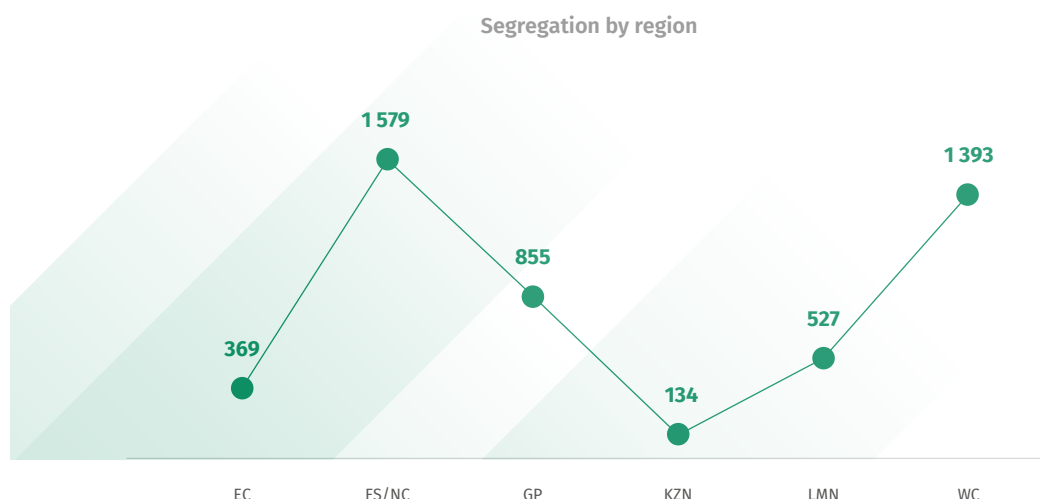
The number of segregations reported for the performance cycle was 4 857, a substantial increase from the previous year. However, JICS cannot verify this number's accuracy due to the manual reporting system from some centres, while others reported via e-Corrections.

Inmates have a right to lodge an appeal of segregation to the IJ. In terms of the CSA, the IJ is required to decide within 72 hours of receipt of the appeal. Ten appeals were received and dealt with by JICS during the performance cycle.

The graph below shows the number of segregations and segregation appeals lodged during the performance cycle.



**Graph 15: Number of segregation reports and segregation appeals received for the 2019/2020 to the 2023/2024 performance cycle**



**Graph 16: Number of segregation reports received according to the regions**

## Case study

### Segregation appeal at Groenpunt Maximum

On 5 June 2023 JICS received a segregation appeal from an ICCV on behalf of two inmates. The inmates alleged that on or about 27 May 2023, they were placed in segregation for allegedly attempting to escape from Bizzah Makhate Correctional Centre. The inmates allege that their placement in segregation was without reason.

#### Based on the reports received from DCS, JICS made the following recommendations:

- That the placement of inmates in segregation for more than seven days violates section 30(4) of the CSA.
- The referral of inmate segregation to the inspecting judge under section 30(7) is upheld.
- The inmates' placement in segregation is to be terminated immediately, and they should be moved to their normal accommodation as per section 7 of the CSA, subject, of course, to any further infractions triggering the requirements of section 30.
- DCS is requested to respond to queries from the office of the Inspecting Judge timeously to enable the office to comply with section 30 of the CSA.
- DCS AC is requested to sensitise its officials on the appropriate application of section 30 of the CSA and to provide the Inspecting Judge with measures put in place, or that will be put in place.

## Case study

### Segregation appeal at Worcester Female

On 4 July 2023, JICS received a segregation appeal from an ICCV on behalf of an inmate.

The inmate alleged that on or about 6 October 2022, she was placed in segregation at her request. She requested to be placed in segregation because she felt her life was in danger.

She then appealed her segregation because her life was no longer in danger and thus no valid reasons to continue keeping her in segregation.

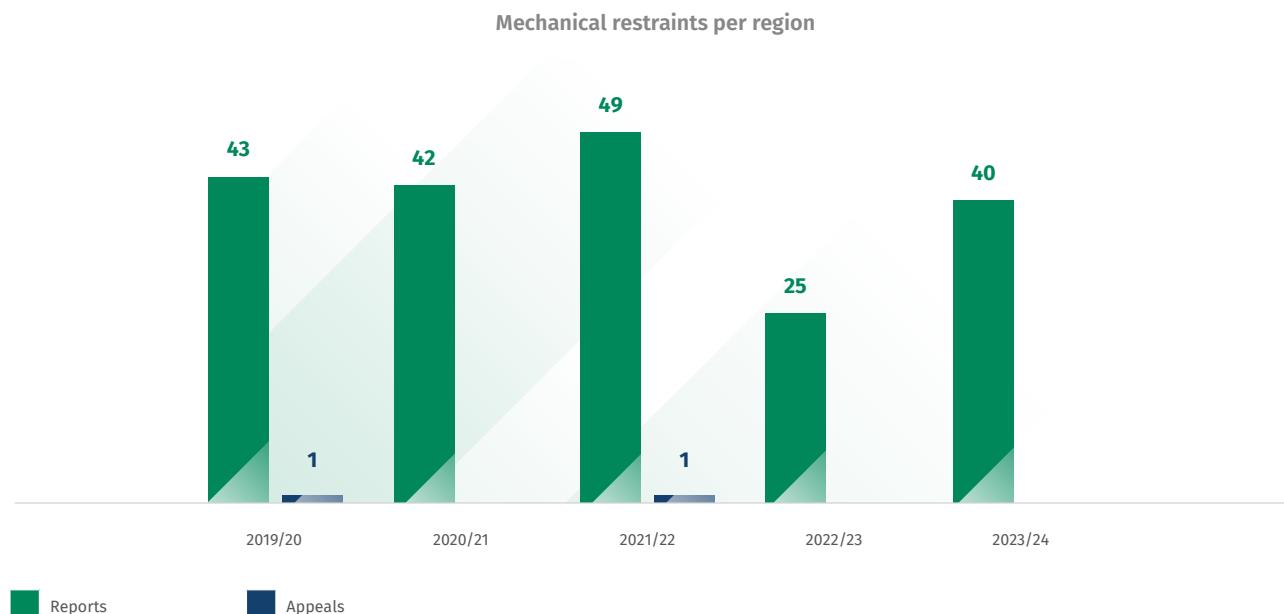
#### Based on the reports, JICS made the following recommendations:

- The continuing detainment of the inmate in a single cell after the inmate had withdrawn her initial request for segregation and requested to be removed is a violation of section 30(3) of the CSA.
- The referral of inmate segregation in terms of section 30(7) to the IJ is upheld.
- The inmate's placement in segregation is to be terminated with immediate effect, and the inmate should be moved to her normal accommodation as per section 7 of the CSA, subject to any further infractions and or requests triggering the requirements of section 30.
- DCS is requested to sensitise its officials on properly applying sections 7 and 30 of the CSA.

## Mechanical restraints

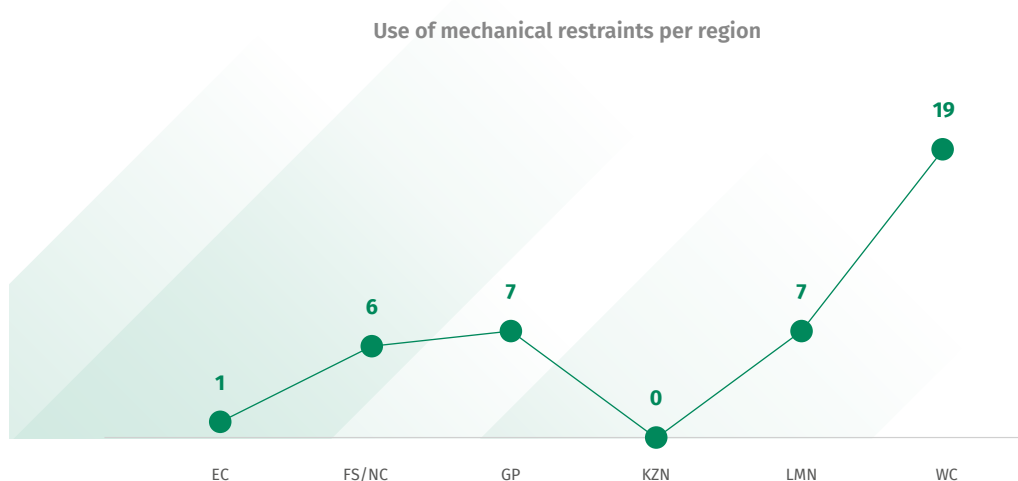
Section 31 of the CSA regulates the use of mechanical restraints in correctional centres. Mechanical restraint is used when necessary for, among other reasons, the safety of an inmate or any other person or prevention of any property damage. Like segregation, inmates have a right to challenge the use of mechanical restraints. During the 2023/2024 performance cycle, JICS received 40 reports on the use of mechanical restraints, a significant increase compared to the 25 reports received in the 2022/2023 performance year. However, no appeals were lodged to challenge the use of mechanical restraints received for the performance cycle.

Below is a graph showing a comparison of the number of reports on mechanical restraints received over the past five performance cycles. There has been a steady decline in reporting from DCS.



**Graph 17: Number of reports on mechanical restraints received over five performance cycles**

The graph below shows the number of mechanical restraints reports received per region for the performance cycle.



**Graph 18: Number of mechanical restraint reports received per the region**

## Case study

### Mechanical restraint at Malmesbury Med B

DCS reported that on 26 December 2023 at about 12H45, just after the hot meal was served, an offender threw his hot meal on another offender who was trying to assist him and the situation was attended to. When the members tried to calm the offender down, he also saw a chance to attack the officials. The perpetrator was taken back to his cell, and the victim was removed.

Again, on 27 December 2023 just before inspection was conducted, an offender started to assault other offenders in the cell, and he also attacked officials. He was then taken to the correctional centre hospital, and even there, he was uncontrollable. The HCC instructed him to be cuffed and placed in a single cell to monitor his situation. The offender is on psychiatric medication and has previously not been aggressive towards inmates and officials.

## Case study

### Mechanical restraint at Riebeek West

DCS reported that on 3 February 2024 at 17h00, an inmate sentenced for six months for malicious damage of property told a first watch member official that he did not have tobacco and threatened to start a fire in his cell and break the windows. The inmate threatened the official verbally by cursing at him. The official noticed smoke coming from the single-cell window and alerted the member in charge of the centre.

The inmate set fire to his cell with a sheet. The standby official extinguished the fire, and the inmate was shifted to another single cell. While the members were saving the offender, he threatened them verbally by cursing them. The inmate was seen by medical personnel who noticed that the inmate's left arm had swelling around the wrist with no burn marks. Mechanical restraints (hand-cuffs) were used to restrain the inmate.

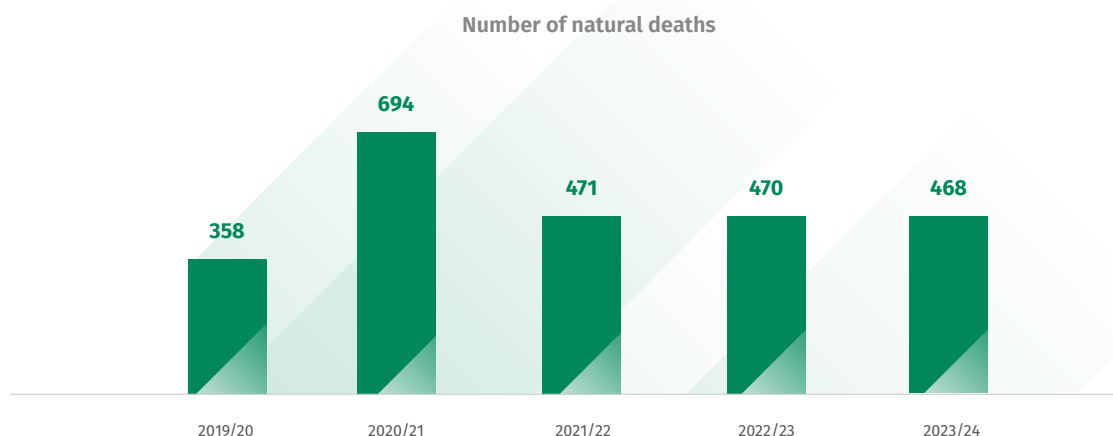
## Use of force

Section 32 of the CSA regulates the use of force in the correctional environment. The CSA permits the minimum use of force for self-defence, defence of another person, prevention of an inmate from escaping, and protection of property.

The overall objective of using force must always be to achieve the safe custody of inmates, and the emphasis must be on restraining the inmate/s and stabilising the situation.

During the performance cycle, 468 instances of use of force were reported to JICS. This is a minor decrease of two from the 470 incidents reported in the 2022/2023 performance cycle.

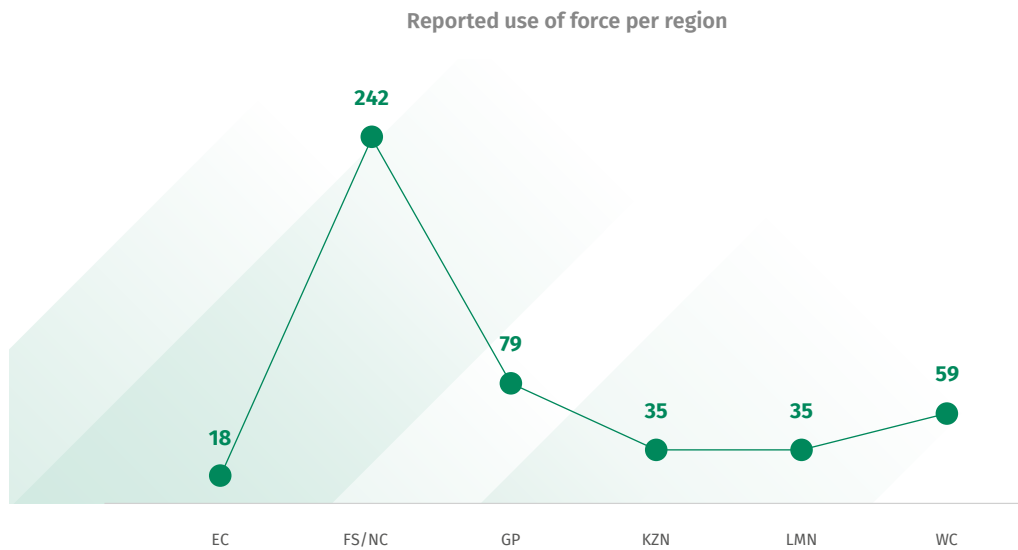
The graph below shows the trends of use of force spanning five performance cycles.



**Graph 19: Report of use of force for the past five performance cycles**



The graph below shows the use of force across DCS regions for the performance cycle.



*Graph 20: Use of force reports as per region*

## Case study

### Use of force at Johannesburg Female

DCS reported that on 19 August 2023, at approximately 07h45, an official visited D3 Unit with other officials to count the inmates. After counting, an offender attacked the official by grabbing her from behind. She dragged and slapped her, claiming that she took her cell phone during the search, which was conducted on 18 August 2023. The official then used a tonfa to stop the inmate from assaulting her further.

## Case study

### Use of force at Johannesburg Remand

DCS reported that on 2 August 2023 in D-unit passage at approximately 09h30, a remand detainee (detained for attempted murder) allegedly broke a window and proceeded to cut himself multiple times because he believed that he was falsely charged with the crime of attempting to murder his wife.

Officials intervened and applied minimum force by means of pepper-spray to restrain and control the detainee as he was very aggressive and violent. As a result of the incident, the detainee was taken to the Centre hospital for treatment and was referred to Chris Hani-Baragwanath Academic Hospital for further treatment.

## Criminal and inquests matters

JICS continues to request progress reports on criminal and inquest matters in collaboration with the NPA, SAPS, and Judiciary. As at 31 March 2024, there were 34 ongoing criminal matters and 133 inquest matters that had not yet been finalised.

The table below shows the top ten criminal matters selected by JICS, for which investigation reports were provided to both the NPA and SAPS.

No.	Name	NPA Status
1	Brandvlei	In March 2024, JICS attended court and the matter was remanded again to 22 April 2024.
2	Boksburg	In March 2024, JICS followed up with SAPS and was informed that the matter was still under investigation.
3	Glencoe	In March 2024, JICS followed up with SAPS and was advised that the case is still outstanding.
4	Qalakabusha	In March 2024 SAPS informed JICS that the matter was received from the Prosecutor with outstanding queries, which are being attended to.
5	Leeuwkop	The latest update from SAPS was that the docket has been assigned to Sandton Station, and the J56 is still outstanding.
6	Umzinto	<ul style="list-style-type: none"> <li>In March 2024, JICS received an update from SAPS indicating that: The Post Mortem report must be rectified.</li> <li>Ballistic report is still outstanding. The crime scene photo album is still outstanding.</li> <li>Warning statements of SAPS members and correctional officials involved in the shooting are still to be filed.</li> </ul> <p>The case remains under investigation. Once it is finalised, the case docket will be forwarded to Senior Public Prosecutor (SPP) for a decision.</p>
7	Tswelopele	<p>In March 2024 SAPS informed JICS that:</p> <ul style="list-style-type: none"> <li>the identification parade has been held. The docket was discussed with SPP, and instructed that the scenes must be reconstructed. The reconstruction of the scene was conducted on 17 January 2024. The photo album, the layout of the prison from an aerial view, and warning statements are outstanding.</li> </ul>
8	Groenpunt	In March 2024, JICS followed up with SAPS and was informed that the J56 is still outstanding from the Inquest Court.
9	Bethlehem	In March 2024, JICS followed up with SAPS and was informed that no further developments had occurred since the case was changed to Murder and sent to SPP in November 2023.
10	George	In March 2024 SAPS informed JICS that the docket was referred to the Inquest Court.

**Table 23: Criminal matters pending finalisation**

The table below shows the top 10 inquest matters selected by JICS, for which investigation reports were provided to SAPS.

No.	Name	NPA status
1.	St Albans Maximum	In March 2024, JICS made a follow-up with SAPS and the feedback indicated that the docket was booked to the Inquest Court for a decision on 28 September 2023. No further developments have been reported since then.
2.	Ventersburg	In March 2024, JICS followed up with SAPS and was informed that the J56 is still outstanding from the inquest court.
3.	Kgoši Mampuru II Central	In March 2024, JICS was informed that the Post Mortem report was still outstanding.
4.	Kgoši Mampuru II Central	In March 2024, JICS was informed by SAPS that there has been no progress since the matter went to the Inquest Court on 24 October 2023.
5.	Kgoši Mampuru Local	In March 2024, JICS made a follow-up with SAPS, and the case is still under investigation.
6.	Pietermaritzburg Medium A	In March 2024 SAPS informed JICS that the investigation is still outstanding.
7.	Kutama-Sinthumule	In March 2024, JICS followed up with SAPS and was informed that the matter was still under investigation.
8.	Witbank	In March 2024, JICS made a follow-up and was informed that there are reports and statements still outstanding.
9.	Losperfontein	In March 2024, JICS was informed that the court issued the J56 on 31 October 2023, and the case was filed.
10.	Drakenstein Medium A	In April 2024, JICS followed up with SAPS on the matter, and the feedback was that the case had been withdrawn.

**Table 24: Inquests matters pending finalisation**

*Disclaimer: This report reflects mandatory reporting statistics officially reported to JICS by DCS throughout the 2023/2024 year. JICS requested consolidated statistics from DCS in April 2024, which was provided by DCS on 28 May 2024. DCS informed JICS that the e-corrections system has become erratic, and therefore not currently reliable.*



# C

## DIRECTORATE MANAGEMENT REGIONS

## Overview of the Directorate Management Regions

This Directorate is essentially rendering and monitoring services at the coal face. It is responsible for dealing with and handling the complaints and requests of inmates at correctional centre level – both sentenced and remand detainees. Part of its establishment includes ICCVs who have statutory powers, functions and duties as provided in section 92 of the CSA. The directorate deals with and handles complaints and requests at the correctional centres in the following manner:

- Regular visits;
- Private interviews with inmates;
- Recording complaints in an official diary and monitoring their resolution; and
- the relevant delegated correctional official/s to address issues internally.

A total of 203 ICCVs were appointed to provide the abovementioned services and they were able to deal with 46 494 general and urgent complaints nationally. Most of these complaints and requests were resolved at the various correctional centres between the inmates and officials. There has been an increase from 156 to 203 ICCVs, and JICS has observed significant improvements in the performance of ICCVs during the 2023/2024 performance cycle.

The table below shows the performance of ICCVs regarding general and urgent complaints and mandatory reporting.

Region	Notch level of ICCVs	Number of ICCVs on the notch	ROC: general and urgent complaints	Mandatory ROCs					Total number of ROCs	Minimum number of ROCs expected in total	Was the target met?	If not, mitigating factor(s) / Intervention
				Natural Deaths	Unnatural Deaths	Segregation	Use of Force	Mechanical Restraints				
CMR	3/8	45	10 697	44	10	1 442	114	5	12 312	10 800	Yes	N/A
ECMR	3/8	35	8 262	65	5	1 428	10	0	9 770	8 400	Yes	N/A
KZNMR	3/8	37	7 575	61	12	3 077	61	9	10 795	8 880	Yes	NA
NMR	3/8	58	13 562	122	35	1 175	49	2	14 945	13 920	Yes	NA
WCMR	3/8	28	6 398	12	7	1 247	5	2	7 671	6 720	Yes	N/A
<b>Total</b>	<b>3/8</b>	<b>203</b>	<b>46 494</b>	<b>304</b>	<b>69</b>	<b>8 369</b>	<b>239</b>	<b>18</b>	<b>55 493</b>	<b>48 720</b>	<b>Yes</b>	<b>N/A</b>

Table 25: Records of consultation by ICCVs

## Analysis of site visits conducted

The ICCVs conducted a total of 4 709 physical site visits in respective correctional centres and submitted 2 271 reports.

Based on the ICCV site visit reports, several areas of concern were identified in most correctional centres. These concerns primarily revolved around infrastructural defects, the dilapidated state of the centres, and some personnel issues. Issues such as maintenance problems, broken windows, non-functioning toilets, lack of hot water, broken kitchen equipment, shortage of psychologists, lack of bedding, and shortage of inmate uniforms were commonly reported.

These matters were addressed by discussing them with the HCCs and presenting them at the VC meetings. The correctional centres took steps to attend to these concerns, and some were reportedly referred to the DPWI for further intervention. One specific concern was the shortage of artisans in certain areas, which resulted in delays in attending to necessary repairs.

The table below shows the site visits conducted at correctional centres.

Region	Site visits conducted	Reports submitted
CMR	1 333	484
ECMR	761	379
KZNMR	798	400
NMR	1 290	590
WCMR	543	340
<b>Total</b>	<b>4 709</b>	<b>2 271</b>

Table 26: Site visits conducted

## Complaints handled in regions

The ICCV framework offers external independent oversight of the well-established DCS procedure and management of complaints and requests of inmates within the correctional system. Moreover, within the correctional system, ICCVs play a pivotal role in guaranteeing that inmates are treated per national and universal human rights guidelines and giving a framework of checks and balances to abuse and violations of inmates' rights.

JICS's effective and efficient complaints procedure features a preventative impact of abuse of inmates. It makes provision for them to exercise their fundamental right by lodging complaints and making requests about any aspects of their treatment and conditions of incarceration. ICCVs deal with complaints and requests of inmates impartially and promptly.

Amidst ICCVs oversight visits and individual consultations with inmates in correctional centres, 46 598 complaints and requests were registered and dealt with. Therefore, in pursuit of the protection of fundamental human rights and improvement of conditions in correctional centres, all the complaints and requests received were rigorously investigated and addressed without fear, favour, or prejudice by HCCs and/or their delegates. As empowered by section 93 of the Act, ICCVs referred and discussed all complaints and requests of inmates with the HCCs or delegates, who amenablely conducted prompt and impartial investigations into each complaint

and took appropriate action to adequately address and resolve most of the complaints referred to them. Those complaints and requests deemed unresolvable because of the complexities or strict limitations of the statutory mandate of DCS were referred to institutions for intervention.

During the previous performance cycle, 45 236 complaints and requests were recorded, compared with 46 598 recorded in the current performance cycle, an increase of 1 362.

VC is a statutory requirement established within JICS to strengthen its independent oversight by facilitating the resolutions of all complaints and requests. The VC promotes transparency, accountability, and community involvement in correctional matters. Representatives from internal and external stakeholders, particularly HCCs, ensured that most of the unresolved complaints were resolved according to established DCS policies. The HCCs accounted for their decisions and provided justifications in those matters that were ruled against the inmates' expectations. Some matters were referred to other stakeholders to intervene and assist the inmates.

To maintain and restore safety and security in correctional centres, HCCs must address inmates' complaints and respond to their requests satisfactorily and expeditiously to prevent further disruptions. This will ensure the safe custody of inmates and the safe work environment of DCS officials.

The table below shows an overview of specific (not all) categories of complaints and requests handled by the ICCVs per region.

Nature of complaint handled by regions	CMR	ECMR	KZNMNR	NMR	WCMR	Total
Appeal	208	148	811	508	95	1 770
Assault (inmate-on-inmate)	198	140	160	605	157	1 260
Assault (official-on-inmate)	43	85	49	183	67	427
Assault (inmate-on-official)	6	1	2	1	3	13
Assault (sexual)	6	7	10	25	12	60
Attempted suicide	19	6	17	32	7	81
Bail	17	136	195	207	213	768
Communication with family	1 615	750	774	721	489	4 349
Conditions	86	238	42	477	290	1 133
Confiscation of possession	14	17	34	18	32	115
Conversion of sentence	2	6	16	23	2	49
Corruption	2	1	3	0	3	9
Food	108	297	151	179	230	965
Healthcare	2 408	1 167	869	699	1 356	6 499
Hunger strike	9	3	6	6	5	29
Inhumane treatment	0	9	2	0	3	14



Nature of complaint handled by regions	CMR	ECMR	KZNMR	NMR	WCMR	Total
Legal representation	508	431	455	1 377	129	2 900
Medical release	1	2	1	10	14	28
Parole	16	74	92	176	117	475
Re-classification	32	18	17	58	53	178
Rehabilitation programmes	67	91	284	269	80	791
Remission	11	25	66	62	25	189
Request social worker	950	1 201	475	1 766	364	4 756
Torture	0	0	0	1	0	1
Transfer	1 268	714	1 030	1 150	341	4 503
Other	3 103	2 698	2 041	5 023	2 371	15 236
<b>Total</b>	<b>10 697</b>	<b>8 265</b>	<b>7 602</b>	<b>13 576</b>	<b>6 458</b>	<b>46 598</b>

Table 27: Complaints managed in regions

## Narrative on general complaints

General complaints and requests vary and depend on the specific conditions, treatment and individual experiences of inmates in correctional centres. A range of complaints and requests were dealt with, and the most common, amongst others, were as follows:

**Other:** These are specific issues and concerns of inmates that take the form of requests and, if not handled properly, may result in complaints. ICCVs will normally deal with the necessary urgency to resolve these matters with the assistance of DCS officials. These requests may include the need to make a phone call, to obtain study tools or materials and access to religious and spiritual services, amongst others. For example, an ICCV consulted with an inmate at the Vereeniging Correctional Centre on 24 July 2023. This inmate requested assistance to return his possessions that were left behind at the Grootvlei Correctional Centre during his transfer to the Vereeniging CC. The ICCV successfully intervened by making phone calls and arrangements for the items to be sent to the Vereeniging CC.

**Healthcare:** Providing primary healthcare services is sometimes hampered due to the shortage of healthcare professionals in some correctional centres, which causes frustration among inmates. Allegations of inadequate medical care have also become common with inmates complaining that the nurses only provide them with painkillers.

In another instance, an ICCV had to intervene and help an inmate who was not feeling well at the Sasolburg Correctional Centre on 17 July 2023. The matter was discussed with the HCC, and the inmate was taken to the local hospital, where it was determined that the nature of the medical condition of the inmate is chronic and that he had defaulted on his medication.

**Request a social worker:** The service of a social worker plays a crucial role in the rehabilitation and reintegration into society of the inmates. It helps with rebuilding relations with family members.

**Transfer:** The transfer of inmates is based on different reasons, such as being closer to family or personal, security or classification, medical and managing overcrowding within the correctional centre. Many of these requests emanate from offenders applying to be transferred to be nearer to their families. However, most of these requests are not approved and, therefore, become a major source of frustration, uncertainty and insecurity amongst the inmates, officials and sometimes family members. For example, a family member of an inmate accommodated at the Goedemoed Medium A Correctional Centre contacted JICS on 19 July 2023, requesting assistance for the inmate to be transferred back to any centre nearer Cape Town, such as Pollsmoor or Goodwood Correctional Centre. ICCV assisted the inmate with submitting the transfer application as per the DCS procedure and policies. The transfer was mainly because the inmate was far from his family to visit him and maintain family relations.

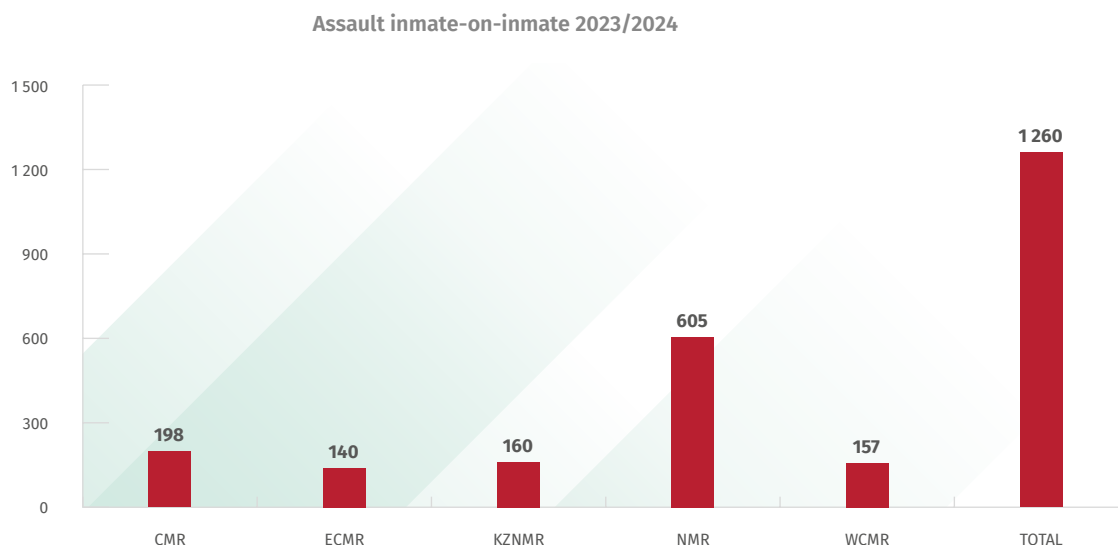
**Communication with family:** it is crucial for the wellbeing and rehabilitation of inmates to communicate with their families. It encourages the inmates to maintain contact and connections with their families. Most of these requests are received from inmates who received limited and often no visits from their families. Some family members do not have the financial means to travel for contact visits.

## Urgent complaints handled by ICCVs

Assault (inmate-on-inmate): these incidents of violence were reported by the ICCVs and were investigated and adequately dealt with by HCCs. Inmate-on-inmate assaults have become increasingly common occurrences at correctional centres, and an antithesis to guaranteeing

safe custody of those under the care of DCS. These assaults stemmed from provoked and unprovoked situations. In other situations, the violent incidents are perpetrated by inmates who are competing for dominance and control over one another. Factors that contributed to this kind of prevalent violence include gang-related activities, breaking of the code, competition for scarce resources, boredom amongst inmates and lack of supervision by some DCS officials.

The graph below shows the prevalence of assault of inmate-on-inmate complaints per JICS region.



**Graph 21: Assault inmate-on-inmate complaints**

The following case studies provide insights into the nature and causes of these incidents.

## **“Assault (inmate-on-inmate)”**

### **Case study 1**

At King Williams Town Correctional Centre, an inmate was assaulted by another inmate on 25 April 2023 and again on 28 April 2023. The inmate did not report these two incidents until he suffered headaches, and only then he confessed to these incidents.

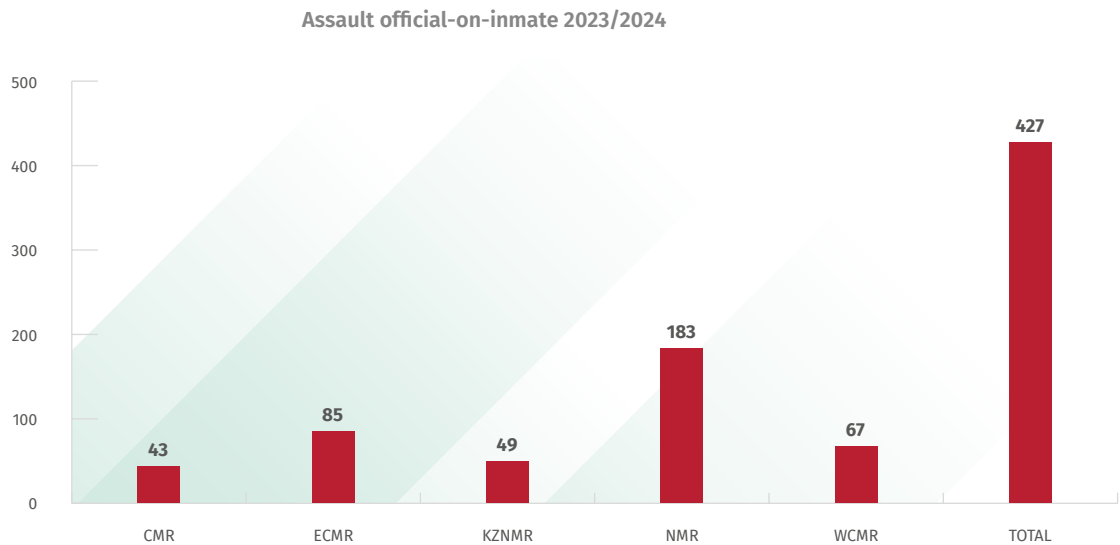
### **Case study 2**

At Johannesburg Med A Correctional Centre, allegedly on 8 May 2023, an argument arose between inmates over smoking drugs inside the cell. As a result, an inmate was allegedly hit with a fluorescent globe transformer on his head and sustained injuries that were treated at the centre hospital. However, the inmate did not want to open a criminal case of assault.

### **Case Study 3**

At Pollsmoor Med B Correctional Centre, allegedly on 7 May 2023, the inmate was assaulted by another inmate about drugs, where one inmate lost the drugs and blamed the other. The incident was gang-related. The inmate was taken to the hospital and received pain tablets. The inmate did not want to open a case with SAPS.

The graph below shows the assaults of official-on-inmate per JICS region.



Graph 22: Assault official-on-inmate complaints

**“Assault (official-on-inmate)”**

**Case Study 1**

At Kgoši Mampuru C-Max Correctional Centre, an inmate was allegedly assaulted by officials during a search on 20 August 2023 around 10h00 in the morning. It is alleged that he was found in possession of a letter which he smuggled through other offenders. At C-Max there are standard procedures for receiving documents from outside the correctional centre and were not followed. Any document that comes from external sources should be scanned and verified before it can be provided to the inmate. During searching the officials found the inmate with unverified document (letter) and the inmate refused to disclose to the officials where the document was from. The ICCV confirmed on 25 August 2023 that the inmate received medical attention.

**Case Study 2**

At Groenpunt Max Correctional Centre, it is alleged that on 7 November 2023, around 10h00, officials were doing inspections in unit C1, cell 1 to cell 8, and they started asking questions to the inmate that they felt was disrespectful to them. It is alleged that the inmate did not want to answer those questions, but he was instructed to go to the office. When he arrived in the office, he was asked the same questions again, and when he refused to answer, he was beaten by the officials. It is alleged that the inmate was beaten with tonfa on his hands and was kicked on the knees. The inmate sustained the following injuries: a cut on the mouth and a painful hip. Medical treatment was provided to the inmate.

**Case Study 3**

At Qalakabusha Correctional Centre, an inmate alleged that he was assaulted by a known official on 14 December 2023. The matter was raised with the HCC by the ICCV, and the unit manager denied that such an incident occurred. However, the inmate was referred for medical assessment to establish the veracity of the allegations. The inmate requested to open a criminal case with SAPS. The matter was reported in January 2024.

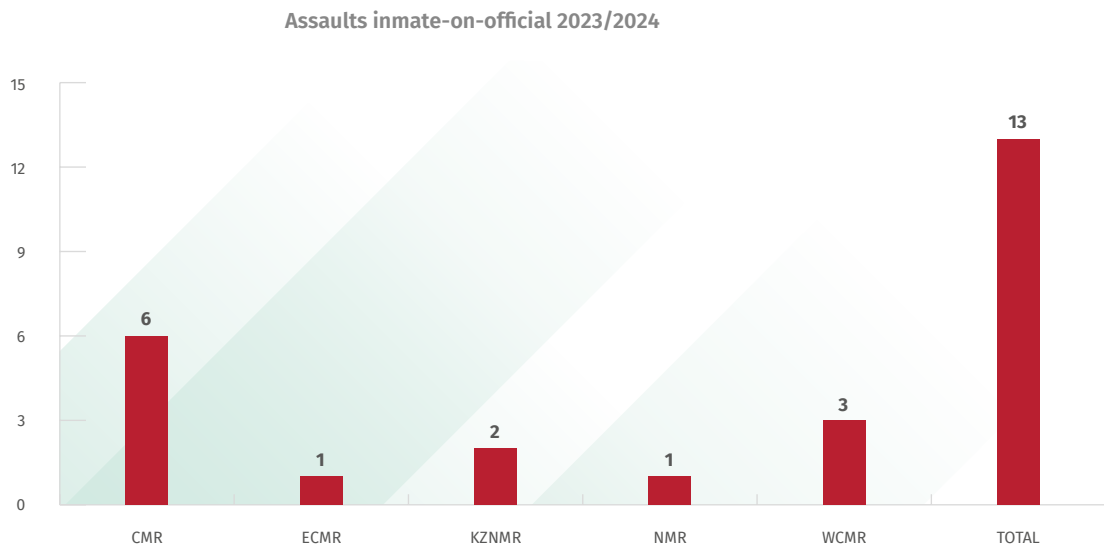
**Case Study 4**

At George Correctional Centre, inmates alleged that they were assaulted during a search, were interrogated and were forced to drink water so that they could relieve themselves in the bathroom. Inmates were also beaten with tonfas.

## Assault (inmate-on-official)

The emergence of a phenomenon reflects the extent to which disrespect, disorder, and violence have characterised some of the correctional centres and eroded the noble goals of DCS, among other things, rehabilitation and creating a secure atmosphere for everyone. Whilst JICS condemns the assault of inmates by officials, in the same vein, we undoubtedly condemn the assault of DCS officials by inmates. DCS must take necessary and practical measures to rethink serious security measures, guarantee safety for both inmates and officials and effect impactful rehabilitation programmes that would repress the recurrence of such despicable behaviour of unruly inmates.

The graph below shows the prevalence of inmate-on-official assaults per JICS region.



**Graph 23: Assault inmate-on-official complaints**

The following case studies provide insights into the nature and causes of these incidents.

### “Assault (inmate-on-official)”

#### Case Study 1

On 19 April 2023 at Grootvlei Med A Correctional Centre, it is alleged that an official was assaulted by an inmate with a smack on the face. The reason was that the inmate was demanding a blanket.

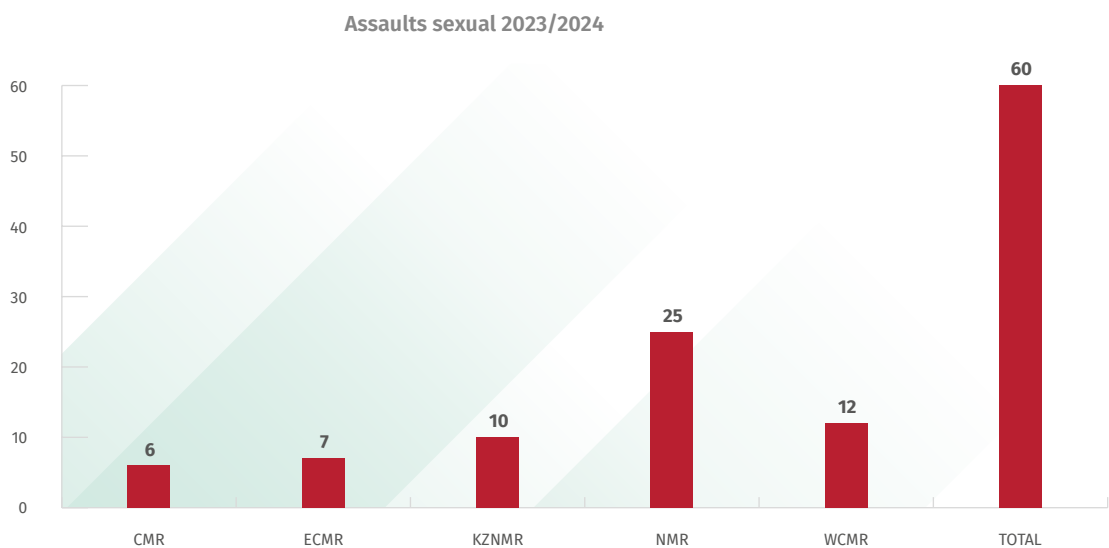
#### Case Study 2

It is alleged that at Ebongweni Correctional Centre on 17 May 2023, an inmate used vulgar language to other inmates and officials at R-10 Middle Section within the Correctional Centre. The same inmate trapped an official with soapy water and after that used their tonfas to beat three officials. The minimum force was used to disarm the inmate, and disciplinary measures were put in place. He was treated in the centre hospital for injuries.

## Assault (sexual)

Sexual assaults amount to a violation of the human dignity of another person, and these matters are taken very seriously. They are seen as serious crimes that are prevalent in correctional centres. These are some urgent complaints that JICS received and monitors.

The graph below shows the prevalence of sexual assaults per JICS region.



Graph 24: Assault sexual complaints

### “Assault (sexual)”

#### Case Study 1

On 15 May 2023 an inmate at Rooigrond Med B Correctional Centre alleged that a fellow inmate sexually assaulted him. The alleged victim was taken to Thuthuzela Care Centre, where he had a consultation with the social worker and psychologist. He was further advised to open a case with SAPS, but he refused and told the detective that he wanted to settle a score with the perpetrator.

#### Case Study 2

On 8 May 2023, an inmate incarcerated at Boksburg Correctional Centre was allegedly sexually assaulted by three fellow inmates. The alleged victim further stated that something was put in his food and cigarettes because he felt dizzy later. During his sleep, he felt pain in his anus, and he was examined at an outside hospital.

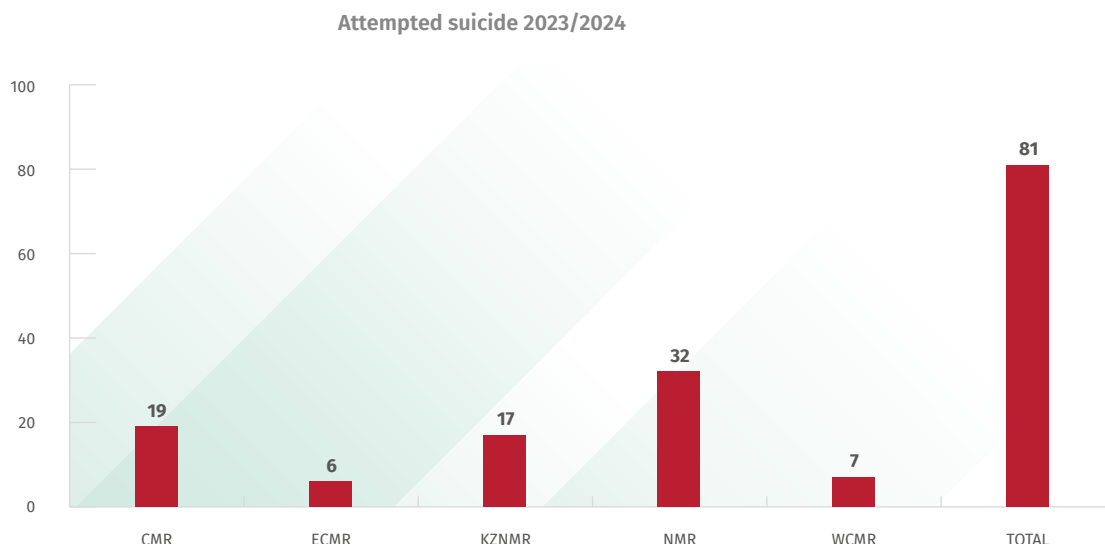
#### Case Study 3

At Durban Remand Detention Facility (RDF), it was reported that an inmate was sexually assaulted by another inmate in B2 unit on 9 May 2023 at midnight. The perpetrator threatened the victim with a piece of window glass to keep him quiet while he was raping him. He was referred to RK Khan Hospital on 3 June 2023. He received psychological counselling. The investigation was concluded, and internal disciplinary measures were taken against the perpetrator. The victim was advised to open a SAPS case.

## Attempted suicide

In several correctional centres, attempted suicide incidents occurred for a variety of reasons. ICCVs referred these incidents to JICS complaints unit. The prevalence of attempted suicide incidents highlighted the importance of treating mental health issues and providing adequate mental health services to inmates within the correctional system.

The graph below shows the prevalence of attempted suicides per JICS region.



Graph 25: Attempted suicide complaints

### “Attempted suicide”

#### Case Study 1

On 23 April 2023 at Douglas Correctional Centre B2 Unit, the ICCV reported an incident where an inmate attempted to take his life by cutting himself with a blade in the neck because it was alleged that he insulted the magistrate on the previous court appearance.

#### Case Study 2

At East London Med B Correctional Centre an inmate quarrelled with another inmate who was showering late at night. The inmate then slapped the one who wanted to shower. The matter was addressed by officials, but the other inmates in the section continued to talk about it in the section. He perceived that he was being bullied by the inmate, who slapped him and decided to overdose on tablets. He was hospitalised from 10 – 14 April 2023 and he was assisted with psychological services.

#### Case Study 3

On 22 April 2023, an inmate at Pietermaritzburg Med A Correctional Centre attempted to commit suicide. He was found by the nurse hanging with a bandage at the window inside the cells in the hospital. The nurse called for assistance, but the bandage was cut to bring him down. It is reported that he did this because he demanded cigarettes. The inmate was temporarily accommodated in the care unit at the hospital for observation and counselling. The inmate was then discharged from the hospital section to a communal cell as per the inmate's request.

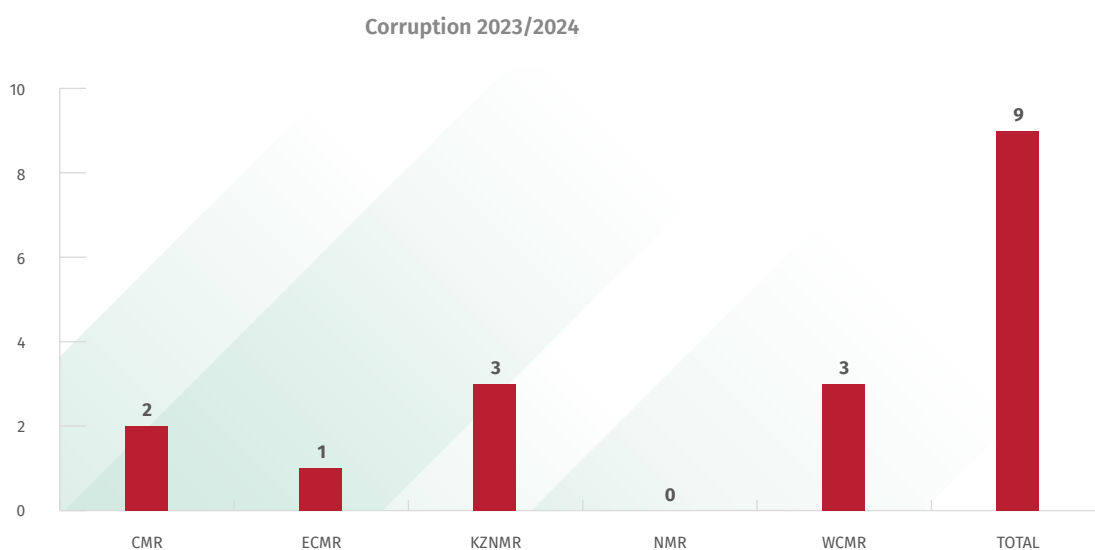


## Corruption

The prevalence of corruption within correctional centres is a major challenge to operations and a major risk to the health and safety of inmates, staff and the overall management of the centres. It impedes the implementation of international standards. Corruption takes many forms, including the smuggling of contraband and accepting bribes. These activities compromise the system's integrity, undermine security and allow for illegal activities. Corruption is fuelled by several factors, such as inadequate oversight, lack of training, lack of resources and overcrowding, among other reasons.

To foster a corruption-free environment and combat corruption within the correctional system, DCS must implement systemic reforms, such as accountability measures, training, better oversight, and more transparent management. It is also important to establish an ethical culture and high standards of conduct, as well as collaboration among the DCS, law enforcement agencies, and JICS. Addressing corruption requires a comprehensive approach that will promote accountability, professionalism, and oversight within the correctional environment.

The graph below shows the prevalence of corruption complaints per JICS region.



**Graph 26: Corruption complaints**

The following are the case studies of corruption complaints handled by the ICCVs.

### “Corruption”

#### Case study 1

The incident was reported to the ICCV on 17 April 2023 at Mangaung Correctional Centre. An inmate alleged that G4s and DCS officials are corrupt. The allegations were made after witnessing two incidents in the centre. The first incident involved officials smuggling his Muslim food. The second incident involved a fellow inmate who escaped in December 2022 and was re-arrested, but was not charged after the re-arrest.

#### Case study 2

On 13 February 2024, at Durban Med C Correctional Centre, an inmate complained about food smuggling in his section B-2 by food handlers in collusion with other inmates. It was reported that the officials were aware of this situation, but nothing was done. Reportedly, the HCC resolved to minimise the risk by rotating the food handlers.

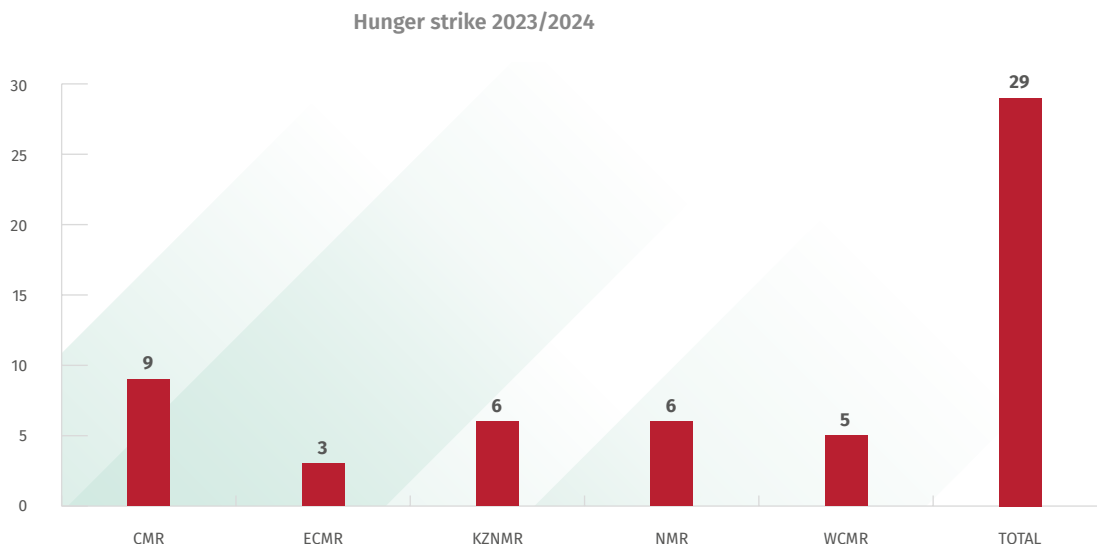
#### Case Study 3

Two cases of corruption were reported from Pollsmoor RDF on 29 September 2023, where officials were smuggling drugs for inmates in exchange for receiving money through e-wallets and officials engaged in extortion in exchange for money. An internal investigation has been finalised and the matter has been referred to the state agencies for further handling.

## Hunger strike

Hunger strikes are a common tactic that inmates use to protest treatment and complaint-handling practices in correctional centres. During the 2023-2024 performance cycle, 29 reports of hunger strikes were dealt with by ICCVs, compared to 52 incidents reported during the previous performance cycle. This decrease is largely due to ongoing efforts by DCS to address inmates' complaints and increased awareness of ICCVs. DCS needs to continue making efforts to maintain effective complaint resolution and improve the well-being of inmates.

The graph below shows the prevalence of hunger strike complaints per JICS region.



**Graph 27: Hunger strike complaints**

The following are the case studies of hunger strike complaints handled by the ICCVs.

### “Hunger strike”

#### Case study 1

On 16 September 2023, a non-national inmate who was incarcerated at Durban Med C embarked on a hunger strike, demanding release on parole and transfer to Kgoši Mampuru II for deportation. His demand could not be acceded to. Instead, DCS liaised and submitted his documents to the Department of Home Affairs to assist with his deportation to his country of origin. The inmate's request to be released on parole could not materialise, but the memorandum was approved for the alternative request to be transferred to Kgoši Mampuru II Central.

#### Case study 2

It was reported that on 21 August 2023, the inmate was transferred from Pollsmoor Correctional Centre to Caledon Correctional Centre. While at Caledon, the inmate refused to eat because he wanted to go back to Pollsmoor or Goodwood, as those centres are close to his family and lawyer.

#### Case study 3

At Mangaung Correctional Centre, an inmate embarked on a hunger strike on 29 November 2023, alleging that there were people who wanted to poison him. As a result, he asked the food handlers not to put a sticker on his food container, but his food kept coming with a sticker. The inmate commenced eating on 2 December 2023 after the HCC/ delegate engaged with the inmate.

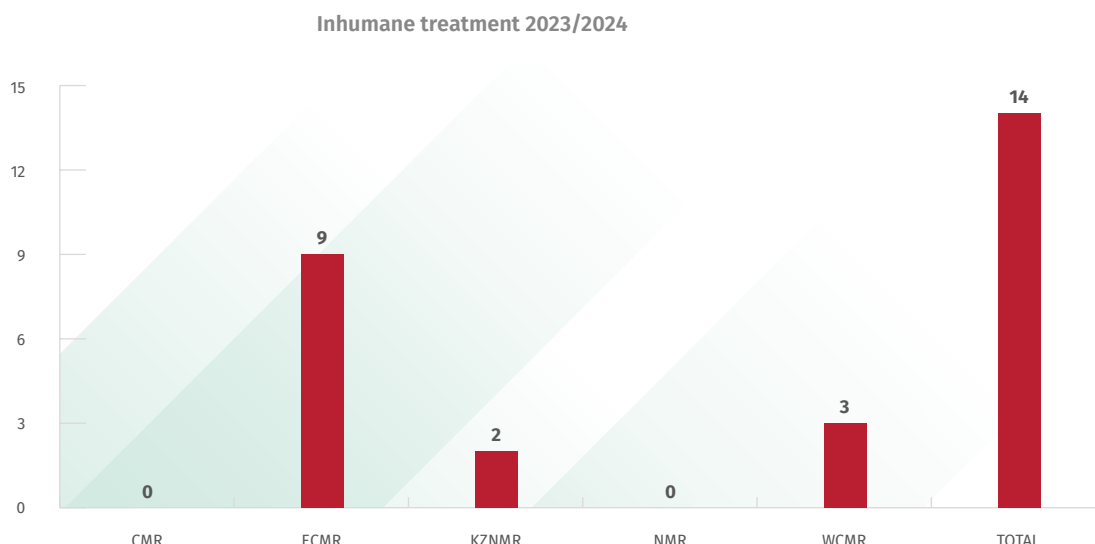
#### Case study 4

On 22 November 2023, at Modimolle Correctional Centre, an inmate embarked on a hunger strike because he had been waiting to be assisted by a psychologist. The inmate was never attended to; instead, he was given a further profile. As a result, the inmate wanted to be transferred to another centre where his complaint could be addressed. The inmate was assisted with a transfer application and ceased the hunger strike.

## Inhumane treatment

The International Humanitarian Law Database defines “inhumane treatment” as the infliction of severe physical or mental pain or suffering. Unlike torture, inhumane treatment does not require a specific purpose behind the infliction. Despite the presence of JICS upholding the human dignity of inmates within the correctional environment, there are still instances of inhumane treatment reported by inmates.

The graph below shows the prevalence of inhumane treatment complaints per JICS region.



**Graph 28: Inhumane treatment complaints**

The following are the case studies of inhumane treatment complaints handled by the ICCVs

### “Inhumane treatment”

#### Case study 1

On 6 September 2023, an inmate at East London Med B Correctional Centre felt that he was unfairly treated because he was refused to go to the hospital section when he was not feeling well. The official claimed that he did not have a uniform, so he could not go to the nurses. Secondly, his visitor was denied seeing him during the visits and was sent home because the inmate was found with a contraband item (cell phone).

#### Case study 2

At Kirkwood Correctional Centre, an inmate went to the clinic on 6 October 2023 for his monthly treatment and argued with the nurse who was refusing to give him the medication, accusing him of smoking his medication. The nurse asked another inmate, who is not even a peer educator, to go and look for the inmate’s medical file, and that angered the inmate as he felt that he was ill-treated because that inmate would see his medical records, and his privacy will be invaded.

#### Case Study 3

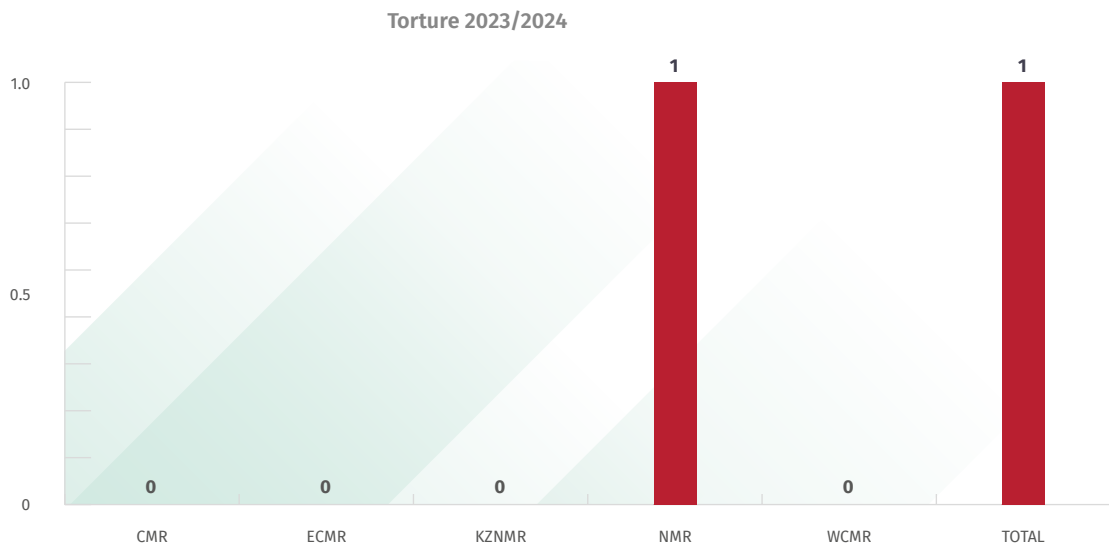
On 21 November 2023, at Worcester Female Correctional Centre, an inmate’s family food was thrown in the dustbin, stating that it was not allowed in the centre. Other inmates were allowed to bring their food. The inmate wanted the official to buy her fish and chips.

## Torture

In a highly controlled and regulated environment like a correctional centre, inmates are invariably in a vulnerable position, susceptible to mistreatment and, at times, to the most extreme forms of violence that amount to torture. Therefore, JICS plays a critical role as a vanguard of human rights in eradicating any instance of torture from correctional facilities and advocating human dignity, justice, and respect for all individuals, irrespective of their confinement.

The Prevention and Combating of Torture of Persons Act 13 of 2013 describes acts that constitute torture as intentionally inflicting severe physical or mental pain or suffering on a person. These acts are carried out for purposes such as obtaining information or confessions, punishing individuals for alleged offences, or coercing compliance through intimidation. Moreover, in terms of the Act, torture may be spurred by any form of discrimination.

The graph below shows the prevalence of torture complaints per JICS region.



**Graph 29: Torture complaints**

The following is the case study of torture complaints handled by the ICCVs.

### “Torture”

#### Case study 1

An inmate detained at Kgoši Mampuru C-Max complained from 4 to 9 October 2023 about being incarcerated at that facility and alleged that it can be equated to torture. C-Max is one of the super-maximum security facilities whereby inmates are housed in single cells and locked up for 23 hours, with only one hour of exercise, which is done individually and in a cage.

## Complaints from female correctional centres

Despite the scarily high crime rate in the country, female inmates constitute a minority group in the overall inmate population in correctional centres compared to their male counterparts. As at 31 March 2024, there were 4 643 women, compared to 4 649 in the previous reporting period.

In the spirit of Bangkok Rules, JICS has identified female inmates in correctional centres as a “priority focus area” to monitor closely that their treatment and conditions of incarceration do not amount to human rights violations. JICS staff and DCS officials are highly conscientious of ensuring that women’s complaints are listened to and dealt with quickly. This is because women in correctional centres have different needs and are more vulnerable than men.

ICCVs handled 1 973 complaints and requests during their visits to correctional centres. Only 118 complaints and requests related to feminine hygiene issues, which entailed a lack of toiletry supplies for inmates and challenges with medication. There were also complaints about requests to consult with Legal-Aid SA and communicate with families and healthcare professionals. ICCVs attended to these concerns.

Complaints and requests were reported from various correctional centres that accommodated female inmates. NMR handled the highest number of complaints with 1 014, followed by ECMR with 395 and WCMR with 362. Both KZNMR and CMR handled the fewest complaints: 160 and 42, respectively.

The table below shows an overview of the complaints received from female inmates in correctional facilities.

Region	Complaints received	Complaints related to feminine hygiene and conditions	Population: Sentenced female inmates	Population: Unsented female inmates
CMR	42	1	292	157
ECMR	395	70	272	169
KZN	160	0	429	276
NMR	1 014	46	1 160	899
WCMR	362	1	439	550
<b>Total</b>	<b>1 973</b>	<b>118</b>	<b>2 592</b>	<b>2 051</b>

*Table 28: Complaints received from female inmates*

## Complaints referrals to ICCVs and regions

External stakeholders such as family members, government offices, civil society and Chapter 9 Institutions for example, the SAHRC, Public Protector have access to JICS to lodge complaints and requests on behalf of inmates, and JICS also receives complaints directly and primarily from inmates. The complaints and requests are addressed in accordance with the procedure set out in the JICS Standard Operating Procedure (SOP), which provides that complaints must be recorded and dealt with by the ICCVs with the assistance of the HCCs who should investigate the issues internally and respond to the region for adjudication.

Feedback is provided directly to the inmate concerned and to the third parties who brought the issue to the IJ’s attention. In the case of third parties, feedback is provided in less detail because of the importance of safeguarding the principles of privacy and confidentiality in these matters.

A total of 239 complaints and requests were received and referred to ICCVs and regions to assist with their resolutions. All complaints were resolved under consideration of the HCCs..

The table below shows an overview of the complaints referred to the regions by DLS.

Management regions	Number of complaints	Nature of complaints	Complaints pending	Remarks
CMR	56	Communication with family x 1 Conditions x 3 Confiscation of possessions x 2 Food x 1 Healthcare x 7 Parole x 7 Rehabilitation programmes x 6 Transfers x 17 Other x 12	0	All complaints referred were resolved
ECMR	17	Confiscation of possessions x 1 Transfer x 4 Communication with family x 1 Reclassification x 1 Request for records x 1 Conditions x 3 Corruption x 1 Parole x 1 Appeal x 1 Other x 3	0	All the complaints referred were resolved.
KZNMR	25	Condition x 1 Rehabilitation programmes x 2 Parole x 5 Transfer x 6 Healthcare x 6 Confiscation x 1 Reclassification x 1 Communication (Visits) x 1 Other (extortion/intimidation) x 2	0	All the complaints referred were resolved.
NMR	123	Transfer x 30 Other x 28 Parole x 25 Healthcare x 13 Appeal x 6 Rehabilitation programmes x 5 Conditions x 4 Communication with family x 3 Food x 3 Confiscation of possession x 2 Reclassification x 2 Remission x 2	0	All the referred complaints were resolved.
WCMR	18	Parole x 5 Healthcare x 2 Transfer x 4 Other x 5 Conditions x 1 Confiscation of possession x 1	0	All the complaints referred were resolved.
<b>Total</b>	<b>239</b>	-	<b>0</b>	-

Table 29: Complaints referred to DMR by DLS



## Meetings

### Stakeholder engagements/VC meetings

VCs are mandated by Section 94 of the CSA. VC meetings are included in JICS's official governance calendar. As required by the Act, VC meetings are held quarterly. A total of 148 VC meetings were held. The aim of all VC meetings is to engage with the relevant stakeholders on matters pertaining to correctional centres, inmate complaints and their resolution, and any matter relating to correctional issues.

The table below shows the number of VC meetings held for this performance cycle.

Region	Planned VC meetings	Actual number of VC meetings held	Reasons for deviation from planned meetings	Corrective steps if meetings are not held
CMR	32	32	None	None
ECMR	20	20	None	None
KZNMR	28	28	None	None
NMR	44	44	None	None
WCMR	24	24	None	None
<b>Total</b>	<b>148</b>	<b>148</b>	<b>None</b>	<b>None</b>

**Table 30: VC meetings held for the performance cycle 2023/2024**

An important intervention in the VC meetings is the stakeholder input in resolving unresolved complaints, as well as finding solutions for service delivery problems that may occur at a particular centre. VC meetings are also evolving to include community activism.

During VC meetings the most prevalent complaints discussed were the following:

**Communication with families:** Many centres around the country have faulty public telephones, which makes it difficult for inmates to contact their loved ones. Families mostly live far away from centres and rely on telephone contact.

**Access to stakeholders for services:** Being detained in a correctional facility means that the inmate has to rely on services brought to the centre. Issues arise when inmates need to access Legal Aid SA, DHA, banking services, SAPS, and the Department of Social Development (DSD), among others.

**Transfers:** Inmates are frequently detained at centres that are not within the vicinity of family; therefore, this is a prevalent complaint presented at VC meetings. Inter-regional transfers have become a lengthy process.

**Rehabilitation programmes:** This is a prerequisite for lifers when applying for parole. Correctional Centres are not always provided with the programmes and needed services; for example, psychiatrists.

### 2022/2023 Annual Report presentation to the regions

The JICS Annual Report 2022/2023 presentation meetings were held on the following dates in the JICS regions:

- 2 November 2023 at Kimberley in the Northern Cape;
- 3 November 2023 at Bizzah Makhate (Kroonstad) in the Free State;
- 16 November 2023 at Goodwood Correctional Centre in the Western Cape;
- 27 November 2023 at Kgoši Mampuru in Gauteng;
- 29 November 2023 at the East London Correctional Centre in the Eastern Cape; and
- 7 February 2024 at Durban Correctional Centre, in KwaZulu-Natal.

The range of meetings allowed JICS senior management to present the report to all stakeholders, disseminating JICS findings emanating from inspections and investigations, successes, and shortcomings in performing its statutory mandate. Matters that were thoroughly discussed related to the application of segregation of inmates as stipulated in section 30 of CSA, the appeal of criminal matters, long outstanding feedback of profiles of lifers, and lack of support to SAPS when conducting its investigation in a correctional centre. Some matters and recommendations were referred to JICS management for intervention.

**Justice, Crime Prevention and Security Cluster (JCPS) interventions, Provincial Efficiency Enhancement Committees (PEEC), District Efficiency Enhancement Committees (DEEC) and Director of Public Prosecutions (DPP)**

An important component for JICS is maintaining collegial relations with its sister department and Chapter 9 Institutions. All regions are actively involved in the various DEEC and PEEC spearheaded by the judiciary at provincial and local levels.

A total of 49 meetings were attended that took place in all regions. These meetings aim to report on court performance and to ensure smooth service delivery in the JCPS. The main stakeholders are, therefore, the Departments of Justice and Constitutional Development (DOJ&CD), the Office of the Chief Justice (OCJ) or the Judiciary, SAPS, DCS, DSD, the Legal Practice Council, National Prosecuting Authority (NPA), Legal-Aid South Africa and JICS.

Discussions revolve mainly around case backlogs, delays in court processes, complaints from courts and other role-players, effective use of court hours, overcrowding in correctional centres, the detention of remand detainees longer than two years and a range of other matters related to dispensing of justice.

JICS encouraged the Judiciary at various DEECs to conduct independent oversight visits to correctional centres. Recent visits were made to East London Remand Detention Facility, St Albans Remand Detention Facility and East London Female Correctional Centres. The most common findings were about the dilapidated conditions at the centres, overcrowding, access to health care services, supply of food and assaults.

**Meeting with Chief Magistrate of Pietermaritzburg:** on 27 July 2023, a meeting with the Chief Magistrate of Pietermaritzburg Magistrates' Court was held to discuss the findings of inspections and investigations conducted by JICS, effects of overcrowding, and bail-related matters, particularly inmates with bail of less than R1000.00. It was resolved that the Chief Magistrate's Office would regularly conduct oversight visits to correctional centres around Pietermaritzburg.

**Meeting with Empangeni Magistrates' Court:** On 17 August 2023, JICS and Empangeni Magistrates' Court held a meeting to strengthen a collaborative relationship and seamlessly deal with matters such as long outstanding criminal and inquest matters within Empangeni jurisdiction, bail issues, and lack of communication on appeal applications.

**Lecture with SAHRC and Lawyers for Human Rights (LHR):** On 20 September 2023 JICS attended a lecture hosted by SAHRC in collaboration with LHR in Durban. The lecture was on international immigration, alternatives to immigration detention in the context of refugee and immigration law in South Africa, and the role of civil society in promoting human rights.

JICS attended the Overcrowding Sub-Committee meeting under the PEEC on 13 October 2023, which was established by KZN PEEC, to investigate practical measures that can be implemented to address overcrowding in correctional centres. Matters discussed included remand detainees incarcerated over two years, tracking reports on bail consideration, DCS presentation on sections 49G and 63A, strategies for expeditious finalisation of appeals, reviews, leave to appeal, and petitions. Durban Correctional Centre was requested to allow a reasonable number of consultations by legal practitioners with detainees.

A collaborative meeting with JICS, SAHRC, and TB/HIV Care was convened virtually on 20 October 2023. All stakeholders presented their mandates and roles and agreed to collaborate on the DREAMS Project to educate girls and young women on TB/HIV Care and collaborate on identified challenges with HIV and TB at the Durban Management Area.

JICS attended the KZN PEEC meeting on 24 November 2023, and the discussions were, amongst others, around an article in *GroundUp*, which related to a delay of appeal matters. The case in point was extracted from JICS 2021/2022 Annual Report that pertained to appeals and efforts made by an inmate to procure court records. Concerns relating to the late arrival of inmates to courts were discussed. Furthermore, the PEEC discussed the effects of overcrowding in correctional centres and its harmful effects on inmates' human rights and the conditions of their incarceration.

**Meeting with the Department of Health (DoH):** JICS attended the Forensic Mental Health meeting with the special purpose of addressing challenges that negatively impede their operations to provide quality service to their patients and stakeholders. The meeting focused on the appointments of psychiatrists by the DOJ&CD to improve performance and to conduct forensic observation assessments without any delay, progress on reclassification or discharge applications, and request for psychiatrists to conduct outreach visits to correctional centres to assist with the evaluation of the sentenced mental health care users. The attendees of the meetings were also briefed that both Fort Napier and Umzimkhulu Hospitals have enough bed spaces for patients temporarily housed at a correctional centre.

**Meeting with the Judiciary at the Western Cape High Court PEEC on 22 November 2023:** The engagements focused on the High Court roll and outstanding 49G applications and how that impacts negatively on overcrowding, resulting in pressure on facilities and inhumane incarceration, where inmates sleep on the floor. A submission was made at the meeting to consider oversight visits in different centres within the Western Cape Province with the idea of improving conditions of incarceration.

DEEC meetings were attended in Paarl, Worcester, and Judicial Cluster A, Western Cape. The discussion points were overcrowding, 49G applications, bail applications, case finalisation rate, and oversight visits by the judiciary and the entire justice cluster to assist in challenges within the correctional centres.

### DMR community involvement

Community participation and involvement play a vital role in strengthening the foundations of democracy. Similarly, for JICS, conducting community outreach programmes across the country is crucial. These programmes are designed to ensure that communities are well-informed and have the opportunity to contribute to the services provided by JICS. The outreach initiatives primarily focus on intensifying crime awareness campaigns and fostering discussions on the impact of crime, as well as emphasising the significance of law enforcement agencies in fulfilling their mandates.

Regular engagement with communities serves to establish effective channels of communication and provides a suitable platform for addressing issues that significantly affect their lives, while also exploring ways in which authorities can effectively respond to these concerns. Through these interactions, communities and stakeholders are equipped with comprehensive understanding of statutory mandate of JICS and its role within the Social Justice Cluster of government. This comprehensive engagement promotes a collaborative approach to addressing challenges within the criminal justice system and fosters a sense of collective responsibility in ensuring the well-being of society.

The following engagements took place:

**Community engagement at Thakameso Secondary School:** On 23 June 2023, CMR engaged learners on how to deal with substance abuse challenges. Different government stakeholders were present and were allowed to engage with the learners on how to better themselves and their families. Learners were afforded one-on-one sessions with different stakeholders to discuss their problems and ways to overcome them

**Announcement of matric results:** The ECMR office was invited to the Grade 12 Results Announcement and Awards Ceremony at Cradock Correctional Centre. It was announced that Cradock Correctional Centre obtained a 100% matric pass rate in 2023, which was a huge highlight for the region.

**One Judge, One Jail Project:** Emanating from a newspaper article alleging ill-treatment and assaults of female inmates at East London Medium C Correctional Centre, the region was approached by Judge Hartle from Eastern Cape Division, Bisho High Court. A site visit to the centre was conducted and several private consultations were held with most of the females who alleged that they were assaulted by DCS officials. It was also discovered that after inmates have been assaulted, some were denied access to the hospital and those who wished to open criminal cases were not assisted. A full report will be provided to JICS by the Judge.

**Gender Responsive Centre for Women:** Three ICCVs from the Gauteng region attended an art exhibition at Atteridgeville Correctional Centre, which showcased art, drama, poetry and speeches by women who are currently and previously incarcerated. The theme was "Women in conflict with the law". The women showcased their challenges through art, drama and poetry. They talked about the treatment in the correctional centres by officials. It was highlighted through drama how most of the women end up in correctional centres, which is mainly because of abuse reported in many cases. Women resort to anger, which ultimately results in killing the husband, boyfriend or partner. They illustrated, through drama, the admission and release processes, which was informative. The event focused mainly on the challenges women face in their communities and the correctional centres, for example, lack of sanitary towels for women, and lack of essentials needed for mothers and babies in the correctional centres. It also highlighted that each baby gets five nappies in a week, which is not adequate. They also highlighted the challenges with the food in the centre and the lack of information regarding the changes in the centre. They requested that technical courses be provided to women.

Legal-Aid South Africa had an outreach programme at Johannesburg Med A Correctional Centre. The invitation was extended to NMR and the ICCVs in the management area. The delegation of Legal-Aid South Africa came to give a presentation to the awaiting trials in Johannesburg Med A Correctional Centre. The inmates in the Juvenile section of the centre were given presentations on their legal right to have representation in court and the procedures to follow when applying for bail, the procedures to follow when appealing, and lastly, condonation when the appeal is made a long time after. The inmates were informed to use legal representatives for their correspondence with courts rather than asking other inmates to do their court

correspondence. The non-nationals with no identification were guided concerning their challenges of not having legal documents which did not make them eligible to receive bail. An opportunity was given to the NMR VCCO to explain to the inmates the background of JICS and the functions and duties of ICCVs in the correctional environment. The inmates were told how ICCVs can assist them in the correctional environment. The question-and-answer session was held, and the inmates tabled their questions to the delegates. The inmates who had personal inquiries were consulted privately.

**Engagement with the SAHRC:** JICS attended a community engagement on human rights-related issues in Dysselsdorp outside Oudtshoorn. The purpose of the engagement was to commemorate Human Rights Day, and there were engagements where stakeholders presented their roles, and community members shared experiences and challenges within the community.

**Crime Awareness and Victim Empowerment Campaign at Mbekweni Youth Centre in Paarl:** The campaign was held on 14 June 2023 to discuss the challenges of high crime rates within our communities and communities that no longer feel safe in their households, areas and public spaces. Some incidents related to economic crime, anger caused by abuse, self-belonging, lack of role models and proper family structures. It was observed that a major challenge faced by survivors/victims of crime was the lack of empowerment programmes aimed to assist them, especially during the period of incarceration when the perpetrator has been sentenced.

## Commemoration of Youth Month

**Visit by CMR to Metsimaphodi Secondary School on 21 June 2023:** Learners were engaged on how to deal with substance abuse challenges. Different stakeholders were in attendance and were allowed to engage with the learners on how to improve their lives and set priorities for themselves and their families. The principal of the school appreciated the engagements and insisted that this occasion be repeated and include all learners.

**Youth Day Celebration on 6 June 2023 at Mbulelo Primary School, Scenery Park, East London themed “Crime does not pay”:** The stakeholders involved were JICS, SAPS, NICRO, and Legal-Aid SA. Presentations were made to learners from Grades 4 to 7 on how to avoid crime from an early age. Learners were encouraged to avoid associating themselves with alcohol, drugs, theft and anything that can result in crime. The learners were motivated to focus on their education to guarantee a better future because with crime, there is no future; you only end up in prison.

**Ogwini Comprehensive High School by KZNMR on 14 June 2023:** An engagement was held to discuss substance abuse, bullying, crime and the horrific realities experienced by those who were detained.

**Youth Day Commemoration at DCS Klerksdorp:** DCS arranged the commemoration, which focused on anti-gangsterism and was held on 14 June 2023. High school learners from the surrounding schools were invited. Some of the stakeholders in attendance were SAPS, DSD, DHA, Legal-Aid South Africa, and the Office of the Premier.

**Engagements with the Community Policing Forum of Elsie's River, Manenberg, Gugulethu, and Nyanga:** On 28 August 2023, engagements took place, focusing on rehabilitation programme themes for inmates, parole breakers, and communication breakdowns. One critical area of focus was the continuation of rehabilitation by community structures for parolees.

**Message Trust hosted a business lunch on 3 November 2023.** The business lunch focused on parolees and the assistance required to avoid recidivism, where the private sector should play a significant role in creating business and employment opportunities.

**Various crime prevention programmes were held at Manenberg High School and Fezeka High School (Gugulethu):** The programme focused more on how crime can be prevented at schools, and the results of involvement in criminal activities that lead to incarceration. Stakeholders in the justice cluster, community organisations, and civil society came together during this programme to assist learners and those who are already involved in certain illegal activities and substance abuse. This event was held on the 16 October 2023.

## Training interventions

### Training for newly appointed ICCVs

JICS trains all newly appointed ICCVs during a week-long session during which they are orientated about the organisation's background and operations, how to conduct their duties as ICCVs, the legal framework that guides their work, and complaints handling, reporting, inspections, and investigations.

The first training session was arranged in Bloemfontein from 17 to 21 April 2023. Forty (40) newly appointed ICCVs from across the country attended. The second training session was conducted from 11 to 15 March 2024 and 32 newly appointed ICCVs attended.

### Training of ICCVs by Just Detention International South Africa (JDI-SA)

A number of newly appointed ICCVs were trained during this cycle in continuation of the sexual violence training conducted by JDI-SA. Three regions conducted successful training sessions: KZNMR on 10 – 11 May 2023; CMR on 4 – 5 July 2023; and ECMR had two sessions on 20 – 21 June 2023 and 16 – 16 August 2023.

These training sessions were highly valuable to the ICCVs, assisting them in the daily execution of their duties, ensuring the safety of LGBTQI+ individuals, and understanding their challenges to facilitate the resolution of complaints.

### **DMR internal meetings**

Each organisation needs to communicate effectively with its staff, and JICS is no different. Communication can be described as the process that binds an institution. Various internal meetings are conducted to ensure that management and staff have regular contact, communicate the affairs of the organisation and its human capital, and discuss the overall performance of the organisation.

These meetings take place at various levels, as well as across levels within the structure.

All meetings are structured with agendas, minutes of the meetings, attendance registers and resolutions for the way forward. These documents form part of the organisational knowledge management and history.

### **Regional staff meetings with JICS Executive**

The objectives of these meetings are to keep staff up to date with the progress of the organisation's independence and maintain a healthy organisational culture. It enables staff to interact with the Executive directly on matters of concern. Each region was visited individually on the following dates:

CMR:	9 February 2024
ECMR:	29 January 2024
KZNMR:	23 January 2024
NMR:	22 January 2024
WCMR:	2 February 2024

### **IJ meetings with the ICCVs**

The IJ and JICS Executive Management conducted virtual meetings with the ICCVs in their respective regions. Regional management and supervisors also attended these meetings. The purpose was to address operational matters, discuss challenges, and provide updates on organisational developments. After the presentations, ICCVs had the opportunity to ask questions and raise their concerns. The meetings were held on the following dates:

CMR:	26 February 2024
ECMR:	20 February 2024
KZNMR:	19 February 2024
NMR:	22 February 2024
WCMR:	21 February 2024

### **VCCOs meetings**

Virtual meetings for VCCOs were held on 28 June 2023, 27 September 2023, and 20 March 2024. These meetings were chaired by the Director of Management Regions and attended by VCCOs and JICS regional management. VCCOs provided feedback on operational issues and presented the status of the Performance Management

and Development System (PMDS) document finalisation, among other deliberations.

### **Supervisory meetings**

VCCOs conduct regular meetings (either virtual or in person) with the ICCVs under their supervision to improve operational efficiency and enhance work performance. A total of 85 meetings were held during the performance cycle, covering discussions on unresolved complaints requiring urgent attention, mandatory incidents, operational issues, challenges, and updates on policies and circulars. PMDS processes, including Performance Agreements, Performance Assessments, and Mid-term Reviews, were concluded in line with the specified timeframes.

### **DMR forum meetings**

To streamline and standardise service delivery across regions, all Regional Managers (RMs) and Assistant Regional Managers (ARMs) participate in quarterly forum meetings with the DMR.

All aspects of regional operations, reviews of relevant policies and SOPs development, and stakeholder relations are discussed.

Meetings were conducted on the following dates:

12 – 14 April 2023 in Cape Town, and  
10 – 12 July 2023 in Durban.

## **Population**

### **Remand detainees with bail less than R 1 000**

JICS deployed ICCVs in various correctional centres to monitor the conditions and treatment of inmates. In their efforts to monitor, several issues are identified, including a significant number of inmates facing low bail amounts and lengthy periods of pre-trial detention. As at the end of March 2024, 2 344 inmates with a bail of less than R 1 000 were detained in correctional centres. This information on remand detainees raises an interest in the legal system and social justice. Bail amounts are set based on various factors, including the severity of the alleged crime, the defendant's flight risk, and their financial means. Bail amounts that are set too high for an individual to afford lead to pre-trial detention, which can have significant consequences for the detainee and their families, and it potentially causes job loss, financial strain, and other hardships.

Efforts to reform the bail system often aim to ensure that individuals are not detained solely because they cannot afford bail. Measures such as bail reform, pre-trial services, and alternative forms of release aim to balance public safety concerns with the principles of fairness and justice.

HCCs attempt to intervene by implementing DCS's overcrowding strategies and facilitating sections 49G, 63A, and 62F applications to magistrates. Successes in these processes are limited and there is stagnation in the approval of these applications. Presidential amnesties and remissions are the most effective interventions.

JICS has approached the Bertha Foundation and proposed establishing a 'bail fund' in South Africa. The premise of a bail fund is that funds are raised to post cash bail for those in correctional facilities. Recipients are those who have already been deemed a low risk and granted bail by the courts. However, they cannot afford their bail amount, often of R 1 000 or less, thus staying in a remand detention facility for periods before their trial.

A feasibility study was conducted, and the concept document on bail funds was presented to the Portfolio Committee during the previous performance cycle. This will be resuscitated with the new Portfolio Committee of the 7<sup>th</sup> government administration.

### **Declared state patients detained**

A total of 204 state patients, of which 200 comprised males and four females, were incarcerated in the country's correctional centres. DoH claims that the leading reason behind the delay in transferring state patients from correctional facilities to psychiatric hospitals is insufficient bed capacity in these institutions. This extended confinement of state patients within correctional facilities violates section 41 of the Mental Health Care Act 17 of 2002, which stipulates that state patients must receive proper medical care at designated mental health facilities. JICS is actively engaging with key stakeholders and in various forums to facilitate the transfer of these individuals to psychiatric institutions where they are supposed to be accommodated.

The following was the distribution of incarceration of state patients in correctional centres per JICS regional management during the period under review:

**CMR:** 52 state patients were detained at correctional facilities in the region. The Kimberley Correctional Centre has the highest number of state patients, and the Northern Cape DoH claims that they lack sufficient staff to admit state patients from correctional centres and courts.

Regarding the state patients at Kimberley and Grootvlei Medium A Correctional Centres, JICS raised its criticism and disapproval of the incarceration of state patients in the correctional centres. DCS FS/NC region had the highest number of state patients incarcerated at the Grootvlei and Kimberley Correctional Centres. This matter became a standing item for discussions during the VC meetings established for the Grootvlei and Kimberley management areas.

As at 31 March 2024, these numbers declined from an average of 33 to 15 for Grootvlei Correctional Centre. During the VC meeting, this issue was persistently raised with various stakeholders, including DCS and DoH, for this matter to be addressed. Many state patients were relocated, and the number gradually decreased over the performance cycle. Similar steps were taken at the VC established for the Kimberley management area. DCS FS/NC Deputy Regional Commissioner has established a committee to deal with these challenges and assist with the facilitation process to transfer state patients to mental institutions. JICS is part of the committee.

**ECMR:** The region had a total of 91 male state patients. Discussions are in place to facilitate the successful removal of these patients from correctional facilities to psychiatric hospitals where they should be accommodated. The biggest challenge that contributes to the high number is the unavailability of bed space in psychiatric hospitals.

**KZNM:** As at 31 March 2024, there were 13 state patients within the KZN Province. Incarcerated state patients in the province are regularly transferred to a designated psychiatric hospital. DCS maintains consistent collaboration with the DoH in KZN.

**NMR:** There were 48 state patients detained under the region, with the highest number being 36 state patients detained in Mpumalanga Province, and they are awaiting bed space in other provinces since there are no psychiatric hospitals in the province. DoH in Mpumalanga has made inadequate efforts to collaborate with the DoH in North West to transfer state patients from correctional centres to Bophelong Psychiatric Hospital. Despite available bed space at Bophelong Psychiatric Hospital, negotiations for the inter-provincial transfer of state patients between the two provinces had failed.

**WCMR:** No state patients were accommodated in Western Cape correctional centres.

### **JICS interventions**

JICS senior managers met with the DoH DDGs for Gauteng and Mpumalanga Provinces to address the state patients awaiting placement in psychiatric hospitals due to the absence of such facilities in Mpumalanga. All Mpumalanga state patients are awaiting placement in psychiatric hospitals, but other provincial hospitals have declined admission.

The DoH Deputy Director General( DDG) for Gauteng Province committed to delivering a report within 30 days on JICS concerns regarding state patients detained for over five years in correctional centres. Despite numerous communication over 18 months with the Mpumalanga Provincial Department of Health, JICS believes that not enough action has been taken to place declared state patients in psychiatric hospitals.

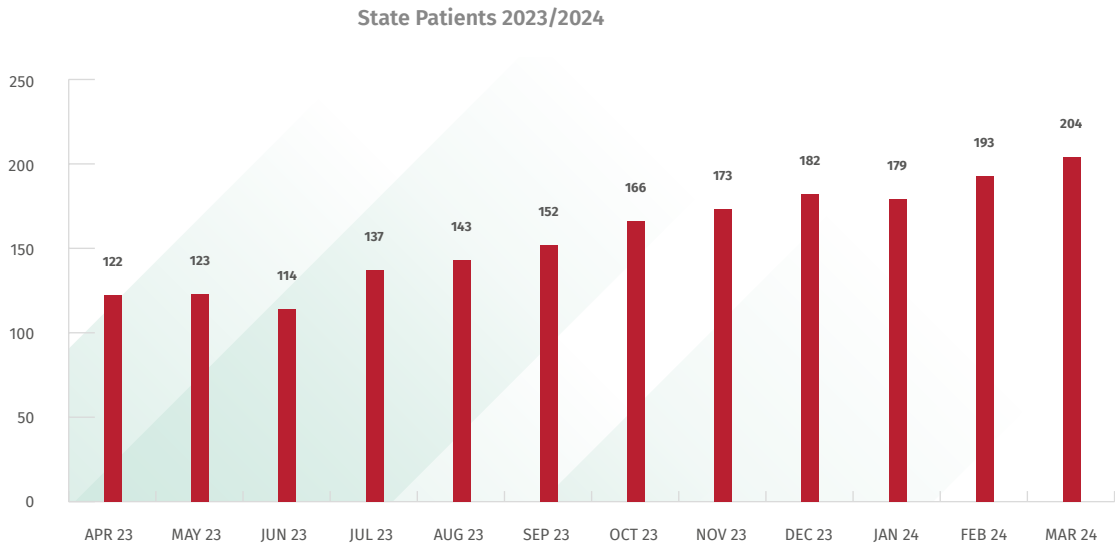


While there has been some movement regarding state patient placement, it is insufficient and should not be considered progress but rather a reactionary response to pressure.

The Provincial DoH for Limpopo had 12 state patients. However, with the commitment of the Mental Health

Manager of the department, all 12 state patients were transferred to a psychiatric hospital within one month.

The below graph shows the status of state patients per region.



Graph 30: Status of state patients

**Non-nationals (sentenced and remand detainees) in correctional centres.**

As at 31 March 2024, a total number of 22 612 non-nationals were incarcerated compared to 18 981 in the previous performance cycle. This means that 3 631 non-nationals were admitted to correctional Centres, which translates to an increase of about 19,12%. The below table shows that NMR recorded the highest number of incarcerated non-nationals , with a total of 17 630, whilst ECMR reported the least.

The table below shows the breakdown per region is as follows.

Number of non-nationals incarcerated					
Region	Sentenced		Remand detainees		Total
	Male	Female	Male	Female	
CMR	1 012	36	933	48	2 029
ECMR	198	9	172	2	381
KZNMR	619	37	540	25	1 221
NMR	8 648	313	8 285	384	17 630
WCMR	423	16	888	24	1 351
DMR total	10 900	411	10 818	483	22 612

Table 31: Non-nationals incarcerated as at 31 March 2024

To expedite the return of non-nationals to their countries of origin upon completing their sentence, JICS has communicated with the relevant stakeholders.

As per the reports received, non-nationals committed a wide range of crimes including contravention of immigration laws, armed robbery, stock theft, robbery aggravating, attempted murder, possession of firearms and ammunition, drug smuggling, common robbery, assault, Gender-Based Violence (GBV), property damage, fraud, forgery, theft, tampering with state infrastructure, murder, rape, culpable homicide, kidnapping, extortion, conspiracy, burglary with intent to steal, malicious damage to property, theft of motor vehicles, and possession of dagga. The length of their sentences varies from three months to life imprisonment.

The non-nationals incarcerated originate from different countries like Angola, Argentina, Bangladesh, Botswana, Bulgaria, Burundi, the Czech Republic, the Democratic Republic of Congo, the Dominican Republic, Egypt, Ethiopia, France, Germany, Ghana, India, Jordan, Kenya, Kingdom of Saudi Arabia, Lesotho, Malaysia, Malawi, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Pakistan, Paraguay, Peru, Poland, Portugal, Russia, Senegal, Slovakia, Somalia, St Lucia,

Swaziland, Tanzania, Thailand, Uganda, Zambia, Zaire, and Zimbabwe. The highest number of non-nationals incarcerated comes from neighbouring countries such as Lesotho, Mozambique, and Zimbabwe.

A definitive decision regarding the acceleration of court proceedings involving interpreters for non-national trials was not reached at the most recent Limpopo PEEC meeting. The persistent difficulty in locating interpreters for some foreign languages causes court proceedings to be prolonged or postponed. It is crucial to understand that non-nationals are detained without the possibility of bail and must remain in detention until their legal matters are settled. Furthermore, a notable hurdle arises from some deported non-nationals promptly returning to South Africa on the same day of their release. This is due to inadequately secured border crossings.

#### Total number of non-national lifers

When this report was compiled, the total number of non-national lifers was 690. The top three countries with the highest number of inmates are Zimbabwe (257), Mozambique (228), and Lesotho (82). Out of the total of 690 lifers, 432 are in the Gauteng region, indicating an increase in non-national lifers.

The table below shows the non-national lifers were incarcerated.

Region	Total non-national lifers	Nationalities
CMR	24	Bangladesh (2), Ethiopia (1), Lesotho (13), Mozambique (2), Nigeria (1), Pakistan (4) and Zimbabwe (1).
ECMR	30	Bangladesh (3), Germany (1), Kenya (1), Lesotho (7), Malawi (3), Mozambique (3), Nigeria (4), Pakistan (2), Tanzania (1) and Zimbabwe (5).
KZNMR	20	Botswana (1), Congo (1), Lesotho (6), Malawi (5), Mozambique (6) and Swaziland (1).
NMR	577	Angola (2), Argentina (1), Bulgaria (1), Congo (8), Egypt (1), Ethiopia (1), Lesotho (51), Malawi (21), Mozambique (209), Nigeria (20), Pakistan (2), Russia (1), Senegal (1), Sudan (1), Swaziland (17), Tanzania (1), Zaire (1) and Zimbabwe (238).
WCMR	39	Angola (2), Burundi (3), Congo (2), Lesotho (5), Malawi (2), Mozambique (8), Namibia (1), Somalia (2), Swaziland (1) and Zimbabwe (13).
DMR Total	690	Angola (4), Argentina (1), Bangladesh (5), Botswana (1), Bulgaria (1), Burundi (3), Congo (11), Egypt (1), Ethiopia (2), Germany (1), Kenya (1), Lesotho (82), Malawi (31), Mozambique (228), Namibia (1), Nigeria (25), Pakistan (8), Russia (1), Senegal (1), Somalia (2), Sudan (1), Swaziland (19), Tanzania (2), Zaire (1) and Zimbabwe (257).

**Table 32: Non-national lifers incarcerated as at 31 March 2024**

## Reports

### Parole violation report

Parole violations in South Africa have become more severe as parolees break the conditions of their parole. These conditions are violated when inmates on parole commit other crimes or fail to report to their parole officers. Such reoffending behaviours may be caused by very low employment opportunities and stigmatisation. Consequences include returning to correctional centres or facing additional penalties and minimising chances of being reconsidered for parole in future. Rehabilitation and reintegration programmes need to be strengthened to curb such habits.

Parole consideration plays a significant role in the reduction of overcrowding in correctional centres. However, if inmates who have been considered for parole do not adhere to their parole conditions, it would mean the system is fighting a losing battle on overcrowding. JICS will continue to monitor this area.

### Highlighted incidents

**CMR:** There was an outbreak of chickenpox at the Grootvlei Medium A Correctional Centre. The outbreak peaked in June 2023 when 34 remand detainees with the disease were detected in the correctional centre. The following were identified as contributing factors: overcrowding, lack of hot water and poor hygiene. Also, the outbreak of the disease appears to be seasonal as it occurs mostly during winter months. DCS prescribed medication to treat symptoms and they were able to contain the situation by the end of March 2024.

#### ECMR:

**Chickenpox outbreak:** The region had one chickenpox incident at Mthatha Remand on 31 July 2023, and the inmate was segregated.

**Escape:** One escape was reported at Flagstaff Correctional Centre. The inmate was recaptured on 31 August 2023.

**Water shortage at East London CC:** On 19 March 2024, it was reported that West Bank Correctional Centre had a shortage of water due to a pipe that burst. The AC confirmed the challenge and further assured JICS that they were attending to it and that the local municipality was assisting them with water.

**Fire at Middleburg CC:** On 16 March 2024, Middleburg Correctional Centre reported to JICS that the inmate set alight his cell after he argued with officials regarding his food. It is said that the inmate refused to enter his cell and was forced to do so as officials wanted to lock him up, and that is when the inmate used his mattress to start

the fire. Officials managed to come on time, and no one was injured. SAPS was called, and a criminal case was opened.

**KZNMR:** On 3 April 2023, a violent storm left a trail of destruction in the Empangeni area. Qalakabusha Correctional Centre was affected, and some departmental offices and units that accommodated inmates were damaged, and roofing was ripped off. Fortunately, there were no casualties experienced. Consequently, DCS appointed service providers and had already been on site to commence with the work to renovate the affected areas.

An inmate incarcerated at Ncome Max Correctional Centre was electrocuted due to an illegal electrical connection at the centre. The inmate was injured seriously and transferred to the external hospital for treatment.

Durban Female Correctional Centre experienced a shortage of formula for babies, so babies were fed milk that was not age-appropriate. The Management Area had a problem with its suppliers. This matter was resolved after intervention by the VC and AC.

On 9 September 2023, an inmate escaped from Qalakabusha Correctional Centre. After DCS launched a manhunt, he was re-captured and transferred to Ebongweni Correctional Centre for security reasons and behavioural modification.

On 24 January 2024 at Durban RDF, a remand detainee attempted to escape from the centre by using the particulars of another inmate during the visit by swapping their tickets.

An outbreak of pink eyes recently hit KwaZulu-Natal Province in early 2024. The correctional centres were not severely affected, and only one case was reported from Stanger Correctional Centre. The matter was handled in terms of section 30(1)(c) of CSA, and the affected inmate was subsequently taken back to the general population after receiving medical treatment.

**NMR:** On 14 June 2023, an escape occurred at Rooigrond Med B Correctional Centre during exercise time. The inmate cut the fence, and he was re-arrested the following day.

An inmate from Baviaanspoort Max Correctional Centre who is serving a life sentence escaped on 12 February 2024. It was reported that on the said day, the inmate was taken to Mamelodi Hospital for an appointment with the dietician. It was also reported that on the 3rd of March 2024, a remand detainee from Johannesburg Med A escaped while he was admitted at Baragwanath Hospital. An escape case was opened.

**WCMR:** On 17 April 2023, an incident was reported by a JICS official where there were allegations of a female inmate who might have fallen pregnant during incarceration at Van Rhynsdorp Correctional Centre. The matter was investigated, and the allegations were confirmed to be true. The necessary disciplinary steps were recommended for those who were involved.

On 23 August 2023, there was an escape of two remand detainees at George Correctional Centre and only one inmate was recaptured.

There was a fire outbreak in the Brandvlei Management Area on 5 February 2024, and there were no injuries reported by the inmates and officials. All inmates from Brandvlei Med Correctional Centre were transferred to different closest correctional centres.

### Good stories

**CMR:** ICCV intervention at the Sasolburg Correctional Centre: On 17 July 2023, ICCV encountered an inmate who was not feeling well. She intervened and interacted with the HCC and officials on duty. The inmate was taken to the external hospital and received medical attention. The medical professionals also noted that the inmate was chronic and had defaulted on his medication.

**ECMR:** Donation of sanitary towels at Mthatha Females Correctional Centre: the region became aware of a shortage of female hygiene products at the centre after an unannounced inspection was conducted. One ICCV in the region assisted by collecting enough products to last the inmates for at least two months, together with a donation from one of the staff members who conducted the inspection. The handover was made on 19 July 2023 to the Acting AC, HCCs of both centres and the AC Corrections, who were delighted with the donation.

**KZNMR:** On 28 July 2023 in commemoration of Mandela Day, JICS KZN staff members visited the Cato Crest informal settlement and donated clothing to the less fortunate residents.

**NMR:** At Kutama-Sinthumule PPP centre, there has been no progress on DHA issuing identity documents. After the intervention of the Thohoyandou VC meeting, DHA visited the Kutama-Sinthumule PPP and immediately assisted ten inmates awaiting feedback on their identity documents applications. The DHA visit to the Kutama-Sinthumule PPP occurred on July 18 and 19, 2023. Fully equipped with a customised mobile bus, and managed to assist more than 120 inmates.

At Makhado Correctional Centre, inmates studying at the University South Africa (UNISA) complained of challenges in submitting assignments and writing exams. Through the involvement of the Thohoyandou VC meeting, the UNISA branch at Makhado assisted the inmates/students, enabling them to submit their assignments and complete their examination papers.

At Thohoyandou Correctional Centre, 12 state patients were detained awaiting placement at a psychiatric hospital. After the involvement of Judge President Phatudi at the Limpopo PEEC meeting and collaboration amongst all stakeholders, all 12 state patients were admitted to a psychiatric hospital within 40 days.







# D

## DIRECTORATE SUPPORT SERVICES



**Purpose:** To ensure organisational support and administration.

The Directorate of Support Services (DSS) provides comprehensive organisational support and administrative services to JICS. This is achieved through four dedicated Sub-Directorates, namely: Finance & Supply Chain Management, Human Resources, Information Technology, and Communications & Media. By working collaboratively, these units ensure JICS has the necessary resources and functionalities to pursue its strategic objectives successfully

**Functions:**

- **Financial Management:** The DSS safeguards budgetary integrity by meticulously aligning JICS's financial resources with core operational costs, primarily focused on employee compensation and procurement of essential goods and services.
- **Human Capital Development:** the Human Resources (HR) Sub-Directorate offers a comprehensive suite of services encompassing employment equity initiatives, workplace skills plans, training programmes, employee wellness programmes, HR planning, organisational development, streamlined recruitment and selection processes, and efficient HR administration.
- **Information Technology Optimisation:** The Information Technology sub-directorate is instrumental in creating business value by providing a robust, integrated, and secure Information and Communications Technology (ICT) infrastructure and business application systems. This ensures optimal strategic alignment and fosters continuous enhancement of JICS's business processes. The DSS also oversees JICS's ICT infrastructure, encompassing software, hardware, remote access capabilities, Local Area Networks (LANs), Wide Area Networks (WANs), Metropolitan Area Networks (MANs), and website management.
- **Strategic Communications:** The Communications & Media sub-directorate fosters an efficient and effective communication system encompassing internal and external channels. This is achieved by:
  - **Internal Communications:** The unit promotes consistent communication practices throughout JICS, fostering a strong internal culture and actively promoting JICS's vision, mission and values. Senior management actively supports internal communication initiatives by encouraging staff participation in departmental programmes. A dedicated committee with branch representation facilitates open communication on internal matters.
  - **Media Relations:** Recognising the fast-paced nature of media inquiries and the importance of clear messaging, JICS prioritises immediate responses. Senior managers are empowered and expected to facilitate reactions within 24 hours of receiving media requests, ensuring accurate representation of JICS's position or messages.
  - **Strategic Communication:** The unit plays a critical role in managing strategic communication within JICS, empowering and informing staff on various matters about the organisation, including crucial information that may impact employees.



# E

## FINANCE AND SUPPLY CHAIN MANAGEMENT

**Purpose:** To provide financial administration and budget management for JICS.

#### Budget Allocation 2023/2024

The table below shows the total budget allocation for JICS for the 2023/24 financial year with a total allocation of R81 076 000

Items	Balance
Total Budget Allocation	R81 076 000
Compensation of Employees	R70 671 000
Goods and Services	R10 187 000
Transfers & Subsidies	R18 000
Capital Assets	R200 000

**Table 33: Budget allocation for the 2023/2024 financial year**

#### Detailed expenditure report

Economic Classification	2021/22	2022/23	2023/24
<b>Current Payments</b>			
<b>Compensation of Employees</b>	<b>R69 288 648.45</b>	<b>R66 097 611.83</b>	<b>R69 855 830.78</b>
Salaries & Wages	R63 211 703.17	R60 011 870.97	R63 094 625.09
Social Contributions	R6 076 945.28	R6 085 740.86	R6 761 205.69
<b>Goods &amp; Services</b>	<b>R 11 396 564.78</b>	<b>R11 014 371.48</b>	<b>R11 001 264.16</b>
Advertising	R338 533.26	R115 484.60	R259 015.63
Assets less than the capitalisation threshold	R225 019.02	R92 522.00	R198 470.25
Bursaries: Employees	R257 144.00	R270 610.00	R191 465.00
Catering Departmental Activities	R301 640.12	R442 108.86	R320 253.29
Communication	R757 642.46	R898 909.03	R701 395.49
Computer Services	-	-	R734 601.67
Consultants and Professional Services: Business & Advisory Services	R171 131.90	R337 836.00	-
Legal Services	R106 360.63	R464 154.38	R219 667.49
Contracts	-	-	R1 179.90
Entertainment	-	R254.97	R1 724.00
Fleet Services	R706 921.37	R882 335.46	R813 755.99
Inv: Cloth Mat & Accessories	R151 093.90		
Inv: Chems.fuel,oil,gas,wool & coal			R2 265.15
Inv: Material & Supplies	R38 338.58	R33 264.87	R11 418.35
Inv: Medical Supplies	R87 456.40		R2 329.50
Consumable Supplies	R255 125.93	R177 412.56	R349 065.39
Consumable: Stationery & Printing	R547 139.93	R569 636.72	R480 584.44
Property Payments	R30 223.19	R25 471.55	R586 970.04
Travel & Subsistence	R5 829 227.99	R5 730 799.81	R4 950 720.74
Training & Development	-	-	R245 337.00
Operating Payments	R316 172.69	R324 360.00	R594 800.84
Venues & Facilities	-	-	R336 244.00
<b>Transfers &amp; Subsidies</b>	<b>R64 198.94</b>	<b>R33 820.04</b>	<b>R225 553.24</b>

Economic Classification	2021/22	2022/23	2023/24
<b>Current Payments</b>			
<b>Trnsf &amp; sub: municipalities</b>	-	R17 125.20	R15 012.00
Provincial and Municipalities	R64 198.94	R17 125.20	R15 012.00
Households(HH)	-	R16 694.81	R210 541.24
H/H:employee social benefits	-	R16 694.81	R210 541.24
<b>Payments for Capital Assets</b>	<b>R2 324 786.48</b>	<b>R993 883.93</b>	<b>R1 137 697.87</b>
Machinery & Equipment	R1 545 591.98	R951 203.52	R1 137 697.87
Motor Vehicle	R779 194.50	-	-
Other	R52 520.40	R42 680.41	-
<b>TOTAL</b>	<b>R83 074 198.65</b>	<b>R78 139 687.25</b>	<b>R82 220 346.05</b>

Table 34: 2021/2022, 2022/2023 and 2023/2024 - Expenditure reporting

#### Reasons for overspending by 103.67% on SCOA items

JICS spent R82 222 034.05 for the 2023/2024 financial year, representing an overall expenditure of 101.41% of the allocated budget of R81 076 000. This resulted in a deviation of -1.41%, primarily due to projects carried out during the 2023/2024 financial year.

#### Overall organisational spending on SCOA Items

Compensation of Employees	Ideal	Deviation
98.84%	100%	1.16%

**Remarks:** The standard item is sitting on deviation of 1.16%, which is acceptable and within the National Treasury norms and standards.

Goods and Services	Ideal	Deviation
124.78%	100%	-24.78%

**Remarks:** The standard item overspending was due to projects carried out during the financial year 2023/2024, corresponding to consumable supplies, inventory material and supplies, and consultants: business and advisory service.

Transfers and Subsidies	Ideal	Deviation
1 257.77%	100%	-1 157.77%

**Remarks:** The standard item overspending was due to leave gratuities paid to officials who resigned and payments for licensing the organisation's vehicles.

Machinery and Equipment	Ideal	Deviation
629.60%	100%	-529.60%

**Remarks:** The standard item overspending was due to insufficient budget received at the beginning of the financial year for projects projected for the current year.

## SUPPLY CHAIN MANAGEMENT

### Goods and services

The Supply Chain Management (SCM) unit provides procurement for goods and services and manages JICS assets. This ensures effective control of JICS properties and fosters a conducive working environment for staff.

### Finance leases

JICS currently maintains 12 lease agreements for photocopiers and telephones across all regions.

### Asset Management

JICS maintains control over its physical assets through monthly spot checks and annual verification processes.

### Transport Management

The table below shows the allocations of JICS state vehicles to JICS offices.

Region/Head Office	Total vehicles
Eco Park Head Office	3
NMR	5
CMR	5
KZNMR	6
ECMR	6
WCMR	5
<b>Total</b>	<b>30</b>

*Table 35: State vehicles allocation per JICS regions*

### Property Management

The table shows an overview of the various office accommodation used from 1 April 2023 to 31 March 2024.

Physical Address	Type of Agreement	Status on 31 March 2024
Cape Town Head Office: 9 <sup>th</sup> Floor, Standard Bank Building, 1 Thibault Square, Cnr Long & Hans Strijdom Avenue, Cape Town	Month to Month	The lease agreement was approved for three years, and expired in July 2023
Central Management Region: 3rd floor, 62 Andrew Street, Bloemfontein	Lease Agreement	The lease agreement was approved for three years, expiring in May 2024
ECO Park 349 Witch Hazel Street, Highveld Ext 70 Centurion	Lease Agreement	The lease agreement was approved for three years, expiring in August 2025
KwaZulu Natal Management Region: 8th floor, 275 Anton Lembede Street, Durban	Lease Agreement	The lease agreement was approved for three years, expiring in December 2024

*Table 36: JICS property management for the financial year 2023/2024*

### Temporary Accommodation

JICS, ECMR has temporary accommodation at the Magistrate Court, East London since September 2018.

### Commentary

JICS maintains a positive and productive working relationship with DCS. This collaboration has fostered improved effectiveness and efficiency, aligning with JICS's operational independence goal. Through a seamless working relationship with DCS, particularly the National Commissioner's office and the Acting Chief Financial Officer, JICS secured a budget reprioritisation. This enabled the procurement of critical and essential goods and services.





# F

## HUMAN RESOURCE MANAGEMENT & DEVELOPMENT



**Purpose:** To provide organisational support and administrative services in alignment with JICS’s strategic goals.

The impact HR priorities for the year under review

During the 2023/2024 performance cycle , HR concentrated its efforts on the following key areas:

Filling of vacancies

The HR advertised 83 positions, of these 79 posts were successfully filled. These positions comprised six permanent, seven contract, and 66 ICCVs.

At the end of the performance cycle under review, the vacancy rate stood as follows:

	Filled	Vacant	Vacancy rate (%)
Permanent Posts	79	7	8.14%
Contract positions	17	1	5.55%
ICCVs	207	18	8%

Table 37: Vacancy rate as at 31 March 2024

Human resources plan

Workforce planning involves analysing, forecasting, and strategically managing the supply and demand of personnel within the organisation. This process includes identifying critical skill gaps and developing targeted talent management interventions. Ultimately, workforce planning ensures that JICS has the right people, with the right skills, assigned to the right roles at the right time, enabling the fulfilment of its mandate. Currently, JICS is working towards finalising a functional structure that aligns with its strategic objectives.

As a strategic component of JICS, HR contributes to increased productivity and growth within a dynamic operational environment by ensuring a highly skilled and competent workforce. The ongoing implementation of the 2023-2024 HR Plan guided efforts in attracting, recruiting and developing a talented and capable workforce. This strategy has demonstrably attracted a significant number of suitably qualified individuals to the organisation.

Employment equity

Women at Senior Management Service (SMS) levels.

During the year under review, JICS had four employees at the SMS level, of which two were women, which translates into 50% representation.

Youth

As at 31 March 2024, JICS employed 100 youth aged 21-35, representing 33% of the workforce. This youth representation surpasses the national target by 3.5%. JICS will continue to support youth employment initiatives through the selection and recruitment programme.

People with disabilities

At the end of the 2023/24 performance cycle, JICS had four employees classified as having disabilities. This

translates to 1.32 % of the 303 staff complement, falling short of the required 2% representation for people with disabilities by 0,68 %. While initiatives were implemented to increase the representation of people with disabilities, they did not yield the desired results.

JICS will focus on establishing partnerships with organisations serving this cohort to raise awareness within the organisation regarding policies, strategies, and targets for empowering people with disabilities.

Challenges

- The centralisation of PERSAL (Personnel Salary System) and functions at the DCS Head Office continues to pose a challenge, hindering JICS’s ability to meet service delivery targets. For example, delays in the creation of position/s in the system.
- JICS could not achieve its target of 2% representation for people with disabilities within its staff complement.

HR achievements

HR is proud to report a successful year supporting the organisation’s growth. We achieved significant milestones in attracting top talent and developing a skilled, as well as an engaged workforce. This resulted in successfully maintaining a vacancy rate below the acceptable threshold of 10%.

Future HR plans/goals

JICS aims to finalise and implement an approved functional organisational structure aligning with the recommendations of the Inter-Departmental Assessment Committee as an established National Government Component. Implementing the approved organisational structure is subject to additional funding allocation by the NT during the budgetary process and MTEF.

## Human resources oversight statistics

### Personnel-related expenditure

The following table summarises the final audited personnel-related expenditure. In particular, it indicates the following:

- Expenditure of personnel;
- Training expenditure.

Total expenditure	Personnel expenditure	Training expenditure	Professional and special services expenditure	Personnel expenditure as a percentage of total expenditure
<b>Total</b>	R 69 855 830.78	R 436 802.00	-	85,49%

Table 38: Personnel expenditure by the programme for the period 1 April 2023 to 31 March 2024

### Employment and vacancies

The following tables summarise the number of approved posts in the establishment, the number of employees, the vacancy rate, and the additional staff to the establishment. This information is presented in terms of two key variables:

- Type of appointment (permanent vs contract);
- Salary band.

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Permanent	86	79	8.14%	0
Contract	-	17	0%	17
ICCVs	225	207	8%	0
<b>Total</b>	<b>311</b>	<b>303</b>	<b>2.57%</b>	<b>17</b>

Table 39: Employment and vacancies by the programme as at 31 March 2024

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate per salary band	Number of employees additional to the establishment
Lower skilled (levels 1-2)	1	1	-	0
Skilled (levels 3-5)	22	17	22.73%	0
Highly skilled production (levels 6-8)	37	36	2.71%	0
Highly skilled supervision (levels 9-12)	22	21	4.55%	0
Senior management (levels 13-16)	4	4	0%	0
Contract-(Level below 1) Intern/ learnership	-	-	0%	0
Contract (Levels 1-2)	-	6	0%	6
Contract (levels 3-5)	-	9	0%	9
Contract (levels 6-8)	-	0	0%	0
Contract (levels 9-12)	-	1	0%	1
Contract (levels 13-16)	-	1	0%	1
ICCVs	225	207	8%	0
<b>Total</b>	<b>311</b>	<b>304</b>	<b>2.26%</b>	<b>17</b>

Table 40: Employment and vacancies by salary band as at 31 March 2024

## Filling of SMS posts

The table in this section provide information on employment and vacancies as it relates to members of the SMS by salary level. It also provides information on advertising and filling of SMS posts,

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	Percentage of SMS posts filled	Total number of SMS posts vacant	Percentage of SMS posts vacant
Salary level 14	1	1	100%	0	0%
Salary level 13	3	3	100%	0	0%
<b>Total</b>	<b>4</b>	<b>4</b>	<b>100%</b>	<b>0</b>	<b>0%</b>

Table 41: SMS post information as at 31 March 2024

## Employment changes

The following table shows a summary of turnover rates by salary band and by critical occupations. Summarises turnover rates by salary band and critical occupations. Turnover rates indicate trends in JICS's employment profile.

Salary band	Number of employees at the beginning of period (01 April 2023)	Appointments and transfers into JICS	Terminations and transfers out of JICS	Turnover rate
Lower skilled (levels 1-2)	1	-	-	-
Skilled (levels 3-6)	21	2	6	25%
Highly skilled production (levels 7-10)	46	3	2	4.08%
Highly skilled supervision (levels 11-12)	8	-	-	-
SMS Bands A (level 13)	3	-	-	-
SMS Bands B (level 14)	1	-	-	-
Contracts (levels 1-2)	6	3	1	11.11%
Contracts (levels 3-6)	9	8	5	29.41%
Contracts (levels 7-8)	0	-	1	-
Contracts (levels 9-12)	1	-	-	-
Contract (levels 13-16)	1	-	-	-
Contract-(Level below 1)	-	-	-	-
ICCV	215	66	75	26.33%
<b>Total</b>	<b>312</b>	<b>82</b>	<b>90</b>	<b>22.84%</b>

Table 42: Annual turnover rates by salary band for the period 1 April 2023 to 31 March 2024

The tables below shows the major reasons why staff left JICS.

Permanent staff termination type	Number	Percentage of total terminations
Death	-	-
Resignation	3	37.50%
Transfers	4	50%
Discharged due to ill health	-	-
Dismissal-misconduct	1	12.50%
Retirement	-	-
Abscondment	-	-
<b>Total</b>	<b>8</b>	<b>100%</b>
Number of employees who left as a percentage of total employment		10.13%

Table 43: Reasons why permanent staff left JICS for the period 1 April 2023 to 31 March 2024

The tables below shows the percentage of employment terminations.

Contract staff termination type	Number	Percentage of total terminations
Death	-	-
Resignation	7	100%
Discharged due to ill health	-	
Dismissal-misconduct	-	
Retirement	-	
Abscondment	-	
Expiry of contract		
<b>Total</b>	<b>7</b>	<b>100%</b>
Number of employees who left as a percentage of total employment		41,17%

**Table 44: Reasons why contract staff left JICS for the period 1 April 2023 to 31 March 2024**

Independent correctional centre visitors termination type	Number	Percentage of total terminations
Resignation	14	18,66%
Dismissal-misconduct	4	5,3%
Expiry of contract	56	74,66%
Death	1	1,33%
<b>Total</b>	<b>75</b>	<b>100%</b>
Number of employees who left as a percentage of total employment		36,23%

**Table 45: Reasons why ICCVs staff left the JICS for the period 1 April 2023 to 31 March 2024**

## Employment equity

The table below shows the employment equity status at JICS as at 31 March 2024. The statistics comply with JICS's approved employment equity plan.

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management (Level 13-14)	-	-	1	1	2	-	-	-	4
Professionally qualified and middle management (Levels 11 – 12)	3	1	-	1	2	1	-	-	8
Skilled technical and academically qualified workers, junior management, supervisors (Levels 7 – 10)	16	7	-	-	19	3	-	1	46
Semi-skilled and discretionary decision making (Level 3-6)	2	1	-	1	11	4	1	-	20
Unskilled and defined decision making (level 1 – 2)	1	-	-	-	-	-	-	-	1
Contract workers	1	-	-	1	11	3	1	-	17
ICCVs	66	6	-	-	118	14	2	1	207
<b>Total</b>	<b>89</b>	<b>15</b>	<b>1</b>	<b>4</b>	<b>163</b>	<b>25</b>	<b>4</b>	<b>2</b>	<b>303</b>
Employees with disabilities	3	-	-	-	1	-	-	-	4

**Table 46: Total number of employees (including employees with disabilities) in each of the following occupation categories as at 31 March 2024**

## Signing of performance agreements by SMS members

All SMS members must conclude and sign performance agreements within specific timeframes. The table below shows information regarding SMS members' signing of performance agreements.

SMS level	Total number of funded SMS posts	Total number of SMS members	Total number of signed performance agreements	Signed performance agreements as percentage of total number of SMS members
Salary level 14	1	1	1	100%
Salary level 13	3	3	3	100%
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>100%</b>

**Table 47: Signing of performance agreements by SMS members as at 31 March 2024**

## Leave utilisation

The Public Service Commission (PSC) identified the need to carefully monitor sick leave within the public service. The following tables show the utilisation of sick leave and disability leave.

Salary band	Total days	Percentage days with medical certification	Number of employees using sick leave	Percentage of total employees using sick leave	Average days per employee
Lower skilled (Levels 1-2)	16	31.25%	1	68.75%	16
Skilled (Levels 3-5)	66	22.73%	13	77.27%	5.07
Highly skilled production (Levels 6-8)	194	21.65%	27	78.25%	7.185
Highly skilled supervision (Levels 9-12)	61	3.28%	17	96.72%	3.59
Senior management (Levels 13-16)	1	0 %	1	100%	1
<b>Total</b>	<b>338</b>	<b>18.93%</b>	<b>59</b>	<b>81.06%</b>	<b>5.73</b>

Table 48: Sick leave utilised for the period 1 January 2023 to 31 December 2023

Salary band	Total days	Percentage days with medical certification	Number of employees using disability leave	Percentage of total employees using disability leave	Average days per employee	Estimated cost
Skilled (Levels 3-5)	-	-	-	-	-	-
Highly skilled production (Levels 6-8)	36	100%	1	50%	28	R 29 859,19
Highly skilled supervision (Levels 9-12)	20	100%	1	50%	28	R 31 583,88
Senior management (Levels 13-16)	-	-	-	-	-	-
<b>Total</b>	<b>56</b>	<b>100%</b>	<b>2</b>	<b>100%</b>	<b>28</b>	<b>R 61 443, 07</b>

Table 49: Temporary incapacity leave (temporary and permanent) for the period 1 January 2023 to 31 December 2023

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (Levels 1-2)	7	7	1
Skilled (Levels 3-5)	181	9.526	19
Highly skilled production (Levels 6-8)	359	9.702	37
Highly skilled supervision (Levels 9-12)	214	9.727	22
Senior management (Levels 13-16)	54	13.50	4
<b>Total</b>	<b>815</b>	<b>49.4559.819</b>	<b>83</b>

Table 50: Annual leave for the period 1 January 2023 to 31 December 2023

It is important to note that the above table only reflects the leave taken between 1 January and 31 December 2023. The average days per employee do not take into account any leave credits remaining from the 2022 leave cycle.

## Labour relations

The following tables show the various labour relations matters dealt with in the year under review per all staff categories.

Outcomes of disciplinary hearings	Number	Percentage of total
Abscondment	0	-
Disciplinary hearings finalised	5	83.33%
Pending	1	16.66%
Appeal upheld	0	-
<b>Total</b>	<b>6</b>	<b>100%</b>

Table 51: Misconduct and disciplinary hearings finalised for the period 1 April 2023 to 31 March 2024



Type of misconduct	Number	Percentage of total
Fraud /Corruption	5	83.33%
Absence without leave	1	16.66%
<b>Total</b>	<b>6</b>	<b>100%</b>

*Table 52: Types of misconduct addressed at disciplinary hearings for the period 1 April 2023 to 31 March 2024*

Grievances	Number	Percentage of total
Number of grievances finalised	0	100%
Number of grievances pending	0	100%
<b>Total number of grievances lodged</b>	<b>0</b>	<b>100%</b>

*Table 53: Grievances logged for the period 1 April 2023 to 31 March 2024*

Disputes	Number	Percentage of total
Number of disputes upheld	1	33.3%
Number of partially upheld	-	-
Number of disputes dismissed	-	-
Pending disputes	2	66.6%
<b>Total number of disputes lodged</b>	<b>3</b>	<b>100%</b>

*Table 54: Disputes logged with councils for the period 1 April 2023 to 31 March 2024*

### Skills development

JICS approved bursaries for seven staff members to pursue higher qualifications. The fields of study are shown below.

Field of study	Number of bursaries
BCom Law	1
LLB	1
Post Graduate Diploma in Public Management	1
National Diploma: Public Administration	1
Bachelor of Science (Hons) Information Technology	1
Diploma in Criminal Justice	1
Avanced Diploma in Management	1

*Table 55: Bursaries granted to JICS staff for the academic year 2024*

### Injury on duty

None cases reported.



# G

## INFORMATION TECHNOLOGY

**Purpose:** IT sub-directorate at JICS plays a critical role in ensuring effective business process operation and strategic alignment. It achieves this by providing a reliable, integrated and secure ICT infrastructure and supporting business application systems. This infrastructure includes hardware, software and network components that enable JICS to function efficiently.

JICS relies heavily on several DCS transversal systems, such as the BAS, LOGIS, and PERSAL. The IT sub-directorate provides comprehensive network support within JICS, addressing all network-related issues. Additionally, IT personnel assist JICS regional offices with hardware, software, and network troubleshooting and support.

## Projects

### Distribution of computers for ICCVs in the Correctional Centres

JICS IT has successfully deployed 107 computers across various correctional Centres nationally. These installations were strategically planned based on the confirmed workspace availability for ICCVs. JICS remains committed to equipping all correctional centres with computers with the aim of providing ICCVs with the necessary tools for efficient work. This will enable real-time online reporting to regional offices, facilitating timely action.

### Development and integration of JICS Management Information System into DCS E-Corrections

DCS's e-Corrections system has been successfully implemented in numerous correctional centres. This system significantly enhances DCS's reporting capabilities, particularly regarding mandatory reporting of deaths, mechanical restraints, segregation and the use of force. JICS officials have been enrolled in the system, allowing for improved monitoring of these mandatory reports by DCS. In addition, JICS is currently developing a separate internal reporting system to complement e-Corrections.

### Development of JICS mail server & website

JICS has initiated the process of migrating its Active Directory, email exchange, and website to a cloud server solution offered by the State Information Technology Agency (SITA). This migration is necessary as the current on-premises server infrastructure utilises outdated and unsupported technologies (Windows Server 2012 R2 and Microsoft Exchange Server 2010). SITA submitted a cloud migration proposal for DCS approval.

JICS is in the process of implementing a migration of the current DCS data line to the JICS account through SITA. Currently, 359 user profiles and mailboxes are actively managed on the existing JICS domain (jics.gov.za).

A service provider, Wolf I/O, has been appointed to develop a new website independent from DCS. DCS developed the current website, and it includes a link to the DCS URL "jics.dcs.gov.za"

## Challenges

JICS is currently part of DCS's network infrastructure. This dependency presents challenges, as changes implemented on DCS servers can inadvertently impact the JICS network and email functionality. JICS deployed a website into the server, and that configuration affected the DCS emails. Previously, a trial of the Mimecast firewall by DCS, without proper configuration for the JICS domain, disrupted JICS email services for two weeks. Similarly, the subsequent rollback to the synaq firewall configuration, again without including JICS, resulted in another three weeks of email downtime.

Another challenge currently is a very slow network within the JICS offices due to low bandwidth. JICS cannot increase the network bandwidth due to shared data line with DCS.

## Achievements

- Migration and upgrading the telephone systems to the newly acquired offices in Centurion.
- Procurement of a wireless network for Head Office and NMR.
- Procurement of LAN cabling and configuration for the Head Office, NMR and Cape Town administration offices.

A total of 47 JICS officials have been successfully enrolled in the DCS e-Corrections system. An additional 24 computers have been deployed in correctional centres. This brings the total number of desktops installed countrywide to 107 during the reporting period. JICS has established and maintains 359 user profiles and mailboxes within the active directory on the jics.gov.za domain.





# H

## COMMUNICATIONS AND MEDIA

## The importance of effective communication

JICS acknowledges the importance of implementing effective and innovative communication strategies. This ensures that personnel remain well-informed about their daily responsibilities, particularly regarding online security and information confidentiality. JICS recognises that transparent and concise communication cultivates a knowledgeable and compliant workforce.

JICS has a distinguished track record of ensuring that staff members understand their roles in accomplishing shared objectives. This method has resulted in favorable outcomes, such as advancing public health initiatives and preserving the organisation's reputation. Moreover, it underscores JICS's commitment to reporting to stakeholders and raising public awareness.

In light of the rapidly increasing speed and accessibility of information dissemination, there is a pressing need for responsible, transparent, and meticulously crafted communication. Accurate data are important for various societal stakeholders as they navigate critical decision-making processes. Despite the inherent complexities associated with this task, JICS remains steadfast in its dedication to safeguarding the public interest, particularly within the context of today's interconnected world.

## Media engagement

Throughout the 2023/2024 performance cycle, JICS actively engaged with the media. This included promptly addressing media inquiries, staying abreast of industry developments, providing relevant information to the public and staff, and promoting knowledge and awareness.

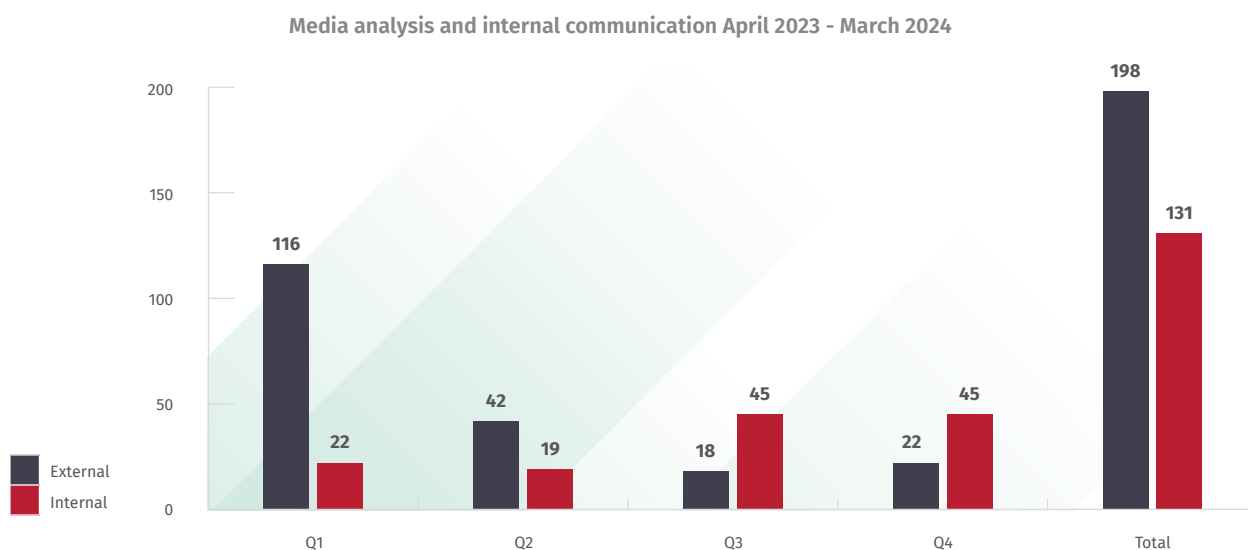
JICS acknowledges the potential impact of the Protection of Personal Information Act 4 of 2013 (POPIA) and the Promotion of Access to Information Act 2 of 2000 (PAIA) on media interactions. For this reason, JICS opted to release its investigation report on the Phoenix inmates to the families of the affected inmates and to the public. JICS is often requested to provide its views on matters of interest to the media or to release its reports to the public. As an oversight body, transparency and information sharing are key to the organisation's mandate.

One example of JICS's commitment to transparency is the release of the redacted report on an unannounced inspection of Pietermaritzburg Correctional Centre—i.e., without names of officials or inmates to the *Witness newspaper* in November 2023. JICS considers it prudent to redact certain information to afford identity protection to inmates and officials named in the report.

A summary of JICS's media activities for this period is presented in Graph 30.

## Internal communication

JICS maintains internal communication through multiple channels, including email and WhatsApp groups, to promote transparency and inclusivity. The Communications Unit uses various communication products, such as social media graphics, videos, and television and radio messages, to keep staff and the public updated and engaged. These tools will continue to be utilised to ensure effective communication.



**Graph 31: Media engagement and internal communication for the 2023/2024 performance cycle**

## Matters reported

### Publications

**JICS quarterly reports and annual report:** The JICS Annual Report 2022/2023 and its summary were successfully submitted to Parliament within the designated timeframe. The Annual Report was tabled, followed by a well-received presentation to the Portfolio Committee on Justice and Correctional Services (PC) on 12 October 2023.

**JICS's Phoenix Investigation Report:** The investigation emanated from the aftermath of the 2021 unrest—later labelled a failed insurrection—in KwaZulu-Natal. Following the unrest, arrests were made in Phoenix. Those arrested were detained at Durban Medium A Correctional Centre. Fifteen of these detainees submitted complaints to JICS alleging inhumane and degrading treatment. JICS was obliged to investigate the allegations.

An investigation report titled “Deliberate Indifference” was compiled and shared with DCS for comments and inputs. The report concluded that DCS officials acted with deliberate indifference toward the detainees. This led to one rape and one death among these detainees.

JICS and DCS agreed to establish a task team to look at the JICS report. When further engagement by DCS was not forthcoming, JICS released the redacted report to family members, the PC and the Ministry. After releasing the investigation report to the public, there was a report from the JICS region in KZN that there were allegations that inmates implicated in the Phoenix unrest were treated unfavourably and/or victimised. EXCO instructed the region to monitor and report on the treatment of affected inmates and continues to do so.

In June 2023, an official JICS statement was sent to the media to update the public on the latest information related to this matter.

**Solitary confinement reports:** JICS received several requests from inmates, their legal representatives and media for its reports on solitary confinement at supermaximum security prisons, namely Kgoši Mampuru C-Max and Ebongweni Supermaximum Correctional Centres. JICS shared its reports whenever requested.

**Branding activities:** In December 2023, calendars and diaries for 2024 were delivered and distributed to all JICS regions. Additionally, copies of the JICS Annual Report 2022-2023 were distributed to all regions.

### Social media presence

JICS launched its official social media presence on Twitter on 1 March 2022, following the implementation of the Social and Digital Media Policy and Social Media Standard Operating Procedure. The account was subsequently rebranded in July 2023 by the new owners and named it “X”. JICS's directorates actively encourage staff to contribute content for the X account, aiming to strengthen JICS's social media visibility. It is important to acknowledge the growth of the former Twitter account, particularly considering its focus on information dissemination rather than fostering extensive engagement, which aligns with the organisation's mandate and sector. However, ongoing changes implemented by the new ownership of the X platform make analysis of past performance challenging.

	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
Tweets	10	6	12	8	13	10	16	19	12	7	5	5
Tweet impressions	8 813	3 064	3 418	3 162	3 502	2 182	1 385	3 782	3 365	#	#	#
Profile visits	5 602	503	1 069	474	*	*	*	*	*	*	*	*
Mentions	98	24	15	2	*	*	7	*	*	4	4	2
New followers	175	42	8	13	16	9	8	10	9	8	18	10
Total followers	688	730	738	751	767	776	784	794	803	811	829	839

**Table 56: Twitter/X engagements for the 2023/2024 performance cycle**

\* Information outstanding due to continued maintenance and upgrades to the X Application

# Due to the continued changes and upgrades on the X Application, the tracking facility for this activity has been removed



## Campaigns

**Books for dignity campaign:** In 2021, JICS initiated a books campaign to donate books to needy correctional centres in contribution to efforts at encouraging inmates to read as part of their development and rehabilitation. Since the campaign's inception, JICS has collected books from various parties and distributed them to correctional centres. The project is fully supported by the DCS National Commissioner and HCCs, who have designated DCS officials in the Department's regions to assist by facilitating the receiving and distribution of donated books.

JICS is proud to have partnered with the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) to assist with collecting and delivering books to correctional centres. JICS and NICRO planned to officially launch the campaign; however, due to budgetary constraints, the launch was cancelled. Nevertheless, a Memorandum of Understanding (MoU) delineating the collaboration between JICS and NICRO for the Book Donation Campaign is in process, and the campaign continues to flourish.

**Incarcerated Women campaign:** in light of numerous complaints regarding the lack of adequate hygiene products for incarcerated women, JICS launched a campaign to collect and distribute hygiene products to female correctional centres. This campaign received generous support from various entities, including Group One Advocates, the public, JICS staff, and NGOs. It involved collaboration with municipalities, Legal-Aid South Africa, and non-profit organisations. The campaign ended in August 2023 as per JICS EXCO's decision. Nevertheless, JICS continues to distribute outstanding donations to correctional centres in need.

## The office of the IJ's complaints register

Though JICS's Complaints Unit and regions facilitate the resolution of complaints, inmates and their family members frequently contact the IJ to lodge complaints. To record these complaints and ensure their speedy resolution, a complaints matrix was created. The Office of the Inspecting Judge, Complaints Unit, and DMR should constantly update the matrix to reflect new complaints, steps taken, and feedback. Unfortunately, feedback on this tool is intermittent, though steps are being taken to ensure regular updates and feedback.

The IT sub-directorate is developing an automated acknowledgement system for complaints. While encountering network challenges, alternative measures are in place, including monthly feedback loops by DLS and DMR.

## IJ summary of engagements

### Correctional centre visits

The CSA mandates the IJ to conduct inspections in correctional centres and remand detention facilities. These inspections by the IJ may be pre-arranged or unannounced. During the 2023-2024 performance cycle, the IJ and a team of senior managers conducted unannounced inspections at Ekuseni Youth Centre and Vryheid Correctional Centre (rated unsatisfactory) in KZN. Ekuseni was rated as good. The team further undertook unannounced inspections in St Albans Maximum, rated unsatisfactory, and Port Elizabeth Correctional Centres in the Eastern Cape, rated as good.

The IJ's unannounced inspections are conducted to follow up on regular inspections by JICS's Inspectors, where areas of concern have been identified. Unannounced inspections afford JICS an opportunity to confirm the Inspectors' findings and make further recommendations to DCS.

## Strategic engagements

### Meetings with the Minister and the Deputy Minister

The IJ and JICS leadership met with the Minister and his team in May 2023 to discuss impediments relating to lifer parole; a JICS memo proposing reforms to the lifer parole system; JICS comments on the draft parole position paper; progress towards attaining JICS's independence; the Cabinet memoranda on constituting JICS as a NGC and the JICS Draft Bill.

Parole is not strictly part of JICS's mandate. However, JICS receives complaints from inmates about their eligibility for release on parole and how their profiles are handled. It seems clear to JICS that this impacts conditions of detention and the treatment of inmates, which are within JICS's mandate. For this reason, JICS has prioritised addressing the challenges faced in the parole process by engaging the Ministry, NC and NCCS.

### Meetings with Portfolio Committee on Justice and Correctional Services

In May 2023, the IJ gave an introduction on the budget presentation for the 2023/24 financial year to the Portfolio Committee. The IJ, CEO and the JICS Executive briefed the Minister on JICS's 2022-2023 Annual Report in preparation for his political overview of the Department's annual reports to the Portfolio Committee in October 2023. In the same month, the IJ gave an introduction to JICS's presentation of its annual report and performance plan to the PC during the 2022-2023 performance cycle. The escape of inmate, Mr Thabo Bester, beset DCS, DoJ, the SAPS and Mangaung Correctional Centre in 2022. The Committee summoned DCS, JCS and G4S to give their

account of the incident. The IJ led a JICS delegation to Parliament for a briefing to the Committee on 4 April 2023.

### **Meetings with the NC**

JICS's Executive meets the NC quarterly to discuss matters related to JICS's mandate and DCS's support. During the performance cycle under review, the two entities met to discuss JICS's organisational form, funding model, CSA amendment Bill and JICS draft Bill; solitary confinement, implementation of nametags by DCS, state of centres with critically unsatisfactory infrastructure; actioning of segregation appeals; allegations of DCS's Emergency Response Team (ERT) misconduct during cell searches; DCS's operational issues at Ekuseni Youth Centre; telephones in correctional; update on rollout of e-Corrections; and parole matters. All agenda items are critical to JICS's mandate.

### **Communications with the Ministry, PC and NC**

With the support of the CEO and the JICS Executive, the IJ engaged the Minister, Deputy Minister, NC, and the Portfolio Committee on Justice and Correctional Services (PC) in writing. During the period under review, JICS continued to engage the above mentioned strategic stakeholders on JICS's independence, the formation of JICS as an independent government component, the finalisation of the JICS Bill and the CSA Amendments, and comments on the recommendation of the seminar held in March 2024 on the outcomes of the Ebongweni mental health study. As a result of JICS's proactiveness on matters that affect its functioning as an independent oversight body in corrections, at the time of compiling this Annual Report the CSA Amendment Act 14 of 2023 had been enacted. JICS continues to follow up on the finalisation of the JICS Bill.

The IJ also wrote to the Minister and NC on parole board dysfunction, lifer parole reform, the crisis of state patients in correctional centres, and various challenges and policies in correctional centres.

### **Other stakeholder engagements**

#### **NCCS**

JICS and the NCCS established a Sub-Committee to engage on matters of mutual interest, especially parole and the functioning of the Correctional Services Parole Boards. The Subcommittee meets quarterly. Dominating discussions at these engagements are the issues of parole board dysfunction and the crisis of the lifer parole process, with the objective of finding solutions to them.

JICS and the NCCS have finalised a draft memoranda on potential reform on these topics and submitted it to the Minister.

The IJ also attended a Colloquium on Restorative Justice hosted by the NCCS, with DCS officials and academics in attendance.

#### **NPM**

JICS is a member of the NPM, which the SAHRC coordinates. It is tasked with monitoring places of detention in terms of South Africa's international law obligations under the OPCAT. During the period under review, the IJ and the JICS team made strategic inputs in support of the NPM's work. They recommended a working structure for the NPM and attended several meetings of the NPM Steering Committee.

The IJ attended visits to places of detention with the NPM in Mpumalanga and produced a report on the inspection visit to Barberton Maximum, conducted on 27 November 2023.

### **Internal JICS engagements**

#### **Executive Committee meetings**

JICS is under the IJ's control, and to this end, the IJ participates in engagements with JICS managers and staff, as well as with stakeholders who share JICS's strategic objectives. The IJ meets the JICS Executive monthly to receive reports and updates on JICS's mandate and undertakings made during previous engagements with them.

The IJ monitors the effective functioning of JICS, the Executive, and the JICS directorates through monthly EXCO meetings. EXCO is a crucial platform that gives the IJ the opportunity to receive real-time updates of JICS's state, guide its strategic direction, follow up on undertakings made by the Executive, and offer encouragement and morale support to the Executive, which in turn trickles down to other staff members.

#### **ICCV engagements**

The IJ is frequently invited to participate in the activities of Directorates and regions. For example, during the period under review the IJ attended gatherings for the induction and orientation of ICCVs. He attended and spoke at a JDI training session for ICCVs on the prevention, detection, monitoring and reporting of sexual abuse in detention facilities. He also hosted virtual engagement sessions with the ICCVs in all regions, during which he affirmed the importance of their role, listened to their concerns and facilitated the resolution of their complaints.

## **Engagements with the Judiciary, National Prosecuting Authority, and the NPA**

The IJ and JICS Executive continue to engage the NPA on matters directly impacting JICS's mandate. These include the unaccounted-for or mysterious deaths of inmates in correctional centres without consequences. Although there were no meetings held during the performance cycle, JICS continues to follow up in writing with the NPA on criminal and inquest matters.

### **SAPS**

SAPS is a critical stakeholder in enabling JICS to achieve its mandate. JICS investigations into deaths, use of force, and allegations of corruption in correctional centres often require SAPS's assistance and cooperation. To this end, the IJ and the JICS Executive frequently engage with the SAPS Executive to discuss strategies to strengthen relationships and enhance national, provincial and local cooperation. SAPS designated focal SAPS officials in provinces tasked with engaging with JICS and providing feedback on pending matters.

No meetings were held with the SAPS during the period under review. However, JICS continues to engage the SAPS regarding criminal matters that were shared with them to handle.

### **Judiciary**

The judiciary plays a central role in the criminal justice system, and its work directly impacts JICS's deliverables. Judges and judicial officers are empowered by section 99(1)-(2) CSA to visit correctional centres and remand detention facilities. This right makes members of the judiciary in South Africa crucial partners of JICS. To strengthen JICS's relations with the judiciary and encourage judicial officials to visit prisons, the IJ continually engages the Chief Justice, the Prisons Committee at the Constitutional Court, Judge Presidents and the Magistrates Commission to encourage them to visit Correctional Centres.

## **Public engagements**

### **Seminar on mental health and solitary confinement**

In recognition of the crucial role research plays in understanding and addressing mental health challenges within correctional centres, a collaborative research effort was undertaken by the JICS and the University of KwaZulu-Natal (UKZN). In 2023, an exploratory study was conducted to investigate the prevalence of mental illness and associated factors among inmates and correctional officials at Ebongweni Correctional Centre. This research aimed to gain valuable insights into the possible mental health issues prevalence at the facility, with the objective of ultimately informing the development of targeted interventions and improvements in mental health services offered. The findings from this exploratory study were subsequently presented and discussed at a seminar co-hosted by the JICS and the UKZN on 8 March 2024. The Inspecting Judge and his team played a key role in preparing the report for publication and presenting it to the public. The recommendations of the seminar were shared with the Minister, Portfolio Committee and the NC for comment.

### **LGBTQIA+ Pride at Westville Correctional Centre**

The IJ was invited to attend the LGBTQIA+ pride event titled "Looking back and moving forward" hosted by and for LGBTQIA+ inmates at the Durban Westville Correctional Centre in November 2023. He participated as a guest speaker. The IJ's attendance and participation at the event served to highlight the rights of incarcerated members of the LGBTQIA+ community, who are a vulnerable group within the correctional centre environment.

## NOTES





## HEAD OFFICE – CENTURION

Tel: 012 321 0303

### Physical address:

Eco-Origins Block C3,  
349 Witch-Hazel Avenue,  
Highveld Ext 79,  
Centurion, 0169

## CAPE TOWN

Tel: 021 421 1012

Fax: 021 418 1069

### Physical address:

Standard Bank Building (Ninth Floor),  
1 Thibault Square,  
Cnr Long Street and Hans Strijdom Avenue,  
Cape Town, 8001

### Postal address:

Private Bag X9177,  
Cape Town 8000

[www.jics.gov.za](http://www.jics.gov.za)

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