



DETENTION JUSTICE FORUM

FOR RELEASE: 7 September 2015

Detention Justice Forum Calls for Urgent Action In Response to Justice Edwin Cameron's Report on "Sickening Conditions" in Pollsmoor Prison

Constitutional Court Judge, Justice Edwin Cameron released a report this week on his visit to Pollsmoor Remand Detention Facility and Pollsmoor Women's Correctional Centre. The visit was undertaken in April this year, as part of the Constitutional Court's prison visiting project, and the report details the "sickening conditions" he and his clerks witnessed.

The Detention Justice Forum applauds Justice Cameron for undertaking this in-depth inspection of Pollsmoor Remand Detention and Women's Correctional Centre, and producing a detailed and direct report of the conditions. The Forum commits itself to using this report to hold the Department of Correctional Services accountable to the plan of action detailed therein. The Forum also encourages other judges and magistrates to follow the example set by the Constitutional Court judges and to visit on a regular basis prisons in their jurisdictions.

Justice Cameron states:

"The extent of overcrowding, unsanitary conditions, sickness, emaciated physical appearance of the detainees, and overall deplorable living conditions were profoundly disturbing."

Justice Cameron describes the failures of the Department of Correctional Services (DCS) to comply with basic standards required by the Bill of Rights and the Correctional Services Act. These failures have resulted in appalling conditions for the men and women in remand detention:

- Cell conditions are so filthy that detainees have boils, scabies, wounds and sores from lice-infested bedding that has never been washed.
- Detainees are sick and can't access medicines due to persistent stock-outs of basic supplies, including tuberculosis medication.
- The same conditions considered in the *Dudley Lee* Constitutional Court case persist in Pollsmoor. Ventilation is still unaddressed, with the air "so thick, one could cut it with a knife".
- Little HIV testing occurs, and inmates who require anti-retroviral treatment remain undiagnosed. Detainees are locked in their cells for 24-hours a day and some are only given a chance to exercise once a month.
- Toilets do not flush and inmates cannot take showers due to broken plumbing.
- Stuck in conditions that are 300% overcrowded, detainees are extremely idle and frustrated.
- Detainees are treated "worse than animals", and reported being assaulted by officials.

In addition, people detained solely due to their alleged status as "undocumented migrants" are held in the same cells as the criminally accused, against international standards.

The entire report merits reading to understand the extent of the abusive conditions that men and women in Pollsmoor Remand Detention experience.

Justice Cameron's visit was conducted together with the DCS Regional Commissioner, Delelike Klaas and other senior correctional officials, who worryingly, seemed just as shocked as the Constitutional Court Judge and his clerks by the conditions.

The report contains clear and achievable recommendations for urgent implementation, which the Pollsmoor Area Manager, Freddy Englebrecht, has compiled. These seek to ensure compliance with elementary standards and Constitutional requirements, such as clean bedding, three meals a day, access to medicines, reading materials, daily exercise, and separating alleged undocumented migrants from other detainees.

Justice Cameron has also made recommendations to address systemic causes of the abusive conditions in Pollsmoor. These include inadequate resourcing, staff to inmate ratios, overcrowding, access to health care, improved cooperation with the Judicial Inspectorate for Correctional Services, and addressing infrastructural failures.

The members of the Detention Justice Forum would like to register their deepest condemnation of the state of affairs described in the report, and call on all South Africans of good conscience, especially those working in the branches of the justice system, to ensure such human rights violations are stopped.

Endorsed by the following organisations:

- Centre for Applied Legal Studies
- Centre for the Study of Violence and Reconciliation
- Civill Society Prison Reform Initiative
- Egon A. Oswald Attorneys At Law
- Footballers for Life
- Just Detention International - SA
- NICRO
- Restorative Justice Centre
- SECTION 27
- Sonke Gender Justice
- Treatment Action Campaign
- Wits Justice Project

ENDS

Notes to the Editor:

The Detention Justice Forum (DJF) consists of civil society organisations concerned with detainees' rights. It was established in March 2012 with the explicit aim to ensure that the rights and well-being of those who are detained are respected and upheld, as enshrined under the South African Constitution, laws, and international human rights norms and standards.

Coordinating Committee contacts:

Emily Keehn
Manager, Policy Development
& Advocacy
Sonke Gender Justice
emily@genderjustice.org.za
C: 072 225 6041

Sasha Gear
Programme Director
Just Detention International –
South Africa
sgear@justdetention.org
083 565 7318

Nooshin Erfani-Ghadimi
Project Coordinator
Wits Justice Project
nooshin.erfani-ghadimi@wits.ac.za
084-283-1445