



CONSTITUTIONAL COURT OF SOUTH AFRICA

REPORT: KGOŠI MAMPURU II CORRECTIONAL CENTRE (FEMALE)

Visit by Justice Froneman, accompanied by his law clerks, Sam Masombuka, Carol Hoang, Rebecca Rattner and Imraan Abdullah.

Purpose of the visit

[1] This visit is governed by section 99 of the Correctional Services Act, 1998 which allows Judges to inspect correctional centres. It was explained that Justice Froneman is from the Constitutional Court and that each of the Constitutional Court Justices try to visit two prisons per year. The purpose is to enquire about problems that the prison staff and offenders have or are experiencing and to observe the whole administrative system of a particular centre. It was explained further that if offenders had complaints which they wanted to discuss in private, this would be allowed. It was also made clear that we could not assist individual offenders with complaints about reversing convictions or lowering their sentences and that our primary focus would be on the every-day conditions and operational challenges confronting the correctional facility generally.

Introduction to Kgoši Mampuru II Correctional Centre (Female)

[2] This visit took place on Tuesday, 11 December 2018 between 11h00 and 14h00 at Pretoria. We were welcomed by Ms Ruth Mokoka, who gave us a broad outlook of the daily operations and kinds of challenges that confront the facility. We thank her for her warm welcome and the time she dedicated to assist us.

[3] Ms Mokoka explained that this section of the correctional facility holds only female inmates, including remand detainees, youth offenders and the children of female inmates. Ms Mokoka gave us the following figures for the inmates in the facility on the date of our visit:

- (a) 224 inmates in total
- (b) 164 sentenced inmates
- (c) 61 remand detainees
- (d) 7 juvenile inmates
- (e) 5 babies¹ (one baby left with the mother for court)
- (f) 4 elderly inmates (over 60 years old)
- (g) 63 foreign nationals (Zimbabweans comprising the most, at 33 inmates)
- (h) 9 inmates serving life sentences

[4] In particular, Ms Mokoka drew our attention to the following challenges:

- (a) There are serious challenges of overcrowding. Overcrowding was exacerbated rather than resolved after the National Overcrowding Task

¹ Babies are allowed to stay with mothers in correctional facilities until they turn two years old.

Team initiated forced transfers in 2018. The total number before the transfers was 296, and after is 222, however, these numbers fluctuate day to day. The centre is supposed to hold far fewer.

- (b) Due to overcrowding, there is a separate 'mixed' cell that contains sentenced and unsentenced mothers, babies, juveniles and elderly people (over the age of 60);
- (c) There is no hospital facility – rather there is simply a clinic. Neither is there pre and post-natal care available for mothers and babies. Instead, mothers and babies must be taken off-site to a hospital to receive appropriate medical care and attention;
- (d) There is no dining hall or kitchen. The food is transported from another section of the correctional centre complex. Inmates must eat in their cells;
- (e) There are personnel challenges due to the shift system. Ms Mokoka confirmed in a later email that the total number of staff is 99.

[5] Ms Mokoka allowed us to inspect the following areas in the facility:

- (a) Hair salon
- (b) Library
- (c) School
- (d) Admissions
- (e) Medical wing
- (f) Cells (A1, B1, D1)

Hair Salon

[6] The hair salon is a positive feature of the correctional facility that allows inmates to obtain training from outside the facility to work in the salon and an opportunity to earn. Both inmates and facility personnel use the hair salon. In particular, there were juveniles getting their hair done at the salon. Further, the salon was busy and brightly lit. There were also various forms of salon equipment.

[7] Ms Mokoka noted that the main challenge for the hair salon was space. The salon was crowded and the inmates worked in tight spaces.

Library

[8] The library is another positive feature of the correctional facility. The library had desks and chairs, a few shelves of books, as well as laptops and a kettle. There was an abundance of natural light in the library.

[9] We observed a few inmates using the library during our visit, including Maddeleen Bredenhann who has been undergoing self-study for 10 years at the facility and recently obtained a Masters in Law. She is currently studying financial accounting. She explained that she was extremely grateful for the opportunity to study whilst at the facility.

School

[10] The school is located downstairs from the library. It comprises of 3 classrooms. There was 1 classroom in operation during the visit. This classroom had lots of natural light. It also had desks and chairs and computers.

[11] The total number of computers in the school is 5. Computer practice is offered by the school.

[12] The total number of teachers is only 2. There are also 12 facilitators who are inmates with teaching qualifications. These facilitators are paid.

[13] We were informed by Ms Mokoka and one of the teachers in the classroom that there is an insufficient number of teachers. Another challenge is that the school does not offer grade 10 or 11. This means that after the completion of grade 9, students must proceed to matric studies. Accordingly, the results for matric are usually poor.

Admissions

[14] Inmates are assessed for fitness to be admitted by a case assessment official – this includes an assessment of their health and medical needs and if they have any mental illness(es). During this process, inmates will be taken to a social worker or psychologist if deemed necessary. As a precautionary measure, family members of inmates are contacted before medicine is administered.

[15] The Supervisor of Admissions complained to us that all aspects of admissions take place in one office, which is too small and congested; the ventilation and airflow is also poor. The Supervisor also stated that the office is understaffed with only 6 staff members available. She further complained that there was not enough privacy to search incoming inmates.

Medical clinic

[16] As mentioned above, there is only a medical clinic available in the facility. The clinic staff comprise of 2 clerks, 1 doctor (visits 3 times a week), 4 nurses (permanent), 1 dentist (visits once per week), and 1 psychologist (visits once per week).

[17] The staff explained that the main challenge was the lack of birth facilities – this means that mothers must be taken off site to give birth. Post and pre-natal care must also be delivered off site at a hospital. They also complained that there is a personnel shortage in the clinic as there should ideally be 5 nurses. The staff also observed that the main complaint for inmates is that they have difficulty accessing the clinic due to the requirement that they must be accompanied by personnel – however, the correctional facility has inadequate personnel and cannot always be available to accompany inmates.

[18] A private complaint was made by a remand detainee, Lethabile Khulong. She stated that she suffers from depression and takes medication to treat it. However, since

she has been remanded, she has not received her medication due to reluctance from staff to assist her to access her medication.

Kitchen / dining area

[19] As mentioned above, the facility does not have a kitchen or dining area. We were informed by personnel that there is no issue with transporting the food, including no security risk with getting the food from the back door. There is a food collection station in a hall that had a few chairs but no tables. The inmates were served lunch around midday during our visit. They were served with a varied meal comprising of brown bread, pap, mince beef, cabbage, peppers and pumpkin.

[20] We observed inmates eating in the hall, their cells and the library. There were food platters scattered around the facility, raising hygiene problems.

[21] We were informed by Ms Mokoka that the meal times are 8h00 for breakfast, 12h00 lunch, 16h00 or 18h00 for dinner.

Exercise

[22] There are four courtyards in the correctional facility. All inmates receive 1 hour per day to exercise in the courtyards. The surface of the courtyard we were shown was

concrete. Ms Mokoka informed us that there is no sports field but there is a net that inmates use to play games.

Visitation

[23] Sentenced inmates are allowed visitors on the weekend and public holidays. It is very concerning that there is no formal visitation facility. Instead, a courtyard with an overhead cover is used. However, the courtyard cannot be used when it is raining, and instead, visitations take place in the corridor passages. Ms Mokoka noted that this creates a security risk. We also observed that the passages were narrow, allowing only two people to pass through at a time.

Safety and security

[24] There is no CCTV in the correctional facility. Ms Mokoka informed us that there is CCTV only at the main access gate. This is a threat to the safety and security of the inmates and the staff as there is a lack of monitoring and accountability.

[25] It is positive to hear that there have been no escapes in the last two years, and that there are no gangs in this facility. Neither have there been any deaths and or suicides in custody. However, Ms Mokoka noted that there is an issue with visitors bringing in contraband.

Observations of each cell

Cell A1

[26] Cell A houses inmates serving short term sentences of less than 5 years. Ms Mokoka explained that this cell was overcrowded, containing 40 people – however, it is supposed to house only 27 people. The condition of Cell A was the worst of all the cells we observed. Inmates complained of the ventilation –there was only one window for the entire cell, and only 1 shower, 2 toilets and 1 sanitary disposal bin.

[27] Cell A was very cramped with not much space to move around. The bathroom was dirty and extremely mouldy with no window and ventilation. Further, the lighting was very poor, and it was particularly dark towards the back of the cell.

Cell B1

[28] Cell B1 is a mixed cell, with sentenced and unsentenced inmates, juveniles, babies, mothers, and elderly inmates. There were 6 juveniles, 4 pregnant women and 4 babies in the cell.

[29] We were told by personnel that whilst overcrowding in this cell has improved, at times the cell does become overcrowded. There were still spare beds available on the day of our visit.

[30] Cell B1 had the best conditions in comparison to the other cells we inspected. There is relatively good ventilation and lighting. Further, several inmates expressed

that they were happy with the conditions. Another positive feature is the bathrooms. There is a separate room for the bathtub, which was very spacious, and a separate room for one toilet. There was also a small room with sinks to allow mothers to tend to their babies.

[31] One of the guards mentioned that it is a problem to have babies with other inmates as illnesses can transfer to the babies. We also observed the 5 day old baby wrapped in a blanket on the mother's bed – there were no separate sleeping spaces available for the baby (e.g. a basinet). There was also an absence of facilities or equipment designed for babies and young children. Neither was there a designated recreation area for babies. Thus, the only specific aspect of this cell catered for babies and mothers was the separate room with the sinks.

Cell D1

[32] Cell D1 contained remand detainees. It was extremely overcrowded, with 41 people. However, it is supposed to house only 18 people. The conditions in this cell were poor – several of the lights were not working which made the cell quite dark. There were 2 bathrooms, each with 1 shower and 1 toilet. The bathrooms were also dark and mouldy.

[33] An inmate explained that the inmates have access to cleaning products and work together to try to keep the cell clean. However, she recommended that they receive

stronger cleaning products, such as bleach. She further complained that there are sometimes worms coming out of the shower drain. The inmate also complained there is a problem of inmates bullying and harassing each other in the cell. On a positive note, she mentioned that there is always hot water available.

Conclusion

[34] I trust that the general and individual complaints mentioned in this report will be investigated properly and dealt with in an appropriate manner. In particular, it is imperative that the following be addressed:

- (a) Availability of pre and post-natal care at the facility;
- (b) Availability of grades 9 and 10 at the school;
- (c) Overcrowding – in particular, there should be a separate and specialised cell for mothers and babies, as well as a separate cell for juveniles.
- (d) Availability of a dining hall;
- (e) The ventilation in Cells A1 and D1, as well as the bathrooms in these cells;
- (f) The mould in the bathrooms of Cells A1 and D1;
- (g) Availability of a separate visitation centre;

[35] I also hope that the Department of Correctional Services will assist the Centre in overcoming the challenges highlighted in this report, particularly in relation to overcrowding and the availability of pre and post-natal care and schooling for grades 9 and 10. In addition I would urge that special attention be given to correctional facilities

that contain women, mothers, and babies – particularly vulnerable members of society that require specialised facilities and care.

[36] I would like to reiterate my gratitude to the personnel for the gracious and generous way in which we were treated during our visit.

Johan Froneman
Justice of the Constitutional Court

[date]