



## **Family Digest 30**

**May 4<sup>th</sup> 2020**

### **Prison in the Time of COVID-19**

*“Conditions of overcrowding and strained resources mean that correctional centres and their personnel are not able to respond adequately to the health needs of inmates. This imperils both inmates and officials”<sup>1</sup>*

Those who are incarcerated in prisons across the country are a particularly vulnerable and much neglected population group. They are confined in overcrowded conditions where the spread of infection of communicable diseases such as TB and COVID-19 can be rapid. While initial testing conducted in correctional facilities was negative, the situation soon changed and a number of Coronavirus outbreaks in detention centres have been traced back to prison officials who contracted the disease outside the workplace. The first case, at the East London prison, was of a staff member who fell ill after attending a funeral in the nearby city of Port Elizabeth.<sup>2</sup>

Last week, Justice Edwin Cameron, the Inspecting Judge of the Judicial Inspectorate for Correctional Services (JICS), wrote a letter to the Justice and Correctional Services Minister, Ronald Lamola, requesting the release of some inmates to alleviate overcrowding in prisons and thereby curb the spread of COVID-19. It was suggested that a carefully targeted, selective release of inmates, including those over 60 years old; the frail, sick and terminally ill; petty and nonviolent offenders; as well as inmates with less than one year of their sentences remaining and those approaching their parole date, should be released.<sup>3</sup> It was further suggested that inmates imprisoned with option of paying a fine and foreign nationals detained on immigration-related charges should be released.

The letter pointed out that the UN High Commissioner for Human Rights has urged governments to reduce prison populations and to strive to prevent uncontrollable outbreaks of Covid-19. Governments around the world have already taken significant action to decongest prisons through emergency releases.<sup>4</sup>

Departmental spokesperson, Singabakho Nxumalo, said that the Department of Correctional Services has been screening at all its centres and that medical supplies were being provided continuously, for both inmates and officials. “Improving personal and environmental hygiene, provision of personal equipment, sanitisation and decontamination interventions is what we have been doing and continue to do.”<sup>5</sup> Furthermore, Minister Lamola gave assurances that all infected prisoners had been put in single cells in separate quarantine sites.<sup>6</sup>

Prisons have been in lockdown from the very beginning of the declaration and this has meant a cessation of all visits. Only those lawyers who apply to the department and whose request meets the ‘exceptional cases’ test are allowed to consult with prisoners. Furthermore, National Commissioner

of Prisons, Arthur Fraser, has banned payment of bail or fines at the country's correctional service facilities.<sup>7</sup>

Earlier in the week President Cyril Ramaphosa was expected to announce the release of certain categories of prisoners after the department had done the necessary work, but this has not happened.<sup>8</sup> The number of prisoners and officials with the virus continues to climb and COVID-19 related protests continue in our prisons.

<https://www.timeslive.co.za/politics/2020-04-20-government-bans-lawyer-consultations-with-prisoners/>

<https://www.timeslive.co.za/news/south-africa/2020-04-15-inmates-say-failure-to-test-them-could-see-virus-explode-at-st-albans-after-warder-tests-positive/>

<https://www.timeslive.co.za/news/south-africa/2020-04-20-coronavirus-infections-continue-to-climb-in-sa-prisons/>

<https://citizen.co.za/news/covid-19/2271077/how-sa-has-scrambled-to-isolate-prison-virus-cases-as-infection-spreads/>

<https://www.iol.co.za/the-star/news/release-of-inmates-due-to-covid-19-sparks-violence-in-prison-47022248>

<https://www.news24.com/SouthAfrica/News/coronavirus-correctional-services-records-11-new-cases-20200428>

<https://www.iol.co.za/saturday-star/news/prisoners-fear-coronavirus-threat-47191111>

<https://www.politicsweb.co.za/documents/containment-initiated-as-covid19-cases-increase-->

<https://ewn.co.za/2020/04/27/happy-freedom-day-thousands-of-prisoners-to-be-released-today>

<https://m.news24.com/SouthAfrica/News/president-still-considering-release-of-19-000-inmates-amid-covid-19-outbreak-20200429>

<https://www.dispatchlive.co.za/news/2020-04-28-nine-more-cases-of-covid-19-at-correctional-centres/>

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<sup>1</sup> <https://www.groundup.org.za/article/covid-19-judicial-inspector-asks-minister-release-prisoners/>

<sup>2</sup> <https://www.timeslive.co.za/news/south-africa/2020-04-15-inmates-say-failure-to-test-them-could-see-virus-explode-at-st-albans-after-warder-tests-positive/>

<sup>3</sup> <https://ewn.co.za/2020/04/27/happy-freedom-day-thousands-of-prisoners-to-be-released-today>

<sup>4</sup> <https://www.groundup.org.za/article/covid-19-judicial-inspector-asks-minister-release-prisoners/>

<sup>5</sup> <https://www.iol.co.za/saturday-star/news/prisoners-fear-coronavirus-threat-47191111>

<sup>6</sup> <https://www.timeslive.co.za/politics/2020-04-20-government-bans-lawyer-consultations-with-prisoners/>

<sup>7</sup> <https://www.dispatchlive.co.za/news/2020-04-18-eastern-cape-scrambles-to-isolate-prison-virus-cases-as-infecti>

<sup>8</sup> <https://m.news24.com/SouthAfrica/News/president-still-considering-release-of-19-000-inmates-amid-covid-19-outbreak-20200429>