

Response

Constitution Hill, stories and silences of 'heritage'

In the last *Bulletin* Solly Setlhako celebrated Constitution Hill. **Karl von Holdt** responds by looking at the seamier side of this heritage.

Constitution Hill is indeed a wonderful place. As you pass from jail cells to exercise yard in the Old Fort prisons, as you read the stories and study the photographs, the museum tells a powerful story about jail and apartheid and oppression. Next to the prison buildings rises the bright airy structure of the Constitutional Court, filled with beautiful artwork celebrating the miraculous birth of a new democratic order. Constitution Hill is, as Solly Setlhako wrote "symbolic of the triumph of the human spirit over adversity."

So we no longer have prisons in South Africa. We no longer have prisoners incarcerated under intolerable conditions. The visitor to Constitution Hill can be forgiven for drawing this conclusion at the end of her tour. Prisons have become museums where we gasp at the horrors of our past. They have been replaced by the Constitutional Court.

Except that we do have prisons, 240 of them. We also have prisoners, 155 000 of them at the end of December last year. Since the end of apartheid the prison population has increased dramatically from 116 000. We now have the ninth biggest prison population in the world, 15th in the world measured by rate of imprisonment per 100 000 population. In the miracle nation? In post-apartheid democracy? This should worry us.

The prisons were only built for 105 000 prisoners, and overcrowding has ranged between 140% and 170% over the past two years. Overcrowding varies from prison to prison, with some only a half or quarter full. At times Johannesburg Medium B has been 370% full, Bizana 590% full and Umtata Medium C 340% full.

The Department of Correctional Services calculates jail capacity on the basis of roughly 3.4 square metres per prisoner in a communal cell. Overcrowding means that the inmate of a communal cell has just under 2.1m². In Europe 9-10m² is regarded as desirable, while 4m² is the minimum. South African prisoners have half this, and prisoners in the most overcrowded jails far less.

Overcrowding on this scale is a human rights abuse. But overcrowding is the source of further abuses. Crowded jails are more difficult to control and secure. This means that prison gangs, violence, rape and corruption are common. Understaffing means that prisoners cannot get the recreational time, exercise, health care or rehabilitation that they require. The number of natural deaths in prison increased from 211 in 1996 to 1 683 seven years later, reflecting the HIV/AIDS pandemic in jail.

Under these conditions, prisons are unlikely to reduce crime. Indeed, they are likely to provide training

grounds for crime and violence. At the same time, frightful conditions for prisoners undermine our claim to have transcended apartheid by creating a society which respects human rights. As Nelson Mandela, the most famous ex-prisoner in the world, wrote in his autobiography, "No one truly knows a nation until one has been inside its jails."

If this is true, a visit to Constitution Hill tells us a lot about our past, but it tells us little about our nation today. Indeed, the story it tells about the present makes prisons and the stories of those who inhabit them invisible. Thus the 'heritage' industry which is so fashionable in the new South Africa tells stories we want to know and suppresses those that disturb us too much.

Of course, the Constitutional Court is real. The Constitution states that prisoners have the right "to conditions of detention consistent with human dignity, including... the provision, at state expense, of adequate accommodation...". One day the invisible prisoners will bring their stories to this Court - a Court created by the struggle against apartheid which belongs to them too.

Then we will see whether our society is prepared to regard prisoners as human beings, or whether it prefers to relegate them to dungeons where we lock away all that we find most threatening. ■