

Slave labour?

reforming the prison system

In 1983 eight warders from the Barberton prison appeared in court. They were charged with murdering three prisoners and assaulting four others

The warders had been in charge of a work party on the site of a dam near the prison in December 1982. They had made the prisoners push wheelbarrows full of gravel uphill, in the full sun. The temperature that day was 35 degrees. When the prisoners showed signs of exhaustion, with some collapsing, the warders beat them with rubber truncheons. Three died on the spot. The doctor who examined the other prisoners testified that they were suffering from heat stroke, delirium and bruising.

Evidence

Thirty four prisoners agreed to give evidence against the warders, but when the trial opened, they refused to testify, unless the court could guarantee that they would not be returned to Barberton prison. They claimed that they had been threatened and that they feared for their lives. They asked that they be kept together, in one cell, so that if one was killed there would be others to tell the story

The hearing was moved. The story the prisoners told threw new light on the techniques used to 'break' prisoners.

This particular group of prisoners had been transferred from Durban. They began their journey at two in the morning. They travelled for 15 hours, shackled in pairs, in a closed van, with no food or water, and no

South Africa suffers from an extremely high crime rate. Our prisons are overcrowded. The work prisoners do is demeaning and unrewarding. Jean Middleton suggests reforms to the prison system which offer hope for genuine rehabilitation.

stops to relieve themselves. When they arrived in Barberton, they were pulled out of the van, still shackled, and assaulted. They were taken out to work the next morning. Evidence was given in court that the acting head of the jail said they should be beaten because they had sworn at a warder the day before.

Prison regulations state that new arrivals should not be put to work until they have had a medical examination. Two of the prisoners were asthmatic. One of the two died at the dam. The warder who was the 'prison medical officer' admitted to the court that he had no thermometer in his medical bag and that he knew nothing about the symptoms of heat exhaustion.

Intimidation

The prisoners told the court that the prison authorities had used all kinds of methods to prevent them from giving evidence. Some

had been put into solitary confinement. Their letters home were not posted. They were offered better food if they refused to testify. One man had been deprived of five meals on the days before the case.

After the trial, questions were put to the House of Assembly in Cape Town. It emerged that 199 prisoners had died in South African jails between July 1981 and June 1982. One hundred and fifty seven were said to have died of 'natural causes'.

Current situation

All this happened 16 years ago? What of today?

The number of deaths remains unchanged. According to the Department of Correctional Services, 249 prisoners died in jail in 1995 (the most recent figures available). One hundred and fifty seven are said to have died from 'natural causes' and 22 from suicide. Twenty died after they were assaulted by fellow prisoners and four while trying to escape. Three unsentenced prisoners were shot and nine sentenced prisoners died after being assaulted.

As in the 1980s, the deaths from 'natural causes' seem unnaturally high. This raises the

question as to how natural causes are defined. What about the young diabetic woman who died in prison in 1993 because she was denied insulin? If the 'suicides' were really suicides, what of the despair that lay behind them? At present, the prisons are said to be 200% overcrowded. This can only raise levels of stress and violence.

Change

There have been some positive changes. Prisoners are no longer flogged, and prison labour is not hired out to farmers. The Department of Correctional Services now pays for dental services. In the past, prisoners had to endure the pain of progressive tooth decay until the time came for the tooth to be taken out, at the prison's expense.

It is clear, however, that a thorough overhaul of the prison system is needed.

Debate

The high rate of violent crime in South Africa today dominates news reports. What is usually forgotten is that violence has permeated South African society for a very long time. Racial supremacy was maintained

Censorship

In the past, public debate about the situation in prisons was not possible. The Prisons Act of 1959 forbade publication of any information about prisons or prisoners, unless this information had already been used in a court of law, or if it had been presented in reply to questions asked in parliament.

This censorship was imposed after powerful exposure of prison conditions during the 1950s. After spending some time in prison for a pass offence, Henry Nxumalo, of *Drum* magazine, wrote an article describing the discomfort, indignities and beatings endured by prisoners. A year later, Ruth First co-ordinated an investigation into the conditions under which prisoners worked

on Transvaal potato farms. The ANC called for a boycott of potatoes. The Pretoria government acted in typical fashion. It imposed a blackout on all information.

In the mid-1960s, the *Rand Daily Mail* tested the law by publishing an interview with former political prisoner, Harold Strachan. A heavy fine was imposed on the paper and Strachan went back to jail.

Later, in the 1970s, stories of brutality at Leeuwkop prison were told in court. In the early 1980s, the hearings of the Hoexter Commission of Enquiry into the structure and functions of the courts exposed overcrowding, the number of child prisoners and the size of the prison population in relation to the population as a whole.



Warders at Klerksdorp prison, June 1994.

by force and violence. Evidence at the Truth Commission has shown that, during the apartheid years, police and prisons contributed to the national level of violence.

South Africa is changing. There have been some changes in the police force, but we also need to change the prison system. There is wide discussion about prison security and bail conditions, and the C-max unit, but that's not enough. We need debate about what the prisons are for.

Rehabilitation

This must be a public debate. What is done inside the prisons is done in the name of society at large; the norms of our society are being defended, its standards enforced, its members protected. Prisoners are supposedly being 'rehabilitated' into society's ways. Society at large must therefore decide the principles governing the way the prisons are run. Regulations governing the prisons must be discussed in the national legislative assembly, and established by Acts of parliament.

We should think about the different kinds

of people who commit crimes; and different ways of dealing with them. There are violent psychopaths, such as serial killers and serial rapists. There are the crime bosses, whose money and power outside prison enable them to surround themselves with comfort inside it, and to terrorise other inmates. The vast majority of prisoners are the homeless and jobless who rob and steal out of need. The youngsters who take the risks and hijack cars in exchange for a few hundred rand are exploited by the syndicates. Prisoners are allowed to buy 'extras' with their own money providing, of course, they have any. The majority cannot afford those extras the prisons allow: toothpaste, books or fees for courses of study from outside.

Reform

This information might form a starting point when we draw up new guidelines for prisons in the new South Africa.

Prison commanding officers are too powerful. It is too easy for them to flout regulations concerning their health and welfare. It is also easy for them to lie. Only

warders and prisoners are able to contradict their version of events. It is probably in the warders' interests to support them, and prisoners don't have the ear of the higher authorities.

This situation calls for a monitoring body, which, to be effective, should be established by parliament and independent of the Department of Correctional Services. It should have the right to make its reports public and to put forward amendments to the prison regulations for discussion in parliament. It should have the right to act as an inspectorate, entitled to visit any prison at any time, with the minimum of prior warning, or none, and any prisoner should have access to it.

There are signs that medical care in the prisons is improving, but the monitoring body should have a medical component, able to assess whether the health of any prisoner is deteriorating for want of attention, and to give an independent opinion about the causes of deaths in prison.

Work

The work prisoners do should contribute to 'rehabilitation'. Prison work is demoralising, because it is tedious and pointless, requires maximum physical effort and the minimum of skills, and is usually made unnecessarily difficult.

The purpose of the Barberton work party was clearly punitive. Wheelbarrow torture seems to have been established practice throughout the prisons. Former prisoners on Robben Island have reported similar practices.

In the 1960s women political prisoners washed prisoners' clothes by hand in Barberton Prison. Their white male counterparts sewed mailbags. President Mandela, Mac Maharaj and others ruined their eyes, hacking out the quarry on the Island

There are machines that shift gravel, break rock, sew and wash clothes. Learning to operate these machines could be part of a programme of genuine rehabilitation for longer-term prisoners. All longer-term prisoners should get technical training in prison. They could, for example, also be trained in the use of typewriters and computers.

In some of our prisons, young, awaiting trial offenders are given literacy lessons. All prisoners should have access to these, and other, classes.

Prisoners should be able to perceive the work they do as useful. They will learn a pride in their work, their self-esteem will grow and later on they can use the skills learnt to earn a living in the world outside. Where there is proper training, the goods and services they produce could be sold.

Wages

Prisoners should also earn fair wages. There must be no slave labour, not even in prison. If they earned a decent wage, prisoners would be able to pay for their own keep, as they would in ordinary life. This would answer the arguments of those supporters of the death penalty, who complain that taxpayers' money is being used to maintain life prisoners. It would also solve the problem of pocket-money, for, where pocket-money is permitted, all prisoners should have it, not only the lucky ones.

Prisons might run small enterprises, in consultation with the trade unions. Prison prices should not undercut the prices set by other producers and service providers, and threaten the jobs of workers outside.

Segregation

Education and training are not, of course, the answers to all the problems. There are hard-case prisoners, who are resistant to rehabilitation. In brutal systems, they flourish. Training programmes for prison



Literacy class, Klerksdorp prison, 1994. All prisoners should have access to such classes.

staff – and the need for new training is urgent – should address this question. It is doubtful whether C-max units are very useful. Prisoners have always been segregated for punishment. It shouldn't be too difficult to segregate violent bullies from their potential victims (instead of forming alliances with them) and provide incentives for them to learn different ways of relating to others. In segregation they could work to earn their keep, like other prisoners.

Correctional Services Minister, Siphon Mzimela, has put forward the idea of creating extra prison space by using disused mine shafts. This has rightly triggered revulsion and derision among the public. Granting bail to those accused of violent crimes is also not the answer. We do need to investigate, and experiment with, forms of non-custodial sentences for non-violent crimes, especially first offences.

Information

Habits inculcated by the Prisons Act remain

with us to the extent that the National Institute for Crime and Rehabilitation of Offenders (NICRO) reports it has difficulty in getting information from the jails. In general, the press prints very little about prison conditions.

Reform of the prison system should become part of the drive for transformation in South Africa. Apartheid courts and prisons were as evil in their aims, as harmful in their effects on people, as the system they protected

Our courts and prisons should not be reminders of those bad old days. They should be part of the 'new' South Africa. They can even help to create it. ★

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