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Human rights lawyers win access to Mangaung prison riot report

After years of stonewalling by ministers and officials in the Department of Correctional Services, human rights lawyers from the Centre for Applied Legal Studies have gained access to a report into riots at the Mangaung private prison. It took six years of missed deadlines and ignored letters before the Centre for Applied Legal Studies (CALS) finally won access to a report into violent riots at the Mangaung Prison in Bloemfontein, compiled by the Department of Correctional Services. The facility is one of two privately-run prisons in South Africa and houses 3,000 high-security prisoners. While the company running the prison, G4S, opposed the application by CALS on the grounds that the report would contain confidential information it is not allowed to make public, Pretoria High Court Judge Pierre Rabie ruled that its counsel could not put up a single legal ground for the report to be exempted from the Promotion of Access to Information Act. It was reported that in October 2013 the Department of Correctional Services had to take over control of the prison from G4S following a spate of knife attacks and hostage situations when close to two-thirds of the staff were dismissed. It was reported that the takeover was necessitated because G4S had "lost control" of the facility. CALS requested access to the report held by the Department of Correctional Services, after claims that prisoners incarcerated at Mangaung had been tortured by security personnel, attorney Sithuthukile Mkhize said. "We will still have a discussion about what action we will be taking after receiving the report, but... it is highly likely that we will be taking some form of legal challenge against both the Department of Correctional Services and G4S," she said. "In late 2013, CALS became aware of a number of complaints made public by the Wits Justice Project that people incarcerated at the G4S-run Mangaung Correctional Centre had been tortured by the private security company's personnel. Following these reports and a number of other serious incidents at Mangaung, the Department of Correctional Services took control of the prison and began an investigation. Within 10 months, the department had concluded its investigation and handed control back to G4S." Since then CALS has been trying to get access to the results of this investigation. In November 2014, the Department of Correctional Services confirmed the takeover in response to a question by DA MP James Selfe. The department said the takeover was "in the interest of safety and security" as the management of the prison "had lost effective control". It added that the minimum number of staff were not on duty at the prison and uncertified officers were performing "custodial functions." The care of prisoners was "seriously compromised". "That unsatisfactory situation had led to several unacceptable events and occurrences at the [prison], such as, holding of an official hostage by offenders, burning of mattresses, beddings, work stations and breaking of toilet pots. The offenders and officials were stabbed and there was general decline in the maintenance of discipline and order in the [prison]," the department said. At the time, notices for breach of contract were issued by the department but these were disputed by G4S. In May 2015, the department indicated in response to another question by Selfe that the "investigation into alleged abuse at the prison was ongoing as responses from the Bloemfontein Correctional Consortium (BCC), the entity that subcontracted the management of the prison to G4S, have prompted a number of further investigations". According to Rabie's judgment, the department simply ignored an application in August 2014 by CALS for access to this report. An internal appeal against this de facto refusal for access was also refused. CALS then turned to court, arguing that it was in the public interest for it to gain access as they believed the report would reveal serious contraventions of domestic and international law and describe conditions of detention that were cruel, inhuman and degrading and amounted to torture. The department did not oppose the legal action, indicating it would abide by the ruling of the court. G4S was initially not cited in the legal action, but the company applied to intervene in the matter. G4S's legal team asked for the matter to be heard behind closed doors. This was dismissed by the court. G4S claimed that the report contained information that "may not be disclosed". This included the names and identity markers of employees, inmates, doctors, nurses and health workers; witness signatures of incident reports, police case numbers and plans, diagrams and photos of the prison. G4S offered to make a redacted portion of the report available to CALS, saying that giving full details would have an adverse impact on those mentioned, but also on the "safety and security of inmates, employees and potentially the broader public". Rabie ordered a punitive cost order against G4S to "mark the court's disapproval" of the way the case was conducted. In a statement following the judgment, G4S said, "It is anticipated that G4S South Africa's investment will end in 2026, when [the current] contract expires. In line with the G4S Group strategy, G4S South Africa has no plans to invest further in correctional services in South Africa. "In 2013, G4S South Africa received reports of alleged mistreatment of prisoners at Mangaung prison and, in response,

proposed that a retired judge carry out an independent investigation into the allegations.” The statement added that the judge had found there was no evidence to support the allegations.