

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**PARLIAMENT REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1217**

**DATE OF QUESTION: 01 APRIL 2022**

**DATE OF SUBMISSION: 19 APRIL 2022**

**Mr M G E Hendricks (Al Jamah-ah) to ask the Minister of Justice and Correctional Services:**

(1) Whether, noting that the families of Mr Phaadiel Orrie and Mr Faizel Samsodien who qualify for parole, have raised concerns that his department has failed to communicate for the past two years with the two inmates on the whereabouts of their profiles and that both inmates (details furnished) qualify for parole under the Phaahla-, Van Vuuren- and Van Wyk judgments, he will take steps to locate the profiles of the two inmates; if not, why not; if so, what are the relevant details;

(2) Whether his department will provide clarity on the status of their (a) parole

applications and (b) profiles; if not, why not; if so, what are the relevant details?

**REPLY:**

1. It should be noted that Department of Correctional Services allows offenders to lodge complaints or requests on daily basis, which include enquiring about the status of their profiles. This process has always been available to the mentioned offenders. The whereabouts of the profile reports of both offenders have always been known by the Department. Both profiles are in the final phases of the consideration process.

Both Offenders are serving sentences of life imprisonment. They have benefitted from Phaahla judgment handed down by the Constitutional Court on 03 May 2019, since they were sentenced after 01 October 2004 for offences committed before 01 October 2004. Therefore, they were also allocated maximum credits as per the Van Wyk Judgment. However, this does not mean they qualified for automatic placement on parole.

2(a) The offenders were considered by the Case Management Committee (CMC) and the Correctional Supervision and Parole Board (CSPB) for possible placement on parole.

(b) The profile reports were also considered by the National Council for Correctional Services (NCCS) for possible placement on parole. The possible placement of offenders serving life sentences (lifers) is considered by the Minister in line with section 78 of the Correctional Services Act 111 of 1998. Therefore, the Minister will consider each case on its merit and his decision will be made known to both offenders within a reasonable time after the Minister has made a decision.

**END.**