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| **PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA****NATIONAL ASSEMBLY** |

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1348**

**DATE OF QUESTION: 07 MAY 2021**

**DATE OF SUBMISSION: 21 MAY 2021**

**Mr J Selfe (DA) to ask the Minister of Justice and Correctional Services:**

(1) Whether (aa) certain person (*details furnished*) and (bb) certain person (*details furnished*) who were sentenced to 25 years plus 15 years for murder and robbery with aggravating circumstances in Kroonstad in 2003 were recently paroled; if not, what is the position in this regard; if so, (a) on what date, (b) what factors were taken into account when deciding to release them on parole and (c) what are the conditions on which they were released;

(2) whether either of them has subsequently appeared in court in connection with committing an offence; if not, what is the position in this regard; if so, (a) on what date, (b) at which location, (c) what offence(s) are they charged with and (d) have they been granted bail? **NW1544E**

**REPLY:**

(1)(aa) Yes, the mentioned offender was placed on parole.

(1)(aa)(a) He was placed on parole on 1 November.2019 to 24 April 2040.

(1)(aa)(b) He was placed on parole after completion of 1/3 of his sentence. The offender benefited from the Phaahla judgment since he was sentenced after 1 October 2004 for offences committed in June 2003. This meant that he qualified to be considered for parole after serving a 1/3 instead of ½ of his sentence as this was the parole policy applicable at the time of commission of the offences. He was considered for placement after attending relevant programmes. The placement on parole was subject to placement conditions until expiry of his sentence. The CSPB further considered amongst others the following factors:

* the completion of the legislatively required minimum detention period;
* proof of a monitorable and appropriate support system;
* positive report on conduct and behaviour (including relevant interventions and programmes where applicable);
* proof that rehabilitation/ development took place;
* risk posed to the community/ victim; and
	+ acceptance of the conditions for placement by the offender.

(1)(aa)(c) The Offender was inter alia subjected to the following parole conditions in line with section 52 of Correctional Services Act, 1998 (Act 111of 1998):

* house detention;
* does community service;
* seeks employment;
* where possible takes up and remains in employment;
* restricted to one magisterial district;
* lives at a fixed address;
* refrains from using alcohol or illegal drugs;
* refrains from committing a criminal offence;
* is subject to monitoring;

(1)(bb) Yes, the mentioned offender was placed on parole.

(1)(bb)(a) He was placed on parole on 20 September.2019 to 24 April.2040.

(1)(bb)(b) He was placed on parole by the CSPB after completion of 1/3 of his sentence. The offender benefited from the Phaahla judgment since he was sentenced after 1 October 2004 for offences committed in June 2003. This meant that he qualified for consideration after serving a 1/3 instead of ½ of his sentence as this was the parole policy applicable at the time of commission of the offences. He was considered by the CSPB after attending relevant programmes and was placed on parole subject to placement conditions which he had to comply with until expiry of his sentence. The CSPB further considered the following factors, among others:

* the completion of the legislatively required minimum detention period;
* proof of a monitorable and appropriate support system;
* positive report on conduct and behaviour (including relevant interventions and programmes where applicable);
* proof that rehabilitation/ development took place;
* risk posed to the community/ victim; and
* acceptance of the conditions for placement.

(1)(bb)(c) The offender was among others subjected to the following parole conditions in line with section 52 of Correctional Services Act, 1998 (Act 111of 1998):

* house detention;
* does community service;
* seeks employment;
* where possible takes up and remains in employment;
* is restricted to one magisterial district;
* lives at a fixed address;
* refrains from using alcohol or illegal drugs;
* refrains from committing a criminal offence;
* is subject to monitoring;

(2) Yes,

(2)(a) The offender mentioned in part (aa) appeared in court on 12 May 2021.

(2)(b) He appeared at the Frankfort District Court.

(2)(c) He is alleged to have committed robbery with aggravating circumstances.

(2)(d) Bail has not been fixed.

**END.**