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

**FOR WRITTEN REPLY**

**QUESTION NO: 3774**

**Mr J S Malema (EFF) to ask the Minister of Justice and Correctional Services**:

How does he intend to address weaknesses in the prisoner parole system that allows persons with money and connections, such as certain persons (Shabir Shaik, Tony Yengeni and Oscar Pistorious), to get out of jail without serving their full sentences, while persons who are not well-known spend almost the entirety of their sentences behind bars? NW4510E

**REPLY:**

All offenders have a right to be considered for placement upon completion of the required minimum detention period, irrespective of their social standing. Offenders who meet the set criteria for consideration of parole will have their placement approved irrespective of whether they have money or not.

Legal representation is not a prerequisite for consideration for parole, medical parole or correctional supervision as such offenders who cannot afford legal representatives are not disadvantaged during consideration for placement. In fact offenders do not have to apply for consideration for placement on parole or under correctional supervision as they are automatically identified as and when they become eligible for consideration.

The two of the three mentioned individuals were both sentenced in terms of section 276(1)(i) of the Criminal Procedure Act, Act 51 of 1977. In line with the provisions of section 73(7)(a) of the Correctional Services Act, 1998 (Act No. 111 of 1998, they , like all other offenders sentenced under the same provisions, qualified to be considered for placement under correctional supervision after serving 1/6 of sentence. There are a number of other offenders who have been placed under correctional supervision after serving 1/6 of their sentences who have not received media attention.

One of the three mentioned individuals was placed on parole on medical grounds on 3 March 2009 in terms of the provisions of Section 79 of the Correctional Services Act, Act No. 111 of 1998, before it was amended. Therefore, he was considered in terms of the then applicable legislation. The medical parole legislation was reviewed and Section 14 of the Correctional Services Amendment Act, Act No. 5 of 2011, which introduced the new medical parole system, came into effect on 01 March 2012.

Parole, medical parole or correctional supervision does not remit the sentence meted out by a court in that offenders placed out, either on parole, medical parole or correctional supervision, are expected to serve the remainder of their sentences in the community under close supervision of officials of the Department of Correctional Services until expiry of their sentences.