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

**FOR WRITTEN REPLY**

**QUESTION NO: 4198**

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

(1) (a) What is the minimum period that an offender sentenced to life imprisonment before 30 September 2004 has to serve before becoming eligible for parole and (b) which (i) section of (ii) which Correctional Services Act is relied upon in this regard;

(2) whether a certain offender (*details furnished*) who is incarcerated at the Qalakabusha Correctional Centre in KwaZulu-Natal is eligible for placement on parole; if not, why not; if so,

3) whether he has received any applications for parole from the specified offender; if not, what is the position in this regard; if so,

(4) whether he considered the specified offender’s application for parole; if not, why not; if so, what are the relevant details of the outcome? NW5074E

**REPLY:**

(1)(a) According to the Correctional Services Act, Act 111 of 1998 offenders sentenced to life incarceration before 1 October 2004 had to serve a minimum detention period of 20 years before being eligible for consideration for placement on parole. However, on 15 July 2011 the North Gauteng High Court handed down a judgment in the Van Wyk case which had the effect to change the minimum detention period for offenders sentenced to life incarceration before 1 October 2004 prior to them being eligible for consideration for placement on parole. The implication was that the previous credit system was also applicable to those offenders sentenced to life sentences from 1 August 1993 up to 30 September 2004 and after allocation of the maximum number of credits advanced their consideration dates from 20 years to 13 years and 4 months.

(1)(b)(i) & (ii) Section 63 of the Correctional Services Act, Act 8 of 1959; and section 136 of the Correctional Services Act, No 111 of 1998 determines the minimum periods of sentence that must be served before consideration may be given for possible placement.

(2) The mentioned offender was sentenced to life imprisonment on 11 January 2002 and is eligible for consideration for possible parole. However, parole applications are submitted in accordance with and in compliance to section 42(2) (d) of the Correctional Services Act, Act 111 of 1998, as amended. As soon as the requirements of the aforementioned section are complied with, the Case Management Committee will submit the profile report to the Correctional Supervision and Parole Board (CSPB). The CSPB will then make a submission to the National Council for Correctional Services for a recommendation to the Minister.

(3) See (2) above

(4) See (2) above