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

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 457**

**DATE OF QUESTION: 20 MARCH 2020**

**DATE OF SUBMISSION: 03 APRIL 2020**

**Mr F J Mulder (FF Plus) to ask the Minister of Justice and Correctional Services:**

**(**1) On what grounds was parole granted to Theo Jackson and Willem Oosthuizen in the case commonly known as the coffin case;

(2) What legal provisions did he and/or his department rely upon when the parole for each person was subsequently revoked;

(3) What legal provisions may his department rely upon to revoke a person’s parole when parole conditions were not violated;

(4) Whether he will make a statement on the matter? **NW638E**

**REPLY**

1. The Witbank Parole Board granted offenders parole on the following grounds:

**(i)Willem Oosthuizen**

The offender has no previous conviction and has one disciplinary offence recorded against him. He underwent Anger Management and Cross Roads (life Skills) programmes and he also completed Human Resources Management N4. He qualified for twelve (12) months special remission of sentence and his support system is positive and suitable for parole requirements.

In addition, the offender was subjected to a compulsory pre-release programme and taking of DNA buccal sample. Parole was approved for   
05 March 2020 to 26 October 2021.

(ii) **Mr Theo Jackson**

The offenderhas no disciplinary offence and no previous conviction recorded against him. He underwent Anger Management and Life Skills programmes and he also completed vegetables and plant production skills courses. He benefitted twelve (12) months special remission of sentenceand his support system is positive and suitable for parole requirements.

The offender was subjected to a compulsory pre-release programme and taking of DNA buccal sample.Parole was approved for 27 February 2020 to 26 October 2021.

However, it became apparent that placement on parole of these offenders was approved without their Correctional Sentence Plans being fully implemented as the Parole Board indicated that the offenders can do Victim Offender Dialogue at Community Corrections.

1. The decision of the Witbank Parole Board was referred to the Correctional Supervision and Parole Review Board (Review Board) in accordance with section 75(8) of the Correctional Services Act, 1998 (Act No. 111 of 1998) and this meant that the decision of the Witbank Parole Board was suspended pending the decision of the Review Board. Section 75(8) provides as follows:

*(8) A decision of the Board is final except that the Minister, the National Commissioner or the Inspecting Judge may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration, in which case—*

*(a) the decision of the Board is suspended pending the outcome of the decision of the Correctional Supervision and Parole Review Board; and*

The decision of the Witbank Parole Board was referred to the Review Board because Restorative Justice process was not held between the offenders and the victim as prescribed by their Correctional Sentence Plans and that the victim was not given a chance to make representations to the Witbank Parole Board in line with section 75(4) of Act 111 of 1998 read with section 299A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Parole placement was not revoked due to the fact that the offenders had violated parole conditions but it was revoked because the decision of the Witbank Parole Board in respect of these offenders was referred to the Review Board in line with section 75(8) of Act No. 111 of 1998.

A parolee remains a sentenced offender and parole is a privilege and not right that an offender can lay claim to.

1. No

END