

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE ~~YES~~/NO
(2) OF INTEREST TO OTHERS JUDGES: YES/NO
(3) REVISED ☒

26/6/2013

DATE SIGNATURE

CASE NO: 15058/13

27/6/2013

In the matter between:

KAIZER SOLOMON GWEBU

And

THE MINISTER OF CORRECTIONAL SERVICES

1ST Respondent

THE NATIONAL COMMISSIONER
DEPARTMENT OF CORRECTIONAL SERVICES

2ND Respondent

THE PROVINCIAL COMMISSIONER OF
CORRECTIONAL SERVICES
LIMPOPO MPUMALAMGA NORTH WEST (LMN)

3RD Respondent

THE CHAIRMAN OF THE CASE MANAGEMENT
COMMITTEE, BARBERTON MEDIUM PRISON

4TH Respondent

THE CHAIRPERSON OF THE PAROLE
BOARD, BARBERTON MEDIUM PRISON

5TH Respondent

THE HEAD OF PRISON, BARBERTON
MEDIUM PRISON

6TH Respondent

Coram: Ebersohn AJ

Date: 25 June 2013

Handed down 26 June 2013

JUDGMENT


Ebersohn AJ

- [1] This is a further matter that reached this court, like so many before it, wherein it is contended that a Parole Board failed in its duty.
- [2] The applicant is one Kaiser Solomon Gwebu currently a prisoner in the Baberton Meduim Prison with prisoner number 202076130.
- [3] He qualified to be released on parole.
- [4] On 7 February 2013 the matter came before Makgoba J who referred the matter back to the Parole Board to finalise the parole hearing of the applicant.
- [5] The Parole Board duly interviewed the applicant on the 22nd February 2013. Then the Parole Board apparently relied on the so-called "restorative justice" aspect to delay the matter. This so-called "restorative justice" concept is a fabrication of a process whereby it is required from a prisoner to make peace with the family of the victim, in this case people outside the borders of our country. The whole process

is an illegal concoction undermining the rights of prisoners to be released on parole when they legally qualify for it.

- [6] The matter came before Prinsloo J on the 16th April 2013 and he ordered the Parole Board to complete the parole process before 24 May 2013 and to report back to this court what they have done on the 7th June 2013. This order was ignored by the respondents.
- [7] On the 10th of June 2013 the matter came before Hughes AJ but was removed from the Roll by notice apparently to give the Parole Board an opportunity to assess the applicant which the Parole Board, however, did not do.
- [8] The matters was then enrolled for hearing before me today. I was informed by counsel for the respondents that the Parole Board planned to see the applicant on Friday the 28th June 2013. No reason why the order of Prinsloo J was not complied with could given by him and he stated that he was only briefed at a late stage.

[10] An order was accordingly made ordering the Parole Board to place the applicant on parole within 30 calendar days from the 25th June 2013 subject, however, to the terms and conditions approved by the Correctional Supervision Parole and Release Board, with punitive costs.



P Z EBERSOHN

JUDGE OF THE NORTH GAUTENG HIGH COURT

Heard on: 25 June 2013
For the : Adv H.P. Joubert
Instructed by: Julian Knight & Associates Inc.
For the : not recorded
Instructed by: State Attorney