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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 19 OF 2020

by the

President of the Republic of South Africa

PLACEMENT ON PAROLE OF SELECTED CATEGORIES OF SENTENCED OFFENDERS

Under Section 84(2)(j) of the Constitution of the Republic of South Africa, 1996, read together with Section 82(1)(a) of the Correctional Services Act, 1998 (Act no 111 of 1998) and for the purpose of addressing, managing and combatting the spread of the COVID-19 virus in all Correctional Centres in the Republic, I hereby authorise the placement on parole of qualifying sentenced offenders in terms of the criteria mentioned below, who are or would have been incarcerated on 27 April 2020 subject to such conditions as may be recommended by the Correctional Supervision and Parole Board under whose jurisdiction such sentenced offenders may fall.

1. The following categories of low risk sentenced offenders will qualify for placement on parole subject to the exclusions in paragraph 2:
 - a) Offenders who have or will reach their minimum detention periods within a period of 60 months from the date hereof.
2. The following categories of sentenced offenders and/or crimes committed for which sentences are being served, are excluded:
 - a) Lifers; sexual offences; murder and attempted murder; sedition, high treason, sabotage and terrorism; Gender Based Violence; child abuse;
 - b) Offenders declared as dangerous by the court in terms of Section 286 A of the Criminal Procedure Act, 1997 (Act No 51 of 1997);
 - c) Offenders certified as mentally ill and detained in accordance with the Mental Health Care Act, 2002 (Act No 17 of 2002);
 - d) Offenders with further charges where bail was not fixed or fixed but not paid;
 - e) Escaped or absconded and are still at large on the date of the announcement;
 - f) Are out on bail pending appeal on the date of the announcement;
 - g) Violations under the Domestic Violence Act, 1998 (Act No 116 of 1998);
 - h) Armed robbery/robbery with aggravating circumstances;
 - i) Any other crime directly linked to any of the above mentioned crimes (i.e. house breaking with the intent to steal and rape);
 - j) Any attempt, inciting, soliciting or conspiracy to commit any of the above crimes.
3. Sentenced offenders who qualify for special placement on parole must provide a set of fingerprints and DNA samples for comparison with the SAPS database as a prerequisite for placement.
4. The placement of qualifying sentenced offenders shall commence as soon as all Parole Board processes have been finalised and all relevant rehabilitation and pre-release programmes are attended.

Given under my Hand and the Seal of the Republic of South Africa at: Aprille this 24th day of April Two Thousand and Twenty.

President

By Order of the President-in-Cabinet.

Minister of the Cabinet

PROKLAMASIE NO. 19 VAN 2020

van die

President van die Republiek van Suid-Afrika

PLASING OP PAROOL VAN GESELEKTEERDE KATEGORIEË VAN GEVONNISDE OORTREDERS

Kragtens artikel 84(2)(j) van die Grondwet van die Republiek van Suid-Afrika, 1996, saamgelees met artikel 82(1)(a) van die Wet op Korrektiewe Dienste, 1998 (Wet No. 111 van 1998) en vir die doel om die verspreiding van die COVID-19 virus in alle Korrektiewe Sentrums in die Republiek aan te spreek, te bestuur en te bekamp, magtig ek hierby die plasing op parool van kwalifiserende gevonnisdere oortreders ingevolge die kriteria wat hieronder genoem word, wie op 27 April 2020 in aanhouding is of sou wees, onderworpe aan sodanige voorwaardes soos deur die Korrektiewe-Toesig-en-Paroolraad bepaal onder wie se jurisdiksie sodanige gevonnisdere oortreders mag resorteer.

1. Die volgende kategorieë lae risiko oortreders sal kwalifiseer vir plasing op parool in terme van hierdie Proklamasie, onderhewig aan die uitsluitings in paragraaf 2:
 - a) Oortreders wat reeds hul minimum aanhoudings tydperke bereik het of wat hul minimum aanhoudings tydperke binne 'n tydperk van 60 maande vanaf datum hiervan sal bereik;
2. Die volgende kategorieë van gevonnisdere oortreders en/of misdade wat oortreders gepleeg het waarvoor hul vonnisse uitdien, is uitgesluit:
 - a) Lewenslange-gevonnisde oortreders; Seksuele misdade; Moord en poging tot moord; Sedasie, hoogverraad, sabotasie en terrorisme; Geslagsgebaseerde geweld; Kindermishandeling;
 - b) Oortreders wat verklaar is as gevaarlik deur die hof ingevolge artikel 286A van die Strafproseswet, 1997 (Wet No. 51 van 1997);
 - c) Oortreders gesertifiseer as geestelik versteurd en aangehou in terme van die Wet op Geestesgesondheidsorg, 2002 (Wet No. 17 van 2002);
 - d) Oortreders met verdere aanklagtes waar borgtog nie vasgestel is nie of waar dit wel vasgestel is, maar nie betaal is nie;
 - e) Ontvlugters of drosters wie nie reeds hergevangene geneem is teen die datum van hierdie aankondiging nie;
 - f) Oortreders wie vrygelaat is op borgtog hangende 'n appél op die datum van hierdie aankondiging;
 - g) Oortredings ingevolge die Wet op Gesinsgeweld, 1998 (Wet No. 116 van 1998);
 - h) Gewapende roofroof met verswarende omstandighede;
 - i) Enige ander misdad wat direk verband hou met enige van die bogenoemde misdade (bv. huisbraak met die doel om te steel en te verkrag);
 - j) Enige poging, aanhitsing, werwing of sameswering om enige van die bogenoemde misdade te pleeg.
3. Gevonnisde oortreders wat kwalifiseer vir spesiale plasing op parool moet 'n stel vingerafdrukke en DNA-monsters verskaf vir vergelyking met die SAPD-databasis as 'n voorvereiste vir plasing.
4. Die plasing op parool van kwalifiserende gevonnisdere oortreders sal 'n aanvang neem sodra alle Paroolraadsproesse gefinaliseer en alle relevante rehabilitasie- en voorvystellingsprogramme bygewoon is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Hyde Park op hede die 24th dag van April Tweeëuisend-en-Twintig.

President

Op las van die President-in-Kabinet

Minister van die Kabinet

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