

CASE NO.: 13192/2016

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL LOCAL DIVISION, DURBAN

BEFORE THE HONOURABLE MADAM JUSTICE RADEBE

AT DURBAN ON 25TH MAY 2017

In the matter between:

ERWIN M CHRISTMAS	202185879	1 st APPLICANT
ELVIS NGUBANE	99172665	2 nd APPLICANT
VELAPHI SHOZI	99195762	3 rd APPLICANT
MUSA WENKOSI MVELASE	99198359	4 th APPLICANT
NHLANHLA MNGOMA	203171892	5 th APPLICANT
DUMISANI THABETHE	200483630	6 th APPLICANT
MNYAMEZELI MKHUNGO	201194568	7 th APPLICANT
THAMSANQA SHOZI	206140624	8 th APPLICANT
ZAMOKUHLE SHANGE	204139347	9 th APPLICANT
THEMBINKOSI NDLOVU	200671392	10 th APPLICANT
MUSA MDLET SHE	99195360	11 th APPLICANT

and

THE MINISTER OF CORRECTIONAL SERVICES	1 st RESPONDENT
THE NATIONAL COUNCIL ON CORRECTIONAL SERVICES	2 nd RESPONDENT
THE CORRECTIONAL SUPERVISION AND PAROLE BOARD – WESTVILLE CORRECTIONAL CENTRE MEDIUM B	3 rd RESPONDENT
THE CASE MANAGEMENT COMMITTEE – WESTVILLE CORRECTIONAL CENTRE MEDIUM B	4 th RESPONDENT

UPON hearing the Applicants in person and upon reading the *NOTICE OF MOTION* and other documents filed of record

IT IS ORDERED

1. The application in respect of the 8th Applicant, Thamsanqa Shozi (206140624) and the 9th Applicant, Zamokuhle Shange (204139347) is dismissed.
2. The 1st, 2nd, 3rd & 4th Respondents must henceforth process the remaining applicants for parole with immediate effect.
3. The First Respondent must henceforth cease the practice of postponing or delaying the parole consideration of the applicants, all of whom are serving sentences of life imprisonment imposed prior to 1 October 2004, who have served the prescribed period on the ground that victim offender mediation, sentence remarks, SAP 69, SPA 62, social worker report, psychologist report or other such reports or programmes has not been facilitated, done, properly done, or acquired, or is incomplete or outdated.

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4. The Third and Fourth Respondents must immediately forward the profile reports of the applicants, all of whom are serving sentences of life imprisonment imposed prior to 1 October 2004 who have served the prescribed period, to the First and Second Respondents regardless of whether victim offender mediation, sentence remarks, SAP 69, SAP 62, social work report, psychological report or any such report or programme has been or is being facilitated, done, properly done or acquired, or is incomplete or outdated.
5. The First Respondent must henceforth inform the applicants whose sentences of life imprisonment were imposed prior to 1 October 2004 of his decision to grant or refuse parole within 4 months of the date on which such offender's profile reports were forwarded to him.
6. The 3rd and 4th Respondents must not hold back applicants' files for submission to be considered for parole based on B and C group classification status, as such does determine appearance before a parole board and subsequent consideration for parole.

IN PERSON.
/jd

BY ORDER OF THE COURT

S. Dlamini
S. DLAMINI

REGISTRAR OF THE HIGH COURT KWAZULU-NATAL HIGH COURT DURBAN
2017 -05- 29 (14)
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