

Your reference:

Our reference: L du Plessis / T Chauke

3 June 2020

Mr. Ronald Lamola  
Minister of Justice and Correctional Services  
C/o Ms. Delsy Moraba and Ms. Zanele Ndlovu  
Per e-mail: [DeMoraba@justice.gov.za](mailto:DeMoraba@justice.gov.za); [ZaneNdlovu@justice.gov.za](mailto:ZaneNdlovu@justice.gov.za)

Mr. Arthur Frazer  
National Commissioner of Correctional Services  
C/o Ms. Thembi Gwamanda and Mr. Mandla Mkabela  
Per e-mail: [Arthur.Frazer@dcs.gov.za](mailto:Arthur.Frazer@dcs.gov.za); [thembi.gwamanda@dcs.gov.za](mailto:thembi.gwamanda@dcs.gov.za); [mandla.mkabela@dcs.gov.za](mailto:mandla.mkabela@dcs.gov.za)

Ms. Grace Molatedi  
Regional Commissioner of Correctional Services (Gauteng Province)  
Per e-mail: [grace.molatedi@dcs.gov.za](mailto:grace.molatedi@dcs.gov.za)

Mr. Tlabo Thokolo  
Pretoria Area Commissioner  
Tel: 012 334 2692; 083 270 7075  
E-mail: [tlabo.thokolo@dcs.gov.za](mailto:tlabo.thokolo@dcs.gov.za)

Kgosi Mampuru II Correctional Centre  
Pretoria  
Tel: 012 314 1999  
[communications@dcs.gov.za](mailto:communications@dcs.gov.za); [enquiry.complaints@dcs.gov.za](mailto:enquiry.complaints@dcs.gov.za)

**URGENT**

Dear Sir/Madam

## **DETENTION OF INFORMAL RECLAIMERS AT KGOSI MAMPURU II CORRECTIONAL CENTRE**

1 We refer to the above matter and confirm that we act on behalf of Mr. Justice [REDACTED] (ID number: [REDACTED]) and Mr. George [REDACTED] (ID number: [REDACTED]) who are self-employed as informal waste reclaimers (commonly referred to as “waste pickers”) based in Centurion, Gauteng Province.

2 We are advised that our clients were arrested during Alert Level 5 lockdown in or about April 2020 for allegedly violating the lockdown regulations by venturing out in the vicinity of Centurion to collect recyclable materials in order to make an income.

3 We are further advised that our clients are now detained at Kgosi Mampuru Correctional Facility. But, in spite of several queries we have been unable to get access to our clients or to ascertain why they have been detained. We demand to know, *inter alia*:

3.1. what charges they are facing if any; and

3.2. why they have been detained at the facility (i.e. whether they have failed to pay bail or whether they are awaiting trial etc.)

We are particularly concerned because one of our clients is HIV+ and has TB but we are informed that he has not had access to his medication since he has been detained.

4 We contacted the facility telephonically today and we were instructed that no one is currently allowed access to the facility under any circumstance. We are of the view that this is unconstitutional as Section 35 of the Constitution of the Republic of South Africa confirms that all arrested, detained and accused persons have a right to consult with a legal practitioner. If it is impossible for us to access our clients at the facility due to the prevailing circumstances surrounding the COVID-19 lockdown, we request that you urgently facilitate an arrangement for us to consult with our clients in an isolated and safe space at the facility or to consult with our clients telephonically/electronically on an arranged date and time.

5 We trust you find the above in order and request an urgent response by close of business today i.e. **Wednesday, 3 June 2020**, failing which we hold instructions to institute legal proceedings against the Department of Correctional Services for the relevant relief.

Yours sincerely,

A small, rectangular image showing a handwritten signature in black ink on a light-colored background.

Lawyers for Human Rights

**(\*checked and signed electronically)**