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## OPEN INSTITUTIONS

DEVELOPMENTS TOWARDS OPEN INSTITUTIONS  
IN THE UNION OF SOUTH AFRICA

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In accordance with the tradition of past Congresses, it has been possible to secure the co-operation of certain national prison administrations for the printing of documentation for the First United Nations Congress on the prevention of crime and the treatment of offenders, which is from an historical point of view the Thirteenth International Penal and Penitentiary Congress. Thus the present report has been generously printed by the Federal Bureau of Prisons of the United States of America, in the prison printing plant at Leavenworth, Kansas.

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## DEVELOPMENT TOWARDS OPEN INSTITUTIONS IN THE UNION OF SOUTH AFRICA

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The present report describes the praiseworthy efforts of penitentiary authorities of the Union of South Africa, since 1950, to set up a series of institutions which are very near to being 'open institutions' in the technical sense, although some features might be pointed out which do not entirely conform with the ideal type of such institutions as stated in the resolution on open institutions adopted at the Hague in 1950 by the Twelfth International Penal and Penitentiary Congress.<sup>1</sup>

### I. Baviaanspoort

By the time the Hague Congress took place in 1950, we had started a very interesting experiment for the adequate treatment of European first offenders, at Baviaanspoort, about 15 miles east of Pretoria. A few data might not be out of place:

The site chosen had already been considerably developed as a camp for German Internees during the war, and it consisted of a large number of well-built barracks, with a complete hospital, sports fields and a large farm of 719 morgen (about 340 acres). The Department of Defence had made a very fine job of this camp where, as Delegate of the International Red Cross, I visited a large number of internees. At the end of hostilities the Director of Prison, who was then also Director of Internment, saw at once the great possibilities of this institution, and Baviaanspoort was started in June 1947 as an institution of the Department of Prisons for European first offenders. The present Director of Prisons, when he took office later, continued with energy and vision, the development of this 'open prison', never losing sight of the fundamental condition for the success of such an institution, that

1. This resolution is reproduced as Annex 1 to the United Nations Secretariat report on open institutions, document A/CONF.6/C.2/L.1.

is, as was said at The Hague, 'confidence reposed in the prison population'.

*Baviaanspoort European Section:* In his 1952 Report, the Director of Prisons said:

"This section is what may be conveniently called an open prison. European inmates are not locked up at any time. The accommodation is of the bungalow type where 8 to 10 inmates are housed in each bungalow. They sleep on beds, and have their meals in a large communal room at regulated hours. The discipline is only relaxed, but not abandoned."

In the early period of the institution's existence, all European first offenders were accommodated there. They were transported there as soon as possible after conviction, but experience showed that this practice was not entirely satisfactory and the policy now is to detain at Baviaanspoort only those first offenders who, after having served a portion of their sentences at the Central Prison, have proved by their conduct that they are amenable to discipline and worthy of the trust which must necessarily be placed in inmates placed in open institutions. Inmates who escape or attempt to escape or who commit serious acts of misconduct there, are transferred back to the Central Prison at Pretoria to complete the unexpired portion of their sentence. (Pretoria Central Prison is a maximum security institution.)

The activities at Baviaanspoort are largely the same as those at the Central Prison, but the surroundings and the modified rules and regulations change the whole atmosphere in which these activities take place. Large areas of the farm are used for dry land farming, e.g., the cultivation of mealies and other crops. A number of cattle are kept on the farm, and there is a scheme for improving the stock and the methods of feeding. Large numbers of pigs are also kept. Officers of the Department were detailed to attend courses at Agricultural Colleges so as to foster an interest in agricultural developments. The pig farming is of great value to the Department: it provides ready means for the disposal of swill and supplements the meat requirements for the institution, and saves many thousands of pounds annually. Water is still scarce, but there is a new water scheme which will rectify existing difficulties. Gardening is practised on an extensive scale.

The principle of 'monitors', as leaders of inmates in their various jobs, has been accepted and so far seems to have worked very satisfactorily. Inmates are encouraged by this system to work on their own, and an additional sense of freedom is given to them in this way.

From June 1947—when this very interesting experiment was started—until June 1954, 2540 European first offenders have gone through the institution and been released. Only 180 have been returned to the Central Prison as second offenders, guilty of a serious offence, and sentenced to imprisonment for six months or more. Over 6½ years the percentage of recidivism for this institution has thus been 7.1 per cent. If this is compared with the average recidivism for Europeans in South Africa, which is 64.9 per cent, one can reasonably draw the conclusion that the experiment is so far a real success. Indeed South Africa may be proud that such an institution is now reclaiming a large number of European first offenders whose criminal career would in ordinary circumstances have led them to more and more serious crimes and who are now returned to society as normal citizens. These figures are all the more gratifying when one realizes that in South Africa before a criminal can escape classification as a recidivist a 'clean' period of 10 years must elapse between discharge and re-conviction.

*Baviaanspoort Native Section:* A Native section has been functioning at Baviaanspoort for a number of years, and for a long time the writer was the occasional Chaplain of this section. For all these past years, the type of prisoner sent to Baviaanspoort was not well defined. All were long-term men, but it was difficult to find a way of classifying them satisfactorily. On 20 August 1954, a new prison institution entirely built by prison labour was officially opened by the Minister of Justice. The principle of bungalows has not yet been accepted for the Native section: experiments in that direction are not easy because of the very large number of natives sentenced to short-term imprisonment, and the very difficult classification resulting therefrom. The present institution, to which already 450 Natives of the work colony type (that is, Natives guilty of infringements of the Urban Areas Legislation) have been moved, is on the pattern of maximum se-

curity at night and of open institution in the daytime, in the sense that all inmates will be working the farm in spans of workers under a warder. In his opening speech, the Minister said:

"Ons wil verhoed dat hierdie mense vergeefs gebreek word. (We will prevent these men from being fruitlessly broken [in their spirit])".

It is too early to say anything about this scheme, but it is an illustration of the truth of the Director's statement about his Department's policy, when he wrote:

"It is fully accepted by the Department that the aim of penal sanction is not only to punish the delinquent, but also, as far as it may be practicable, to further his reformation and re-adaptation to the normal standards of social behaviour in the community, in order to prevent recidivism."

## II. Zonderwater

For those interested in penal and penitentiary administration, however, the experiment made at *Zonderwater*, is still more interesting.

And here again I wish to quote the Director of Prisons:

"The need for an institution to which long-term prisoners, who have served the major portion of their sentences at a maximum security prison, can be drafted to serve the remainder of their term, has been a pressing need for many years. It has been suggested, with considerable justification, that the sudden transition from the rigid prison discipline to the free life after having served a long term of imprisonment, is a serious obstacle to prisoners. The common complaint to judges and magistrates invariably is that the sudden change of environment after release does not contribute to the task of keeping away from crime. The reason given is that the prisoner, who is released after having served a long term of imprisonment, feels that he has lost complete contact with the ordinary affairs of life and that it is very difficult for him to adjust himself immediately to his new and changed circumstances. The need was referred to in the Report of the Penal and Prison Reform Commission 1947. It was recommended therein that an institution be established to accommodate and prepare prisoners, who

have served a large part of their sentences at a normal prison, for release and absorption in society by gradual stages, in order to avoid abrupt release from the strict discipline of the normal prison, which, in many cases, simply resulted in an almost immediate relapse into crime".

The site chosen was Zonderwater, a very large Prisoner-of-War-Camp, in which the writer, as Delegate of the International Red Cross, visited thousands of Italian Prisoner of War. The old hospital of this camp, through which 185,000 Prisoners of War went, was selected as the new open prison. We have now two sections, a European and a Native, which have been functioning since August 1952.

The institution, like Baviaanspoort, consists of military barracks, or bungalows, and, in time will be able to accommodate a large number of prisoners (400 Europeans and 500 Natives). These barracks have been well built and recently renovated by the Department of Prisons, and, as is the case at Baviaanspoort, the only enclosure is a barbed wire fence, which does not prevent anyone from escaping, should this be tried. The system introduced is more or less the Baviaanspoort one, with some very valuable additional amenities:

A quantity of daily newspapers, informative periodicals and illustrated magazines is available; access to radio programmes and news services is given; there is a properly equipped reading-room; inmates take their meals at dining tables with linen and napery; the beds have sheets and are of an improved type on Baviaanspoort; there is a great effort to grant privileges over and above those allowed under ordinary regulations. All this applies especially to the European section. Perhaps it is fitting to quote a letter just received from one European inmate who will soon be released:

"The day the authorities opened this farm should ever be remembered as a holy day. Nobody but only a man who has spent years behind bars away from civilization and loved ones will ever realize what a blessing this farm is. To be honest and frank there is very little difference between here and the outside world. We have all the freedom that is humanly possible. There are no walls, no iron bars and every man is fully trusted on his own. We are known and called inmates and not convicts. The staff are wonderfully

kind and cooperative in every sense. They treat us as if we are free men. We don't wear prison clothes, but are dressed in khaki. To believe the truth of it all it must be seen to be believed. The place is run on a monitor system with only a few prison officials in charge. There is a Superintendent who is a proper father to us . . . etc." (Letter written 2.8.1954).

From August 1952 to June 1954, 144 inmates have been released and four cases came back to the Central Prison.

The interesting feature of this very daring experiment is that the men who go to Zonderwater are hardened offenders, with a long past of prison life. They are carefully selected, and mistakes are inevitable, but the effort has been to choose men who are not violent and who, in spite of years of crime, are susceptible to a new approach before they leave prison. I have visited these men, European and non-Europeans, for two years as their Chaplain, and with the limited knowledge I have of overseas experiments, I know of no more progressive and honest attempt to save the hardened offender from falling again.

There have been very few attempts at escaping, either from Baviaanspoort or Zonderwater. The offenders who tried were very quickly apprehended and returned to the Central Prison, without hope of getting these privileges again. But we who have a long experience of hardened offenders know that a few of them only feel secure from themselves in a straight-jacket atmosphere.

### III. Other developments

So as to indicate the trend of policy prevailing in South Africa, at the present time, one cannot ignore the tendencies which oppose these developments. We know that there have been very serious increases in the use of corporal punishment and in the carrying out of the death sentence and that among the uninformed public, there is from time to time a strong pressure for more and more violence in answer to violence. But it is to the honour of the Department of Prisons that it has endeavoured to resist as much as is possible these appeals to blood instead of brain. No attempt is made to deny that there are still isolated—and serious—cases of abuse of power,

but the policy of the penal administration is showing a very real consistency in its effort to rehabilitate offenders. In conclusion, I would like to indicate briefly some of the other developments in that direction:

1. South Africa has often been indicted as a slave-driving nation and the example of *prisons on farms* has been quoted over and over again. I wish to remind penologists that the basic problem of our country, in penal administration, is the excessive use of short-term imprisonment, which brings our daily prison population to over 36,000 at present. Prisons on farms were inaugurated by the previous Government and multiplied by the present Government, because of this very sad feature of our system. I have visited quite a few of these prisons, which have been erected by farmers to official specifications, and are now as much the open prisons as possible. We all agree that a convicted person should not, in principle, be used for private gain, but in the present situation, the prisons on farms have provided for medium-term offenders a set-up which is infinitely preferable to their previous imprisonment in maximum security prisons. They work the whole day in the sun outside, and these institutions function under the rules and regulations of the Department of Prisons for all details of the prisoner's life: hours of work, food, transportation etc. There are now 14 such prisons.

2. I cannot hope here to describe the prisons for long-term or medium-term non-European prisoners on *farms belonging to the Department, like the Leeuwkop Farm*, in the Transvaal, and the recently acquired *Goedemoed Farm* in the Free State. But the great efforts made for the diversification of training in various spheres of agricultural work and building in these institutions may do for South Africa what Witzwil did for Switzerland, and provide little by little a capable non-European agricultural labour force which will be invaluable to the country.

3. A very valuable development is the present building at *Westlake*, near Capetown, of a large *Prison Hospital* for all non-European prisoners affected by tuberculosis, just beside the Dr. Stals Hospital for ordinary tuberculous. This is a most welcome development, as prisoners affected with

the disease will receive the direct help of the qualified personnel needed.

4. Efforts are made to provide in prisons adequate *training for prisoners in diversified forms of labour*, and a strong appeal is made to both Trade Unions and employers of labour to render this scheme effective.

5. A central Prison Board has been created through the appointment of a Chairman to the three Provincial Boards in existence, which were functioning separately. Thereby *uniformity of action and policy as regards remission of sentence will be achieved*.

One could multiply examples. It will not be taken amiss, however, if the writer states at the end that, after years of very slow and painful endeavours for penal and prison reforms, he considers that a very substantial progress is visible in this field.

## RESUME

Des efforts considérables ont été faits depuis quelques années dans l'Union Sud-africaine pour créer et développer certains établissements qui se rapprochent considérablement du type ouvert.

L'établissement de *Baviaansport*, qui est situé près de Prétoria, comprend deux sections: l'une pour européens et l'autre pour indigènes. La section destinée aux délinquants européens, dans laquelle les détenus logent dans des baraques, a été inaugurée en 1947, et elle recevait au début des délinquants primaires aussitôt que possible après leur condamnation. Sur la base de l'expérience, on ne transfère plus à l'heure actuelle à *Baviaansport* que les délinquants primaires qui ont déjà subi une partie de leur peine à la prison centrale et auxquels on peut faire confiance. Les détenus qui s'évadent ou tentent de s'évader, ou encore qui commettent de sérieuses infractions disciplinaires, sont renvoyés dans un établissement à sécurité maxima pour le reste de leur peine. Les activités de l'établissement comprennent l'agriculture, le jardinage et l'élevage de porcs et de bétail. Entre juin 1947 et juin 1954, 2,540 délinquants primaires européens ont passé par *Baviaansport*; 180 d'entre eux seulement ont commis une nouvelle infraction grave et ont été renvoyés à la prison centrale pour y subir une peine de six mois au moins.

Une section pour délinquants indigènes condamnés à de longues peines existe à *Baviaansport* depuis un certain nombre d'années, mais le genre de détenus qui y étaient renvoyés n'était pas clairement défini. Un nouvel établissement, construit entièrement au moyen du travail pénitentiaire, a été ouvert en août 1954. Le principe des baraques n'a pas encore été accepté pour cette section: les expériences dans cette direction ne sont pas faciles en raison du nombre considérable d'indigènes qui sont condamnés à de courtes peines d'emprisonnement, et des problèmes de classification qui en résultent. 450 indigènes coupables de violations de la législation sur les zones urbaines sont actuellement dans cet établissement, qui a un régime de sécurité maxima pendant la nuit, tandis que le système de l'établissement ouvert est retenu pendant le jour.

L'établissement de *Zonderwater* était pendant la guerre un grand camp pour prisonniers de guerre, et est formé de baraques militaires. Il peut recevoir un nombre considérable de détenus (400 européens et 500 indigènes). L'établissement a pour toute clô-

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