

PUBLIC

AI Index: AFR 53/05/98

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To: Health professionals
From: Medical Office / Southern Africa Team
Date: 7 December 1998

MEDICAL LETTER WRITING ACTION

**Joseas Sekubu
SOUTH AFRICA**

Theme: death in custody / lack of medical care

Summary

Amnesty International is concerned about the death of Joseas Sekubu, aged in his 30s, in Pretoria Local Prison on 3 November 1998. Joseas Sekubu had reportedly become unwell in his cell in the early morning of 3 November, but apparently was not provided with prompt medical care although the prison hospital, according to a medical source, has the facilities to deal with emergencies. He died in his cell later in the day.

Recommended Actions

Appeals are requested from health professionals to the addresses below:

- C introducing yourself as a member of Amnesty International's health professional network
- C expressing concern about the death of Joseas Sekubu in Pretoria Local Prison on 3 November 1998
- C asking for details of what medical care if any was made available to Joseas Sekubu after he complained of feeling unwell prior to his death on 3 November
- C asking for the findings of the post-mortem examination and calling on the authorities to make it available to Joseas Sekubu's family and lawyer, if not done already
- C noting the fact that both the Department of Correctional Services and the South African Police Service are carrying out an investigation into the circumstances surrounding Joseas Sekubu's death
- C urging the authorities to make the findings of these investigations public and to bring anyone found culpable to justice, in line with Principle 34 of the UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment
- C asking for details of the existing procedures for handling medical emergencies in Pretoria Local Prison
- C seeking assurances that all prison inmates in South Africa requiring medical care receive treatment without delay.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are

sending appeals after 15 January 1998, and send copies of any replies you do receive to the International Secretariat (att: medical team).

ADDRESSES

Mr K Sitole
Commissioner
Department of Correctional Services
Private Bag X136
Pretoria 0001
South Africa
Fax: +27.12.328.5111

Mr Ben Skosana
Minister of Correctional Services
Ministry of Correctional Services
Private Bag X853
Pretoria 0001
South Africa
Fax: +27.12.323.4111

Mr M J Makgoba
Commissioner
Pretoria Local Prison
Fax: +27.12.323.2022

COPIES TO [optional]

South African Medical Association
P.O. Box 20272
Alkantrant
Pretoria 0005
South Africa
Tel: +27.12.481.2000
Fax: +27.12.481.2100
Email: masaceo1@iafrica.co

Please send copies of your letters to diplomatic representatives of South Africa accredited to your country.

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**Joseas Sekubu
SOUTH AFRICA**

Amnesty International is concerned about the death of Joseas Sekubu, aged in his 30s, in Pretoria Local Prison on 3 November 1998. Joseas Sekubu, who was a prisoner awaiting trial, had reportedly become unwell in his cell on 3 November but apparently was not provided with prompt medical care. According to a medical source, the prison hospital at Pretoria Local Prison does have the facilities to deal with emergencies.

After Joseas Sekubu started complaining that he was feeling unwell in the early morning of 3 November, his cell mates reportedly tried in vain over a period of some hours to attract the attention of the prison warders who did not react to their cries for help. According to information received by Amnesty International, cells in Pretoria Local Prison do not have functioning emergency or panic buttons. It is not clear whether the prison warders failed to hear the inmates' cries for help or deliberately ignored them.

Further to a letter of concern from Amnesty International to the South African authorities, a reply dated 17 November was received at the International Secretariat from the Head of Pretoria Local Prison, Mr M J Makgoba, informing AI that the Department of Correctional Services had started an investigation into Joseas Sekubu's death, and that an investigation by the South African Police Service was also being carried out. Amnesty International is calling on the South African authorities to ensure these investigations are carried out independently and their findings made public as as soon as possible.

Background information

The UN Standard Minimum Rules for the Treatment of Prisoners provide for the right of prisoners to receive adequate medical care in detention [Rule 22 (2)]. The UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment, which was adopted by the UN General Assembly on 9 December 1988, states that "...medical care and treatment shall be provided whenever necessary" [Principle 24]. Principle 34 of the Body of Principles states that "Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. ... The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation."