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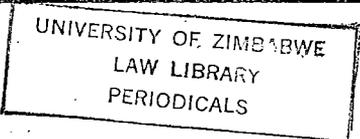
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Focus on Criminal Law in Southern Africa



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SOME OBSERVATIONS ON BOTSWANA'S PRISON SYSTEM

KWAME FRIMPONG*

1. INTRODUCTION

Much concern has been aroused in recent years over the use of imprisonment to deal with the crime rate around the world. Despite the fact that the prison population world-wide continues to increase annually, crime rates continue to escalate. Many governments and administrators of penal institutions have become aware and sensitive to the futile attempt to combat the crime problem with imprisonment, and have begun some liberal programmes within the institutions even if the prison population continues to remain high. Attempts are made to reduce the harshness in the prisons by making them more habitable. More emphasis is also placed on reformation and rehabilitation programmes. This paper examines the prison system in Botswana with the view to ascertaining its trends, its objectives and practical operations.

2. HISTORICAL BACKGROUND

Like almost every African country the indigenous people of Botswana knew nothing about imprisonment until they were colonized by the British in 1885. Before the area was colonized it was not possible to talk of a united country since it was made up of various ethnic groups waging war against one another. It was, however, common to all the groups that imprisonment was unknown.¹ There were similarities also in their laws and customs, most of which have been preserved today with minimum friction.

Botswana was colonized by the British through the creation of the

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1. The system of keeping a criminal bound or chained to one spot pending the disposal of his case was known among all primitive societies. It is therefore possible that the indigenous population in Botswana used this practice. The practice, however, varied from one society to another and even within the same jurisdiction various methods were adopted depending on the nature of the crime one had committed.

Bechuanaland Protectorate. ² It was, however, not until 1895 that the country was formally administered by the British. ³ Her Majesty the Queen administered the Protectorate through the High Commissioner Resident in South Africa. ⁴ The High Commissioner issued a Proclamation of June 10th, 1891 which made provision for the complete administration of the territory including the establishment of courts and the appointment of officials. S. 19 of this Proclamation, provided:

"... the law to be administered shall, as nearly as the circumstances of the country will permit, be the same as the law for the time being in force in the colony of the Cape of Good Hope...." ⁵

On the basis of this provision the Prisons Act ⁶ of the Cape Colony was made applicable to the Protectorate. The Cape Colony Act was, however, infrequently used as the Protectorate relied more on its own Regulations made under Proclamations. ⁷

Initially prisoners in the Protectorate were kept in what was known as the "Fort" which was secured by garrison and sentries. In those days the police had the responsibility to look after the prisoners as the Prisons Department had not been established. For security reasons dangerous prisoners were sent to the Cape Colony of

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2. Proclamation No. 1 of September 30, 1885 declared Bechuanaland a British Protectorate. Bechuanaland was the former name for the area now known as Botswana. "Bechuana" itself was a corrupted word for Botswana as the colonialists tried to pronounce the name. "Although the area consisted of various ethnic groups, "Tswana" speaking people were dominant.
 3. An Order in Council made on May 9th 1891 provided for this: "Bechuanaland Protectorate General Administration Order in Council".
 4. The 1891 Order in Council had given the High Commissioner power to "exercise on her Majesty's behalf all powers and jurisdiction which her Majesty had".
 5. This section was later found to be ambiguous as it was not certain whether it referred to laws in force at 1891 or it included laws made after 1891. To remove any doubts another Proclamation was issued in 1909 which provided in s. 2 that:

".... the laws in force in the colony of the Cape of Good hope on 10th of June, 1891 shall mutatis mutandis and so far as not inapplicable be the laws in force and to be observed in the said Protectorate, but no Statute of the Colony of the Cape of Good Hope, promulgated after the 10th day of June, 1891, shall be deemed to apply, or have applied, to the said Protectorate unless specially applied thereto by Proclamation."

See S. 2 of Proclamation No. 36, of 1909.
 6. Convict Stations and Prisons Management Act No. 23 of 1888.
 7. The following Regulations were proclaimed: No. 12 of 1897; No. 21 of 1927 (repeating No. 12 of 1897); No. 68 of 1936; No. 10 of 1939 (repealing No. 21 of 1927 and No. 68 of 1936); Cap.54; No. 18 of 1953; No. 51 of 1954 and No. 31 of 1957.

South Africa. This was made possible by the application of the British Colonial Prisoners' Removal Act of 1884 to the Protectorate.⁸

Owing to frequent escape of prisoners from the Fort the construction of a lock-up was initiated in 1892 in Gaberones (later Gaborone). Nevertheless, it was still necessary to continue to send some prisoners to the Cape Colony. As the colonization of the country advanced the number of penal institutions increased. By 1936 there were 11 penal institutions in the Protectorate. Until 1958 the prisons in the country did not have any independent existence. They were headed by District Commissioners. In 1958 an independent Prisons Department was established. A formal Prisons Act was not introduced until 1964. The institutions continued to be headed by District Commissioners. After independence in 1966, the Prisons Department was placed under the Ministry of Home Affairs where it has remained since. At that time there were 14 prisons in the country. The number of prisons now stands at 20.

3. THE PRISONS ACT, 1979

The establishment and administration of the prisons in Botswana fall under the 1979 Prisons Act.⁹ The Act repeals the previous Act, (41/1964). The major objectives of the Act are expressed in the Preamble:

"An Act ... to provide for the modernization of the Prison Service and generally for the bringing up to date and rationalization of the law governing prisoners and for matters connected therewith."

How far these objectives have been realized since the Act came into effect¹⁰ is discussed below. The period reviewed is 1979-1984.

Within the period under study the country had 18 prison institutions. One of the 18 was mainly for women. This is situated in Gaborone, the capital. In addition 12 of the 18 prisons had small wings attached for women. The authorised prison population for all the 18 institutions was 1318. The staff strength for the year 1984 was 743. If the actual prison population for the same year had been the same as the authorised number then the ratio would have been about 2 officers/per 3 inmates (2:3). That would have been an ideal system. But as it is to be seen shortly the situation is far from ideal. The table below shows the staff strength, the authorised prison population and the daily average prison population between the years 1979 and 1984.

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8. See the Colonial Prisoners' Removal (South Africa) Order in Council of 1896.
 9. Act No. 28 of 1979. This repealed and replaced Cap.21:03, i.e. the 1964 Act.
 10. It came into operation on March 1, 1980, see Statutory Instrument (S.I.) No. 26 of 1980.

TABLE 1 ¹¹

Year	Staff Strength	Authorised Population	Daily Average
1979	428	1305	2702
1980	464	1305	2540
1981	509	1305	2238
1982	540	1305	2556
1983	705	1318	2936
1984	743	1318	2969

For the table above the breakdown of officer/prisoner ratio for the years under study are as follows:-

TABLE 2

Year	Officer/Prisoner
1979	1:6
1980	1:5
1981	1:4
1982	1:5
1983	1:4
1984	1:4

(Rounded to the nearest number)

The Number of persons who were handled by the institutions between 1980 and 1984 are as follows:

TABLE 3

Year	Persons in Custody, Jan 1st	Persons Admitted	Total Handled	Staff Strength	Officer/Persons Handled
1980	2584	6650	9234	464	1:20
1981	2335	7128	9463	509	1:19
1982	2292	9684	11976	540	1:22
1983	2814	10968	13782	705	1:19
1984	3078	9258	12336	743	1:17

(Note: The number of persons admitted and handled included those on remand.)

Table 3 reveals that on the average one warder handled 19 persons in a year between 1980 and 1984. But it should be born in mind that not all prison officers actually handled inmates. The Commissioner and other members of the top hierarchy and those directly connected with administrative duties rarely come into direct contact with those in jail. If we exclude them then the persons actually handled by the warders would be even higher.

11. The figures for the tables are based on Annual Reports by the Prisons Department, 1980-1984. The only exception is Table 6, which is based, in greater part, on Gunther Kaiser's (1983), Strafvollzug in europaischem Vergleich, p. 231.

The next task is to relate the prison population to the population of Botswana to see what proportion is being sent to jail. Table 4 compares the population of Botswana (in some cases based on estimates) between 1980 and 1984 and the corresponding prison population within those years.

TABLE 4

Year	Persons In Custody December 31st	Total Handled	Country Population
1980	2335	9234	857,000
1981	2291	9463	941,027
1982	2814	11976	975,742
1983	3078	13782	1,011737
1984	3160	12336	1,053683

On the basis of Table 4 we can determine the prison population per 100,000 inhabitants.

TABLE 5

Year	Country Population	Prison Population	Prison Population per 100,000 Inhabitants
1980	857,000	2335	272
1981	941,027	2291	243
1982	975,742	2814	288
1983	1,011737	3078	304
1984	1,053683	3160	300

These figures are rather high and do not compare favourably with similar figures from other countries:

TABLE 6

Country	Year	Population in Millions	Prison Population per 100,000 Inhabitants
Belgium	1977	9.0	64
France	1977	52.0	62
Denmark	1977	5.0	62
Great Brit.	1977	52.0	81
Turkey	1977	40.0	100
Botswana	1977	0.7	278
Netherlands	1981	14.0	25
Ghana	1982	14.0	66
West Germany	1983	60.0	105
Botswana	1984	1.053683	100

The apparent cause for the large numbers of persons being sent to jail may stem from the dual-nature of the court system in Botswana. Currently there are two systems of courts. One falls directly under the Chief Justice and may be conveniently described as the "received courts". Under this are the High Court, and the Magistrate or Subordinate Courts. The Court of Appeal can also be added to this group, although it is the highest court for the land. The other type of courts are the Customary Courts which fall under the Ministry of Local Government. Table 7 below shows the breakdown of persons committed to prison on the basis of the courts which commit them.

TABLE 7

Year	Court	No. of Persons Committed to Jail
1980	High Court	51
1980	Subordinate Courts	1184
1980	Customary Courts	<u>2620</u>
	TOTAL	3996
1981	High Court	64
1981	Subordinate Courts	1221
1981	Customary Courts	<u>2411</u>
	TOTAL	3996
1982	High Court	59
1982	Subordinate Courts	1798
1982	Customary Courts	<u>2912</u>
	TOTAL	4769
1983	High Court	73
1983	Subordinate Courts	1763
1983	Customary Courts	<u>3597</u>
	TOTAL	5433
1984	High Court	118
1984	Subordinate Courts	1929
1984	Customary Courts	<u>3525</u>
	TOTAL	5574

It is obvious from Table 7 that the majority of persons are committed to prison from the customary or traditional courts. This is interesting considering that we have earlier observed that imprisonment was unknown to the traditional Botswana population. One possible explanation could be that the customary courts have misconstrued their role in sending people into prison. As they did not traditionally do that they may now believe that the right granted to them amounts to an obligation to always impose prison sentences. Under the Customary Courts Act (Cap. 04:05) the Customary Courts can impose prison sentences as well as fines. Another possible explanation for the large number of prison sentences from the Customary Courts stems from its liability to suspend sentences. But this explanation is tenuous given the fact that other alternatives such as fines and corporal punishments exist.

4. THE PROBLEM WITH A LARGE PRISON POPULATION

It can be deduced from the tables provided above that the Botswana prisons face problems with overcrowding. The 1981 Prisons Department Annual Report stated in paragraph 1.9:

"During the year under review sleeping accommodation was enough for 1305 prisoners and therefore a daily average of 2238 meant that the prisons were overcrowded by 933 prisoners."

The 1980 Annual Report in paragraph 1.15 also contained a similar observation: "The problem of overcrowding in prisons continued throughout the whole of the year under review" to the extent that "some extra prison population were housed in temporary tents."

The problem of overcrowding was not limited to 1980/81. It was spread over the entire period under study. The following table is self-explanatory:

TABLE 8

Year	Authorised Population	Daily Average	Overcrowding (Excess)
1979	1305	2702	1397
1980	1305	2540	1235
1981	1305	2238	933
1982	1305	2556	1251
1983	1318	2936	1618
1984	1318	2969	1651

This shows a daily average overcrowding of 1347. The effect of this is that the individual attention required for rehabilitation of a prisoner is greatly reduced. The modernization idea envisaged by the Prisons Act therefore cannot be realized. Under the circumstances the first approach (which is always the first goal towards reformation of any prison system) is to reduce the overcrowding. The question for us is whether any mechanism exists for reducing the prison population in Botswana, an issue which is addressed in the next section.

5. COPING WITH THE OVERCROWDING

Almost every Annual Report from the Prisons Department has made references to the overcrowding problem in the prisons and has always expected the construction of new buildings to ease the problem. For instance the 1981 Report in paragraph 1.9 stressed:

"In order to solve the present overcrowding there would be need to build five and a half prisons of the same size as Serowe New Prison...".

The Serowe New Prison referred to here has a capacity for 180 inmates. The need for five and a half prisons was raised in 1981 when the overcrowding was about 933. In 1986 the estimated daily average overcrowding was close to 2 000. An estimation of five and a half prisons is therefore no longer realistic. If the solution to the overcrowding is to be found only in the increase in accommodation then ten prisons of the size of the Serowe New Prison are to be built. It should, however, not be forgotten that the provision of new buildings provides both long term and short term solutions to overcrowding in the prisons. They are long term in the sense that it takes such a long time to implement them, both for practical and financial reasons. They can also be short term, because the overcrowding cannot be static. Which means that any time there is an increase in the prison population then an answer must be found in providing a new building. That approach is certainly unsatisfactory. A more satisfactory and lasting solution should be found; and that is the number of people being sent to jail should be reduced.

The Prisons Act has two provisions which, when properly utilized can help to reduce overcrowding in the prisons. These are related to "Parole" and "Extra-Mural Labour". Under the parole system a prisoner may be released before he completes his term of imprisonment: The objective behind the parole system is summed up in paragraph 1.17 of the 1980 Annual Report:

"Parole is the release of a prisoner earlier than the expiry of his incarceration to complete his sentences in the community and simultaneously obeying the conditions stipulated for him at the time of his release. It is intended to help the prisoner move back from further crime."

Extra-mural labour may be used in two different ways. First, it is applied to prevent an offender from going to gaol. This is where the convicting court employs the inmate on some work for the benefit of the community. The second approach is where the offender is already in jail and is released by an authorised body¹² to perform public work. In both cases the offender's sentence should not exceed six months and that he must have consented to perform the extra-mural labour.¹³

It is doubtful whether the two systems have been sufficiently utilised; otherwise there can be no reason for the continuous rise in the overcrowding rate. One possible reason for the non-effective utilization of the systems is that they are still in the experimental stages. Release on parole, for instance, requires care and proper analysis and determination as to whether it is safe, both for the convict and the community. The same can be said for a person who is already in prison and has to be released to perform extra mural labour. Choosing between sending a person to jail or putting him on extra-mural labour is not often easy. There can be no justification, for instance, for sending to jail for say six months a person who has no previous convictions and whose only crime is the theft of a fowl. Such a person is a highly suitable candidate for extra-mural labour. Prison cannot be the right place for him, taking into consideration the effects of the exposure to prison on him and the possibility of lapsing into recidivism.

6. REHABILITATION PROGRAMMES

The preceding sections have clearly presented a gloomy picture of the Botswana Prisons Service. The obvious conclusion based merely on the theoretical analysis of the prison population and the number of available personnel, would suggest that any rehabilitation programme would be extremely difficult, if not impossible, to carry out. But such inference would be misleading. Although the Service faces a herculean task in terms of handling the inmates because of the large prison population, its record on rehabilitation programmes is enviable to the extent that in 1982 the Crime Prevention and Criminal Justice Branch of the United Nations sent the Department a letter of commendation. Part of the letter read:

"The rehabilitation programme of your Prisons Service seems to provide a unique opportunity for the development of progressive modalities, not only for the human treatment of prisoners in the sub-region but also for a more effective re-orientation of the role of prisons in a concerted effort in the fight against increasing criminality."¹⁴

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12. A Judge, a Visiting Committee or the Commissioner of Prisons is empowered to release an inmate to perform extra-mural labour.
 13. In a way the extra-mural labour is closely related to the Community Service Orders operating in England. But it is so related only when the convicting court, instead of sending the accused to jail sentences him to perform extra mural-labour.
 14. Prisons Department Annual Report, 1982, para. 2.5.

The backbone for rehabilitation programmes in the prisons in the fields of education and training is founded on s. 79 and 83 of the Prisons Act. S. 79 provides:

- "(1) The training and treatment of convicted prisoners shall be directed towards encouraging and assisting them to lead good and useful lives.
- (2) Every prisoner able to profit from whatever educational and vocational facilities are provided at any prison shall be encouraged to do so.
- (3) Special attention shall be given to the education of illiterate prisoners and, where the officer in charge considers it necessary to do so, they shall be taught during the hours normally allocated to work.
- (4) Every prison shall be provided with a library where it is reasonably practicable to do so and every prisoner shall be permitted to have and exchange books from the library.
- (5) Every prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may, in the opinion of the officer in charge, best promote the interests of his family and his own social rehabilitation."

S. 83 also reads:

- "(1) Prison labour shall not be afflictive.
- (2) Sufficient work of a useful nature shall be provided to keep every prisoner who is required to work actively employed for a normal working day.
- (3) So far as is reasonably practicable, the work provided shall be such as will maintain or increase the ability of the prisoner to earn an honest living after his release from prison.
- (4) Wherever it is reasonably practicable to do so, vocational training for a useful trade shall be provided for every prisoner able to profit thereby, and especially for every young prisoner.
- (5) Within the normal limits of discipline, the wishes of the prisoner shall be taken into account in deciding the type of work to which he is allocated.
- (6) In order to prepare prisoners for the conditions of normal occupational employment, the organization and methods of work shall resemble, as nearly as is reasonable, those of similar work outside prison.
- (7) Prison industries shall aim to be profitable; but that aim shall not be pursued so as to exclude the legitimate interests of prisoners and their proper vocational training."

Thus compelled and encouraged by the provisions of the Prisons Act, the Department of Prisons approaches the rehabilitation of the inmates with great zeal. In reference to its rehabilitation programmes the 1982 Annual Report at paragraph 4 stated:-

"The secondary obligation of the Prisons Department is rehabilitation. The Department continued to recognise this obligation by training and rehabilitating all classes of sentenced prisoners in such skills and social behaviour as may be necessary to effect change in their basic attitudes and thus facilitate their resettlement into the community on their release; so that they may become useful members of society and cease to be a burden on the State ... In our approach to rehabilitation we have continued striving to minimize any differences between prison life and liberty which tend to lessen the responsibility of prisoners or the respect due to their dignity on human beings."

One might be tempted to say that these are lofty ideas. But there is evidence that the Department is actively carrying out its rehabilitation programmes with some measure of success. The programme is carried out through the social services of the Department in the following areas: Social Welfare, Education, Agriculture and Chaplaincy or Religious Activities. In referring to agricultural rehabilitation the 1984 Annual Report stated in Paragraph 5(2):

"It is the duty of this Division to train prisoners in simple agricultural technology. Therefore, supplementary to their daily practical work in individual gardens and farms, some prisoners were given both theory and practical training at 'some training centres'."

The total number of inmates who were trained in that year came to 172 which was by far the highest recorded in four years:

Table 9

<u>Year</u>	<u>No. Trained</u>
1981	20
1982	120
1983	167
1984	174

To equip officers for the proper training of the inmates in agriculture the 1984 Report stated:

"Two officers went to Ramatlabama for a one year course in Ranch Management and on completion, one was posted to Molepolole and the other to Mahalapye (both prison stations). Three officers were sent to Botswana Agricultural College for two years' certificate in Agriculture", [para. 5(2)].

The success of the agricultural training in the prisons can be seen from the revenue collected from the sale of farm produce emanating from prison farms throughout the country:

Table 10

<u>Year</u>	<u>Yield in Kg's</u>	<u>Revenue</u>
1981	119 552,13	P 12 359,17
1982	139 206,43	P 9 333,87
1983	72 206,70	P 4 863,80
1984	107 144,35	P 31 198,23

The Education Programme has also been quite successful in terms of prisoners' participation. The adult education programme over a four year period provides the following figures:

Table 11

Nature of Enrolment	1981	1982	1983	1984
Literacy	844	1222	997	646
Primary	58	54	123	107
Secondary	38	20	31	53
Grand Total	940	1296	1151	806

Sources: 1984 Annual Report, paragraph 5.7.

The 1982 Annual Report had this to say:-

"We had students sitting for different types of examinations, i.e. Junior Certificate, GCE (General Certificate of Education), University and Commercial Examinations."

Religious activities are based on s. 128 and 129 and Regulation 47. Under s. 128 Ministers of religion are allowed to visit the prisons "and minister" to the inmates:

"Minister of religion may at such hours and in such places as may be prescribed or as the officer in charge of a prison permit

- (a) be admitted to the prison to visit prisoners who may be desirous of their services; and
- (b) be permitted to hold religious services within the prison."

S. 129 also states:-

- "(1) Every prisoner, other than a prisoner in solitary confinement, shall be allowed to attend such religious services of his denomination as are held in prison.
- (2) A prisoner in solitary confinement may, with the approval of the officer in charge, be visited by a minister of religion."

Under regulation 47 every prisoner on admission is required to state his religion and religious denomination. The officer in charge of the station is also obliged to "make such arrangements as he considers practicable for the holding of religious services in the prison and for the religious instruction of prisoners".

By allowing religious activities in the prisons the Department believes that the spiritual needs of the prisoners must equally be provided for if a fuller rehabilitation is to be attained. This notion is summed up in paragraph 5.11 of the 1984 Annual Report:

"This is the fifth Annual Report of the Chaplaincy programmes of the Prisons Department since its inception in 1980. Rehabilitation in its equity (sic) can only be achieved if it involves the salvation of one's soul which is the role of Chaplaincy in the Prisons Department." (Emphasis added).

In order to achieve this goal of the salvation of the souls of inmates, nine (9) chaplains (all prison officers) were by 1984 serving all the prisons in the country. In addition all the prisons were visited regularly by priests and other members from various religious organisations.

In spite of the intensity of religious activities in the prisons the success of the programme in rehabilitating inmates has been seriously doubted. In a recent Workshop organized by the University of Botswana¹⁵ for some prison officers most of the participants doubted whether religion was actually rehabilitating the prisoners.¹⁶ They pointed out the fact that most often the inmates while in prison, showed all the signs of deep conviction and the acceptance of the faith of some religion. A closer observation would always reveal that the inmates were truly reformed and rehabilitated. However, to the disappointments of the officers most of those inmates would always come back to jail.

While the sentiments of officers may be shared by one it is doubtful if one could isolate religion as the sole failure in rehabilitating the inmates. Rehabilitation in its entirety involves a whole complex of social factors. An inmate who might have deeply and faithfully accepted a religion while in jail may easily come back to prison if he does not easily fit into the community after his release, especially when he cannot find employment or he is rejected by the loved ones and other close relatives and friends.¹⁷

7. CONCLUSION

The foregoing has attempted some tentative observations on the Botswana's penitentiary system over the years 1979-1984. 1985 was excluded as the Annual Report had not come out at the time of writing. As it has clearly emerged in the course of the discussion one major problem facing the Botswana Prisons Service is related to the overcrowding in the prisons. This has, however, not dampened the morale of the Department in its effort to provide the inmate with some realistic reformatory and rehabilitation programmes. But as the service itself concedes, overcrowding can defeat those programmes because of so many constraints inherent in such a problem. Among them are insufficient sleeping and working spaces, inadequate personnel to train the inmates, and the likelihood of a breakdown of the disciplinary machinery. Therefore in order that the service can move more in the direction of the objectives spelt out in the preamble to the 1979 Prisons Act, the problem of overcrowding must be seriously tackled. But that certainly is not a problem that squarely falls on the shoulders of the Prisons Service alone. It requires the concerted efforts of the government and particularly the judiciary, in

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15. The Third University of Botswana Prisons Service Workshop, May 26031, 1986. The Theme of the workshop was: "The Prisons Service; An Institution Undergoing a Social Change".
 16. This was during the discussion of a paper on "Religion in the Lives of Inmates".
 17. Some priests participating in the discussion conceded that they had not been very active in the prisons and also had not provided the avenue for welcoming the ex-convicts easily into the religions. They nevertheless stressed the point that other factors, and not necessarily religion alone might also be responsible for an ex-convict's return to criminality.

re-assessing its sentencing policy; and of all other agencies which directly or indirectly participate in the process of sending people to jail. It should not be forgotten that reformation and rehabilitation programmes although commendable, do not have advantage over a system which spares offenders incarceration. Prisons are not only expensive to run, but they may, as it is often the case, also fail to keep the ex-convict out of jail once he has been exposed to the life inside the prisons. That is usually the surest way to recidivism.

Imprisonment, whenever possible, should be used only as a last resort. Other alternatives should be explored instead. The extra-mural labour provided under the Botswana Prisons Act, when properly utilized, can provide an alternative to imprisonment and surely it may also go a long way in reducing the overcrowding in the prisons. As it stands now one can only hope that the Botswana's Prisons Service will continue to provide rehabilitation for its inmates and will not be deterred by the sheer number of the prison population. When the judiciary comes to realise the value of the extra mural labour it will make proper use of it and thereby help reduce the prison population. 18

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18. The use of extra-mural labour to reduce prison population, as we noted earlier, can also be effected by the commissioner. But the commissioner's resort to extra-mural labour arises only when the inmate is in jail; and here too a Judge has the same power. It thus follows that the Judges can have a better chance of making a greater impact on reducing the prison population, not only because of their numbers 14, but also for the fact that they can use extra-mural labour in two ways: before a person goes to jail and also when he is in jail. It is worth noting that the paper in no way is advocating a blanket resort to extra-mural labour simply because the prison population is high. The necessary care should be taken so that only the deserving ones benefit under its use. "Judges" here include the Magistrates who number 10.



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