

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case Number: **2025-076951**

1. REPORTABLE: NO
2. OF INTEREST TO OTHER JUDGES: NO
3. REVISED: NO


Date: 31 March 2026

In the matter between:

REUBEN MAKAMA

FIRST APPLICANT

ABRAHAM LECHABA

SECOND APPLICANT

ADAM MOGOPODI

THIRD APPLICANT

and

MINISTER OF CORRECTIONAL SERVICES

FIRST RESPONDENT

**NATIONAL COUNCIL OF
CORRECTIONAL SERVICES**

SECOND RESPONDENT

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/ their legal representatives by email. This order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this order is deemed to be 31 March 2026

JUDGMENT

K. STRYDOM, AJ

Introduction

- 1) The first, second and third Applicants are inmates of the Losperfontein Correctional Centre. They are all serving life sentences and have each, at date hereof, been incarcerated for more than 20 years. They were unrepresented in the current proceedings for judicial review of a decision of the first and/or second Respondent, that effectively amounted to a refusal to grant their release on parole.
- 2) Whilst they initially sought an order substituting the respective decisions, they, at the second hearing date hereof, collectively abandoned that relief in favour of the alternative prayer for remittal and reconsideration of their applications for parole by the First Respondent (“the Minister”) and/or the Second Respondent (“the NCCS”).
- 3) When the matter was initially heard on 17th of March 2026, it quickly became evident that the ‘record’ provided by the Respondents in terms of Rule 53, was incomplete and consisted of only two documents in respect of each Applicant:
 - a) the NCCS’ short summary of the report and recommendation of the Parole Board, and,
 - b) a single page consisting of the recommendation of the NCCS, followed by the decision of the Minister in relation to the NCCS’ recommendation; denoted by his placing a tick mark over a box marked either “*Approved*” or a box marked ‘*Not Approved*’.
- 4) The following could, however, be gleaned from the NCCS’ summary:
 - a) The first applicant was sentenced to life imprisonment in 2005. He was 38 years old at the time. He is approximately 61 years old now and has spent the last 21 years behind bars. The Correctional Supervision and Parole Board (“the Parole Board”) first recommended his release on parole in 2021. The second Respondent (“the NCCS”) however did not recommend to the Minister (first Respondent) that parole be granted. The Minister, in 2023, abided by the NCCS’ recommendation. The Parole Board, in 2024, again recommended that he be granted Parole, however, the NCCS again, in 2025, did not recommend same to the Minister. The Minister agreed with the NCCS’ recommendation (that he not be granted parole) and ticked the “*Approved*” box. .

- b) The second Applicant was sentenced to life imprisonment in 2000. He has been incarcerated for 26 years. The Parole Board has also recommended his release twice (at least); in 2019 and again in 2021. In 2019, the NCCS did not recommend his release on parole to the Minister. The second time around, in 2021 the NCCS did in fact recommend that the Minister grant parole. The Minister, however, did not agree with the NCCS' recommendation and , in 2024, ticked the "*Not Approved*" box.
- c) The third Applicant was sentenced to life imprisonment in 2004 and has been incarcerated for 22 years. The Parole Board has recommended that he be granted parole. However, in 2023, the NCCS did not recommend same to the Minister, who, in 2024 noted his agreement with the NCCS in this regard by ticking the "*Approved*" box.
- 5) No reasons were provided by the Minister (in respect of the second Applicant) or the Minister and/or the NCCS (in respect of the first and third Applicants) for the refusal to recommend/ grant parole.
- 6) Given the paucity of the 'record' and the striking disparity between the recommendations made and the subsequent decision of the Minister, I stood the matter down to the 27th of March 2026. The Respondents were ordered to file the complete record in respect of each applicant. In the hope that a rational connection between recommendation and decision could possibly be drawn by inference, it was specifically ordered that the record should include the minutes of the meetings of the Parole Board and the minutes of any meetings of the NCCS and/or the Minister.
- 7) Counsel for the Respondent advised that Parole Board was in possession of only the part of the record that related to their recommendations, whilst the Minister's office was in possession of the remainder of the record leading up to the making of the impugned decision.
- 8) The Parole Board provided its complete records in respect of the first and third Applicants. Inexplicably, it did not provide any further records in respect of the second Applicant. Counsel for the Respondent indicated that, despite her request, the Parole Board has remained 'mute' as to why the records were not forthcoming.
- 9) However, as none of the Applicants are aggrieved by the Parole Board's recommendations (it had, after all, recommended that each of the Applicant be granted

parole), its failure to supply its portion of record in relation to the second Applicant, does not bar a determination of his application *in casu*. However, in light of my finding and given the probable future importance of that portion of the record, it will be ordered that same be uploaded to the Case Lines profile herein.

10) Of greater significance to the determination sought in *casu*, is the fact that the Minister has, in present day common parlance, ‘*blue ticked*’¹ his own legal representatives by failing to provide any reply to their requests to be furnished with his portion of the record.

The Applicants’ application for condonation

11) As indicated from the outset, the Applicants are unrepresented. That they are laymen must factor into any decision regarding non compliance with the provision of the Uniform Rules or, in terms of Section 7(3) of PAJA, failures to adhere to the prescribed time periods within which reasons should have been requested for the adverse decision or within which the judicial review application should have been launched.

12) The Applicants sought condonation for any non-compliance in broad general terms. In the founding affidavit they reiterated their status incarcerated lay persons, who had to conceive and draft the present application for judicial review, without access to or advice from a legal practitioner. For their part, the Respondents have also not taken issue with any non compliance on the part of the Applicants. In their answering affidavit they note that condonation is sought and “*...in amplification..*” state that “*...the Application for condonation... has no legal bearing or relevance in this current application wherefore this point should, not be taken further.*”

13) I do not intend to list each and every instance where the Applicants’ papers do not comply with the Uniform Rules of Court. I am satisfied that condonation should be granted in this regard.

14) As to “condoning” non-compliance with the time periods set out in PAJA, by extending same in terms of Section 7(3), I am similarly satisfied that, insofar as the second and third Applicants have brought this application outside of the 180 day period provided for in PAJA, those time periods should be extended from the applicable date of the

¹ “Blue-ticked” primarily refers to the WhatsApp read-receipt feature where two blue checkmarks indicate a message has been read. It has become slang for being ignored, as the recipient has seen the message but not replied.

Minister's decision to not grant them parole, respectively, until 3 May 2025, when this application was served on the Respondents by postal transmission.

- 15) From their respective affidavits it also seems as if none of the Applicants requested reasons for the impugned decisions within the requisite 90 day period as prescribed by Section 5(1) of PAJA. They appear to be under the impression that the furnishing of reasons is governed by the provisions of Rule 53(1)(b), which places a duty on an administrator to, in addition to the record, also provide the reasons for the adverse decision, within 15 days after receipt of the notice of motion. At the latest therefore, it can be accepted that the Minister and/or the NCCS, were required to provide the record and the reasons by the end of June 2025. In the absence of any prejudice noted by the Respondents in this regard, this period is also extended.

Points *in limine* raised by the Respondents

- 16) Initially, in terms of the heads of argument filed on behalf of the Respondents two points *in limine* were raised:
- a) First point *in limine*: The Respondents submitted no final decision as to parole has been made and that, as such, there is nothing for this Court to review. The argument seemed to centre around the fact that in each case there was a timeframe provided after which the relevant Applicant's profile could be submitted to the NCCS again for consideration of parole.
 - b) Second point *in limine*: The Respondents contend that the Applicants had failed to exhaust the internal remedies provided for in terms of Sections 75 and 77 of the *Correctional Services Act*, 111 of 1998 ("the Act").
- 17) During oral argument, counsel however confirmed that the Respondents have abandoned any reliance on the first point *in limine*.
- 18) The second point was raised in the first set of heads of argument filed on behalf of the Respondents. It was omitted from the Respondents' amended heads of argument and though not formally abandoned, was, sagely, also not pressed for during argument. In any event, the objection is capable of expeditious determination (and dismissal):
- a) In terms of Section 75(8) of the Act "... (a) decision of the Board is final except that the Minister, the National Commissioner or the Inspecting Judge may refer the matter to the Correctional Supervision and Parole Review Board for reconsideration...". [underlining my own]

- b) *In casu*, the Applicants are aggrieved by the *Minister's* decision and not that of the (Parole) Board. The internal review, per Sections 75 and 77 of the Act, is therefore not applicable to the present dispute.

Applicable legal framework and principles

The applicable parole regime

- 19) As the Applicants are serving life imprisonment sentences, the Minister's powers in relation to parole, are circumscribed in Section 78 of the Act:

"(1) Having considered the record of proceedings of the Correctional Supervision and Parole Board and its recommendations in the case of a person sentenced to life incarceration, the National Council may, subject to the provisions of section 73 (6) (b) (iv), recommend to the Minister to grant parole or day parole and prescribe the conditions of community corrections in terms of section 52.

(2) If the Minister refuses to grant parole or day parole in terms of subsection (1), the Minister may make recommendations in respect of treatment, care, development and support of the sentenced offender which may contribute to improving the likelihood of future placement on parole or day parole.

(3).....

(4) Where the Minister refuses or withdraws parole or day parole the matter must be reconsidered by the Minister, on advice of the National Council, within two years.

- 20) All three Applicants were convicted of crimes committed² before 01 October 2004. As such, in terms of Section 136(3)(a) of the Act, they are entitled to be considered for parole after having served 20 years of their respective sentences and not 25 years in terms of Section 73(6)(b)(iv)).

The duty to furnish reasons for the decisions

- 21) In terms of Section 33(2) of the Constitution *"...(e) everyone whose rights have been adversely affected by administrative action has the right to be given written reasons."*

- 22) The provisions of Section 5 of PAJA give expression and content to this right.

Subsection 3 underscores that the principle that transparency is inherent to just administrative action: Where an administrator fails to provide adequate reasons, the Court engaged with the judicial review of the decision must presume that *"...the administrative action was taken without good reason"*, unless there is evidence to the

² *Phaahla v Minister of Justice and Correctional Services and Another (Tlhakanye Intervening)* [2019] ZACC 18

contrary or the departure from this requirement is fair and reasonable under the circumstances (subsection 4).

23) The failure of an administrator to furnish any (or even, adequate) reasons would normally render the impugned decision reviewable.³

24) I am alive to the debate in academic circles that arose as a result of the judgment in *Barnard v Minister of Justice, Constitutional Development and Correctional Services and Another*.⁴

- a) In terms of Section 78(2) of the Act, only the decision to refuse parole and the recommendations to be followed by the department before reconsidering of parole in future have to be communicated to the offender. The Minister is not required to provide reasons for his refusal of parole.
- b) In *Barnard*, the reasons for the Minister's refusal were communicated to the Applicant for the first time in the Minister's answering affidavit. The Court did not fault the Minister in this regard and proceeded to review (and ultimately set aside) the impugned decision.
- c) The question of whether substantive reasons for the denial of parole should be communicated, and whether these reasons should be given to the offender at the same time that the decision is communicated to the Parole Board, was therefore left undecided.⁵

25) To my mind the provisions of Section 78(2) should be interpreted within the context of Section 33 of the Constitution and Section 5 of PAJA to by necessary implication require of the Minister to provide the offender with reasons for the refusal, simultaneously with the communication of the refusal itself.

Review of the impugned decisions

26) In *casu*, no firm determination as to the interpretation of S82(2) vis-à-vis the approach followed in *Barnard*, is required: The present application differs from *Barnard* in one notable respect: Whereas in *Barnard*, the Minister's reasons were (belatedly) communicated to the offender, no such reasons were proffered by the Minister in

³ See for instance: *National Lotteries Board v South African Education and Environment Project* [2012] 1 All SA 451 (SCA); 2012 (4) SA 504 (SCA) (28 September 2011) at para 27

⁴ 2016 (1) SACR 179 (GP)

⁵ Nanima R "Barnard v Minister of Justice: the minister's verdict - Deciding on parole for offenders serving life sentences" SA Crime Quarterly No. 59, March 2017

relation to any of the Applicants herein. In *Barnard*, the Minister deposed to the answering affidavit and fully expanded on his reasons for the refusal. The answering affidavit *in casu* is deposed to by the legal services manager of the Department of Correctional Services, who, at most, can attest to the factors (as gleaned from her perusal of the record) upon which she would have based the parole refusals, had she been the Minister. Her opinion as to whether or not a respective Applicant should be released on parole, is simply that: her *opinion*.

27) Simply put: there are no reasons before me. There is also no explanation as to why, almost 10 months after the application was served, those reasons have yet to be furnished. The decisions to refuse the respective parole applications of each of the Applicants, stand to be reviewed and set aside on this basis alone. As was eloquently stated in *National Lotteries*:

“[27] The duty to give reasons for an administrative decision is a central element of the constitutional duty to act fairly. And the failure to give reasons, which includes proper or adequate reasons, should ordinarily render the disputed decision reviewable. In England the courts have said that such a decision would ordinarily be void and cannot be validated by different reasons given afterwards – even if they show that the original decision may have been justified. For in truth the later reasons are not the true reasons for the decision, but rather an ex post facto rationalization of a bad decision.”

28) As the Applicants have now abandoned the relief for substitution of the Minister’s decision, an examination into the minutiae of the common cause facts to determine whether a ‘pattern of conduct’ has been establish that would evince the futility of remitting the decision back to the Minister, is no longer required.

29) However, a comparison between the steps the NCCS in 2021 urged the first Applicant to take in order to “*improve his situation*”, the consequent steps taken by him and the steps recommended the NCCS in 2025, provides a poignant illustration of how the absence of reasons disseminates any possibility of an inference of rationality in *casu*:

2021 NCCS	STEPS TAKEN (per Parole Board 2025)	2025 NCCS
1. Undergo individual Psychotherapy to address criminogenic needs and behaviour modification	Attended psychotherapy for interventions in order to address his criminogenic needs. His engagement was satisfactory	1. Undergo intensive individual psychotherapy to address criminogenic needs, with violence propensity, ongoing

		oppositional behaviour and anti-social personality disorder traits.
2. Risk assessment by non-treating Clinical Psychologist	He attended the programme as prescribed. According to the risk assessment report his risk for reoffending can be classified as low.	2. Risk assessment by a non-treating Psychologist
3. Attend crime related correctional programmes	He attended: - Restorative justice, - Changing lanes, - Cross road, - Behaviour Modification on Gangsterism, - New Beginnings - Gender Based Violence Awareness programme, - Anger management Economic Crime (Robbery)	3. Attend the following programmes: - Change is Possible - Moral Regeneration, Relapse Prevention and Resilience Enhancement.
4. Victim tracing and restorative justice processes should be pursued.	He participated in the Victim Offender Mediation/ Dialogue processes with the victim's family	
5. He should be encouraged and assisted to improve his educational/ Vocational skills	He completed AET level 4 and acquired Vocational Skills and Training in - Big Tree Vegetable Production skills (Agriculture), - Cooking, Safety & Hygiene. He is currently busy with General Maintenance skills Program	

30) In court, the first Applicant, bemoaned the fact that, despite his compliance with each and every recommendation made by the NCCS in 2021, the NCCS in 2025 recommended that he take the very same steps again. In the absence of any reasons or records from the first Respondents in this regard, I share his befuddlement.

31) That an explanation linking decision to the facts is required, is all the more evident when one considers the NCCS' 2025 recommendation that he (again) attends psychotherapy to address his "...*criminogenic needs, with violence propensity, ongoing oppositional behaviour and anti-social personality disorder traits*." I have perused the entire record provided by the Parole Board. In the almost 300 pages of reports from case managers, psychologists, social workers, work supervisors etc., I could not find one single reference to him having a propensity for violence (in fact the opposite is stated) or that he suffers from any ongoing 'oppositional behaviour' or 'anti-social personality disorder' traits. Given that the last two mentioned are diagnosable psychological disorders, the reference by the NCCS to these disorders, when the assessing clinical psychologist did not, is disconcerting.

32) I pause to note that the NCCS' summary also states that the first Applicant had previously been found guilty of murder and that he, whilst on parole following his conviction for that murder, committed the murder for which he is presently serving his life sentence. As conceded by the Respondents' counsel, this is blatantly incorrect. He had been convicted and sentenced for burglary in 1991 and had completed his sentence long before the murder underpinning the present life sentence, occurred in 2003.

33) In relation to the third Applicant, a similar comparison, yields similar results.

34) The position of the second Applicant (for whom there is no record or reasons) can only be described as pitifully perplexing. The NCCS' summary indicates that:

- a) The Parole Board had previously (in 2017) recommended parole. The NCCS did not agree and recommended reconsideration after another 12 months (i.e. by August 2018). It was recommended that the second Applicant improve his vocational skills, complete sexual offender and crime related programmes and that updated reports be obtained. From the summary is evident that he complied with these recommendations, that updated reports were obtained and that he underwent a risk assessment by a psychologist, who noted his risk of reoffending to be low.
- b) The Parole Board, in September 2019, again recommended that he be granted parole. A year and a half later, in February 2021, the NCCS concurred and recommended to the Minister that his parole be approved. More than three years later, in August 2024, the Minister, for reasons only known to him, disagrees with

the NCCS' 2021 recommendation, ticks “*Not Approved*” and determines that the second Applicant must wait at least another 12 months before submitting his profile for reconsideration. In the interim, the Minister recommended that in order “*to improve his situation*”, the second Applicant should undergo (another) risk assessment and that updated reports should (again) be obtained.

- c) Neither recommendation provides any indication as to what the Minister saw in the documentation before him, that the NCCS did not. Nor does the fulfilment of either fall within the control of the second Applicant. The fact that the reports may have become ‘stale’ by the time the Minister had regard to them some 6 years after they had been prepared in 2019, is solely attributable to the inordinate delay between the NCCS recommending that parole be granted in 2021 and the Minister deciding otherwise in 2024.⁶

35) The second Applicant, it seems, is no more than kidnapped passenger, gagged and bound in the boot of bureaucracy; powerless to effect any change to, and having no say in, where the vehicle, that controls his very fate, is sent by the Respondents.

36) A perusal of recent judgments from this division, have, regrettably, revealed that this deplorable state of affairs has become ‘par for the course.’ The following extracts from the 2024 judgment of Du Plessis AJ (as she then was) in *Maingane*⁷ simultaneously illustrate this tendency, as well as accurately encapsulate my sentiments:

“[77] A common concern raised in court (Mr Sikhosana, Mr Mbehele and Mr Lephaila expressly so) was that a requirement is repeatedly imposed that the sentenced offenders must repeat programmes they have already completed and can be considered again for parole only after 18 – 24 months. The requirement that an offender redo a successfully completed rehabilitation programme in order to be eligible for parole may in the absence of other warranting factors be arbitrary, capricious and possibly irrational. If the effect of

⁶ The first Applicant has likewise suffered at the hand of these administrative delays. It would be recalled that this is the second time this parole has been refused. In 2021, the Parole Board recommended that parole be granted. The NCCS disagreed and (in May 2021) recommended that his profile be placed before it again after 24 months had lapsed (i.e 2023). However, as the erstwhile Minister only approved the NCCS' 2021 recommendation in May 2023, the 24 month period only lapsed in March 2025. I shall venture no further opinion than to describe the delay as ‘unfortunate’.

⁷ *Mazingane and Others v Minister of Correctional Services and Others* [2024] ZAGPJHC 1092 (28 October 2024). See also: *Mbatha v Minister of Justice and Correctional Services and Another* (5876/2022) [2024] ZAGPPHC 269 (15 March 2024) where the Court similarly also bemoaned the abject failure of the Minister to provide ANY reasons.

repeated recommendations is that the inmate will never be placed on parole, this may well conflict with the Constitution.”

.....

[108] The various applications in this judgment highlights some common fault lines in the parole system for “lifers”. Some of these fault lines were also highlighted in countless other cases such as Motsemme v Minister of Correctional Services, Dlomo v Minister of Correctional Services, Williams v Minister of Correctional Services and Mabuse v Minister of Justice and Correctional Services, relating to inexcusable delays and irrational decision-making. If these issues are not effectively addressed, the courts will continue to be inundated with applications such as these, by people who are justifiably frustrated. In that regard, I echo what Wilson J said in Mabuse:

“The law [...] recognises that incarceration, even incarceration of people who have committed very serious offences, ought not to continue for longer than it can be justified. The necessary complexity of the process for considering the fitness for release of a person serving a life sentence ought not to be allowed to obscure the need for prompt and diligent attention to their circumstances. In each of the applicants’ cases, there is reason to believe that the necessary complexity of the task the respondents face has not been met with the level of care, administrative capacity or attention to detail the law requires (see, in this respect, section 237 of the Constitution, 1996).”

Costs

37)As the Applicants appeared in person, no ‘costs’ as traditionally understood (i.e legal party and party costs) have been incurred.

38)However, at the hearing the first Applicant indicated that he had incurred certain expenses (such printing, compensation of third parties who delivered documents on their behalf to the post office, data costs etc.) At the time of the hearing, he did not have schedule of the exact expenses at hand but estimated that he had spent in the region of R500-00.

39)He was granted an opportunity to upload a schedule of expenses and any proof of payments made to Case Lines by the 26th of March 2026. The Respondents were afforded an opportunity to upload their submissions in contestation of any item listed in schedule, if any, before the 30th of March 2026. No such submissions have been made and it is therefore assumed that the Respondents do not intend to oppose the first Applicant’s claim in this regard.

- 40) The first Applicant's schedule, (which he has named "Bill of costs"), sets out various expenses totalling R2040-00. Of that amount, R1000-00 is noted as being a gesture of "goodwill" for a law student who assisted the Applicants in drafting of the court papers. Having also once, in the distant past, been a suffering law student, one can certainly understand and sympathise with such the request. Unfortunately, it would be unlawful for a Court to order that payment be made in respect of legal services provided by a person who is not (yet) an admitted legal practitioner: In terms of Section 33(1)(b) of the Legal Practice Act no person other than duly admitted, practising legal practitioner may, "*...in expectation of any fee, commission, gain or reward..*" draw up any documents relating to any action in a court of civil jurisdiction within the Republic.
- 41) The nature of and amounts paid in relation to remainder of the listed expenses (totalling R1040-00) are however considered to be reasonable and necessary

ORDERS

42) In relation to the first Applicant, **REUBEN MAKAMA**, the following order is made:

1. The decision of the first Respondent, made on the 10th of May 2025 to approve the recommendation of the second Respondent, dated 25-28 March 2025, to the effect that the first Applicant should not be released on parole, as well as any recommendations in respect of treatment, care, development and support or time periods prescribed for reconsideration of his profile by the second Respondent, contained therein, is hereby reviewed, set aside and remitted to the first Respondent for reconsideration.
2. The second Respondent shall, within 14 calendar days of this order, deliver to the First Respondent and the first Applicant, an amended summary of the Correctional Supervision and Parole Board's report and recommendations of the Case Management Committee that served before it in 2024. The amended summary shall accurately reflect the factual and circumstantial content of those reports as they were set out in the 2024 reports.
3. The first Applicant may within 17 calendar days of this order, furnish the first Respondent with written submissions detailing any additional or new factors not evident from the content of the 2024 report of the Correctional Supervision and Parole Board, detailing any factual inaccuracies contained in either the second

Respondent's summary and/or updated summary or in the Correctional Supervision and Parole Board's 2024 report and/or any other factors the first Respondent should take into consideration.

4. For purposes of his reconsideration and determination, the first Respondent is directed to have regard to the following:
 - 4.1. The content of this judgment;
 - 4.2. The entire report and Annexures of the Correctional Supervision and Parole Board 2024 report.
 - 4.3. The written submission of the first Applicant per 3 above, if supplied.
 - 4.4. The amended summary of the second Respondent per 2 above, if supplied
 - 4.5. The following dicta of the Constitutional Court in *Walus v Minister of Justice and Correctional Services (202)3 2 BCLR 224 (CC)*:

"[37] In considering the applicant's appeal, it is appropriate to refer back to what was said in the first few paragraphs of this judgment. That is that section 36 of the CSA tells us that the objective of the implementation of a sentence of imprisonment is to enable the sentenced prisoner to "lead a socially responsible crime-free life in the future". On the face of it, this seems to suggest that, where, on all the evidence, the risk of a prisoner re-offending, if he or she were released on parole, is low, the relevant authorities should seriously consider releasing such prisoner on parole because the objective of the implementation of a sentence of imprisonment would have been achieved."
5. The first Respondent shall communicate the outcome of his reconsideration to the first Applicant in writing, no later than 17h00 on the 8th of May 2026, irrespective of whether the orders set out in 2 and 3 above have been complied with by the party referenced in each respectively.
6. Should the outcome of the reconsideration constitute a refusal to grant parole to the first Applicant, the first Respondent shall provide the first Applicant with written reasons for the decision simultaneously with the communication per 5 above.
7. The Respondents are liable for the expenses incurred by the first Applicant in prosecuting this application in the amount of R1040-00, which amount shall be paid to the first Respondent within 14 calendar days of this order.

43) In relation to the second Applicant, **ABRAHAM LECHABA**, the following order is made:

1. The Respondents are ordered to ensure that the complete record is uploaded to the Case Lines platform within 5 days hereof.
2. The decision of the first Respondent, made on 14th of August 2024, to not approve the recommendation of the second Respondent, dated 24-26 February 2021, to the effect that the second Applicant should be released on parole, as well as any recommendations in respect of treatment, care, development and support or time periods prescribed for reconsideration of his profile by the second Respondent, contained therein, is hereby reviewed, set aside and remitted to the first Respondent for reconsideration.
3. The second Applicant may within 17 calendar days of this order, furnish the first Respondent with written submissions detailing any additional or new factors not evident from the content of the report of the Correctional Supervision and Parole Board, or any factual inaccuracies contained in the second Respondent's 2021 summary of the in the Correctional Supervision and Parole Board's report and/or any other factors the first Respondent should take into consideration.
4. For purposes of his reconsideration and determination, the first Respondent is directed to have regard to the following:
 - 4.1. The content of this judgment;
 - 4.2. The entire report and Annexures of the Correctional Supervision and Parole Board's report that was considered by the second Respondent when it recommended, in 2021, that the second Applicant should be granted parole..
 - 4.3. The written submission of the second Applicant per 3 above, if supplied.
 - 4.4. The following dicta of the Constitutional Court in *Walus v Minister of Justice and Correctional Services* (202)3 2 BCLR 224 (CC):

"[37] In considering the applicant's appeal, it is appropriate to refer back to what was said in the first few paragraphs of this judgment. That is that section 36 of the CSA tells us that the objective of the implementation of a sentence of imprisonment is to enable the sentenced prisoner to "lead a socially responsible crime-free life in the future". On the face of it, this seems to suggest that, where, on all the evidence, the risk of a prisoner re-offending, if he or she were

released on parole, is low, the relevant authorities should seriously consider releasing such prisoner on parole because the objective of the implementation of a sentence of imprisonment would have been achieved.”

5. The first Respondent shall communicate the outcome of his reconsideration to the second Applicant in writing, no later than 17h00 on the 8th of May 2026.
6. Should the outcome of the reconsideration constitute a refusal to grant parole to the second Applicant, the first Respondent shall provide the second Applicant with written reasons for the decision simultaneously with the communication per 5 above.

44) In relation to the third Applicant, **ADAM MOGOPODI**, the following order is made:

1. The decision of the first Respondent, made on the 25th of March 2024, to approve the recommendation of the second Respondent, dated 21-23 February 2024, to the effect that the third Applicant should be not released on parole, as well as any recommendations in respect of treatment, care, development and support or time periods prescribed for reconsideration of his profile by the second Respondent, contained therein, is hereby reviewed, set aside and remitted to the first Respondent for reconsideration.
2. The third Applicant may within 17 calendar days of this order, furnish the first Respondent with written submissions detailing any additional or new factors not evident from the content of the report of the Correctional Supervision and Parole Board, or any factual inaccuracies contained in the second Respondent's 2024 summary of the in the Correctional Supervision and Parole Board's report and/or any other factors the first Respondent should take into consideration.
3. For purposes of his reconsideration and determination, the first Respondent is directed to have regard to the following:
 - 3.1. The content of this judgment;
 - 3.2. The entire report and Annexures of the Correctional Supervision and Parole Board's 2023 report that was considered by the second Respondent when made its recommendations in 2024.
 - 3.3. The written submission of the third Applicant per 2 above, if supplied.

3.4. The following dicta of the Constitutional Court in *Walus v Minister of Justice and Correctional Services* (202)3 2 BCLR 224 (CC):

“[37] In considering the applicant’s appeal, it is appropriate to refer back to what was said in the first few paragraphs of this judgment. That is that section 36 of the CSA tells us that the objective of the implementation of a sentence of imprisonment is to enable the sentenced prisoner to “lead a socially responsible crime-free life in the future”. On the face of it, this seems to suggest that, where, on all the evidence, the risk of a prisoner re-offending, if he or she were released on parole, is low, the relevant authorities should seriously consider releasing such prisoner on parole because the objective of the implementation of a sentence of imprisonment would have been achieved.”

4. The first Respondent shall communicate the outcome of his reconsideration to the third Applicant in writing, no later than 17h00 on the 8th of May 2026.
5. Should the outcome of the reconsideration constitute a refusal to grant parole to the third Applicant, the first Respondent shall provide the third Applicant with written reasons for the decision simultaneously with the communication per 4 above.


K STRYDOM
ACTING JUDGE OF THE
HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION, PRETORIA

Dates of hearing: 17 and 26 March 2026.

Date of judgment: 31 March 2026

For the 1st, 2nd and 3rd Applicants: Appearances in person

For the 1st and 2nd Respondents: Adv M Nteso, instructed by the State attorney, Pretoria