

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

**Paul F van Vuren v Minister of Justice and Constitutional Development and
Minister of Correctional Services**

CCT 15/07

Date of order: 1 June 2007

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

Today the Constitutional Court handed down the judgment in the matter in which the applicant, Mr Paul van Vuren, who represented himself, applied directly to the Court in terms of section 167(6)(a) of the Constitution and Constitutional Court Rule 18. He sought an order declaring section 136(3)(a) of the Correctional Services Act 111 of 1998, which regulates the parole terms for prisoners serving life sentences, unconstitutional and invalid. In essence, Mr van Vuren's case was premised on the retrospective effect of the statutory provision. He contended that he, and others in his position, could have been eligible for parole after serving 15 years under the previous parole policy, but for section 136(3)(a) has to serve 20 years before being considered for parole.

Mr van Vuren is presently serving sentences (including life imprisonment) for murder, robbery with aggravating circumstances, theft and possession of an unlicensed firearm and ammunition. To date he has served over 14 years of his sentences.

In this Court Mr van Vuren sought relief materially different from the relief he unsuccessfully applied for in the Pretoria High Court in 2006. In that Court, he did not attack the constitutional validity of section 136(3)(a). What compounded the difficulty is that the case before this Court was not clearly and properly formulated, perhaps due to the fact that Mr van Vuren was unrepresented. The views of the respondents in this matter, the Ministers of Justice and Constitutional Development and of Correctional Services (the Ministers), were also not before the Court. This Court found that adjudication of the issues in these circumstances would be undesirable. The Court accordingly dismissed the application on the basis that it is not in the interests of justice to grant direct access.

The Court said that the issues raised may be important and may require adjudication in the interests of the applicant and others in his position. It therefore directed that the judgment be brought to the attention of the Law Society of the Northern Province for it to consider whether one of its members might provide assistance to Mr van Vuren in instituting appropriate action in the High Court should his case have merit. As the Ministers had not reacted to the applicant's papers, which were served on the State Attorney, the Court directed its Registrar to bring the judgment to the attention of the State Attorney and the Ministers concerned to ensure that submissions on the

constitutionality of the impugned provisions are put before the High Court that may have to adjudicate on the issue in the event of the matter being pursued further.