

# TAC and partners will picket outside the Constitutional Court and at Pollsmoor Prison on 28 August

?It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.? -- Nelson Mandela, detained at Pollsmoor Prison from 1982 ? 1988. He had TB during this time.

On 28 August 2012 the Constitutional Court will hear argument in the matter between Dudley Lee and the Minister of Correctional Services. The Treatment Action Campaign (TAC) and partners will at the same time picket outside the Constitutional Court in Johannesburg and Pollsmoor prison in Cape Town.

TAC, the Wits Justice Project and Centre for Applied Legal Studies, represented by SECTION27, are participating in this case as Amici Curiae in order to persuade the Court to that the Department of Correctional services must reduce the spread of TB in prisons.

Dudley Lee spent over four years as an awaiting trial prisoner in Pollsmoor before he was acquitted and released. During that time, the Department of Correctional Services violated his constitutional rights to health and conditions of detention consistent with human dignity. Dudley Lee was healthy when he entered Pollsmoor prison. In June 2003, he was diagnosed with TB.

The Department of Correctional Services continues to fail to carry out its duty to reduce the risk of prisoners contracting TB. Pollsmoor is notoriously congested. It holds well over twice as many people as is legally allowed. The prison keeps prisoners indoors for up to 23 hours a day. A study published in the South African Medical Journal has found that the prison's poor conditions causes an awaiting trial prisoner to have a 90% risk of becoming infected with latent TB every year that he is in prison.

TB is the number one cause of death in South Africa. It disproportionately kills poor people and people living with HIV. The conditions at Pollsmoor facilitate the spread of TB. But this is a public health menace beyond prison, because prisoners return to their communities with TB. By reducing the high rates of TB in our prisons, we stand a better chance of reducing TB in our cities.

TAC and its partners will rally in front of the Constitutional Court and Pollsmoor Prison to demand that human rights be recognised and to ensure that human dignity is not compromised.

This case represents a critical moment in the fight against TB in South Africa and the pickets will highlight the consequences of this case for human rights, public health and justice.

See also:

[Briefing note re the Dudley Lee case](#)

[A court case and a mathematical model expose the risk of TB in South African prisons](#)

[Former prisoner gets TB and takes Government to court](#)

## **DETAILS OF PICKET**

Date: 28 August 2012

Time: 09h00-14h00

Venues:

\* Johannesburg: Constitutional Court, 1 Hospital Street, Constitution Hill, Braamfontein

\* Cape Town: Pollsmoor Prison, Steenberg Road, Tokai, Cape Town

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Source URL (retrieved on 2017/08/23 - 2:33am): <http://www.tac.org.za/community/node/3307>