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Open Letter to the Honourable Members of Parliament of the Republic of South Africa

Bangkok 1st August 2015,

**Dear honourable members of parliament and representatives
of the South African people,**

I am writing this letter on behalf of eleven South African citizens,
incarcerated in the Kingdom of Thailand.

Recently the Thai government extended an invitation to all foreign
embassies who have citizens incarcerated in Thailand to enter into a
prisoner transfer agreement (PTA)¹. The eleven South Africans incarcerated
in Thailand are not sure if the embassy has informed you of this opportunity.
If not, we have undertaken to petition you to request the South African
government to enter into these negotiations with the Thai government in
order to achieve such an agreement. To date 37 countries have already
accepted this invitation to sign a PTA that would enable their citizens to be
repatriated so that they can serve the remainder of their sentences close to
their families. This humanitarian gesture on the part of the South African
government is in keeping with South Africa's Constitution and its
Correctional Services policies, which underscore the rehabilitative potential
for all offenders, including South African inmates incarcerated abroad. A PTA
would allow their families access to them and would assist their
reintegration into society upon release.

I am enclosing herewith their individual hand written pleas for a PTA
in which they do not relinquish responsibility for their crimes, but simply beg
for a second chance and the opportunity to complete their sentences close
to their loved ones.

¹ <http://www.nationmultimedia.com/national/Surge-in-women-being-locked-up-30256610.html>

On a personal note, I would like to draw to the attention of the Honourable Assembly the following two issues;

- First the fact that 30 % of the South African inmates incarcerated here in Thailand have been wrongly convicted. They were coerced and threatened with their lives and those of their families. In accordance with the criteria listed by the International Organization on Migration, namely coercion, transportation and exploitation, they should be reclassified as victims of human trafficking.
- Secondly a PTA would also constitute a substantial cost savings for correctional institutions and a substantial reduction in South Africa's prison population. According to the Department of Correctional Services, there are approximately 10,000 foreign inmates in South African prisons, whose upkeep costs South African taxpayers over a billion rand per year. Conversely, according to the Department of International Relations and Co-operation, there are less than 700 South Africans incarcerated abroad, 11 of which – as mentioned above – are incarcerated in Thailand. A PTA between Thailand and South Africa would therefore constitute, not only a humanitarian gesture but a financially pragmatic decision for South Africa, as well.

On behalf of the South African inmates and their families, who are doubly punished by not being able to visit their loved ones due to financial constraints, I entreat you to alleviate their suffering by requesting the South African government to enter into a PTA² with the Kingdom of Thailand.

Respectfully yours,



Dr Henk Vanstaen

Encl; Letters of inmates

CC; Families of inmates, National Press

² **Requirement for prisoner transfer**

The inmate has already served one-third of the sentence. For example, for a sentence of 9 years, the inmate can apply for transfer after having served three years.

But if the inmate was sentenced to 20 years in prison, he or she will be eligible for transfer request after having served 4 years. That is because the Legislation Procedure for Cooperation Between States in the Execution of Penal Sentences Act B.E. 2527 (1984) says the foreign prisoner must have served a minimum of one-third of period of imprisonment, or four years, whichever is the shorter.

The inmate must have more than one year left to serve in order to qualify.