Govt seems reluctant to agree to allow South Africans sentenced abroad to serve part of their sentences at home. Hazel Friedman reports on two cases.

“You cannot bring this in here,” the warden informed me, pointing to the pair of spectacles I was holding. “Prison rules -forbid these colours.”

“Please don’t do this to her,” I pleaded. “She will not be able to see properly without them!”

I tried to control the pitch of my voice, but I could hear it becoming shriller and sharper in solidarity with my rising frustration.

I had been informed by Henk Vanstaen – a retired scientist who was born in Rwanda to Belgian parents and now lives in Bangkok – that Thando Pendu, one of the seven South African women incarcerated in Bangkok’s Klong Prem Prison, required prescription glasses.

Vanstaen is the unofficial envoy for 11 South Africans who have been jailed in Thailand for drug smuggling. He is their friend, confidante, spokesperson, mediator, emissary, surrogate father, postman and general go-to guy. He is their voice to a world from which they have been locked out, unable to access news through print, radio or television, and dependent solely on letters – censored and often irregular – to maintain their tenuous link with life beyond the prison walls.

It was Vanstaen who suggested that I bring Pendu a pair of spectacles from South Africa when I visited. Naively, I had chosen a frame whose uniform blackness was broken by a chevron pattern along the arms. Sassy, but inconspicuous, I thought; a pair of functional, yet fashionable specs to subtly break the bland uniformity of the shapeless blue prison smocks that female prisoners are forced to wear.
“This is such nonsense,” Vanstaen spat, trying to assuage my obvious distress and embarrassment. “I have regularly seen inmates wearing glasses encased in white frames.”

And, sure enough, at that very moment an inmate walked past, eyes diffidently lowered, wearing a pair of white-framed specs.

My embarrassment quickly changed to outrage. Again I had been reminded of the capriciousness of Klong Prem’s gatekeepers, who could change the prison rules at whim. I wondered aloud about the other power games and regular malfeasance committed by the prison authorities against their charges.

Vanstaen shrugged. “One never knows. Rules can change in the blink of an eye, depending on the mood swings of the wardens, particularly when it comes to farang [foreign] prisoners. There is nothing we can do except report it to embassy.”

We both grimaced at that. The chances of the South African embassy in Bangkok performing any effective intervention on behalf of their incarcerated compatriots were even more remote than the logistics of smuggling in a pair of contraband prescription glasses that did not conform to Klong Prem’s new “black only” penal colour code.

A few days earlier I had flown from South Africa to Thailand with Pendu’s mother, Nozukile, and Honjiswa Ncepu, the mother of Nolubalaba “Babsie” Nobanda, another one of the women who had been jailed. The two women were strangers to one another but had been brought together by their shared tragedy.

Since their daughters’ arrests both mothers had felt emotionally incarcerated alongside them. Pendu had been in prison for drug smuggling since October 2009, and Nobanda since December 2011. They were cellmates at Klong Prem prison.

At the time of their arrests, both were 23 years old.
Also accompanying us were Pendu’s uncle, Jabulani Khubone, and human rights lawyer Sabelo Sibanda, who has vowed to help draw attention to South Africans jailed abroad and who, as he puts it, have been “sacrificed on the altar of diplomatic and trade relations”.

We departed on November 20 last year, the day after the Cape Town launch of my book Dead Cows for Piranhas. It was Pendu’s tragic narrative that had formed the thematic fulcrum of my book, whose visceral title refers to the “dead cows” or decoys who are set up to be arrested with small amounts of contraband while professional drug mules, packing much larger quantities into anatomical cavities or luggage, slip through undetected.

I had promised Nozukile – an unemployed single parent from Thabong township in the Free State – that I would accompany her to visit her daughter, whom she had not seen since her arrest in October 2008. I was not accompanying her as a journalist, but rather as a friend, whose life has become inextricably entwined with hers.

During the flight Nozukile seesawed between anticipation and anxiety; she had never flown before and didn’t know what to expect from the daughter who could possibly be spending much of her adult life behind bars.

Ncepu had visited her daughter once before. She could still recall, with almost tactile intensity, the smells, tastes, temperature and tempo of Bangkok. She detested everything about the city. But what she hated most was the way the Thai authorities had paraded her daughter – bust with cocaine camouflaged in her dreadlocks – for the global media, making her the unwitting poster child for drug mules.

I had promised Nozukile that I would get her daughter’s case reviewed, her sentence overturned and ultimately bring her home. That hope had kept her mother’s psyche from splintering further.

Yet with each year that passed, my assurances sounded increasingly hollow as another little piece of hope was chipped off, like a rock face eroded by an unrelenting river.
Hope, after all, also has a statute of limitations.

Only opportunity

When the prison authorities finally granted Pendu permission for a contact visit, it was the first time in six years she was able to have direct interaction with anyone other than her fellow inmates and the wardens. I knew this could possibly be the only opportunity mother and daughter would have of connecting beyond the barriers of glass and bars that usually separates inmates from their loved ones.

Before the contact visits, families and approved friends of the foreign inmates are entitled, with the requisite letters of approval from their embassies, to see the prisoners during conventional prison visiting times, in the morning and afternoon, for approximately half an hour.

Visits are conducted through bars and murky glass, with communication via telephones that are prone to the occasional malfunction.

For her first visit, Nozukile wore a multicoloured wig and a sparkly outfit with matching stilettos that would not have been out of place at a cocktail bash. Clammy from nerves and the mugginess of a typical Bangkok winter day, she clattered unsteadily up the stairs, her high heels emitting staccato taps with every step. I later learnt that she had spent years planning her wardrobe for the moment when she would glimpse her child.

We saw them through the glass: Pendu and Nobanda waving and beaming. Wearing a bright bow atop her luxuriant tresses, Nobanda looked exquisite. Flashing an incandescent smile, she blew us kisses while Pendu performed an impromptu dance. Pendu’s hair was slowly growing back after a severe illness in prison and she had fashioned it into trendy, tight dreads that offset her pert, delicate features.

Nozukile began to wail, the years of anguish spilling over into uncontrollable tears. The more reserved Ncepu sobbed quietly into her handkerchief. Their daughters cried, laughed and hugged each other. They had become best friends, supporting each other through the hell of
incarceration in a foreign country, separated from family and friends, sharing a cell drenched in sweat and piss with more than 200 inmates, sleeping on a concrete floor, sardine-style, -relieving themselves in one of four open toilets, deprived of all vestiges of privacy.

In Thailand, female inmates have it much worse than their male counterparts. They are forced to pay for everything – even the most rudimentary of essentials, such as water – and the manicured façade of the prison exterior camouflages the appalling conditions inside.

But neither of the women wanted to dwell on that side of prison life. They were both fluent in Thai by now, and Pendu confessed that she even dreamt in the language. Displaying extraordinary eloquence, they quizzed us about South Africa and thanked us profusely for visiting them. They were strong, they said; their time inside would not be wasted and, after their release, they would focus on making a positive contribution to society.

We had gone there to reassure them, and instead they were comforting us. They did not want to waste a single, precious second of our visit dwelling on sadness. But beneath the radiance and resilience I spotted the subcutaneous hairline fissures of their psyches. Optimism is the surface tissue oil that only helps the scars to partially fade.

Nobanda’s story has been popularised through local media reports: how she was duped into smuggling drugs by a childhood friend from Grahamstown; how, after she couldn’t swallow the condoms, they were woven into her dreadlocks; how her determination to complete her academic studies did not stop behind bars.

She is currently studying communications through Unisa. Her course material is posted to her but without Vanstaen’s intervention, prompt delivery through the South African embassy isn’t always guaranteed. She has bagged a tiny space adjacent to one of the toilets where she studies and writes her assignments. She has become a mentor to the rest of the South African women incarcerated in Klong Prem. In addition to her intellectual prowess, she is also a gifted artist.

Destructive offer
Less is known of Pendu’s story. She worked as a clothing-store assistant in Port Elizabeth and, despite not completing her secondary education, had ambitious aspirations of advancing her career.

As a single, unemployed parent, Nozukile provided for her family of six by selling clothes on the sidewalks of Thabong in the Free State. Her main supplier was a woman called Thembi, who frequently jetted off to Southeast Asia to purchase designer knock-offs, which she would then sell on consignment to informal traders such as Nozukile.

It was through her mother that Pendu met Thembi, who made her an offer that would destroy her life.

“I was visiting my mom and I thought Thembi was the most glamorous woman – her clothes, her jewellery. I wanted to be just like her.

“I had never been outside South Africa. I didn’t even have a passport and here was this woman who had been all over the world. When she offered me a job in Thailand and the chance to make more money than I had ever dreamed of, I thought my life was made.”

But when Pendu landed in Bangkok the dream job became a nightmare. Thembi demanded she smuggle drugs.

“I didn’t know where I was,” Pendu told me. “I couldn’t speak the language, and I had no friends. I had no choice.”

As an extra security measure, Pendu was kept under constant surveillance by an “enforcer” – a syndicate member, a Nigerian man, who monitored her every move.

Pendu could not or would not swallow the drug-filled condoms, so they were tied to her chest, stuck up her vagina and stuffed into her shoes. Her “noncompliance” had marked her as the
weakest link in their chain of command and, therefore, a liability to the syndicate. Her captors had two options: kill her or go for the kinder option of setting her up.

Customs officials nabbed her at Bangkok Airport as she was about to board a flight to China. While she was being searched and interrogated, four other South African mules, who she stayed with in Bangkok, slipped through, undetected.

Pendu’s horrifying ordeal had dispelled every preconception I harboured about the individuals convicted of committing this crime. Previously, my spoonsful of sympathy had been coated with contempt: how naïve, how stupid, how greedy to take such a risk.

But Pendu’s case was different. Her unenviable role was either “dead cow” or death. Although the evidence appeared to weigh incontrovertibly against her, I realised that she was not a perpetrator of drug trafficking but, rather, a victim of callous human trafficking.

If this could happen to her, there must be other South African citizens who have been wrongfully convicted and who are suffering terrible human-rights violations abroad.

Since 2009, together with Vanstaen, human rights crusaders such as the lawyer Sibanda, who travelled with me to Thailand, and Patricia Gerber, who launched the nongovernmental organisation Locked Up in a Foreign Country, I have made a crucial distinction between those who wilfully smuggle drugs and those who are tricked into becoming unwitting decoys. If the former did the crime, they should do the time.

But those who are duped into carrying drugs conform to the three criteria that define victims of human trafficking identified by the International Organisation on Migration: coercion, transportation and exploitation.

In addition to Pendu and Nobanda in Thailand, there are many more who possibly fit the category of human trafficking victims.
Hope dwindles for women imprisoned in Thailand for drug trafficking

Although the narcotics trade is an equal opportunity employer, increasingly, young, impressionable South Africans, mainly women, are being targeted. Every month another one gets caught in a foreign country, more often than not, with small amounts of drugs. Their arrests look good for the stats but they do not even make a crack in the impenetrable fiefdoms controlled by global drug barons, operating in cahoots with corrupt police and politicians.

Despite our progressive Constitution and policies that uphold human rights, the prevailing approach is punitive towards both the victims of this crime and their families. South Africa has also refused to join other countries around the world such as the United States, Canada, the United Kingdom, Russia, Uganda and Nigeria, in signing a prisoner transfer agreement (PTA) with countries where our citizens are incarcerated.

This agreement would allow prisoners to serve the final portion of their sentences in their homeland, close to their loved ones.

For those guilty of wittingly smuggling drugs, a prisoner transfer agreement would not signify a condoning of their crimes; it would simply constitute a humanitarian gesture to allow the incarcerated to be in their home country. For genuine victims of human trafficking, it would provide them with, if not some form of restitution, then at least the sense that South Africa had not abandoned them to decades behind bars for a crime they had no intent to commit.

Resounding silence

Thailand has indicated its willingness to enter into such an agreement with our country. South Africa has, so far, refused. Meanwhile, Vanstaen has witnessed the deterioration of the already dire prison conditions for South Africans in Thailand. In August this year he wrote an open letter to the South African Parliament, imploring it to enact legislation for a prisoner transfer agreement.

The response from our government remains a resounding silence. A petition for a prisoner transfer agreement simultaneously circulated by Patricia Gerber received a paltry number of signatures. It seems that the prevailing attitude is: “Out of sight, out of mind.”
“We have yet to see the benefits of such an agreement,” says Nelson Kqwete, a spokesperson for the department of international relations and co-operation.

Yet there are compelling arguments in favour of a prisoner transfer agreement, on both humanitarian and economic grounds.

“Although our Constitution does not have extra-territorial jurisdiction, as a country, South Africa has obligations in international law to protect all its citizens against human rights violations,” says Jamil Mujuzi, an associate professor of law at the University of the Western Cape.

“Signing a PTA would assist with the personal rehabilitation of convicted South Africans by allowing them to be closer to their families. This would also assist with their reintegration into society upon release.”

Mujuzi cites the costs of repatriation as a possible reason for government’s aversion to prisoner transfer agreements. In fact, financial concerns should be an incentive for the government to sign. According to the department of correctional services, South Africa has the most overcrowded prisons in Africa and the ninth most crowded in the world. More than 6 000 of the sentenced inmates are foreigners, mostly from elsewhere in Africa, costing the taxpayer more than a billion rand a year.

According to the department of international relations there are fewer than 700 South Africans incarcerated abroad. The figures are probably much higher but still far less than the number of foreign inmates in our prison.

It was during the one-and-a-half-hour contact visit that I caught a split-second glimpse into the agony of incarceration. All contact visits are conducted in a public, sheltered outdoor dining area, much like a large canteen. Security is so strict that visitors are prohibited from wearing their own shoes and are given prison-issue sandals.

For the visit Nobanda had organised a feast of pad thai and a cake. While Sabelo, Jabulani and I wolfed down the food, Nozukile’s delicate constitution rebelled and she couldn’t swallow a
Pandu began feeding her mother the mashed noodle with a spoon, which Nozukile gingerly chewed. When Nozukile had finished, Pandu briskly wiped her mother's mouth with the serviette. Then their eyes locked and grew luminescent with unshed tears. I will never forget those pools of pain.

Ultimately, Vanstaen ingeniously resolved the impasse of the incorrectly colour-coded glasses. He simply painted the arms of the spectacles a uniform black. They passed the prison inspection without a hitch.

But there was no tidy ending for me. I knew, after this visit, that I could never again return to Thailand.

In my book I had criticised Thailand's penal system. In so doing I had violated the law of lese majeste, the crime of offending the monarchy, which carries a heavy prison sentence. I didn't relish the prospect of joining my compatriots in Klong Prem, should I return.

Yet I couldn't say goodbye.

Had I witnessed these mothers bidding farewell to their beloved daughters, my resolve not to cry, not to spew my anger, sense of helplessness and the rest of my emotional entrails all over that sanitised visitors' room, would have disintegrated.

During my return visit to Klong Prem, I had met five other South African women who still cling to gossamer threads of hope. I carried back with me letters from each of them; they were addressed to the South African government and, in each, the women apologised for their crime and begged our government to sign a prisoner transfer agreement with Thailand.

Did I think the South African government would be receptive? I nodded and spoke about the
progress we were making. But my words of reassurance sounded glib to my own pain-seasoned ears. I wasn’t sure if I had any more hope left to give.

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