# CONSTITUTIONAL COURT OF SOUTH AFRICA

**Paul Francious Van Vuren v Minister for Correctional Services and Others**

**CCT 07/10**

**Hearing date: 6 May 2010**

---

**MEDIA SUMMARY**

---

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

On 6 May 2010, the Constitutional Court will hear an application for leave to appeal against the decision of the North Gauteng High Court (Pretoria) in which that court dismissed the applicant's challenge to the constitutional validity of section 136(3)(a) of the Correctional Services Act 111 of 1998 ("the Act"), a provision which governs the minimum period which prisoners sentenced to life imprisonment must serve before being considered for parole. Mr van Vuren, the applicant, has been before various courts regarding his alleged right to be considered for parole when eligible.

The applicant was convicted of several crimes, including murder and robbery with aggravating circumstances. He was sentenced to death on 13 November 1992. Following the Constitutional Court's decision in 1995 that the death penalty is unconstitutional, his death sentence was commuted to life imprisonment on 20 September 2000 and antedated to the date of the original conviction.

Over the years, the laws and policies relating to the minimum time to be served by a prisoner before being considered for parole have changed. The law at the time when the applicant committed the crimes required people serving life sentences to serve, at least, between 10 to 15 years of their sentence before being considered for parole. Later, in 1995, the policy

required prisoners serving life imprisonment to serve at least 20 years before being eligible for parole. In 1999, section 136 was brought into operation. Section 136(3)(a) requires such prisoners to serve at least 20 years before being entitled to be considered for parole.

The applicant argues that the effect of section 136(3)(a) of the Act is that he has to wait longer before being eligible to be considered for parole than he would ordinarily have waited had his eligibility for parole been considered in terms of the policies applicable to his antedated life sentence. Furthermore, he argues that the challenged section infringes his constitutional rights to equality and dignity, and arbitrarily and unjustly deprives him of his freedom. The respondents, including the Minister for Correctional Services and the Minister for Justice and Constitutional Development, oppose the applicant's challenge to section 136(3)(a) of the Act and argue that it is constitutionally valid.