

**COMMISSION OF INQUIRY INTO ALLEGED INCIDENTS OF
CORRUPTION, MALADMINISTRATION, VIOLENCE OR
INTIMIDATION INTO THE DEPARTMENT APPOINTED BY
ORDER OF THE PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA IN TERMS OF PROCLAMATION NO. 135 OF 2001, AS
AMENDED.**

FINAL REPORT

Volume 2

VOLUME 2

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MISCONDUCT CHAPTERS

CHAPTER 21

INTRODUCTION

CHAPTER 21

INTRODUCTION

During the course of the Commission's investigations into the nine (9) Management Areas, the Commission uncovered several areas of misconduct that the Commission felt required the Department's urgent intervention. As the Commission's hearings were public knowledge, the Commission was of the opinion that the integrity of the Department's entire disciplinary system would be at risk if such misconducts were only reported in the Commission's final report and implicated members were allowed to continue with their duties as normal.

The Commission then took a decision to submit interim reports to enable the Department to take action against the members alleged to have been involved in misconducts, maladministration or corruption. In total the Commission submitted eleven (11) interim reports to the Department.¹

Subsequent to the submission of these reports, further areas of misconduct maladministration and corruption were discovered by the Commission. Accordingly, the Chapters that make up this part of the report will focus on the areas of misconduct, maladministration and corruption for which no interim reports were filed by the Commission.

The areas of misconduct and maladministration dealt with are:

¹ For full details on the interim reports and their implementation, see the Chapter dealing with implementation of interim reports.

1. ST ALBANS MANAGEMENT AREA

1.1 Inspector Van Rensburg and Mr Grootboom (Chapter 22)

This Chapter deals with the allegations that a serving member of the South African Police Services colluded with members of the Department to allow a sentenced inmate to leave prison to have sexual intercourse with the police officer. As a result of this a child was born. Evidence will show that the child was born while the prisoner was supposed to be incarcerated at St Albans Prison.

2. PRETORIA MANAGEMENT AREA

2.1 The Theft of Prisoners Food (Chapter 23)

The theft of prisoners' food by members of the Department as well as the practice of members consuming prisoners' food was found to be a normal occurrence in many of the Management Areas investigated. In many of the prison kitchens, prisoners are made to prepare food for members on a daily basis.

2.2 Supply of Drugs by Warders to Prisoners (Chapter 24)

This Chapter examines the smuggling of drugs into Pretoria prison by corrupt warders and again highlights how the greed of members traps them into becoming pawns of prisoners by participating in the smuggling of drugs into the prison.

2.3 Assaults at C-Max Prison (Chapter 25)

In this Chapter the gross violation of prisoners' rights at C-Max is dealt with. The allegations are that prisoners, on their arrival at C-Max, are made to strip naked and are assaulted and shocked with electric shields.

The practice is part of an initiation practice with many members participating in the assaults.

2.4 Misuse of Examination Centres (Chapter 26)

In terms of the Department's policy, only prisoners are allowed to write examinations at examination centres. The Commission found that contrary to this policy, members in charge of the examination centre at Pretoria Central Prison allowed people who are not prisoners to write their examinations at the centre.

2.5 Illegal Transactions with Prisoners (Chapter 27)

This Chapter deals with evidence of corruption and an illicit relationship between a warder and a prisoner at Pretoria C-Max Prison. The member is alleged to have received money from a prisoner in return for assisting the prisoner to escape. The member allegedly failed to keep to his part of this illegal criminal agreement and furthermore failed to return all the money received.

2.6 Micro-Lending Scheme (Chapter 28)

Members are alleged to have run a micro-lending scheme without the necessary consent having been received. They also abused their positions by processing changes on persal for members who had taken loans. Members' salaries were diverted to other banking accounts to obtain payment of the loans.

3. NCOME MANAGEMENT AREA

Ncome was the last Management Area investigated by the Commission and the incidents of misconduct and maladministration found by the Commission at Ncome were:

3.1 The Arsenal Investigation (Chapter 29)

This Chapter examines the control and maintenance of the arsenal at Ncome Prison wherein the competence and lack of training of the members responsible for the arsenal is also highlighted.

3.2 Pecuniary Dealings with Prisoners (Chapter 31)

This Chapter deals with the unlawful pecuniary dealings in which members are involved contrary to the clear provisions of Departmental regulations.

3.3 The Mavundla Investigation (Chapter 31)

While this matter also involves a pecuniary dealing involving a member extracting money from a prisoner on the promise of arranging an early release on parole, the matter is being dealt with separately as the events being complained of happened in Pietermaritzburg. As the complaining inmate was imprisoned at Ncome at the time that the Commission was conducting its hearings there, and for the sake of convenience,² the Commission decided to hear the matter together with those emanating from Ncome.

3.4 The “Gonondo” Matter (Chapter 32)

In this Chapter the Commission deals with the dereliction of duty by certain members at Ncome who allowed an inmate to enjoy all the privileges of a free man. Departmental officials, who appeared to fear the medicinal powers of the inmate “Gononodo”, permitted him to practice as an “*inyanga*” while he was in jail. He treated correctional officials as well

² The Commission's hearings into Pietermaritzburg had been completed sometime ago and it would not have been viable to reopen such hearings to hear the matter of Mavundla.

as members of the Department and was even allowed to keep his medicines in a storeroom to which he was given keys.

3.5 Withdrawal of Assault Charges (Chapter 33)

This Chapter examines the background to the mass assault of prisoners which took place in Ncome on the 4 January 2005. As the facts to the assaults were widely covered in the media³ and have been investigated by the Department, the Commission's report will mainly look at the response of management to the assaults and in particular the Management's failure to discipline the members implicated.

3.6 Prisoners' Private Cash (Chapter 34)

This Chapter deals with the discovery by the Commission's investigating team of a cash shortfall in the Prisoner's Private Cash records at Medium B of Ncome where it was found that the entire system was not being carried out in accordance with the policies of the Department and that the books of record had not been written up for a very long time.

³ See articles that appeared in *The Daily News* and *The Natal Witness* on the 9 January 2004.

ST ALBANS