

CHAPTER 39

JOHANNESBURG **MANAGEMENT AREA**

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CHAPTER 39

JOHANNESBURG MANAGEMENT AREA

1. INTRODUCTION

The Johannesburg Management Area is one of the biggest Management Areas in terms of size, employees, number of prisoners and financial resources. Medium A Prison in Johannesburg Prison is intended to house awaiting-trial prisoners, while Medium C has a juvenile section. If taken together with the rest of the Gauteng prisons, it accounts for approximately one third of the budget of the Department of Correctional Services. Because of its size, there is also a major problem of overcrowding, as in the rest of the prisons.

The investigations of the Commission in Johannesburg were hampered by the fact that the Special Investigation Unit had been in the Johannesburg Prison for six months before the Commission commenced investigations. The Commission decided not to investigate matters that had already been investigated by the Special Investigation Unit. However, many documents that the Commission required had already been seized by the Special Investigation Unit.

2. POPULATION

Mr Moleko Zacharia Isack Modise, the Provincial Commissioner of Correctional Services in Gauteng, told the Commission that the cells at Johannesburg are built to accommodate thirty eight (38) inmates, but one hundred (100) inmates are held in the communal cell at times. "Because of the effect of Saturday courts and as well as extended hours of magistrates'

courts you'll find that now we have more convicted and sentenced inmates and that is why Johannesburg Medium B is now at this level."¹

The Head of Medium A Prison, Mr Tozamile Templeton Tana, said that at the time of the Commission's hearings Medium A held 7 523 prisoners although it was designed to hold 2 630.

3. STAFFING

Mr Tana stated that the approved post establishment makes provision for five hundred and forty four (544) officials, but the financed establishment provides for only three hundred and fifty six (356). As a result he said there was a great shortage of members in daily contact with inmates. "The statistics indicate that certain sections have more than a hundred (100) inmates per official. This is a great security risk to both officials and inmates, as it impedes supervision and proper searching."²

4. GENERAL CONDITIONS

Mr Tana said that contractors are busy on a daily basis. "Virtually all the sections have maintenance problems, for example water leaking through the walls, lights that are out of order, low water pressure and broken window panes."³

In addition, he said that, as of 18 June 2003, E Section had been handed over to the contractors and inmates who should be housed there were being accommodated in other sections. This contributed to the problems related to overcrowding. "There are approximately seventy (70) inmates in each cell, using one toilet, two showers, and one urinal. Most of the outlets are out of

¹ See Leeuwkop transcript Volume One, page 23.

² See Johannesburg Exhibit 'A'.

³ See Johannesburg Exhibit 'A', at 1.3.

order, due to over-flushing by inmates, thus inmates resort to flushing toilets by utilising buckets of water."⁴

5. THE FEMALE PRISON

The Acting Head of the Female Prison, Mrs Gladys Pheladi Mokautu, said that at the time of the hearings, August 2003, there were five hundred and ninety (590) sentenced female prisoners and three hundred and nineteen (319) awaiting trialists. Of these, forty six (46) awaiting-trial prisoners were juveniles, and thirty eight (38) sentenced juveniles were being held at the prison. The Female Prison consists of nine sections housing prisoners sentenced to different terms of imprisonment. Awaiting trial juveniles are kept in single cells, while adult accused are kept in communal cells in one section. However, juveniles who have been sentenced are in a separate section.

Mrs Mokautu said that smuggling of dagga was the biggest problem that she faced. In addition, prisoners would run businesses by, for example, selling cigarettes. She said that she is not able to search male prisoners who come to work in the Female Prison because she only has one (1) male member who is able to search the male prisoners. Mrs Mokautu said that male members are too scared to work in the Female Prison.

6. CORRUPTION

Mr Tana testified that smuggling and corruption were key problems that faced his prison. He said that people are being brought in with fake warrants, and police officers are bringing documents giving them permission to take prisoners for interrogation, but not returning the prisoners after the alleged interrogation.

⁴ See Johannesburg Exhibit 'A'.

Mrs Lutchmee Naidoo testified that she had been assisted by a warder, Mr Mondli Blessing Madondo, to see her husband, inmate Mr Balakisten Anand Naidoo, on a regular basis in the boiler room at the prison where Mr Naidoo worked, at the dental surgery where he went for treatment and to their house. In addition, they had sex during the home visit and Mrs Naidoo fell pregnant. On one occasion Mrs Naidoo paid Mr Madondo R5 000, which he said he would repay but never did.

Mr Naidoo told the Commission that he bought Mr Madondo meals and hot drinks, and would lend him money.

“Once the members actually get to know you, they know your background and what you really need to do. So, they always come to you and say, “You know what, I need R10.00 today or I need R20.00”. It’s a habit they actually get used to and us being inmates or prisoners at the time we actually feel it’s bad for us to refuse...Because if we refuse them whenever we request a favour thereafter they actually turn a blind eye to our favours...So whatever we need inside the prison we get it through them, so for us refusing them to get whatever R20.00 or what then we’re actually closing our own road in the prison itself.”⁵

Mr Naidoo said that the prisoners would also pay warders to bring alcohol and crisps into the prison for the inmates to have a party at Christmas:

“Johannesburg prison, you can actually get whatever you want to get in that prison.”⁶

In addition, Mr Naidoo would ask to be taken to the Female Prison to use the telephones because the ones at Medium B were regularly out of order. When the prisoners requested items the warders sometimes hid them in places such as under a tree or in a coal yard for the prisoner to collect. Drugs were also smuggled in and this often happened at the boilers where Mr Naidoo worked.

⁵ See Johannesburg transcript Volume 54 page 4 538.

⁶ See Johannesburg transcript Volume 54 page 4 542.

Mr Naidoo told the Commission that there is a significant amount of corruption at Johannesburg Prison.

“Johannesburg Prison is a heaven for corruption. So basically as a prisoner I could say I live like a king at Johannesburg Prison. I mean I’ve had everything that I wanted at Johannesburg Prison, anything that I wanted I had it at Johannesburg Prison...I had my own microwave. I had a four piece sound system with major size speakers in my single cell. I had frying pans, toasters, you name it, groceries. Whatever I needed I had it in that cell and this all comes through the member...If you have money you’ve got the members in your hands. You can arrange with any member there to do what you want to do. You just have to show them the colour of your money and the person will do you the favours that you want. So it’s money that talks at Johannesburg Prison.”⁷ (Own emphasis).

Another aspect of general corruption is the number of escapes, which are internally generated. This is one Management Area where prisoners just disappear in the prison system.⁸ Drug smuggling is also a major problem, as is poor discipline, which exacerbates the problem of corruption because it is clear to the members that no matter what you do, you never get disciplined.⁹

Alcohol is also freely available. The Commission investigators observed that there are a lot of empty liquor bottle in the courtyard, in the female prisons within the Management Area.¹⁰ The prisoners confirmed that these are from the liquor they consume in prison.

Furthermore, it was also apparent to the members of the Commission that there is a major problem with the general compliance with rules and

⁷ Johannesburg transcript Volume 54 pages 4 554 – 4 555.

⁸ See the Chapter dealing with Prison Security.

⁹ For more details in this regard, see the Chapter dealing with Disciplinary Inquiries in this report.

¹⁰ See Johannesburg Exhibit “KKK”.

regulations by the employees at the Johannesburg Management Area, which contributes to the overall level of corruption.

7. POLICE INVESTIGATIONS

Mr Tana told the Commission that there was a communication problem between the prison officials and South African Police Service regarding investigations that had been reported to South African Police Service. In addition, it seemed to him that the police did not take reported matters further.

“If ever I can speak about the smuggling of dagga, almost each and every week, if not month, we arrest the members from the public who are smuggling in the dagga and those people are being sent to Mondeor Police Station and what is painful about that, nothing is being done about that.”¹¹

8. MANAGEMENT

It was apparent to the members of the Commission that there is a major problem with the general compliance with rules and regulations by the employees and that the situation persists because there is a lack of management capacity. Management is weak.

The example of poor management is set at the highest level by the Area Manager, Mr Davis, who was formerly at Leeuwkop Prison. The Commission’s investigations at Leeuwkop, a smaller prison, indicated that he was not even an effective manager there. The Commission fails to understand how he could be “promoted” to run the Johannesburg Management Area. Problems encountered in the rest of the Department with regard to lack of capacity and

¹¹ Johannesburg transcript Volume 43 page 3 536. Also see Chapter on Sexual Violence for more shortcomings in investigating crime in prisons.

the failure to use people in jobs for which they are qualified was apparent in the Johannesburg area in general.

During his era at Leeuwkop, he was involved in a number of incidents, which were the subject of an investigation by the Commission.¹²

Mr Davis may be an experienced member of the Department of Correctional Services, however, he is not management material. As an example, he was unable to provide a basic submission to the Commission and when after two years he eventually delivered it, it was inadequate.

The Commission had first requested the submission in 2002, but it was finally delivered in February 2005. This was a clear indication to the Commission that Mr Davis is not capable of managing the Johannesburg area and he could not give an account of basic matters that were happening within his Management Area. Furthermore, the document, which he produced was such an embarrassment that if compared with presentations from other Management Areas it could not be regarded as a presentation from an Area Manager. The presentation failed to address the basic issues which he was expected to address. This could be another indication of a manager who is out of his depth.

There also appears to be a general culture of violating prisoners' constitutional rights in the manner in which they are treated by members. Prisoners are assaulted and often deprived of their full visitation rights.¹³ In addition, there was also evidence that the two (2) meal serving system referred to was often being implemented at this Management Area because members want to go

¹² See, amongst others, the Tenth Interim Report dealing with the transfer of Mr Mohapi.

¹³ See also Chapter dealing with Treatment of Prisoners.

off duty early to, *inter alia*, watch sport events.¹⁴

Further evidence of poor management was given to the Commission through the Office of the President of the Republic of South Africa, by Mr Gesond Mazingi.

During one of the Presidential “imbizos” at Gamalakhe in KwaZulu-Natal, the President was advised by Mr Mazingi of incidents of maladministration and corruption, which occurred whilst Mr Mazingi was incarcerated at the Johannesburg Prison. The incidents he referred to were, amongst others, murders, theft and general smuggling. The President brought this matter to the attention of the Chairman of the Commission, who instructed the Commission investigators to pursue the matter and get hold of Mr Mazingi.¹⁵

The investigators interviewed Mr Mazingi and a detailed statement was obtained from him.¹⁶ It became apparent from the statement that a number of people were mentioned who had to be interviewed to verify Mr Mazingi’s statements. Mr Mazingi’s statement corroborated earlier allegations made before the Commission such as sexual abuse and drug smuggling. His evidence also led the Commission to other witnesses who were also helpful to the Commission.

¹⁴ See the Chapter dealing with Treatment of Prisoners and the section on Johannesburg Management Area where officials are alleged to leave their posts when big soccer matches are being played and the evidence of Mr Golden Miles Bhudu, a Director of SAPHOR who alleged that this also occurred in the old days whenever there was a Springbok rugby match. See Leeuwkop transcript Volume 40, page 3 327.

¹⁵ The staff immediately and thereafter on numerous occasions, telephoned the cell number, which had been provided by Mr Mazingi as his contact telephone number, without any success. The said number was that of Mr Mazingi’s relative. Inadvertently, the number, which had been given to the President by Mr Mazingi, was incorrect and thus Mr Mazingi could not be reached telephonically. Eventually, members of the investigating team of the Commission were instructed to proceed to Port Shepstone to look for Mr Mazingi in the Gamalakhe area in a house-to-house search. They eventually got hold of Mr Mazingi at a rural area, which is outside the Gamalakhe Township known as Madakane.

¹⁶ A copy of the statements were handed in and marked Johannesburg Exhibit ‘JJJ’ and ‘JJJ1’.

The investigations revealed that drug smuggling and sexual abuse of juveniles is rife at the Johannesburg Prison.¹⁷ Investigations conducted by the Commission have confirmed that there are a number of prisoners who were subjected to abuse by members of the Johannesburg Prison and by other prisoners.

The Commission was also provided with information about disciplinary matters relating to drugs which were found inside the prison.

CASES OF DAGGA OR POSSESSION OF UNAUTHORISED DRUGS

Persal No:	Surname	Offence	Date of Offence	Outcome
12816205	Jantjie F.V	Possession of prohibited drugs Mandrax	07/02/2003	Dismissed- 22/09/2003
18431534	Vilakazi P.G	Possession and dealing with dagga	20/01/2001	Dismissed- 19/11/2003
18408494	Mnculwane V.W	Possession and dealing with dagga	12/11/2002	Pending /Medium B Responsibility
18935231	Radebe M.A	Possession and dealing with dagga	06/10/2002	Dismissed- 11/02/2004
18431534	Manganye F	Possession of prohibited drugs (Mandrax)	30/12/2003	Dismissed- 18/03/2004

¹⁷ See Annexure "A" to this Chapter.

The problems, which are encountered in the rest of the Department with regard to lack of capacity and the failure generally to use people in jobs for which they are qualified, are also apparent in the Johannesburg area.

If one looks at the statistics of the Johannesburg Prison, it is clear that there is a big shortage of staff in the Johannesburg Management Area. However, this is a phenomenon that is not limited to Johannesburg but is common throughout the Department.

9. MANAGEMENT OF INFORMATION

The Commission has already alluded to the issue of the importance of management of information in Chapter one and also in the Chapters dealing with management areas, it is necessary to highlight the potential implications for the Department that can arise due to the failure of maintaining up to date and accurate information.¹⁸

It is the duty of management to ensure that all the relevant information is in the personnel files(SP Files). The failure of the Department to maintain proper records, can impact on the Department in the following areas:

9.1 Corruption

If the movement of a particular member of the Department is not recorded, this may lead to corruption being easily disguised, hidden and even overlooked when the paper trail is incomplete. This shortcoming may also

¹⁸ For example, when the Commission investigated the possession of fraudulent matric certificates by members, it became evident that the personnel files of the Department are not always updated as they should be and that important information was missing, such as, members' bank account details, school certificates, qualifications, identification documents, their original application forms for the positions they applied for and also the necessary forms indicating any transfer authorised by Head Office were not on file.

create opportunities for corruption in the area of procurement and logistics in the Department. Poor record keeping in procurement transactions make it very difficult to investigate and detect corruption and to follow the paper trail.

9.2 Recruitment

Without proper records the Department would not be in a position to question the appointment of a member to a specific position. In this regard it is very important that when dealing with recruitment that the Department verifies¹⁹ the applicants qualifications at an early stage.²⁰

9.3 Nepotism

If the documentation on file is incomplete or inaccurate it becomes difficult to detect nepotism in increments or appointments or merit wards etc.

9.4 “Ghost” Employees

Poor records create opportunities for corrupt members to employ “ghost” employees.

9.5 Responsibility and Accountability

Incomplete records furthermore make it extremely difficult to establish responsibility for various functions at a management area. Accordingly, it is often not even clear as to who should take the blame for the procedures and policies that are not implemented and followed at a particular time.²¹

¹⁹ See the Fourth Interim Report dealing with the fraudulent matric certificates where the Commission heard the evidence that in some cases the Police when they certify a document, as a copy of the original, that there is no original to support the certification but just a copy of a copy and in that case it is always important to request either the original or to follow up from the particular tertiary institution or the school where it is alleged that the person has matriculated, whether the person was indeed enrolled at the school and definitely matriculated at that particular time.

²⁰ See also the Chapter on Recruitment regarding the problems at Pollsmoor.

The lack of control and maintenance of information, creates a situation where the employees of the Department escape responsibility and accountability. This can also result in financial losses for the Department as demonstrated above.

In concluding, the Commission would like to re-iterate that whilst this issue of management of information is discussed under the Johannesburg Management Area, it is a problem in most Management Areas.²²

²¹ See the Chapter on Pietermaritzburg Management Area and the problems around the detection of Mr R Ngubo's appointment as Prison Head.

²² See St Albans, Ncome, and Pietermaritzburg Management Areas.

ANNEXURE 'A'**JOHANNESBURG MANAGEMENT AREA
DRUGS STATISTICS 2000-2004
(JUVENILE CORRECTIONAL CENTRE)**

<u>Date</u>	<u>Description</u>	<u>Where Found</u>	<u>By Whom</u>	<u>Manner of Disposal</u>	<u>Date Destroyed</u>
00-02-03	Blade Dagga	A Section Cell 68. Prisoner HB Bezedenhout and Jaars.	Mr. Mononyane M.P.	Mr. Miya at Boiler	00-02-16
00-06-28	Five Blades. One blade dagga	C. Section Cell 39 and 40 respectively	Mr. Nkotho and Mr. Combrinck	Mr. Motlohi at Boiler Section	00-08-30
00-07-17	One blade of dagga	A- Section in a cell	Mr. Motlohi	Mr. Motlohi at Boiler Section	00-08-30
00-07-27	One packet of dagga	B- Section in a cell	Mr. Lategan	Mr. Motlohi at Boiler Section	00-08-30
00-08-18	235 grams of dagga	Member's possession while reporting for duty. Mr. Deleki	Mr. Moto	Taken to Mondeor SAPS	
00-08-31	Seven blades of dagga	Possession of prisoner. Thabo Pilane.	Member	Mr. Motlohi at Boiler Section	00-10-25
00-09-29	Blade dagga	B- Section pipe shaft	Mr. van der Bergh H.J.	Boiler Section	00-10-25
00-10-21	64 Blazes of dagga	Plumbing duct D-Section	Mr. Mkhosi	Mr. Molefe at Boiler	01-05-17
01-05-04	27 dagga blades	Prisoner Thokozani Buthelezi.	Mr. Papenfuss	Mr. Molefe at Boiler	01-05-17
01-07-13	15 Blades of dagga	Prisoner Kenneth Khumalo	Mr. Dike	Mr. Motlohi at Boiler	01-05-17
01-07-22	4 Blades of dagga	A Section Cell 18	V/D Bergh H.J	Mr. Molefe at Boiler	01-08-27
01-08-22	5 Packets of dagga	Prisoner Richard Mohau	Mr. Ndlovu	Mr. Molefe	01-08-27
01-11-12	1 Blade dagga	B Section Cell 5	V/D Bergh H.J	Mr. Molefe at Boiler Section	01-08-27
01-11-14	1 Blade dagga	B Section Cell 15	V/D Bergh H.J	Mr. Molefe at Boiler Section	01-12-18

<u>Date</u>	<u>Description</u>	<u>Where Found</u>	<u>By Whom</u>	<u>Manner of Disposal</u>	<u>Date Destroyed</u>
01-12-07	3 Plastics dagga	F Section Cell 12	Mr. V/D Walt	Mr. Molefe at Boiler Section	01-12-18
02-05-02	Plastic dagga	Prisoner Mduduzi Ngwenya	Mr. Barnard & Mr. Dreyer	Disposed at Boiler Section	02-05-21
02-08-15	Plastic dagga	A Section in Cell 24	Mr. Hlongwane N.B	Disposed at Boiler Section	02-05-21
02-08-21	2 plastics dagga	B Section Cell 1	Mr. V/D Bergh H.J	Mr. Miya at Boiler Section	02-09-25
02-09-16	Plastic dagga	B Section Cell 35	Mr. V/D Bergh H.J	Mr. Lepele at Boiler Section	02-09-25
03-01-18	Plastic dagga	Prisoner S. Zondi	Mr. Griecke	Disposed at Boiler Section	03-02-26
03-02-17	Plastic dagga	F. Section	Dog Unit Officials	Disposed at Boiler Section	03-02-26
03-04-27	11 Blades dagga	B Section passage	Mr. Magakwe	Mr. V/D Walt at Boiler Section	03-04-30
03-04-28	Blade dagga	F Section	Mr. Naught	Mr. V/D Walt at Boiler Section	03-04-30
03-04-28	Plastic dagga	F Section store room	Mr. Ronald	Mr. V/D Walt at Boiler Section	03-04-30
03-04-29	3 envelopes dagga	F Section store room	Mr. Viljoen	Mr. Myburgh at Boiler Section	03-04-30
03-05-20	3 Blades dagga	A 3 Section in a cell	Mr. Mbatha	Disposed at Boiler Section	03-08-25
03-06-25	Blade dagga	B Section in a cell	V/D Bergh H.J	Disposed at Boiler Section	03-08-25
03-07-01	Blade And Plastic dagga	Prisoner in B Section	V/D Bergh H.J	Disposed at Boiler Section	03-08-25
03-08-01	Blade dagga	Prisoner possession	V/D Bergh H.J	Disposed at Boiler Section	03-08-25
03-08-14	Plastic dagga	Prisoner Z. Zwane	V/D Bergh H.J	Disposed at Boiler Section	03-08-25
03-09-09	2 Plastic dagga	Prisoner G. Mashigo	V/D Merwe	Disposed at Boiler Section	03-09-15
03-09-10	18 Mandrax tablets	Kiosk (Shop)	Mr. van Zyl , Mr. V/d Merwe, Mrs Molahloe.	Hand over to Mondeor SAPS	03-09-15