



CONSTITUTIONAL COURT OF SOUTH AFRICA

REPORT: TSWELOPELE CORRECTIONAL CENTRE

Visit by Justice Edwin Cameron, accompanied by his law clerks Mr Mfundo Salukazana, Miss Daniella Lupini and Miss Carolyn Forstein.

Purpose of the visit

[1] The purpose of the visit to the Tswelopele Correctional Centre, Kimberley, was to gain information on and evaluate its overall operation, management and administration. Particular emphasis was placed on the treatment of offenders by officials. The visit was spurred by information concerning alleged assaults on inmates during November 2015.

[2] The Judicial Inspectorate of Correctional Service (JICS) has conducted an investigation into these assaults. The findings of the JICS report are discussed below.

[3] The visit was coordinated with the knowledge and support of JICS.

Introduction to the Centre

Personnel and briefing

[4] The visit took place on Tuesday, 4 October 2016 between 10h00 and 14h00. We telephoned Mr Johannes on Monday 3 October to put the visit in prospect. On arrival, we were welcomed by:

- (a) Head of Centre – Mr Hendrik Johannes
- (b) Area Commissioner (Acting) – Mrs Bothas
- (c) Area Corrections – Ms Oor and Ms Cader
- (d) Centre Operational Support – Mr Sibisi
- (e) Health services and nursing – Sister Lechaku
- (f) Mr Mogwe

[5] Mr Johannes, the Centre head, has 35 years' experience. He gained institutional and managerial experience in the Eastern Cape, Pollsmoor, Pretoria Central and at the Centre from its opening in August 2010.

General overview

[6] At the outset, Mr Johannes and his staff provided an informative overview. He noted that a general problem at the Centre is the age difference between offenders and warders: the warders are generally younger than the offenders. Mr Johannes regarded this as a defect of planning on the part of the administration. We were informed that the offenders are housed according to their age group.

[7] Mr Johannes briefed us on many challenges at the Centre. Since opening in February 2010, the Centre has sustained damage amounting to approximately R3.5 million. In one incident in August 2010, certain structures were set alight.

[8] Mr Johannes stressed that inmates are not locked in their cells during the day. They are also permitted to make phone calls during the day, and these are not deducted from their visiting entitlement. Families are allowed to visit for a full day (usually a Saturday or Sunday) twice a year. These were innovations introduced at the Centre. Mr Johannes informed us that most of the offenders at the Centre were not from the Kimberley area.

Capacity

[9] The Centre houses predominantly medium category offenders. We were informed that the Centre can accommodate up to 3021 offenders. There is no overcrowding. At the time of the visit, the Centre housed 2574 offenders (two of whom were in the hospital ward).

[10] There were 186 prisoners serving life sentences. These had all attained medium classification. There were no maximum offenders. One disabled prisoner, whom we met, resides in the hospital. He has a prosthetic leg and works at the textile unit.

[11] Currently, there are no juveniles. Mr Johannes noted suggestions to bring in juvenile prisoners. He expressed reservations.

Staff

[12] There are about 420-448 officials working at the Centre – though the full complement should be 600. Of these, 14 are professional nurses, nine are social workers, 21 are teachers, one is a psychologist and one a doctor. There are about 390 security officials (including the administrative staff). The parole board has a chairperson, but there is no deputy.

Structure

[13] The Centre has three blocks comprising four units each (12 units in total). Each unit has a unit manager except one, so there are only 11 unit managers at present. There are approximately 240 offenders per unit. Each block has a gym and a small yard, and the prison also has two sports fields (one soccer field and one rugby field).

[14] There is also a hospital and a bakery. Mr Johannes was proud to inform us that the Centre's bakery makes bread for the town and the surrounding regions. There is also a textile unit, which makes clothes for the prisoners, as well as a laundry unit.

[15] The two study units are K9 and K10. There are many matric and UNISA registered students at the Centre. They make extensive use of the study units. Mr Johannes informed us that the students studying received good matric results.

[16] We also visited the Centre's well-appointed and busy skills development unit. Here, offenders do auto mechanic work, wood work and welding.

Discussion of the report received from the Department of Correctional Services

[17] During our preliminary discussion with Mr Johannes and the other personnel, Mr Johannes referred to an inspection the Department of Correctional Services (DSC) conducted on 29 and 29 June 2015. The findings in the departmental inspection report were individually discussed and remarked upon during our briefing meeting. A copy of the report was given to Justice Cameron.

Item 1 of the DCS report: CCTV

[18] The DCS report noted that although the Centre is a new generation centre, security cameras are unable to record. In response to this, Mr Johannes informed us that:

- a) The CCTV cameras are not working (99% of the recording system is not working). This poses an obvious security risk.
- b) The contract for the CCTV system expired more than a year ago and has not been renewed.
- c) No one has been on site to conduct repairs.

Item 2 of the DCS report: general maintenance

[19] The DCS report stated that the Centre is in need of general maintenance, including maintenance of malfunctioning equipment. Examples were pointed out to us when we visited the kitchen. Mr Johannes noted that:

- a) The general maintenance contract expired more than two years ago.
- b) There is currently no service provider for the maintenance of the Centre.
- c) Essential work is all done by the Centre's own handymen and artisans, who number 11.

Item 3 of the DCS report: water

[20] The DCS report found that warm water is unavailable because of water supply problems. Mr Johannes confirmed to us that:

- a) There had been no warm water for the past two years, even in the hospital ward.
- b) This is linked to the expired maintenance contract.

Item 4 of the DCS report: hospital toilets – architectural design failing

[21] The DCS report recorded that inmates were unable to freely use the ablution facilities in the hospital wing at night after lockup. If an official does not open the cell doors at night, the inmates are forced to make use of plastic bags and bottles to relieve themselves. The report stated that this is clearly intolerable and an inhumane practice.

[22] At the briefing, Mr Johannes conceded that officials do not always open the wards at night for bathroom access despite instructions to do so. This was attributed to “human factors”.

[23] We saw this design problem in vivid detail during our inspection.

[24] It would not be difficult to fix. Mr Johannes’s personnel demonstrated to us that interleading access can quite easily be constructed. But it would cost money.

[25] In response, Mr Johannes has implemented a supervisory system: about three officials walk around on each watch checking if offenders need the bathroom.

Item 5 of the DCS report: medical services at the Centre

[26] The DCS report stated that the Centre was then without a doctor. Mr Johannes informed us that:

- a) As from 1 September 2016, a doctor has been appointed.
- b) Some of the offenders are still referred to the nearest public hospital or to outside doctors for specialist treatment because the Centre’s hospital is not equipped to assist them.

[27] During our visit, we met the Centre’s well-qualified and well-experienced doctor, Mr Kantini. He reported satisfaction regarding provision of ARVs and other medicines.

Item 6 of the DCS report: Classrooms

[28] The DCS report noted that the classrooms are too small. The capacity of the classrooms is not proportional to the number of prisoners and officials are reluctant to escort the students to and from school.

[29] Mr Johannes confirmed to us that there was an issue with the warders refusing to escort the offenders to their classes, especially on Fridays. We were assured that this has been resolved.

Item 7 of the DCS report: fire drills

[30] The DCS report found that officials have not been trained in firefighting.

[31] Mr Johannes conceded that not all officials have been trained in firefighting and that this was a problem.

Item 8 of the DCS report: time between meals

[32] The DCS report stated that there is an interval of 16 hours between the evening meal and the breakfast meal. Mr Johannes confirmed to us during our meeting that this was true.

[33] He accepted that this is contrary to the provisions of section 8(5) of the Correctional Services Act (CSA), which provides that “food must be well prepared

and served at intervals of not less than four and a half hours and not more than 14 hours between the evening meal and breakfast during each 24-hour period.” He stated that:

- a) The first meal of the day is at 6:00/7:00 and the last meal is at 14:00.
- b) The Centre is not complying with the prescribed number of hours between meals.
- c) The deviation is for security reasons and to align with officials’ shifts.
- d) Many of the offenders keep the 14:00 meal and eat it later at 20:00.

Item 9 of the DCS report: gangsterism

[34] The DCS report found that gangsterism is rife in the Centre.

[35] Mr Johannes conceded that gangsterism is rife, but stated that the Centre has rightly acquired a reputation for managing the problem.

[36] Mr Johannes noted that 99% of prisoners have been transferred from other centres, and do not arrive directly from sentencing, so many of them already have pre-existing gang associations.

[37] Mr Johannes also informed us that:

- a) Some prisoners actually request to be transferred to the Centre to avoid gangsterism at other correctional centres.

- b) Some offenders do not want to return to their original centre, for example, some prisoners did not want to return to St Albans in Port Elizabeth.
- c) K2 Unit (the Centre's isolation unit) is also used to separate gang members.
- d) There had been a fight between gang members at the Centre.
- e) Although two officials had been stabbed by gang members, there was no evidence that the attacks were gang activity related.
- f) There have not been any serious gang fights since the Centre opened.

Item 10 of the DCS report: K2 Unit / assaults and violence at the Centre

[38] The DCS report covered the solitary confinement unit, K2 Unit. The report found that the treatment of inmates in K2 is inhumane. Exercise is limited and there is no access to telephones. Inmates indicated that their complaints are not attended to. Also, inmates allege that officials threaten to take them to K2 if they "complain too much".

[39] During our briefing, Mr Johannes:

- a) Denied absolutely that K2 Unit was a "solitary confinement unit";
- b) Referred to the unit as a separation rather than an isolation unit;
- c) Explained that all offenders classified as "behaviour-difficult" are housed in K2 Unit – they are offered additional programmes;
- d) Explained that the offenders housed in K2 must adhere strictly to minimum DCS Policy. No privileges are allowed;

- e) Reiterated that offenders in K2 are not segregated since the inmates are kept in a communal cell and not in single cells;
- f) Informed us that offenders in K2 receive exercise of 30 minutes in the morning and 30 minutes in the afternoon but are allowed access to telephone calls only during the weekend when these calls count as visits;
- g) Informed us that there were about 80 offenders housed in K2.

[40] During discussion of the K2 Unit, reference was made to allegations of assault that took place during November 2015. We asked Mr Johannes to recount what happened.

[41] Mr Johannes informed us that a few offenders had refused to re-enter their cells when instructed to do so by prison warders. This required the officials to apply force. In the process, one official and an inmate was stabbed by two offenders. Following this, the offenders involved were transferred to K2 Unit.

[42] It was difficult during our meeting to gain clarity from Mr Johannes as to whether the warders who assaulted the offenders (and others generally) had been or were being disciplined.

[43] Mr Johannes said that inmates were able to open cases, and that each unit also has an inmate representative who talks to Mr Johannes on a monthly basis.

[44] Mr Johannes also informed us that an investigation into these incidents had been conducted by JICS, and a report had been prepared.

[45] Justice Cameron requested a copy of this report.

[46] Mr Johannes said that he would arrange for a copy to be sent.

[47] A copy of the JICS report was received from Adv De Souza on 7 December 2016.

[48] The findings of the JICS report are as follows:

- a) On 16 November 2015, an inmate at the Centre who was a member of the *Born to Kill* gang (together with another inmate) stabbed an official and a fellow inmate. This necessitated the use of force by prison warders.
- b) The use of force was not reported to JICS as is required by the CSA.
- c) On 19 November 2015, 17 offenders were transferred from the K12 Unit to the K2 Unit. They were asked to remove their clothes while officials conducted searches. Inmates were assaulted with tonfas [a weapon consisting of a stick with a perpendicular handle], closed fists and booted feet.
- d) Inmates were also sent to the scullery where an official took a fire hose and sprayed them with water.

- e) The use of force on 16 November 2015 was necessary to ensure the safe custody of the inmates and to maintain good order.
- f) This use of force was therefore justified.
- g) The use of force on 19 November 2016 was however irrational and was employed as a punishment against the inmates who were associated with the stabbing of the prison warder.
- h) The degree of force applied was disproportionate to the objectives set out in the CSA.
- i) The use of force was therefore unlawful and the officials involved should be charged accordingly.
- j) During an interview between JICS officials and Mr Johannes, Mr Johannes explained [as during our briefing session] that K2 Unit is used as a Behaviour Modification Unit. All offenders classified as “behaviour-difficult offenders” are housed in K2 Unit. These offenders are offered additional programmes. The offenders must also adhere strictly to DCS Policy, with no privileges allowed.
- k) By Mr Johannes’s own admission, no disciplinary hearings were held as prescribed by section 24 of the CSA.
- l) No indication was given to the inmates as to what they had transgressed and no charge sheet to date was supplied to the inmates or to the Inspecting Judge.
- m) There is no method to measure whether the inmates’ placement in segregation was or is consistent with legislation.

[49] After discussion of the November 2015 K2 Unit incidents, Mr Johannes informed us that there had been an incident in which an inmate was burned with hot water. This was caused by the absence of hot water – meaning that the offenders have to boil their own water for personal ablutions while in their cells. Mr Johannes noted that this does not happen often (rendering it low risk). This is because the offenders are aware that incidents of this sort will lead to removal of the kettles in the cells, meaning they will have to use cold water. Padlock attacks are more frequent, in which offenders use their locker padlocks as a weapon.

Discussion of the recreational activities at the Centre

[50] Mr Johannes informed us about the recreational activities at the Centre. The Centre has a band that plays at the annual Macufe Mangaung Music Festival in Bloemfontein and at the National Arts Festival in Grahamstown.

[51] Mr Johannes also relayed to us that the inmates play soccer and rugby games against the local clubs (leagues and tournaments). Mr Johannes was proud to inform us that the team lost only one game last year.

Inspection of the Centre

[52] The units we visited and our observations are set out below.

K1 Unit inspection

[53] During our inspection of K1 Unit, it was explained to us that this unit is used as an admissions unit for newcomers/arriving offenders. A newcomer is transferred after 21 days at the unit.

[54] Upon arrival at the Centre, the offenders are first searched and screened before being allocated to a unit. Allocation depends on age, skills and schooling.

[55] Our observations were as follows:

- (a) There are 6 cells in K1, with 10 offenders per cell. There does not appear to be overcrowding.
- (b) All the cells are the same.
- (c) There are eight cameras in the quad.
- (d) The shower heads have all been removed.
- (e) Each cell has one toilet in the corner, a sink, a mirror, and four tables and eight chairs.
- (f) Lighting is both artificial and natural. Three of the four lights were working in one of the cells.
- (g) Ventilation is at the top of the cells but there are minimal windows.
- (h) There are two radios in each cell.
- (i) There is a mobile library.
- (j) Newspapers are made available.
- (k) One television is in the day room of the unit.

- (l) Intercom in each cell – to allow communication with officials.
- (m) There is a telephone in the day room but the offenders need to register before they are allowed to make a call. It was explained that the offenders purchase a card with their allowance; they insert a number and make a phone call.
- (n) Condoms were openly available at the clinic or nurses room in the unit. On inquiry, personnel confirmed without fuss that condoms were made available. This conforms with national and international policy.
- (o) There is one official on duty at night per unit. The shift registers are kept at the main control centre.
- (p) The majority of the offenders in this unit said they tested regularly for HIV. Only one or two offenders had not been tested.

K2 Unit inspection

[56] This unit has capacity to house 240 offenders but currently there are only 82. We were introduced to the acting unit manager, Mr Thomas. We were told that he has been acting unit manager for 6 months. We were also informed that, at this unit, the protocol was one hour of exercise per day and only one cell or room was allowed out at a time. This amounts to minimum prescribed statutory benefits.

[57] Mr Johannes told us during our inspection of this unit that:

- (a) The use of K2 as a “delinquent” unit may end.

- (b) The Centre may have to deal with offending inmates in their respective units to avoid K2 being overcrowded or making it a “centre for crime”.
- (c) The maximum time an offender is supposed to spend at K2 is three months – but one of the offenders had been in K2 for five months.
- (d) No smoking is allowed in the unit. This is because some inmates tried to set fire to a cell. They set fire to a mattress in one of the cells in K2.
- (e) The cells in the Centre are not locked except in K2, because K2 offenders are only allowed statutory time outside their cells.

[58] Justice Cameron addressed the offenders at this unit and explained that he was there to follow up on and enquire about abuse or assaults.

[59] Despite the number of complaints about assaults recorded below, the interaction between the offenders and personnel appeared to us unforced, direct and open.

[60] Justice Cameron also addressed the offenders regarding HIV awareness and prevention and the value of antiretroviral treatment, which he explained from personal experience. He urged offenders to relay the positive message about treatment, and the continuing problem of stigma, to their partners and families.

[61] During our visit, a long-term insider, nicknamed “Klaargelag” (“Done Laughing”), presented a poem about HIV awareness, which he performed. His

performance was dramatic, energetic and unforgettable. The offenders' response to Klaargelag's presentation was jubilant and evidently appreciative.

[62] This unit presented numerous complaints about assaults from officials.

[63] Several inmates stated that Mr Johannes assaulted offenders in his office before they were sent to the unit. These assaults were explained as being a tool used to get information from the offenders in instances where, as an example, an offender is found in possession of marijuana (as was the case with one of the prisoners, Mr Thembinkosi Cekiso, in K2).

[64] Mr Johannes explained that he tries to get information about where the offenders procure the drugs from in order to ensure that he can address the problem.

[65] The inmates also raised concerns about–

(a) the process for being sent to K2, and

(b) the inability to access the Centre's educational facilities while in K2.

[66] We noted these complaints from offenders in the unit:

Summary of individual complaints from offenders

<i>Prison number</i>	<i>Name and Surname</i>	<i>Duration of stay</i>	<i>Complaint</i>
[didn't his have prison card]	Thembinkosi Cekiso	Two months	Assaulted by Mr Johannes and Mr Griqua; only given painkillers when he complained
[didn't have his no prison card]	Chumani Winkel		Requested to be removed to the isolation unit because he was suffering from a trauma. Request denied. Also said he had not been allowed to attend school because of an internal process at the Centre.
[no prison card]	Christopher Khethelo		Assaulted allegedly for gang related activities
216557435	Igshaan Hammers		Assaulted
99530510	Henry Smit		Assaulted
216557444	Angelo Fortein		Assaulted
216788297	Lindani Nsthebe		Assaulted
209201218	Thembinkosi Phondoyi		Assaulted
209316354	Stoffel Tier		Assaulted
210690144	Mzikayise Dyani		Assaulted
213721424	Bulelani Nombuya		Assaulted
209290947	Mthethwa Dant	3 months and 4 days	Assaulted
210216171	Gilphin Dick		Assaulted. Also stated that he was unable to

			study while in K2, even though he had Level 4 exams the following month.
214250917	Buti Mongoshe	3 months and 3 weeks	Assaulted
214843034	Tsebetso Mangau	3 months and 2 weeks	Assaulted
215441347	Sanele Matsila	3 months	[No complaint about mistreatment – he reported he was feeling suicidal]
212721804	Khayethu Zebula	4 months (longest)	Assaulted

Segregation Unit inspection

[67] This unit was inspected by Daniella Lupini and Carolyn Forstein, accompanied by Mrs Bothas. We were informed that the segregation unit, which has 26 rooms, was not operational; it was in the process of being repaired. It had not been used for about two years.

[68] Mrs Bothas told us that the unit is reserved for offenders who commit severe assaults.

[69] Offenders are kept in the unit for a maximum of seven days.

[70] We were also informed that some offenders had requested to be placed here in order to study, although this had not happened in more than two years.

[71] Additionally, one offender diagnosed with multi-drug resistant TB was placed here for the safety of other offenders, and was kept here until his treatment began.

[72] Our observations were as follows:

- (a) The centre, though at present unoccupied, appears to have conditions significantly worse than K2.
- (b) It is a real isolation or segregation unit.
- (c) Access is obtained via the control panel only.
- (d) Each cell has a bed and toilet.
- (e) All 26 cells are identical.

Bakery Unit

[73] During our inspection of the bakery unit, we were introduced to Ms Veronica Dryer and Ms Sepati Lebera. We were informed that offenders have to apply to work at the bakery. The Case Management Committee decides.

[74] Our observations were as follows:

- (a) The bakery was clean and in a good state.
- (b) The inmates we met seemed in good spirits.

Textile Unit inspection

[75] After the bakery, we were taken to the textile unit. There we met Mr Chetty, who has been acting unit manager for the past five years. We were informed that the post had been advertised for 6 months.

Vocational Skills Unit

[76] We were informed that this unit offers the following skills development stations:

(a) Technical drawing.

(b) Carpentry: at this station, we met Mr Theo Fourie. Mr Theo Fourie makes beautiful clocks; and there was a beautiful portrait of Ryk van Niekerk. Justice Cameron asked Mr Fourie if he had any complaints about the Centre. Mr Fourie said he had no complaints.

(c) Welding.

School

[77] We were introduced to the unit manager, Ms Antoinette.

[78] Ms Antoinette informed us that the school operates from 08:00 to 14:00.

[79] We met Bongani, a UNISA law student. He stated that he uses his knowledge of law to avoid conflict with officials; he is housed in K9 unit.

[80] We also met Sabelo who stated that he found the treatment at the Centre better than at the other centres.

[81] Our observations were that the offenders at this unit seemed to be in good spirits and had a good relationship with the prison warders.

Hospital Unit

[82] At this unit, we were introduced to Dr Alistair Kantini, the doctor at the Centre.

[83] Dr Kantini informed us that:

- (a) 321 of the offenders were on ARVs.
- (b) There was a general HIV treatment problem outside the Centre: some offenders leave the Centre and reoffend just so they can get ARVs/treatment whilst incarcerated.
- (c) 16 were being treated for TB.
- (d) The Centre compares well with general community medical availability and service provision.
- (e) Some of the offenders suffer from hypertension and diabetes.
- (f) There are cases where offenders have suffered minor injuries from assaults.
- (g) Condoms – these are available in all units, but there are no female condoms. Dr Kantini recommended that the Centre obtains female condoms to improve protection.

(h) Dr Kantini will introduce universal availability of testing as offenders arrive.

[84] Justice Cameron urged Dr Kantini to aim for 100% testing of both inmates and officials.

[85] During our inspection of the hospital ward, we were informed that about 80 patients could be accommodated but usually there were only 30 at any given time.

[86] We saw the bathroom access problem first-hand. After lock-up, patients have to push a red light. This signals for an official to come to open the door so that the patient can visit the bathroom. The practical problem, as well as the burden both on officials and inmates, is substantial.

[87] We were informed that prostate checking was conducted regularly.

[88] The hospital is active in promoting medical male circumcisions in accordance with national policy. There are about 20 per month but last month (September) there were only 9.

[89] TB patients are isolated for treatment.

[90] Our observations were as follows:

- (a) There was a high level of medical proficiency and supplies, as well as medical personnel.
- (b) The wards are well ventilated.
- (c) The windows are bigger than in the cells and there is more natural light.
- (d) There are six beds per ward.
- (e) There is a surgical room.
- (f) There seemed to be a high state of cleanliness but there was some measure of visibly physical disrepair.
- (g) There is one bathroom for disabled patients.

Kitchen Unit

[91] During our inspection of the kitchen, we were introduced to Mr Zeelie, the unit manager.

[92] We were told that the midday meal for that day was pork and pap, and two vegetables.

[93] Justice Cameron inspected the lunch the inmates were receiving that day, and experienced it as fresh.

[94] We were informed that there are different cooking preparations for various cultures and religious faiths, though there is no separate serving for vegetarians.

[95] We were told that if any offenders have special dietary requirements, these are accommodated.

[96] We were also told that cooking oil is not replaced regularly – this is a procurement issue and requires attention.

[97] The kitchen was in a good state of cleanliness.

[98] The inmates and personnel were friendly and seemed to be in good spirits.

Recommendations and conclusion

[99] Overall, the Centre is in good condition and, though there are design problems, such as the lack of access to the hospital ward bathrooms at night, the building itself is new and clean and functional.

- a) In his response to the draft prison report, received on 22 March 2017 and attached as Annexure A, Mr Johannes noted this observation.

[100] The units are not overcrowded and the cells and other facilities are in a clean state.

- a) In his response, Mr Johannes stated that “officials are continuously being sensitised to ensure that offenders have access to bathrooms at night”. This response is welcomed given the concerning lack of access to ablution facilities at night in the hospital unit.

[101] The soccer and rugby fields are well-kept; they were being used.

- a) In his response, Mr Johannes noted this observation.

[102] The kitchen facilities and food likewise appear clean and satisfactory.

- a) In his response, Mr Johannes noted this observation.

[103] The Centre, as is envisaged, should adjust its meal schedule to comply with the CSA and ensure that inmates do not go for 16 hours without food.

- a) In his response, Mr Johannes stated that “due to the shortages of staff, [the] centre finds it impossible to comply with section 8.5” of the CSA.
- b) The legislative requirements are mandatory. What is more, the mealtimes have been a consistent item of complaint throughout my engagement with the correctional system. I appreciate that budget constraints are a problem that managers on the ground have to battle

against. The absence of personnel complement must no doubt be laid at the door of the Department, and, in turn, the budget processes that provide insufficient funding to ensure compliance. Lack of staff cannot justify non-compliance with mandatory guidelines and requirements.

[104] There are administrative issues regarding the procurement of maintenance and other services necessary to ensure the security (CCTV for instance) and other facilities of the prison are functioning properly. The issue may be related to the centralised procurement system – which means the Department of Public Works’ inefficiencies affect the operation of an otherwise well managed prison.

a) In his response, Mr Johannes noted this.

[105] We were impressed with the obvious professionalism and experience of Mr Johannes and the rest of his personnel.

a) In his response, Mr Johannes noted this.

[106] We are nevertheless under no illusion that Mr Johannes and certain of his personnel might be capable of summoning very considerable personal force to secure cooperation and submission from inmates if they consider this necessary. The sustained complaints about assault implicating Mr Johannes evidence the inmates’ fear that this may be so.

a) In his response, Mr Johannes noted this.

[107] From our observation, there does, however, seem to be a visible level of open engagement between inmates and officials. The inmates, for the most part, appeared to be in fairly good spirits and able to register complaints and observations without inhibition or constraint. It was notable that this occurred without constraint even in front of Mr Johannes and Mr Thomas.

a) In his response, Mr Johannes noted this.

[108] Unit K2 requires immediate attention. If confinement in the Unit is a means to threaten offenders and to extract information from them, this is obviously unacceptable.

- a) In his response, Mr Johannes stated that “K2 is a special care unit and is not being used to threaten offenders or extract information from them; offenders in that unit are subjected to limited privileges in accordance to policy”.
- b) During our inspection of Unit K2, offenders informed us, as noted earlier, that before being transferred to this Unit, they are taken to Mr Johannes’ office where they are assaulted. These assaults were explained as being a tool used to get information, for instance if an

offender is found with marijuana. Mr Johannes then explained to us that he tries to get information about where the offenders procure the drugs from in order to ensure that he can address the problem. That response may be suggestive.

[109] To avoid use of K2 to threaten and intimidate inmates, it is recommended that a new system be implemented to relocate prisoners to K2. When inmates are transferred to K2, oversight is essential. The transfer should not be conducted solely by Mr Johannes and/or Mr Thomas, which places the offender in a vulnerable position. We suggest that the following steps, or steps like them, be followed:

(a) The name of the offender, the reason for the transfer, the exact date and time of the transfer, and the names of the officials facilitating the transfer should be recorded.

- In his response, Mr Johannes says “it is done like that”.
- One of the findings of the JICS report was that “there is no method to measure whether the inmate’s placement in segregation was/is consistent with legislation”.
- The report also found that “a rather blanket approach was followed by the Head of the Centre by transferring inmates to the K2 Unit”.
- If these steps are already in place, information explaining what they involve should have been provided to enable us to assess them.

(b) The transfer to K2 must take place within a safe and secure environment that respects the offender’s physical safety. One-on-one ‘discussions’

between Mr Johannes, Mr Thomas and the offender should be limited to avoid possible abuses and allegations of abuses.

- In his response, Mr Johannes said “it is done”. This is not clear.

(c) Every transfer, if this is not already done, must be carefully logged.

- In his response, Mr Johannes said that “K2 is like any other unit and is not regarded as segregation; centre cannot be lodging every referral to K2”.
- One of the findings of the JICS report was that “it is clear that inmates housed in K2 Unit are not treated as other inmates. Rather, these inmates are treated as behaviourally difficult inmates – no criterion has been established and how the Head of the Centre comes to this conclusion is unclear and unsubstantiated”.
- Given that inmates are treated differently in K2, I reiterate that every transfer should be logged. Otherwise, it is difficult to understand how the Centre monitors the time an offender spends in K2, and hard to see how the maximum time an offender should be in K2, which is three months, can be properly enforced.

(d) A chart should be formulated reflecting the number of times an offender has been transferred to K2, the reason for the transfer and the duration of the stay in K2. This will assist prison officials in determining which offenders are continually flouting procedures and protocols. A clear indication will enable officials to take additional steps in relation to these particular offenders, if needed.

- In his response, Mr Johannes said “it is done”.
- If so, this seems contradictory to the assertion that it is impossible to log every transfer to K2.

[110] Particular vigilance is needed to ensure that offenders do not experience assaults at the hands of officials during these relocations.

- a) In his response, Mr Johannes noted this.
- b) The response does not detail how this vigilance will be carried out to ensure that offenders do not experience assaults at the hands of officials.

[111] Mr Johannes stated that inmates were able to open cases of assault against officials. In addition, he recorded that each unit also has an inmate representative who talks to Mr Johannes on a monthly basis. These avenues should be enforced and applied diligently. Offenders should have a reliable channel through which to lodge complaints without fear of retribution from the officials against whom they complain.

- a) In his response, Mr Johannes noted this.

[112] Once a complaint is lodged, there should be a clear system for investigating and finalising it.

- (a) It is imperative not just that complaints of assault, particularly, be reported to both JICS and to the SAPS.

- (b) There should also be follow-up with JICS and SAPS to ensure that each complaint is properly processed.
- (c) Disciplinary procedures against the officials implicated must be implemented.
- (d) Feedback must be given to the complainant.

- a) In his response, Mr Johannes noted this.
- b) The response does not give any account of the mechanisms currently in place at the Centre when complaints are lodged.

[113] Effective processes are needed to ensure the use of appropriate disciplinary processes against officials accused of assaulting prisoners. The provisions of Schedule A (Disciplinary Code and Procedure for Employees of the Department of Correctional Services) to the regulations to the CSA should be borne in mind when officials are disciplined.

- a) In his response, Mr Johannes noted this.
- b) The response does not explain the current processes in place for ensuring appropriate disciplinary processes are taken against officials accused of assaulting offenders.

[114] The fresh assault allegations – that is *after* November 2015 – include Mr Johannes and Mr Thomas. It is imperative that police statements be obtained from

those prisoners who lodged complaints with us, and the appropriate processes followed.

- a) In his response, Mr Johannes stated that “offenders had an opportunity to open cases with SAPS but will again be afforded opportunity to do so”.

[115] Given the extensive number of assault allegations in K2 Unit, an alternative is to abolish the unit entirely.

- We note Mr Johannes’s mention of closing K2 and urge him to consider this deliberately and seriously.

- a) In his response, Mr Johannes said that “it will be considered”. This welcome undertaking should be monitored by JICS.

[116] There is a deep concern that the unit may become a centre for crime and be seen as a place where flouting of the rights of a prisoner seen as “delinquent” is justified. We recommend that, if rigorous monitoring mechanisms as outlined in paragraphs 107-108 above cannot be successfully implemented, the Centre develops a new disciplinary procedure in terms of which the offending prisoner is disciplined in his allocated unit in accordance with clear protocols.

- a) In his response, Mr Johannes noted this.

[117] Disciplining offenders within their allocated units will require a new disciplinary system. We suggest the following measures to assist in developing this:

- When formulating a new disciplinary procedure, inmates and affected personnel should all be consulted. This has practical benefit. It will facilitate co-operation and acceptance of the new policy and procedure.
 - a) In his response, Mr Johannes stated that “disciplinary offences are being dealt with in accordance with the disciplinary code and procedure for offenders”.
 - b) It is difficult to assess this response without having any detail regarding these disciplinary codes and the procedures the Centre follows. In addition, the recommendation proposed a *new* disciplinary procedure *in place* of K2 Unit.
- The new procedure will require effective prison rules and policies that are clear, concise, well-drafted and fair. For example, inmates must know what they are being disciplined for, for how long, and the personnel in charge of their discipline. No offender should be disciplined without having an opportunity to present his case.
- A matrix setting out certain types of behaviour and the appropriate response in each case will assist officials in determining how to handle situations of disobedience.

a) In his response, Mr Johannes stated “it is done”.

- Each case of indiscipline must be assessed on its facts and the response must be proportionate to the disobedience.
- Offenders must have a real opportunity to report any abuses or ill-treatment during the disciplinary process.

a) In his response, Mr Johannes noted this.

[118] It is also important that the procedures followed are updated regularly to reflect changes both internal and external to the Centre. Disciplinary procedures must be in line with the provisions of the CSA and the regulations.

- Section 22(1) provides that, as an overall rule, “discipline and order must be maintained with firmness but in no greater measure than is necessary for security purposes and good order in prison.” This must be borne in mind when developing and formulating disciplinary rules and procedures.

a) In his response, Mr Johannes noted this.

[119] There should be decisive departmental follow up on the JICS recommendations regarding the November 2015 assaults. It is imperative that feedback is provided as to the steps the Centre has taken in implementing these recommendations. The Centre should set deadlines within which to both implement the recommendations and to

provide feedback on the progress made. This facilitates accountability. JICS will be able to assess the extent of compliance with its recommendations and the Centre will have to account for any non-compliance. We suggest that a framework and timeline be implemented to facilitate this process.

- a) In his response, Mr Johannes attached documentation reflecting an investigation that had been launched into the November 2015 assaults. The investigation was led by the Inspecting Judge. The documentation will be available, simultaneously with this Report, on the Constitutional Court website: (accessible at <http://www.constitutionalcourt.org.za>).
- b) While we acknowledge the investigation by the DCS, the recommendation stands: to follow up and implement the JICS recommendations and findings following the JICS report.

[120] The lack of reporting of the use of force in K2 Unit during November 2015 meant that disciplinary action against officials implicated by offenders' allegations was delayed. A clear line of communication and authority is required to ensure that:

- a) uses of force required to be disclosed to authorities is disclosed; and
- b) the personnel responsible for reporting are identified so that follow up is easier to manage.

- a) In response to this, Mr Johannes referred us to the investigation and the corresponding documentation. It appears from Mr Johannes' response to the Inspecting Judge's recommendations that "use of force [for the

November 2015 assaults] was reported...through the ICCVs that are working in this Centre”.

- b) Both the JICS report and the Inspecting Judge’s recommendations following the investigation allege that the use of force in November 2015 was not reported. The JICS report states: “the Act mandates that all use of force must be reported to the Inspectorate as per section 32(6) of the CSA. This was not complied with and warrant that HCC and staff to be sensitised”. The Inspecting Judge’s recommendation states: “DSC official[s] must be sensitised around their non-compliance with applicable legislation and reporting prescriptions of the use of force etc”.
- c) If the use of force was reported, as Mr Johannes says it was, the notification never reached the necessary authorities. This recommendation relates to improving lines and channels of communication. Mr Johannes’ response does not adequately address this.

[121] Mr Johannes must be pressed to indicate whether the officials implicated in the assault allegations in the November 2015 incident have been disciplined.

- a) In his response, Mr Johannes referred us to the investigation conducted.
- b) We note that the investigation led by the DCS states, as part of its recommendations, that “DCS [should] wait until the SAPS investigation

is completed so to ascertain if in fact any official had committed assault on any of the offenders and if they did disciplinary steps be taken against those who assaulted the offenders”.

- c) Appropriate and necessary disciplinary processes against the officials implicated in the assaults must be followed after the outcome of the SAPS investigation.

Conclusion

[122] We express our appreciation to the personnel for the accommodating and courteous way in which our visit was handled. The personnel were informative and willing to answer questions openly and frankly.

[123] We noted the ready willingness of Mr Johannes and his colleagues to cooperate, thereby enabling a smooth, unencumbered and unrestricted visit.



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

RESPONSE ON JUDGE CAMERON REPORT ON VISIT TO TSWELOPELE CORRECTIONAL CENTRE ON 04 OCTOBER 2016

	RECOMMENDATION AND CONCLUSION BY JUDGE CAMERON	T.C.C 'S RESPONSE ON RECOMMENDATIONS
98	Overall, the centre is in good condition and though there are design problems such as lack of access to the hospital ward bathrooms at night, the building itself is new and clean functional	Noted
99	The units are not crowded and the cells and other facilities are in a clean state.	Officials are continuously being sensitized to ensure that offenders have access to bathrooms at night
100	The soccer and rugby fields are well-kept; they are being used	Noted
101	The kitchen facilities and food likewise appear clean and satisfactory	Noted
102	The centre, as is envisaged, should adjust its meal schedule to comply with the CSA and ensure that inmates do not go 16 hours without food	Due to the shortages of staff, centre find it impossible to comply with section 8.5 of act 111 – 98
103	There are administrative issues regarding the procurement of maintenance and other services necessary to ensure the security (CCTV for instance) and other facilities of the prison are functioning properly. The issue may be related to the centralized procurement system-which means the DPW's inefficiencies affect the operation of an otherwise well managed prison	Noted
104	We were impressed with the obvious professionalism and experience of Mr Johannes and the rest of his personnel	Noted


105	<p>We are nevertheless under no illusion that Mr Johannes and certain of his personnel might be capable of summoning very considerable personal force to secure cooperation and submission from inmates if they considered this necessary. The sustained complaints about implicating Mr Johannes evidence the inmates fear that this may be so</p>	Noted
106	<p>From our observation, there does, however, seem to be a visible level of open engagement between inmates and officials. The inmates, for the most part, appeared to be fairly good spirits and able to register complaints and observations without inhibition or constraint. It was notable that this occurred without constraint even on front of Mr Johannes and Mr Thomas</p>	Noted
107	<p>Unit K2 requires immediate attention. If confinement in the unit is a means to threaten offenders and to extract information from them, this is obviously unacceptable</p>	K2 is a special care unit & is not being used to threaten offenders or extract information from them, offenders in that unit are subjected to limited privileges in accordance to policy
108	<p>To avoid use of K2 to threaten and intimidate inmates, it is recommended that a new system be implemented to relocate prisoners to K2. When inmates are transferred to K2, oversight is essential. The transfer should not be conducted solely by Mr Johannes and/or Mr Thomas, which places the offender in a vulnerable position. We suggest that the following steps, or steps like them, be followed:</p> <ul style="list-style-type: none"> ➤ The name of the offender, the reason for the transfer, the exact date and time of the transfer, and the names of the officials facilitating the transfer should be recorded ➤ The transfer to K2 must take place within a safe and secure environment that respects the offender's physical safety. One-on-one discussions between Mr Johannes, Mr Thomas and the offender should be limited to avoid possible abuses and allegations of abuse ➤ Every transfer, if this isn't already done, must be carefully lodged 	<p>It is done like that</p> <p>It is done</p> <p>K2 is like any other unit and is not regarded as segregation, centre cannot be lodging every</p>

	<p>➤ A chart should be formulated reflecting the number of times an offender has been transferred to K2, the reason for the transfer and the duration of the stay in K2. This will assist prison officials in determining which offenders are continually flouting procedures and protocols. A clear indication will enable officials to take additional steps in relation to these particular offenders, if needed</p>	referral to K2 it is done
109	<p>Particular vigilance is needed to ensure that offenders don't experience assaults at the hands of officials during these relocations</p>	Noted
110	<p>Mr Johannes stated that inmates were able to open cases of assault against officials. In addition, he recorded that each unit also has an inmate representative who talks to Mr Johannes on a monthly basis. These avenues should be enforced and applied diligently. Offenders should have a reliable channel through which to lodge complaints without fear of retribution from the officials against whom they complain</p>	Noted
111	<p>Once a complaint is lodged, there should be a clear system for investigating finalizing it</p> <ul style="list-style-type: none"> ➤ It is imperative not just that complaints of assault particularly, be reported to both DCS and SAPS ➤ There should also be follow-up with JICS and SAPS to ensure that each complaint is properly processed ➤ Disciplinary procedures against the officials implicated must be implemented ➤ Feedback must be given to the complainant 	Noted
112	<p>Effective processes are needed to ensure the use of appropriate disciplinary process against officials accused of assaulting prisoners. The provisions of Schedule A (Disciplinary Code and Procedure for Employees of the Department of Correctional Services) to the regulation to the CSA should be borne in mind when officials are disciplined</p>	Noted

113	<p>The fresh assault allegations- that is after November 2015- include Mr Johannes and Mr Thomas. It is imperative that police statements be obtained from those prisoners who lodged complaints with us, and the appropriate processes followed</p>	<p>Offenders had an opportunity to open cases with SAPS but again will be afforded opportunity to do so.</p>
114	<p>Given the extensive number of assaults allegations in K2 unit, an alternative is to abolish the unit entirely ➤ We note Mr Johanne's mention of closing K2 and urge him to consider this deliberately and seriously</p>	<p>It will be considered</p>
115	<p>There is a deep concern that the unit may become a centre for crime and be seen as a pace where flouting of the rights of the prisoner seen as delinquent is justified. We recommend that, if rigorous monitoring mechanisms as outlined in paragraphs 107-108 above cannot be successfully implemented, the Centre develops a new disciplinary procedure in terms of which the offending prisoner is disciplined in his allocated unit in accordance with clear protocols</p>	<p>Noted</p>
116	<p>Disciplinary offenders within their allocated units will require a new disciplinary system. We suggest the following measures to assist in developing this:</p> <ul style="list-style-type: none"> • When formulating a new disciplinary procedure, inmates and affected personnel should all be consulted. This has practical benefit. It will facilitate co-operation and acceptance of the new policy and procedure • The new procedure will require effective prison rules and policies that are clear, concise, well-drafted and fair. For example, inmates must know what they are being disciplined for, for how long and the personnel in charge of their discipline. No offender should be disciplined without having an opportunity to present his case • A matrix setting our certain types of behaviour and the appropriate response in each case will assist officials in determining how to handle situations of disobedience • Each case of indiscipline must be assessed on its facts 	<p>Disciplinary offences are being dealt with in accordance with the disciplinary code & procedure for offenders</p> <p>It is done</p>

	<p>and the response must be proportional to the disobedience</p> <ul style="list-style-type: none"> • Offenders must have a real opportunity to report any abuses or ill-treatment during the disciplinary process 	Noted
117	<p>It is also important that the procedures followed are updated regularly to reflect changes both internal and external to the Centre. Disciplinary procedures must be in line with the provisions of the CSA and the regulations</p> <ul style="list-style-type: none"> • Sections 22(1) provide that, as an overall rule, "discipline and order must be maintained with firmness but in no greater measure than is necessary for security purposes and good order in prison". This must be borne in mind when developing and formulating disciplinary rules and procedures 	Noted
118	<p>There should be decisive departmental follow up on the JICS recommendations regarding the November 2015 assaults. It is imperative that feedback is provided as to the steps the Centre has taken in implementing these recommendations. The Centre should set deadlines within which to both implement the recommendations and to provide feedback on the progress made. This facilitates accountability. JICS will be able to assess the extent of compliance with its recommendations and the Centre will have to account for any non-compliance. We suggest that a framework and timeline be implemented to facilitate this process</p>	See attached investigation
119	<p>The lack of reporting of the use of force in K2 unit during November 2015 meant that disciplinary action against officials implicated by the offender's allegations was delayed. A clear line of communication and authority is required to ensure that : (a) uses of force required to be disclosed to authorities are disclosed; and b) the personnel responsible for reporting are identified so that follow up is easier to manage</p>	See attached investigation
120	<p>Mr Johannes must be pressed to indicate whether the officials implemented in the assault allegations in the November 2015 incident have been disciplined</p>	See attached investigation

121	Mr Johannes briefed us on many challenges at the Centre. Since opening in February 2010, the Centre has sustained damage amounting to approximately R3.5 million. In one incident in August 2010 certain structures were set alight	Noted
122	Mr Johannes stressed that inmates are not locked in their cells during the day. They are also permitted to make phone calls during the day, and these are not deducted from their visiting entitlement. Families are allowed to visit for a full day (usually a Saturday or Sunday) twice a year. These were innovations introduced at the Centre. Mr Johannes informed us that most of the offenders at the Centre were not from the Kimberley area	Noted


 HEAD OF CENTRE
 JOHANNES H

17/03/20
 DATE



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA


RESPONSE ON THE INSPECTING JUDGE'S RECOMMENDATION

	INSPECTING JUDGE RECOMMENDATIONS	T.C.C'S RESPONSE ON THE RECOMMENDATIONS
13.1	The two inmates who stabbed and injured an official and another inmate should be disciplinarily charged and the official and those injured should be afforded access to SAPS	Both offenders were charged, where offender James Mafooa 208263644 was degraded to Maximum and offender Joseph Ngetho 215121099 was internally charged on 2015.12.09
13.2	DCS official must be sensitized around their non-compliance with applicable legislation and reporting	Use of force was reported for the days as mentioned to the Office Independent Judiciary through the

	prescriptions of the use of force etc.	<p>ICCVs that are working in this Center as our A&R system was down and on 2015.12.14 the documents were subsequently faxed to your office on this fax number and report shows that it went through 0214211086</p>
13.3	<p>HCC must explain how inmates under his care ended up with injuries on 19th November and what measures he has taken to prevent a repeat of same.</p>	<p>Offenders on 19th November 2015 got injured after the use of force that was applied as per report attached as annexure A, Offenders are sensitized in their units by Unit Managers and through the PMC meetings with the HCC that are held on regular basis</p>
13.4	<p>The HCC must explain why he didn't report the security related incident which took place on the 16th and 17th November 2015 to the OJJ.</p>	<p>Report was done by this centre through the ICCVs that are operating in this centre Mr. Leeuw and Mr Ramapeane, for the</p>

		<p>incident of the 16th November 2015 and 19th November 2015 please see attached annexure A. This centre does not have any record of the incident of the 17th November as referred by this report.</p>
13.5	<p>The HCC must afford inmate Mncedisi Stevens's access to the local SAPS; so as to allow him to pursue a criminal case against his perpetrators should he still wish to do so.</p> <p>Should those officials who had been implicated by complainants refuse to make statements, they should be disciplinarily charges for the assaults, so as to afford them the provisions of the Audi Alterum Partem rule.</p>	<p>Offender Mncedisi Stevens was offered an opportunity to open SAPS case on 2016.08.17 of which SAPS did come and took his statement.</p> <p>Statements were taken to all the officials as per implications and the report in that regard is attached as annexure B</p>
13.6		

13.7	The HCC must sensitise all inmates against all forms of involvement with gang activities.	HCC does and continuously sensitise the offenders on all forms of gang activities this is done through the meeting with the PMC that is happening on regular basis and through the Unit Managers where offenders are housed.
13.8	The defective video cameras and recording system must be replaced as soon as possible with a system that is effective.	This centre has an on sight contractor in a form of JFE and is currently busy working on repairing the cameras that are not working, currently are saying that they are waiting for Verification Order from DPW


 HEAD CORRECTIONAL CENTRE
 TSWELOPELE CORRECTIONAL CENTRE
 KIMBERLEY MANAGEMENT AREA
 JOHANNES H.

16/08/23
 DATE

ANNEXURE 'A'



correctional services

Department: Correctional Services REPUBLIC OF SOUTH AFRICA

Private Bag X6008, Kimberley, 8300, Tel (053) 8366202, Fax (053) 8366288 c/o Schmidtsdrift & Nobengula Street, Kimberley, 8301

FAX COVER SHEET

REF NO

[Empty box for REF NO]

TO:	JUDICIAL INSPECTORATE		
FOR ATTENTION:			
DIVISION:	INSPECTING JUDGE		
FROM:	HEAD: TSWELOPELE CORRECTIONAL CENTRE		
ENQUIRIES:	MR STEWARD M.G		
DIVISION:	DIVISIONAL HEAD: SECURITY		
TEL NO:	053 - 8366202	E-MAIL:	
FAX:	053 - 8366288	DATE:	2015-12-14
NO PAGES:	08 (incl cover pg)		

RE: USE OF FORCE REPORT

1. The above matter refers;
2. Attached please find report

For your attention

14/12 2015 10:52

P.001

 *** TX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
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correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

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NO PAGES:	08 (incl cover pg)		

RE: USE OF FORCE REPORT

1. The above matter refers;
2. Attached please find report

For your attention

**SECRETARY - HEAD OF THE CENTRE
TSWELOPELE CORRECTIONAL CENTRE
MUTSHARINI I.F**

USE OF FORCE REPORT

Head Of Centre

Name of person who authorized use of force:

Name: Mr. Johannes A.

Report Nr.:

Persal nr.: 128/6582 mg

Was the use of force approval granted prior or after the incident by the Head of Centre/ Acting Head:

prior

Employees involved: (name list can be attached)

SEE ATTACHED NAMELIST

Offenders involved:

SEE ATTACHED ANNEXURE.

Persal no: _____ Name: _____

Reg.nr: _____

Persal no: _____ Name: _____

Reg.nr: _____

Persal no: _____ Name: _____

Reg.nr: _____

Persal no: _____ Name: _____

Reg.nr: _____

Account of events that lead to the use of force, description of the incident as well as reasons for the use of force:

Date: 2015-11-19 Time: ± 08:45 Unit: W12 Section: N/A

OFFENDER REFUSED TO BE LOCKED AFTER BREAKFAST, THE A.C.C WAS CALLED TO HANDLE THE SITUATION WHERE HE INSTRUCTED THAT THE OFFENDERS BE LOCKED UP IN THE CELL AND NECESSARY FORCE MUST BE USED

Description of the devices, if any, and the manner in which they were used (hands/shock shields, etc.): per Sections 31, 32, 33 and 34 of the Department of Correctional Services Act, 111 of 1998, as amended as well as Correctional Services Regulations 19, 20 and 21

Hands

Description of the injuries suffered by offenders/officials:

NONE DURING THE TIME THE HCC SAW THE OFFENDER.

Exhibits (Any articles / documents)

NONE.

Witnesses (if any)

Name:	Number:	Name:	Number:

[Handwritten Signature]

Signature of Reporting Officer

Date 2015/12/10

OFFICIALS INVOLVED IN THE USE OF FORCE ON THE

19TH NOVEMBER 2015 AT K12

1. Johannes H 12816582
2. Sibisi MS 12295566
3. Ntamehlo MM 19156405
4. Tihabanelo HI 22857133
5. Norman EBA 23671670
6. Ross DJ 23672056
7. Mampe KJ 23687185
8. Seqhota T 23675926
9. Solomons R 18508570
10. Mocumi EK 22858059
11. Sefojane KS 22859811
12. Majekiso MJ 22855726
13. Van Wyk S 22860754

USE OF FORCE REPORT

Head Of Centre

Name of person who authorized use of force: Name: Mr Tolenua (HCC) Report Nr.: _____
Persal nr.: _____

Was the use of force approval granted prior or after the incident by the Head of Centre/ Acting Head:

Employees involved: (name list can be attached)

<u>Persal no:</u> 16826881	<u>Name:</u> Mr Thomas HA	<u>Offenders involved:</u>
<u>Persal no:</u> 22857265	<u>Name:</u> Mr Motuhala O.J.	Reg.nr: 208263644
<u>Persal no:</u> 22934127	<u>Name:</u> Mr Tito LS.	Name: James Mafoa
<u>Persal no:</u> 22854401	<u>Name:</u> Mr Mkhila ES.	Reg.nr: 21472155
		Name: Mucedisi Steven
		Reg.nr: 214721323
		Name: Mungeyi Matiso.
		Reg.nr: _____
		Name: _____

Account of events that lead to the use of force, description of the incident as well as reasons for the use of force:

Date: 20/5/11/16 Time: 14:10 Unit: K2. Section: _____
 Offender Joseph Ngatho Reg 215121099 took a sharp self made knife and he stabbed offender Mucedisi Steven Reg 21472155 in the face (fore head) in the Unit K2 Bay Room 1.
 Offender James Mafoa Reg 208263644 stabbed the Correctional official Mr Moke A on the head in K2 Unit Court yard. Offender Thembani Mholwane Reg 21427398 was the offender that supplied the self made knife. The incident occurred in the Offender Behaviour Modification Unit K2.

Description of the devices, if any, and the manner in which they were used (hands/shock shields, etc.): per Sections 31,32,33 and 34 of the Department of Correctional Services Act, 111 of 1998, as amended as well as Correctional Services Regulations 19, 20 and 21

The officials testified Tooga's that the department provided.

Description of the injuries suffered by offenders/officials:

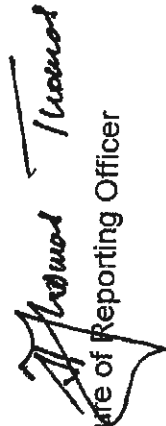
The offenders only sustained bruises. as they were afforded the opportunity to consult with the medical nurses.

Exhibits (Any articles / documents)

Self made notes see attached document.

Witnesses (if any)

Name:	Number:	Name:	Number:
Same As Above			


Signature of Reporting Officer

20/5/11/10
Date

Description of the devices, if any, and the manner in which they were used (hands/ shock shields, etc.): per Sections 31, 32, 33 and 34 of the Department of Correctional Services Act, 111 of 1998, as amended as well as Correctional Services Regulations 19, 20 and 21

The officials testified Tooga's that the department provides.

Description of the injuries suffered by offenders/officials:

The offenders only sustained bruises. as they were afforded the opportunity to consult with the medical nurses.

Exhibits (Any articles / documents)

Self made notes see attached document.

Witnesses (if any)

Name:	Number:	Name:	Number:
Same As Above			

Thomas Thomas
Signature of Reporting Officer

2015/11/16
Date

(b) Mechanical restraints may only be used for the minimum period necessary and this period may not, subject to the provisions of paragraph (c), exceed seven days.

(c) The Commissioner may extend such period for a maximum period not exceeding 30 days after consideration of a report by a medical officer or psychologist.

(4) All cases of the use of such mechanical restraints except handcuffs or leg-irons 5 must be reported immediately by the Head of Prison to the Area Manager and to the Inspecting Judge.

(5) A prisoner who is subjected to such restraints may appeal against the decision to the Inspecting Judge who must decide thereon within 72 hours after receipt thereof. 10

(6) Mechanical restraints may never be ordered as a form of punishment or disciplinary measure.

Use of force

32. (1) (a) Every correctional official is authorised to use all lawful means to detain in safe custody all prisoners and, subject to the restrictions of this Act or any other law, may 15 use force to achieve this objective where no other means are available.

(b) A minimum degree of force must be used and the force must be proportionate to the objective.

(2) Force may be used only when authorised by the Head of Prison, unless a correctional official reasonably believes that the Head of Prison would authorise the use 20 of force and that the delay in obtaining such authorisation would defeat the objective.

(3) If, after a correctional official has tried to obtain authorization, force is used without prior permission, the correctional official must report the action taken to the Head of Prison as soon as reasonably possible.

(4) Any such permission or instruction to use force may include the use of non-lethal 25 incapacitating devices or firearms, subject to the restrictions set out in sections 33 and 34.

(5) If force was used, the prisoner concerned must undergo an immediate medical examination and receive the prescribed treatment.

Non-lethal incapacitating devices

30

33. (1) Non-lethal incapacitating devices may only be issued to a correctional official on the authority of the Head of Prison or the Head of Community Corrections.

(2) Such devices may only be used by a correctional official specifically trained in their use.

(3) Such devices may be used in the manner prescribed by regulation and then only — 35

(a) if a prisoner fails to lay down a weapon or some other dangerous instrument in spite of being ordered to do so;

(b) if the security of the prison or safety of prisoners or others is threatened by one or more prisoners; or

(c) for the purpose of preventing an escape. 40

(4) Whenever such devices are used, their use must be reported in writing and as prescribed by regulation.

Firearms

34. (1) A firearm may only be issued to a correctional official on the authority of the Head of Prison or the Head of Community Corrections. 45

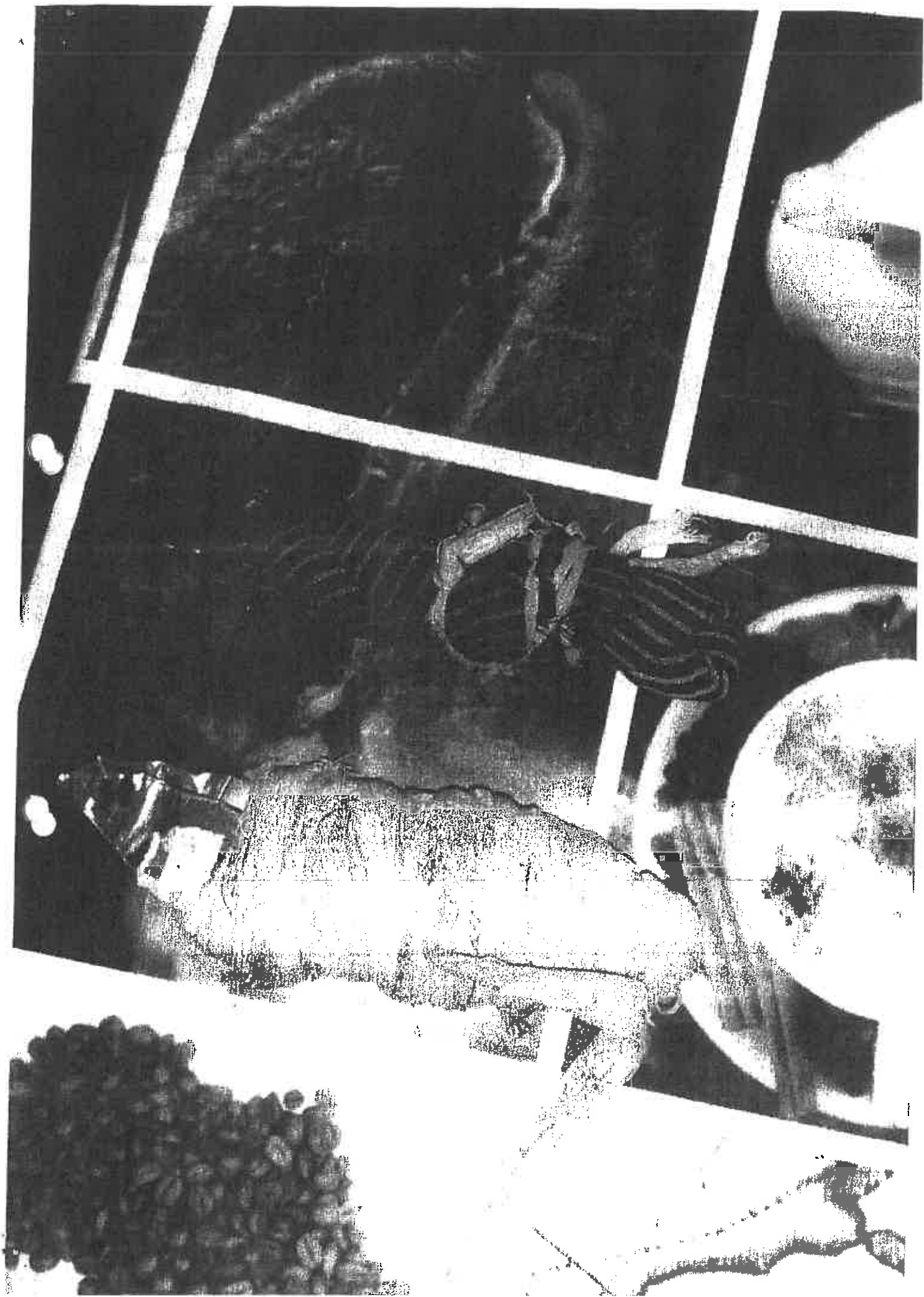
(2) A firearm may only be used by a correctional official specifically trained in its use.

(3) A firearm must be used in the manner prescribed by regulation and only when the security of the prison or the safety of prisoners or others is threatened.

(4) Whenever a firearm is used its use must be reported in writing and as prescribed by regulation. 50

.0 Procedure

2.1	<p>A correctional official may not use force against a prisoner except when it is in:</p> <ul style="list-style-type: none"> ● self-defence *● the defence of another correctional official, another prisoner or any other person ● the prevention of an escape from custody by a prisoner ● the protection of property, and in achieving the objectives of safe custody.
2.2	<p>Force may be used only when authorised by the Head of Prison, unless a correctional official reasonably believes that the Head of the Prison would authorise the use of force and that the delay in obtaining such authorisation would defeat the objective.</p>
2.3	<p>If force has been used without prior authorisation, the correctional official must report the action taken to the Head of Prison in writing as soon as reasonably possible.</p>
2.4	<p>If force was used the prisoner(s) concerned must immediately be medically examined and receive the necessary/prescribed treatment.</p>
2.5	<p>The Head of Prison must be notified immediately when any type of force is used. A dated and signed written report, prepared by the correctional official who applied force, must be completed not later than the end of that shift and shall include the following information:</p> <ul style="list-style-type: none"> ● number of prisoners involved; ● an account of the events leading to the use of force; ● an accurate and precise description of the incident and reasons for applying force; ● a description of the restraining devices, if any, and the manner in which they were used:






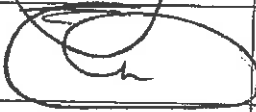
correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

ROUTE LIST FOR DOCUMENTATION

REFERENCE:	5/2/2/1	DATE	2016/07/02
ENQUIRIES:	DG JACOBS	TEL:	053-8366202

RE: ALLEGED ASSAULT OFFICIALS ON OFFENDERS AS PER COMMUNICATION FROM LAWYERS FROM HUMAN RIGHTS: TSWELOPELE CORRECTIONAL CENTRE:

FUNCTIONARY ROUTED TO		DATE RECEIVED	POSTAL REGISTER NUMBER	DATE FORWARDED
CAPACITY	SIGNATURE			
CC OPERATIONAL SUPPORT		2016/07/19		2016/07/19
AC CORRECTIONS		2016/8/04		2016/8/04

RETURN

FUNCTIONARY ROUTED TO		DATE RECEIVED	POSTAL REGISTER NUMBER	DATE FORWARDED
CAPACITY	SIGNATURE			

ANNEXURE 'B'



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Tel no: 053 – 8366235

Fax no: 053 – 8366288

INTERNAL MEMO

DATE:	2016/07/02	REF NO:	5/2/2/1
TO:	CC STAFF SUPPORT CC OPERATIONAL SUPPORT HEAD OF CORRECTIONAL CENTRE	FROM:	DG JACOBS

RE: ALLEGED ASSAULT OFFICIALS ON OFFENDERS AS PER COMMUNICATION FROM LAWYERS FROM HUMAN RIGHTS: TSWELOPELE CORRECTIONAL CENTRE:

1.0 MANDATE

- 1.1 I, Mr DG Jacobs was mandated by Mr Sibisi M.S to investigate the alleged assault that took place on 19 November 2015 and April 2016.

2.0 METHODOLOGY APPLIED AND EVIDENCE GATHERED

- 2.1 Individual interviews were conducted with all parties involved and where – after sworn statements were taken.
- 2.2 Appointment letter of Mr DG Jacobs persal number 12815101.
- 2.3 Sworn statement of offender Masonwabe Guga reg 209400564.
- 2.4 Sworn statement of offender Buyisile Waganda reg 211185447.
- 2.5 Sworn statement of offender Sonwabo Getse reg 208352917.
- 2.6 Sworn statement of offender Bonisani Madakane reg 214719805.
- 2.7 Sworn statement of offender Malibongwe Mogege reg 212905774.
- 2.8 Sworn statement of offender Xola Modi reg 212905774.
- 2.9 Sworn statement of Mr Morape T persal 22854509.
- 2.10 Sworn statement of Mr Thomas H.A persal 16826281.
- 2.11 Sworn statement of Mr Mguda A persal 22854037.
- 2.12 Sworn statement of Mr Mathlare M.G persal 22857567.
- 2.13 Sworn statement of Mr Williams L.J persal 22856111.
- 2.14 Sworn statement of Sister Msindo Z persal 53119592.
- 2.15 Sworn statement of Mr Johannes H persal 12816582.
- 2.16 Letter from the Lawyers for Human Rights.
- 2.17 Copies of G337 and G335A for offender Buyisile Waganda.
- 2.18 Copies of G337 and G335A for offender Malibongwe Mogege.
- 2.19 Copies of G337 and G335A for offender Masonwabe Guga.
- 2.20 Copies of G337 and G335A for offender Bonisani Madakane.
- 2.21 Copies of G337 and G335A for offender Xola Modi.

RE: ALLEGED ASSAULT OFFICIALS ON OFFENDERS AS PER COMMUNICATION FROM LAWYERS FROM HUMAN RIGHTS: TSWELOPELE CORRECTIONAL CENTRE:

2.22 Copy of Act 111/2008, Disciplinary infringements.

3.0 BACKGROUND OF EVENTS

- 3.1 On 19 November 2015 offenders was removed from K12 and taken to K2 because of behavioural problems . Upon arrival in K2 the offenders was searched an placed into cell in groups of four.
- 3.2 The offenders was also allegedly assaulted and also allegedly denied medical treatment by the officials who allegedly assaulted them. A communication was send from the Lawyers from the Human Rights requesting that the offenders receive medical treatment.

4.0 FINDINGS

- 4.1 During the interviews and evidence gathering the investigator came across a number of versions that conflicts each other.

4.2 Offender Buyisile Waganda

Offender Waganda said in his statement that he was in K12 on the morning of 19 November 2016 and that they had received information from the officials that the Head of Centre ordered a lock down of the centre because of the stabbing that took place in K2. Offender Wganda further stated that he put his name up to see the sister before the lock down message was received because he had chest problems. He also stated that after the lock down was ordered some other offenders wanted to see the head because of the lock down but he was not part of them, he stayed outside because he wanted to see the sister. According to offender Waganda the head came with some officials of the EST. Mr Johannes allegedly asked the offenders who was not willing to go into their cells and one of the offenders stood up and said that he was unhappy because the band can go out but they are on lock down. Mr Johannes then allegedly asked the offenders who was from the Western Cape and the offenders raised their hand and Waganda also raised his hand because he also was from the Western Cape even though he was outside for the sister and not because of the lock down. According to Waganda it was then that Mr Johannes ordered the officials to take all the offenders to K2, including himself. Offender Waganda further stated that on their arrival at K2 they divided into groups of four and placed into cells. They were then taken out of the cell group by group and assaulted. According to Waganda when it was his groups turn they were taken to the meeting room and ordered to take off their clothes and as he pulled his shirt over his head Mr Batista hit him in the face with his fist and then all the other officials started to assault them. Mr Mathlare hit him with the tonfa and Mr Williams (Mawiela) kicked him on his testicles. They were then taken to small room next to the scullery where Mr Mguda used the fire hydrant hose pipe to spray them with water. Offender Wganda then said that they were taken back to their cells and that sister Msindo screamed at Mr Thomas to take them to her for medical attention but Mr

RE: ALLEGED ASSAULT OFFICIALS ON OFFENDERS AS PER COMMUNICATION FROM LAWYERS FROM HUMAN RIGHTS: TSWELOPELE CORRECTIONAL CENTRE:

Thomas refused and that he said that they were only disciplined not assaulted. They were then locked in their cells and the next morning the officials wanted him to squad but he could not because of his injuries. Mr Visser came and assisted him to see the sister for treatment. On the Sunday Mr Joseph came to visit the unit and told the officials to take them to the sister for treatment and the sister referred all of them to the doctor. The Police was called and he opened a case of assault, case number 672/11/2015.

4.3 Offender Xola Modi

Offender Modi stated that he was the one who asked to see the head of centre because he wanted to know why if the stabbing occurred in K2 that K12 must be on lock down. When the head of centre came and ordered all of them to be taken to K2 and they were 17 offenders. At K2 they were divided into groups of four and put into cells, the one offender left was put into a cell alone. According to the offender they were then systematically taken out of their cell in groups of four and taken to the meeting room where they were beaten with tonfa's, fists and also kicked. After that they were taken to the servery and hosed down with the hose pipe by Mr Thomas. After the hosing down they were beaten back to their cells. Offender Modi stated that the officials who beat them was Mr Thomas, Mr Mguda, Mr Batista, Mr Malema, Mr Williams. Offender Modi also stated that they never received any medical treatment up until the day Mr Joseph came to visit the unit and ordered the officials to take them for treatment. He also stated that he was placed before Dr Chabala who gave him pain block pills. The police was called and he opened a case of assault against the officials, the case number is 670/11/2015.

4.4 Offender Malibongwe Mogele

Offender Mogele declared that he was in K12 when breakfast was served and after breakfast he went to his cell. While he was in his cell Mr Sibisi and some EST officials came to his cell and with them was offender Masonwabe Guga and Msondesi. Mr Solomon spoke to Mr Sibisi and after that Mr Sibisi told us to pack their things and himself and 16 other offenders was then taken to K2. At K2 they were divided into number affiliation and placed into cells in groups of four. Mogele stated that he was placed into cell 15 after himself and his belongings was searched. He further stated that after a while Mr Thomas and Mr Malema came and took the first four offenders from cell 18 out of the dayroom and all he heard was people screaming and when the offenders came back they were bleeding and walking strange. This continued till they reached cell 15 and they were also taken out of the dayroom and Mr Malema started to beat them and chased them into the meeting room and that that is where Mr Batista, Mr Mguda, Mr Williams and another officials who's name he does not know but the official looked like Mr Batista with the same beard started to beat them with their fists, tonfa's and kicked them. They were taken to a small room next to the store room where Mr Thomas sprayed them with water from the fire hydrant. Mr Williams then assaulted them back to their cell. Mogele further stated that they only received medical treatment on the 23rd of November after the Area Commissioner visited the unit. He further stated that the sister from the unit referred them to the doctor and they saw the doctor on the Tuesday and that the sister told the doctor that they cannot go for x-rays because the injuries was from the week before.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Personal Number / Prison Number

2 0 8 3 5 2 9 1 7

2. Identity Number

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3. Name of prison where employed/detained Tsuetapele Centre

4. Address of Prison Schmiedsduyf road K12

5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Sonwabo Getse

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I Sonwabo Getse declare under oath that I am a male offender serving a 12 years sentence for rape at Tsuetapele Correctional Centre. On 19 November 2015 I was in K12 and MR Schmiedsduyf told us that because of the incident in K12 we all will receive a hour exercise per day. We then asked MR Schmiedsduyf if we can see the head of Centre because we wanted to know why he decided that. The head of Centre, MR Schmiedsduyf with MR Sibisi and the EST came to K12 and we asked them why he.

Initial: S. Getse Initial: — Initial: J



gave the order for the exercise. He did not converse but asked who had asked to see him and offenders Gugya and Moko went forward. The heard asked all of us from where were we from and Gugya answered from Western Cape and Moko from Eastern Cape.

② The heard then said we cell must go to K2 and on our arrival at K2 we were searched and we were asked were going collection and we were separated into groups of four and placed in cells in dayroom (3). I was placed in cell 17 and after a while Mr Thomas and Melana came and took four offenders out of cell 18 and left the dayroom and we heard screaming and when the offenders came back in only three were there and they had marks all over their bodies.

③ We were then taken out of cell 17 and taken to the meeting room where we were told to undress and as we undressed and I saw the fourth offender lying in the central bleeding. While I was undressing Mr Thomas, Mr Melana and Mr Dubisa carried me with towels, firsts and padding me. I was taken to a small room next to the surgery and sprayed with water from the face bucket by Mr Mgwela. I was assaulted with the lid of the rubbish bin. Mr Mernum held the door closed while I was assaulted. I was then taken back to my cell, I asked for treatment but Mr Thomas said no. Mr Joseph, The-Cross Commissioner came to visit and ordered the officers to take us for treatment. We were taken for treatment on the 23rd of November. The sister referred us to the doctor whom we saw the next day. The injuries was noted in the file. We were not taken for X-rays because the sister said that nothing can be done for broken ribs. That in cell I have to elaborate

Initial: Er. g. g. Initial: — Initial: J



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me/by me~~ and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.

S. G. G. G.
SIGNATURE/THUMB PRINT

2016/05/30
DATE

E. INTERPRETER

1. I (full names and surname) _____
2. Residential Address _____
Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tweedrivelo Colm on this 7th (day) of May (month) 2016 (year) and that *he/she understands it and regard this as *binding/not binding to *his/her conscience and *~~does~~/does not have any objections against taking the prescribed oath.

1. Full names and surname Deon George Jacobs
2. Capacity Investigator
3. Area appointed Nelhus Cape
4. Business Address: Schouckskrif weg 187

D. Jacobs Dg.
SIGNATURE

2016/05/30
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Personal Number / Prison Number

2 1 4 7 1 9 8 0 5

2. Identity Number

— — — — —

3. Name of prison where employed/detained Tswelopele Centre.

4. Address of Prison Tswelopele Correctional Centre, Schmetschijf road

5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Bonisoani Madakane.

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I, Bonisoani Madakane declare under oath that I am a male offender serving a 7 years sentence for murder at Tswelopele Correctional Centre. On the 14 November 2015 I was in K12 and we were told that the head of centre gave a order that we will receive a hour exercise and get deprogram, so myself and some other offenders ended to see the head of Centre and Mr Jhames, Mr Sibisi and some EST officials arrived a little while later.

Initial: [Signature] Initial: — Initial: [Signature]



- ② Mr Johannes asked us where we were from and I told him that I was from Easter Cape and Mr Johannes then said that we must be taken to K2 and on our way out at K2 we were searched and detected with groups of fears according to some young offenders.
- ③ We were then placed in cells from cell 18 to 17, 16, 15, to 14 and cell 13 in groups of four. Mr Thomas and Mr Melman came back and took the four offenders out of cell 18 and as they left we heard screams and after a while they came back into the department and I could see they were wet bleeding and full of marks. I was in cell 14 and we were also taken out and were taken to the meeting room.
- ④ In the meeting room we were assaulted by Mr Thomas, Mr Melman and Mr Webster. The rest of the officials I only knew by their faces. We were taken to a small room where we were sprayed with water by Mr Thomas and we were then taken back to our cells. We asked for medical treatment but Mr Thomas did not take us, I only received treatment on the 24th of November from the sisters and we were also taken to the doctor. The doctor wrote down our injuries. We were not taken for X-rays at all. The STAPS was called and I opened a case of assault. That is all I have to declare.

Initial: REW Initial: - Initial: 7



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Personal Number / Prison Number

2	1	2	0	0	3	7	8	4
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2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3. Name of prison where employed/detained Tswelopele Correctional Centre.
4. Address of Prison Schmetschfont waal KBY
5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Malibongwe Mogeke.
hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I, Malibongwe Mogeke declare under oath that I am a male correctional officer at Tswelopele Correctional Centre. I am serving a 8 years sentence for robbery. On 19 November 2015 I was in K12. We were served with breakfast and after breakfast I went to my cell, cell 8 in dayroom 2. While I was in my cell MR Sibisi and some EST members came to my cell with offenders by the name Masenache Guga and Masenosi and MR Slangen spoke to MR Sibisi and after that MR Sibisi said that we all must

Initial: mm Initial: — Initial: J



pick our things which we did. We were all taken to K2, the total of us was 17 offenders. We were divided into number relation and we were then put into cell in groups of four (4). I was placed into cell 15 after my things (belongings) was searched.

After a while MR Thomas, MR Ndema came and took four offenders from cell (18) and went out of the classroom. After a short while we could hear the offenders screaming why they were screaming I did not know but when the offenders come back they were bleeding and walking strange. This continued until they reached cell (15). We were taken out of the cell, MR Ndema started to beat us and chased us into the meeting-room where MR Betster, MR Ngweni, MR Williams and another official who's name I do not know but he has the same beard as that one of MR Betster was waiting. They told us we must undress and as he did they assaulted us with tennis bats and picked us. We were taken to a small room next to the store where MR Thomas sprayed us with water from the fire hydrant. MR Williams then again assaulted us back to our cell. We asked for treatment but never received any treatment for our injuries. We only received treatment on the 23rd of November after the Area Commissioner MR Joseph came to visit the centre.

The sister of the unit referred us to the doctor for further treatment and x-rays, but when we were put before the doctor on the Tuesday the sister changed her story saying that we do not have to go for x-rays because the injuries was from a week before. The SAPS was called and we opened cases of assault. That is all I have to state.

Initial: un Initial: - Initial: J



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.

M. M. M. M.
SIGNATURE/THUMB PRINT

2014/05/30
DATE

E. INTERPRETER

1. I (full names and surname) _____

2. Residential Address _____
_____ Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tswelopele Centre on this 30th (day) of May (month) 2016 (year) and that *he/she understands it and regard this as *binding/net-binding to *his/hers conscience and *does/does not have any objections against taking the prescribed oath.

1. Full names and surname Deon Gouwe Jacobs
2. Capacity Investigator
3. Area appointed Western Cape
4. Business Address: Schmiedschijf noord KBY

D. Gouwe Jacobs
SIGNATURE

2016/05/30
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Personal Number / Prison Number

2 1 2 9 0 5 7 7 4

2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. Name of prison where employed/detained Tswelopele Centre

4. Address of Prison Schmalkroft road KBY

5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Xola Moele

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

Xola Moele declare under oath that I am a male offender at Tswelopele Centre, I am serving a 15 year sentence for rape. On November 17 2015 I asked to see the HCC because we were informed that we were in K2 because the staffing in K2. I sleep in K12. The HCC came and ordered all of us to be taken to K2. The total of us was 17 and on arrival at K2 we were divided into groups of 4 and placed in cells. The one that was left of the 17 was placed in his own cell.

Initial: Initial: Initial:



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

- ② We were all systematically taken out of our cells in groups of 10-15 at taken to the meeting room and beaten with fists, fists and feet. After that we were taken to the sewage and we all hosed down with the hosepipe by Mr Thomas.
- ③ After that we were beaten back to our cell by the officials. These officials who beat us was, Mr Thomas, Mr Mphahlele, Mr Mclennan, Mr Williams and Mr Butista. In the cell we were locked up. We never received treatment up until Mr Joseph came and ordered the officials to take us for treatment. I was seen by Mr Chabokata and he gave me paini black pills.
- ④ The police was phoned by the officials and I opened a case of assault against the officials, case number 670/11/2015. That is all I have to declare.

Initial:

Initial:

Initial:



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard~~/~~do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an interpreter if so wish.



SIGNATURE/THUMB PRINT

2016/08/25
DATE

E. INTERPRETER

1. I (full names and surname) _____
2. Residential Address _____
Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tullerode Craai on this 25th (day) of Nov (month) 2016 (year) and that *he/she understands it and regard this as *binding/~~not binding~~ to *his/~~her~~ conscience and *~~dees~~/does not have any objections against taking the prescribed oath.

1. Full names and surname Deen Gaurie Jacobs
2. Capacity Investigator
3. Area appointed Nathan Ceype
4. Business Address: Schmetschijf roed KBY

D. Jacobs
SIGNATURE

2016/09/25
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Peral Number / Prison-Number

2	2	8	5	4	5	0	9
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2. Identity Number

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3. Name of prison where employed/detained Tswelopele Centre.
4. Address of Prison Schmidsdijf next KBY
5. Telephone Number of Prison 8366237 Code 053

C. DECLARATION

I, (Full names and Surname) Thabany "Batista" Merape.
hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I, Thabany Merape declare under oath that I am a role Correctional officer at Tswelopele Correctional Centre I currently have 8 years service in DCS. I am a member of the EST at Tswelopele Centre. On the month of November I was on duty and the HCC come to central and told us that we must assist them at K12 where offenders are being difficult. All of us then went to K12 and on our arrival the offenders asked why they only receive exercise by degram and the head explained to them that it is

Initial: T Initial: - Initial: J



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

This instruction and order. The offenders did not want to do it the way the heard instructed

② The heard then told the offenders that they must go pick their stuff because they will be taken to K2 where exercise are given by dayroom. We took the offenders to K2 and on our arrival we searched them. After the searching we left the offenders in K2. I never saw any official attend any offender while I was in K2. That is all I have to declare.

[Handwritten signature]

Initial: T Initial: — Initial: J



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.

SIGNATURE/THUMB PRINT

2016/05/30
DATE

E. INTERPRETER

1. I (full names and surname) _____
2. Residential Address _____
Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tswelepe Centre on this 20th (day) of May (month) 2016 (year) and that *he/she understands it and regard this as *binding/~~not binding~~ to his/her conscience and *dees/does not have any objections against taking the prescribed oath.

1. Full names and surname Deon Gwene Jacobs
2. Capacity Inspector
3. Area appointed Port Shepstone
4. Business Address: Schmidtsfontein road KBY

D. Jacobs
SIGNATURE

20/05/2016
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must Initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Persal Number / Prison Number

1	6	8	2	6	2	8	1
---	---	---	---	---	---	---	---
2. Identity Number

7	3	0	6	2	0	5	2	0	3	0	8	0
---	---	---	---	---	---	---	---	---	---	---	---	---
3. Name of prison where employed/detained Tswelopele Kimberley Correctional Centre
4. Address of Prison Kimberley Private Bag 16008
5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Harry Alexander Thomas

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I am a Correctional official Grade I performing duty at Tswelopele Kimberley Correctional Centre as an Acting Unit Manager of the Unit K2. On the 19th November 2015 I was on duty in K2 Unit and offenders was brought from K2 Unit because they refused to cooperate with the officials in K2 and the Head Correctional Centre Mr Johannes H gave an instruction for the offenders to be taken

Initial: [Signature] Initial: — Initial: B.B



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

K2 Unit (Behaviour Modification Unit) and the offender was inducted in K2. The offender Buyisile Mabanda was not assaulted in K2 Unit by myself or any of the other officials that performed duties in K2 Unit. The offenders did not report and assault to me as the Acting Unit Manager (as our Complaints and Request register can substantiate (G365) as there are no complaints registered in the required register. As the accounting official I did not report the matter to the Head of Centre or Divisional Head Security in the form of an incident report because I had no knowledge of any assault in K2 at that time of the 19th November 2015. The only time that I came to the knowledge of this allegation was in December Month 2015. This is all that I have to say with regard to the matter. On the 19th November 2015 the K2 offenders was offered the opportunity to consult with the Medical Sister and we do not know if the offenders was hurt or assaulted in K2 if the offenders sustained injuries in K2 but they were not assaulted in K2.

Initial: 

Initial: —

Initial: B.B



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard~~/~~do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.



SIGNATURE/THUMB PRINT

2016/02/24

DATE

E. INTERPRETER

1. I (full names and surname) _____

2. Residential Address _____
_____ Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Kimberley on this 24 (day) of February (month) 2016 (year) and that *he/she understands it and regard this as *binding/~~not binding~~ to *his/~~her~~ conscience and *~~does~~/does not have any objections against taking the prescribed oath.

1. Full names and surname Benjamin Boikanyo

2. Capacity Investigator 3. Area appointed Kimberley

4. Business Address: Private bag x 6008 Schwebetsdrift Road 8300

SIGNATURE

2016.02.24

DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Persal Number / Prison Number

2	2	8	5	4	0	3	7
---	---	---	---	---	---	---	---
2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3. Name of prison where employed/detained Tswelopele Correctional Centre
4. Address of Prison Smidsburg road Kimberley 8301
5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Abednic Nguda

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I am a Male official working at Tswelopele Correctional Centre as a Case Officer. On the 19th November 2015 am not sure about the time Mr Johannes instructed us from K2 and other units to attend situation at K2, because it was 11:30pm we went there and on our arrival we found the head already there and instructed us to take those inmates to K2. and we did. at K2 they asked to see the nurse and they were taken to the sister. all this allegations

Initial: A Initial: — Initial: M.E



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

of they were assaulted is not true, because I Mr. Aguda
did not assault any inmate or witness such thing. The injuries they
alleged that they sustained, don't know anything about them or
where did they sustained them but definitely sure I
was not present or on my presence. That's all I will like to
declare.

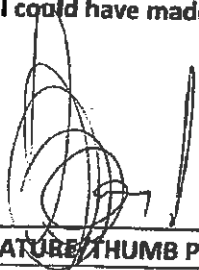
Initial: A Initial: T Initial: M.E



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I *have/have no objection against the taking of the prescribed oath.
3. I *regard/do not regard the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were *read to me/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.


SIGNATURE/THUMB PRINT

2016.02.24
DATE

E. INTERPRETER

1. I (full names and surname) _____
2. Residential Address _____
Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Kimberley on this 24 (day) of February (month) 2016 (year) and that *he/she understands it and regard this as *binding/not binding to *his/her conscience and *does/does not have any objections against taking the prescribed oath.

1. Full names and surname Moderate Emanuel Siro
2. Capacity investigator
3. Area appointed Kimberley
4. Business Address: Sm. G. du Toit road Kimberley 8301


SIGNATURE

2016/02/24
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Persal Number / Prison Number

2	2	8	5	7	5	6	7
---	---	---	---	---	---	---	---
2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3. Name of prison where employed/detained Tswelopele Correctional Centre
4. Address of Prison Sm Adriaan road Kimberly 8301
5. Telephone Number of Prison 8366202 Code 053

C. DECLARATION

I, (Full names and Surname) Monnapula Gracious Mathlwa

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I am a male official working at Tswelopele Correctional Centre. On the 19th November 2015 at around 12H00 we received instruction from head of Centre to go and assist at K2 as the situation was volatile when we arrived there we found other officers of K12 and from other units we again received instruction to take 16 inmates to K2, when we arrived at K2 they asked to see the nurse of which they were taken to, Mr Mathlwa did not assist any inmate or witness any assault taking place

Initial: M.G Initial: - Initial: M.E



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

all his allegations about me not true.

Initial: M.G Initial: — Initial: ME



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an interpreter if so wish.

SIGNATURE/THUMB PRINT

2016.02.24

DATE

E. INTERPRETER

1. I (full names and surname) _____

2. Residential Address _____
_____ Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that ~~*he~~/she is fully conversant with this statement which ~~*he~~/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Kimberley on this 24 (day) of February (month) 2015 (year) and that *he/she understands it and regard this as *binding/~~not-binding~~ to *his/her conscience and *does/~~does not~~ have any objections against taking the prescribed oath.

1. Full names and surname Mo Absarile Emanuel Siro

2. Capacity investigator 3. Area appointed Kimberley

4. Business Address: Smutsdried road Kimberley 8301


SIGNATURE

2016/02/24
DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Persal Number / Prison-Number

2 2 8 5 6 1 1 1

2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. Name of prison where employed/detained

Tsukopela Correctional Centre.

4. Address of Prison

Schmiedsdrift road KBY

5. Telephone Number of Prison

8366202.

Code 053

C. DECLARATION

I, (Full names and Surname)

Lethogondo Jacob Williams

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I, Lethogondo Jacob Williams declare under oath that I am a male correctional officer working at Tsukopela Centre in the CMC office. On the 14 December 2015 I was on duty at CMC office because it was my week. I only work during weekends in K2, so I never was in K2 on the 14th of December 2015. I do not know of any assaults that took place in K2. That is all I have to declare.

Initial:

ij

Initial:

—

Initial:

J



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

A large rectangular area with horizontal lines, intended for writing. A diagonal line runs from the bottom-left corner to the top-right corner, dividing the space. Two small circles are visible on the left side of the lined area.

Initial: *[Handwritten signature]* Initial: — Initial: *[Handwritten signature]*



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
4. I truly affirm that the contents of the declaration are true.
5. The statement which was made by me is to the best of my knowledge true and correct and the fact, unless specifically indicated otherwise, fall within my personal knowledge.
6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.


SIGNATURE/THUMB PRINT

2016/06/01
DATE

E. INTERPRETER

1. I (full names and surname) _____

2. Residential Address _____
_____ Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she
is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tsukupelo Centre on this 1st (day) of June (month) 2016 (year) and that *he/she understands it and regard this as *binding/~~not-binding~~ to *his/her conscience and *~~does~~/does not have any objections against taking the prescribed oath.

- 1. Full names and surname Deon Gericie Jacobs
- 2. Capacity Inspector
- 3. Area appointed Western Cape
- 4. Business Address: Schmetschjft road KBY

[Signature]
SIGNATURE

2016/06/01
DATE

*Delete which is not applicable.



DEPARTEMENT VAN KORREKTIEWE DIENSTE
DEPARTMENT OF CORRECTIONAL SERVICES

were assaulted. I saw all the inmates and noted their injuries in the offenders medical files and gave them treatment according to their complaints. I referred all of them to the doctor for the following day and the doctor did see them and completed their G337 forms as proof of this. That is all I have to declare.

Z. ms: do PN

Initial: Zim

Initial: -

Initial: J



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
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6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.

Z. M. do P. W.
SIGNATURE/THUMB PRINT

2016/05/31
DATE

E. INTERPRETER

1. I (full names and surname) _____
2. Residential Address _____
Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) _____ on this _____ (day) of _____ (month) _____ (year) and that *he/she understands it and regard this as *binding/not binding to *his/her conscience and *does/does not have any objections against taking the prescribed oath.

1. Full names and surname _____

2. Capacity _____
3. Area appointed _____
4. Business Address: _____

SIGNATURE

DATE

*Delete which is not applicable.



SWORN/AFFIRMED STATEMENT

A. INSTRUCTION

1. Complete with black ink.
2. Deponent, Interpreter and Commissioner of Oath must initial at the bottom of each page.
3. Deponent, Interpreter and Commissioner of Oath must initial at every amendment/deletion.
4. All parties must sign the last page in full.
5. The last page must be ruled off after the final sentence.

B. PARTICULARS OF DEPONENT

1. Persal Number / Prison-Number

1 2 8 1 6 5 8 2

2. Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. Name of prison where employed/detained Tswelopele Correctional Centre.

4. Address of Prison Schmidschijf road KBY

5. Telephone Number of Prison 8366202. Code 053

C. DECLARATION

I, (Full names and Surname) Hendrik Johannes.

hereby voluntarily declare without being unduly influenced the following:

The Judicial rules were explained to me and I understand that I have the right to make a statement or to remain silent. The right to be represented as well as the right to an interpreter. If I do make a statement and the contents thereof is false, the evidence can be used against me in a disciplinary hearing that may lead to my dismissal.

I, Hendrik Johannes declare under oath that I am a male correctional officer serving on the Hoofd of Centre at Tswelopele Correctional Centre. On 19 November 2015 I was on duty and I received a report from K12 that there was offenders who refused to be locked up after I ordered lock down because of a stabbing that occurred. I then went to K12 and on my way there I asked some EST officials to accompany me to K12. On our arrival at K12 I spoke to the offenders

Initial:

Initial: —

Initial:



and I met resistance. The ring leaders were identified and I ordered the EST officials to take them to K2 where all behaviourally difficult offenders are housed. The offender was then taken to K2 by the officials. At no stage after that was any assault reported to myself by any offenders or officials. That is all I have to declare.

~~AK~~ ~~AK~~

Initial:

~~AK~~

Initial: —

Initial:

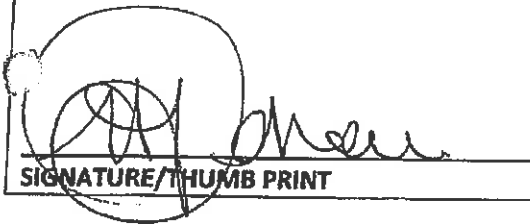
~~J~~



D. DEPONENT

I HEREBY CERTIFY THE FOLLOWING AFTER MAKING MY STATEMENT:

1. I am conversant with the contents of this statement and understand it.
2. I ~~*have~~/have no objection against the taking of the prescribed oath.
3. I ~~*regard/do not regard~~ the prescribed oath as binding to my conscience.
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6. The contents of the declaration were ~~*read to me~~/by me and is true and correct.
7. I subject myself to prosecution if the information in my statement is false.
8. I could have made use of an Interpreter if so wish.


SIGNATURE/THUMB PRINT

2016/06/01
DATE

E. INTERPRETER

1. I (full names and surname) _____

2. Residential Address _____
_____ Code: _____
3. Telephone number (W) _____ Code: _____
Telephone number (H) _____ Code: _____

I hereby certify that the deponent acknowledge that *he/she is fully conversant with this statement which *he/she made and is fully aware of the implications thereof.

SIGNATURE

DATE



F. COMMISSIONER OF OATH

I hereby certify that the deponent acknowledges that *he/she is conversant with the contents which was signed before me at (place) Tweelapale Centre on this 1st (day) of June (month) 2016 (year) and that *he/she understands it and regard this as *binding/~~not binding~~ to *his/~~her~~ conscience and *~~does~~/does not have any objections against taking the prescribed oath.

1. Full names and surname Deon Gawe Jacobs
2. Capacity Investigator
3. Area appointed Northern Cape
4. Business Address: Schmidsdijf road KBY

DG Jacobs DG
SIGNATURE

2016/06/01
DATE

*Delete which is not applicable.

LAWYERS FOR HUMAN RIGHTS

Penal Reform Programme
4th Floor, Poyntons Building
24 Burg Street
Cape Town 8001

Tel (021) 424 8561
Fax (021) 424 7135
Web www.lhr.org.za

Mk STEWART MG: please arrange that these offenders come to HCC office at 08:00 AM please!!! please!!!

5 May 2016

By fax

To: Head of Centre
Tswelopele Correctional Centre
Mr Johannes
(053) 836 6288

[Handwritten signature]
16/05

Dear Sir

REQUEST FOR MEDICAL ATTENTION

We write on behalf of the following inmates at Tswelopele Correctional Centre:

- ✓ 1. - Masonwabe Cuga X - K2 ✓
 - ✓ 2. - Buyisile Waganda ✓
 - ✓ 3. - Sonwabo Getse X
 - ✓ 4. Bingani Madakane ✓ - K2 ✓
 - ✓ 5. Xola Modi ✓ K12 ✓
 - ✓ 6. Malibongwe Magele ✓ - K12 ✓
 - 7. Wellie Pennings ✓ - K9 ✓
- Was beaten in cell
assaulted in K2
last year in Nov.

The inmates named above recently suffered injuries as a result of an assault against them on or about 24 April 2016. They have yet to receive any medical attention.

We kindly request that they receive proper medical attention immediately.

Clare Bailora LLB (UCT) LLM (Cornell)

"Celebrating 35 years of making rights real"

HEAD CORRECTIONAL CENTRE
PRIVATE BAG X6108
2016-05-05
KIMBERLEY 050
TSWELOPELE
CORRECTIONAL CENTRE

We ask that you kindly acknowledge receipt of this letter.

Yours faithfully,

LAWYERS FOR HUMAN RIGHTS

Per:



CLARE BALLARD

Tel: 021 424 8561 / 074 626 5071
Email: Clare@LHR.org.za

LAWYERS FOR HUMAN RIGHTS

Penal Reform Programme
4th Floor, Poyntons Building
24 Burg Street
Cape Town 8001

Tel (021) 424 8561
Fax (021) 424 7135
Web www.lhr.org.za

9 May 2016

By fax

To: Ms Moodley
Regional Commissioner
Northern Cape
(051) 448 2969

Mr Joseph
Area Commissioner
Kimberley Management Area
(053) 831 4977

CC: Mr Johannes
Head of Centre
Tswelopele Correctional Centre
(053) 836 6288

Dear Madam

REQUEST TO INTERVENE AT TSWELOPELE CORRECTIONAL CENTRE REGARDING CASES OF ASSAULT

We write on behalf of the following inmates at Tswelopele Correctional Centre:

1. Masonwabe Cuga
2. Buyisile Waganda
3. Sonwabo Getse
4. Bingani Madakane
5. Xola Modi
6. Malibongwe Magele
7. Wellie Pennings - Transferred.

The above-named inmates were assaulted during the course of November 2015.

Care Ballard LL.B (UCT) LLM (Cornell)

"Celebrating 35 years of making rights real"

Shortly thereafter, we requested on their behalf that the SAPS investigate the assaults. We also lodged a request with the Head of Centre to initiate an internal investigation into the assaults.

On or about the 24 April the inmates were, again, assaulted by correctional officials. These inmates have, to date, been refused medical treatment. All but one of the inmates, Mr Waganda, have been moved to the K2 unit. Mr Waganda remains at K12.

We are instructed that the inmates are being victimised by correctional officials as a result of the pursuit of investigations into their assaults. Despite letters to SAPS and the Judicial Inspectorate for Correctional Services requesting intervention in these recent assaults, we continue to receive reports of intimidation and threats.

We demand that you intervene urgently to stop the victimisation of these inmates, and to secure medical treatment for them as soon as possible.

We ask that you kindly respond to this letter within five days.

Yours faithfully,

LAWYERS FOR HUMAN RIGHTS

Per:



CLARE BALLARD

Tel: 021 424 8561 / 074 626 5071
Email: Clare@lhr.org.za



correctional services
Department
Correctional Services
REPUBLIC OF SOUTH AFRICA

MEDIESE PRAKTISYNS GESKIEDENIS VOORTSETTINGSBLAD MEDICAL PRACTITIONERS HISTORY CONTINUATION SHEET

Volg No. 10
Serial No.

Naam van gevangene / Name of prisoner: Buyisile Waganda
Registrasienommer / Registration Number: 21125447

Datum / Date	Tyd / Time	Massa / Mass	Diagnose/verslag en behandeling / Diagnosis/report and treatment	Handtekening / Signature
15/11/22	9h40	50.1kg	BP: 120/73 P: 83 R: 18 Urine test: NAD Inmate came in walking with difficulties, complains of general body pains. Phys reports that his testis are swollen - No swelling noted - No open wound, no bleeding noted well orientated to all spheres of life. Looks clinically stable. Diet only 200g per day. Nobareu songs too given. <i>[Signature]</i>	
16/11/2015	12:50	50	Assess advised (19/11/2015) No pain	
20/11/30	09:00	57kg	Low pain in right side swine (he was alleged) on the 19th 11/2015 BP 116/83 No pain 200g per day <i>[Signature]</i>	
16/02/12	09:55	49.3/4	BP - 111/73 Pulse 68 No - Headache; a bit pain - joint 3/7 No - no neck stiffness or vomiting → loss of appetite - ? Fatigue → no night sweat → no cough. - stable	



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

GENEESKUNDIGE VERSLAG OOR GEVANGENE
MEDICAL REPORT ON PRISONER

K2 Unit

Geval No.:
Case No.: *151/2015*

A. ALGEMENE INLIGTING/GENERAL INFORMATION

1. Registrasie No.: Registration No.: <i>212003794</i>	2. Van en voorletters: Surname and initials: <i>MALIBONGWE MAGOLA</i>
3. Geboortedatum: Date of birth: <i>1976.05.07</i>	4. Geslag: Sex: <i>MALE</i>
6. Gevangenis van aanhouding: Prison of detention: <i>TSWELOPOLE CC</i>	7. Datum van vonnis: Date of sentence:

B. VERSLAG VAN GENEESKUNDIGE BEAMPTTE/MEDICAL OFFICER'S REPORT

1. Beskrywing van aard van ongesteldheid
Description of nature of illness: *ASSAULT INJURY TO THE RIGHT OF THE ARM OF THE WRIST & LA ARM 4TH MET CARPIUS ON THE WRIST ADD. MET.*

2. (a) Waarskynlike oorsaak van ongesteldheid:
Probable cause for illness:

Aanranding/Assault		Besering/Injury			Ander/Other
Gevangene op gevangene Prisoner on prisoner	Lid op gevangene Member on prisoner	Voor opname Prior to admission	Ele toedoen Due to own fault	Ongeluk Accident	

(b) Indien "Ander" omskryf
If "Other" describe

(c) Datum ontstaan of tydperk wat hy/sy daaraan ly
Date of onset or period he/she suffers from it: *19/11/2015 but came on 23/11/2015*

(d) Hulpmiddeltipe benodig
Type of medical aid required

(e) Is 'n soortgelyke hulpmiddel voorheen uitgereik?
Has a similar medical aid been issued? JY N/A

Indien wel, meld datum van uitreiking
If so, state the date of issue

3. Verwagte datum van bevalling:
Expected date of confinement:

Massa met opname:
Mass at admission:

Massa tans:
Current mass: *60.3kg*

4. (a) Behandeling toegepas/voorgeskryf
Treatment applied/prescribed: *VOLTARON 25mg Tds
Rub-Rub ointment.*

(b) Gevangene se reaksie op behandeling
Prisoner's reaction to treatment

5. Aanbeveling
Recommendation

Graad van besering Extent of injury	
Gering Minor	Meer ernstig More serious

[Signature]
Geneeskundige Beampte/Medical Officer

24/11/2015
Datum/Date

C. VERSKAFFING VAN GENEESKUNDIGE HULPMIDDEL/PROVISION OF MEDICAL AID

1. Aard van werk wat gevangene verrig Type of work prisoner performs	3. Gratifikasie Gratuity	4. Bedrag bereid om aan te wend Amount prepared to spend
2. Privaat kontant Private cash	5. Kwotasie aanbeveel Quotation recommended	

Afdelingshoof: Verpleegkundige Dienste
Division Head: Nursing Services

Datum
Date



correctional services

Department
Correctional Services
REPUBLIC OF SOUTH AFRICA

MEDISE PRAKTISYNS GESKIEDENIS VOORTSETTINGSBLAD
MEDICAL PRACTITIONERS HISTORY CONTINUATION SHEET

DOB 1976/05/07

Volg No.
Serial No.

1

Naam van gevangene / Name of prisoner: Mahlangu Magela Registrasienommer / Registration Number: 2/2003759

Datum / Date	Tyd / Time	Massa / Mass	Diagnose/verslag en behandeling / Diagnosis/report and treatment	Handtekening / Signature
2015/11/23	09:00	62,3kg	Inmate, came in complaint of pain all over body, bruise on the left ribs, on the back, bruise on the stomach, vital signs BP 114/78, HR 82b/min, RR 17, SpO2 93.7%.	
15/12/13	12:00		complaint of lagging and headache. Rx Paracetamol, BDX 4. Acetylphenol 20ml. Sted	
2015/12/08	11:15	63.1kg	Cholera symptoms - hot 39.5, big pain on the face, no mucus that can be seen, diarrhoea. Rx - Colamin lotion, paracetamol 300mg, salicylates x 6 2m.	
2015/10/17	10:00	62.1kg	40% of coughing out green sputum. Screamed for help. To be given bottle per gram. Rx Amoxicillin 1000mg, cough syrup in 1/4 tsp.	



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 Correctional Services
 REPUBLIC OF SOUTH AFRICA

**GENEESKUNDIGE VERSLAG OOR GEVANGENE
 MEDICAL REPORT ON PRISONER**

Geval No.: 155/2015
 Case No.:

A. ALGEMENE INLIGTING/GENERAL INFORMATION

1. Registrasie No.: Registration No.:	<u>209400564</u>	2. Van en voorletters: Surname and initials:	<u>MASONWABE GUGA</u>		
3. Geboortedatum: Date of birth:	<u>1984-06-17</u>	4. Geslag: Sex:	<u>MALE</u>	5. OVV-datum: OR date:	
6. Gevangenis van aanhouding: Prison of detention:	<u>TSWOLOPELE CC</u>			7. Datum van vonnis: Date of sentence:	

B. VERSLAG VAN GENEESKUNDIGE BEAMPTTE/MEDICAL OFFICER'S REPORT

1. Beskrywing van aard van ongesteldheid
 Description of nature of illness: ASSAULT resulting in trauma
bruises at the back (upper chest) & LC
area

2. (a) Waarskynlike oorsaak van ongesteldheid:
 Probable cause for illness:

Aanranding/Assault		Besering/Injury			Ander/Other
Gevangene op gevangene Prisoner on prisoner	Lid op gevangene Member of prisoner	Voor opname Prior to admission	Eie toedoen Due to own fault	Ongeluk Accident	

(b) Indien "Ander" omskryf
 If "Other" describe

(c) Datum ontstaan of tydperk wat hi/ty daaraan ly
 Date of onset or period he/she suffers from it: 19/11/2015 but came in on the 23/11/2015

(d) Hulpmiddel tipe benodig
 Type of medical aid required

(e) Is 'n soortgelyke hulpmiddel voorheen uitgereik?
 Has a similar medical aid been issued? JY N/A Indien wel, meld datum van uitreiking
 If so, state the date of issue

3. Verwagte datum van bevalling:
 Expected date of confinement:

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 Massa met opname:
 Mass at admission:

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 Massa tans:
 Current mass: 69.6kg

4. (a) Behandeling toegepas/voorgeskryf
 Treatment applied/prescribed: Voluntary TAPS as ing test, Rubbing
out with; then gel was

(b) Gevangene se reaksie op behandeling
 Prisoner's reaction to treatment

5. Aanbeveling
 Recommendation

Graad van besering Extent of Injury	
Gering Minor	Meer ernstig More serious

[Signature]
 Geneeskundige Beampte/Medical Officer

24/11/2015
 Datum/Date

C. VERSKAFFING VAN GENEESKUNDIGE HULPMIDDEL/PROVISION OF MEDICAL AID

1. Aard van werk wat gevangene verrig Type of work prisoner performs		3. Gratifikasie Gratuity	4. Bedrag bereid om aan te wend Amount prepared to spend
2. Privaat kontant Private cash			
5. Kwotasie aanbeveel Quotation recommended			

Afdelingshoof: Verpleegkundige Dienste
 Division Head: Nursing Services

Datum
 Date



correctional services
Department
Correctional Services
REPUBLIC OF SOUTH AFRICA

MEDIESE PRAKTISYNS GESKIEDENIS VOORTSETTINGSBLAD MEDICAL PRACTITIONERS HISTORY CONTINUATION SHEET

Volg No.
Serial No.

2

Naam van gevangene
Name of prisoner

Makowabe Clusa

Registrasienuommer
Registration Number

202400564

Datum Date	Tyd Time	Massa Mass	Diagnose/verslag en behandeling Diagnosis/report and treatment	Handtekening Signature
09/04/15			<p>CV - Headache, Nausea, MV vomiting or diarrhea Hb = 157 140/100 - 84 Counts stable (A) FOLY Prolonging - stable (P) Over Medication</p>	
2015/04/09			<p>S/B Dr. Michelle Ntsho for Cerebral and Puncta </p>	(Signature)
15/09/2015	13:15		<p>CAR = 9 lung markings => Referral to NRS CXR = negative (P) Discharge</p>	
2015/11/22	Time - 11:00	69.6kg	<p>Inmate alleges assault with a Briton stick on the 19/11/2015, c/o pains the whole body, having multiple bruises, on the left arm/back, on the wrist, PTD</p>	



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

GENEESKUNDIGE VERSLAG OOR GEVANGENE
MEDICAL REPORT ON PRISONER

K2 UNIT

Geval No.: *157/2015*
Case No.:

A. ALGEMENE INLIGTING/GENERAL INFORMATION

1. Registrasie No.: *214719805*
Registration No.: *214719805*

2. Van en voorletters: *BONISANI MADAKANA*
Surname and initials:

3. Geboortedatum: *1995-03-18*
Date of birth:

4. Geslag: *MALE*
Sex:

5. OVV-datum:
OR date:

6. Gevangenis van aanhouding: *TSWOLOPELE CC*
Prison of detention:

7. Datum van vonnis:
Date of sentence:

B. VERSLAG VAN GENEESKUNDIGE BEAMPTTE/MEDICAL OFFICER'S REPORT

1. Beskrywing van aard van ongesteldheid
Description of nature of illness: *ASPENIA, ACIDOSA & MAD*

2. (a) Waarskynlike oorsaak van ongesteldheid:
Probable cause for illness:

Aanranding/Assault		Besering/Injury			Ander/Other
Gevangene op gevangene Prisoner on prisoner	Lid op gevangene Member on prisoner	Voor opname Prior to admission	Eie toedoen Due to own fault	Ongeluk Accident	
	<input checked="" type="checkbox"/>				

(b) Indien "Ander" omskryf
If "Other" describe

(c) Datum ontstaan of tydperk wat hi/sy daaraan ly
Date of onset or period he/she suffers from it

2015/11/19 but came on the 24/11/2015

(d) Hulpmiddeltipe benodig
Type of medical aid required

(e) Is 'n soortgelyke hulpmiddel voorheen uitgereik?
Has a similar medical aid been issued?

JY N/N

Indien wel, meld datum van uitreiking
if so, state the date of issue

3. Verwagte datum van bevalling:
Expected date of confinement:

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Massa met opname:
Mass at admission:

--

Massa tans:
Current mass:

--

4. (a) Behandeling toegepas/voorgeskryf
Treatment applied/prescribed

(b) Gevangene se reaksie op behandeling
Prisoner's reaction to treatment

5. Aanbeveling
Recommendation

Graad van besering Extent of injury	
Gering Minor	Meer ernstig More serious

Geneeskundige Beampte/Medical Officer

24/11/2015
Datum/Date

C. VERSKAFFING VAN GENEESKUNDIGE HULPMIDDEL/PROVISION OF MEDICAL AID

1. Aard van werk wat gevangene verrig
Type of work prisoner performs

2. Privaat kontant
Private cash

3. Gratifikasie
Gratuity

4. Bedrag bereid om aan te wend
Amount prepared to spend

5. Kwotasie aanbeveel
Quotation recommended

Afdelingshoof: Verpleegkundige Dienste
Division Head: Nursing Services

Datum
Date



correctional services
 Department:
 Correctional Services
 REPUBLIC OF SOUTH AFRICA

**GENEESKUNDIGE VERSLAG OOR GEVANGENE
 MEDICAL REPORT ON PRISONER**

K2.

Geval No.: **13/2015**
 Case No.: **13/2015**

A. ALGEMENE INLIGTING/GENERAL INFORMATION

1. Registrasie No.: Registration No.: 212905774	2. Van en voorletters: Surname and initials: KOLA MODI
3. Geboortedatum: Date of birth: 1987.06.09	4. Geslag: Sex: MALE
6. Gevangenis van aanhouding: Prison of detention: Tswelopele CC	7. Datum van vonnis: Date of sentence:

B. VERSLAG VAN GENEESKUNDIGE BEAMPTTE/MEDICAL OFFICER'S REPORT

1. Beskrywing van aard van ongesteldheid
 Description of nature of illness: **Assaen Acco 2e fase**
breuser (Lower abdomen & Lt arm)

2. (a) Waarskynlike oorsaak van ongesteldheid:
 Probable cause for illness:

Aanranding/Assault		Besering/Injury			Ander/Other
Gevangene op gevangene Prisoner on prisoner	Lid op gevangene Member on prisoner	Voor opname Prior to admission	Eie toedoen Due to own fault	Ongeluk Accident	

(b) Indien "Ander" omskryf
 If "Other" describe

(c) Datum ontstaan of tydperk wat hi/sy daaraan ly
 Date of onset or period he/she suffers from it: **19/11/2015 but came on the 23/11/2015**

(d) Hulpmiddel tipe benodig
 Type of medical aid required

(e) Is 'n soortgelyke hulpmiddel voorheen uitgereik?
 Has a similar medical aid been issued? JY NAY Indien wel, meld datum van uitreiking
 If so, state the date of issue

3. Verwagte datum van bevalling:
 Expected date of confinement:

--	--	--	--	--	--	--	--	--	--

 Massa met opname:
 Mass at admission:

--	--	--	--	--	--

 Massa tans:
 Current mass: **83.3kg**

4. (a) Behandeling toegepas/voorgeskryf
 Treatment applied/prescribed: **Rub-Rub ointment, PANADO TABS**

(b) Gevangene se reaksie op behandeling
 Prisoner's reaction to treatment

5. Aanbeveling
 Recommendation

Graad van besering Extent of injury	
Gering Minor	Meer ernstig More serious

[Signature]
 Geneeskundige Beampte/Medical Officer

24/11/2015
 Datum/Date

C. VERSKAFFING VAN GENEESKUNDIGE HULPMIDDEL/PROVISION OF MEDICAL AID

1. Aard van werk wat gevangene verrig
 Type of work prisoner performs

2. Privaat kontant
 Private cash

3. Gratifikasie
 Gratuity

4. Bedrag bereid om aan te wend
 Amount prepared to spend

5. Kwotasie aanbeveel
 Quotation recommended

[Signature]
 Afdelingshoof: Verpleegkundige Dienste
 Division Head: Nursing Services

Datum
 Date

22 General

(1) Discipline and order must be maintained with firmness but in no greater measure than is necessary for security purposes and good order in correctional centre.

(2) In case of any conviction in a court of law for an offence committed by a person whilst an inmate, the Department, on the strength of such conviction, may without any further inquiry take disciplinary action in terms of this Act.

[Sub-s. (2) substituted by s. 16 of Act 25 of 2008.]

(3) Disciplinary action may be taken against any inmate, even though criminal proceedings may be pending or in progress against such inmate.

(4) No inmate must in any way be involved in the implementation of any disciplinary measures.

23 Disciplinary infringements

(1) An inmate commits a disciplinary infringement if he or she-

- (a) replies dishonestly to legitimate questions put by a correctional official or other person employed in a correctional centre;
- (b) disobeys a lawful command or order by a correctional official or fails to comply with any regulation or order;
- (c) is abusive to any person;
- (d) fails or refuses to perform any labour or other duty imposed or authorised by this Act;
- (e) is careless or negligent with regard to any labour or duty imposed or authorised by this Act;
- (f) uses insulting, obscene or threatening language;
- (g) conducts himself or herself indecently by word, act or gesture;
- (h) commits an assault;
- (i) communicates with any person at a time when or a place where it is prohibited;
- (j) makes unnecessary noise or causes a nuisance;
- (k) without permission leaves the cell or other assigned place;
- (l) in any manner defaces or damages any part of the correctional centre or any article therein or any state property;
- (m) possesses an unauthorised article;
- (n) commits theft;
- (o) creates or participates in a disturbance or foments a mutiny or engages in any other activity that is likely to jeopardise the security or order of a correctional centre;
- (p) professes to be a member of a gang or takes part in gang activities;
- (q) makes a dishonest accusation against a correctional official or fellow inmate;
- (r) conceals, destroys, alters, defaces or disposes of an identification card, document or any issued article;

(s) commits an act with the intention of endangering his or her life, injuring his or her health or impairing his or her ability to work; or

(t) attempts to do anything referred to in this section.

[Sub-s. (1) amended by s. 17 (a) of Act 25 of 2008.]

(2) An inmate who assists, conspires with or incites another person to contravene a provision of subsection (1) commits a disciplinary infringement.

[Sub-s. (2) substituted by s. 17 (b) of Act 25 of 2008.]

24 Procedures and penalties

(1) Disciplinary hearings must be fair and may be conducted either by a disciplinary official, a Head of the Correctional Centre or an authorised official.

[Sub-s. (1) substituted by s. 12 of Act 32 of 2001.]

(2) (a) A hearing before a Head of the Correctional Centre or the authorised official must be conducted informally and without representation.

[Para. (a) substituted by s. 18 (a) of Act 25 of 2008.]

(b) At such hearing the inmate must be informed of the allegation against him or her, whereupon the inmate has the right to refute the allegation.

(c) The proceedings of a hearing contemplated in paragraph (a) must be recorded in writing by a correctional official.

[Sub-s. (2) substituted by s. 12 of Act 32 of 2001.]

(3) Where the hearing takes place before the Head of the Correctional Centre or the authorised official, the following penalties may be imposed severally or in the alternative:

(a) A reprimand;

(b) a loss of gratuity for a period not exceeding one month;

(c) restriction of amenities for a period not exceeding seven days.

[Sub-s. (3) substituted by s. 12 of Act 32 of 2001.]

(4) At a hearing before a disciplinary official an inmate-

(a) must be informed of the allegation in writing;

(b) has the right to be present throughout the hearing, but the disciplinary official may order that the accused inmate be removed and that the hearing continue in his or her absence if, during the hearing, the accused inmate acts in such a way as to make the continuation of the hearing in his or her presence impracticable;

(c) has the right to be heard, to cross-examine and to call witnesses;

(d) has the right to be represented by a legal practitioner of his or her choice at his or her own expense, unless a request to be represented by a particular legal practitioner would cause an unreasonable delay in the finalisation of the hearing in which case the inmate may be instructed to obtain the services of another legal practitioner; and

(e) has the right to be given reasons for the decision.

[Sub-s. (4) substituted by s. 12 of Act 32 of 2001 and amended by s. 18 (b) of Act 25 of 2008.]

- 6.1 It is my recommendation that DCS wait until the SAPS investigation is completed so to ascertain if in fact any official had committed assault on any of the offenders and if they did disciplinary steps be taken against those who assaulted the offenders.
- 6.2 It is also my recommendation that all six offenders namely Masonwabe Guga, Buyisile Wganda, Sonwabo Getse, Bonisani Madakane, Xola Mondi and Malibongwe Mokgele be removed from K2 place alternatively either in other units or transferred to Kimberley Old Centre. Reason for this is the fact that they opened assault cases against the officials from K2 and fears victimization from the officials, and also to keep them from complaining to the Lawyers For Human Rights again regarding victimization.
- 6.3 It is also my recommendation that Masonwabe Guga, Buyisile Waganda, Sonwabo Getse, Bonisani Madakane, Xola Modi and Malibongwe be internally charged for contravening Act 111/1998.
- 6.4 It is further my recommendation that all the officials namely Mr Thomas H.A, Mr Mguda A, Mr Motshabi O.J, Mr Williams M.G, Mr Mathlare M.G and Mr Morape T be sensitised regarding assaults and also to following procedure when it comes to injuries and medical treatment.
- 6.5 Regarding the letter from the Lawyers For Human Rights stating the offenders must receive medical treatment is in my view that if be seen as handled because all offender stated in their statements that they had received medical treatment for their injuries, proof of this is in their statements as well as their G337 and G335A reports.


INVESTIGATOR
D.G. JACOBS

RECOMMENDATION: CC OPERATIONAL SUPPORT

*Paragraphs 6.1, 6.2, 6.3, 6.4 & 6.5
is recommended.*

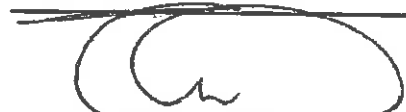

CC OPERATIONAL SUPPORT
MR SIBISI S.

ASSAULT , K2 .docx

FROM LAWYERS FROM HUMAN RIGHTS: TSWELOPELE CORRECTIONAL CENTRE:

DECISSION : AC CORRECTIONS
APPROVE \ NOT APPROVE

Par. 6 approved.



AC CORRECTIONS 2016/8/04
MRS OOR H.