

APDUSA VIEWS

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Malformation

Not

Transformation

In The Prison Services!

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TRANSFORMATION OR MALFORMATION?

Introduction:

Transformation, black empowerment, demographics and affirmative action are some of the more popular words which have been buzzing around loudly. They are supposed and meant to give socio-economic content to the political democracy which was adopted in 1994 in South Africa. They have been meant to be keys which are designed to unlock the doors of opportunity, which have been long denied to the black¹ population. The intention was to right the wrong and to undo the tremendous harm done to the black people over centuries of exploitation and racial oppression.²

The essence of transformation is CHANGE. However, change purely for the sake of change is meaningless. And yet change is the only constant law of the universe. Nothing is static; everything undergoes change. There is change over which we have no say or control. Life as we know it means being born, growth and development and then decay and death. Yet there are other forms of change which are initiated by human beings, controlled and directed by them.

One of the most dramatic forms of change initiated and directed is social change or transformation. As I.B.Tabata , the late president of APDUSA put it:

“...social change differs from what one may call the “blind” evolution of nature, in that it involves a conscious intervention of man in his own destiny. And this intervention is of the very essence of progress.”³

All revolutionaries, whether socialist, communist or plain democrat will at all times support change or transformation, provided such change or transformation

¹ Used in the generic sense to embrace African, Indian and so-called coloured people.

² We reject out of hand the fallacious idea that the oppression of the black people began only in 1948 when the Nationalist Party won the Whites Only elections. The process of land dispossession, exploitation and oppression began when Van Riebeeck landed on our shores in 1652.

³ PRESIDENTIAL ADDRESS to the first APDUSA Conference delivered by I.B.Tabata, April 1962 page 2. During those times, it was not considered to be male chauvinism to refer to humanity as “man”.

means progress towards social justice and the betterment of society as a whole. In other words, did change make society a better place to live in for the majority of the people of that society? No person with a social conscience will support social change if such change is not for social good.

BETRAYAL OF THE STRUGGLE AND ASPIRATIONS OF THE TOILING MASSES.

Many struggles have been conducted in the name of social change for the benefit of the toiling masses. It was the toiling masses who provided the power of the struggle. It was they who paid the heaviest price with their lives and suffering. And when political power was seized from the oppressors, those masses received virtually nothing. The chief beneficiaries were the bourgeoisie as in France after 1789, or the bourgeoisie and petit-bourgeoisie in India after 1947 or the New Elite in Africa consisting mainly of the members of the civil service, shop-keepers, professionals like teachers, lawyers, doctors, priests etc. from the late 1950s onwards.

And yet, by and large members of these sections of society kept as far away as they could from the battlefield.⁴ They will be remembered for their cowardice and timidity and conservatism. Some layers would have betrayed the cause by working with the oppressive class; others by being informers and others still pleading for compromise and reasonableness with the oppressor.

Only a small section of these classes would have thrown in their lot – heart and soul – in the struggle.

With the passage of time and the inexorable growth of the strength of the forces of liberation, the pusillanimous petty bourgeoisie begins to grow brave. This belated bravery grows or decreases in proportion to the prospects of success or otherwise of the struggle. When change of power is in sight, this cowardly section of the

⁴ Taking the cue from Shakespeare: But for those vile guns they would themselves would have been soldiers in the battle for freedom.

petty bourgeoisie rushes to the forefront and into the limelight and lays claim to a lion's share of the fruits of liberation.

“The seed ye sow, another reaps;
The wealth ye find, another keeps;
The robes ye weave, another wears;
The arms ye forge, another bears.”⁵

TRANSFORMATION IN SOUTH AFRICA

The nature and quality of social transformation depends largely on the nature and quality of the persons or organisations who had initiated, driven, controlled and directed and guided transformation. Transformation then becomes a mirror of such persons and organisations. By analysing and assessing transformation, a person will in effect be analysing and assessing those persons and organisations. With equal force, *vice versa*.

When reflecting on transformation in South Africa the phrase “Jekyll and Hyde” comes to mind. This phrase refers to a two-sided personality, one side of which is good and the other evil.

Transformation in South Africa like most other social transformations is a Jekyll and Hyde phenomenon. The one side – a very tiny side – is good while the other side – by far the largest – is evil.

TRANSFORMATION INITIATED BY THE ANC

In the process of negotiations for the taking over of political control from the Nationalist Party, the ANC unleashed or assisted in the unleashing of a number of forces in South Africa. New organisations began to emerge. These were formed at the behest of the ANC or were assisted or encouraged in their formation by the ANC. Some were formed to show mass support for the ANC at CODESA and for use in staging mass demonstrations and marches. Others were formed or controlled to deal with violence either as a defensive move or to inflict it.

In doing so, the ANC was directly or indirectly responsible for the unleashing of powerful forces in society. There was a determination to end centuries of archaic social relations. But these forces were tremendous in power and often had no rational leadership to guide and direct them and to canalise the power in

⁵ Percy Shelley: Song to the Men of England.

constructive activity. This was the duty cast on the ANC by the events which made it glide into power.

The ANC was given the historic task of initiating, guiding and supervising transformation from a society which was capitalist but which had a superstructure of feudal relations, racist through and through and a political system akin in many respects to fascism. It was a society sharply divided between the haves and the have-nots and where the distribution of the wealth produced was so skewed in favour of the rich that income disparity was the greatest in the world.

This historic duty was also a challenge to demonstrate the real worth of the ANC. It has been said many times that the assumption of political power was often the easy part. The difficult part was transformation in accordance with the charters and programmes of demands.

We are often told about the “miracle of peaceful change” that occurred in South Africa and how that change was a model to follow by participants in conflictual situations. Those of us who do not have selective memory know that the claim to a miracle is a lie which is being repeated endlessly. We will remember the sudden spurt in violence in which thousands of lives were lost in internecine fighting between the ANC and IFP and the so-called “Third Force” rampage of senseless slaughter of the innocents.

The air being thick with violence and the ANC having no fighting force capable of dealing with the violence, it was compelled to confront the tiger.

Our view is that the ANC did grab the tiger’s tail. But once the tiger was roused and sprang into action, those holding the tail were tossed about like corks in rough waters. One good example is the transformation of members of the Self Defence Units set up by the ANC into efficient hijackers and armed robbers. They used the military training they received ostensibly to fight for freedom or to defend it, for well organised and well timed armed robberies. They used the AK 47s and other arms entrusted to them for combating the Inkatha Freedom Party, the so called “third force”, armed dissidents in their own ranks and against the ruling class led by De Klerk should it decide to do a rubicon.⁶ A relatively high number of MK members became dangerous and ruthless robbers and killers.⁷

⁶ Rubicon here is used to signify a change of mind because of getting cold feet. The use of the word in this sense arose when South Africa and the entire international community waited with bated breath in 1985 for the former Whites Only president, P.W.Botha was to make an announcement of radical political change. In other words, he was going to cross the Rubicon in the Julius Caesar sense of there

Let us now examine in some detail how the ANC handled the transformation of the Prison Department or the Correctional Services Department.

THE TRANSFORMATION OF THE PRISON SERVICE INITIATED BY THE ANC THROUGH POPCRU

POPCRU, i.e. the Police and Prison Civil Rights Union, was created or taken over by the ANC to take control of one of the armed formations in South Africa.

The instructions to the POPCRU leadership was to take control of the Prison Service by wrenching it from the Whites and to place pro ANC POPCRU members in all key positions.

In this instance “Transformation” went horribly wrong.

The story of how horribly things went wrong has been unfolding from the evidence given in the Jali Commission of Inquiry. The Commission has not completed its task, but enough has emerged to piece together a sinister and spine chilling account of how killers and criminals took full control of the New Prison in Pietermaritzburg and how in the rest of the country transformation meant wholesale theft and fraud in the prisons, nepotism, cronyism , the total breakdown of law and order and where corruption ruled supreme.

THE OUSTING OF THE WHITE MANAGEMENT AND THEIR “BLACK LACKEYS AND THEIR REPLACEMENT BY POPCRU’S “PROGRESSIVE PEOPLE”.

1. During 1997, a section of the POPCRU leadership took a decision to wrest control of the prisons from the existing leadership referred to as the Old Guard

being no return. Botha got cold feet, i.e. his party was not prepared to cross the rubicon and his announcement in essence amounted to no qualitative change. That announcement was called Botha’s rubicon speech.

⁷ The renegade Mk members did not come from those who were recruited during the oppressive era. Those members were known to be disciplined. The renegades came from the so-called Kits-Mk members. The reader will recall that when the ANC exiles returned for negotiations, the size of MK was so pathetically small that it would be swallowed up in the then existing defence force with nothing left of its identity. The ANC then appealed to De Klerk that it be allowed to recruit members for the MK to make it look respectable in size. De Klerk consented and this resulted in a desperate recruiting drive. Young people were recruited from wherever they were found , often from the street. It was from this sector that the criminals came as did the undisciplined elements.

and to replace them with “**progressive people**”. This plan was called “**OPERATION QUIET STORM**”.

2. The method used to gain control consisted of harassment, persecution, intimidation, deliberate fomenting of riots by prisoners, open threats of violence, death threats violence itself, including murder.
3. When the white management and their black “lackeys” were hounded out by the “Quiet Stormers”, they were replaced by persons who did not have the skills nor the qualifications to do the job. Among the main culprits, Russel Ngubo was a mere drill sergeant while Nhlanhla Ndumo was a bricklayer. They came no where near being qualified to perform the senior managerial positions of Pietermaritzburg Prison Management Services Head and Acting Human Resources Head respectively.
4. Once the commanding posts of appointing personnel were captured, the floodgates of nepotism, cronyism, fraud and corruption were opened and the Prison Service really went to the dogs.

“The new people in power began using their positions to appoint wives, relatives and friends. Twenty-five employees are currently being investigated for having fake matric certificates.

At the receiving end of this unfair practice were many qualified men and women who had to carry the burden of unqualified and inexperienced bosses, sometimes four to five ranks lower than themselves.⁸

The writer of the article goes on to relate a heart-rending instance of the case of Ernest Kwela whose bid for the position of Provincial Commissioner was lost to Maxwell Ntoni. The latter had a matric certificate and 22 years experience. Mr Kwela had 35 years experience and held an honours degree in Penology!⁹

“ROTTEN TO THE CORE”

This is the headline of an article written by Andre Jurgens of the SUNDAY TIMES

Dated the 5 March 2000. The article deals with a secret organisation created by Khulekani Sitole, the transformation Commissioner of Prisons. This organisation was called CORE. According to Andre Jurgen:

“Members of this powerful Broederbond-like group held secret meetings to ensure their family and friends, some with only Grade 11 (Standard 9)

⁸ Article by Christi Naude in The Natal Witness of the 18th May 2002

⁹ Penology is the science of prison management and punishment for and rehabilitation of prisoners

education, landed plum jobs with whopping salaries. The Sunday Times has the names of 20 senior officials, from provincial commissioners to directors, who were allegedly promoted in this way....

Members of Core allegedly also influenced the awarding of Correctional Services tenders worth millions of rands for meat, chicken, prison uniforms, the building of prisons and computer contracts.”

It became a free for all. You grabbed whatever you could. Contracts amounting to millions of rands were awarded to friends and family without a whiff of a care for tender procedures. Fraud and corruption was so wide and prevalent and done so openly that members of the prison service vied with another to get a chance to commit the fraud.

It was well known that members from Pietermaritzburg would travel to Durban to make purchases which were fraudulently debited to the medical aid. Soon corrupt women members also wanted a bite of that cherry. However, there was a problem. Only members who were employed in the male section of the prison could do this. This led to women members applying to be transferred from the female to the male section so that they, too, could go to Durban to do some “fishing”.

Khulekani Sitole, the first black Commissioner of Prisons brought nothing but shame and disgrace to the oppressed people and to democratic process in the name of which he assumed commissionership.

Mr Sitole is also widely regarded as having been the godfather of the notorious Russel Ngubo, to whom we will be turning to.

THE MODUS OPERANDI OF TRANSFORMATION.

We are constantly reminded that we are a lawful country governed by a democratic constitution. Not just any old democratic constitution. On the contrary, we are reminded that we have the most advanced constitution in the world.

This has become a constant refrain, trotted out whenever we are forced on the back foot.

Yet what happens on the ground has no relationship to the constitution. That activity is often lawless, brutal and murderous.

How then was transformation effected in the prison service of this country? Was it done in a reasonable and rational manner? Was there an overall plan to judiciously fast track the promotions of talented and qualified black members of the service? Was there the care and concern that transformation should not disrupt the

functioning of this huge and unwieldy institution? Was the process to be lawful, having consideration for the placement and promotional procedures of the service and for the legal and constitutional rights of affected people?

POPCRU's Operation Quiet Storm was a carefully worked out strategy with a substantial input by the ANC. In the end the plan would have received the approval of the ANC.¹⁰

From the mass of evidence made available, principally from the Jali Commission of Inquiry, the most important method of transformation was **VIOLENCE!** Violence in the form of insults, harassment, persecution, deprivation of dignity, threats of violence, death threats, actual physical violence and finally **MURDER!**

The central figure in the implementation of Operation Quiet Storm in Pietermaritzburg was Russel Ngubo.

Who is Russel Ngubo?

According to Yves Vanderhaeghen, news editor of The Natal Witness, writing in the "Opinion & Analysis" column,¹¹:

- Russel Ngubo is, to his friends, a committed activist of the ANC;
- In 1995, his child was killed and his wife left paralysed as a result of what appeared to be an IFP attack;
- A short while later, his brother was killed when his brother and other policemen went to arrest IFP members;
- He is to his enemies a strongman in the mould of Sifiso Nkabinde (now deceased) who ruled the town of Richmond Natal through terror, first on behalf of the ANC and later as a UDM member
- According to his enemies Ngubo has unleashed a reign of terror in Impendle (his home area) and in his domain in the correctional services, the Pietermaritzburg Prison
- He is presently charged for the murder of IFP induna, Ernest Nzimande
- He is also being investigated for some 30 murders
- He transformed the Pietermaritzburg Prison into his power base from which assassins were sent out to kill political foes (of the ANC) Convicted prisoners

¹⁰ Like the ARM's DEAL, one should not expect minutes of sensitive meetings. Nor would ordinary members of the ANC be privy to the discussions and decisions. Meetings with POPCRU about Operation Quiet Storm would have been held in strict secrecy because it would involve highly unlawful activity the exposure of which would mean scandal of huge dimensions.

¹¹ The Natal Witness of 6 April 2002

were often the assassins. They were let out of the prison with arms and transport. They would perform the vile deed and return to their cells. Their alibi would be invincible!

- Vanderhaeghen describes Ngubo as leading a “charmed public life”, meaning that he has done the most outrageous things and yet , not only is he not disciplined but continued to receive promotions
- One of most astounding incidents which typifies the most deplorable state of indiscipline and lawlessness was the response of Ngubo to the then Minister of Correctional Services, Mr. Sipo Mzimela, who suggested that the New Prison in Pietermaritzburg be temporarily closed because of all the terrible things that were going on there.:

“This old man (referring to Mzimela) is about to die. His days are numbered. He is mad and he is too old. He must go to hell.”

Where did this man get the gall to publicly address the highest public official of the Prison Services in such contemptuous and disrespectful language? The reader must bear in mind that although Mzimela was a member of the IFP, he was also a minister appointed by President Mbeki. In other words he was the President’s Minister.

There is a moving account of how people who were not wanted by the Popcru leadership were hounded out of the service. This appears in an article written by journalist, Christi Naude who quotes one official:

“People don’t understand what it does to you when your colleagues turn against you. It is no joke to be confronted by over 100 people, to be physically dumped outside your office, to be told you’re not wanted, to receive weekly death threats and to know your enemies are serious, especially after your family has seen two laser sights, used for night shooting, projected on your window.”¹²

Whilst the position in the Pietermaritzburg Prison concerning the intensity of violence and the organised killing machine appears to be unique, the take-over of the management of the massive and unwieldy institution of Correctional Services and the manner of such take-over seems to be a nation-wide phenomenon. Equally nation-wide seems the corruption of the members of the Service, the nepotism, the cronyism and the blatant violation of virtually each and every code of conduct.

¹² The Natal Witness dated 18th May 2002.

Who can forget the Special Assignment showing of the video of the goings on at the Grootvlei Prison. St Alban Prison in Port Elizabeth appears to have gone the way of Grootvlei.

DID RUSSEL NGUBO LEAD A CHARMED LIFE?

In the article referred to above, Vanderhaeghen asked:

“..the question still arises why Ngubo has led such a charmed life in public office, not only hanging onto his job but being rewarded with promotions time after time.”

With respect to Vanderhaeghen and assuming that he was not being sarcastic we do not believe that Ngubo led a charmed life. He was a valued warrior of the ANC and he enjoyed protection from the office of the President of the country. Ngubo’s job was a messy one – killing ANC opponents and therefore his contribution was highly rated. How else can you explain Ngubo’s murderous rampage over a number of years with no consequences? He was valued in the same way that Sifiso Nkabinde was valued. Richmond was described as a killing field. And Nkabinde led the killing. Yet he was immune from prosecution and in fact was given the freedom of the ANC-controlled town of Richmond. That immunity came to an end when Nkabinde was expelled from the ANC. Expelled not for the long trail of murders, but because of a disciplinary infraction. He was subsequently charged with all the murders he was alleged to have committed . When Nkabinde was acquitted of all the charges, he was extra judicially executed.

Ngubo’s “charmed life” came to an end when he was strongly suspected of having been the master mind behind the murder of the Pietermaritzburg Prison’s Director of Human Resources, **Thuthu Bengu**.

THUTHU BENGU

Not much is known about this person. She has been described as a close cadre of Mbeki’s inner circle. Her ties with him were forged as she was a member of the ANC-in-exile.

Thuthu Bengu must have been a noble and an extremely courageous person. She crossed swords with Ngubo on a matter of corruption and nepotism and thereby signed her death warrant. Ngubo, by any standards, was a fearsome person. So fearsome he was that when he was known to have entered the prison precincts, his superior, with whom he had had a quarrel, would hide in safety from Ngubo.

Thuthu Bengu in death was able to achieve what was left undone for years by the ANC government.

It finally dawned on the ANC leadership that in Ngubo they had created a Frankenstein monster who was intent on pursuing his own agenda regardless as to whether it was in conflict with that of the ANC.

In the eyes of the ANC leadership, the death of Thuthu Bengu meant that a line was crossed. That crossing cancelled all the “valuable services rendered” by Ngubo. It was time to cut him down to size.

Three months after the death of Thuthu Bengu, the Jali Commission of Inquiry was set up and about the same time, the Scorpions were instructed to apprehend and arrest Russel Ngubo. In the Maximum Security Prison where he is incarcerated, Ngubo will have plenty of time to reflect on his activities. He will, hopefully, learn that no individual has more strength than a state and that fair weather friends are no friends at all.

TRANSFORMATION – THE ANC WAY

1. We have said above that the quality and nature of social transformation depends in the main on the quality and nature of those persons or organisations entrusted with the responsibility of initiating, directing and controlling transformation.
2. The essence of social change lay in the transformation of society from the old, oppressive, exploitative, discriminatory , unjust and inhuman into an enlightened, democratic, equitable, just, humane and caring society.
3. In other words, those entrusted with the process of transformation hold the moral high ground in that they have a programme which seeks to make society a better place to live and work in.
4. The prison system under the old regime was in fact a microcosm of society itself. The whites were confined in totally separate cells. Their diet, i.e. the food they ate in prison, could have graced the menu of a modest restaurant without causing it embarrassment. The diet for African inmates was dull and unappetising, with mealie meal porridge being dished out three times a day. Just like in society, the diet of the Indian and so-called coloured fitted in between that of the whites and Africans.¹³

¹³ Ordinary bread was so sparingly given to African prisoners that year in and year out, MK commander, Wilton Mkwayi would make representation to the visiting delegation of the International Committee of the Red Cross to Robben Island for the right of political prisoners to purchase one loaf of bread at the prisoner’s expense for Christmas Day.

5. Transformation should have meant intensive programme of rehabilitation and preparation to fit in society on release. It should have meant literacy and education. It should have meant training in skills to enable the prisoner to obtain employment on release.
6. Transformation should have meant members of the service being dedicated in assisting prisoners; showing humaneness and understanding for their unfortunate fellow human beings.
7. Transformation ought to have meant members dedicated to serving the needs of the prisoners; to ensure that not a grain of sugar or salt and not a milligram of their food is stolen or misused. Dedication would also have meant curing prisoners of anti-social behaviour and habits and help get rid of vices like drug addiction, alcohol abuse, etc
8. Transformation ought to have been a Magna Carta of the prisoners; a new dawn of enlightenment in the fields of criminology and penology.
9. Transformation of the Prison System ought to have meant the emergence of a beautiful butterfly. Instead democratic South Africa was presented with a poisonous and ugly toad.

That was the result of the ANC's endeavours at transformation.

10. The very appointment of a Commission of Inquiry to "investigate maladministration, corruption, nepotism and intimidation¹⁴ in the Department of Correctional Services is a clear admission that transformation in the prisons has meant maladministration, corruption, nepotism and intimidation.

CONCLUSION

Our description of what took place in the name of transformation, with all the ugly consequences, is in fact a description of the ANC unleashing certain forces and then being unable to control and direct them.

It must take full responsibility for the sick and sorry state of South African Prisons.

With what amounts to a pathetic apology of transformation, the question is:

WHAT IS HAPPENING TO THE PRISONERS WHOSE CUSTODY AND REHABILITATION HAS BEEN ENTRUSTED TO THE MALFORMED PRISON SERVICE?

¹⁴ That is putting rather mildly in view of acts of extreme violence, including murder.

23/9/2002.