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GENERAL NOTICE NO. 141 OF 1978

THE COMMISSIONS OF ENQUIRY ACT, 1963

(No. 35 of 1963)

Issue of a Commission of Enquiry into all related events surrounding the escape of Dr. Ambrose P. Zwane and eight Mozambican prohibited immigrants and eight Mozambican refugees from the Mdutshane Juvenile Industrial School.

(Under section 3)

In exercise of the powers conferred on him by section 3 of the above-mentioned Act, the Honourable the Prime Minister has been pleased to issue a Commission to enquire into the matters herein set out, to appoint the persons mentioned herein to act as Commissioners in the said enquiry and to make provision for certain matters relating to such enquiry.

1. The following persons are hereby appointed as the Commissioners to act in the enquiry, namely —

Dr. V.S. Leibrandt — Chairman of the Commission
Mr. Ndawonye Sikhondze — Member of the Commission
Captain Ndambi Dlamini — Member of the Commission
Robert M. Mabila — Member of the Commission

2. Three Commissioners shall constitute a quorum for the enquiry.

3. The Commission shall enquire into and report in detail on all events related to the escape of DR. AMBROSE P. ZWANE, the eight Mozambican prohibited immigrants and the eight Mozambican refugees from Mdutshane Juvenile Industrial School and in particular the Commission shall investigate and report on the following matters and events —

(a) All the events at Mdutshane Juvenile Industrial School leading up to, during and immediately following the escape of DR. AMBROSE P. ZWANE, the eight prohibited Mozambican immigrants and the eight Mozambican refugees;

(b) The security measures and requirements in existence at the time of the escapes for —

- (i) The Mdutshane Juvenile Industrial School in general; and
- (ii) In particular the security measures and procedures adopted at Mdutshane Juvenile Industrial School in respect of DR. AMBROSE P. ZWANE;
- (iii) the locking up procedures before and after work or exercise periods.

- (c) Where all the security requirements and procedures complied with at all times material to the escapes?
- (d) What are the minimum staffing requirements of —
- (i) Mdutshane Juvenile Industrial School in general;
 - (ii) the section specifically reserved for special detainees and for DR. AMBROSE P. ZWANE in particular?
- (e) Details of the alarm system in existence at the time of the escapes, i.e. radio, telephone, siren or any other device for attracting the attention of the Prison staff —
- (i) on duty, such as gatemen, the duty officer, tower guards etc.;
 - (ii) off duty, including the officer-in-charge.
- (f) What amount of time was required for off duty officers to respond to the alarm in existence at the time when it was utilised?
- (g) What is the nature and extent of the authority of the officer-in-charge at Mdutshane Juvenile Industrial School with regard to the issuing of orders for the capturing of any escapees and/or for the shooting of any persons escaping or attempting to escape should this action prove necessary to prevent the escape and in particular what is the nature and extent of the aforesaid authority of the officer-in-charge with regard to special detainees such as DR. AMBROSE P. ZWANE?
- (h) Details of any special privileges enjoyed at the Mdutshane Juvenile Industrial School by —
- (i) Dr. Ambrose P. Zwane;
 - (ii) the eight prohibited Mozambican immigrants;
 - (iii) the eight Mozambican refugees.
- (i) With regard to Dr. Ambrose P. Zwane in particular and with regard to detainees in general what procedures are required and adopted in the serving of detention orders, more specifically —
- (i) to the service of initial detention Order;
 - (ii) to the service of renewals of a previous detention Orders;
 - (iii) the time period when a renewal of an existing detention Order may be served on the detainee.

4. The Commission shall have the power to subpoena any witnesses and it shall be vested with all of the powers contained in section 11 of Act, 35 of 1963.

5. The proceedings of the enquiry shall be held in camera in terms of section 4 subsection (3)(c) of Act, 35 of 1963.

B. M. NSIBANDZE
Secretary to Cabinet.

Mbabane

23rd August, 1978.