



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: NO

3 October 2025

[Redacted Signature]

Case no: 2025/00035

In the matter between

RADOVAN KREJCIR

Applicant

And

**HEAD OF PRISON, KGOSI MAMPURU
MAXIMUM CORRECTIONAL FACILITY**

1st Respondent

**AREA COMMISSIONER, DEPARTMENT
OF CORRECTIONAL SERVICES**

2nd Respondent

**REGIONAL COMMISSIONER, DEPARTMENT
OF CORRECTIONAL SERVICES**

3rd Respondent

**NATIONAL COMMISSIONER, DEPARTMENT
OF CORRECTIONAL SERVICES**

4th Respondent

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

5th Respondent

JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES

6th Respondent

REASONS FOR THE ORDER

Mdalana-Mayisela J

[1] On 30 September 2025, the applicant brought an urgent application for contempt of court orders granted by Strydom J on 3 June 2025 and Oosthuizen-Senekal AJ on 7 August 2025. The respondents opposed the application. On 1 October 2025, I delivered my order without the reasons. On 3 October 2025, the respondents applied for leave to appeal my order. My reasons for the order follow.

[2] The applicant brought an urgent application before Strydom J on 3 June 2025 for a declaratory order that he be allowed to register at a registered academic institution and study while serving his sentence in Kgosi Mampuru II C-Max Prison in Pretoria; to have access to his study material; and to be permitted to use his personal computer device for studying purposes without a modem in his cell. Strydom J granted the application. It is common cause that Strydom J's court order was served on the respondents.

[3] On 24 June 2025, the applicant brought an urgent application for contempt of the court order granted by Strydom J and committal of the respondents to prison. In the contempt of court application, he alleged that the respondents deliberately and wilfully refused to comply with Strydom J's court order, by failing to allow him to have access to his study material and to use his personal computer device. The respondents opposed the contempt of court application.

[4] Oosthuizen-Senekal AJ heard the contempt of court application on 7 August 2025. The respondents were legally represented during the hearing. By agreement between the parties, Oosthuizen-Senekal AJ removed the contempt of court application from the roll and ordered the applicant to reinstate it if there is non-compliance with the court orders; she also ordered as follows:

"2. The laptop as per the court order by Strydom J dated 3 June 2025 be handed to the applicant on 08 August 2025 by 16h00 by the respondents in the presence of Ms Otrbski and the IT specialists as required by both parties.

.....

4. The device handed to the applicant on the date and time referred to in paragraph (2) must be fully functional, and all software as required for the applicant's study purposes must be installed and uploaded on the device. The installation of the software/program will be done by the IT specialist provided by the applicant under the supervision of the respondents and/or the IT specialist employed by the latter.

.....

6. The applicant will be allowed internet access from Mondays to Fridays from 12h00 until 15h30 at an allocated area in the Correctional Facility where he is held. If internet access is not available during the

time frames as stated above, the respondents will make available alternative periods for the internet access, which will not be less than 15 hours per week."

[5] The applicant filed a supplementary affidavit dated 20 August 2025, reinstating the contempt of court application in the urgent court. In his supplementary affidavit, he stated that there is partial compliance with Strydom J and Oosthuizen-Senekal AJ's court orders. He was provided with the study material on 5 August 2025 when Oosthuizen-Senekal AJ was judicially managing the case. He was furnished with his personal laptop on 8 August 2025. However, the laptop is not fully functional because the first respondent refused to allow him to charge it in his cell using his extension cord that is kept in the prison storage. There is no plug point in his cell. He cannot use the laptop for his studies when the battery is dead. He submitted that the refusal by the first respondent is a deliberate and willful disregard of Oosthuizen-Senekal AJ's court order, which provides that the laptop must be fully functional for his studies. He also submitted that the first respondent's refusal is a deliberate and willful disregard of Strydom J's order, which provides that he should be allowed to study in prison and to use his computer device for his studies.

[6] Furthermore, the applicant stated that the first respondent refused him and his IT specialist internet access. As a result, his laptop is not fully functional for his studies because he is unable to download programs for his registered study course. He is suffering prejudice as he has not submitted eight (8) of the study course assignments, which require internet access to prepare, and his study course ends on 31 October 2025. He submitted that the refusal by the first respondent is a deliberate and willful disregard of Oosthuizen-Senekal AJ's order, which provides that he and his IT specialist must be given internet access.

[7] The respondents have filed an answering affidavit to the applicant's supplementary affidavit. It is common cause that the applicant has been permitted to use his personal laptop in his cell for his studies. It is also common cause that there is no plug point in his cell. It is also a common cause that the applicant refuses to give away his laptop overnight to be charged. The reason for the applicant's refusal is that he has signed an indemnity form, which indemnifies the respondents against any damage to, or loss or theft of, his personal laptop. He wants to always take full control of the laptop to ensure that it is safe. Counsel for the respondents disputed that the applicant signed the indemnity form. The applicant handed in the signed original indemnity form dated 5 August 2025. The respondents did not dispute the authenticity of the signed indemnity form.

[8] The applicant requested that the respondents allow him to use his extension cord to charge the laptop. The respondents contended that it would not be possible for the applicant to charge his laptop in his cell using an extension cord because it would make it impossible to close the prison security doors. The applicant contended that the door is

always open and that the extension cord belonging to the Correctional Service Department was used to charge his laptop in the presence of the first respondent on 5 August 2025, when it was first brought to him. In my view, the applicant's reason for refusing to give away his laptop overnight to be charged is cogent. It is the responsibility of the first respondent to ensure that the applicant's laptop is fully functional for his studies as per Oosthuizen-Senekal AJ's order, and that includes making means for the laptop to be charged while it is in the applicant's control.

[9] It is common cause that the first respondent refused the applicant and his IT specialist internet access. The respondents did not dispute this fact in their answering affidavit. Counsel for the respondents conceded during her argument in court that the first respondent has not complied with Oosthuizen-Senekal AJ's order in this regard. Further, she informed this court on record that the respondents are not going to comply with Oosthuizen-Senekal AJ's order in the future. I must say I felt disrespected when the officer of this court stated that the respondents (government officials) are not going to comply with the orders of this court.

[10] Counsel for the respondents submitted that the respondents are not happy with the order of Oosthuizen-Senekal AJ in respect of internet access, and that they have brought a rescission application. It should be noted that Oosthuizen-Senekal AJ's court order was made by agreement between the parties. The submission by counsel is misleading because, as at the hearing of this application, the respondents have not filed a rescission application, nor a leave to appeal application against Oosthuizen-Senekal AJ's court order. The respondents created a section titled Appeal on Caselines and uploaded an application to stay the execution of Oosthuizen-Senekal AJ's court order. There is no set down uploaded for that application. There is no application for leave to appeal uploaded in that section as of 1 October 2025. The respondents also created a section titled rescission application on Caselines. Again, the title is misleading because, as of 1 October 2025, there is no rescission application uploaded in that section. The respondents uploaded an application to stay the execution of Oosthuizen-Senekal AJ's court pending application for leave to appeal.

[11] The respondents have failed to provide a satisfactory explanation for non-compliance with the court orders of Strydom J and Oosthuizen-Senekal AJ. The answering affidavit corroborated the applicant's case in material respects. By not allowing the applicant to charge his laptop while in his control for his studies, the first respondent has disregarded Strydom J's order, which provides that he must be allowed to study in prison. The concession made by counsel for the respondents on non-compliance, the misleading submissions on the unsigned indemnity form, and the rescission application that the respondents have not filed, the comment that there is not going to be future compliance with the court orders, justify a conclusion that the non-compliance by the

first respondent with Strydom J and Oosthuizen-Senekal AJ's court orders is deliberate and wilful. I find the first respondent in contempt of the said court orders.

ORDER

Accordingly, I made the following order:

1. The first respondent, head of the prison, Kgosi Mampuru Maximum Correctional Facility, is hereby found in civil contempt of paragraph 2 of Strydom J's court order dated 3 June 2025, and paragraphs 4 and 6 of Oosthuizen-Senekal AJ's court order dated 7 August 2025.
2. As a sanction for said contempt, and as a coercive measure to secure compliance with the above-mentioned court orders, the first respondent is committed to prison and shall be confined for a period of ninety (90) days.
3. The execution of this committal order is hereby suspended on condition that the first respondent shall fully and completely comply with the above-mentioned court orders on or before 6 October 2025, exactly 5 days from the date of this order at 17H00.
4. The first respondent may purge himself of this contempt and avoid incarceration by fully complying with the above-mentioned court orders before the deadline outlined in paragraph [3].
5. If the first respondent fails to comply with the above-mentioned court orders by the specified deadline, the suspension of this committal order shall be automatically lifted, and members of the South African Police Services are hereby authorised and directed to take the first respondent into custody immediately upon the filing of an affidavit of non-compliance by the applicant or his attorney, and to confine the first respondent for a period of ninety (90) days.
6. No order as to costs.



MMP Mdalana-Mayisela J
Judge of the High Court
Gauteng Division

Digitally delivered by uploading on Caselines and emailing to the parties.

Heard: 30 September 2025

Delivered: 3 October 2025

Appearances:

Applicant: In person

Respondents: Adv P Jara

Instructed by: State Attorney's Office
Johannesburg