

**NB: Extracts from -**

**DRAFT COPY**

**TOWARDS A CONSERVATION MANAGEMENT PLAN FOR THE  
CONSTITUTION HILL COMPLEX, HOSPITAL HILL, BRAAMFONTEIN,  
JOHANNESBURG**

*[Amended draft, including comments from the Heritage Committee of the Legacy Project  
Steering Committee ]*

**11 January 2002**

**Compiled by; SAHRA: Gauteng Office and the National Department of Public Works**

## **1. INTRODUCTION**

### **1.1 History**

The Fort was initially built by the ZAR government as a Gaol in 1893 and surrounded with earthworks in 1886, due to threat of uprising from mainly English-speaking and non-voting immigrants which culminated in the Jameson Raid. It housed two garrisons of the Staats Artillerie. During the South African War from 1899-1902, the British Army occupied it and used it to house prisoners-of-war. Spies from the Boer forces were executed here. From 1902 onwards the Fort was used purely as a prison. The so-called "Native Gaol", also referred to as Sections 4 and 5, was also built by the ZAR government. The Women's Gaol was built under the British Government in 1907 in typical British penitentiary style. The Awaiting Trial building was constructed in the 1920s and intended to house prisoners on a short-term basis. The Fort was closed as a prison in 1982. Subsequently, in 1988, certain sections were taken over by the Johannesburg Security Department.

However, it is evident that, from the beginning, the prisoners were often of a political rather than criminal nature. After the abortive rebellion in 1914 the Boer General De Wet and other leaders were imprisoned there, as well as people involved in various Passive resistance campaigns beginning with those in 1906 and 1913 led by Mahatma Gandhi. Both black and white miners who participated in the strikes of 1920, 1922 and 1946 were also held there. During the First World War trade unionists and others were often held without being charged or tried. From the 1950s onwards, people who participated in the Liberation Struggle by "defying unjust discriminatory laws" in various ways, including those arrested for High Treason in 1956 (among others; Nelson Mandela, Albert Luthuli, Ahmed Kathrada, etc) and those detained without trial after the Sharpeville Massacre in 1960, were held in this prison. In the 1970s and 80s various members of opposition political parties like the United Democratic Front as well as protesting students from the University of the Witwatersrand were also detained. In addition, thousands of ordinary black people who fell foul of the Pass Laws or Beer-brewing laws were also imprisoned there.

### **1.2 Planned Development of the Site**

The site of the Old Fort Complex is the site of the development of the new Constitutional Court as agreed to by the National Department of Public Works, the City of Johannesburg and the South African Heritage Resources Agency, after much deliberation and negotiation. The new Court will be built on the site of the Awaiting Trial Block, which has been partially demolished, except for the original stair towers and the visitors centre, which have been incorporated into the new design. In addition, numerous bricks that have been retrieved from the Awaiting Trial Block will be incorporated into the construction of the new Court building. The remaining heritage buildings are planned to be adaptively reused as offices, etc to house various human rights related organisations or uses (eg Human Rights Commissions, museum, etc).

As the eastern portion of the site, (incorporating the Old Fort, Women's Gaol, Sections 4 and 5) has been declared a provincial heritage site - previously a national monument, national heritage legislation requires that a conservation management plan be drawn up for that portion of the site. Such a document sets out the significance of the site and contains conservation management

policies for each heritage building on the site, in order to guide the development of those buildings so that their heritage value is illustrated and enhanced rather than damaged or destroyed.

It should also be noted that any structures on the site that are not declared but are 60 years or older are also protected under the heritage legislation. Any planned development thus requires the submission of a proposal for approval and the issuing of a permit by SAHRA - Gauteng.

## **2. SIGNIFICANCE**

### **2.1 Archaeological**

Archival sources consulted indicated that a number of structures existed in the vicinity of the jail complex before its development, these seem to have been stables and storerooms. However, no physical evidence has so far been found. Early photographs and maps indicate these buildings to be in the area of what is now the Awaiting Trial Block. One of these photographs dated 1929 shows the outer wall and courtyards of the ATB without a roof ie the existing bathrooms are a later alteration. In the course of excavation, it was observed that the eastern wall of the building known as Section 4 was constructed of sandstone and thus belongs to an earlier structure.

The archaeologist has therefore recommended that when demolition of existing structures occurs (the Awaiting Trial Block and warders houses) the archaeologist must be present to investigate any possible remains that might be uncovered. Subsequently, after monitoring and investigating the demolition of the above buildings, the archaeologist has reported that no evidence of previous remains was uncovered.

### **2.2 Architectural**

The Old Fort itself is a good example of the ZAR style of building and one of the few surviving in Johannesburg. The two original cell blocks of the prison still survive. They differ radically from each other in forms of confinement. One was a large space containing steel cages with no access to light or air; while the other has individual cells with high ceilings, stone or concrete floors and a high window.

The former Women's Gaol contains all the features of a typical contemporary British gaol. It is radial in design, based on the spokes of a wheel attached to a hub. However not all the intended wings were built. There is also an administration building situated at the back of the main building. The complex is built of red brick with a corrugated-iron roof and displays details such as arched windows and castellation. Some of the solitary confinement cells still exist although most of the building has been adapted into offices for the former Johannesburg Security Department.

Sections 4 and 5 are partly ZAR built (Section 4?) and partly contemporaneous with the British built? sections (section 5 and disease section?). The sections consist of cell blocks, some single- and some double-storey, which have been altered over the years from smaller to larger confinement areas. The cell blocks are arranged around three sides of a courtyard. Some toilet facilities still survive, both inside the cells and outside in the courtyard. The ZAR isolation cells still survive in very good condition, including original solid or mesh steel doors. There is also an original guard tower over the entrance to the isolation cells. Workshops for the prisoners form

the fourth side of the courtyard.

### 2.3 Historical

The historians undertook a conventional research of archival material (primary and secondary material) as well as an oral history project which made use of interviews and questionnaires. The Genus Loci ("spirit of place") of the Fort emerged as an extremely powerful image emotionally as compared to its factual situation. The entire history of the site is that of a prison. The first building in 1893 was a prison as were all the subsequent major buildings. The Fort was built around the prison between 1896 and 1899 as the ZAR's response to the ill-fated Jameson Raid in 1895-96. During the South African War and subsequent British rule of South Africa the Fort was used to house both prisoner of war and socialist opponents of the British government as well as housing a military barracks. New buildings erected on the site were usually designated as prison buildings. From the beginning the buildings were divided into separate Awaiting Trial, Women's and Natives' Sections.

The Fort was designated as the "main prison" and mainly served to accommodate white male prisoners. Section 3 was constructed in 1902 and accommodated both black and white prisoners who suffered from venereal disease. Section 4 has always been used as the 'native' prison. Part of this building was constructed out of brick (and sandstone), while the other part was iron. Probable that masonry section was earlier than the iron section. Noted that 24 isolation cells were used for punishing prisoners as well as for those who were sick and for lunatics and juveniles. [Please note: Summary incomplete]

## 3. PRESENT CONDITION OF THE SITE

The Architects who are responsible for the Front End Study of the Site have produced a baseline document recording the results of the various specialist audits undertaken on the site (eg town planning, landscape, structural etc). The following is a summary of what are considered to be important points.

### 3.1 Town Planning:

It is noted that conditions of transfer of the land from the Johannesburg council to the State have been prepared but the process has not been completed [*this transfer seems to have been arrested, permanently?*]. It is however noted that certain of the conditions of donation include:

- the national (now provincial) monument to be retained (ie Old Fort complex);
- no industrial or commercial activities shall be permitted;
- new development to be in terms of National Monuments Council (now South African Heritage Resources Agency) Policy, as well as national building regulations;

A further aspect to be noted is the question of relocation of the electricity substation site, apparently the new position of the substation and relocation of transformers have not been finalised. [*Noted that the substation is a fine example of The Brazilian Modern style of building, ie columns, mosaic, coat of arms*] It is also important to note that the site is situated in the urban renewal zone of Johannesburg. Existing land uses (offices, residential, medical) will play an important role in determining the future development of the site. Noted with concern that although deed of donation specifies not commercial activities, a recommendation has been made to the Johannesburg Council that c. 70 000 m<sup>2</sup> of new commercial rights be established.

### 3.2 Landscape Report

The plant list notes several plants of historical importance, amongst others: two species which are historically associated with the embankment and/or rampart of the Fort; and numerous Canary Date palms which are identified as historical focal plants and apparently date to building of Women's Gaol [*need location drawing*].

### 3.3 Quantity Survey Report

[*information outstanding, only costs included*]

### 3.4 Traffic Report

Noted proposals that various existing buildings be utilised for residential, conference, museum, library, and parking purposes. Noted that it is recommended that parking should utilise underground facilities wherever possible. Noted that it is intended that pedestrian traffic takes priority and calming measures will be used to regulate this. Noted that bus stops and parking for tour buses will be incorporated in the design on the periphery of the site, as well as loading bays and lay-bys. Noted that the main access to the new Court is envisaged to be off Hospital Street. Also note assumption that parking can be adequately located within the internal road system and recommend discouraging use of on-street parking. [architects stated that they intend maximising on-street parking in and around the precinct] Noted that public transport will have to be accommodated along Hospital Street.

### 3.5 Structural Report

Major problems noted are due to water ingress and damp which has affected walls, plaster, timber and steelwork. Further problems are related to human vandalism and alteration of the original structures (see structural report for details).

#### i) *Section 4 + 5:*

Noted that report recommends demolition of gallery (possibly watchtower) between cells 8 and 9 (according to diagram), as all timber appears to be rotten. Also important to note w.r.t. possible retention of single isolation cells is that cells 1-13 are in fair condition, whereas cells 14-26 are affected by damp. It is also noted that the report states that the double storey cellblock on the west of the complex is more recent than the previously described section. Room 21 on the west side of the complex has evidence of possible old cross-walls ie history of the building. Also room 22 has bricked up doors in the west wall. The majority of these rooms were used as cells. Noted that room 23 was used as an office. Noted that the report recommends the complete replacement of the roof and support structures in rooms 24-28.

#### ii) *Old Fort*

Noted that general condition is good but blocked, broken and missing rainwater gutters and down-pipes have had an effect on the finishes. Also note that there is evidence of a previous structure outside room 76 in the southern rampart.

[*Note: Incomplete- Women's Gaol*]

## 4. CONSERVATION MANAGEMENT PLAN FOR THE COMPLEX

*[Please note that this has not been finalised; also, due to different people dealing with different sections, the information has not been presented in a uniform format. This will be addressed in the final draft]*

### 4.4 The Women's Gaol

*Please note that this is still in draft format. The details require to be finalised and there is scope for amendment, if considered necessary.*

#### 1. **Architecture**

The former Women's Gaol contains all the features of a typical contemporary British gaol, it was apparently built c1909. It is radial in design, based on the spokes of a wheel attached to a hub. However not all the intended wings were built. There is also an administration building situated at the back of the main building. The complex is built of red brick with a corrugated-iron roof and displays details such as arched windows and castellation. Some of the solitary confinement cells still exist although most of the building has been adapted into offices for the former Johannesburg Security Department.

#### 2. **Assessment of Significance**

##### 2.1 Statement of Significance

Associated with Daisy de Melker, a notorious female criminal, who was imprisoned in 1932 for murder after her two husbands and five children all died in suspicious circumstances. Traces of poison were found in the bodies of her husbands and her recently deceased son. After a drawn-out trial she was convicted of murder and hanged in December 1932. Afterwards, many of the female prisoners and warders believed that her ghost haunted the female prison especially the cell she had occupied. [identification?]

During the 1940s and early 50s various apartheid laws, inter alia, the Native Laws Amendment Act, turned many black people into criminals. Women were arrested for being in possession of, or in the act of brewing, illicit beer for commercial use. These women were sentenced to 30 days at the Fort or a fine of one pound. The implementation of these laws created a situation of severe overcrowding in the Prison.

During the 1950s it is recorded that washing was done by the women prisoners of government departments (including the police, post office, Supreme Court and SA Medical Laboratory). It seems that most of the work was done by the black women prisoners while the white women were kept busy with sewing work. The division of duties according to race also seems to have affected the women warders. It is recorded that black warders could undertake tasks which the white warders considered to be unpleasant; such as supervision in the washhouses, accompanying prisoners to Pretoria or to court, search routines and night duty.

Detention of political prisoners during the treason trial in December 1956. Nelson Mandela's autobiography records that nearly two thousand women were imprisoned in the Fort while awaiting trial. He notes that "while many .... were eager to bail out the women" (due to the cramped and dirty conditions) "Lilian Ngoyi ... and Helen Joseph, ... believed for the protest to be genuine and effective, the women should serve whatever time the magistrate ordered." Eventually a compromise position was reached where the women would spend a fortnight in prison after which they would be bailed out.

Many political detainees were held at the Fort in the 1970s and 80s, especially after the June 1976 student's uprising. Ellen Kuzwayo's description notes various aspects which provide insight into life/conditions in the Women's Gaol during this period. She notes that there was obvious discrimination of the white warders towards the black warders. She also notes that the detainees of 1976 challenged the existing humiliating situation where women were not allowed basic toiletry and sanitary necessities. The difference between the quarters for white prisoners and those for black prisoners was also noted.

## 2.2 Levels of Significance

In order to enable decisions on future conservation and development, the following should be taken into account for practical considerations.

### 2.2.1 *Items of considerable significance*

Refer to original and early fabric together with significant repair and reconstruction.

### 2.2.2 *Items of Modest Significance*

Refer to those items and alterations made to accommodate changing needs.

- \* Partitioning
- \* Doors and windows

### 2.2.3 *Intrusive Items*

Items that have an adverse effect on the place.

### 2.2.4 *Spaces of Significance (including lost spaces and buildings)*

## 3. **Conservation Policy**

### 1. *Approach*

Policy 1.1 The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) and the South African National Heritage Resources Act (No 25 of 1999) should form the basis of any conservation and development of the site referred to as the Old Fort Precinct.

Policy 1.2 The policies set out in this section should be endorsed as a guide and framework to future planning and work.

## 2. *General*

Policy 2.1 All phases of development should be recognised, thus no emphasis on a particular period.

Policy 2.2 New structures, if any, should be planned and carefully sited.

Policy 2.3 Minimise disturbances of terrain in order to retain archaeological resources.

Policy 2.4 Retain landscape features linked to the buildings and their environment.

## 3. *Use*

The state in which the site exists currently clearly indicates that its function is no longer that of a prison and has not been for a considerable time. The Women's Gaol itself is currently unused, except for occasional functions/meetings.

Policy 3.1 The site may be put to any use which is in accordance with the policies in this Conservation Management Plan. Preference should however be given to option/s that:

- require the least disruption to the character and significance of the site;
- make use of the major internal spaces in their original form;
- ensure the continued use of the complex.

## 4. *Maintenance and Repair*

The condition of the structures is mostly fairly good, requiring only basic maintenance or repair.

Policy 4.1 A maintenance and repair programme based on knowledge of the building materials is strongly recommended. Only persons with the relevant experience in the different trades and building materials should be employed under constant supervision.

Policy 4.2 Preventative maintenance, repairs and the re-application of paint to exposed and vulnerable exterior surfaces should be consistent.

Policy 4.3 Most important that roofs, gutters, hoppers and valleys should be kept clear and watertight; eg copings.

Policy 4.4 Repairs undertaken should be carefully documented. [by who: SAHRA or consultants?]

Policy 4.5 Repairs should be identifiable and done in a sympathetic way.



## 5. *Roofs*

- Policy 5.1 Existing roof features which include chimney stacks, chimney pots and ventilators should be retained.?
- Policy 5.2 The existing material should be the continued preference for roofs where applicable.
- Policy 5.3 Preserve existing roof shape and character wherever possible.

## 6. *Buildings: external*

- Policy 6.1 Retain existing brickwork and mortar wherever possible.
- Policy 6.2 No application of surface treatments.[noted that this could be misinterpreted; should this include general renovations eg paintwork to plastered external surfaces?]
- Policy 6.3 Repointing of mortar joints only when there is evidence of moisture penetration problems or where mortar is missing and water collects in mortar joint
- Policy 6.4 Clean brickwork only when necessary and using only the mildest method possible.
- Policy 6.7 Retain existing materials and architectural features; gables, corbels, etc.

## 7. *Building: interior*

- Policy 7.1 Retain existing architectural features where possible.
- Policy 7.2 Existing dry-walling can be removed. However, any alterations to the internal layout should preferably be reversible (dry-walling) or at least indicate the previous layout (eg leave wall nibs).
- Policy 7.3 The original cells in the west wing of the building are extremely significant and no alterations should be made.

## 8. *Door and Window Furniture*

Original and sometimes rare fittings are still present at the Women's Gaol.

- Policy 8.1 All original fittings should be retained where possible in a functional role. Where upgrading is necessary, the fittings may be supplemented but not replaced.

## 9. *Painting (exterior/interior)*

Policy 9.1 Painted surfaces should remain painted, preferably using the colour scheme of the period of greatest significance. Careful scrapes of surfaces to reveal paint layers is necessary to determine this.

Policy 9.2 In the case of a change of use, consideration can be given to interpretive colour schemes if required.

#### 10. *Floors*

Policy 10.1 Retain all timber floors.

Policy 10.2 In addition, retain all floor covering associated with the most significant period of occupancy.

Policy 10.3 Retain all stone floors and stairs, and do not replace worn ones unless absolutely necessary (ie for safety).

#### 11. *Ceilings*

Policy 11.1 Retain all tongue and groove and rivetted steel ceilings.

#### 12. *New Services*

Policy 12.1 Installation of new services and mechanical systems should be done in areas which require the least possible alteration to the building.

Policy 12.2 Select only suitable and most sympathetic systems.

#### 13. *Additions to existing building*

Policy 13.1 Any additions should be separated from the existing building and be undertaken in a sympathetic manner. This does not necessarily mean that it should be identical, but original details and/or materials could be echoed.

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