

Samson NGVMCA.

1. Readings.

2. Uann forms.

3. Med reps.

•

MEMO

PLAINTIFF'S FULL NAMES : Samson Nkumla

CASE NO. :

ADDRESS :

SA CITIZEN OR NOT :

Nature of injuries :

Date and time of incident :

Quantum :

Eye-witnesses :

Other witnesses :

Number of visits to doctor or hospital :

Specify visits to doctor or hospital :
(names and venues)

Employed or not :

Nature of employment :

Income and proof thereof :

Current state of injuries :

If future loss of earnings are claimed, the relevant duration and proof that it was so claimed :

Names of assaulters :

Were criminal charges laid, if so where?

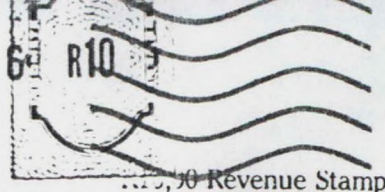
Was an ID parade attended?

M. Bellak

22.09.92

072666

R10



Revenue Stamp

Clerk of the Court

CLERK OF THE COURT
KLERK VAN DIE HOF

Date

No. RM2 Summons Commencing Action (Ordinary)

Sued out by
Nicholls, Cambanis, Koopasammy & Pillay
c/o Adams & Adams
Shorburg
429 Church Street
PRETORIA
0002
Postal address

C. Nicholls

Signature of Plaintiff or his Attorney

P.O. Box 1014 - PRETORIA - 0001

In the Magistrate's Court for the District of Pretoria

held at Pretoria

Between SAMPSON NGUMLA

and MINISTER OF DEFENCE

1992-09-23

Plaintiff

Defendant

To: THE MINISTER OF DEFENCE, WHO IS CITED herein in his capacity as head of the SOUTH AFRICAN DEFENCE FORCE, and as such responsible for and in control of members of the SOUTH AFRICAN DEFENCE FORCE, c/o The State Attorney, 888 Royal St. Mary's Building, 85 Eloff Street, Johannesburg.

You are hereby summoned that you do within 21 (twenty one) days of the service of this summons deliver or cause to be delivered to the CLERK OF THE AFORESAID COURT and also the PLAINTIFF OR HIS ATTORNEY, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of SAMPSON NGUMLA an adult male, unemployed of G 380 Phola Park, TOKOZA.

the plaintiff herein, particulars whereof are endorsed hereunder

(1) Particulars

Plaintiff's claim against defendant is for payment of the sum/balance of R

for:

SEE ANNEXURE

Wherefore plaintiff prays for judgment against the defendant in the said sum, with costs.

Costs if the action is undefended will be as follows:

	Summons		Judgment	
	R	c	R	c
Attorney's charges	150	00	125	00
Court fees	10	00		
Messenger's fees				
Messenger's fees on re-issue				
Totals	<hr/>		<hr/>	
Total	<hr/>		<hr/>	

(See back)

PARTICULARS OF CLAIM

1. The Plaintiff is SAMPSON NGUMLA an adult male, unemployed of G 380 Phola Park, TOKOZA.
2. The Defendant is the MINISTER OF DEFENCE, cited herein in his capacity as head of the SOUTH AFRICAN DEFENCE FORCE, and as such responsible for and in control of members of the SOUTH AFRICAN DEFENCE FORCE, c/o The State Attorney, 888 Royal St.Mary's Building, 85 Eloff Street, Johannesburg.
3. On or about the 8th April 1992 and at Phola Park, Tokoza, the Plaintiff was unlawfully and without lawful justification assaulted by members of the SOUTH AFRICAN DEFENCE Force, who at material times hereto were acting within the course and scope of their employment as members of the SOUTH AFRICAN DEFENCE FORCE.
4. As a consequence of the aforesaid assault, the Plaintiff suffered bodily injuries.
5. In consequence thereof, the Plaintiff has suffered damages in the amount of TEN THOUSAND RAND (R10 000.00) in respect of contumelia, pain and suffering, loss of amenities of life and disability.

6. The Plaintiff has given notice in terms of Section 113 of the Defence Act.
7. Notwithstanding demand, the Defendant has failed and/or neglected to pay the aforesaid sum as claimed.

WHEREFORE the Plaintiff claims : -

- a. Payment of the sum of R10 000.00;
- b. Interest on the aforesaid sum at the rate of 18.5% per annum from date of judgement to date of payment;
- c. Costs of suit;
- d. Further and/or alternative relief.

DATED at JOHANNESBURG on this the 25 day of August 1992.

C. Nicholls

NICHOLLS, CAMBANIS,
KOOPASAMMY AND PILLAY
PLAINTIFF'S ATTORNEYS
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/12
c/o Adams & Adams
Shorburg
429 Church Street
P.O. Box 1014
PRETORIA
Tel: 320-8500
Ref: M. BEDHESI/mvd P 166/92

NOTIFICATION IN ACCORDANCE WITH THE PROVISIONS OF - RULE 8(4) -
of the - MAGISTRATE'S COURTS ACT 32 of 1944

DEPUTY : F. A. RUSSOUW - DRINGEND
ACC NO.: NICHOLL050

RETURN No.: 92/0,044,130.00
CASE No. : 72666/92

IN THE MAGISTRATE'S COURT FOR THE DISTRICT
PRETORIA HELD AT PRETORIA

BETWEEN
SAMPSON NGUMLA

Plaintiff

AND
MINISTER OF DEFENCE
STATE ATTORNEY

Defendant

ADDRESS : 4THF FEDLIFE FORUM BUILDING
VAN DER WALT STREET
PRETORIA 0000

NATURE OF PROCESS:- SUMMONS COMMENCING ACTION (Ordinary)

ON 92/09/28 AT 15h36 THE ABOVEMENTIONED DOCUMENT WAS HANDLED IN THE MANNER
INDICATED BELOW:

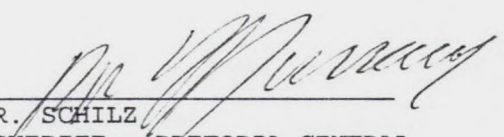
RETURN OF SERVICE : STATE ATTORNEY.

RULE 9(3)(g) : THIS IS TO CERTIFY THE A COPY OF THE ABOVE MENTIONED
PROCESS WAS SERVED ON M BESTER A PERSON APPARENTLY NOT LESS
THAN (16) SIXTEEN YEARS OF AGE AND DESIGNATED IN THE STATE
ATTORNEY'S OFFICE FOR THIS PURPOSE, BY HANDING A COPY
THEREOF TO SAID PERSON.

RECEIVED - 5 OCT 1992

CODE	DESCRIPTION	PRICE	QTY	AMOUNT	VAT	TOTAL
ADB	SERVICE (0-6km)	11.00/SERVICE	001	11.00	1.10	12.10
PST	POSTAGE	2.60/ACTUAL	001	2.60	0.26	2.86
						=====
						14.96

To THE CLERK OF THE COURT PRETORIA
Copy to (Your Ref.)
NICHOLLS, CAMBANIS, KOOPASAMMY & PILLAY
P O BOX 8694
JOHANNESBURG
2000


R. SCHILZ
SHERIFF - PRETORIA CENTRAL
P.O. BOX 478
PRETORIA - 0001
TEL: (012) 320-8482/3/4/5

(EMP 1 1 of 3)

You may require this PRO FORMA statement to be taxed and vouched before payment.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF PRETORIA
HELD AT PRETORIA CASE NO : 72666/92

In the matter between : -

SAMSON NGUMLA

Plaintiff

and

MINISTER OF DEFENCE

Defendant

FILING SHEET

PRESENTED FOR FILING BY : -

Atm undly

NICHOLLS, CAMBANIS AND
SUDANO
PLAINTIFF'S ATTORNEYS
c/o ADAMS & ADAMS
SHORBURG
429 CHURCH STREET
PRETORIA
REF :

TO : THE CLERK OF THE COURT
PRETORIA

AND TO : THE STATE ATTORNEY
DEFENDANT'S ATTORNEYS
4TH FLOOR, FEDLIFE FORUM BUILDING
VAN DER WALT STREET
PRETORIA

Received copy hereof on this
the day of APRIL 1993.

FOR : DEFENDANT'S ATTORNEY

In the matter between : -

SAMPSON NGUMLA

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

AFFIDAVIT IN TERMS OF RULE 10

I, the undersigned,

CAROLINE HEATON-NICHOLLS

do hereby make oath and say that : -

1. I am an attorney of the Supreme Court of South Africa (Transvaal Provincial Division), duly admitted and practising as such in partnership under the name and style of NICHOLLS, CAMBANIS AND SUDANO, at 23rd Floor, Kine Centre, 141 Commissioner Street, Johannesburg.
2. The facts herein contained are within my personal knowledge and belief and are both true and correct.
3. I am acting for the Plaintiff in this matter. Summons herein were issued at the Above Honourable Court on the 22nd September 1992. At the request of the Defendant, Plaintiff granted an extension for the entering of an Appearance to Defend by Defendant.

CH
AD

4. On the 15th December 1992 Defendant's attorneys requested that the further exchange of pleadings in the above matter be held in abeyance pending the outcome of Supreme Court actions relating to the same facts as this matter. Attached hereto is a copy of a letter from the Defendant's attorneys marked "A" containing such request.
5. On the 15th December 1992 the Plaintiff agreed to such extensions as requested by the Defendant.
6. I therefore pray that the Summons shall not lapse until 12 months after the expiration of conclusion of the Supreme Court actions.

Att Mchelly

DEPONENT

THUS DONE, SIGNED AND SWORN TO BEFORE ME AT JOHANNESBURG on this the ²² day of APRIL 1993. Deponent having affirmed that she knows and understands the contents of this affidavit, she has no objections to taking this oath and considers this oath binding on her conscience.

Disse

COMMISSIONER OF OATHS

AMANDA JOY DISSEL
COMMISSIONER OF OATHS
PRACTISING ATTORNEY
709 MEDICAL ARTS BUILDING
220 JEPPE STREET, JOHANNESBURG
REPUBLIC OF SOUTH AFRICA
23rd Floor Vne Centre
141 Commissioner Street

322-0900/1/2
322-8522 X235

† "GOVAT"

FAX 322 0177

FEDLIFE FORUM
SUIDTORING • SOUTH TOWER
Van der Waltstraat
Van der Walt Street
PRETORIA

Navrae:
Enquiries:

T W G BESTER



REPUBLIEK VAN SUID-AFRIKA • REPUBLIC OF SOUTH AFRICA

TWGB/MS

My Verw.
My Ref.

J 417
9875/92/C13

U Verw.
Your Ref.

Mr Sithole

DIE STAATSPROKUREUR
THE STATE ATTORNEY
Privaatsak X91
Private Bag
PRETORIA
0001

15 December 1992

Messrs Nicholls, Cambanis and Sudano
P O Box 8694
JOHANNESBURG
2000

Sirs

JACKIE HERBST AND THIRTY-THREE OTHERS / MINISTER OF DEFENCE

The telephonic discussion between writer and your Mr Sithole on 15 December 1992 refers.

I confirm that the further exchange of pleadings in the above matters will be held in abeyance pending the outcome of the various Supreme Court actions instituted in respect of the alleged assaults by members of the South African Defence Force at Phola Park, Tokoza on/or about 9 April 1992. Defendant does not, accordingly, require Plaintiff to take further steps in the prosecution of the above actions within twelve months of the date of service of the summonses commencing such actions. The details of the actions governed by this agreement appear in the annexure hereto marked "A".

Yours faithfully

T W G BESTER
FOR : STATE ATTORNEY (PRETORIA)

ANNEXURE "A"

<u>Case No:</u>	<u>Plaintiff</u>
1. 72637/92	Jackie Herbst
2. 72634/92	Joseph Keni
3. 72654/92	Lennox Bhedi
4. 72661/92	Steven Zali
5. 72652/92	Richard Roger
6. 72653/92	Malibongwe Mkhatyana
7. 72643/92	Koekie Mofokeng
8. 72651/92	Colledge Nkwenkwezi
9. 72650/92	Nceba Somakile
10. 72663/92	Nelson Tsotetsi
11. 72659/92	Zwelinlangene George
12. 72658/92	Sizwe Arosi
13. 72646/92	Portia Rawu
14. 72649/92	Fumanekile Zweli
15. 72655/92	Ben Khesa
16. 72660/92	Ndudumo Mayekiso
17. 72662/92	Larrington Nogamia
18. 72638/92	Mxoleli Bambata
19. 72639/92	Lungile Gabhayi
20. 72640/92	Zolani Dina
21. 72665/92	Matthews Mahloma
22. 72666/92	Sampson Ngumla
23. 72667/92	Lennox Sinoko
24. 72645/92	Noweight Monco

CK AD

Case No:

- 25. 72644/92
- 26. 72664/92
- 27. 72656/92
- 28. 72657/92
- 29. 72636/92
- 30. 72635/92
- 31. 72642/92
- 32. 72641/92
- 33. 72648/92
- 34. 72647/92

Plaintiff

- Nophumzile Bokoda
- Mbekeni Makiki
- Jojo Kuzani
- Amos Fumbatha
- Albert Goutyana
- Boy Tshetsha
- Peterson Sweli
- Walter Mnisi
- Priscilla Qaqane
- Nophakamile Khala

CLAD

CIVIL CLAIMS

1. Claimant: SAMSON NGUMLA

(i) Full Name and Address of Claimant:

SAMSON NGUMLA
9380 PHOLA PARK, TOKOZA

(ii) Occupation:

UNEMPLOYED

(iii) Date of Birth:

14-02-53

(iv) Identity No:

530214 0 0010 04 (TRANSKEI)

(v) Telephone Nos:

2. Particulars of Circumstances in which bodily injuries were sustained.

2 DATE & TIME OF INJURIES : 8/4/92 at ± 10pm.

2.1. Cause of injuries:

ASSAULTED ^{WITH} BOOTED FEET AND RIFLE BUTTS

2.2. State injuries sustained: + how + where sustained

(i) Kicked by soldier on mouth - tongue was cut and lips severely swollen.

(ii) STRUCK TWICE BY RIFLE BUT ON BACK - SWOLLEN

WITH BRUISES WERE STRUCK BY RIFLE .

3. Medical Treatment.

3.1. Provincial / Private Hospital where claimant was treated:
NATALSFRUIT HOSPITAL

3.2. Was claimant treated by a private doctor? If so, names and telephone numbers are required.

3.3 Hospital No: _____ (LOST CARD)

3.4 Date of Admission and Date of Discharge:
9/4/92 .

5. Employment

5.1. Occupation:

UNEMPLOYED

5.2. Name and Address of Employer at date of Accident:

MIA

5.3. Period of his employment, from _____
to _____.

5.4. Date of Resumption of Work:

M/A

5.5. Claimant's Income for the 12 months immediately preceding
the incident:

M/A

6. Dependant's Claim (Where the deceased was the breadwinner and is survived by dependants). The following personal particulars of the deceased's surviving spouse and children are required:

6.1. Full Names and Addresses: of Dependants.
How much support receiving if parents (e.g. RUC pm)

M/A

6.2. Relationship to deceased:

6.3. Date of Birth:

M/A

6.4. Occupation: Income at Date of Death

M/A

6.5. Name and Address of Employer at date of Death:

M/A

6.6. His or her income for the 12 months immediately preceding the accident:

N/A.

7. Injuries:

7.1. Brief description of injuries: Does it affect their jobs or loss of amenities (eg. can't play football etc)

(i) wound on tongue

(ii) swollen lips

(iii) Bruises ~~on~~ on back.

7.2 Pain - Is there still pain For how long was there severe pain & then mild pain.

SEVERE PAIN: 8 days

MILD PAIN: 4 days.

8. IDENTITY PARADE

8.1 Did you attend I.D. parade NO

8.2 Did you point someone out N/A.

8.3 Positive or Negative I.D. N/A.

8.4 If could not point someone out, why not
N/A.

9 Point out shack on map

10 miscellaneous

BUITEPASIËNTE EN/OF ONGEVALLE AFD. • OUTPATIENT AND/OR CASUALTY DEPT.

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No. 33191

Naam voluit Name in full SAMSON Gumla

Volgno. Serial No. 192

Huisadres Residential address G. 38 Route Park
Honors 1421 Foon Phone No.

Datum • Date	VM. A.M.	NM. P.M.
9/2/9	6	1950

Huwelikaat Marital state SM14 Geslag Sex M- Ras Race B

Opgeneem Admitted
Indeling Classification H/1

Beroep Occupation LME Geboortedatum Date of birth 1952

Dr.

Naam van persoon verantwoordelik vir betaling van rekening Name of person responsible for payment of account Seif

Sy/Haar adres • His/Her address As above

Naam van werkgewer • Name of employer Cy

Adres van werkgewer • Address of employer

Naam van siekefonds Name of sick fund

S/F S/F No.

*Jaarlikse gesinsinkomste • Annual family income
Uit alle bronne From all sources

Broodwinner • Breadwinner No Income R

Vrou • Wife R

Ander afhanklikes • Other dependants R

Totaal • Total R

*Getal persone in gesin (broodwinner ingesluit) Number of persons in household (including breadwinner) 2

Meld ouderdomme van afhanklikes State ages of dependants

Rede vir afhanklikheid Reason for dependence family

* (Minderjariges van 16 jaar en ouer wat selfonderhoudend is, moet uitgesluit word)
* (Minor children of 16 years and older who are self-supporting must be excluded)

Datum van ongeluk/besering Date of accident/injury 9/2/9 Plek Place Photo para Thung Tyd Time 5:00 PM

Persoon wat beseerde ingebring het Person who brought in the injured

Sy/Haar adres His/Her address

Sy/Haar handtekening His/Her signature Seif en voertuig No. and vehicle No.

Was beseerde: (i) Onder die invloed van drank? Under the influence of liquor?

(ii) By sy/haar bewussyn? Conscious?

Geteken: Opnemingsbeampte Signed: Admitting officer

Die aard van die pasiënt se siekte mag vir rekeningdoeleindes vrygestel word.
The nature of the patient's illness may be disclosed for accounting purposes.

Getuie Witness

Geteken Signed

Datum Date

Klagte Complaint Age

Huidige siekte Present illness

Datum • Date

8/4/90

Allegedly assaulted.

laceration on the tongue

NO bleeding

A handwritten signature in cursive script, appearing to be 'M. M.', located to the right of the text.

SAMSON NGUNLA
G388 Phola Park
Unemployed.
Married MOTHUSILE
3 Children
Zueletu
Bonilo
Tapsa

Licked in the mouth, tongue
tongue damaged. and up from
blew from army boot.

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

PUBLISHER:

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Location: Johannesburg

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