

AK2702 K27  
Tareki Joso Kuzani

1. Pleadings

2. Claim forms

3. Med rep.

MEMO

PLAINTIFF'S FULL NAMES : *James Jo W2711 (Khuzwayo)*

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?

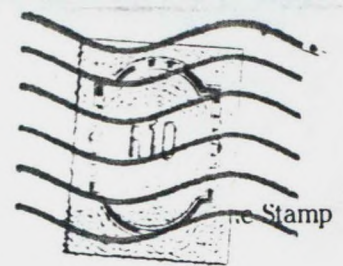
Was an ID parade attended?

Issued by

*M. Bellak*

PRETORIA  
Case No.  
22.09.92  
Date

072656



Clerk of the COURT OF THE COURT  
KLERK VAN DIE HOF

### No. RM2 Summons Commencing Action (Ordinary)

Sued out by  
Nicholls, Cambanis and Sudano  
c/o Adams & Adams  
Shorburg  
429 Church Street  
PRETORIA  
0002

*M. Taylor*

Signature of Plaintiff or his Attorney

Postal address

P.O. Box 1014 - PRETORIA - 0001

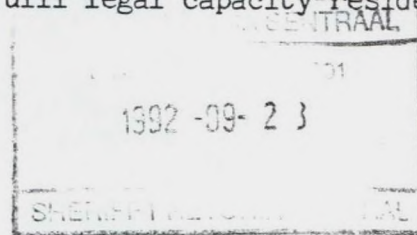
In the Magistrate's Court for the District of PRETORIA held at PRETORIA

Between JAMELI JOJO KUZANI Plaintiff  
and MINISTER OF DEFENCE Defendant

To: 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.

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

JAMELI JOJO KUZANI an adult male, unemployed of full legal capacity resident at H 236 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 .....	R		R	
Total .....			R	

(See back)

## PARTICULARS OF CLAIM

1. The Plaintiff is JAMELI JOJO KUZANI an adult male, unemployed of full legal capacity resident at H 236 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 9th 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 TWENTY THOUSAND RAND (R20 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 R20 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 21 day of *September* 1992.

*M. Taylor*

-----  
NICHOLLS, CAMBANIS,  
KOOPASAMMY AND PILLAY  
PLAINTIFF'S ATTORNEYS  
c/o ADAMS & ADAMS  
SHORBURG  
429 CHURCH STREET  
PRETORIA  
REF : M.BEDHESI/mvd/  
P153/92

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

DEPUTY : F. A. RUSSOUW  
ACC No.: NICHOLL050

RETURN No.: 92/0,044,162.00  
CASE No. : 72656/92

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

BETWEEN  
JAMELI JOJO KUZANI

Plaintiff

AND  
THE MINISTER OF DEFENCE  
STATE ATTORNEY  
ADDRESS : 4THF FEDLIFE FORUM BUILDING  
VAN DER WALT STREET  
PRETORIA 0000

Defendant

NATURE OF PROCESS:- SUMMONS COMMENCING ACTION (Ordinary)

ON 92/08/28 AT 15h42 THE ABOVEMENTIONED DOCUMENT WAS HANDLED IN THE MANNER  
INDICATED BELOW:

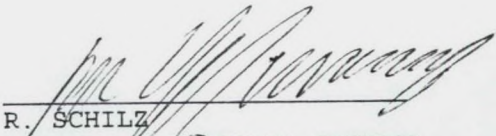
RETURN OF SERVICE : STATE ATTORNEY.

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 - 6 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 : 72656/92

In the matter between : -

JAMELI JOJO KUZANI

Plaintiff

and

MINISTER OF DEFENCE

Defendant

-----  
FILING SHEET  
-----

PRESENTED FOR FILING BY : -

*C. Nicholls*

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

CASE NO : 72656/92

In the matter between : -

JAMELI JOJO KUZANI

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.

*C. M. M. M. M.*

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.

*D. Dissel*

COMMISSIONER OF OATHS

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

'A'

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

TWGE/MS

J417  
My Verw. 9875/92/C13  
My Ref. ....  
U Verw. Mr Sithole  
Your Ref. ....

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 Nogania
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

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

*Handwritten signature*  
AD

CIVIL CLAIMS

1. Claimant: JAMELI JOJO KUZAMI (KHUZWAYO)

(i) Full Name and Address of Claimant:

JAMELI JOJO KUZAMI  
H 236 PHOLA PARK, TOLCOZA, 1421

(ii) Occupation:

SECURITY GUARD

(iii) Date of Birth:

01-04-1946

(iv) Identity No:

460401 5537 OF 2

(v) Telephone Nos:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

2 DATE & TIME OF INJURIES: 9/4/92 at ± 8.30 am

2.1. Cause of injuries:

ASSAULTED WITH ELECTRIC CABLE AND  
STEEL-PIPE

2.2. State injuries sustained: & how & where sustained

ASSAULTED BY SIX SOLDIERS WITH ELECTRIC CABLE  
AND STEEL PIPE ON BACK AND CHEST - SUSTAINED

- (i) CUTS on back & Bruises
- (ii) ASSAULTED ON CHEST with steel pipe neck -

old operation - sustained cuts and  
bruises .

3. Medical Treatment.

3.1. Provincial / Private Hospital where claimant was treated:

HATASPRUIT HOSPITAL

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

DR SILELE, ~~KHUMALO~~ STREET, TOKOZA

P.O. BOX 187

TOKOZA

1421

3.3 Hospital No: 33218 | 92 .

3.4 Date of Admission and Date of Discharge:

9/4/92 - TREATED AND DISCHARGED . STILL  
ATTENDING TREATMENT WITH DR. SILELE .

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5. Employment

5.1. Occupation:

SECURITY GUARD

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

ALERT INDUSTRIAL SECURITY (PTY) LTD.

P.O. BOX 14058

ALRODE

1451

5.3. Period of his employment, from 1981  
to \_\_\_\_\_.

5.4. Date of Resumption of Work:

11/4/92

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

R600 pm = R7200 p.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:

DECEASED

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

N/A .

6.2. Relationship to deceased:

N/A .

6.3. Date of Birth:

N/A .

6.4. Occupation: Income at Date of Death

N/A .

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

N/A .



TO : THE SUPERINTENDENT  
HOSPITAL

CONSENT TO SUPPLY CONFIDENTIAL MEDICAL REPORT

NAME OF PATIENT :  
HOSPITAL REFERENCE NO :  
DATE OF TREATMENT :

I, the undersigned,

JAMELI JOJO KUZAMI

do hereby request and authorize you to give a medical report on the injuries sustained and treatment received by me, and to supply copies of all medical records, x-rays and records of any other form of treatment to my legal representatives : -

NICHOLLS, CAMBANIS, KOOPASAMMY & PILLAY  
23RD FLOOR, KINE CENTRE  
141 COMMISSIONER STREET  
JOHANNESBURG

as a matter of urgency.

I have fully considered the implications of my actions and authorize you to give all my medical records to my legal representatives or any private doctor they may advise me to see.

SIGNED at on this the day of 199

AS WITNESSES

1.

2.

+

\_\_\_\_\_  
SIGNATURE OF CONSENTEE  
OR RIGHT HAND THUMB

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Injuries:

7.1. Brief discription of injuries: Does it effect their jobs or loss of amenties (eg. can't play foot ball etc)

- (I) CUTS ON BACK + Bruises
- (II) CUTS & Bruises on chest

~~N/A~~  
CANT LIFT HEAVY OBJECTS ANYMORE. INJURIES MAY HAVE AFFECTED OLD OPERATION ON CHEST. ALLEGES THAT HE IS NOW PERMANENTLY CONFINED TO WORK OF A SEDEMENTARY NATURE.

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

SEVURE PAINS : ALLEGES THAT HE HAS FELT SEVURE PAINS SINCE 9/4/92. HAS REFERED US TO DOCTOR SILELE TO CONFIRM THIS.

8. IDENTITY PARADE

8.1 Did you attend I.D. parade : NO .

8.2 Did you point someone out M/A .

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

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

9 Point out shack on map

0 Miscellaneous

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

*STH* HOSPITAAL • HOSPITAL PASIËNT • PATIENT No. **33218**

Naam voluit / Name in full: *GEORGE K. HURWAY*

Huisadres / Residential address: *H-236 Pollou Park*

*Thokora* Foon / Phone No. *nil*

Huwelikstaat / Marital state: *Married* Geslag / Sex: *M* Ras / Race: *Black*

Beroep / Occupation: *unemployed* Geboortedatum / Date of birth: *1948*

Volgno. / Serial No. ....

Datum • Date	VM. A.M.	NM. P.M.
<i>9/4/92</i>		<i>9:10</i>

Opgeneem / Admitted

Indeling / Classification: *H1*

Dr. ....

Naam van persoon verantwoordelik vir betaling van rekening / Name of person responsible for payment of account: *SELF*

Sy/Haar adres • His/Her address: *Ms Above*

Naam van werkgewer • Name of employer: *ME*

Adres van werkgewer • Address of employer: *ME*

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: R .....

Vrou • Wife: *no income* R .....

Ander afhanklikes • Other dependants: R .....

Totaal • Total R .....

\*Getal persone in gesin (broodwinner ingesluit) / Number of persons in household (including breadwinner): *3*

Meld ouderdomme van afhanklikes / State ages of dependants: *44*

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: *09.04.92* Plek / Place: *Pollou Park* Tyd / Time: *8:10*

Persoon wat beseerde ingebring het / Person who brought in the injured: .....

Sy/Haar adres / His/Her address: .....

Sy/Haar handtekening / His/Her signature: *M. O. O. O.* en voertuig No. / and vehicle No. *Beet 4509*

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

(ii) By sy/haar bewussyn? / (ii) By his/her consciousness? .....

Geteken: Opnemingsbeampte / Signed: Admitting officer: *[Signature]*

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: .....

Datum / Date: *09.04.92*

Klagte / Complaint: *Ass*

Huidige siekte / Present illness: *Ass*

SLEGS VIR AFSKEURSTROKIES  
FOR COUNTERFOILS ONLY

Datum Date	Betalings • Payments	Datum Date	Betalings • Payments	Betalings • Payments
		Rekenings • Accounts		

Veraskuldig  
Owing  
R/0.00  
Datum 09.04.92  
Date 31.12.92

ONDERSOEK/BEHANDELING/VORDERING  
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

9/4/92

staC • muticQ

Q/A

symptoms

(2) arm  
side of chest

(2) forearm

No evidence of #'s

→ dress





**Collection Number: AK2702**

**Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993**

***PUBLISHER:***

*Publisher:* Historical Papers, University of the Witwatersrand

*Location:* Johannesburg

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