

PH 466
IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO : 92/27030

In the matter between : -

GUSHA, Andele (Makisi)
GUSHA, Simphiwe (Makisi)

First Plaintiff
Second Plaintiff

and

THE MINISTER OF LAW AND ORDER

Defendant



NOTICE IN TERMS OF RULE 37

KINDLY TAKE NOTICE that Pleadings in this matter having closed, the Defendant is hereby requested to attend a conference at a mutually convenient time and place with the object of reaching a agreement of possible ways of curtailing the duration of the Trial in this action and in particular as to all or any of the matters mentioned in Rule 37(1)(a) of the rules of the Above Honourable Court.

DATED at JOHANNESBURG on this the 5th day of JANUARY 1993.

C. Nicholls

NICHOLLS, CAMBANIS,
AND SUDANO
ATTORNEYS FOR PLAINTIFF
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/55

TO : THE REGISTRAR OF THE ABOVE
HONOURABLE COURT

AND TO : THE STATE ATTORNEY
DEFENDANTS ATTORNEYS
888 ROYAL ST.MARY'S BUILDING
85 ELOFF STREET
JOHANNESBURG
REF : Mr.Bowen/7301/92/P5

Received copy hereof on this
the 3 day of March 1993.

FOR : DEFENDANT'S ATTORNEYS



PH 466
IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO : 92/27030

In the matter between : -

GUSHA, Andele (Makisi)
GUSHA, Simphiwe (Makisi)

First Plaintiff
Second Plaintiff

and

THE MINISTER OF LAW AND ORDER

Defendant

NOTICE IN TERMS OF RULE 37

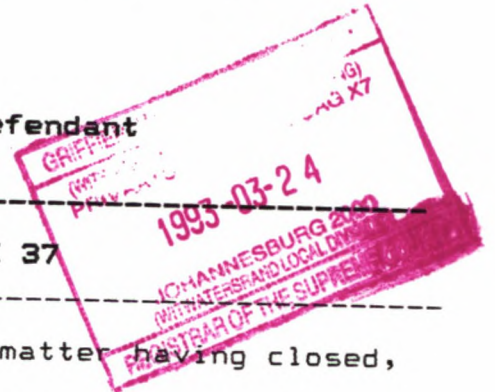
KINDLY TAKE NOTICE that Pleadings in this matter having closed, the Defendant is hereby requested to attend a conference at a mutually convenient time and place with the object of reaching a agreement of possible ways of curtailing the duration of the Trial in this action and in particular as to all or any of the matters mentioned in Rule 37(1)(a) of the rules of the Above Honourable Court.

DATED at JOHANNESBURG on this the 5th day of JANUARY 1993.

C. Nicholls

NICHOLLS, CAMBANIS,
AND SUDANO
ATTORNEYS FOR PLAINTIFF
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/55

TO : THE REGISTRAR OF THE ABOVE
HONOURABLE COURT



AND TO : THE STATE ATTORNEY
DEFENDANTS ATTORNEYS
888 ROYAL ST.MARY'S BUILDING
85 ELOFF STREET
JOHANNESBURG
REF : Mr.Bowen/7301/92/P5

Received copy hereof on this
the 23 day of March 1993.

FOR : DEFENDANT'S ATTORNEYS

| |
|--|
| STAATSPROKUREUR |
| <small>PRIVAATSAKPRIVAATREKES 49 JOHANNESBURG 2000</small> |
| ONTVANG SONDER BEWADELING VAN REGTE |
| 1993 -03- 23 |
| RECEIVED WITHOUT PREJUDICE OF RIGHTS |
| TYD/TIME 4:05 |
| STATE ATTORNEY |

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)



In the ex parte application of

NOSISI SELINAH GUSHA

Applicant

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that applicant intends to
make application to the above court, at 10h00^{on 1 October 1992} or so
soon thereafter as counsel may be heard, for an order
in the following terms:-

1. Hearing this matter as one of urgency, and dispensing with the Rules of service in terms of Rule 6(12)(b).
2. Appointing Advocate Peter Buirski as curator ad litem in the action to be instituted on behalf of the minor children:-
 - 2.1 ANDELE GUSHA (MAKISI) a minor male, date of birth 22 NOVember 1980;
 - 2.2 SIMPHIWE GUSHA (MAKISI), a minor male, date of birth 24 October 1985;against the Minister of Defence, for damages arising from loss of support.
3. Further and/or alternative relief.

Take further notice that the affidavit of Selinah Gusha will be used in support hereof.

KINDLY ENROL the matter accordingly.

Barbara Sudano

NICHOLLS CAMBANIS and SUDANO
23RD FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG
tel 331 6919

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the ex parte application of

NOSISI SELINAH GUSHA

Applicant

FOUNDING AFFIDAVIT

I the undersigned

NOSISI SELINAH GUSHA

do hereby make oath and say:-

1. I am the applicant in this matter, an adult female of full legal capacity, resident at 18097 Extension 25 Vosloorus. The allegations herein are within my own knowledge and are true.
2. I am at present caring for the minor children:-
 - 2.1 ANDELE GUSHA (MAKISI) a minor male, date of birth 22 November 1980;
 - 2.2 SIMPHIWE GUSHA (MAKISI), a minor male, date of birth 24 October 1985.

hereinafter referred to as "the minor children"

S G
M E

3. On or about 8 April 1992, the father of the minor children, Tatan Makisi (Gusha), was killed in a raid on Phola Park, Tokoza, carried out by the South African Defence Force. The father, who was my brother, was at the time the sole guardian of the minor children and was supporting them with his earnings. I am not aware of the whereabouts of their mother, who disappeared some years ago; in the circumstances they are presently without a legal guardian.
4. As a consequence of the death of their father the minor children are without financial support. I am advised that an action is about to be instituted to recover damages for loss of support from the Minister of Defence.
5. I am further advised that as the minor children are without a legal guardian, the court will appoint a curator ad litem, to protect their interests during litigation against the Minister.
6. I am advised that according to the Defence Act, summons must be served and filed on the Minister before 7 October 1992, and accordingly that this matter should be heard as a matter of urgency.
7. I am advised that Advocate Peter Buirski has accepted to act as curator ad litem in the action, and a copy of his written undertaking is annexed hereto marked "A".

S.G.
P.E.

In the ex parte application of

NOSISI SELINAH GUSHA

Applicant

CERTIFICATE OF ACCEPTANCE TO ACT AS CURATOR AD LITEM

I the undersigned

PETER BUIRSKI

do hereby state;

1. I am an advocate of this court, practising as such.
2. I am aware of the action about to be launched against the Minister of Defence, for recovery of damages for loss of support, in respect of the minor children
 - 2.1 ANDELE GUSHA (MAKISI) a minor male, date of birth 22 November 1980;
 - 2.2 SIMPHIWE GUSHA (MAKISI), a minor male, date of birth 24 October 1985;
3. I undertake to act as the curator ad litem during

the course of litigation in this action, should
the court appoint me to act as such.

DATED AT JOHANNESBURG THIS 30th DAY OF September 1992.



PETER BUIRSKI

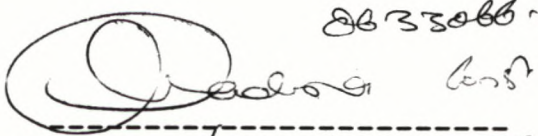
8. In the circumstances I pray for an order in terms of the notice of motion.

SELINA GUSHA

DEPONENT

THUS SIGNED AND SWORN on the 30 day of ~~SEPTEMBER~~ 1992, at Johannesburg, the Deponent having acknowledged that s/he knows and understands the contents of this affidavit, that the contents are true and correct, and that s/he has no objection to taking the prescribed oath and regards it as binding on his/her conscience.



8635066-5

M.E. MADISHA
COMMISSIONER OF OATHS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/27030

In the matter between:

GUSHA, Andele (Makisi)

First Plaintiff

GUSHA, Simphiwe (Makisi)

Second Plaintiff

and

MINISTER OF LAW AND ORDER

Defendant

DEFENDANT'S PLEA TO PLAINTIFFS' PARTICULARS OF CLAIM

1. AD PARAGRAPH 1:

Save to admit that:

1.1 First Plaintiff is Andele Gusha (Masiki); and

1.2 Second Plaintiff is Simphiwe Gusha (Masiki);

Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

2. AD PARAGRAPH 2:

Defendant admits the contents of this paragraph.

3. AD PARAGRAPH 3:

3.1 Defendant denies the contents of this paragraph and puts Plaintiffs to the proof thereof.

3.2 Alternatively and in the event of Tatana Willie Makisi (Gusha) having been killed as a result of a bullet wound/s and in the event of the Honourable Court finding that Defendant assaulted the said Tatana Willie Makisi (Gusha) by shooting him (which is denied) and thereby killing him, Defendant pleads that:

3.2.1 the shooting was in self-defence;
alternatively

3.2.2 the said Tatana Willie Makisi (Gusha)

was shot and killed in cross-fire under circumstances where shots were being fired at members of the Defence Force, who returned fire in self-defence. Defendant furthermore pleads that the shooting by members of the Defence Force was necessary, reasonable and justifiable in order to avoid the threat of imminent peril, as stated above.

4. AD PARAGRAPH 4:

Save to admit that a father owes his children a duty of support, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

5. AD PARAGRAPH 5:

Defendant has no knowledge of the allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

6. AD PARAGRAPH 8:

Defendant denies the contents of this paragraph and puts Plaintiffs to the proof thereof.

7. AD PARAGRAPH 9:

Defendant admits a demand and a failure or refusal to pay, but pleads that Defendant is not legally liable to pay the amount claimed or any portion thereof.

WHEREFORE Defendant prays that Plaintiffs' claim be dismissed with costs.

DATED AT JOHANNESBURG ON THIS 2nd DAY OF DECEMBER 1992.



B ROUX
Defendant's Counsel



STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
7301/92/P5
Tel: 29-2961

**TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

**AND TO: NICHOLLS & CAMBANIS
Plaintiffs' Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/55**

Received copy hereof on the
44th day of December 1992.



for: **Plaintiffs' Attorneys**

**WITHOUT PREJUDICE
TO RIGHTS**

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/27030

In the matter between:

GUSHA, Andele (MAKISI)

First Plaintiff

GUSHA, Simphiwe (MAIKSI)

Second Plaintiff

and

MINISTER OF DEFENCE

Defendant

NOTICE OF INTENTION TO AMEND DEFENDANT'S PLEA

BE PLEASED TO TAKE NOTICE that Defendant intends to amend his Plea as follows:

1. By deleting the citation of the Defendant as "*Minister of Law and Order*" and by substituting it with "*Minister of Defence*".
2. By the addition of paragraph 3.3 to paragraph 3 of Defendant's Plea (ad paragraph 3 of Plaintiff's Particulars of Claim:

"3.3 Alternatively and in the event of it being found that *Tatana Willie*

*Makisi (Gusha) was shot and/or assaulted/that any physical act/s was/were committed against **Tatana Willie Makisi** by a member or members of the South African Defence Force, then the Defendant pleads as follows:*

3.3.1 *In terms of Government Notice No. 13519, Proclamation No. R2242 of 9 September 1991, the Minister of Law and Order in terms of Section 5A(1) of the Public Safety Act, No. 3 of 1953, declared that public disturbance, disorder, riot and public violence were occurring or threatening in *inter alia* the Tokoza area, as demarcated and described in Government Notice No. 511 of 10 April 1959, as amended, as from 9 September 1991. In terms of Proclamation No. R2243, 1991, of 9 September 1991, the Minister of Law and Order in terms of Section 5A of the Public Safety Act proclaimed certain regulations ("the Regulations"). Proclamations R2242 and R2243 were valid and in force on 8 April 1992.*

3.3.2 *Regulation 12(1) of the Regulations provides that no civil proceeding shall be instituted against any member of the Cabinet of the Republic of South Africa or any member of a Security Force by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of the Regulations as therein more fully provided, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.*

- 3.3.3 *The Defendant is a member of the Cabinet of the Republic of South Africa.*
- 3.3.4 *The member or members of the South African Defence Force, as alleged by the Plaintiffs to have shot and/or assaulted **Tatana Willie Makisi**/committed physical acts against **Tatana Willie Makisi**, was a member/were members of a Security Force, as provided for in the Regulations.*
- 3.3.5 *The place at Phola Park, Tokoza, where the shooting and/or assault/physical act/s allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.*
- 3.3.6 *The shooting and/or assault of/physical acts against **Tatana Willie Makisi** was an act/were acts in good faith advised, commanded, ordered, directed or performed by a person or persons in the carrying out of his/their duties or the exercise of his/their powers or the performance of his/their functions in terms of the Regulations, as more fully provided in Regulation 12(1).*
- 3.3.7 *In the premises the Plaintiffs have no cause of action as alleged and is not entitled to institute the said action."*

The Defendant tenders the wasted costs (if any) occasioned by the proposed amendment

and subsequent amendment, save for the costs of opposition thereof.

BE PLEASED TO TAKE FURTHER NOTICE that unless objection in writing is made to the proposed amendment within ten (10) days, the Defendant will amend the pleading in question accordingly.

TAKE NOTICE FURTHER that if no objection in writing be so made, the Plaintiffs shall be deemed to have agreed to the amendment.

If objection be made within the said period in terms of Rule 28(4) of the Rules of Court, the Defendant shall within ten (10) days of the receipt of such objection, apply to Court on notice for leave to amend and shall set the matter down for hearing.

DATED AT JOHANNESBURG ON THIS 5th DAY OF MARCH 1993.



STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
7301/92/P5
Tel: 29-2961

TO: **THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

AND TO: **NICHOLLS & CAMBANIS**
Plaintiffs' Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/55

Received copy hereof on this the
...¹⁵... day of March 1993.



for: **Plaintiffs' Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/27030

In the matter between:

GUSHA, Andele (MAKISI)

First Plaintiff

GUSHA, Simphiwe (MAKISI)

Second Plaintiff

and

MINISTER OF DEFENCE

Defendant

NOTICE IN TERMS OF RULE 28(5)

TAKE NOTICE THAT:

- (a) as the Defendant filed a Notice of Intention to Amend its Plea on 9 March 1993; and
- (b) as no objection was made in writing to this said notice of amendment;

the Defendant hereby files the amended pages to its Particulars of Claim.

DATED AT JOHANNESBURG ON THIS 1st DAY OF APRIL 1993.



STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
7301/92/P5
Tel: 29-2961

TO: **THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

AND TO: **NICHOLLS & CAMBANIS**
Plaintiffs' Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/55

Received copy hereof on this the
.....^a day of April 1993.



for: **Plaintiffs' Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/27030

In the matter between:

GUSHA, Andele (MAKISI)

First Plaintiff

GUSHA, Simphiwe (MAKISI)

Second Plaintiff

and

MINISTER OF DEFENCE

Defendant

**DEFENDANT'S AMENDED PLEA TO PLAINTIFF'S
PARTICULARS OF CLAIM**

1. **AD PARAGRAPH 1:**

Save to admit that:

1.1 First Plaintiff is **Andele Gusha (Makisi)**; and

1.2 Second Plaintiff is **Simphiwe Gusha (Makisi)**;

Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

2. **AD PARAGRAPH 2:**

Defendant admits the contents of this paragraph.

3. **AD PARAGRAPH 3:**

3.1 Defendant denies the contents of this paragraph and puts Plaintiffs to the proof thereof.

3.2 Alternatively and in the event of **Tatana Willie Makisi (Gusha)** having been killed as a result of a bullet wound/s and in the event of the Honourable Court finding that Defendant assaulted the said **Tatana Willie Makisi (Gusha)** by shooting him (which is denied) and thereby killing him, Defendant pleads that:

3.2.1 the shooting was in self-defence; alternatively

3.2.2 the said **Tatana Willie Makisi (Gusha)** was shot and killed in cross-fire under circumstances where shots were being fired at members of the Defence Force, who returned fire in self-defence. Defendant

furthermore pleads that the shooting by members of the Defence Force was necessary, reasonable and justifiable in order to avoid the threat of imminent peril, as stated above.

3.3 Alternatively and in the event of it being found that **Tatana Willie Makisi (Gusha)** was shot and/or assaulted/that any physical act/s was/were committed against **Tatana Willie Makisi** by a member or members of the South African Defence Force, then the Defendant pleads as follows:

3.3.1 In terms of Government Notice No. 13519, Proclamation No. R2242 of 9 September 1991, the Minister of Law and Order in terms of Section 5A(1) of the Public Safety Act, No. 3 of 1953, declared that public disturbance, disorder, riot and public violence were occurring or threatening in **inter alia** the Tokoza area, as demarcated and described in Government Notice No. 511 of 10 April 1959, as amended, as from 9 September 1991. In terms of Proclamation No. R2243, 1991, of 9 September 1991, the Minister of Law and Order in terms of Section 5A of the Public Safety Act proclaimed certain regulations ("*the Regulations*"). Proclamations R2242 and R2243 were valid and in force on 8 April 1992.

3.3.2 Regulation 12(1) of the Regulations provides that no civil proceeding shall be instituted against any member of the Cabinet of the Republic of South Africa or any member of a Security Force by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of the Regulations as therein more fully provided, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

3.3.3 The Defendant is a member of the Cabinet of the Republic of South Africa.

3.3.4 The member or members of the South African Defence Force, as alleged by the Plaintiffs to have shot and/or assaulted **Tatana Willie Makisi**/committed physical acts against **Tatana Willie Makisi**, was a member/were members of a Security Force, as provided for in the Regulations.

3.3.5 The place at Phola Park, Tokoza, where the shooting and/or assault/physical act/s allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.

3.3.6 The shooting and/or assault of/physical acts against **Tatana Willie Makisi** was an act/were acts in good faith advised, commanded, ordered, directed or performed by a person or persons in the carrying out of his/their duties or the exercise of his/their powers or the performance of his/their functions in terms of the Regulations, as more fully provided in Regulation 12(1).

3.3.7 In the premises the Plaintiffs have no cause of action as alleged and is not entitled to institute the said action.

4. **AD PARAGRAPH 4:**

Save to admit that a father owes his children a duty of support, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

5. **AD PARAGRAPH 5:**

Defendant has no knowledge of the allegations contained in this paragraph, accordingly denies same and puts Plaintiffs to the proof thereof.

6. **AD PARAGRAPH 8:**

Defendant denies the contents of this paragraph and puts Plaintiffs to the proof thereof.

7. **AD PARAGRAPH 9:**

Defendant admits a demand and a failure or refusal to pay, but pleads that Defendant is not legally liable to pay the amount claimed or any portion thereof.

WHEREFORE Defendant prays that Plaintiffs' claim be dismissed with costs.

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/27030

In the matter between:

GUSHA, Andele (MAKISI)
GUSHA, Simphiwe (MAKISI)

First Plaintiff
Second Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

DEFENDANT'S REQUEST FOR FURTHER PARTICULARS FOR PURPOSES OF
TRIAL, WITH REFERENCE TO PLAINTIFF'S PARTICULARS OF CLAIM

1. AD PARAGRAPH 1:

- 1.1 A copy of First Plaintiff's birth certificate is requested.
- 1.2 A copy of Second Plaintiff's birth certificate is required.
- 1.3 Where was First Plaintiff resident at the time of the alleged assault referred to in paragraph 3 of Plaintiff's Particulars of Claim?

1.4 Where was Second Plaintiff resident at the time of the alleged assault referred to in paragraph 3 of Plaintiff's Particulars of Claim?

1.5 Where was Tatana Willie Makisi (hereinafter referred to as "*the deceased*") resident at the time of the alleged assault referred to in paragraph 3 of Plaintiff's Particulars of Claim?

1.6 Was the deceased a South African citizen?

1.7 If not, did the deceased have permanent residence in South Africa or a work permit to work in South Africa and, if so, documentary proof thereof is requested, alternatively full details thereof.

2. AD PARAGRAPH 3:

2.1 Was the deceased assaulted by one or more members of the South African Defence Force?

2.2 If more than one member, how many members assaulted the deceased?

2.3 Plaintiffs are requested to give a description

of each of the members who assaulted the deceased in order to enable Defendant to identify the said member(s).

2.4 On what basis is it alleged that the deceased was assaulted by a member(s) of the South African Defence Force?

2.5 Was/were the member(s) clothed in uniform? If so, a description of the uniform is requested.

2.6 Where exactly in Phola Park was the deceased at the time of the assault?

2.7 When exactly was the deceased assaulted, with specific reference to the date and time of the assault?

3. AD PARAGRAPH 4:

3.1 The following particulars with regard to the deceased's ability to support dependants are requested:

3.1.1 the name and address of his employer(s)

for three years preceding his death;

3.1.2 his monthly gross and nett income during the said three years;

3.1.3 his occupation during the said three years;

3.1.4 his highest academic qualification; and

3.1.5 his highest technical qualification.

3.2 The following particulars with regard to the deceased's ability to support dependants are requested:

3.2.1 the number of dependants supported by the deceased, with reference to the following:

3.2.2 their names, addresses and ages;

3.2.3 their relationship to the deceased;

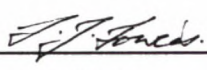
3.2.4 the monthly sum of money advanced to each dependant by the deceased;

3.2.5 the frequency of payments made to each dependant by the deceased.

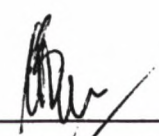
DATED AT JOHANNESBURG ON THIS THE 12th DAY OF JULY 1993.



B ROUX



K. LOWIES
Defendant's Counsel



STATE ATTORNEY
Defendant's Attorney
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
7301/92/P5
Tel: 29-2961

TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG

AND TO: **NICHOLLS, CAMBANIS & SUDANO**
Plaintiff's Attorneys
23rd Floor
Kine Centre
141 Commissioner Street
JOHANNESBURG
Ref: Ms C H Nicholls

Received copy hereof on the
4 day of ~~July~~ 1993.
Aug



for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE

DATE ISSUED : 1972-03-10

BI-5



DEPARTMENT OF HOME AFFAIRS
DEPARTEMENT VAN BINNELANDSE SAKE

PARTICULARS FROM THE POPULATION REGISTER I.R.O.:
BESONDERHEDE UIT DIE BEVOLKINGSREGISTER T.O.V.:

BIRTH/GEBOORTE

IDENTITEITSNO:
IDENTITY NO: 801122 5248 08 6

VAN
SURNAME: GUSHA

VOORNAME :
FIRST NAMES: ANDELE

GEBOORTEDATUM:
DATE OF BIRTH: 1980-11-22

GESLAG:
SEX : MALE

GEBOORTELAND :
COUNTRY OF BIRTH: SOUTH AFRICA

DATUM UITGEREIK : 1992-07-12

1887
REPUBLIC OF SOUTH AFRICA



1985 / 12856 / 285
REPUBLIEK VAN SUID-AFRIKA

ABRIDGED BIRTH CERTIFICATE

VERKORTE GEBORTESERTIFIKAAT

(Issued in terms of Act 81 of 1963)

(Uitgereik kragtens Wet 81 van 1963)

Certified a true extract from the birth register:
of:

Gesertifiseer 'n ware uittreksel uit die geboorteregister van:

Birth entry number
Geboorte-inskrywingsnommer

| | | | | | | | | | | | | | | |
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Surname
Van

GUSHA

Forenames
Voornome

SIMPATWE

Date of birth: Year
Geboortedatum Jaar

| | | | |
|---|---|---|---|
| 1 | 9 | 8 | 5 |
|---|---|---|---|

Month
Maand

| | |
|---|---|
| 1 | 0 |
|---|---|

Day
Dag

| | |
|---|---|
| 2 | 4 |
|---|---|

Place of birth
Geboorteplek

JOHANNESBURG

Sex
Geslag

MALE

Population group
Bevolkingsgroep

BINNENLANDSE SAKE

(Official date stamp)
1992-02-12
(Amptelike kantoordatumstempel)

1992-02-12 (159)

Director-General: Home Affairs
Direkteur-generaal: Binnelandse Sake

A 785757

D 612224



REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

DEATH CERTIFICATE

STERFTESERTIFIKAAT

(Issued in terms of the regulations made under Act 81 of 1963)

(Uitgereik kragtens die regulasies uitgevaardig onder Wet 81 van 1963)

Identity number / Identiteitsnommer: 580620 5983 088

Surname / Van: MAKISI

Forenames in full / Volle voorname: TATIANA WILLIE

Date of birth / Geboortedatum: Day 20, Month 06, Year 1958

Sex / Geslag: MALE; Population group / Bevolkingsgroep

Marital status / Huwelikstaat

Date of death / Datum van afsterwe: Day 12, Month 04, Year 1992

Place of death (town/city) / Plek van afsterwe (dorp/stad): ALBERTON

Causes of death / Oorsake van dood: BULLET WOUNDS OF LUNG

Stamp: BUREAU OF DEATHS, 1992-04-28, Date issued / Datum uitgereik

Signature of Registrar/Assistant Registrar of Deaths

GEREGISTREERDE WOON- EN POSADRES

1. Bewaar die bewys van u GEREGISTREERDE WOON- EN POSADRES in hierdie sakkie.

2. Indien u van adres verander het, of indien besonderhede van u huidige adres, bv. straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakkie agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die naaste streek-/distrikkantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

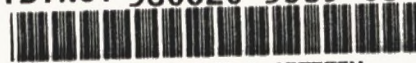
REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

2. If you have changed your address, or, if particulars of your present address e.g. name of street and/or street number etc. have been changed, the NOTICE OF CHANGE OF ADDRESS form in the pocket at the back of this identity document must be used to report the change and it must be lodged in all instances at the nearest regional/district office of the DEPARTMENT OF HOME AFFAIRS.

1

I.D.No. 580620 5983 08 8



S. A. BURGER/S. A. CITIZEN

VAN/SURNAME

MAKISI

VOORNAME/FORENAMES

TATANA WILLIE

GEBORTEDISTRIK OF-LAND/
DISTRICT OR COUNTRY OF BIRTH

TRANSKEI

GEBORTE DATUM/
DATE OF BIRTH

1958-06-20

DATUM UITGEREIK
DATE ISSUED

1991-09-17

UITGEREIK OP GESAG VAN DIE
DIREKTEUR-GENERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS



**PH 466
IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)**

CASE NO : 92/27030

In the matter between : -

**GUSHA, ANDELE (MAKISI)
GUSHA, SIMPHIWE (MAKISI)**

**1st Plaintiff
2nd Plaintiff**

and

MINISTER OF DEFENCE

Defendant

NOTICE IN TERMS OF RULE 35 (1)(6)(8) & (10)

BE PLEASED TO TAKE NOTICE that in terms of Rule 35(1), the Defendant is required to make discovery on oath within 20 (TWENTY) days from the date of service hereof, of all documents and tape recordings relating to any matter in question in this action which are or have at any time been in the possession or the control of the Defendant's, his attorneys or agents.

AND TAKE NOTICE FURTHER that in terms of Rule 35(8), Plaintiff's require Defendant to furnish written particulars of dates and parties of or to any document or tape recording intended to be used at the trial in the above action. The Defendant is furthermore required within 15 days before the date of trial to furnish a notice : -

- a. Specifying the dates of and parties to the general nature of any document or tape recording which is in his possession;
- b. Specifying such particulars as he may have to identify any document or tape recording not in his possession, at the same time furnishing the name and address of the person in whose possession such document is.



AND TAKE NOTICE FURTHER that in terms of Rule 35(6) the Defendant having made discovery, is required to make available for inspection any documents or tape recordings so discovered.

AND TAKE NOTICE FURTHER that in terms of Rule 35 (10) the Defendant is required to produce at the hearing of this matter such documents or tape recordings as are discovered by them.

DATED at JOHANNESBURG on this the *9th* day of MARCH 1995.

C. Nicholls

NICHOLLS, CAMBANIS AND ASSOCIATES
PLAINTIFF'S ATTORNEYS
3RD FLOOR, 132 FOX STREET
JOHANNESBURG
REF : V.SITHOLE

TO :
THE REGISTRAR
SUPREME COURT
JOHANNESBURG

AND TO :
THE STATE ATTORNEY
DEFENDANT'S ATTORNEYS
10th Floor- Northstate Building
95 MARKET STREET
JOHANNESBURG
REF : 7301/92/P33/gs
Mr.J.PRETORIUS



Received copy hereof on this the *10* day of March 1995.

[Signature]
DEFENDANT'S ATTORNEYS

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(WITWATERSRANDSE PLAASLIKE AFDELING)

SAAKNOMMER: 92/27030

In die saak tussen:-

GUSHA, ANDELE (MAKISI)

EERSTE EISER

GUSHA, SIMPHINE (MAKISI)

TWEEDE EISER

EN

DIE MINISTER VAN VERDEDIGING


VERWEERDER

KENNISGEWING VAN ADRESVERANDERING

GELIEWE HIERMEE KENNIS te neem dat met ingang 1 Junie 1994, die nuwe adres van die Staatsprokureur soos volg sal wees:

**NORTHSTATE GEBOU
10DE VLOER
MARKETSTRAAT 95
JOHANNESBURG**

GETEKEN TE JOHANNESBURG op hierdie 26^e dag van MEI 1994.



**DIE STAATSPROKUREUR
VERWEERDER SE PROKUREUR
ROYAL ST. MARY'S GEBOU 888
ELOFFSTRAAT 85
PRIVAATSAK X9
JOHANNESBURG
2000**

VERWYS NA : J. PRETORIUS
VERWYSING IS: 7301/92/P33 / ga
TEL: 29-2961 (011)

AAN:


DIE GRIFFIER VAN DIE
BOGEMELDE AGBARE HOF
JOHANNESBURG

EN AAN:

EISER SE PROKUREUR
NICHOLLS EN CAMBANIS
23STE VLOER
KINE CENTRE
COMMISSIONERSTRAAT
JOHANNESBURG

VERW: VS/PP/55

AFSKRIF ONTVANG OP HIERDIE 3
DAG VAN ^{June} MEI 1994.


Namens/EISER SE PROKUREUR

WITHOUT PREJUDICE

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/27030
P/H 308

In the matter between:-

MAKISI ANDELE GUSHA 1st Plaintiff

MAKISI SIMPHIWE GUSHA 2nd Plaintiff

and

THE MINISTER OF DEFENCE Defendant


NOTICE OF INTENTION TO DEFEND

BE PLEASED TO TAKE NOTICE THAT the abovenamed Defendant intends to defend this action and has appointed the following address as the address for the service upon him of all notices and documents in the action:-

STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
J O H A N N E S B U R G

BUSINESS ADDRESS: S.A. DEFENCE FORCE HEADQUARTERS, DEQUAR ROAD,
P R E T O R I A.

DATED at JOHANNESBURG on this the 30 day of OCTOBER 1992.


DEFENDANT'S ATTORNEY
STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
J O H A N N E S B U R G

.... / 2

REFER TO: G. BOWEN
REFER NO: 7301/92/P5/JC
TEL NO: 29 2961

TO:

The Registrar of the
above Honourable Court
J O H A N N E S B U R G

AND TO:

PLAINTIFF'S ATTORNEY
NICHOLLS, CAMBANIS, & SUDANO
23rd FLOOR, KINE CENTRE
141 COMMISSIONER STREET
J O H A N N E S B U R G

REF: Ms C.H. NICHOLLS

COPY HEREOF RECEIVED ON THIS
THE 3rd DAY OF ^{November} ~~OCTOBER~~ 1992



For/PLAINTIFF'S ATTORNEY

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/27030

In the matter between:-

MAKISI ANDELE GUSHA

1st Plaintiff

MAKISI SIMPHIWE GUSHA

2nd Plaintiff

and

THE MINISTER OF DEFENCE


Defendant

DEFENDANT'S NOTICE IN TERMS OF RULE 36 (4)

BE PLEASED TO TAKE NOTICE that the Defendant requires the Plaintiff in so far as he is able to do so to make available within 10 (ten) days after service hereof to the former any medical reports, hospital records, X-ray photographs or other documentary information of a like nature relevant to the assessment of the damages of compensation in respect of bodily injury alleged to have been suffered by the Plaintiff.

TAKE NOTICE FURTHER that the Defendant requires from the Plaintiff a consent to inspect all hospital records relating to the latter and that such consent should mention the hospitals' reference numbers as well as the dates on which the Plaintiff was treated.

DATED at JOHANNESBURG on this the 16 day of NOVEMBER 1992.


DEFENDANT'S ATTORNEY
STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
JOHANNESBURG

TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG

REFER TO: G. BOWEN
REFER NO: 7301/92/P5/JC
TEL NO: 29 2961

AND TO:
PLAINTIFF'S ATTORNEYS
NICHOLLS AND CAMBANIS
23rd FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG

REF: Ms C H NOCHOLLS

COPY HEREOF RECEIVED THIS THE

16 DAY OF NOVEMBER 1992


For/PLAINTIFF'S ATTORNEY

WITHOUT PREJUDICE
TO RIGHTS

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

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