

Zolandi DINA.

1. Pleading.

2.

3.

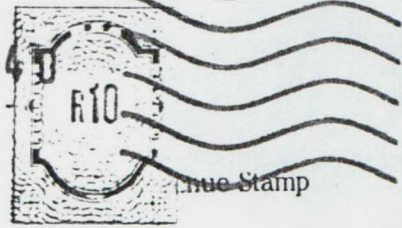
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Issued by

M. Bellak

Case No. 22.09.92

07264



Postage 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 & SUDANO
c/o ADAMS & ADAMS
SHORBURG
429 CHURCH STREET
PRETORIA
0001
Postal address

C. Nicholls

Signature of Plaintiff or his Attorney

P.O. Box 1014, Pretoria.

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

Between ZOLANI DINA Plaintiff

and THE 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.

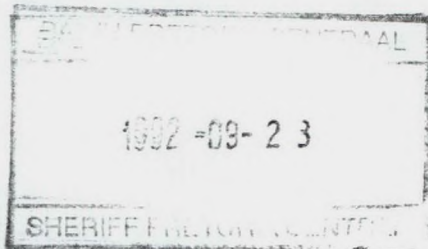
You are hereby summoned that you do within 21 (twenty-one) days of the service of this summons deliver or cause to be delivered to the CLERK OF THE AFORESAID COURT and also the PLAINTIFF OR HIS ATTORNEY, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of

ZOLANI DINA an adult male, unemployed of full legal capacity resident at G 503 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:



THE MINISTER OF DEFENCE

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	_____		_____	
Total	_____		_____	

PARTICULARS OF CLAIM

1. The Plaintiff is ZOLANI DINA an adult male, unemployed of full legal capacity resident at G 503 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 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 Sept 1992.

C. Nicholls

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

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.: 92/0,044,115.00
CASE No. : 72640/92

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

BETWEEN
ZOLANDI DINA

Plaintiff

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

Defendant

NATURE OF PROCESS:- SUMMONS COMMENCING ACTION (Ordinary)

ON 92/09/28 AT 15h45 THE ABOVEMENTIONED DOCUMENT WAS HANDLED IN THE MANNER
INDICATED BELOW:

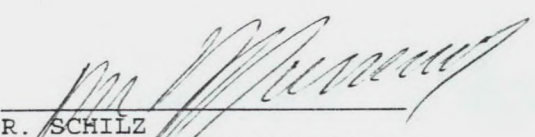
RETURN OF SERVICE : STATE ATTORNEY.

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 : 72640/92

In the matter between : -

ZOLANI DINA

Plaintiff

and

MINISTER OF DEFENCE

Defendant

FILING SHEET

PRESENTED FOR FILING BY : -

C. M. 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 : 72640/92

In the matter between : -

ZOLANI DINA

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.

A. Disiel

D E P O N E N T

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.

A. Disiel

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 Kame Centre
141 Commissioner Street*

VA

322-0900/1/2
322-8522 X235

"GOVAT"

FAX 322 0177



REPUBLIEK VAN SUID-AFRIKA • REPUBLIC OF SOUTH AFRICA

TWGB/MS

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

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

DIE STAATSPROKUREUR
THE STATE ATTORNEY
Privaatsak X91
Private Bag X91
PRETORIA
0001

Navrae: T W G BESTER
Enquiries:

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)

at
AD

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

u
AD -

AFFIDAVIT

I, the undersigned

ZOLANI DINA

do hereby make oath and say that:-

1. I am an adult male person of 9503 Phola Park, Tokozia. The facts herein contained are within my personal knowledge and are both true and correct.
2. On the 8th April 1992 at or about 9pm I heard sound of gunfire. I reside with my two friends at the abovementioned address. We closed and locked the door when we heard gunfire.
3. At or about 11pm, the door to our shack was kicked open. Two Black soldiers entered the shack. They talked to us in a language we did not understand. We did not understand what they were saying. They then assaulted us with butts of their rifles. After they had assaulted us for few minutes they left the shack. I was also assaulted with a sjambok.
4. I sustained cuts on my back, a big wound on top of my head and cuts on my arms. I was taken to Natalspuit Hospital by ambulance. I was treated and discharged.

ZOLANI DINA

DEPONENT

MT

THUS SOME AND SIGNED BEFORE ME AT TIKOZA
ON THIS THE 14 DAY OF APRIL 1992. THE BEDOMENT
HAVING ACKNOWLEDGED THAT HE UNDERSTAND AND
KNOWS THE CONTENTS OF THIS DECLARATION AND
CONSIDERS THE SAID TO BE BINDING ON HIS
CONSCIOUS.

M. Taylor

MIRANDA JANE TAYLOR
PRACTISING ATTORNEY (R.S.A.)
COMMISSIONER OF OATHS
23rd FLOOR KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG 2001

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

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No. 33398

Naam voluit / Name in full: Zolani, DINA

Huisadres / Residential address: G 503, Poles

Huwelikstaat / Marital state: P (Single)

Beroep / Occupation: (blank)

Geboortedatum / Date of birth: (blank)

Naam van persoon verantwoordelik vir betaling van rekening / Name of person responsible for payment of account: (blank)

Sy/Haar adres • His/Her address: (blank)

Naam van werkgewer • Name of employer: (blank)

Adres van werkgewer • Address of employer: (blank)

Naam van siekefonds / Name of sick fund: (blank)

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

Broodwinner • Breadwinner 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)

Meld ouderdomme van afhanklikes / State ages of dependants

Rede vir afhanklikheid / Reason for dependence

* (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

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

Sy/Haar adres / His/Her address

Sy/Haar handtekening / His/Her signature

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

(ii) By sy/haar bewussyn? / (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

Datum / Date

Klagte / Complaint

Huidige siekte / Present illness

Volgno. / Serial No. 12

Datum • Date	VM. / A.M.	NM. / P.M.
9/4/92	10	50

Indeling / Classification

Dr. (signature)

(20)

ONDERSOEK/BEHANDELING/VORDERING
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

9/4/92

11.15
Am

H/o Alleged Assault e Bull, Shambou.

- Skull - Bleeding
- e Shambou Back
and front of

O/E: → A cut wound Chest
one scalp about 2" diameter

→ Multiple Shambou mark
back of chest and front-

Teeth - wound chest
Hammer

TCB: 16/4/92
for ROS.

NAD }
- x - Ray Skull
- x - Ray Chest-
 AP
 PA

Q. M. W.

9/4/92

33398

8/4

PLEASE SIGNATURE
 STATIONER HOURLY
 RETAINING BOARD 0.5 IN. S.

Handwritten signature

Handwritten mark

Handwritten signature

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

PUBLISHER:

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Location: Johannesburg

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