

Dr G A Versfeld

M.BCh.B. (Cape Town) FCS (SA) Orth
ORTHOPAEDIC SURGEON / ORTOPEDIESE CHIRURG
PR No 2803267

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204 MORNINGSIDE CLINIC
CNR. HILL & RIVONIA RD
MORNINGSIDE
SANDTON 2146

03/10/1993

NICHOLLS CAMBANIS & SUDANO

P O BOX 8694

JOHANNESBURG

2000.

MEDICO-LEGAL REPORT.

NAME : SYLVIA MEMANI
DATE OF BIRTH : 27/09/1957
OCCUPATION : CLEANER
DATE OF ASSAULT : 08/04/1992
DATE OF EXAMINATION : 04/09/1993

HISTORY

At about 9 pm on 08/04/1992 Mrs Sylvia Memani was assaulted. She was hit with shambucks, rifle butts and was kicked. As a result of the assault she sustained injuries to her right forearm and hand, a laceration to the back of her neck, she is unable to hear properly in her left ear, injuries to both knees and her back. She also sustained injuries to her left forehead her chest and her right shoulder.

2/...During

During the assault she lost consciousness. She remained unconscious for approximately half an hour. The following day she was taken by ambulance to the Natalspruit Hospital for treatment.

At the Natalspruit hospital X-rays were taken of her right arm and hand, and a cast was applied from her elbow to her fingers. After treatment she was discharged. Later she reattended the hospital to have her cast removed. She does not know how long after the assault that this occurred.

PRESENT COMPLAINTS

- 1) Her left shoulder is painful. The pain is made worse when she works with her shoulder and she is unable to lie on it at night because of pain.
- 2) Her right forearm and hand are painful in cold weather and when she tries to lift heavy objects. She is obliged to take Panado approximately two tablets twice weekly to counteract this pain.

PREVIOUS MEDICAL HEALTH

Prior to the assault she was generally well.

EMPLOYMENT

Prior to the assault she worked as a cleaner in a doctor's surgery. Following the assault her employer gave her three months leave to recover.

3/...She returned

She returned to work after three weeks as she had no income. She therefore worked despite the fact that her injuries were very painful for about two months following the assault. Following this there was an improvement, however her left shoulder and right arm remained painful. The pain gets worse when the weather is cold and when she lifts heavy objects. This affects her ability to work.

She found that she was not able to do her work properly. There were certain things she was unable to do and eventually she resigned in February 1993.

She has been a machine washer at the Coca-Cola factory for approximately the last two weeks.

SOCIAL AMENITIES

Mrs Sylvia Memani finds that she is unable to do some of the house work that she did prior to the assault. For instance she finds that she is unable to do the washing properly and takes a long time to finish this work. She finds that lifting heavy objects causes her pain.

Her home is in the homelands where she built her own houses and tended her own plot prior to the assault. Following the assault she is unable to build her own house and is unable to use a hoe and therefore is unable to tend her own plot.

Prior to the assault she was able to fetch her own firewood. This she is unable to do any more.

Prior to the assault she drew her own water and carried it on her head, however following the assault she is unable to get the water container onto her head and requires assistance for this.

EXAMINATION FINDINGS

1) SCARRING

There were two hyperpigmented marks over the postero-lateral aspect of her right hand. Each mark measured 2 cm by 4 mm.

There was a mark 2.5 cm by 5 mm wide which was mildly hyperpigmented over the anterior aspect of the left shoulder.

There was a 3 cm long curved mark approximately 1 mm wide over the volar aspect of the distal right forearm.

There was a 2 cm by 1.5 cm hyperpigmented mark over the left forearm.

There was a 3 cm by 1 cm mark just lateral to the tibia over approximately the mid calf region.

RELATED TO HER LEFT SHOULDER

She had tenderness over her left acromio-clavicular joint. Certain movements resulted in pain in this joint. Her shoulder movements were satisfactory.

RELATED TO HER RIGHT FOREARM AND WRIST

She had a markedly reduced range of movement of her right wrist. The movements were as follows:

flexion	right	45°
	left	80°
extention	right	45°
	left	80°

Her wrist and hand were held in a flexed position during the examination and there was a tremor in her right hand.

The sensation over the right hand was reduced when compared to the left hand. She was unable to close her right hand fully. Her grip strength was grossly diminished. There was tenderness over her hand and wrist.

SPECIAL INVESTIGATIONS

X-rays of her left and right acromio-clavicular joints and right forearm and hand were taken on 06/09/1993. (Radiologists report enclosed). In addition to the comments made by the Radiologist, I would like to comment as follows:

6/...There is

There is distortion of the base of the fourth metacarpal suggesting the possibility of a previous fracture in this region.

DIAGNOSIS

As a result of the assault on 08/04/1992 Mrs Memani sustained the following injuries.

- 1) A head injury with a period of a loss of consciousness.
- 2) Multiple injuries to her right forearm and hand with evidence of fractures at the base of the second proximal phalanx and the base of the fourth metatarsal and a possible fracture of the ulna styloid process and also a possible fracture of the neck of the radius.
- 3) An injury to the left ear with resultant altered hearing in this ear.
- 4) An injury to the left acromio-clavicular joint.
- 5) Multiple bruises and lacerations with residual marks and scarring visible to the present time.

PROGNOSIS AND FUTURE MEDICAL COSTS

1) RELATED TO HER RIGHT FOREARM AND HAND

The function of her right forearm and hand is extremely poor.. At this stage a program of extensive rehabilitation should be commenced in order to improve the function of her hand.

This would take approximately six weeks and would cost in the region of R1 500,00. Following this

Following this the right hand and arm should be tested for residual disability.

2) RELATED TO THE LEFT ACROMIO-CLAVICULAR JOINT

There is clinical evidence of injury to the left acromio-clavicular joint. There is tenderness of the joint and certain movements cause pain in the joint at the present time which is more than sixteen months following the assault.

It is reasonable to assume that the damage is sufficient to produce degenerative arthritis in the longer term. She will require treatment of the symptoms in this joint. This treatment will include the use of anti-inflammatory agents, occasional visits to an orthopaedic surgeon and the occasional taking of X-rays. It would be reasonable to allow R 600,00 per annum over a three year period for this purpose.

Should degenerative arthritis occur in this joint it is likely that over the next five to ten years she will require excision of the distal end of her clavicle. This will entail a period of hospitalisation of approximately three days, a period of disability for approximately six weeks and a cost of approximately R 4 000,00 at todays prices.

3) RELATED TO HER LEFT EAR

The left ear should be assessed by an E.N.T. specialist to establish what damage has occurred here.

CONCLUSION

As a result of the assault Mrs Sylvia Memani suffered a hugely traumatic event, both emotionally and physically. The experience must have been terrifying. She recieved multiple injuries to most parts of her body and sustained a head injury with resultant loss of consciousness.

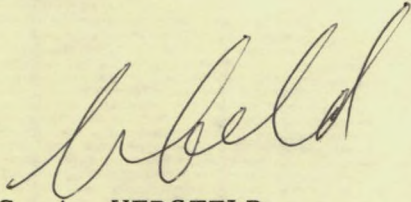
She retains disabilities to the present time which include hearing problems on the left side, marked loss of function of her right forearm and hand and pain in her left shoulder region.

The injuries and the results of these have resulted in her being unable to work as effectively as she did before.

Her disabilities prevent her from carrying out her normal tasks at her home.

She is likely to sustain significant medical costs in future.

I find no reason to suspect that her life expectancy has been altered as a result of the assault.

A handwritten signature in cursive script, appearing to read "G. A. Versfeld".

G. A. VERSFELD.

FCS (S A) Orth.

RADIOLOGISTS • RADIOLOË

Dr. HYMIE LUNTZ
Dr. PAUL SPIRO
Dr. IAN SCHMAMAN
Dr. RODNEY MILLER

Dr. ISSY JAFFE
Dr. ERROL PAPERT
Dr. ARNO PRETORIUS
Dr. BRIAN PAPERT

Dr. RALPH POSNER
Assisted By:
Dr. HAROLD BLOCH
Dr. VICTOR GOUWS

301 Lister Building / Gebou Jeppe Street / Straat P.O. Box / Posbus 4878 Johannesburg 2000 Tel: 337-5022
Sandton Clinic / Kliniek, Lyme Park Morningside Clinic / Kliniek Kempton Park, Trust Bank Emergency / Noodgevalle
Tel: 706-6166 Hill Road off Rivonia Road Tel: 883-3320 Tel: 975-0121, 975-0191 Autopage Tel: 804-2777

2/-

MRS SYLVIA MEMAMI

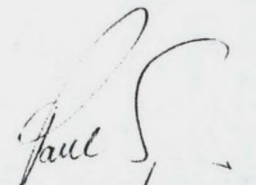
6- 9-1993

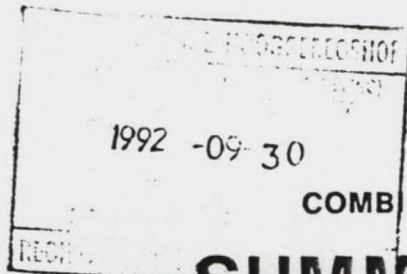
There is a little erosion present in the distal tip of the ulnar-styloid process which may be due to an old fracture.

The distal end of the radius appears normal and intact with no evidence of a past or recent fracture and the distal radio-ulnar joint and radiocarpal joints are normal and intact. There is no arthritic change or loose body or soft tissue swelling.

There is slight flattening of the neck of the right radius which may well have been due to a previous fracture or may be a normal variant.

There is no evidence of a recent fracture of the radius or ulna. There is no osteitis or periostitis and the rest of the elbow joint appears normal and intact. The soft tissues of the forearm are normal.


DR PAUL SPIRO
PS/dcc



COMBINED

SUMMONS

Case No.: 92/26566

In the Supreme Court of South Africa

(WITWATERSRAND LOCAL

DIVISION)

In the matter between:

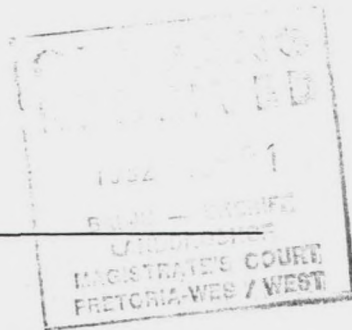
NOKWAKA SYLVIA MEMANE

Plaintiff.

and

THE MINISTER OF DEFENCE

Defendant.



To the sheriff or his deputy:

INFORM

THE MINISTER OF DEFENCE, cited herein in his official capacity, as being the person legally responsible for the conduct of members of the South African Defence Force, c/o The Chief of the South African Defence Force, (Finance Division), South African Defence Force Headquarters, Dequar Road, Pretoria.

(hereinafter called the Defendant(s)) that

NOKWAKA SYLVIA MEMANE, an adult married female domestic worker, duly assisted herein by her husband Ntsikelelo Memane, resident at M89 Phola Park, TOKOZA.

(hereinafter called the Plaintiff(s)), hereby institutes action against HIM in which action the Plaintiff(s) claim the relief and on the grounds set out in the particulars annexed hereto.

INFORM the Defendant(s) further that if Defendant(s) disputes/dispute the claim and wishes/wish to defend the action, the Defendant(s) shall -

- (i) Within 1 month ~~days~~ of the service upon the Defendant(s) of this summons, file with the registrar of this Court at Room 007, Supreme Court Building, Pritchard Street, JOHANNESBURG.

Notice of Defendant(s) intention to defend and serve a copy thereof on the Attorneys of the the Plaintiff(s), which notice shall give an address (not being a post office or poste restante) referred to in rule 19 (3) for the service upon the Defendant(s) of all notices and documents in the action.

- (ii) Thereafter and within twenty days after filing and serving notice of intention to defend as aforesaid, file with the registrar and serve upon the Plaintiff(s) a Plea, Exception, Notice to strike out, with or without a Counter-claim.

INFORM the Defendant(s) further that if the Defendant(s) fails/fail to file and serve notice as aforesaid, Judgment as claimed may be given against the Defendant(s) without further notice to the Defendant(s), or if having filed and served such notice, the Defendant(s) fails/fail to plead, except, make application to strike out or counter-claim, Judgment may be given against the Defendant(s)

AND immediately thereafter serve on the Defendant(s) a copy of this Summons and return the same to the Registrar with whatsoever you have done thereupon.

DATED at JOHANNESBURG this 30th day of SEPTEMBER 19 92.

C H Nicholls

NICHOLLS, CAMBANIS & SUDANO

Attorneys of Plaintiff(s),

23rd Floor, Kine Centre
141 Commissioner Street
JOHANNESBURG
Ref. Ms C H Nicholls

M. West

^ Registrar of the Supreme Court

ANNEXURE "A"

PARTICULARS OF CLAIM

1. Plaintiff is NOKWAKA SYLVIA MEMANE, an adult married female domestic worker, duly assisted herein by her husband Ntsikelelo Memane, and whose date of birth is 27 September 1953, resident at M89 Phola Park, Tokoza.
2. Defendant is the MINISTER OF DEFENCE, cited herein in his official capacity, as being the person legally responsible for the conduct of members of the South African Defence Force, c/o the Chief of the South African Defence Force, (Finance Division), South African Defence Force Headquarters, Dequar Road, Pretoria.
3. On or about 8 April 1992, and at Phola Park, Tokoza, the Plaintiff was unlawfully assaulted, by a member, or members, of the South African Defence Force, acting within the course and scope of their employment with the Defendant.
4. As a consequence of this assault, Plaintiff sustained injury as follows:-
 - 4.1 lacerations and bruises on the back;
 - 4.2 broken left arm;
 - 4.3 bruises on right thigh;
 - 4.4 perforated left ear drum;
 - 4.5 bruises on right breast.
5. The disabilities suffered by plaintiff as a result of the injuries are as follows:-

- 5.1 temporary inability to bend her back without severe pain for a period of one month;
 - 5.2 temporary inability to use the left arm for a period of two months;
 - 5.3 temporary inability to hear with the left ear for a period of a month.
6. As a result of the bodily injuries sustained, Plaintiff has suffered damages in the amount of R45 000,00.
7. Such damages are computed as follows:-
- PAIN AND SUFFERING AND CONTUMELIA
- 7.1 For pain and suffering and contumelia, damages in the amount of R40 000,00.
- DISFIGUREMENT
- 7.2 permanent scarring on the back, damages in the amount of R5 000,00.
8. In the premises Defendant is liable to Plaintiff in the amount of R45 000,00
9. Despite demand, Defendant fails or refuses to pay the above amount of any portion thereof.

WHEREFORE PLAINTIFF CLAIMS

- i) the amount of R45 000,00.
- ii) interest on the above amount at the rate of 18.5% per annum as from 14 days of date of judgment to date of payment.
- iii) costs of suit;
- iv) further and/or alternative relief

DATED AT JOHANNESBURG THIS 18th DAY OF SEPTEMBER 1992.

D J M Pitman

D J M PITMAN
COUNSEL FOR PLAINTIFF

Nicholls and Cambanis

NICHOLLS AND CAMBANIS
PLAINTIFF'S ATTORNEYS
23RD FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG
REF: VS/PP/31

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

In the matter between:

NOKWAKA SYLVIA MEMANE
and
THE MINISTER OF DEFENCE

: PLAINTIFF

: DEFENDANT

RETURN OF SERVICE OF COMBINED SUMMONS

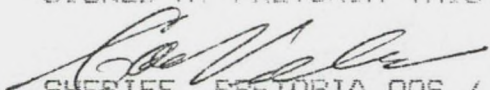
ON THE 6TH DAY OF OCTOBER 1992 AT 15H10 AT C/O CHIEF OF THE SA DEFENCE FORCE (FINANCE DEPARTMENT) KRYGKOR BUILDING, RIGELLAAN, ERASMUSKLOOF BEING THE BUSINESS ADDRESS OF THE DEFENCE FORCE I DULY SERVED A COPY OF THE COMBINED SUMMONS UPON LUIT JORDAAN (IN CHARGE) AFTER THE ORIGINAL DOCUMENTS WERE SHOWN AND THE NATURE AND CONTENTS THEREOF EXPLAINED TO THE SAID PERSON. LUIT JORDAAN, WHO IS APPARENTLY NOT LESS THAN SIXTEEN YEARS OF AGE AND APPARENTLY IN CHARGE OF THE SAID ADDRESS, ACCEPTED COPIES OF THE DOCUMENTS ON BEHALF OF THE DEFENDANT RULE 4(1)(a) (ii)

ANNEXURE "A" WAS ALSO SERVED.

MNR. C.N.E. DE VILLIERS DEPUTY SHERIFF

DULY APPOINTED IN TERMS OF SECT.4(1) OF THE SHERIFFS ACT NO. 90/86

SIGNED AT PRETORIA THIS 6TH DAY OF OCTOBER 1992


SHERIFF PRETORIA 008 / EAST

POSBUS / PO. BO 714 PRETORIA 0001
TEL. (012) 326-2305/7 FAX. (012) 326-2397

SHERIFF COST : R33.10

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT JOHANNESBURG

AND TO : THE ATTORNEY OF RECORD:- NICHOLLS, CAMBANIS & SUDANO

POSBUS 8694

REFERENCE :V SITHOLE/HM

JOHANNESBURG

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/26566
P/H 308

In the matter between:-

MEMANE NOKWAKA SYLVIA

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

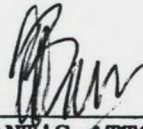
NOTICE OF INTENTION TO DEFEND

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

REFER TO: G. BOWEN
REFER NO: 6645/92/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 Number : 92/26566

In the matter between:

MEMANE, Nokwaka Sylvia

Plaintiff

and

MINISTER OF LAW AND ORDER

Defendant

DEFENDANT'S PLEA TO PLAINTIFF'S PARTICULARS OF CLAIM

1. AD PARAGRAPH 1:

Save to admit that Plaintiff is Nokwaka Sylvia Memane, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiff to the proof thereof.

2. AD PARAGRAPH 2:

Defendant admits the contents of this paragraph.

3. AD PARAGRAPH 3:

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

4. AD PARAGRAPHS 4, 5, 6, 7 and 8:

Defendant denies the contents of these paragraphs and puts Plaintiff to the proof thereof.

5. AD PARAGRAPH 9:

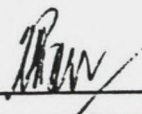
Defendant admits a demand and a failure or refusal to pay, but pleads that Defendant is not legally liable to pay the amount claimed or any portion thereof.

WHEREFORE Defendant prays that Plaintiff's 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/
6645/92/P5
Tel: 29-2961

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

**AND TO: NICHOLLS & CAMBANIS
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/31**

Received copy hereof on the
4th day of December 1992.



for: **Plaintiff's Attorneys**

**WITHOUT PREJUDICE
TO RIGHTS**

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

CASE NO: 92/26566

In the matter between:-

MEMANE NOKWAKA SYLVIA

Plaintiff

and

THE MINISTER OF DEFENCE

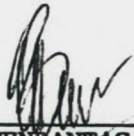
Defendant

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: 6645/92/P5/JC
TEL NO: 29 2961

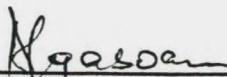
AND TO:

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

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

CASE NO : 92/26566

In the matter between : -

MEMANE, Nokwaka Sylvia

Plaintiff

AND

THE MINISTER OF LAW AND ORDER

Defendant

REPLY TO NOTICE IN TERMS OF RULE 36(4)

BE PLEASED TO TAKE NOTICE that the Plaintiff hereby attaches relevant medical records as requested by the Defendant.

DATED at JOHANNESBURG on this the 8 day of DECEMBER 1992.

C. Nicholls

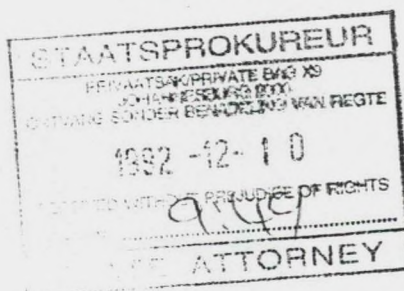
NICHOLLS, CAMBANIS &
SUDANO
PLAINTIFFS' ATTORNEYS
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/31

TO : THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG

AND TO : STATE ATTORNEY
DEFENDANT'S ATTORNEYS
8TH FLOOR, ROYAL ST.MARY'S BLDG
85 ELOFF STREET
JOHANNESBURG
MR.BOWEN/6645/92/P5

Received copy hereof on this
the 10th day of DECEMBER 1992.

FOR : DEFENDANT'S ATTORNEYS



B'JITEPASIËNTE EN/OF ONGEVALLE AFD. • OUTPATIENT AND/OR CASUALTY DEPT.

33225

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No.

Naam voluit
Name in full *M. KwaKwa*

MEMORIE
MEMORIE

Volgno.
Serial No.

Huisadres
Residential address *M-89* *Peter* *Pum*

Foon
Phone No.

Opgeneem
Admitted

Datum • Date	VM. A.M.	NM. P.M.
<i>03/04/92</i>	<i>09</i>	<i>05</i>

Huwelikstaat
Marital state *on* Geslag
Sex *F* Ras
Race *B*

Indeling
Classification

Beroep
Occupation *u/g* Geboortedatum
Date of birth *1953*

Dr.

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

Sy/Haar adres • His/Her address *M. KwaKwa*

Naam van werkgewer • Name of employer

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 R

Vrou • Wife R

Ander afhanklikes • Other dependants R

Totaal • Total R

*Getaal persone in gesin (broodwinner ingesluit)
Number of persons in household (including breadwinner) *4*

Meld ouderdomme van afhanklikes
State ages of dependants

Rede vir afhanklikheid
Reason for dependence *u/g*

(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 *03/04/92* Plek
Place Tyd
Time

Persoon wat beseerde ingebring het
Person who brought in the injured

Sy/Haar adres
His/Her address

Sy/Haar handtekening
His/Her signature *meda* en voertuig No.
and vehicle No. *Coer 409*

Was beseerde: (i) Onder die invloed van drank?
Was injured: Under the influence of liquor?
(ii) By sy/haar bewussyn?
Conscious?

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 Geteken
Signed

Datum
Date

Klagte
Complaint *PAZ*

Huidige siekte

ONDERSOEK/BEHANDELING/VORDERING
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

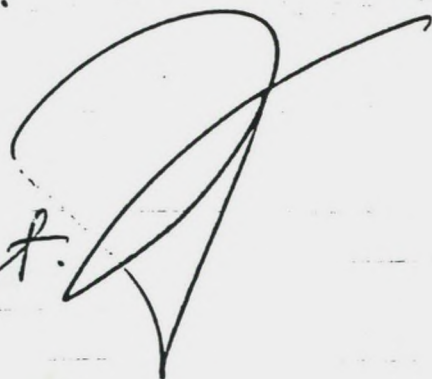
8/4

ALA

? # (R) wrist

also small lumps all over body

lyg



1 Contusion (R) wrist.

- POP slab. B/E

- TC13 15. 4. 92. (A-r) lyg

R POP

x-r - NAD.

Discharged.

lyg.

TO : THE SUPERINTENDENT
NATALSPRUIT HOSPITAL

CONSENT TO SUPPLY CONFIDENTIAL MEDICAL REPORT

NAME OF PATIENT : NOKWAKHA SYLVIA MEMAME
HOSPITAL REFERENCE NO : 33225/92
DATE OF TREATMENT : 9/4/92

I, the undersigned,

NOKWAKHA SYLVIA MEMAME

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 : -

THE STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
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 JOHANNESBURG on this the 4th day of DECEMBER 1992.

AS WITNESSES : -

1. *Hithole*
2. *Ngacane*

Nokwaka Sylvia Memame
SIGNATURE OF CONSENTEE
OR RIGHT HAND THUMB

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

CASE NO : 92/26566

In the matter between : -

MEMANE, Nokwaka Sylvia

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 ⁵ day of JANUARY 1993.

C. Nicholls

NICHOLLS, CAMBANIS,
AND SUDANO
ATTORNEYS FOR PLAINTIFF
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/31

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/6645/92/P5

Received copy hereof on this
the ~~23~~ day of ~~JANUARY~~ 1993.

~~23~~ March

FOR : DEFENDANT'S ATTORNEYS

STAATSPROKUREUR
PRIVAATSAK/PRIVATE BAG X9 JOHANNESBURG 2000 ONTVANG SONDER BENADELING VAN REGTE
1993-03-23
RECEIVED WITHOUT PREJUDICE OF RIGHTS
<i>GOS</i>
NEY

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26566

In the matter between:

MEMANE, Nokwaka Sylvia

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 the following alternative to paragraph 3 of Defendant's Plea (ad paragraph 3 of Plaintiff's Particulars of Claim):

"3.2 *Alternatively and in the event of it being found that the Plaintiff was assaulted/that any physical act/s was/were committed against*

the Plaintiff, as alleged or at all, by a member or members of the South African Defence Force, then the Defendant pleads as follows:

3.2.1 *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.*

3.2.2 *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.*

- 3.2.3 *The Defendant is a member of the Cabinet of the Republic of South Africa.*
- 3.2.4 *The member or members of the South African Defence Force, as alleged by the Plaintiff to have assaulted Plaintiff/committed physical acts against the Plaintiff, was a member/were members of a Security Force, as provided for in the Regulations.*
- 3.2.5 *The place at Phola Park, Tokoza, where the assault/physical acts allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.*
- 3.2.6 *The assault of/physical acts against Plaintiff 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).*
- 3.2.7 *In the premises the Plaintiff has 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 Plaintiff 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/
6645/92/P5
Tel: 29-2961

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

AND TO: **NICHOLLS & CAMBANIS**
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/31

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

for: 

Plaintiff's Attorneys

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26566

In the matter between:

MEMANE, Nokwaka Sylvia

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/
6645/92/P5
Tel: 29-2961

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

AND TO: **NICHOLLS & CAMBANIS**
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/31

Received copy hereof on this the
.....² day of April 1993.



for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26566

In the matter between:

MEMANE, Nokwaka Sylvia

Plaintiff

and

MINISTER OF DEFENCE

Defendant

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

1. **AD PARAGRAPH 1:**

Save to admit that Plaintiff is **Nokwaka Sylvia Memane**, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiff to the proof thereof.

2. **AD PARAGRAPH 2:**

Defendant admits the contents of this paragraph.

3. **AD PARAGRAPH 3:**

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

3.2 Alternatively and in the event of it being found that the Plaintiff was assaulted/that any physical act/s was/were committed against the Plaintiff, as alleged or at all, by a member or members of the South African Defence Force, then the Defendant pleads as follows:

3.2.1 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.

3.2.2 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.

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

3.2.4 The member or members of the South African Defence Force, as alleged by the Plaintiff to have assaulted Plaintiff/committed physical acts against the Plaintiff, was a member/were members of a Security Force, as provided for in the Regulations.

3.2.5 The place at Phola Park, Tokoza, where the assault/ physical acts allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.

3.2.6 The assault of/physical acts against Plaintiff 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).

3.2.7 In the premises the Plaintiff has no cause of action as alleged and is not entitled to institute the said action.

4. **AD PARAGRAPHS 4, 5, 6, 7 and 8:**

Defendant denies the contents of these paragraphs and puts Plaintiff to the proof thereof.

5. **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 Plaintiff's claim be dismissed with costs.

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

CASE NO 92/26564

In the matter between:

MEMANE, NOKWAKA SYLVIA

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

DEFENDANT'S REQUEST FOR FURTHER PARTICULARS

The Defendant requests the following further particulars to the Plaintiff's particulars of claim:

1. AD PARAGRAPH 1

1.1 The Plaintiff is requested to furnish the Defendant with:

1.1.1 copies of her identity document and birth certificate;

1.1.2 her address at the time of the incident.

1.2 Is the Plaintiff a South African citizen?

1.3 If not, does the Plaintiff have permanent residence in South Africa or a work permit to work in South Africa and if so, documentary proof of same is required alternatively full details thereof.

2. AD PARAGRAPH 3

2.1 The Plaintiff is requested to state precisely where in Phola Park she was assaulted by a member or members of the South African Defence Force.

2.2 The exact time of the alleged incident is required.

2.3 Was the Plaintiff assaulted inside or outside a building or structure? If inside any structures, then the full address thereof is requested.

2.4 How many members of the South African Defence Force assaulted the Plaintiff?

2.5 Were the members clothed in uniform? If in the affirmative, were they clothed in:

2.5.1 neutria ("browns"); or

2.5.2 camouflage uniforms?

2.6 The Plaintiff is requested to give a description of each of the members who assaulted her in order to enable the Defendant to identify the said member(s).

2.7 How many times was the Plaintiff assaulted?

3. AD PARAGRAPH 4

3.1 Plaintiff is requested to state the nature and extent of the following injuries:

3.1.1 the lacerations and bruises on the back;

3.1.2 the broken left arm;

3.1.3 the bruises on the right thigh;

3.1.4 the perforated left eardrum;

3.1.5 the bruises on the right breast.

3.2 Were any of the lacerations sutured? If in the affirmative, full particulars are requested.

3.3 What was the cause of the following injuries:

3.3.1 the lacerations and bruises on the back;

3.3.2 the broken left arm;

3.3.3 the bruises on the right thigh;

3.3.4 the perforated left eardrum;

3.3.5 the bruises on the right breast?

3.4 What was the nature and extent of the treatment, if any, to:

3.4.1 the lacerations and bruises on the back;

3.4.2 the broken left arm;

3.4.3 the bruises on the right thigh;

3.4.4 the perforated left eardrum;

3.4.5 the bruises on the right breast?

4. AD PARAGRAPH 5

4.1 Plaintiff is requested to state separately the exact nature, duration and extent of the following disabilities:

4.1.1 the inability to bend her back without severe pain;

4.1.2 the inability of the Plaintiff to use her left arm;


4.1.3 the inability of the Plaintiff to hear with the left ear.

5. AD PARAGRAPH 7

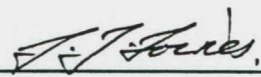
5.1 Plaintiff is requested to state the nature, extent and duration of the pain and suffering.

5.2 What caused the scarring on the back?

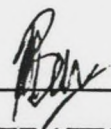
DATED at JOHANNESBURG on this 22 day of JULY 1993.



B ROUX



L J LOWIES
Defendant's Counsels




THE STATE ATTORNEY
Defendant's Attorney
888 Royal St Mary's Building
85 Eloff Street
JOHANNESBURG
TEL: 29-2961
REF: 6645

TO:
THE REGISTRAR
OF THE ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO:
NICHOLLS CAMBANIS & SUDANO
Plaintiff's Attorneys
23rd Floor, Kine Centre
Commissioner Street
JOHANNESBURG
REF: MRS C H NICHOLLS

RECEIVED COPY HEREOF ON THE

.....⁴..... DAY OF ~~JULY~~ ^{Aug} 1993.



for: PLAINTIFF'S ATTORNEYS

WITHOUT PREJUDICE

(ljl\memane.eb)

RADIOLOGISTS • RADIOLOË

Dr. HYMIE LUNTZ
Dr. PAUL SPIRO
Dr. IAN SCHMAMAN
Dr. RODNEY MILLER

Dr. ISSY JAFFE
Dr. ERROL PAPERT
Dr. ARNO PRETORIUS
Dr. BRIAN PAPERT

Dr. RALPH POSNER
Assisted By:
Dr. HAROLD BLOCH
Dr. VICTOR GOUWS

301 Lister Building / Gebou Jeppe Street / Straat P.O. Box / Posbus 4878 Johannesburg 2000 Tel: 337-5022
Sandton Clinic / Kliniek, Lyme Park Morningside Clinic / Kliniek Kempton Park, Trust Bank Emergency / Noodgevalle
Tel: 706-6166 Hill Road off Rivonia Road Tel: 883-3320 Tel: 975-0121, 975-0191 Autopage Tel: 804-2777

2/-

MRS SYLVIA MEMAMI

6- 9-1998

There is a little erosion present in the distal tip of the ulnar-styloid process which may be due to an old fracture.

The distal end of the radius appears normal and intact with no evidence of a past or recent fracture and the distal radio-ulnar joint and radiocarpal joints are normal and intact. There is no arthritic change or loose body or soft tissue swelling.

There is slight flattening of the neck of the right radius which may well have been due to a previous fracture or may be a normal variant.

There is no evidence of a recent fracture of the radius or ulna. There is no osteitis or periostitis and the rest of the elbow joint appears normal and intact. The soft tissues of the forearm are normal.

DR PAUL SPIRO
PS/dcc

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

33225/92

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No.

Naam voluit
Name in full *NO KWASHA*

MEMANE
~~MEMANE~~

Volgno.
Serial No.

Huisadres
Residential address *M-89* *POLAR* *PUM*

Opgeneem
Admitted

Datum • Date	VM. A.M.	NM. P.M.
<i>03/04/92</i>	<i>09</i>	<i>05</i>

Foon
Phone No.

Huwelikstaat
Marital state *on* Geslag
Sex *F* Ras
Race *B*

Indeling
Classification *H1*

Beroep
Occupation *u/a* Geboortedatum
Date of birth *1953*

Dr.

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

Sy/Haar adres • His/Her address *M POU*

Naam van werkgewer • Name of employer

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 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) *4*

Meld ouderdomme van afhanklikes
State ages of dependants

Rede vir afhanklikheid
Reason for dependance *pm*

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 *03/04/92* Plek
Place Tyd
Time

Persoon wat beseerde ingebring het
Person who brought in the injured

Sy/Haar adres
His/Her address

Sy/Haar handtekening
His/Her signature *meda* en voertuig No.
and vehicle No. *Coer 4090*

Was beseerde: (i) Onder die invloed van drank?
Under the influence of liquor?
(ii) By sy/haar bewussyn?
Conscious?

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 Geteken
Signed

Datum
Date

Klagte
Complaint *PA3*

Huidige siekte
Present illness

ONDERSOEK/BEHANDELING/VORDERING
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

8/4

A/A

? # (R) wrist

also small lumps all over body

lyg



A Contusion (R) wrist.

- POP slab. B/E

- TC13 15. 4. 92. (A-r) lyg

R POP

x-r - NAD.

Discharged -

lyg.

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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