

Prisuilla Nskembile

Q A Q A N E

1. Pleadings.
- 
2. Uam prius
3. Med reps.
-

MEMO

PLAINTIFF'S FULL NAMES : Priscilla Notensile BAAANE

CASE NO. :

ADDRESS :

SA CITIZEN OR NOT :

Nature of injuries :

Date and time of incident :

Quantum :

Eye-witnesses :

Other witnesses :

Number of visits to doctor or hospital :

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

Employed or not :

Nature of employment :

Income and proof thereof :

Current state of injuries :

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

Names of assaulters :

Were criminal charges laid, if so where?

Was an ID parade attended?

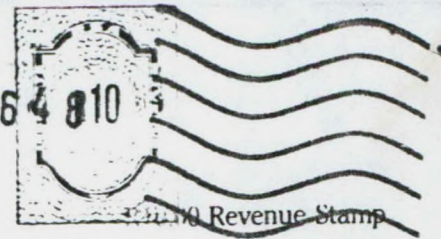


Issued by

*M. Tallah*

Case No.  
22.09.92

07264810



Clerk of the Court

CLERK OF THE COURT  
KLERK VAN DIE HOF

Date

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

Sued out by  
Nicholls, Cambanis, Koopasammy & Pillay  
c/o Adams & Adams  
Shorburg  
429 Church Street  
PRETORIA  
0002  
Postal address  
P.O. Box 1014 - PRETORIA - 0001

*C. Nicholls*

Signature of Plaintiff or his Attorney

In the Magistrate's Court for the District of Pretoria

held at Pretoria

Between PRISCILLA NOTEMBILE QAQANE

Plaintiff

and MINISTER OF DEFENCE

Defendant

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

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

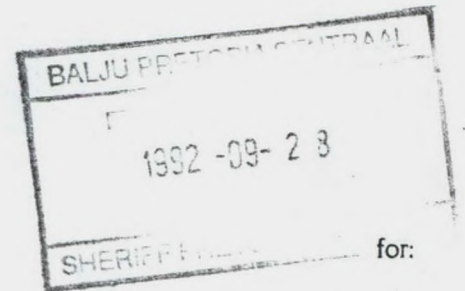
PRISCILLA NOTEMBILE QAQANE an adult female, messenger of full legal capacity resident at G 275 Phola Park, TOKOZA.

the plaintiff herein, particulars whereof are endorsed hereunder

**(1) Particulars**

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

SEE ANNEXURE.



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

Costs if the action is undefended will be as follows:

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

(See back)

## PARTICULARS OF CLAIM

1. The Plaintiff is PRISCILLA NOTEMBILE QAQANE an adult female, messenger of full legal capacity resident at G 275 Phola Park, TOKOZA.
2. The Defendant is the MINISTER OF DEFENCE, cited herein in his capacity as head of the SOUTH AFRICAN DEFENCE FORCE, and as such responsible for and in control of members of the SOUTH AFRICAN DEFENCE FORCE, c/o The State Attorney, 888 Royal St.Mary's Building, 85 Eloff Street, Johannesburg.
3. On or about the 9th April 1992 and at Phola Park, Tokoza, the Plaintiff was unlawfully and without lawful justification assaulted by members of the SOUTH AFRICAN DEFENCE Force, who at material times hereto were acting within the course and scope of their employment as members of the SOUTH AFRICAN DEFENCE FORCE.
4. As a consequence of the aforesaid assault, the Plaintiff suffered bodily injuries.
5. In consequence thereof, the Plaintiff has suffered damages in the amount of TWENTY THOUSAND RAND (R20 000.00) in respect of contumelia, pain and suffering, loss of amenities of life and disability.



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

WHEREFORE the Plaintiff claims : -

- a. Payment of the sum of R20 000.00;
- b. Interest on the aforesaid sum at the rate of 18.5% per annum from date of judgement to date of payment;
- c. Costs of suit;
- d. Further and/or alternative relief.

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

*C. Nicholls*

NICHOLLS, CAMBANIS,  
KOOPASAMMY AND PILLAY  
PLAINTIFF'S ATTORNEYS  
23RD FLOOR, KINE CENTRE  
141 COMMISSIONER STREET  
JOHANNESBURG  
REF : VS/PP/37

c/o Adams & Adams  
Shorburg  
429 Church Street  
P.O.Box 1014  
PRETORIA  
Tel; 320-8500  
Ref; M. BEDHESI/mvd P138/92

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

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

RETURN No.: 92/0,044,154.00  
CASE No. : 72648/92

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

BETWEEN  
PRISCILLA NOTEMBILE QAQANE

Plaintiff

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

Defendant

NATURE OF PROCESS:- SUMMONS COMMENCING ACTION (Ordinary)

ON 92/09/28 AT 15h40 THE ABOVEMENTIONED DOCUMENT WAS HANDLED IN THE MANNER  
INDICATED BELOW:

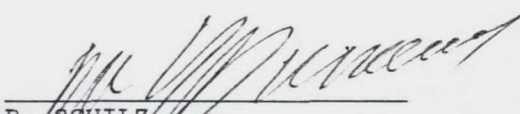
RETURN OF SERVICE : STATE ATTORNEY.

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 : 72648/92

In the matter between : -

PRISCILLA NOTEMBILE QAQANE

Plaintiff

and

MINISTER OF DEFENCE

Defendant

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

PRESENTED FOR FILING BY : -

*Chiswick*  
-----  
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 : 72648/92

In the matter between : -

PRISCILLA NOTEMPILE QAQANE

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

-----  
AFFIDAVIT IN TERMS OF RULE 10  
-----

I, the undersigned,

CAROLINE HEATON-NICHOLLS

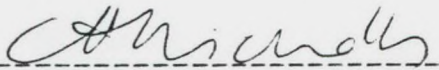
do hereby make oath and say that : -

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

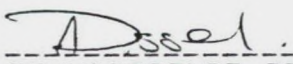


4. On the 15th December 1992 Defendant's attorneys requested that the further exchange of pleadings in the above matter be held in abeyance pending the outcome of Supreme Court actions relating to the same facts as this matter. Attached hereto is a copy of a letter from the Defendant's attorneys marked "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.



DEPONENT

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

  
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 The Centre  
141 Conyns Street, 2001

322-0900/1/2  
322-8522

X235

☎ "GOVAT"

FAX 322 0177

FEDLIFE FORUM  
SUIDTORING • SOUTH TOWER  
Van der Waltstraat  
Van der Walt Street  
PRETORIANavrae:  
Enquiries:

T W G BESTER



REPUBLIEK VAN SUID-AFRIKA • REPUBLIC OF SOUTH AFRICA

TWGE/MS

J 417  
My Verw. 9875/92/C13  
My Ref. ....  
U Verw. Mr Sithole  
Your Ref. ....DIE STAATSPROKUREUR  
THE STATE ATTORNEY  
Private Bag X91  
Private Bag  
PRETORIA  
0001

15 December 1992

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

Sirs

JACKIE HERBST AND THIRTY-THREE OTHERS / MINISTER OF DEFENCE

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

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

Yours faithfully

T W G BESTER  
FOR : STATE ATTORNEY (PRETORIA)



ANNEXURE "A"

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

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

  
AO



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

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No. **33251**

Naam voluit  
Name in full **Persulla Pearl Phoenix**

Volgno.  
Serial No.

Huisadres  
Residential address **Paver Park**

Opgeneem  
Admitted

Datum • Date	VM. A.M.	NM. P.M.
<b>9/4/88</b>		<b>10H0</b>

Foon  
Phone No.

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

Indeling  
Classification **H/C**

Beroep  
Occupation Geboortedatum  
Date of birth

Dr.

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

Sy/Haar adres • His/Her address

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)

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

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 **Meabe**

en voertuig No.  
and vehicle No. **Geex 4099**

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 **Meabe**

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 **ASS**

Huidige siekte  
Present illness



**SLEGS VIR AFSKEURSTROKIES  
FOR COUNTERFOILS ONLY**

Datum Date	Betelings • Payments	Datum Date	Betelings • Payments	Betelings • Payments
	Rekenings • Accounts			



ONDERSOEK/BEHANDELING/VORDERING  
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

7/4/92

A/A < symmetrical

inc. forehead

c/o pain (R) side of neck

F.C.

PEARL

X-rays — NAD







CIVIL CLAIMS

37

1. Claimant: PRISCILLA MOTHEWISILE QAOAME

(i) Full Name and Address of Claimant:

PRISCILLA MOTHEWISILE QAOAME  
4275 PHOLA PARK, TOKOZA, 1421  
\_\_\_\_\_  
\_\_\_\_\_

(ii) Occupation:

MESSENGER  
\_\_\_\_\_

(iii) Date of Birth:

600725 0754 08 1  
\_\_\_\_\_

(iv) Identity No:

600725 0754 08 1  
\_\_\_\_\_

(v) Telephone Nos:

834 - 5963 (w).  
\_\_\_\_\_  
\_\_\_\_\_

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

2 DATE & TIME OF INJURIES: 9/4/92 at ± 7am.

2.1. Cause of injuries:

ASSAULTED WITH SJAMBOKS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.2. State injuries sustained: & how & where sustained

- (i) ASSAULTED WITH SJAMBOK ON FOREHEAD - SUSTAINED  
wound on forehead. Sustained
- (ii) Assaulted with sjamboks on back - 7 long  
sjambok cuts covering length of back.

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3. Medical Treatment.

3.1. Provincial / Private Hospital where claimant was treated:

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MATALESPRUIT HOSPITAL

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

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3.3 Hospital No: ~~334251~~ 33251/92 .

3.4 Date of Admission and Date of Discharge:

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9/4/92 - TREATED AND DISCHARGED .

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5. Employment

5.1. Occupation:

MESSENGER

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

SAFIA CO. LTD

P.O. BOX 790

NEWTOWN

2113

5.3. Period of his employment, from 24/1/1990  
to \_\_\_\_\_.

5.4. Date of Resumption of Work:

21/4/92

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

R750.00 pm. = R9000 p.a.

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

DECEASED

6.1. Full Names and Addresses: of Dependants.  
How much support receiving if parents (eg. R100 pm)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
M/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6.2. Relationship to deceased:

M/A  
\_\_\_\_\_  
\_\_\_\_\_

6.3. Date of Birth:

M/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6.4. Occupation: Income at Date of Death

\_\_\_\_\_  
\_\_\_\_\_  
M/A  
\_\_\_\_\_  
\_\_\_\_\_

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

M/A  
\_\_\_\_\_  
\_\_\_\_\_



H/A

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

H/A

7. Injuries:

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

(I) Spinal wound on forehead - not completely healed  
 (II) <sup>7</sup> ~~Spinal~~ long spinal wound on back covering length of back.

PERMANENTLY SCARRED - CANNOT ALSO BEND BACK WITHOUT FEELING PAIN.

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

SEVERE PAIN: 2 WEEKS

MILD PAINS: 1 WEEK -

\* ALSO FEELS MILD PAINS WHEN BENDING BACK

8. IDENTITY PARADE

8.1 Did you attend I.D. parade? NO

8.2 Did you point someone out? N/A.

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

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

9. Point out shack on map

0 Miscellaneous



TO : THE SUPERINTENDENT  
MUTUSAPPAI HOSPITAL

CONSENT TO SUPPLY CONFIDENTIAL MEDICAL REPORT

NAME OF PATIENT : Priscilla Angane  
HOSPITAL REFERENCE NO : 33251/92  
DATE OF TREATMENT : 9/4/92

I, the undersigned,

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

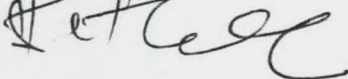
NICHOLLS, CAMBANIS, KOOPASAMMY & PILLAY  
23RD FLOOR, KINE CENTRE  
141 COMMISSIONER STREET  
JOHANNESBURG

as a matter of urgency.

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

SIGNED at Johannesburg on this the 18<sup>th</sup> day of October 1994

AS WITNESSES

1. 

2.

Priscilla N. Angane  
SIGNATURE OF CONSENTEE  
OR RIGHT HAND THUMB

AFFIDAVIT

I, the undersigned

PRISCILLA QAGANE

do hereby make oath and say that :-

1. I am an adult female person of 9275 Phola Park, Tokoza, the facts herein contained are within my personal knowledge and are both true and correct.
2. On the 8th April 1992, I heard shooting at or about 9pm. There was noise in the streets made by people screaming and shouting. I also heard doors breaking. I remained in my shack with my six year old son. Nobody came to my shack that night.
3. On the 9th April 1992 at or about 7am, the door to my shack was kicked open. One Black soldier entered the shack and demanded to know where my husband was. I told him that my husband was at work. He then assaulted me with a sjambok. I ran from the shack and fell on top of the fence. He caught up with me and assaulted me again with a sjambok. My son was screaming. He assaulted for some minutes and left me when I was lying on the ground.
4. I sustained a wound on my forehead and P.N.Q sjambok cuts on my arms and back. I was taken to Mafikeng Hospital where I was -

P.N.Q MT



twated and discharged

Priscilla Gogane  
DEPONENT

THIS DONE AND SIGNED BEFORE ME AT TOKOZA ON THIS THE  
14 DAY OF APRIL 1992

THE DEPONENT HAVING ACKNOWLEDGED THAT SHE KNOWS AND UNDERSTANDS  
THE CONTENTS OF THIS DECLARATION AND CONSIDERS THE OATH  
TO BE BINDING ON HER CONSCIOUS.

M. Taylor.

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







A. KLAGTE:

Aangerand thalajare Hooftelecring.

- (1) Soms hoofpyn + duiselig.
- (2) Rugpyn.

B. GESKIEDENIS:

(1) Hoofpyn:  
Biparitale hoofpyn by tye.  
Parade help.  
geen flantes of epilepsie nie.  
hees goed (4 meter)

(2) Dorsale rugpyn as hard werk.  
Nee elke dag nie.  
geleent. Rub - rub.

C. FISIENE BEVINDINGS:

BFO: Oorgewig ++  
Kraniaal sensories uitakt  
Neurologies uitakt  
BFO 180/120.



Ureumkolon wty.

D. SPESIALE ONDERSOEKE:

Geen

Diagnose: Oetung

Hipertensie

Geen sequelae aanwending na.

E. KORT OPSOMMING VAN GESKIEDENIS, FISIESE ONDERSOEK, SPESIALE ONDERSOEKE, DIFFERENSIËLE DIAGNOSE, BEHANDELING EN BEHANDELINGSPLAN, MET ONTSLAG: DEPARTEMENTELE OPINIE:  DISCIPLINE:

Kwantum: Laag < R2000

Symptome waarskynlik ago eetung en hipertensie



**Collection Number: AK2702**

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

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