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CASE NO: 93/13246

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

In the matter between -

**DABULA, NOVELA PAULINA
and twenty-nine others**

PLAINTIFFS

and

THE MINISTER OF DEFENCE

DEFENDANT

**MINUTES OF PRETRIAL CONFERENCE HELD ON 2 AUGUST 1994
AT 14H00 - 16H00 IN THE CHAMBERS OF BARRIE ROUX
(COUNSEL FOR THE DEFENDANT)**

PRESENT

MR JEAN PRETORIUS (Attorney for the defendant)
MR BARRIE ROUX (Counsel for the defendant)
MR KOBUS LOWIES (Counsel for the defendant)

MS CAROLINE NICHOLLS (Attorney for the plaintiffs)
MR VUSI SITHOLE (Candidate Attorney, on behalf of the
plaintiffs)
MS ELNA REVELAS (Counsel for the plaintiffs)


THIS PRETRIAL CONFERENCE was preceded by three informal pretrial meetings with a view to agree on as many issues as possible for the hearing of this matter. Such meetings occurred on a day in March 1994, and on 20 and 24 May 1994.

- 1 The defendant's questions to the plaintiffs in terms of rule 37 was handed to the plaintiffs' attorney, and it was agreed that the plaintiffs' questions in terms of rule 37 will be handed to the defendant, together with the plaintiffs' answers to the defendant's questions before the next meeting.
- 2 The parties agreed that the plaintiffs' attorney will provide the defendant's attorney with a written reply to the defendant's offers in respect of quantum as set out in the letter from the defendant's attorneys dated 18 July 1994, to the plaintiffs' attorneys.
- 3 The plaintiffs will reply to the defendant's requests for further particulars as soon as possible.
- 4 The parties agreed, in respect of Plaintiff HLALISILE MAKAULA, that the two medico-legal experts for the plaintiffs and defendant respectively would have a joint meeting to discuss their medico-legal reports

and shall submit a joint report by no later than 17 August 1994, wherein they would set out which aspects regarding the plaintiffs concerned they agree upon, and stipulate those aspects in which they are not in agreement.

- 5 None of the parties felt that they are prejudiced because of non-compliance with the rules by any party. The plaintiffs have agreed to furnish the defendant with birth certificates in respect of the GUSHA and DUBE plaintiffs as soon as possible before trial. The plaintiffs further agree that the defendant will be furnished with the plaintiffs' pleas to the defendant's amended pleas (including the unrest regulations) as soon as possible, and the plaintiffs further agreed that the defendant will be furnished with the replies to the defendant's request for further particulars within the next three weeks.
- 6 Settlement proposals were furnished in writing, and the parties have met on several occasions to react to various proposals and offers.
- 7 None of the issues in this matter has been referred for mediation, arbitration or decision by a third party.

8 The parties have not canvassed whether the cases should be transferred to another court.

 9 There are ~~no~~ issues which should be decided separately in terms of rule 33(4).

10 Admissions made by each party are contained in their respective rule 37(4)(a) notices.

11 Presently the plaintiffs assume the duty to begin.

12 There is no agreement regarding the production of proof by way of an affidavit in terms of rule 38(2).

13 The plaintiffs are presently preparing a bundle. Pending settlement, the parties will revert to each other on this aspect.

14 The Goldstone Commission Record will, without further proof, serve as evidence of what they purport to be, which extracts may be proved without proving the whole document. This record will form part of the aforesaid bundle.

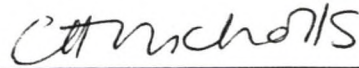
15 The parties agreed to meet again.

/DATED at ...

DATED at JOHANNESBURG this 17th day of AUGUST 1994



J PRETORIUS
For the Defendant



C NICHOLLS
For the Plaintiffs

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

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