

Dr G.A. Versfeld

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

TELEPHONE/TELEFOON 884-5105/6
RESIDENCE/WONING 702-2031
ACCOUNT QUERIES 883-3500
FAX; 883-3350

P.O.BOX 651194
BENMORE
2010

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

14/10/1993

NICHOLLS CAMBANIS & SUDANO
P O BOX 8694
JOHANNESBURG
2000.

MEDICO-LEGAL REPORT.

NAME : MR STEPHEN MAVIMBELA
DATE OF BIRTH : 1953
OCCUPATION : SELF EMPLOYED
DATE OF ASSAULT : 08/04/1992
DATE OF EXAMINATION : 25/08/1993

HISTORY

At approximately 9 p.m. on 08/04/1992 Mr Stephen Mavimbela was assaulted with the butt of a rifle on his left arm and on his head.

As a result of the assault he sustained a cut over his left forehead, a cut over his left forearm and a fracture of his left hand.

2/...During

During the assault he fell to the ground but says that he did not lose consciousness.

He was taken by ambulance to the Natalspruit Hospital the next day. There X-rays were taken of his left forearm and he was told that he had a fracture of his second finger and the wounds on his forehead and left forearm were stitched. A cast was applied to his left forearm.

The cast was removed after approximately one month. At this stage the sutures in his arm were removed.

While the cast was on he experienced severe pain in his hand and required tablets to control this pain.

Following removal of the cast the pain subsided, however since then he has been unable to lift heavy objects as this causes pain. He also experiences occasional pain in his hand during cold weather.

PRESENT COMPLAINTS

When he lifts heavy objects his left hand tires quickly. His left hand is not as strong as the right as it was prior to the assault.

GENERAL HEALTH PRIOR TO THE ASSAULT

His general health was good. He was on no medications, and he had no problems with his left hand or arm.

EMPLOYMENT

At the time of the assault he had a Spaza shop where he sold cold drinks etc and transported people to various places of employment in a van.

Following the assault he was unable to work for a month as he was unable to drive and was obliged to hire extra help to take care of his business.

After one month he was able to do most things in his business however he was unable to carry heavy objects like cold drink crates and continues to need assistance for this.

SOCIAL AMENITIES

He finds that he is unable to hold his baby for a long time as his left hand tires rapidly. He is also unable to carry heavy objects as his left hand is not as strong as it was prior to the assault.

EXAMINATION FINDINGS

Mr Stephen Mavimbela appeared generally well.

SCARRING

There was a 2.5 cm by 4 mm curved laceration over the dorso-lateral aspect of his left forearm.

There were two large stitch marks crossing this scar. There was an underlying depression in the contour of the forearm underlying the scar.

There was a 2 cm scar visible on his left forehead the remainder of the scar was hidden by hair but was palpable.

RELATED TO THE LEFT HAND

There was a tenderness and swelling over the second metacarpo-phalangeal joint there was also thickening along the shaft of the second metatarsal. There was a detectable reduction in grip strength of the left hand when compared to the right.

SPECIAL INVESTIGATIONS

X-rays of his left hand were taken on 25/08/1993 (Radiologists report enclosed).

DIAGNOSIS

As a result of the assault he sustained lacerations to his left forehead and left forearm. These have resulted in scars to these areas which will remain as permanent disfigurements.

RELATED TO THE LEFT HAND

He apparently sustained a fracture to his left second finger. The X-rays taken on 25/08/19993 do not show signs of a previous fracture but one must assume that this healed in very satisfactory position, however there remains tenderness and swelling of his second left metacarpo-phalangeal joint and some thickening over the shaft of the second metacarpal bone.

This implies that some damage was done to the second metacarpo-phalangeal joint and that the damage is significant as it is present more than sixteen months following the assault.

PROGNOSIS AND FUTURE MEDICAL COSTS

At the present time it would be reasonable to treat Mr Mavimbela's left hand with physiotherapy and a course of an anti-inflammatory agent to try and settle the inflammation in the metacarpo-phalangeal joint. It would be reasonable to allow for ten such sessions of physiotherapy costing approximately R 100,00 each and an anti-inflammatory agent which would cost in the region of R 160,00. This treatment should improve his left hand function and settle his symptoms. However it is possible that further anti-inflammatory treatment may be necessary. It would be reasonable to allow a sum of R 480,00 for this purpose.

6/...CONCLUSION

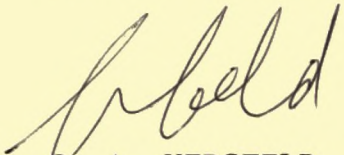
CONCLUSION

As a result of his assault on 08/04/1992 Mr Stephen Mavimbela sustained lacerations to his forehead and forearm these remain as permanent scars.

He also sustained an injury to his left hand with resultant loss of function of this hand.

His arm was placed in a plaster cast for approximately one month which prevented him from working during this period. Following this he continues to suffer disability both at his work and in his social amenities.

I find no reason to suspect that his life expectancy has been altered by this assault.



G. A. VERSFELD.

FCS (S A) Orth.

RADIOLOGISTS ● RADIOLOË

Dr. HYMIE LÜNTZ
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
Sandton Clinic / Kliniek, Lyme Park
Tel: 706-6166

Jeppe Street / Straat
Morningside Clinic / Kliniek
Hill Road off Rivonia Road
Tel: 883-3320

P.O. Box / Posbus 4878 Johannesburg 2000
Kempton Park, Trust Bank
Tel: 975-0121, 975-0191

Tel: 337-5022
Emergency / Noodgevalle
Autopage Tel: 804-2777

MEDICO LEGAL
A/A

DOI: 08/04/92

Z46089

40Y
DEL
Morningside (General)


MR STEPHEN MAVIMBELA
NICHOLLS CHAMBANIS &
SUDAMO ATTORNEYS BOX 8694
JOHANNESBURG 2000

25/08/93
DR G VERSFELD

PRACTICE NO 3800482

LEFT HAND

There is no evidence of a past or recent fracture and there is no osteitis or periostitis or any deformity of the metacarpals or phalanges and there is no subluxation or any arthritic change and the soft tissues of the hand appear normal.



DR PAUL SPIRO
PS/dcc

1992 -09-30
PRETORIA 2000
LOCAL DIVISION
THE SUPREME COURT

1992 -09-30
PRETORIA 2000
LOCAL DIVISION
REGISTRAR OF THE SUPREME COURT

**COMBINED
SUMMONS**

Case No.: 92/26554

**In the Supreme Court of South Africa
(WITWATERSRAND LOCAL DIVISION)**

In the matter between:

STEFANIE STEPHEN MAVIMBELA

Plaintiff.

and

THE MINISTER OF DEFENCE

Defendant.

**ONTVANG
RECEIVED**
1992 -10-01
BALJU — SHERIFF
LANDDROSHOF
MAGISTRATE'S COURT
PRETORIA-WES / WEST

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 the South African Defence Force members, 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

STEFANIE STEPHEN MAVIMBELA, an adult self employed male, resident at F180 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.

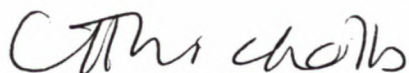
INFORM the Defendant(s) further that if the Defendant(s) fails/fail to file and serve notice as aforesaid, Judgment as claimed may be given against the Defendant(s) without further notice to the Defendant(s), or if having filed and served such notice, the Defendant(s) fails/fail to plead, except, make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



Registrar of the Supreme Court



NICHOLLS, CAMBANIS & SUDANO

Attorneys of Plaintiff(s),

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

ANNEXURE "A"

PARTICULARS OF CLAIM

1. Plaintiff is STEFANE STEPHEN MAVIMBELA, an adult self employed male, whose date of birth is 26 October 1956, resident at F180 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 on the top of his head;
 - 4.2 a broken left arm.
5. The disabilities suffered by plaintiff as a result of the injuries are as follows:-
 - 5.1 temporary disability in that Plaintiff was unable to use his left arm, which was in a plaster cast, for about two months.

6. As a result of the bodily injuries sustained, Plaintiff has suffered damages in the amount of R30 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 R30 000,00.

8. In the premises Defendant is liable to Plaintiff in the amount of R30 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 R30 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
COUNSEL FOR PLAINTIFF

C. Nicholls

NICHOLLS AND CAMBANIS
PLAINTIFF'S ATTORNEYS
23RD FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG
REF: VS/PP/41

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION

CASE NO: 92/26554
P/H 308

In the matter between:-

MAVIMBELA STEFANIE STEPHEN

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
JOHANNESBURG

BUSINESS ADDRESS: S.A. DEFENCE FORCE HEADQUARTERS, DEQUAR ROAD,
PRETORIA.

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
JOHANNESBURG

.... /2

REFER TO: G. BOWEN
REFER NO: 6646/92/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 : 92/26554

In the matter between:

MAVIMBELA, Stefanie Stephen

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 Stephanie Stephen Mavimbela, 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/
6646/92/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/41**

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: 92/26554

In the matter between:-

MAVIMBELA STEFANIE STEPHEN

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: 6646/92/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 : 92/26554

In the matter between : -

MAVIMBELA, Stefanie Stephen

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.

CT Nicholls

NICHOLLS, CAMBANIS &
SUDANO
PLAINTIFFS' ATTORNEYS
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/41

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/6646/92/P5

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

FOR : DEFENDANT'S ATTORNEYS



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

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No.

33222

92

Naam voluit / Name in full: *Steven Maximbele*

Volgno. / Serial No.

Huisadres / Residential address: *F-18 Phala Park*

Datum • Date	VM. A.M.	NM. P.M.
<i>09.04.92</i>	<i>9H00</i>	

Opgeneem / Admitted

Foon / Phone No.

Indeling / Classification

Huwelikstaat / Marital state: *Wed* Geslag / Sex: *mele* Ras / Race: *Black*

Beroep / Occupation: *Unemployed* 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: *As Above*

Naam van werkgever • Name of employer: *NO INCOME*

Adres van werkgever • 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 *NO INCOME*

Ander afhanklikes • Other dependants R

Totaal • Total R

*Getal persone in gesin (broodwinner ingesluit) / Number of persons in household (including breadwinner) *2*

Meld ouderdomme van afhanklikes / State ages of dependants *13YR 8YR 3YR*

Rede vir afhanklikheid / Reason for dependence *Family*

* (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: *08.04.92* Plek / Place: *Phala* Tyd / Time: *12H30*

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

Sy/Haar adres / His/Her address

Sy/Haar handtekening / His/Her signature: *M. M. M.* en voertuig No. / and vehicle No. *GCY 4099*

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

Geteken: Opnemingsbeampte / Signed: Admitting officer: *M. M. M.*

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: *All*

Huidige siekte / Present illness

ONDERSOEK/BEHANDELING/VORDERING
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

9/4/92

#10 — assault on the left side
of head,
left forearm & left hand
pt. is conscious, oriented

x-ray skull (b.v) —
x-ray left forearm —
x-ray " hand

MC II (L) (crack)

→ suturing of wounds

Then to POP clinic

- POP slab B/E

- TCB 24. 4. 92

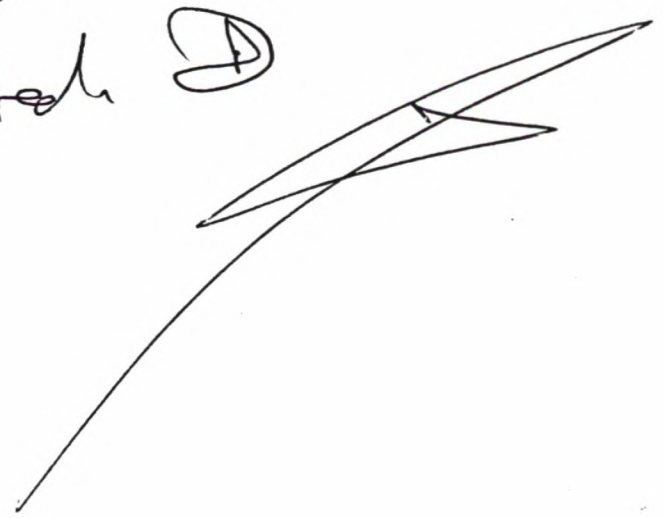


24.4.92

RPOP

written





HOSPITAAL
HOSPITAL

AFDELING
WARD

Pasiënt • Patient

Pasiëntnommer
Patient's Number

Ouderdom
Age

Indeling
Classification

33222

Datum
Date

Voorskrif besonderhede
Details of prescription

Hoëv. uit.
Qty. issd.

Apteker
Pharmacist

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

9/4

PLEASE CLEAN & SUTURE
PENILENTE 2ML 1ML
STAT. PANADO 2,6 HOURLY
TETANUS TOXOID 0,5 ML S.O.

Then up to PC clinic
Panado 2 tab/sh/3d

As hierdie woorde "of ekwivalent" nie deur die voorskrywer geskraap word nie dui dit aan dat die goedgekeurde generiese ekwivalent uitgereik mag word.
If the words "or equivalent" are not deleted by the prescriber this will indicate that the approved generic equivalent may be supplied.

TO : THE SUPERINTENDENT
NATALSPRUIT HOSPITAL

CONSENT TO SUPPLY CONFIDENTIAL MEDICAL REPORT

NAME OF PATIENT : STEVEN MAUMBEKA
HOSPITAL REFERENCE NO : 33222/92
DATE OF TREATMENT : 9/4/92

I, the undersigned,

STEVEN MAUMBEKA

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. *[Signature]*
2. *[Signature]*

STEVEN MAUMBEKA
SIGNATURE OF CONSENTEE
OR RIGHT HAND THUMB

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

CASE NO : 92/26554

In the matter between : -

MAVIMBELA, Stefanie Stephen

Plaintiff

and

THE MINISTER OF LAW AND ORDER

Defendant

NOTICE IN TERMS OF RULE 37

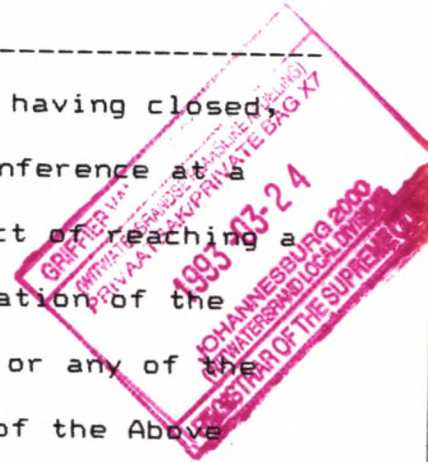
KINDLY TAKE NOTICE that Pleadings in this matter having closed, the Defendant is hereby requested to attend a conference at a mutually convenient time and place with the object of reaching a agreement of possible ways of curtailing the duration of the Trial in this action and in particular as to all 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/41

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/6646/92/P5

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

FOR : DEFENDANT'S ATTORNEYS

STAATSPROKUREUR
PRIVAATSAK/PRIVATE BAG X9 JOHANNESBURG 2000 ONTYANG SONDER BENADELING VAN REGTE
1993 -03- 23
RECEIVED WITHOUT PRESENCE OF RIGHT
TYD/TIME <u>4:05</u>
STATE ATTORNEY

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26554

In the matter between:

MAVIMBELA, Stefanie Stephen

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/
6646/92/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/41

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 : 92/26554

In the matter between:

MAVIMBELA, Stefanie Stephen

Plaintiff

and

MINISTER OF DEFENCE

Defendant

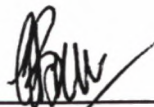
NOTICE IN TERMS OF RULE 28(5)

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/
6646/92/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/41

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 : 92/26554

In the matter between:

MAVIMBELA, Stefanie Stephen

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 **Stephanie Stephen Mavimbela**, 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 92/26554

In the matter between:

MAVIMBELA, STEFANIE STEPHEN

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 his identity document and birth certificate;

1.1.2 his 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 he 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 him 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 lacerations on the top of his head.

3.2 Were the lacerations sutured?

3.3 Plaintiff is requested to state the nature and extent of the injury to his left arm.

3.4 What caused the following injuries:

3.4.1 the lacerations on the top of his head;

3.4.2 the broken left arm.

3.5 What was the nature, extent and duration of the treatment to:

3.5.1 the lacerations on the top of his head;

3.5.2 the broken left arm.


4. AD PARAGRAPH 5

The exact nature, extent and duration of the disability to use his left arm is requested.


5. AD PARAGRAPHS 6 AND 7

What was the nature, extent and duration of the pain and suffering?

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:

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
..... DAY OF JULY 1993.



for: PLAINTIFF'S ATTORNEYS

WITHOUT PREJUDICE

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

SAAKNOMMER: 92/26554

In die saak tussen:-

MAVIMBELA STEFANIE STEPHEN

Eiser

en

DIE MINISTER VAN VERDEDIGING

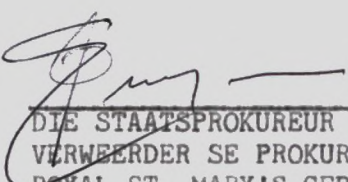
Verweerder

KENNISGEWING VAN ADRESVERANDERING

GELIEWE KENNIS TE NEEM dat met ingang 1 Junie 1994, die nuwe adres van die Staatsprokureur soos volg sal wees:-

DIE STAATSPROKUREUR
10DE VLOER
NORTH STATEGEBOU
MARKETSTRAAT 95
H/V KRUISSTRAAT
JOHANNESBURG

GETEKEN te JOHANNESBURG op hierdie 20^e dag van MEI 1994.


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

VERW NA: J. PRETORIUS/kb
VERW NO: 6646/92/P33
TEL: 29-2961

AAN:

Die Griffier van die
Bogemelde Agbare Hof
JOHANNESBURG

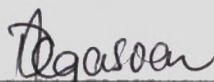
EN AAN:

NICHOLLS & CMBANIS
EISER SE PROKUREUR
23STE VLOER
KINE CENTRE
COMMISSIONERSTRAAT
JOHANNESBURG

VERW: VS/PP/41D

AFSKRIF ONTVANG OP HIERDIE

^{24 04}
24 DAG VAN MEI 1994.



nms/EISER SE PROKUREUR

WITHOUT PREJUDICE

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

HOSPITAAL • HOSPITAL

PASIENT • PATIENT No. 33222/92

Naam voluit / Name in full: Steven Mawimbela

Huisadres / Residential address: P-18 Phela Park

Phelora Foon / Phone No. Nu

Huwelikstaat / Marital state: Mvd Geslag / Sex: male Ras / Race: Black

Beroep / Occupation: Unemployed Geboortedatum / Date of birth: 1953

Volgno. / Serial No.

Opgeneem / Admitted

Datum • Date	VM. A.M.	NM. P.M.
09.04.92	9H00	

Indeling / Classification: H

Dr.

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

Sy/Haar adres • His/Her address: As Above

Naam van werkgewer • Name of employer: NO INCOME

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 NO INCOME R

Ander afhanklikes • Other dependants R

Totaal • Total R

*Getal persone in gesin (broodwinner ingesluit) / Number of persons in household (including breadwinner): 2

Meld ouderdomme van afhanklikes / State ages of dependants: 13-14 8-10 3-12

Rede vir afhanklikheid / Reason for dependence: Family

* (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: 08.04.92 Plek / Place: Phela Tyd / Time: ± 22H30

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

Sy/Haar adres / His/Her address

Sy/Haar handtekening / His/Her signature: Mawimbela en voertuig No. / and vehicle No. GCY4099

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

(ii) By sy/haar bewussyn? / Conscious?

Geteken: Opnemingsbeampte / Signed: Admitting officer: Mawimbela

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: All

Huidige siekte / Present illness

ONDERSOEK/BEHANDELING/VORDERING
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

9/4/92

#po assault on the left side
of head,
left forearm & left hand
pt. is conscious, oriented,

x-ray skull (b.v) —
x-ray left forearm —
x-ray " hand —

MC II (L) (Crack)

→ suturing of wounds

Then to POP clinic

- POP slab B/E
- TCB 24. 4. 92



24.4.92

RPOP

written



-HOSPITAAL
HOSPITAL

AFDELING
WARD

Pasiënt • Patient

Pasiëntnommer
Patient's Number

Ouderdom
Age

Indeling
Classification

33222

Datum
Date

Voorskrif besonderhede
Details of prescription

Hoëv. uit.
Qty. issd.

Apteker
Pharmacist

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

of ekwivalent

or equivalent

9/4

PLEASE CLEAN & SUTURE
PENILENTE 2ML 1ML
STAT. PANADO 2,6 HOURLY
TETANUS TOXOID 0,5 ML S.O.

Thru up to POP clinic
Panado 2 tab/sh/3d

As hierdie woorde "of ekwivalent" nie deur die voorskrywer geskraap word nie dui dit aan dat die goedgekeurde generiese ekwivalent uitgereik mag word.

If the words "or equivalent" are not deleted by the prescriber this will indicate that the approved generic equivalent may be supplied.

CIVIL CLAIMS

30.

41

1. Claimant: STEFANE STEPHEN MAVIMBELA

(i) Full Name and Address of Claimant:

STEFANE STEPHEN MAVIMBELA
F180 PHOLA PARK, TOKOZA 1421

(ii) Occupation:

UNEMPLOYED BUT TRANSPORT SHIFT WORKERS
TO ALRODE.

(iii) Date of Birth:

26-10-~~08~~ 1956

(iv) Identity No:

561026 5729 of 8.

(v) Telephone Nos:

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

2 DATE & TIME OF INJURIES : 8/4/92 at ± 11.30 pm.

2.1. Cause of injuries:

ASSAULTED BY RIFLE BUTTS. ~~ON HEAD~~

2.2. State injuries sustained: & how & where sustained

- ① ASSAULTED TWICE ON HEAD BY RIFLE BUTTS. SUSTAINED TWO WOUNDS NECESSITATING 3 STICHES EACH.
- ② ASSAULTED BY RIFLE BUTT ON HEAD - SUSTAINED -

BROKEN LEFT ARM, (L) ARM PUT ON POP and
also necessitated 3 stitches.

3. Medical Treatment.

3.1. Provincial / Private Hospital where claimant was treated:

MATA SPRUIT HOSPITAL.

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

3.3 Hospital No: 33222 / 92 .

3.4 Date of Admission and Date of Discharge:

9/4/92 - TREATED AND DISCHARGED .

5. Employment

5.1. Occupation:

~~UNEMPLOYED~~ SELF EMPLOYED

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

N/A

5.3. Period of his employment, from

N/A
to _____.

5.4. Date of Resumption of Work:

~~1/1~~ MAY 1992

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

R600 pm = R7200 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 RUCOPM)

N/A .

6.2. Relationship to deceased: N/A .

6.3. Date of Birth: N/A .

6.4. Occupation: Income at Date of Death
N/A .

6.5. Name and Address of Employer at date of Death:
N/A .

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

N/A

7. Injuries:

7.1. Brief description of injuries: Does it effect their jobs or loss of amenities (eg. can't play football etc)
 2. wounds on head, broken left arm and wound on left arm. was unable to drive car until May 1992. CANNOT LIFT OBJECTS WITH (L) HAND.

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

① SEVERE PAIN ON HAND FOR 3 WEEKS STILL EXPERIENCING MILDER PAIN FOR ~~4~~ WEEKS.

② SEVERE PAIN FOR 1 WEEK.
 MILD PAIN FOR 2 WEEKS.

8. IDENTITY PARADE

8.1 Did you attend I.D. parade : YES.

8.2 Did you paint someone out : NO.

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

8.4 If could not paint someone out, why not
I WAS ASSAULTED AT NIGHT AND A TURRET WAS PAINTED
AT MY FACE.

9. Point out shack on map

10 Miscellaneous

MAVIMBELA, STEFANIE,
STEPHEN.

1. Pleadings.
2. Claim forms.
3. Med Reports.
4. Dueskins, for the info.
5. Statement → Goldstone C.

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

PUBLISHER:

Publisher: Historical Papers, University of the Witwatersrand

Location: Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand by the Church of the Province of South Africa.