

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/26559

P/H 308

In the matter between:-

NQONYWA BONGIWE

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

---

NOTICE OF INTENTION TO DEFEND

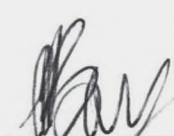
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BE PLEASED TO TAKE NOTICE THAT the abovenamed Defendant intends to defend this action and has appointed the following address as the address for the service upon him of all notices and documents in the action:-

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

---

REFER TO: G. BOWEN  
REFER NO: 7303/92/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 <sup>*November*</sup> ~~OCTOBER~~ 1992

  
\_\_\_\_\_  
For/PLAINTIFF'S ATTORNEY

WITHOUT PREJUDICE  
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26559

In the matter between:

NQONYWA, Bongwiwe

Plaintiff

and

MINISTER OF LAW AND ORDER

Defendant

---

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

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1. AD PARAGRAPH 1:

Save to admit that Plaintiff is Bongwiwe Ngonywa, 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.

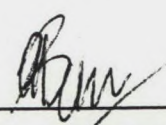
WHEREFORE Defendant prays that Plaintiff's claim be dismissed with costs.

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/  
7303/92/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/53**

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: 92/26559

In the matter between:-

NQONYWA BONGIWE

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

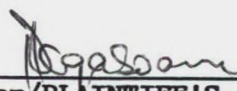
REFER TO: G. BOWEN  
REFER NO: 7303/92/P5/JC  
TEL NO: 29 2961

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 : 92/26559

In the matter between : -

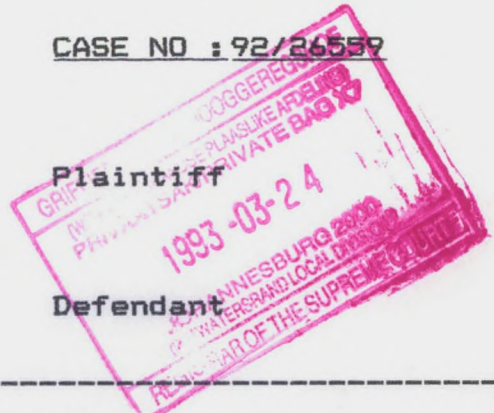
NGONYWA, Bongwiwe

and

THE MINISTER OF LAW AND ORDER

Plaintiff

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 <sup>5</sup> day of JANUARY 1993.

*C. Richards*

NICHOLLS, CAMBANIS,  
AND SUDANO  
ATTORNEYS FOR PLAINTIFF  
23RD FLOOR, KINE CENTRE  
141 COMMISSIONER STREET  
JOHANNESBURG  
REF : VS/PP/53

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/7303/92/P5

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

Warch

-----  
FOR : DEFENDANT'S ATTORNEYS

<b>STAATSPROKUREUR</b>
PRIVAATSAKPRIVATE 283 K9 JOHANNESBURG 2000
ONTVANG SONDER BENADELING VAN REGTE
1993 -03- 23
RECEIVED WITHOUT PREJUDICE OF RIGHTS
TYD/TIME ..... <u>WOS</u>
STATE ATTORNEY

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26559

In the matter between:

**NQONYWA, Bongiwe**

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/  
7303/92/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/53

Received copy hereof on this the  
...<sup>15</sup>... day of March 1993.

  
\_\_\_\_\_  
for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE  
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26559

In the matter between:

NQONYWA, Bongiwe

Plaintiff

and

MINISTER OF DEFENCE

Defendant

---

**NOTICE IN TERMS OF RULE 28(5)**

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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/  
7303/92/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/53

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 : 92/26559

In the matter between:

**NQONYWA, Bongiwe**

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 **Bongiwe Nqonywa**, 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 Number : 92/26559

In the matter between:

NOONYWA, Bongwe

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

---

DEFENDANT'S REQUEST FOR FURTHER PARTICULARS FOR PURPOSES OF  
TRIAL, WITH REFERENCE TO PLAINTIFF'S PARTICULARS OF CLAIM

---

1. AD PARAGRAPH 1:

- 1.1 A copy of Plaintiff's birth certificate is requested.
- 1.2 Where was Plaintiff resident at the time of the alleged assault referred to in paragraph 3 of Plaintiff's Particulars of Claim?
- 1.3 Was Plaintiff employed at the time of the alleged assault and, if so, full details of his employer are required.

1.4 Is Plaintiff a South African Citizen?

1.5 If not, does 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 Was Plaintiff assaulted by one or more members of the South African Defence Force?

2.2 If more than one member, how many members assaulted Plaintiff?

2.3 Plaintiff is requested to give a description of each of the members responsible for his assault in order to enable Defendant to identify the said member(s).

2.4 Was/were the member(s) clothed in uniform? If so, a description of the uniform is requested.

2.5 On what basis is it alleged that Plaintiff was

assaulted by a member(s) of the South African Defence Force?

2.6 Where exactly in Phola Park was Plaintiff at the time of the assault?

2.7 When exactly was Plaintiff assaulted, with specific reference to the date and time of the assault?

3. AD PARAGRAPH 4:

3.1 The x-rays reflecting the fracture to Plaintiff's left and right arms are required.

3.2 Where exactly was the fracture to Plaintiff's left arm?

3.3 Where exactly was the fracture to Plaintiff's right arm?

3.4 What was the extent of the bruising to the back, right leg and left thigh?

3.5 What caused the injuries referred to in paragraphs 4.1 to 4.3?



4. AD PARAGRAPH 5.2:

4.1 Does Plaintiff still suffer from a disability as regards the use of her arms?

4.2 If so, to what extent is Plaintiff still unable to use her arms?

5. AD PARAGRAPH 5.3:

5.1 Did the pain cease after the period of three weeks?

5.2 Does Plaintiff still suffer from any pain? If so, what is the extent of the pain?

6. AD PARAGRAPH 6:

How is the amount of R250 000,00 calculated?

7. AD PARAGRAPH 7.1:

- 7.1 In what capacity would Plaintiff have earned income?
- 7.2 Was Plaintiff previously employed?
- 7.3 If so, Plaintiff is requested to furnish full details thereof, with specific reference to the following:
- 7.3.1 the name(s) and address(es) of previous employers for the five years prior to the incident;
  - 7.3.2 the occupation of Plaintiff in each instance;
  - 7.3.3 the duration of each employment;
  - 7.3.4 the monthly gross and nett income received.
- 7.4 Was Plaintiff trained for any occupation or trade? If so, full details thereof are required.
- 7.5 What is Plaintiff's highest academic qualification?

7.6 What is Plaintiff's highest technical qualification?

7.7 Which school/s did Plaintiff attend, with reference to the following:

7.7.1 the name(s) and address(es) of the school(s);

7.7.2 the dates that Plaintiff attended the said school(s); and

7.7.3 all available school reports.

8. AD PARAGRAPH 7.2:

How is the amount of R1 200,00 calculated?


9. AD PARAGRAPH 7.4:

How is the amount of R235 000,00 calculated?

10. AD PARAGRAPH 7.5:

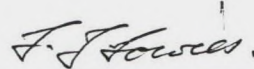
- 10.1 Does Plaintiff still suffer from any pain as a result of the alleged assault?
- 10.2 If so, what is the extent of the pain and suffering?
- 10.3 If Plaintiff does not suffer from pain any longer, when did the pain and suffering cease?
- 10.4 Does Plaintiff still suffer from any disability as a result of the alleged assault?
- 10.5 If so, what is the extent of the disability?
- 10.6 If Plaintiff does not suffer from any disability any longer, when did the disability cease?
- 10.7 Does Plaintiff require any further medical treatment as a result of the alleged assault?
- 10.8 If so, Plaintiff is required to furnish full details thereof.

DATED AT JOHANNESBURG ON THIS THE 12th DAY OF JULY 1993.



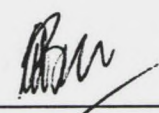
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B ROUX



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K. LOWIES  
Defendant's Counsel




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STATE ATTORNEY  
Defendant's Attorney  
888 Royal St. Mary's Bldg  
85 Eloff Street  
JOHANNESBURG  
Ref: Mr Bowen/  
7303/92/P5  
Tel: 29-2961

TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT  
JOHANNESBURG

AND TO: NICHOLLS, CAMBANIS & SUDANO  
Plaintiff's Attorneys  
23rd Floor  
Kine Centre  
141 Commissioner Street  
JOHANNESBURG  
Ref: Ms C H Nicholls

Received copy hereof on the  
4 day of July 1993.



---

for: Plaintiff's Attorneys

WITHOUT PREJUDICE

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

**SAAK NO:-** 92/26559

In die saak tussen:-

**NQONYAMA; BONGIWE**

Eiser

en

**MINISTER VAN VERDEDIGING**

Verweerder

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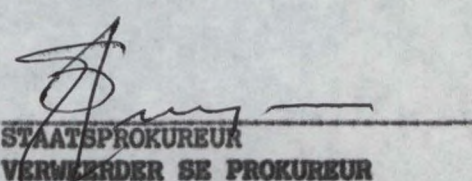
**KENNISGEWING VAN ADRESVERANDERING**

---

NEEM KENNIS dat die adres van die Staatsprokureur waar betekening van alle dokumente in die aksie moet geskied vanaf 1 JUNIE 1994 soos volg verander:-

DIE STAATSPROKUREUR  
10 DE VLOER  
NORTH STATEGEBOU  
MARKETSTRAAT 95  
h/v KRUISSTRAAT  
JOHANNESBURG

GEDATEER te JOHANNESBURG op hierdie 19<sup>e</sup> dag van *Ma* 1994.

  
\_\_\_\_\_  
STAATSPROKUREUR  
VERWEERDER SE PROKUREUR  
ROYAL ST. MARY'SGEBOU 888  
ELOFFSTRAAT 85  
PRIVAATSAK X9  
JOHANNESBURG  
2000

VERWYS NA: J. PRETORIUS  
VERWYS NO: 7303/92/P33/ldm  
TEL NO: 29 2961

AAN:

Die Griffier van die  
be genoemde Agbare Hof  
JOHANNESBURG

EN AAN:


NICHOLLS & CAMBANIS  
EISER SE PROKUREUR  
23ste Vloer  
Kine Centre  
Commissionerstraat  
JOHANNESBURG  
2001

VERW.:- VS/PP/53

ONTVANG AFSCRIF HIERVAN OP

23 DAG VAN

May 1994

 12:25 1  
rms/EISER SE PROKUREURS

WITHOUT PREJUDICE

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

HOSPITAAL • HOSPITAL

PASIËNT • PATIENT No. **33223**

Naam voluit  
Name in full

**BONGINE MHOONJA**

Volgno.  
Serial No.

**192**

Huisadres  
Residential address

**2-42 PALAK KARI**

Datum • Date	VM. A.M.	NM. P.M.
<b>09.04.92</b>		<b>09.11.10</b>

Opgeneem  
Admitted

Huweliksstaat  
Marital state

**INTO**

Geslag  
Sex

**F**

Ras  
Race

**BLANK**

Indeling  
Classification

**17**

Beroep  
Occupation

**HOUSE WIFE**

Geboortedatum  
Date of birth

**1965**

Dr.

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

**ZAMILE (husband)  
AS ABANG**

Sy/Haar adres • His/Her address

Naam van werkgewer • Name of employer

**N/E**

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

**1242**

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

**09.04.92**

Plek  
Place

**PALAK KARI**

Persoon wat beseerde ingebring het  
Person who brought in the injured

Sy/Haar adres  
His/Her address

Sy/Haar handtekening  
His/Her signature

en voertuig No.  
and vehicle No.

**GC4099**

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

**1992 04 09**

Klagte  
Complaint

**ASSURANCE**

Huidige siekte  
Present illness



### SLEGS VIR AFSKEURSTROKIES FOR COUNTERFOILS ONLY

Datum Date	Betalings • Payments	Datum Date	Betalings • Payments	Betalings • Payments

Verskuldig  
Owing  
R 1000  
Datum 9-11-92  
Date 312007

#### Rekenings • Accounts

		<p style="writing-mode: vertical-rl; transform: rotate(180deg);">           1000 14 19 12         </p>	<p>           Verskuldig <i>R 1000</i>            Owing            Datum <i>9-11-92</i>            Date <i>312007</i> </p>	<p> <i>54196</i>            No: 54196         </p>

ONDERSOEK/BEHANDELING/VORDERING  
EXAMINATION/TREATMENT/PROGRESS

Datum • Date

9/4/92

Assaulted left & right hands  
swollen

→ Xray left and (R) hands.  
MR

NO # seen swelling & tenderness - ++  
Ref'd to P.O.P clinic please

A Contusion both hands. HJB

- POP slabs.
- TCB 15-4-92

22. 4. 92 POP off

Xray = MR

Penado & Brufel

MR

33223

9492 Perudo 2 Feb/24/24.

22-4-92

Perudo 2 Feb/24/24.  
Grupos 400 6d 3doy

M. Z.

*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

16/10/1993.

NICHOLLS CAMBANIS & SUDANO

P O BOX 8694

JOHANNESBURG

2000.

MEDICO-LEGAL REPORT.

NAME : BONGIWE MNQONYWA  
DATE OF BIRTH : 05/05/1965  
OCCUPATION : HOUSEWIFE  
DATE OF THE ASSAULT : 08/04/1992  
DATE OF EXAMINATION : 29/09/1993

---

HISTORY

At about 9 pm on 08/04/1992 Mrs Bongiwe Mngonywa was assaulted. As a result of the assault she sustained the following injuries:

Fractures to both arms, bruising on the right side of her chest and bruising on the inside of her right knee.

2/...She was

She was taken by ambulance to the Natalspruit Hospital early on the morning of 09/04/1992.

At hospital X-rays were taken of both forearms and casts were applied to both forearms. Following this she was discharged from hospital.

She can not remember exactly how long the casts were on, however she thinks this was approximately four weeks.

Her arms were very sore while the casts were on and continued to be sore for approximately one month after the casts were removed.

#### PRESENT COMPLAINTS

1) She experiences pain in both wrists and up the forearms of both arms. This is present mostly when she is working, however sometimes the pain is present even when resting. The pain is very severe at times and she is obliged to stop working.

Her forearms and wrists feel weak.

2) She experiences pain in her wrists during cold weather. She takes approximately six Anadins a week to alleviate this pain.

**GENERAL HEALTH PRIOR TO THE ASSAULT**

Prior to the assault she was generally well and specifically she had no problems with either arm.

**EMPLOYMENT**

Prior to the assault she was a housewife and was able to do all her own housework. Following the assault she was unable to do any work for approximately one month while her casts were on and following removal of the casts was unable to work for about one month. Her ability to work then gradually improved, however she still is unable to do all of her work, for example, she is unable to wash blankets and is unable to lift heavy objects.

**SOCIAL AMENITIES**

Mrs Mnqonywa lives on a plot in the Transkei. Prior to the assault she was able to attend to her plot. Following the assault she is unable to do so as she is unable to use a hoe.

Prior to the assault she was able to draw her own water. Following the assault she is unable to do so and is obliged to get someone else to assist her in this task.

Prior to the assault she built her own dwelling. Following the assault she has difficulty with some of this work, for instance she is unable to plaster and is unable to make mud bricks. She is also unable to chop wood which she could do prior to the assault.

EXAMINATION FINDINGS

Mrs Mnqonywa appeared generally well.

RELATED TO HER RIGHT FOREARM AND WRIST

There is some palpable irregularity over the distal one third of her right ulna. There is some thickening of the ulna in this region. Her wrist and elbow exhibit a full range of movement and her grip strength is satisfactory.

There is some instability of the distal radio-ulna joint as evidenced by an increase in movement possible in this joint. The ulna moving more volar-wards than one would normally expect. There is grating palpable during passive movement of this joint.

RELATED TO HER LEFT FOREARM AND WRIST

There is a small, firm very tender nodule approximately 4 mm in diameter over the dorsum of the left distal radius. Flexion of the wrist causes pain. Extension of the wrist causes pain. There is a reduction in range of wrist movements present. Clinically the swelling over the wrist is probably a ganglion.

SPECIAL INVESTIGATIONS

X-rays of her wrists and forearms were taken on 29/09/1993. (Radiologists report enclosed).

**DIAGNOSIS**

As a result of the assault Mrs. Mnqonywa sustained multiple bruise over the left side of her chest, her left knee, and injuries to both forearms and wrists. There is no radiological evidence of previous fracture of her forearms at the present time.

There is however evidence at the present time of damage to the right distal radio-ulna joint.

There is evidence of injury to the left wrist joint with pain on extremes of movement and some reduction in range of movement and clinical evidence of a ganglion over the dorsum of her distal radius.

The chest and knee injuries appear to have settled.

**PROGNOSIS AND FUTURE MEDICAL COSTS****1) RELATED TO HER RIGHT WRIST**

More than seventeen months after her assault she continues having symptoms in her right forearm and wrist. There is evidence of instability of the right distal radio-ulna joint with palpable grating present in this joint. At the present time she requires intermittent treatment in the form of disprins.

It would be reasonable to allow for the intermittent use of an anti-inflammatory agent which would cost in the region of R320,00 per annum.



It is possible that degenerative arthritis will occur in this joint in some fifteen to twenty years from now in which case her symptoms may progress to the point where excision of her distal ulna is required. This would entail a period of hospitalisation of approximately three days, a period of incapacity of approximately eight weeks and a cost of approximately R 4000,00 at todays prices.

2) RELATED TO HER LEFT FOREARM AND WRIST

She experiences pain on extremes of movement of her left wrist and has a small ganglion over the distal radius. This ganglion almost certainly has a traumatic origin due to an injury of her left wrist.

This should be excised surgically. Such a procedure would entail a period of hospitalisation of approximately two days, a period of incapacity of approximately four weeks and a cost of approximately R 3500,00 at todays prices.

Excision of the ganglion is likely to result in improvement of her wrist symptoms, however it is possible that these will continue, requiring the intermittent use of anti-inflammatory agents. It would be reasonable to allow her approximately R 320,00 per annum for this purpose.

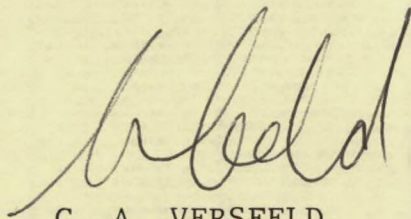
CONCLUSION

Mrs. Mnqonywa must have been terrified by this assault upon her with rifle butts and rifle ends. As a result of the injuries she sustained she required hospital treatment and plaster casts were applied to her forearms for approximately a four week period.

She continues having symptoms from both forearms and wrists which impinge on her ability to do her normal housework and impinge on her ability to tend her plot and her ability to build and maintain her home.

She requires medication at the present time to treat her symptoms and is likely to incur medical expenses in future as a result of her injuries.

I find no reason to suspect that her life expectancy has been altered by the orthopaedic injuries from her assault.



G. A. VERSFELD.

FCS (S A) Orth.

RADIOLOGISTS ● RADIOLOË

Dr. HYMIE LUNTZ  
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MEDICO LEGAL  
AS ABOVE

//////////

28Y  
DEL  
Morningside (General)

MRS BOMGIQWE MNQOMYWA  
ATTORNEYS NICCHOLLS  
PO BOX 8694  
JHB

29/09/93  
DR G VERSFELD

**RIGHT AND LEFT FOREARMS AND WRIST JOINTS**

**RIGHT AND LEFT FOREARMS**

The bony radius ulna of both right and left forearms show normal density and trabeculation. No evidence of past or recent fracture deformity is identified in either forearm. No diastasis of the superior and inferior radio-ulnar joints of either forearm. No periosteal reaction or soft tissue calcification.

**RIGHT AND LEFT WRIST JOINTS**

The bones and joints of both wrist joints show normal density and trabeculation. The joint spaces are well maintained with smooth articular margins. No evidence of a past or recent traumatic deformity including fracture, subluxation or dislocation. No arthropathy or osteochondritis. No periosteal reaction or soft tissue calcification.

**CONCLUSIONS**

1. No evidence of past or recent traumatic deformity is identified in either forearm. The elbow joint regions are intact. No periosteal reaction or soft tissue calcifications.
2. No bone or joint injury, including fracture, subluxation or dislocation or other bony abnormality is identified in either wrist joint region.

DR BRIAN PAPERT  
BP/vj



**Collection Number: AK2702**

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

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