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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

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**THE PLAINTIFFS' QUESTIONS TO THE DEFENDANT  
IN TERMS OF RULE 37**

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**A ADMISSIONS REQUIRED BY THE PLAINTIFFS FROM  
THE DEFENDANT IN TERMS OF RULE 37(4)(a):**

- 1 Does the defendant admit that members of 32 Battalion entered Phola Park Squatter Camp on 8 April 1992, and subsequently on the morning of 9 April 1992?
  
- 2 Does the defendant admit that members of 32 Battalion entered the shacks of numerous residents in Phola Park, including the homes or shacks of the plaintiffs?

3 Does the defendant admit that TATANA WILLIE MAKISE died of a bullet-wound fired on the night of 8 April 1992, subsequent to the members of 32 Battalion entering the squatter camp?

4 Does the defendant admit that NOMATUSE GQUMIZA died as a result of a bullet-wound fired on the night of 8 April 1992, subsequent to the members of 32 Battalion entering the squatter camp?

5 Does the defendant admit that apart from 5,56mm ammunition, other types of ammunition were also discharged by members of 32 Battalion?

B INQUIRIES IN TERMS OF RULE 37(4)(b) :

1 On what grounds is it alleged that the defendant acted in terms of the unrest regulations?

2 At exactly what time did members of 32 Battalion enter the squatter camp for the first time on 8 April 1992?

3 At exactly what time did members of 32 Battalion leave the squatter camp? Precise details are required.

- 4 On what basis did the members of 32 Battalion fire shots in the squatter camp?
- 5 Approximately how many shots were fired by members of 32 Battalion?
- 6 How many members of 32 Battalion entered the squatter camp on 8 April 1992?
- 7 How many members of 32 Battalion were carrying firearms?
- 8 Approximately how many shots were fired by members of 32 Battalion at the time in question?
- 9 Exactly where did members of 32 Battalion enter Phola Park? Exact details are required, with specific reference to direction, roads and whether there was more than one place of entry.
- 10 Who was in charge of 32 Battalion on 8 and 9 April 1992? Specific reference to ranks is required.
- 11 The plaintiffs hereby give notice in terms of rule 37(4)(d) of the following matters regarding

preparation for trial which will be raised for discussion:

- 11.1 Is the defendant in a position to provide the plaintiffs with the names of the members of 32 Battalion who were identified by the plaintiffs during identification parades held? If so, when will these names be furnished?
- 11.2 Is the defendant in a position to provide the plaintiffs with the ballistic reports in respect of the death of WILLIE MAKISI and NOMATUSE GQUMIZA? If so, when can these names be furnished?

DATED at JOHANNESBURG this      day of      **AUGUST**      1994

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**NICHOLLS CAMBANIS & ASSOCIATES**  
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/TO THE ...

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

AND TO:

**STATE ATTORNEY**  
Defendant's Attorneys  
St Mary's Building  
85 Eloff Street  
**2001 JOHANNESBURG**

Ref: MR J PRETORIUS/6663/92/P5

RECEIVED COPY HEREOF THIS \_\_\_\_\_  
DAY OF 1993

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**DEFENDANT'S ATTORNEYS**

**Collection Number: AK2702**

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

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