

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG HIGH COURT DIVISION, PRETORIA

01/11/2016

CASE NO: 15751/09

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

REVISED

In the matter between:

LISBETH MASELAELO PHASHA

1ST Plaintiff

BERNADO MUNDAU BILA

2nd Plaintiff

and

MINISTER OF SAFETY AND SECURITY

Defendant

JUDGMENT

MNGQIBISA-THUSI J

[1] The plaintiffs, Mrs Lizbeth Maselaelo Phasha ("Mrs Phasha") and Mr Bernado Mundau Bila ("Mr Bila"), instituted two separate actions against the defendant, the Minister of Safety and Security, for damages for unlawful arrest, unlawful detention, assault and malicious prosecution.

[2] The plaintiffs' unlawful arrest and detention was based on an accusation that they had murdered a person and dismembered him in order to sell his body parts. The court hearing the merits concluded that the plaintiffs were unlawfully arrested and detained and that their prosecution was malicious.

[3] At the trial on the merits, the respective claims of the plaintiffs based on assault were

dismissed.

[4] On 14 January 2014 Judge Teffo ordered that the plaintiffs' claims for unlawful arrest and detention and malicious prosecution had succeeded and dismissed the plaintiffs' action for assault. The court ordered that the defendant was liable to compensate the plaintiffs for their proven or agreed damages and for the defendant to pay for the costs of the plaintiffs' actions. The court postponed, *sine die*, the issue of quantum.

[5] The only issue to be determined is quantum.

[6] The following facts are common cause.

[7] Mrs Phasha was arrested on 25 October 2006 and appeared in court on 30 October 2006. Although she was initially held at the Seshego police station, she was later transferred to the Dedron police station. Mr Bila was arrested on 31 October 2006 and his first court appearance was on 3 November 2006. Mr Bila was held at the Seshego police station. The plaintiffs applied to be released on bail on 11 and 14 December 2006, respectively. Bail was, however, in each case denied. During the period of their detention, the plaintiffs appeared in court on several occasions.

[8] On 14 May 2007 the Director of Public prosecutions made a decision not to proceed with the prosecution of the plaintiffs. Despite the plaintiffs appearing in court on 17 May 2007, for some inexplicable reason(s) they were not released. It was only on 31 August 2007 that the plaintiffs were finally released when the charges against them were withdrawn.

[9] At the hearing of this matter there was agreement that both of the plaintiffs' claims should be consolidated for purposes of quantum. There was also agreement that the plaintiffs will call certain witnesses and that the defendant will not call any witnesses.

[10] The plaintiffs are seeking compensation from the defendant on the grounds that as a result of their unlawful arrest and detention, and malicious prosecution, they have suffered general damages on the basis of loss or deprivation and limitation of their constitutional rights in terms of sections 10; 12(1)(a) and (e); 22 and 35(2)(e) of the Constitution.

[11] In their amended particulars of claim the plaintiffs are seeking the following damages for the wrongs committed against them:

	Mrs Phasha	Mr Bila
Past loss of Income	R273 267.00	R289 263.00
Future loss of Income	R309 638.00	R24 231.00
Future medical expenses	R45 000.00	R36 000.00
General damages in respect of:		
Unlawful arrest and detention	R1 019 000.00	R1 019 000.00
Emotional impairment and injury to dignitas	R300 000.00	R300 000.00
TOTAL	R1 946 905.00	R1 668 494.00

[12] In the alternative, the plaintiffs seek the following:

	Mrs Phasha	Mr Bila
General damages	R932 780.00	R592 780.00

[13] The plaintiffs called Mr Leon Albert Roper, a neuropsychologist as its first witness. Mr Roper testified that in his assessment of Mrs Phasha, he took into account the fact that as a result of her detention after arrest, Mrs Phasha suffered a lot shame and was isolated by the community. He also took into account that Mrs Phasha was also accused by members of the community as a witch and a murderer. Mr Roper opines that the negativity of the community has led to Mrs Phasha suffering from post-traumatic depression. Furthermore, that Mrs Phasha has consequently lost income and status within the community and her dignity as a person has been impaired. Mr Roper testified that his findings were that Mrs Phasha suffered from post-traumatic stress syndrome which was related to her experience with the police.

[14] During cross-examination Mr Roper testified that his assessment and findings on Mrs Phasha were based on what Mrs Phasha told him. Mr Roper was not in a position to give specific details as to which aspects were related to Mrs Phasha's experience with the police. Mr Roper further testified that he interviewed Mrs Phasha eight years ago and could not say if Mrs Phasha was malingering in order to portray herself in a positive manner. Mr Roper reiterated that Mrs Phasha feelings of isolation stem from the fact of being labelled a witch and a murderer. As a result, Mrs Phasha suffers from a post- traumatic stress disorder and post traumatic depression.

[15] Mr Roper conceded that Mrs Phasha previously experienced trauma when her

husband was murdered and her son was also later murdered, which events led to her being depressed. He testified that if Mrs Phasha was not arrested and detained, her pre-morbid experiences could possibly have led to post traumatic stress syndrome. Further that Mrs Phasha's experience of arrest and detention could contribute to her psychological vulnerability and make it easier to develop post-traumatic stress syndrome.

[16] Mr Roper further asserted that Mrs Phasha's arrest exacerbated her depression in that she was isolated by her community and was unable to practice her profession as a traditional healer. Mr Roper emphasised the fact that because of the experience of being unlawfully detained and being held in prison for such a long time, Mrs Phasha was unable to move on with her life. He testified that the effects of post-traumatic stress syndrome led to her isolating herself from the community, being fearful of the safety officer, and feeling isolated because able to practice as it is traditional healer.

[17] With regard to Mr Bila, Mr Roper testified that his assessment and findings were that Mr Bila was isolated by the community who regarded him as murderer, that he was therefore unable to practice as a traditional healer and as a result was unable to earn an income. Mr Roper further testified that Mr Bila had erectile dysfunction and suffers from bed-wetting which has exacerbated his psychological vulnerability. However, Mr Roper conceded that in Mr Bila's case he also relied on Mr Bila's subjective feelings particularly since the allegation of assault and torture were found to have no basis during the merit trial proceedings. He further conceded that if you were detained in circumstances where there was no physical threat, a post-traumatic stress syndrome diagnosis could not be made. He however asserted that arrest by itself could possibly lead to post- traumatic disorder syndrome.

[18] During cross-examination Mr Roper admitted that although in his first report he had indicated that in 1978 Mr Bila had fled the war in Mozambique, leaving his family behind, and that in the second report he had indicated that Mr Bila relocated to South Africa in 1978 due to financial reasons, he asserted that the war in Mozambique rendered Mr Bila psychologically vulnerable to post traumatic stress syndrome later in life. He admitted that during the period of 2006 and 2014 Mr Bila was unemployed and this could have been a further factor which made him lose hope.

[19] The next witness to testify in behalf of the plaintiffs was Mr Johannes Kobus Prinsloo, an industrial psychologist. With regard to Mr Bila, Mr Prinsloo testified that he consulted twice with Mr Bila. During his consultations with Mr Bila, he gathered that he had worked in the informal sector is a healer and was not registered. In order to determine Mr Bila's earnings, he

had to do some desk research. He relied on the research on traditional healers done by Professor Karl Peltzer of the University of the North. His findings were that pre-morbid Mr Bila's annual earnings were approximately R23 378.00. Mr Prinsloo was of the opinion that post-morbid, Mr Bila was unemployable as a result of the incident of his arrest and detention. In his opinion Mr Bila has suffered total loss of earnings in that he was unemployable and was no longer in a position to work as a traditional healer. The *sequelae* of this is that to Mr Bila has psychological problems and his reputation within the community is damaged as he was branded a murderer and a witch. Mr Prinsloo testified that Mr Bila informed him that he went back to work as a traditional healer within one month of his release and tried to serve people. This did not work as the stigma still attached to him. The fact that he was released from detention did not make an effect on the community's perceptions of him. As a result of the allegations made against him, Mr Bila has been rejected by the community and cannot attract patients any more.

[20] In respect of Mrs Phasha, Mr Prinsloo testified that she also worked in the informal sector as a traditional healer before her arrest. She started practising as a traditional healer around 2002 at the age of 29 years and still had 21 years to function. Mr Prinsloo was of the opinion that pre-morbid and with four years' experience the best Mrs Phasha could have made was R16 005.38. Further thoughts around July 2010 Mrs Phasha would have moved to the same mean as Mr Bila by earning approximately R23 837, 78 per annum. Mr Prinsloo was of the opinion that Mrs Phasha suffered from the same disadvantages as Mr Bila, namely, psychological incapacity and rejection by the community. He was further Mr Prinsloo was of the opinion, however, that Mrs Phasha displayed some resilience in that she had diversified by making bricks. However, the community did not buy bricks from her because of the notoriety she acquired when she was arrested. Mr Prinsloo was of the opinion that Mrs Phasha has suffered loss of earnings up to the age of 60, when she could have retired. He was of the opinion that Mrs Phasha would have earned up to R85 000.00 per annum by the time she retired as she was younger than Mr Bila.

[21] Mr Prinsloo testified that it was possible that before their arrest, Mr Bila earned R2 800.00 per month and Mrs Phasha R3 200.00.

[22] Under cross examination Mr Prinsloo testified that he did not explore as to why Mr Bila did not work after his release. He testified that since Mr Bila pre-morbid functioned in a semi-skilled position, he made assumptions that pre-morbid Mr Bila functioned successfully. Mr Prinsloo also testified that Mr Bila did not provide him with any proof of his income before his detention. He surmised that the reason could be that the sector was cash based. He further testified that Mr Bila's employability was affected by his reputational and psychological

problems.

[23] The next witness to testify on behalf of the plaintiffs was Mr Johannes Mathoka Mahlo ("Mr Mahlo"). Mr Mahlo's evidence is that on 26 October 2006 at around 10h00, he was sitting behind a shack with his girlfriend when he saw uniformed police officers, who are about five or six, surrounding Mrs Phasha's rondavel. Amongst the police officers he could recognise three of them. He saw Mrs Phasha being handcuffed and having some disagreement with the police. When the police took her away she left her small child, who was crying. He then took care of the child and later took the child to Mrs Phasha's relatives. He testified that a week before Mrs Phasha and Mr Bila appeared in court, at some stage a certain Captain Tjale came to their area and told members of the community that Mrs Phasha was arrested because she is a murderer and a witch. Mr Mahlo further testified that a couple of days after Mrs Phasha was arrested, he saw a police convoy arriving at Mrs Phasha's house, with Mrs Phasha and Mr Bila sitting at the back of one of the vehicles. They both looked tired, dusty and confused. A crowd from the community came to see what was happening. Captain Tjale demand the keys to Mrs Phasha house. After the door was opened, the police went inside and started spilling Mrs Phasha's traditional medicine on the floor and also made her eat some of it. Whilst this was going on, the police on saying to Mrs Phasha "you are a witch, eat". The police told the crowd that they were taking the traditional medicine to the laboratory. The crowd started singing slogans and throwing stones at Mrs Phasha's house and wanted to burn it. The police left without the reprimanding the crowd to stop what they were doing. Mr Mahlo testified that Mrs Phasha and Mr Bila had the hands and feet tied together and that they were bleeding. Mr Bila's trousers and Mrs Phasha's skirt were torn. After the police left Captain Tjale came back in the afternoon and he invited members of the community to come to court. The community arranged transport for people to attend court. A large crowd attended the court proceedings and were carrying placards and demanding that the plaintiffs should not be granted bail.

[24] Mrs Phasha's evidence is as follows. On the day in question she was with her four year old child when the police, including Captain Tjale arrived at her house and demanded to know the whereabouts of his son who was allegedly having a relationship with a certain woman from Seshego. She was handcuffed and taken to the Seshego police station. Five days later she and Mr Bila were taken to her home, handcuffed and with leg chains. After entering her house, the police threw her traditional medicines on the floor and on top of her and Mr Bila's head. Some of the medicines was thrown into a bath and the police kept on saying that they wanted to see if it will kill her. Captain Tjale kept on calling her a witch. A crowd which had gathered around her house kept on swearing at her and calling her names. She and Mr Bila were later taken to Mr Bila's home before being returned to prison. She testified that the

experience left her sad, humiliated and angry particularly as Captain Tjale refused to let her child come with her. Her evidence is that as a traditional healer she used to charge her patients amounts ranging between R100.00 and R350.00 for consultation and other services. She estimated her monthly earnings to be R3 500.00. She testified that whilst in prison a neighbour used to bring her clean clothes and food. In instances when she was required to appear in court, her prison mates usually borrowed her clean clothes. Further that whilst in prison she was worried about her child as she was not receiving any information about her wellbeing although she knew that the child was staying with her sister.

[25] Mrs Phasha testified that before her arrest, she was never called a witch, that she was a good traditional healer and had many clients. However, during cross examination Mrs Phasha did admit that a certain Machobane, who was a pastor in the ZCC called her a witch, accusing her of enticing people to go to her rather than going to church. On her release people did not consult with her anymore because of the stigma of being labelled a witch. She testified that she was also no longer able to 'connect' with her ancestors. She further testified that after her release she tried to run a brick-making business but had no customers. She denied having been in a bus accident. She also admitted that after the death of her first husband, who was killed by his brother, and that of her son, she became depressed. However, she blamed the police and the fact that her being accused of being a witch, which was wildly publicised even in the press, for her woes. She complained that after her release from detention, she is now suffering from chest, rib and neck pains and sometimes loses her mind.

[26] Mr Bila testified that on the day of his arrest the police had called him to report at the police station. On his way to the police station he met the police who bundled him into their vehicle in front of many people and he was taken to the Seshego police station. He was not told why he was being arrested. At the police station the police asked him about the body parts of a person who had been killed and he denied any knowledge of what they were talking about. He testified that the police threatened to burn him alive if he did not tell them where the alleged body parts were. He and Mrs Phasha were then taken to a local game reserve where they were assaulted. The claim made by Mr Bila and Mrs Phasha about the assault was dismissed at the merits trial. He testified that he felt sad, embarrassed and humiliated by the whole experience.

[27] According to Mr Bila, as a result of his unlawful arrest and detention, he is now unable to go to the veld to dig for herbs as a traditional healer. He alleged that he now suffers from chest pains and is no longer able to do any physical work. He denied that he had trained Mrs Phasha to be a traditional healer or that they worked together. He testified that in prison he was comfortable enough under the circumstances and claimed, a claim which he later retracted, that

the police had refused to let him see a doctor. He also testified that people were no longer consulting with him as a traditional healer.

[28] It is common cause that the plaintiffs' unlawful detention was for a period of 301 days (Mrs Phasha) and 305 days (Mr Bila).

[29] There is no doubt in my mind that the plaintiffs were wronged by their unlawful arrest and detention and malicious prosecution. It can also not be doubted that the unlawful arrest of the plaintiffs in full view of members of the community, being wrongfully accused of murder and of being witches and their unlawful detention and prosecution, did cause them sadness, humiliated them and lowered their dignity within the community.

[30] The issue to be determined is what would be an appropriate amount for compensation for the wrong done to the plaintiffs.

[31] In *Minister of Safety and Security v Tyulu*¹ the Supreme Court of Appeal stated that:

"[26] In their assessment of damages for unlawful arrest and detention, it is important to bear in mind that the primary purpose is not to enrich the aggrieved party but to offer him or her some much-needed *solatium* for his or her injured feelings. It is therefore crucial that serious attempts be made to ensure that the damages awarded are commensurate with the injury inflicted. However, our courts should be astute to ensure that the awards they make for such infractions reflect the importance of the right to personal liberty and the seriousness with which any deprivation of personal liberty is viewed in our law. I readily concede that it is impossible to determine an award of damages for this kind of injuria with any kind of mathematical accuracy. Although it is always helpful to have regard to awards made in previous cases to serve as a guide, such an approach if slavishly followed can prove to be treacherous. The correct approach is to have regard to all the facts of the particular case and to determine the quantum of damages on such facts. (*Minister of Safety and Security v Seymour* 2006 (6) SA 320 (SCA) at para 17; *Rudolph & Others v Minister of Safety and Security* 2009 (5) SA 94 (SCA))."

[32] From the evidence of Mr Roper and Mr Prinsloo and what could be gleaned from their reports, and from the evidence of the plaintiffs, it is clear that as a result of the unlawful arrest

¹ 2009(5) SA 85 (SCA) at [26].

and detention and malicious prosecution, the plaintiffs suffered from post-traumatic stress disorder. However, the plaintiffs' sequelae as a result of the wrongs committed against them cannot solely be attributed to their unlawful arrest and detention and malicious prosecution. There is evidence that before her arrest, Mrs Phasha was depressed as a result of the death of her husband and that some members of the community had also accused her of being a witch. Mr Bila fled from the civil war in Mozambique leaving his family behind and he did suffer from some physical ailments before his arrest which led to him no longer working in the mines. However, the effects of their wrongful incarceration cannot be minimised.

[33] Counsel for the plaintiffs has referred this court to a number of previous decisions to consider in determining what would be an appropriate amount for compensation. In *Mofokeng v Minister of Police*² the appellants were awarded R90 000.00 each for their unlawful arrest and detention for 48 hours. I was also referred to *Khanyile v Minister of Police*³ where the plaintiff was awarded an amount of R110 000.00 for his unlawful arrest and detention for 56 hours.

[34] In *Protea Assurance Co Ltd v Lamb*⁴ the court held that:

"It should be emphasised, however, that this process of comparison does not take the form of a meticulous examination of awards made in other cases in order to fix the amount of compensation; nor should the process be allowed so to dominate the enquiry as to become a fetter upon the Court's general discretion in such matters. Comparable cases, when available should rather be used to afford some guidance, in a general way, towards assisting the Court in arriving at an award which is not substantially out of general accord with previous awards in broadly similar cases, regard being heard to all the factors which are considered to be relevant in the assessment of general damages. At the same time it may be permissible, in an appropriate case, to test any assessment arrived at upon this basis by reference to the general pattern of previous awards in cases where the injuries and their *sequelae* may have been either more serious or less than those in the case under consideration".

[35] As indicated above Mrs Phasha and Mr Bila were arrested and detained for a period of 305 days and 301 days, respectively. However, I am of the view that the defendant cannot be held liable for the total period the plaintiffs were in custody. After the OPP had issued an

² (2014/A3084) [2015] ZAGPJHC 30 (17 February 2015).

³ (33478/11) [2013] ZAGPJHC 234 (5 August 2013).

⁴ 1971 (1) SA 530 (A) at 535H-536B.

instruction for the charges against the plaintiffs to be withdrawn, it was not up to the police to bring this instruction to the court's attention on the next appearance of the plaintiffs. It was within the jurisdiction of the prosecutor to have done so. The National Director of Public Prosecutions has unfortunately not been cited in this regard. Nevertheless, if one takes into account that the plaintiffs were in unlawful detention for such a long period (less the unlawful detention attributed to the prosecution) I am of the view that the period of their unlawful detention was awfully long. Having taken into account the circumstances under which the plaintiffs were arrested and detained, the period of their detention and the embarrassment and humiliation they must have suffered, the impact their experiences must have had on them and having taken into account the previous decisions I was referred to, I am of the view that a not so substantial award ought to be made for the wrong committed against them. I am of the view that an amount of R930 000.00 and R750 000.00 for the unlawful arrest and detention of the first and second plaintiff, respectively, would be appropriate compensation under the circumstances.

[36] With regard to the malicious prosecution claim, one has to take into account, as correctly found by Judge Teffo, that there was no basis for the accusations which led to their arrest to be made and for them to suffer attending court where they were sworn at and harassed by the crowd who came to attend their court appearances. I am of the view they were humiliated and their dignity impaired. For the pain and suffering they endured and the impairment of their dignity as a result of their prosecution, which prosecution was set in motion by Captain Tjale, I am of the view that an award in the amount of R150 000.00 each would be appropriate under the circumstances.

[37] With regard to the loss of earnings, counsel for the defendant disputed, correctly so, the amounts of R3200.00 per month and R2800.00 per month averred by Mrs Phasha and Mr Bila as being their monthly earnings before their arrest on the basis that the plaintiffs were not registered traditional healers and could therefore not have charged what is not have charged the regulated amounts. However, the defendant did not provide any evidence to gainsay the claims made by the plaintiffs. I am satisfied that the amounts suggested by counsel for the plaintiffs are justified and that the plaintiffs should be awarded amounts of R444 074.00 and R408 079.00 should be awarded to the first and second plaintiff, respectively.

[38] With regard to loss of future earnings, I am satisfied that as a result of the reputational damage caused to the plaintiffs due to the accusations made against them and their unlawful arrest and detention, it should be difficult for the plaintiffs to restore the trust the members of the community had in them and for them to trust them sufficiently and to secure their services. There has been an attempt on the part of Mrs Phasha to mitigate her losses. However, the

reputational losses she has suffered has prevented even the brick selling business to take off. Under the circumstance I am satisfied that both plaintiffs are entitled to be compensated for future loss of income. I am of the view that the amounts suggested on behalf of the plaintiffs for future loss of income are reasonable and ought to be awarded.

[39] I am of the view also that the plaintiffs are entitled to future medical expenses if one takes into account the psychological suffering they had to endure throughout this sordid ordeal. However, I am of the view that an amount of R20 000.00 for each of the plaintiffs would be appropriate.

[40] Accordingly the following order is made:

1. The Defendant is ordered to pay to the First plaintiff pay:
 - 1.1 an amount of R444 074.00 in respect of past loss of income;
 - 1.2 an amount of R575 032.00 in respect of future loss of income;
 - 1.3 an amount of R20 000.00 in respect of future medical expenses;
 - 1.4 an amount of R930 000.00 in respect of the plaintiff's unlawful arrest and detention;
and
 - 1.5 an amount of R150 000.00 for malicious prosecution.
2. Interest on the above amounts to be charged at the rate of 15.5% from the date of this order.
3. The above amounts to be paid within 30 days of this order into the trust account of the First Plaintiff's attorneys whose details are listed below:

Trust Account:
Account Holder: Savage Jooste & Adams
Bank: Standard Bank
Branch: Church square
Branch Code: 010 045
Account NO: [...]
Reference No: ARR3
4. The Defendant is also liable to pay:
 - 4.1 the taxed or agreed costs of this action on an attorney and client scale, including the costs of the instructing attorney's correspondent attorneys, Savage Jooste and

Adams Incorporated, Pretoria;

- 4.2 the qualifying expenses and reservation costs, the taxed or agreed costs attached to the procurement of the medico-legal and other report as well as their preparation and actual qualifying fees of the following experts:

- 4.2.1 Dr Tony Birrell;
- 4.2.2 Dr JD Nel;
- 4.2.3 Mr Leon Roper;
- 4.2.4 Dr Daan De Klerk;
- 4.2.5 Mr Kobus Truter;
- 4.2.6 Mr Greg Whitaker;
- 4.2.7 Dr Oosthuizen and Engelbrecht Radiologists; and
- 4.2.8 Burger Radiologists (Dr Arthur Winter).

- 4.3 The taxed or agreed travelling, accommodation related costs incurred in respect of the First Plaintiff's Pretoria attorneys and counsel, attending consultations in Polokwane on 20 September 2015; 02 October 2015 and 26 November 2015.

5. The Defendant is ordered to pay to the Second Plaintiff:

- 5.1 an amount of R408 079.00 in respect of past loss of income;
- 5.2 an amount of R154 609.00 in respect of future loss of income;
- 5.3 an amount of R20 000.00 in respect of future medical expenses;
- 5.4 an amount of R750 000.00 in respect of the plaintiff's unlawful arrest and detention;
and
- 5.5 an amount of R150 000.00 for malicious prosecution.

6. Interest on the above amounts to be charged at the rate of 15.5% from the date of this order.

7. The above amounts to be paid within 30 days of this order into the trust account of the Second Plaintiff's attorneys whose details are listed below:

Trust Account:

Account Holder: Savage Jooste & Adams

Bank: Standard Bank

Branch: Church square

Branch Code: 010 045

Account NO: [...]

Reference No: ARR3

8. The defendant is also liable to pay:

8.1 the taxed or agreed costs of this action on an attorney and client scale, including the costs of the instructing attorney's correspondent attorneys, Savage Jooste and Adams Incorporated, Pretoria;

8.2 the qualifying expenses and reservation costs, the taxed or agreed costs attached to the procurement of the medico-legal and other report as well as their preparation and actual qualifying fees of the following experts:

8.2.1 Dr Tony Birrell;

8.2.2 Mr Leon Roper;

8.2.3 Dr Daan De Klerk;

8.2.4 Mr Kobus Truter;

8.2.5 Mr Greg Whitaker;

8.2.6 Dr Oosthuizen and Engelbrecht Radiologists; and

8.2.7 Burger Radiologists (Dr Arthur Winter).

9. The taxed or agreed travelling, accommodation related costs incurred in respect of the Second Plaintiff's Pretoria attorneys and counsel, attending consultations in Polokwane on 20 September 2015; 02 October 2015 and 26 November 2015, including counsel's fees, taxed or agreed fees of the plaintiffs' counsel, Adv S Guldenpfennig.

NP Mngqibisa-Thusi

Judge of the High Court

Appearances

For the Plaintiffs: Adv S Guldenpfennig SC

Instructed by: Savage Jooste & Adams

For the Defendant:

Instructed by: State Attorney