

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

X42
Pm
2015.02.13

Before Honourable Justice Mabuse on 13 February 2015

Case Number: 71035/2014

In the matter between:

BAREND JACOBUS VAN DEN BERG

Applicant

and

THE MINISTER OF DEFENCE

First Respondent

THE SECRETARY FOR DEFENCE

Second Respondent

THE CHIEF OF THE SANDF

Third Respondent

THE CHIEF OF THE SA ARMY

Fourth Respondent

**GENERAL OFFICER COMMANDING, SOUTH
AFRICAN ARMY SUPPORT FORMATION**

Fifth Respondent

**GENERAL OFFICER COMMANDING, SOUTH
AFRICAN ARMY SUPPORT BASE,
BLOEMFONTEIN**

SIXTH RESPONDENT
REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAAK 111
PRETORIA 0001

COLONEL J S MALEPE

Seventh Respondent

2015 -02- 13
J. MABUSE
OFFISER VAN DIE HOE ROF
SUID-AFRIKA GAUTENG AFDELING, PRETORIA

DRAFT ORDER

Having read the documents filed and having heard counsel:

IT IS ORDERED THAT:

1. The Respondents are in contempt of the above Honourable Court's order under case number 32820/2013 made by His Lordship, the Honourable Mr Justice Ebersohn AJ dated 29 July 2013 and more specifically paragraph 3.1 thereof;
2. The First Respondent, Mrs N N Mapisa Nqakula, is hereby committed to a prison sentence for a period of 30(thirty) days;

3. The Second Respondent, Dr S M Gulube, is hereby committed to a prison sentence for a period of 30(thirty) days;
4. The Third Respondent, Gen S Z Shoke, is hereby committed to a prison sentence for a period of 30(thirty) days;
5. The Fourth Respondent, Lt Gen V R Masondo, is hereby committed to a prison sentence for a period of 30(thirty) days;
6. The Fifth Respondent, Maj Gen S Marumo, is hereby committed to a prison sentence for a period of 30(thirty) days;
7. The Sixth Respondent, Brig Gen G K Sibanyoni, is hereby committed to a prison sentence for a period of 30(thirty) days;
8. The committal of the First to Sixth Respondents as ordered in paragraphs 2 to 7 above, is suspended for a period of 5(five) days from date of service of this order on the Respondents on condition that the Respondents comply with the order in paragraph 9 below. The Applicant is entitled to apply to this Honourable Court for an order issuing a warrant of detention should the Respondents fail to comply with paragraph 9 of this order;
9. The Respondents, within 5(five) days of this order being served on them, are to restore the Applicant to the post he previously occupied at the Army Support Base, Tempe, Bloemfontein;
10. The Respondents to pay the costs of this application on an attorney and client scale.

X45
Jm
2015 107-12

BY ORDER
REGISTRAR OF HIGH COURT

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67
PRETORIA 0001
2015-02-13
J. MAKUNGO
GRIFFIER VAN DIE HOOF HOF VAN
SUID AFRIKA GAUTENG AFDELING, PRETORIA