

Claim Filed in terms of Section 3 of Act 40 of 2002 against SAPS for R 17,188,250-00

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MINISTRY OF

2013 -04- 2 2

**PRETORIA
POLICE**

Your ref: _____

Our Ref: _____

THE HONOURABLE MINISTER OF POLICE
Wachthuis, 7th Floor
231 Pretorius Street
Pretoria

BY HAND

18 April 2013

The Honourable Minister,

RE: NOTICE IN TERMS OF SECTION 3 ACT 40 OF 2002 ("THE ACT")
CLAIM: R 17,188,250-00

1. We refer to the above matter and confirm that we represent Mr. Micheal Douglas H. and Mrs. Margret H. herein.
2. This letter serves to be a notice in terms of Section 3 of the Act insofar as the Act may be applicable to the claim by our clients against yourself in your capacity as nominal Defendant as provided for in Section 2 of the State Liability Act, 1957 (Act No: 20 of 1957).
3. We record that at approximately 12:00 on the 23rd of October 2012 at 6 Cheetah Springs, Cheetah Crescent, Rivonia, twelve heavily armed members of the South African Police Service (See photographs annexed hereto annexure "A") led by the policeman described as accused no. 1 on annexure "A", demanded entry into the house of my elderly clients without any explanation. Your members failed to inform our clients of their rights, failed to explain the reason for their presence and failed to produce any warrant for entry an/or arrest and failed to give any meaningful explanation for their presence. There were other members of the SAPS who waited outside the property.
4. The policemen arrived at my clients' residence, being a peaceful residential complex, in five police vehicles with sirens blaring and lights flashing. They blocked the entrance to my clients' residence with these vehicles. In an attempt to gain access to my clients' residence, the policemen broke down my clients' security gate and damaged the gate motor in the process.
5. Without introducing themselves, one of your members (accused no. 1) accused Mr. H. of murder, attempted murder, firing of a firearm, pointing of a firearm and intimidation. Mr. H.

25 April 2013 16:55

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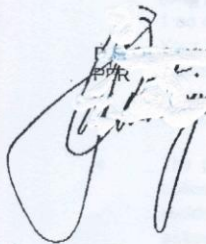
- | | |
|--|---------------------------|
| a. Ten(10) Kruger Rands | +/- R157,000-00 |
| b. £2,000-00 (x R14.065 exchange rate at the time) | +/- R 28,130-00 |
| c. €2,000-00 (x R11.310 exchange rate at the time) | +/- R 22,620-00 |
| d. R20,000-00 cash | R 20,000-00 |
| e. Nokia Cell Phone E71 | R 3,000-00 |
| f. Blackberry 8520 | R 2,500-00 |
| g. Kruger Rand Half Pound Cuff Links (Year 1895) | R100,000-00 |
| h. Kruger Rand Cuff Links | R 7,500-00 |
| i. Engineer Cuff Links (solid gold) | R 5,000-00 |
| j. 1ct Blue White Diamond Ring | R120,000-00 |
| k. Ruby and Diamond Ring | R 60,000-00 |
| l. Fire Arms M1H, MDH, GBH, JMB | R 41,000-00 |
| m. Drivers' License | R 1000-00 |
| n. Identity Book | R 500-00 |
| o. All Fire Arm Licences | R 2,000-00 |
| p. 15 x R 200-00 | <u>R 3,000-00</u> |
| TOTAL | <u>R573,250-00</u> |

8. The policemen also swore at our clients and made defamatory remarks towards them. Our clients were humiliated and their dignity was seriously impaired, not to mention the extreme fear they were under in the presence of your members. Our clients were treated like animals and/or most wanted criminals by the SAPS and with complete disregard of our clients most basic human rights.
9. Mr. Hosking was unlawfully arrested and detained at the Sandton Police Station until 24 October 2012. The police did not attempt to take a statement from our client nor was he formally charged.

At present our client has no idea or even a clue as to why he was arrested. He was released on warning by the Randburg Magistrate's Court on 24 October 2012.

10. The policemen who unlawfully forced entry into my clients' residence were acting in the course and scope of their employment of the South Africa Police Service.
11. As a result of the aforementioned wrongful, unlawful and intentional conduct of the South African Police Service members, our clients suffered damages, losses and *iniuria* in the amount of R15,485,750-00, which amount is made up as follows:
 - 11.1 Wrongful/unlawful arrest and Detention of Mr. Hosking – R750,000-00;
 - 11.2 Estimated future medical expenses (Mr. Hosking) – R300,000-00;
 - 11.3 *Iniuria* – Impairment of our clients' person, dignity, reputation and good name – R8,000,000-00;
 - 11.4 Pain and Suffering (Mr. & Mrs. Hosking) – R5,000,000-00;
 - 11.5 Costs of Trauma Counselling – R50,000-00;
 - 11.6 *Contumelia* – R2,500,000-00;
 - 11.7 Costs to repair/replace damaged security gates and motor – R15,000-00;
 - 11.8 Value of lost/stolen items on above mentioned list – R573,250-00.
12. Be hereby advised that you are notified that our clients intend instituting an action against you in your capacity as nominated Defendant, for payment of the amount of R17,188,250-00.

Yours faithfully,


INC.



(Reg. No. 2001/00000001)
Director: D. F. Opatimbo - Cor. L. B.