



IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GQEBERHA)

GQEBERHA, the 12th day of JUNE 2026

BEFORE The Honourable Madam Justice **BESHE**

Case No. CC19/2024

In the matter between:

MATTHEW GONIWE

FORT CALATA

SICELO MHLAULI

SPARROW MKHONTO

Deceased

In Re: Application for Contempt of Court Order dated 4 March 2026

FAMILIES OF THE DECEASED

Applicants

and

**ACTING SECRETARY FOR DEFENCE,
DEPARTMENT OF DEFENCE: DR THOBKILE GAMEDE**

First Respondent

DEPARTMENT OF DEFENCE

Second Respondent

Having heard arguments from Adv. Varney, Adv Suleman, Counsels for the Applicants and Adv. Huenis, Adv. Buthelezi, Adv. Govender and Adv. Schoeman in support thereof and Adv. Dala for the Respondents and having read the documents filed of record.

IT IS ORDERED THAT:

1. The matter is urgent and non-compliance with the Rules of this court is condoned.
2. The First Respondent is ordered to comply with the order issued by this court on the 4 March 2026 and to unconditionally produce the documents itemised in paragraph 2 of the abovementioned order, in unredacted form, in hard copy and electronic format within 5 court days of this order.
3. The classification of the documents that are listed in paragraph 2 of the court order dated the 4 March 2026 is declared unlawful and of no force and effect.
4. The First Respondent is directed to produce the documents in full and unredacted form to the court and the parties to these proceedings, in electronic format, without imposing any restrictions on access thereto.
5. The First Respondent is called upon to show cause on a date to be determined by the Registrar in consultation with the parties why she should not be held in contempt of the order issued on 4 March 2026 and why an appropriate order should not be imposed in respect of a sanction.
6. The Respondents are ordered to pay the costs of this application on an attorney and client basis including costs of two counsel where so employed.



BY ORDER OF COURT

R CARSON (Mrs)

REGISTRAR

