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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: SS121/2013

DATE: 2016-02-15

10 In the matter between

THE STATE

en

LAUGHTON & OTHERS

Accused

J U D G M E N T

RANCHOD J: I proceed to deliver judgment in this matter. In this matter, in which I have been ably assisted by two assessors, initially there were six accused according to the charge sheet which is part of

20 EXHIBIT AM. This exhibit is a transcribed record of the bail application proceedings by five of the six accused. The accused there were accused 1 Mr Carrington Rodger Laughton, accused 2 Mr Conway Brown, accused 3 Mr David James Ranger, accused 4 Mr Carel Ranger, accused 5 Mr Poul Toft-Nielson and accused 6 Mr Leopold Paul Reinecke, also known as Dirk Reinecke.

Messrs Brown, Toft-Nielson and Reinecke had entered into plea

bargains with the state on various charges and were sentenced accordingly, hence in this case before us Laughton, and the Rangers, who are brothers, appear as accused 1, accused 2 and accused 3 respectively. They are indicted on the following charges.

Count 1 is conspiracy to kidnap, count 2 attempted kidnapping, count 3 which is only in respect of accused 1, kidnapping, count 4 conspiracy to commit murder, count 5 kidnapping, count 6 attempted murder, count 7 kidnapping and count 8 murder read with the provisions of Section 51(1) of Act 105 of 1997.

10 The complainant in counts 1 and 2 is Ms Ruth Ncube, the remaining six counts relate to Ms Betty Ketani who went missing in May 1999 and who has never been found. At the end of the State's case all three accused applied for their discharge in terms of Section 174 of the Criminal Procedure Act 51 of 1977, which I will refer to as the CPA.

 Section 174 simply provides that if, at the close of the case for the prosecution the court is of the opinion that there is no evidence that the accused committed the offence referred to in the charge or any offence of which he or she may be convicted on the charge, then in that event the court may return a verdict of not guilty and discharge the
20 accused in respect of the particular offence.

 This court discharged accused 1 in respect of counts 1, 3 and 4, whilst accused 2 and accused 3 were discharged in respect of counts 1, 2, 3, 4, 5 and 6 at the close of the state's case. In other words accused 1 is standing trial for counts 2, 5, 6, 7 and 8, whereas accused 2 and accused 3 only for counts 7 and 8.

The trial commenced on 17 February 2014 and has thus far proceeded for in excess of 50 court days and the transcribed record runs to almost 7000 pages. Some 38 witnesses testified for the state and eight for the defence, including the accused themselves. In excess of 110 exhibits were handed in. In the result I will not attempt to summarise each and every witness' testimony in great detail, as it is on record, rather I will deal with the portions of the evidence of the various witnesses in relation to the particular charges.

None of the accused made any admissions. Accused 1 pleaded
10 not guilty to all the charges. His explanation of plea was that he had been set up in this matter and that a person by the name of Eric Wouter Neetison-Lemkes, whom I will refer to as Lemkes, is the most probable person that is behind it. I should pause here to add that Mr Lemkes was the owner of a restaurant in Rosebank called The Cranks Restaurant. Accused 2 and accused 3 also pleaded not guilty and did not offer a plea explanation.

The source of the investigation which led to this trial is EXHIBIT G (made up of G1, G2, G3, G4 and G5) and herein after generally referred to as EXHIBIT G, which the State alleges is a
20 'confession letter', the author of which, so it is alleged, is accused 1. The letter itself is EXHIBIT G3, EXHIBIT G4 and EXHIBIT G5.

The letter names various persons who allegedly participated in varying degrees in committing, inter alia, the offences for which the accused are standing trial. A number of persons mentioned in EXHIBIT G testified in the trial. The letter is typed and is dated

30 September 1999 and starts off in a rather dramatic fashion as follows.

“Sandor, if you are reading this then I am dead.”

I interpose to say that a word which appears to be “either” has been deleted where it appears just before the last word “dead” in the first sentence. The letter continues.

10 “Contained herein is all the information relating to Monique and the investigation that was undertaken, as well as the details of all those concerned and the level of their involvement. Your mission is to bring them all down completely.”

Because this letter is central to this trial it bears reading out in full. After what I have just said is the introductory paragraph, numbered paragraphs are as follows.

20 “1. During the course of the investigation several people were abducted and tortured, namely Themba Tshabalala, Betty Ketani and Ndaba Mbebe.
2. In the case of Themba the people involved in these three abductions were myself, Monique, Mark Lister (and Dirk who must be left out of this). André Coetzer and Carel Ranger also picked him up once, but did not harm him. Their involvement is being investigated by internal affairs (Hillbrow office) by an Inspector van Rooyen.

The first time Themba was abducted was from

his home where he was taken from his place where we played the night paintball game. We slapped him around for a while and eventually released him - involved were me, Mark, Monique and Dirk.

10 The second time was from his work at the Carnivore Restaurant where Mark and I posed as army officers and took him to the broken house near Eardley's place in the bush (the one closest to Eardley and not the one that we first walked to when we checked out that area of bush for the night game. Again the same four of us were involved. I can't remember the details of the third.

Inspector van Rooyen will be most interested to know that Monique, Carel and Andrè know each other.

20 3. Betty Ketani was "arrested" by Mark and his friend, Warren Williams (083 600 2130) in Rosebank. Mark was in army uniform. She was taken to the same little house where she was slapped around for a few hours. After this Monique, Mark and Warren left her in my care at the house where Conway met me, we drove her about 10 minutes further down the highway and "killed" her, this was I think on 25 May 1999. However we did not do a brilliant job and three weeks later she

surfaced and regained consciousness in the Kopanong Hospital in Vereeniging, suffering from mild brain damage and severe mental trauma.

Dave Ranger (082 898 1718), Carel Ranger (082 824 1808) and myself posing as medical transfer service staff, uplifted her for the hospital and using a hired Kombi took her to the bus on Eardley's farm where we locked her up for the night.

10 Dave pushed the wheelchair out of the hospital. Mark and Monique followed in my car. However, during the night she died (I think from shock).

On the morning that Candice shot herself (12 June 1999?), Mark, Monique and Conway fetched the body and buried it in about a cubic metre of cement in Conway's garden behind his garage. For obvious reasons Conway cannot be involved in this.

20 Her clothing and other shit was burned by Mark, Monique and I next to Alexander. For this we hired a wheelchair from a medical supply company off Louis Botha Ave in Corlett City. This was done in the name of C Anderson, 25 Rathmines Road. Both Dave and Carel Ranger are policemen (sergeants) who are based at Douglasdale Station.

4. Ndaba Bhebhe, who is related to Themba

somehow was picked up from his home (1906 Aintree Place, Cnr Tudhope & O'Reilly Streets, Berea), and taken by Mark to Randburg Police Station where we slapped him around for a while with Carel and Monique in attendance. Thereafter we took him to a section of bush near to where Poul (082 322 5074) used to live in Fourways. Mark, Monique and I did this.

10

5. Anyway, another victim was Malemleli Mpofo who lives in 901 Britton Manor, Cnr Kaptein & Klein Streets, Hillbrow. He was "arrested" by Monique and I posing as policemen. I was D/Sgt Richard Wessels (see fake ID), and she was D/Sgt Louise Brenner.

We took him to the Sandton Hotel Formule 1 and kept him there for the night, thereafter we took him to the Sandton Park Hotel where we were staying (room 002) under the name MacIntosh or MacDonald.

20

Included in the tin is an 8 mm video tape of his questioning. He was kept by us for 3 days and eventually released. Involved were me, Monique, Mark & Douglas. Dirk guarded him once for about 3 hours at Sandton Park. Malemleli was one of the people who deposited one of Monique's stolen cheques in his account.

6. Included in the tin are some photos of Monique and I, a letter she wrote me, a video of us screwing and other interesting bits and pieces. All of this should be copied and copies given to her father (Eric) who is on (011) 880 3442, as well as a copy of this letter. Use your discretion to censor this letter to protect those who need protecting, a black marker pen should do the trick.

10

The large professionally taken photo could also be used by Themba to identify me as one of his abductors, as well as to tie me in with Monique. As you know, there are more such photos on my desk, as well as several cards from her and the A4 "I love you" certificate on the notice board, which may or may not still be there.

20

Our sexual relationship began four weeks after meeting (29 April 1999) each other and started in the Protea Gardens Hotel in Hillbrow. From there we went to the Chamerry Hotel (room 8) in Randburg (Main Road), where we booked in under the name of Louise Crawford and from there to Sandton Park Hotel.

7. Included is a 1.44MB stiffer with wav files of telephone conversations as well as copies of all letters that I wrote Monique (in Word 97) plus all

invoices, etc (including this letter).

8. In the box is also a black hood which Insp. van Rooyen would be most interested to see, as he has about 4 already from various abductions.

9. During the investigation Monique told her father all sorts of stories about a woman called Ruth Mncube, whom he believes is dead. Ruth is very much alive and well and all photos to prove this are in an envelope marked "Ruth". Also at no stage
10 whatsoever did we ever manage to capture or detain Ruth, only once did I grab her in town, but she escaped as a large crowd helped her.

I think Eric should know the truth as to how dishonest and deceitful his daughter really is! She lied to him every step of the way regarding every stage of the investigation.

10. In my cupboard are some of Monique's clothes that she left here, which also may or may not be there, as well as cosmetics and toiletries.

20 11. At her house in the cottage is a wooden single door cupboard in which all letters, gifts, etc that I gave her, are kept. Tell her father this too.

12. In my gun safe (copy of key included) is an Absa Bank bag belonging to Monique, in it is some personal paperwork as well as money in white

envelopes, happy birthday Sandor, the money is yours, use it to help me. Please note that Monique has a copy of the safe key, so I will insert a lock block, the key should also be included. Last count about US\$ 3000 and R10 000. There may also be some Australian Dollar travellers cheques which she stole from her father.

10 13. Monique opened a Nedbank account at the HydePark Branch using Commercial Services as a front for employment, etc. Let dad know this too.

14. Her full names are Monique Naiyana Neeteson-Lemkes, ID number (770326 0788 08 0).

15. Inside the box is the Cranks investigation file, which contains lots of information which you should find useful.

16. Also included is a strange photo of lots of little photos, this can prove a connection between everyone involved. It was taken at a group dinner.

20 17. Sandor, please do everything you can to avenge me.

18. Speak to Candice, she will also be able to help (if she wants to) and speak to Dirk (082 374 6905), he definitely can help.

19. Luigi (Tanfoglio 9 mm), the shotgun, 22 pistol and AMT 9 mm short are yours, as well as my

Astina. Enjoy! Also, if you want it, C&C Commercial Services CC is yours too.

20. Lastly- fuck them all!!!!!!

Regards, best wishes and see you sometime. Alex and I are waiting patiently.”

There then appears a signature and the date below that, 30 September 1999. Thereafter is a handwritten paragraph which reads as follows.

10 “Also in the voice files are 3 conversation with a Det/Sgt Erwin Hyde (Randburg). Two of them are between him and Monique! Hyde did not do anything, but knew about the case.”

On each of the first two pages there appears a signature at the bottom on the right hand side while the third page is signed just above the date 30 September 1999 and as I said, thereafter on G5 is the handwritten paragraph which I have just quoted.

20 Warrant Officer Johan Dederick Reinecke, who is not to be confused with Dirk Reinecke who is one of the state witnesses who testified here, is stationed at Sophiatown South African Police Services and is the commander of the missing persons department. The warrant officer testified that on 31 May 1999 one Betty Ketani, 37 years of age, was reported missing by her brother, Mr Ronnie Bikauri. She was last seen by her boyfriend, one S Ndawonde, on 20 May 1999, at her residence at 07:30 as she left for work to Crank’s Restaurant in Rosebank. Mr Bikauri testified to this effect in the trial as well. Mr Ndawonde died before the commencement of this trial.

On 31 March 2012 a Mr Werner Nortje resided at 21 Leo Street, Kenilworth, Johannesburg. Nortje testified that the same evening, that is 31 March 2012, he went next door to 21A Leo Street to visit a tenant who was leaving. While inspecting the house he discovered some papers under some carpet blocks in a bedroom. In these papers, which bear signatures alleged to be of accused 1 (now EXHIBIT G1 to 5), is a story of how a lady, Betty Ketani, was killed and buried at the back of the garage at 21A Leo Street. This was then the residence of Conway Brown, a friend of accused 1.

10 Brown later testified that the body was buried there in 1999 and then exhumed in 2003 or 2004 to then be dumped at the town dump. He assisted at both events.

 After Nortje informed the police about EXHIBIT G and EXHIBIT H they arrived at 21A Leo Street on 4 April 2012 to begin excavating at the garage to try and find the remains. On 10 July 2012 and at the request of the police a certain Claudia Bisso visited the excavation site at 21A Leo Street. She is a forensic anthropologist and archaeologist. A forensic anthropologist, she said, works with human remains that are skeletonised and have no soft tissue left, this as
20 opposed to a forensic pathologist which works with human remains that still retain soft tissue.

 She testified that this excavation and recovery work was done by digging up the soil at the site and then passing it through a sieve. Using this process Ms Bisso identified six human foot bones that had been recovered. Ms Bisso explained that when laypeople remove a

decomposed body from the ground that has been buried for a long time they almost always leave behind the bones of hands or feet. That is because they are small and are not noticed. She presumed that this is what happened here.

Police Captain Briers is a forensic analyst of 16 years' experience and he is attached to the victim identification centre of the forensic science laboratory. He was also part of the group with Ms Bisso on the excavation site.

He testified that during the course of his duties on 10 July 2012 he randomly divided into two separate groups the six human bones identified by Ms Bisso and packaged each group into evidence bags. The two bags were sealed and each received a reference number, PA60000942420J and PA60000942421K respectively.

Still during the course of his official duties on 23 July 2012 Captain Briers booked in the following at the biology section at the forensic science laboratory in Pretoria.

1. One evidence sealing bag with seal number PA60000942420J and marked inter alia Yeoville CAS442/04/2012, containing three of the skeletal bones that were collected at the excavation site.
2. One evidence sealing bag sealed with seal number PA00003097B1X and marked inter alia Yeoville CAS442/04/2012, containing:
 - 2.1 One evidence sealing bag with seal number FSC437564 and marked inter alia Yeoville CAS442/04/2012, containing

DNA control samples of Thulani Ketani who is the son of the missing Betty Ketani.

2.2 One evidence sealing bag with seal number FSC437563 and marked inter alia CAS442/04/2012 containing DNA control samples of Lusanda Ketani who is the daughter of the missing Betty Ketani.

2.3 One evidence sealing bag sealed with seal number FSC437562 and marked inter alia CAS442/04/2012 containing DNA control samples of Bulelwa Ketani who is the daughter of the missing Betty Ketani.

10

The other three bones collected in evidence bag PA60000942421K were kept in Captain Briers' possession for further examination.

The exhibits were in safekeeping under lock and key throughout the duration of the examinations. This as per the Captain's report EXHIBIT W, as amended in EXHIBIT W1.

Captain Briers explained that the six bones were packaged separately because it was difficult to extract DNA from such small bones. One of the packages would go to the Pretoria Biology Laboratory to take the normal route of their DNA techniques and then the other package with number PA60000942421K locked in his office, would be sent overseas to see if people overseas can get DNA where they use a different technique.

20

Dr Jafta testified that in Queenstown he collected the DNA reference control samples of Lusanda Ketani, Thulani Ketani and Bulelwa Ketani who are Betty Ketani's children.

Brigadier H Ras is the Commander of the Victim Identification Centre in Pretoria. She testified that she made a report in the form of a Section 212 affidavit contained in EXHIBIT BO. In it she testified that on 12 October 2012 she received by hand from Lieutenant Colonel GJ de Wet who is attached to the Biological Section of the Forensic Science Laboratory, the following.

One sealed evidence bag with seal number PW4000261525, inter alia marked Yeoville CAS442/04/2012. Three reference sample swabs, presumably control samples, contained in one brown envelope
10 and marked inter alia Yeoville CAS442/04/2012, Lusanda Ketani daughter of the deceased; one brown envelope marked with the same Yeoville CAS number, Bulelwa Ketani daughter of the deceased; and one brown envelope marked with the same Yeoville CAS number, Thulani Ketani son of the deceased.

On 19 October 2012 the Brigadier received by hand from Captain Briers one sealed evidence bag with seal number PA60000942421K, inter alia marked with the same Yeoville CAS number, and LAB207158 containing presumable bone samples.

On 16 November 2012 the control reference samples of the
20 children of the deceased were placed in a sealed evidence bag with seal number PA5000486464 and inter alia marked with the same Yeoville CAS number, reference samples VIC128/2012. The bone samples were placed in an envelope in a sealed evidence bag with seal number PA5000486463 and inter alia marked with the same Yeoville CAS number and VIC12A/2012 unknown.

On the same date still the Brigadier put the above samples in a sealed courier bag, (XPS reference number 285726089 and handed it to Lieutenant M Pienaar for handing over to XPS to be dispatched to the International Commission for Missing Persons, (the ICMP), in Sarajevo, Bosnia and Herzegovina for further analysis. This is confirmed by the testimony of Lieutenant Pienaar and in her report in EXHIBIT BK. One can also see the photos of the bag in EXHIBIT BO1, BO2, BO3 and BO4.

10 The results of the DNA testing on the bones sent to Pretoria were inconclusive.

The EXHIBIT AC is the letter that Colonel Ras sent to ICMP in Sarajevo describing the bone samples and the control samples being sent to them and asking them to test them for DNA matching.

Anna Billic is referred to in the record of these proceedings as Billage. In fact she testified after Dr Parsons. Anna Billic testified that she is the quality assurance quality control manager at the ICMP in Sarajevo which she joined in 2001. She tends to the quality management system of the ICMP. She coordinated the internal audit programme. She also evaluated the blinds control program and in
20 general works on quality related matters. She obtained a BSc in science and biochemistry in Canada and an MSc in forensic DNA and serology obtained in Florida, USA. Her CV is EXHIBIT AJ.

At the ICMP she is also deputy head of DNA laboratories. She is the final reviewer of the DNA reports and as such performs a certain number of checks that are related to the report itself. She checks that

all the reviews have been completed and signed for. She checks the clerical information that is on this report, which is related to the unique identification of case numbers as it was processed in ICMP laboratories.

She also checks that the barcode of the sample matches the barcode on the DNA profile that is listed for the missing person and that all the attached electrical photograms, the genetic data, also have this barcode listed on it. She also looks at the submitter's case number and makes sure that the case number in the photo matches the case number in the upper right hand corner of the report and in the actual
10 statement of the report.

She makes sure that there are two independent statistical calculations attached to the report and that they are signed by the person who performed these and once she is satisfied with all this she places her signature on the report itself. She performed a compilation of all the documents that are ICMP official documents that were related to the processing of the samples in question. These documents are contained in EXHIBIT AK.

The rest of her testimony deals with the personnel of ICMP and their training and regular assessments. She also advises on ICMP
20 equipment and its quality and maintenance. Finally, she goes through the processes that the bones and the control samples which were received from Colonel Ras were subjected to. See the record, volume 1, under the misspelt reference Billige in the May section at page 83 of the transcript.

Thomas J Parsons, PhD, is a director of the Forensic Science

International Commission of Missing Persons, Alipasina 45A, 71000, Sarajevo, Bosnia and Herzegovina. His CV, containing also his numerous publications, is contained in EXHIBIT X.

Dr Parsons testified that he continued with a post-doctoral of fellowship at the Mission Institute in the USA where he dealt with and into the issues of population genetics and ancient DNA from highly degraded, old or even extinct samples. He entered the employ of the armed forces DNA Identification Laboratory. He was involved in identifying highly degraded skeletal remains of missing veterans from
10 the Vietnam war. He was also involved in the DNA identification efforts for the World Trade Centre and Pentagon attacks. In 2006 he became the director of forensic sciences of the ICMP headquarters in Sarajevo.

Doctor Parsons in his testimony confirmed having received the bone samples and the control samples from the South African Police. How the ICMP dealt with them from that point onwards is fully contained in great detail on the transcript of the record of these court proceedings in the section of Dr Parsons' testimony.

In EXHIBIT AK is contained the methodology in how the bone and control samples are handled, processed and analysed. One
20 important aspect is that first of all, at the ICMP, they adhere to an extremely rigorous photo documented and computerised chain of custody at all steps of the operation and this is highly audited by their external accreditation body.

Starting from the moment the sample arrives, in this case by courier, they determine that there has been no tampering, that

everything is sealed in a forensically appropriate way. The samples are given a barcode so that they remain anonymous when handled by the DNA analyst, this helps to objectify the process, he said.

Another important aspect is the decontamination of the bone samples. Dr Parsons testified that they start by sanding the outside of the bone sample and then they chemically decontaminate it, making sure that they themselves do not contaminate the bones. They work in sterile environments with face masks and boots and especially laboratories with airflows to avoid air coming in from outside, and so on,
10 as contained in the record, volume 1, March section under reference Parsons.

Dr Parsons further testified that they received three different bone samples that were suitable for DNA extraction. They attempted to go through the entire process with all three samples and it was only one single bone that the DNA match report was issued on that gave a result that was interpretable. The other two bones contained insufficient DNA to produce reliable DNA profile. The conclusion that Dr Parsons arrived at is contained in EXHIBIT AK of paginated page 272 as follows.

20 “This report indicates a statistical evaluation of the hypothesis that the DNA profile obtained from bone sample CAS442/04/2012 could be attributed to missing person Ketani Thandiwe Betty. The strength of the DNA evidence in this case is lower than the threshold for an ICMP DNA match report.

The ICMP does not believe the DNA evidence

in this case is strong enough to stand independently as a basis for identification. It is necessary to consider this evidence cautiously and to use it only in addition to all relevant non DNA evidence in the case.

10 Assuming that the three children used as reference each had different fathers, the DNA results obtained from bone samples CAS442/04/2012, are 4740 times more likely if they originated from Ketani Thandiwe Betty than if they originated from another unrelated individual in the general population. The factor by which the DNA evidence supports the hypothesis that the bone is from Ketani Thandiwe Betty rather than an unrelated person is 4740.”

I turn then to the handwriting expert. Colonel van der Hammen is proficient in the examination and analysis of documents and of handwriting. He is a member of the South African Police Services attached to the Forensic Science Laboratory in Natal. There he has been part of the Questioned Document Unit since 1991 and where he is
20 permanently employed as a specialist examiner of questioned documents. His qualifications and experience are contained in his report, EXHIBIT AL.

The Colonel testified about his report and his findings. At paragraph 18 of this report the Colonel says that the elements considered to identify or discriminate between writings are classified

into two principal categories, being elements of style and elements of execution. Considered are also two further categories which are attributes of all writing habits, being:

1. Natural variation; and
2. Lateral expansion and word proportion.

The Colonel compared the signatures in the disputed confession document, EXHIBIT G made in 1999, with collective samples of accused 1's signature, being signatures that accused 1 is alleged to have made in the normal course of his life, these being signatures he
10 made inter alia on close corporation registration forms in 1998 and 1999, on a delivery note in 2003, on an opposing affidavit in 2007, on his passport in 2008 and on a warning statement in 2012.

Although only two of these specimen documents bear signatures which are contemporaneous to the signatures in the letter EXHIBIT G, the colonel said that he:

20 "found the evidence to provide strong support for the proposition that the writer's signature has remained fairly consistent over a 14 year time period and no significant changes are observable in the available material."

This is from the report EXHIBIT AL at paragraph 21 on page 12. The Colonel also found in his report that the signature design (line, sequence, size and Placement) and complexity of the signatures in the letter EXHIBIT G, display strong correspondences with that of the specimen signatures mentioned above and that no significant

differences were identified. The Colonel concludes at paragraph 21 as follows:

“I, thus, found the evidence to provide strong support for the proposition that the signatures in question were in all probability written by the writer of said specimen signatures (purported to be one Carrington Laughton).”

The Colonel also compared writings by hand on EXHIBIT G with writings by hand on documents and letters alleged to have been written
10 by accused 1 and which are shown in the report, EXHIBIT AL, and marked by the Colonel as specimen writings D, E and R1 to R7.

He also compared the third page of EXHIBIT G which he refers to as A3, to sample writings of Conway Brown, which he marked as G, H and I in the report, EXHIBIT AL. The Colonel concludes as follows at paragraph 23.3 at page 14:

“I found the evidence to provide strong support for the proposition that the writing in question, A3, was in all probability written by the writer of the specimen material marked D, E and R1 to R7 (one Carrington
20 Laughton). The writer of the specimen writing marked G, H and I (one ‘Conway Brown’), is thus eliminated as a possible writer of the writing in question.”

In respect of the three pages of EXHIBIT G, that is EXHIBIT G3, EXHIBIT G4 and EXHIBIT G5 (which he refers to as A1, A2 and A3), the

Colonel conducted an analysis on it as described in paragraph 24 of EXHIBIT AL and concluded as follows.

“I found the evidence to provide strong support for the proposition that the document is a genuine (authentic) document. However I cannot determine the approximate date of production.”

Ms Eleanor Jane Laughton testified that she was married to accused 1 from 2002 to 2007 when they were divorced, having first met in the year 2000. In 2001 accused 1 handed her an envelope
10 concerning work he had done for Lemkes. In evidence-in-chief she said accused 1 had previously been arrested and had asked her if she could place the envelope in her parents’ safe. Her stepfather put it in the safe. She did not know what was in the envelope.

Accused 1 told her when handing her the envelope that Lemkes had been withholding payment for work done and that Lemkes had once had a woman bumped off, as the witness put it. She said accused 1 said he was not prepared to do this, so he had photographed another woman and doctored the images. She recognised accused 1’s handwriting on an envelope which is EXHIBIT N.

20 Accused 1 told her that he had the photographs doctored by a company to make it look like the woman was dead. She testified that accused 1 said it was his proof that Eric Lemkes was an evil man and that if Lemkes did not leave him alone he could use these photographs. The photographs remained in the safe until June 2012 when she heard over the radio that accused 1 had been arrested for the murder of Ms

Ketani.

She remembered the envelope in her parents' safe and retrieved it. When she opened the envelope in her parents' bedroom a stack of photographs fell out. The top image was of a woman in a white shirt and black skirt and her hands were handcuffed in front of her. She handed the photographs to her attorney, Mr Marius du Toit, who in turn contacted the police. She gave her statement at the offices of the Director of Public Prosecutions.

10 She said further that accused 1 told her that Lemkes was trying to punish him and to this end Mr Lemkes had him arrested and rearrested by bribing people. He once had accused 1 arrested for an armed robbery that occurred at Lemkes' home, but the charges were withdrawn. However, accused 1 was rearrested the same day that he was released after being in detention for two months, but that case was also withdrawn.

Ms Jane Laughton testified further that she recognised accused 1's signature on EXHIBIT G, but that his handwriting was more neat and purposeful and tighter than his general scribble.

20 This witness also testified that Conway Brown, Poul Toft-Nielson and Reinecke had worked for accused 1 at various times doing surveillance work. She did not know Monique Lemkes personally, but knew that she was accused 1's girlfriend before he met this witness. Accused 1 had told her that he worked very closely with Monique during the investigation he did for her father, Eric Lemkes. The investigations related to thefts at Cranks.

Ms Laughton also identified a signature in a replying affidavit in a Rule 43 application during their divorce as being that of accused 1. That affidavit is EXHIBIT P. She was also shown a delivery note for a television set dated 20 September 2003, she recognised accused 1's signature on it as she was present when they took delivery of the television set. She had handed this delivery note, EXHIBIT Q, to the police. This witness also recognised the signature in accused 1's passport as being his.

Ms Laughton further testified that Poul Toft-Nielson and
10 accused 1 were very old friends and very close. Dirk Reinecke and accused 1 had known each other a long time and saw each other often. She said accused 3 was a frequent visitor to their home and stayed with her while accused 1 was in Lithuania.

She testified that accused 1 had a lot of uniforms, including some unusual ones. One was of a mesh type with camouflage material on it with which accused 1 used to go paintball shooting. Accused 1 also had a doctor's coat.

Accused 1, she said, also had four firearms while she was married to him, one he called Luigi and another was a shotgun. At the
20 time he drove, inter alia, a burgundy Astina motor vehicle. She and accused 1 knew Mark Eardley, and she had been to Eardley's farm four times together with accused 1.

Attorney Marius du Toit testified and confirmed that Ms Jane Laughton had consulted with him and handed him the photographs referred to by her. He believed this was evidentiary material of a

possible murder and handed them over to a Captain de Bruyn of the South African Police Services.

Mr Conway Brown testified that he was a co-accused of the three accused before this court. On 22 July 2013 he entered into a plea bargain with the State in terms of Section 105A of the Criminal Procedure Act, to count 6, the attempted murder of Betty Ketani, for which he was sentenced to five years' imprisonment, which was suspended for five years on certain conditions. He also pleaded guilty to be in an accessory after the fact to the murder of Ms Ketani. For this
10 offence he was sentenced to five years' imprisonment in terms of Section 276(1)(i) of the Criminal Procedure Act. At the time he testified in this court he was still serving his sentence. EXHIBIT AO is the plea agreement of Mr Brown which was handed in. He was represented by Attorney Nardus Grové at the time.

Mr Brown testified that two other co-accused, Mr Poul Toft-Nielson, nicknamed "Satan", and Mr Dirk Reinecke nicknamed "Chicken", had also entered into plea bargains and were also sentenced on 22 July 2013. He said he did not know accused 2 and accused 3 and had met them for the first time in the holding cells at the
20 Johannesburg Magistrate Court. He met Ms Monique Lemkes, (Monique), the daughter of Eric Lemkes, through accused 1.

Mr Brown said he completed only standard 6 in school and he had difficulty in reading and writing. Mr Brown further testified that during the 1990s he met Sandor who later introduced him to accused 1. Accused 1 assisted him to gain employment at Shield Investigations

where accused 1 worked at the time. Mr Brown said he, Sandor, accused 1, Monique, Poul Toft-Nielson, Dirk Reinecke and Mark Eardley had become a group of friends.

He said during May 1999 accused 1 telephoned him one night between 19:00 and 20:00 and requested his help. He asked Brown to meet him on the side of the R59 Highway past the Blockhouse One Stop Engen Garage. He took his toolbox and tow bar with him, as he assumed accused 1 had a motor vehicle breakdown and met him as arranged.

10 Accused 1 asked Brown to follow him. They went on to a dirt road and stopped. When he got out of his car he saw accused 1 standing and supporting a person. Accused 1, he said, asked for his assistance and pushed a short female person with her hands tied behind her back and her head covered, towards him. Mr Brown said he held her and accused 1 then used a silver metal shaft like a knitting needle and stabbed the female on the right hand side of her head or neck. She dropped to the ground. Accused 1 left her for dead and they left the scene.

20 Mr Brown testified further that two weeks later accused 1 telephoned him to tell him that the person that they thought they had killed did not die that night. She had died only the previous night, that is the night before the call from accused 1 to Conway Brown.

He testified that he was further informed by accused 1 that Monique and another person were on Mark Eardley's farm where they intended to bury the deceased. Accused 1 told him that his wife, and I

interpose to say it is common cause that it was Ms Candice Laughton at the time, had tried to commit suicide and hence he could not go to the farm and therefore asked Brown to supervise the matter.

Mr Brown said he went to the farm where he found Monique and a person with long hair. He refused to allow the deceased to be buried on Mark Eardley's farm as Mr Eardley's parents had been murdered there previously. After a heated discussion it was decided that the deceased should be buried behind the garage in Mr Brown's garden, which they proceeded to do.

10 At Monique's suggestion they poured cement over the body in the grave and then covered it all up with soil. He had noticed, he said, that the body was wrapped in a sort of hospital sheet and it had black curly hair. It was clear to him that it was a woman.

Later that day he met accused 1 at a Nando's takeaway outlet. Accused 1 was in the company of Monique and the man with long hair. They confirmed to accused 1 that the body had been buried.

Mr Brown further testified that in 2001 he had received a phone call from Dirk Reinecke informing him that accused 1 was in trouble with the law. They later met at a McDonald's restaurant in Rosettenville
20 where Mr Reinecke handed him a package that he was to keep, as things were "hot" on accused 1's side. Mr Brown said this package inter alia contained a letter which he later put under a carpet in his own house.

At a later stage accused 1 called him and said that the body had to be moved. Mr Brown described how he and Poul Toft-Nielson broke

the concrete, removed the broken cement and bones and placed them in blue plastic bags. The next morning accused 1 arrived in a motor vehicle with a trailer, the bags were loaded onto the trailer, concealed under a canvass and later taken to a dump site in Turffontein where he, Poul Toft-Nielson and accused 1 emptied the bags. He believed that the same person whom accused 1 had stabbed was the person buried in his garden.

Mr Brown was cross-examined at length by counsel for accused 1. A number of inconsistencies between his various police statements and the statement in support of his plea bargain were pointed out to him. He also admitted that he had lied on a few occasions. I will revert to these aspects presently.

Warrant Officer Booysen had 22 years' experience in the Police Services at the time he testified. He attended the scene of the excavation to exhume a body at 21A Leo Street on three occasions, namely 21 June, 25 June and 10 July 2012. He compiled two photo albums and explained why there were two, namely EXHIBIT AZ and EXHIBIT BA.

He attended three scenes, namely Plot 21, Nooitgedacht, which it is not in dispute is Mr Eardley's farm, a dumping site in Booyens, which Conway Brown referred to as being in Turffontein, and 21A Leo Street, Kenilworth. I think I can state without fear of contradiction that the suburbs Turffontein and Booyens are situated adjacent to each other or at least in close proximity to one another in Johannesburg South.

Of particular importance for present purposes is that this witness assisted at the excavation on 21 June 2012 at 21A Leo Street and the collecting of EXHIBIT S, per photos 26 to 62 of EXHIBIT AZ.

On the same day he conducted a so-called “code blue star” test in the bus at Eardley’s farm to determine if there were traces of blood on the floor of the bus. The result was negative. He returned to 21A Leo Street on 25 June 2012 in the company of Warrant Officer van Rensburg and a Captain Jones to do an excavation. Constable Sono who was also present pointed out the area to
10 excavated to look for possible human bones.

On 21 June 2012 he had been shown a heap of sand by a Captain Billa and it was to this specific site that he had returned on 25 June. Warrant Officer van Rensburg said he also took photos on that day.

The chain evidence of the photos was placed in dispute by counsel for accused 1. Thereafter the State led this witness through the key to the photos of EXHIBIT AZ. His testimony was in line with pages 2 and 3 of EXHIBIT AZ, dealing with photos 1 to 67.

Photo 49 depicted an alleged bone that this witness discovered
20 during the excavation and he had sealed it in an evidence bag with reference number PA60000942501J. When he heard on 10 July 2012 that Dr Bisso was at the excavation site he went there to get Dr Bisso’s opinion on whether the alleged bone he had discovered on 25 June 2012 was in fact a human bone, Dr Bisso told him that it was not.

With Dr Bisso on 10 July 2012, were Captain Briers and

Lieutenant Pienaar. As there was no photographer present when Booyesen arrived he was asked to take photos of three bones that were found. See EXHIBIT BA.

He took photos of the bones which were placed on top of the evidence bags. He said they were taken outside the evidence bags in order to give clear detail of the objects and the seal numbers. Booyesen further said that EXHIBIT BA, photos 69 to 76, depicted the bones that were pointed out to him by Captain Briers. He said he could not comment on any excavation prior to 21 June 2012.

10 Under cross-examination he testified that he had made some errors when compiling the photo albums relating to the dates the photos were taken, but that they were subsequently corrected by reference to the “properties” of the photos, which are apparently a record made automatically when photos are taken by the camera he used, a Nikon D700, of the date, time, exposure details and so forth.

Warrant Officer van Rensburg said he has more than 23 years’ experience in the South African Police Services. He had accompanied Warrant Officer Booyesen on 25 June 2012 to the excavation site and that he had taken photographs there. He by and large confirmed the
20 evidence of Booyesen about the excavation on 25 June and the visit to the site on 10 July and the meeting with Dr Bisso.

Mr Poul Toft-Nielson had entered into a plea bargain with the state on 22 July 2013. He pleaded guilty to being accessory after the fact and sentenced to five years’ imprisonment, which was suspended for five years on certain conditions. The plea agreement is

EXHIBIT AW2.

After matriculating he did an anti poaching course in Hoedspruit. He said he met accused 1 in 1984 at primary school. They became friends and later he also became a friend of accused 1's wife, Candice. He further testified that Monique was introduced to him by accused 1 as his girlfriend during March 1999 at the Hunters Pub. Monique had offered him an investigation job as some persons had been stealing from her father, Eric Lemkes' restaurant. She wanted them rounded up, interrogated and, if necessary, some of them should be "taken out".

10 Poul Toft-Nielson said he did not like what he heard. He said Monique was accused 1's client and he, that is accused 1, asked Mr Toft-Nielson if he was interested or not. He took accused 1 aside, he said, and told him he did not like Monique and did not want anything to do with her. Accused 1 promised not to bring her near him again.

Mr Toft-Nielson said he did not see accused 1 again for about a year. Thereafter a mutual friend, Richard, then arranged for him to meet accused 1 and his new girlfriend, Jane. He was told by accused 1 that the recruitment never happened and that he, that is accused 1, had staged the taking out of these persons. Mr Toft-Nielson was shown
20 photograph 6 of EXHIBIT P.

Mr Toft-Nielson said he was shown photograph 6 of EXHIBIT P by accused 1 and accused 1 explained that he had paid a Ruth, the lady depicted in the photograph, to lie down and he pretended to kill her, but it never happened. Accused 1, he says, told him that he had paid her to go back to Zimbabwe.

Mr Toft-Nielson further testified that accused 1 had told him that he was done with Monique who was trying to take revenge on him and that she had left the country. Mr Toft-Nielson further testified that he had met Mr Eric Lemkes at the Bulldogs Pub next to Cranks Restaurant. Lemkes had asked him if he was interested in taking out accused 1 and police officer Slabbert. He informed accused 1 about this. This, he said, was in the year 2001.

This witness said he had made two overseas trips with accused 1. On the second trip, which was at the beginning of 2004, a
10 Barry Stevens and Conway Brown had also accompanied them. At Heathrow Airport he was asked by Conway Brown if he would help him move some begonias from his garden when they got back to South Africa. At dinner in the hotel accused 1 asked Mr Brown if he had asked Toft-Nielson about that and Brown told him that Poul Toft-Nielson had agreed.

On the morning after they returned he went to Brown's house where he assisted him to remove a body from a grave on Brown's property. Mr Toft-Nielson said he was told that Monique and Mark Lister brought the body to Conway Brown's house and that he, that is Brown,
20 had been threatened by Mark Lister who was a policeman at Norwood Police Station at the time that the body was buried on Conway Brown's property.

Mr Toft-Nielson explained in broad terms like Mr Brown, about how they removed the body and its subsequent dumping. He confirmed Mr Brown's evidence that accused 1 had arrived there in a white Mazda

with a trailer and had helped them load the bags onto the trailer and that the three of them went together to dump the bags and further that later he and accused 1 took some of the bags to the Klipriver where bones were dumped in the river, including a skull which Poul Toft-Nielson had smashed with a hammer so that it would sink. Brown did not join them at the river, as he had to clean up the house before his wife and children came home.

Mr Toft-Nielson further testified that later accused 1 and himself fetched Mr Brown and went to a Nando's outlet in Turffontein where Dirk
10 Reinecke joined them. Toft-Nielson said he was warned by accused 1 and Conway Brown not to mention anything to anyone about this incident. Toft-Nielson testified that he took accused 1's threats seriously.

He said he only found out the night before his arrest in 2012 from Captain Fagan that the deceased was Betty Ketani. After the dumping of the body he heard snippets of information from accused 1 saying 'yes, we uplifted her from the hospital' and at a dinner that 'you can kill someone with a knitting needle'.

Mr Toft-Nielson testified further that he was once handed three ice cream containers by Dirk Reinecke and asked to keep them. In the
20 containers were a police flash, as he put it, a 1000 feet flare and two 9 millimetre firearms that looked like pistols issued by the police. Two days later he dumped the contents of the tubs in the Crocodile River.

He further said that after his arrest on 14 May 2012 he was told by accused 1 not to point out anything, otherwise there will be consequences for him. Mr Toft-Nielson also testified that after he and

accused 1 had emptied the bags in the Klipriver accused 1 had told him that it was an investigation and an assault that had gone wrong.

EXHIBIT AW1 was the statement Toft-Nielson made to Magistrate Maistry and AW2 was his plea bargain statement. He said he made the further statement, EXHIBIT AW3, because his attorney had told him that the two earlier statements did not make sense and he must give more details.

He said during a pointing out at 21A Leo Street he recognised the place from where the body of the deceased was removed, but there
10 was no concrete surface there, only flowers. He noticed that the home had been renovated. Mr Toft-Nielson said he was not aware of EXHIBIT G until it was shown to him by his attorney prior to his first bail application.

He further testified that he recognised the signature on EXHIBIT G, that is, the letter, as being that of accused 1, as he has known accused 1 for over 30 years. He also recognised the handwriting in the paragraph at the bottom of G5 as being that of accused 1. He said Alex, a name mentioned in the letter, is Sandor's late father.

Mr Toft-Nielson said he knew that accused 1 had military
20 uniforms which accused 1 had displayed first at his office and then at his house. He had also seen a doctor's coat with accused 1 when he once assisted accused 1 to move house. He asked accused 1 about the purpose of the white coat. He was told that it was used to uplift someone, but did not elaborate further.

He said whilst in detention at Diepkloof Prison he had

announced in the presence of accused 1, accused 2 and accused 3 that he intended to plead guilty and he asked who was the idiot that had stabbed the person and killed Betty Ketani. Mr Toft-Nielson said accused 1 informed them about what he had done and that he, accused 1, was the idiot who had stabbed Betty Ketani who had been killed. Mr Toft-Nielson said accused 2 and accused 3 were shocked when they heard this.

He said accused 1 then also mentioned that he uplifted Ms Ketani from the hospital and that accused 2 and accused 3 were
10 present at the time.

A long and protracted cross-examination by counsel for accused 1 took place. It was pointed out that a number of things he testified about in court, for example the ice cream tubs, and that he had received them from Dirk Reinecke, the flash and the flare, were not mentioned in any of his statements, nor that Dirk Reinecke told him he got them from accused 1. Toft-Nielson explained that his “emotions were all over the show”.

It was also put to him that he did not mention accused 1’s involvement in the removal of the body from 21A Leo Street and that
20 Conway Brown had said that accused 1 was not there, as his wife had attempted to commit suicide. Toft-Nielson conceded that he had made certain assumptions.

Constable Sonxaba is a police officer or a police photographer who photographed three bones at the excavation site on 10 July 2012 and then left the scene, as he had to attend to another crime scene.

Ms Ruth Mncube testified that she had been an unregistered employee, a waitress, at the Cranks Restaurant since the beginning of 1997, but was fired after being accused of stealing a cheque. She was arrested by police and questioned, but thereafter released. She confirmed that Ms Betty Ketani was also employed at Cranks, but in the kitchen.

Ms Mncube testified further that when she returned on 23 May 1999 from Zimbabwe she was walking on Smit Street to her boyfriend's place of work at Joubert Park close to a post office when she stopped at
10 a red traffic light. A white Toyota Corolla or Accent pulled up next to her and a white male person alighted from the driver's side, grabbed her by her wrist and pulled her towards the back of the motor vehicle. She was told in English she is Ruth Mncube. She said she denied it because she was aware that there were people looking for her.

She described the type of clothes this person wore and that he had a firearm on his waist. He told her she was under arrest. However, passersby noticed it and asked the man for his police identification and tried to grab him, but he got into his vehicle and drove away.

I interpose to say that this is the subject of count 2, the
20 attempted kidnapping of Ms Mncube. I will revert to it presently. Suffice it to say that she cannot identify the person or could not identify the person who attempted to abduct her in May 1999.

Ms Mncube was shown photograph EXHIBIT N. She said she did not recognise herself in any of the photos except for the first one, on the back of which is written the name Ruth. She said it was Monique's

handwriting. In June 2012 she attended an identity parade, but could not identify anyone.

Mr James Thomas van Rooyen had held the rank of inspector in the South African Police Services in 1999, but left the service in 2009. By 1999 he had had 14 years' experience in the Police Force.

This witness testified about Mr Themba Tshabalala having laid charges in May 1999 about his kidnapping and theft and assault with the intent to do grievous bodily harm. He also testified that Mr Ndaba Mbebe also complained to the police on 23 May 1999 about his
10 kidnapping and assault on 22 May 1999. Mr Mbebe had told him that the reason for his assault was that the persons involved were looking for Ruth Mncube and Mighty.

Mr van Rooyen further testified that Mr Tshabalala had provided him with the registration number of a police vehicle used when he was kidnapped and assaulted. Van Rooyen traced the vehicle as having been allocated to Randburg Police Station and that it had been used on 23 May 1999 by police reservist Mr André Coetzer, who together with accused 3 was at the time a permanent member of the South African Police Services. The reason for booking out the vehicle had not been
20 stated.

He obtained witness statements from Coetzer and accused 3 who confirmed that they had been to Mr Tshabalala's residence, but that the purpose was to follow up on fake passports or identity documents.

Mr van Rooyen further testified that he had been contacted by Ms Ruth Mncube about an attempt to kidnap her in Joubert Park at the

post office. Mr van Rooyen said in 2012 he was shown EXHIBIT G by Superintendent Neethling who told him that his, that is Van Rooyen's name, was mentioned in EXHIBIT G as being involved in a previous investigation. On reading the name Themba Tshabalala in EXHIBIT G he recalled the matter and traced the case number and the docket.

Mr André Coetzer testified as a witness in terms of Section 204 of the Criminal Procedure Act and warned accordingly. He is seeking indemnity from prosecution on charges of perjury and housebreaking with intent to commit an offence unknown to the state.

10 Mr Coetzer knows accused 1 from the early 1990s and they became friends. He had worked for accused 1 doing investigative work and later formed a partnership or a company called Laughton, Heath and Coetzer in 1991, but it was closed after about two years, as it was not profitable. Heath, the other name in the company or partnership that was formed, was a Duncan Heath. They did investigations for the company.

Thereafter accused 1 ran a second company called Commercial Services, which also did investigations but concentrated on thefts out of restaurants.

20 Mr Coetzer further testified that about one and a half years later accused 1's wife, Candice, wanted to be involved in the company. He, that is Mr Coetzer, resigned as he felt that her involvement in the company would have disadvantaged him. He then joined Shield Investigations and accused 1 was also involved in this company, that is, Shield.

Mr Coetzer further said that in the interim in 1991 he became a police reservist and was stationed as a constable at Rosebank Police Station for about four years. He said he met accused 3, also in the early 1990s and they became friends. Accused 3 was stationed at Rosebank Police Station at the time.

Mr Coetzer said that he met accused 2 in 1998. Accused 2 was stationed at Randburg Police Station at the time. He had a good relationship with accused 2 as well. Mr Coetzer said it was he himself who had introduced accused 2 and accused 3 to accused 1. They
10 became friends and assisted each other in searches and tracing of suspects for accused 1.

Mr Coetzer says he has never had a fallout with any of the accused and he has known accused 1 for about 23 years. He said he was aware that accused 1 had done his military service and that he was actively involved in the Randburg Commando. Accused 1 held the rank of a lieutenant.

Mr Coetzer confirmed that accused 1 had military uniforms with medals exhibited in his office and in the foyer of his house, but he never saw a doctor's coat in the possession of accused 1.

20 Accused 1, he said, had introduced Monique Lemkes to him. On 20 May 1999 he was on duty at Rosebank Police Station as a reservist. He was with accused 3. He said accused 1 contacted them and they met him at the side of the road at the corner of Main and William Nicol Roads in Randburg. It was there that accused 1 introduced Monique to them as one of his new clients who worked at Cranks.

The next day, 21 May, accused 1 contacted Mr Coetzer and accused 3 and enlisted their help. He said they, that is himself and accused 3, were to verify whether a Mr Themba Tshabalala lived at 1906 Aintree Flats, O'Reilly Street, Berea, and report back to accused 1.

On 22 May 1999 at 04h30 he and accused 3 went to the given address in full uniform. They met Mr Tshabalala and asked him for his identity document. Mr Tshabalala took them to his brother's place to show his identity document to them and his brother confirmed who he was. They had travelled in a red Mazda, which Mr Coetzer had booked
10 out from the police station. It was a reservist vehicle.

Mr Coetzer testified that he was aware that their actions were unlawful, as they did not form part of their duties. They did a favour for accused 1, he said.

That evening accused 1 contacted them again and asked for their backup as he was looking for a black woman who was also a suspect in the Cranks investigation. She was an employee of Cranks, but Mr Coetzer could not recall her name. They met accused 1 who was in a Mazda Astina in Berea. Accused 2 was there in a Ford Ranger with Dirk Reinecke. Mr Coetzer said he and accused 3 were both in
20 police uniform while accused 2 was in civilian clothes.

This was a different place to the one of Mr Tshabalala. This time too they travelled in a police reservist vehicle. Mr Coetzer further said he forced open the security gate and the front door to the flat after the occupants refused to open up. Accused 1 checked the occupants and said the female person he was looking for is not among them. The

reservist vehicle had still not been booked back on 25 May 1999.

Later Inspector van Rooyen asked Mr Coetzer to go and see him. Mr Coetzer informed accused 1 and accused 3 about it. Between accused 3 and himself they agreed on a version they would give Van Rooyen, that is, that they had made one visit to Themba Tshabalala and that was to check for illegal immigrants. This version was also given by accused 3 to Van Rooyen, he said.

Mr Coetzer said he deliberately withheld information relating to the second visit at a different address where he broke down the door
10 and security gate. He said it was because he knew that his actions were illegal. Mr Coetzer further also denied in his statement, which is EXHIBIT BH, or part of EXHIBIT BH, to Van Rooyen that he knew Monique Lemkes. He informed accused 1 that he did not mention his, that is accused 1's name, nor that of Monique to Inspector van Rooyen. This witness said he had a brief romantic involvement with Monique and a one night sexual relationship with her.

In 2012 he was contacted by Captain van Wyk, the investigating officer in the present matter. He gave a statement, which is EXHIBIT BT, to Van Wyk in which he said he stood by his statement
20 which he gave to Inspector van Rooyen in 1999. He said later he was told by Captain van Wyk to get legal representation. He did so and his legal representative advised him to come clean and his attorney then prepared a further statement in which he provided greater detail relating to the searches and so forth. Later, investigating officer Van Wyk explained in his own testimony why he told Mr Coetzer to get legal

representation.

Mr Coetzer said the photograph BG was taken at his birthday party in November 1999, which was organised for him by Monique. In the photograph are accused 1, accused 2, accused 3, Monique, Dirk Reinecke, accused 3's then wife and himself. Although accused 1 had told him that Eric Lemkes had started an investigation against him in 2001, he had never told him that he, accused 1, was set up by Lemkes.

Mr Coetzer further testified that he recognised the signatures of accused 1 on EXHIBIT G, as well as accused 1's handwriting in the
10 handwritten last paragraph on EXHIBIT G5.

The next witness to testify was Mr Dirk Reinecke. Mr Reinecke testified that he had been in school with accused 1 in the years 1986 to 1988. They then met up again in 1992 when they matriculated. In 1999 he met accused 1 at the Standard Bank in Orange Grove and later visited him at his house in Norwood where he met accused 1's then wife, Candice.

He later joined accused 1's investigations company, C&C Commercial Services, on a part-time basis. Mr Reinecke also testified that he introduced Monique Lemkes to accused 1 after
20 Reinecke had met her at the Bulldogs Pub which was next to Cranks Restaurant. It was during April or May 1999, he said. She had complained to him about thefts at Cranks and she suspected that the staff were involved.

Mr Reinecke further testified that accused 1 had contacted Monique and sometime later accused 1 had told him that they had found

a chief suspect. It was Betty Ketani. Still later he went with accused 1, Monique and Betty to Sandton Park Hotel where Betty was interrogated by Monique. At one point when Betty wanted to leave it was he, that is Reinecke, who prevented her from leaving. He said both he and accused 1 felt that Betty was not the one that stole the cash cheques and money from the till in the Cranks.

Accused 1 persuaded Monique to end the questioning and they left the hotel at around midnight. Both he and Betty got off accused 1's Opel Astina car at a traffic light in Rosebank after accused 1 declined
10 Betty's request to be dropped off in Hillbrow, saying it was out of his way.

Mr Reinecke further testified that he saw Ms Ketani at the Cranks about a week later, but did not speak to her. The matter was not discussed again between him and accused 1, nor was he paid, as they were friends, but he felt he was not part of accused 1's inner circle of friends and only socialised a few times.

He testified further that he met accused 2 and accused 3 in late 1999 through Andrè Coetzer who was introduced to him by accused 1 at accused 1's house in Norwood. He said he met Conway Brown in 2000
20 or 2001 when accused 1 moved to a house in Johannesburg North. Accused 1 gave him a duffle bag, he said, to deliver to Conway Brown in the evening. Accused 1 had just gotten into a relationship with Jane Smythe when he moved house. She later became accused 1's second wife.

He further testified that accused 1 told him the box contained

personal stuff, including a tape of him and Monique having sex and he did not want Jane to know about it. The duffle bag was about one metre by one metre in size.

When asked about Monique, Reinecke testified that she left for Thailand at the end of 1999 because she got caught red-handed stealing money from Cranks. Reinecke testified that accused 1 had told him that his affair with Monique was still going on and that Candice had shot herself in the head. Accused 1 phoned him early in the morning and asked him to go to accused 1's house, as accused 1 was at the
10 hospital with his wife.

Reinecke was to let the cleaning company enter the house. He said this was in 1999, a couple of months after the hotel meeting with Betty Ketani. As the weeks went by accused 1 and Monique's relationship intensified up to the time Monique left for Thailand in 2000, he said.

Reinecke also implicates accused 1 in the searches in Hillbrow together with Monique, Coetzer, accused 2 and accused 3. Reinecke further testified that he was asked by accused 1 to take a two litre ice cream container to Poul Toft-Nielson about the end of 2000 or the
20 beginning of 2001. The container had firearms in it.

He further said accused 1 had an army uniform and a collection of other uniforms, including a police uniform. He said he asked accused 1 at the end of 1999 or early 2000 about what had happened to Betty. Accused 1 told him Betty had moved to Zimbabwe.

Reinecke said further that accused 1 had at one stage called

him to say he must fetch accused 1 from Midrand, as the hired Audi TT motor vehicle accused 1 was driving had been hijacked. He said he picked up accused 1 and took him home. Two weeks later he saw a similar Audi TT motor vehicle at accused 1's residence. Accused 1 told him he had purchased it from a diplomat who was leaving the country.

Reinecke further testified that accused 1 knew Sandor and that Mark Lister knew Candice Laughton. He recognised the signature of accused 1 at the bottom of EXHIBIT G3, EXHIBIT G4 and EXHIBIT G5 because he had seen accused 1 sign a few reports. He said that the
10 handwritten portion of EXHIBIT G5 is similar to the handwriting of accused 1 as he had observed it in previous notes that accused 1 had compiled.

Reinecke further testified with reference to a wheelchair mentioned in EXHIBIT G that he was aware of a few wheelchair supply companies in Louis Botha Avenue. Reinecke said the cellular phone number mentioned in EXHIBIT G as being his number looks like the number he was using at that time.

He said EXHIBIT BG, a photograph, was taken at Monique's father's house where a party was held in the summer months of 1999.
20 He identified all the persons depicted in the photograph. He said it was accused 1 who had given him the nickname Chicken.

During cross-examination Reinecke was questioned by accused 1's counsel as to whether Candice Laughton, accused 1's wife, had attempted to commit suicide on 4 May 1999 and that she remained in the ICU at the hospital until 12 May 1999 and discharged on 4 June

1999. Reinecke replied it may be so.

It was then put to Reinecke that he, that is Reinecke, had told Leon Rerhl, at a Spur restaurant in Northgate that Poul Toft-Nielson had told Reinecke that accused 1 would be put in a situation to pay Eric Lemkes, that is, that a letter would be created that would change accused 1's life. Reinecke denied such a meeting had taken place or that such conversation took place.

The next witness to testify was Mr Themba Tshabalala. What appears from his evidence and that of Inspector van Rooyen is that he
10 did report to the police:

1. That persons dressed as police arrived at this flat.
2. That he sustained injuries and went two weeks later to a Dr Makionji at the request of Inspector van Rooyen.
3. That his wife Mighty worked for Cranks Restaurant.
4. That he obtained registration numbers of a motor vehicle from Emmanuel, the security guard which he gave to the female police officer who took his first police statement.
5. That he gave a second note to Van Rooyen which related to the red Mazda motor vehicle which belonged to the police.

20 Mr Tshabalala testified about his abduction and being taken to a place where he was tortured. Mr Tshabalala had also produced a diary whilst he was testifying. His diary notes must have been written much later and if his attempt was to show he made contemporaneous notes in 1999 it must be rejected. It is clear that the diary was at the very least a 2000 diary or later, however his evidence is relevant in relation to

EXHIBIT G.

Lieutenant Colonel GJ de Wet is attached to the forensic science laboratory. He testified that insufficient DNA was isolated from the bone samples that they had tested to enable him to conduct further tests. The relevance of his evidence is that he noticed that Captain Briers had made errors in his affidavit regarding the seal number of the evidence bags as he, De Wet, had the original evidence bags in his file and had checked them. He asked Captain Briers to correct his affidavit. Brigadier Ras had omitted a 4 in seal number PW400261525 which she
10 corrected, he said.

Mr M Vesi was previously a member of the South African Police Services, but he is now retired. He testified that in 1999 he was attached to the theft unit. On 17 May 1999 he fetched the docket, EXHIBIT BH, from the storeroom after Mr Themba Tshabalala complained that his assault case had been closed.

Mr Tshabalala told him he had new evidence and gave him a piece of paper with a vehicle registration number HLJ194GP, which he checked on their computer system and found it was a private motor vehicle, not a police motor vehicle as alleged by Mr Tshabalala.
20 Constable Mohali reopened the docket and handed it to Inspector van Rooyen for investigation as Van Rooyen was the person who dealt with internal police investigations.

Mr Ndaba Mbebe testified that in May 1999 he lived with Themba Tshabalala, his sister Mighty who was married to Mr Themba Tshabalala, and Ms Ruth Mncube. He confirmed that Ruth and Mighty

were employed at Cranks. On 23 May 1999 Ruth no longer lived with them and Mighty had fled.

On the same date at 22:00 two white males in civilian clothes entered his apartment. He recognised one of them as a policeman who previously conducted a search at the apartment when he had introduced himself as a policeman. Mr Mbebe said he was asked to accompany these police officers. He further confirmed that the vehicle registration numbers given by Mr Tshabalala to the police were given to him by the security guards at the building where his apartment was situated.

10 He was ordered to sit in an Opel Corsa. The other person whom he had seen before was the driver of a red Opel Astina, he said. He was taken eventually to a bush after a black balaclava was pulled over his face. He was tortured, he says, and then taken to another place where he was tortured some more and then left there. It was in the Fourways area from where he went home the next morning.

They had wanted information from him about the whereabouts of Ruth, Mighty and Betty. He said he was taken to Inspector van Rooyen by Mr Tshabalala on 27 May 1999 where he gave a statement.

20 Bulelwa and Lusanda Ketani testified that according to their knowledge Ms Ketani was their biological mother and that DNA samples were taken from them, as well as their brother, Thulani, who has a medical condition. This was on 14 July 2012. After the control swabs were taken they were sealed in bags and both of them signed in the bottom left and right of both bags, they testified.

Ms Anna Phuting testified that she was on duty at Randvaal

Clinic on 20 May 1999 when an ambulance was summoned which arrived at 22:40 at the clinic to take a patient to Kopanong, which is formerly Vereeniging Hospital. This is reflected in an occurrence book or OB entry 1015 of Klipriver Police Station. However, she could not say whether it related to Ms Betty Ketani.

Dr Paul Jafta testified that he had taken the swabs of Thulani, Lusanda and Bulelwa Ketani. He also completed three J88 forms, which are EXHIBIT BR, EXHIBIT BR1 and EXHIBIT BR2, which were for Thulani, Lusanda and Bulelwa respectively. He had also completed
10 Section 212 and Section 213 statements, he said.

He further testified that he put all the documents in the respective evidence bags, including the forms J88 and they were then sealed by the police officer who had brought the three children to him for taking of the control samples.

Warrant Officer HA Malele testified that he had taken the DNA sample kit, blank forms, J88, ante-mortem reference collection forms which were given to him by Captain van Wyk to take to Queenstown in order to obtain DNA control samples of the children of Ms Ketani. He had done so by going to Dr Jafta and returned with the samples, which
20 he handed over to Captain van Wyk.

Professor G Saayman holds the degree MBCHB, which is a medical degree, and a masters degree in forensic pathology which he obtained in 1980 and 1987 respectively. He is a chief specialist and professor at the Forensic Pathology Service and he is head of forensic medicine at the Pretoria University. He has 30 years' experience in

medical investigations relating to unnatural deaths and as a pathologist he conducts post-mortems.

EXHIBIT CT is a report that Professor Saayman compiled at the request of the State on evidence where a body is not present for examination. Professor Saayman's report was read into the record. In essence he said that the absence of scientific reports, including medico legal post-mortem reports, makes reliable comment difficult and that observation of laypersons leaves much room for uncertainty. In paragraph 4 of his report he says:

10 “Direct penetration to the brain is likely to result in
substantial clinical symptoms and signs and may
indeed result in “mild brain damage and mental
trauma”. Such penetrating injury caused by a
relatively long thin object being stabbed into the
brain tissue will however not necessarily result in
severe or fatal injury and may indeed even not lead
to immediate incapacitation. Substantial
complications and or incapacitation are nonetheless
very likely, but may well develop only some hours
20 later.”

Dr J Goosen was called as a witness by the State, but the defence then agreed that he need not testify. By agreement between the State and the defence a statement by Dr Goosen, which is EXHIBIT CU1, and a copy of a personal record kept by him relating to treatment received by accused 1's ex-wife Candice, marked EXHIBIT CU2, were handed up.

Accused 1 admitted that his signature appears on EXHIBIT CU2 where he signed receipt for the clothes of Ms Candice Laughton.

The State sought to hand in pages 2, 31 and 72 of the hospital records from Johannesburg General Hospital of Ms Candice Laughton, but counsel for accused 1 objected to pages 31 and 72 on the grounds that the content would be hearsay evidence. Page 2 related to the dates of admission and discharge of Candice Laughton, page 31 reflects notes made by a doctor during her treatment in hospital, but the doctor's name is not indicated. Page 72 is a letter on which it is alleged
10 that the signature of accused 1 appears. Accused 1 does not admit that it is his signature.

As a result the State called a Dr Pak to testify. Dr Pak testified that he is a qualified medical practitioner and also completed a speciality course in psychiatry in 2000. During 1999, during about January or February until June 1999 he did his in-house training at Johannesburg General Hospital in psychiatry. He interviewed Ms Candice Laughton on 18 June 1999 for one and a half hours, he said she was admitted on 12 June 1999 and discharged on 28 June 1999.

20 Under cross-examination he was referred to a note by a Dr Gazadi, whose handwriting Dr Pak said he recognised, in the hospital records who had noted "husband was away about for five weeks". Further under cross-examination Dr Pak was also referred to a note by another doctor who noted "ongoing marital difficulty, things were bad between her and her husband". In re-examination Dr Pak said a

page of his notes in the hospital records was missing.

Dr Pak was of the opinion that Ms Candice Laughton had told the truth and was not fabricating. She was mentally well enough to give a meaningful history of her family and on 18 June 1999 she was able to communicate with him. She had no difficulty talking to him, he said.

The next witness to testify was Captain van Wyk, the investigating officer in this case. Van Wyk testified that he was appointed the investigating officer in this matter on 27 June 2012 when he received case dockets Yeoville CAS442/04/2012 relating to the
10 murder of Ms Betty Ketani in 1999 and Hillbrow CAS809/05/1999, which was about abduction, extortion and theft of money. All three accused had already been arrested when he took over the investigation, he said.

He described the different routes that can be taken to Mr Eardley's farm. He also said that the Klipriver Police Station serves the area where Eardley's farm is situated and he also described the location of the Blockhouse Engen Garage which he said was located on both sides of the R59 Highway from Alberton to Vereeniging and that it was erected during 1993 to 1994. He explained that from the Engen Garage to Eardley's farm was about 2.7 kilometres.

20 It was pointed out that Randvaal Clinic is about 6.1 kilometres from the Engen Garage and 5.5 kilometres from Klipriver Police Station. Vereeniging Hospital, which was renamed Kopanong Hospital, is 31.1 kilometres from the Engen Garage, he said.

He further testified that he had interviewed Ms Anna Phuting who testified earlier. Captain van Wyk had approached

Kopanong Hospital where he was told that hospital records for 1999 were not available. He described Eardley's farm and that it had inter alia a bus structure which was pointed out to him by Mr Conway Brown. In this regard one would refer to EXHIBIT CT, photo 13.

He further testified that Eardley's farm is about 28 to 30 kilometres from 21A Leo Street Kenilworth where Mr Brown used to reside. He, together with Captain Briers and Warrant Officer Pienaar, had done an excavation at 21A Leo Street on 10 July 2012. Van Wyk testified further that two previous excavations had been done there prior
10 to his appointment as investigating officer in this case. He said Lieutenant Colonel Neethling, Constable Sonno and Captain Billar, together with private investigators Mr Doc Green and a Mr Laubscher, had done the previous excavations.

This witness confirmed Mr Nortje's evidence that there is a high fence and surveillance cameras around the property at 21A Leo Street, Kenilworth. Photos depicting these security measures are EXHIBIT CD, photos 55, 56, 60 and 62.

In broad terms Van Wyk confirmed the evidence of Captain Briers and Ms Bisso and Constable Sonxaba regarding the
20 excavation or events at the excavation at 21A Leo Street, Kenilworth. He had told Warrant Officer Booyesen to take photographs of three of the bones found. The three additional bones found later were photographed by Warrant Officer Booyesen. He said Briers sealed three bones in one bag and three in another in his presence.

Van Wyk asked Colonel van der Hammen to do a handwriting

and signature analysis of accused 1. He had sight of EXHIBIT G and referred to EXHIBIT G1 on which was written “do not throw away”, which was testified to by Conway Brown who confirmed he had written some telephone numbers on EXHIBIT G2. The words “reissue” on EXHIBIT G2 was written by Colonel Neethling who started the investigation at the Yeoville Detective Branch, he said. EXHIBIT G3, EXHIBIT G4 and EXHIBIT G5 are the originals of the letter allegedly written by accused 1.

He was able to trace Sandor Eygid to New Zealand and spoke to
10 him telephonically, but could not obtain a statement from him. He found out that the Alex mentioned in EXHIBIT G5 is Sandor’s late father.

The four firearms mentioned in EXHIBIT G5 were seized by the arresting officer who found that they belonged to accused 1 as per their licence registration details.

EXHIBIT DD is a printout of a red Mazda Astina registered in the name of accused 1 as at 7 December 1998. Van Wyk testified that no distinction is made by the motor vehicle registration authorities between red and maroon.

Captain van Wyk further testified that Monique Lemkes who is
20 mentioned in EXHIBIT G3 is currently in Australia and employed as an air hostess by Qantas Airline. A video identity parade was held with the assistance of Superintendent Richard Stanford of Australia on 19 November 2013 who handed in a photo board with 12 photos of 12 people on it. Conway Brown pointed out photo 11 which was identified to be that of Mark Lennox Lister. Van Wyk established that Mark Lister

had left South Africa for Australia in 2001.

Van Wyk further testified that he was not able to trace Warren Williams who is mentioned in EXHIBIT G3, but he traced a Detective Sergeant Irwin Hyde mentioned in EXHIBIT G5. Hyde is currently a captain stationed at the Randburg Magistrate Court, but he is still under the jurisdiction of Randburg Police Station. Van Wyk said Captain Hyde was not cooperative during the interview.

Captain van Wyk further said he investigated Eric Lemkes, but did not meet him personally as he is in Thailand. He did not regard him
10 as a suspect, as he could not find anything against him in relation to the current matter before this court. Van Wyk testified further that Eric Lemkes provided a "without prejudice" statement to the Directorate of Public Prosecutions through his attorney. The statement was disclosed to the defence. Lemkes inter alia said he had a back operation in 1999 and his daughter Monique managed Cranks Restaurant. He knew of one CCMA matter, but did not know of any dispute with Ruth.

Van Wyk said accused 1 had given a statement to the late Captain Fagan; that accused 1 had made no mention that Eric Lemkes had set him up or that Lemkes had paid him for work he had done for
20 Lemkes. Further, said Van Wyk, in his affidavit in support of his bail application accused 1 had not mentioned that he had been set up by Lemkes

EXHIBIT G3 makes mention of a wheelchair hired from a medical company off Louis Botha Avenue in Corlett City. It is also mentioned that the wheelchair was hired in the name of Candice

Anderson, 25 Rathmines Road.

Van Wyk established that there was a wheelchair hire company at 600 Louis Botha Avenue, but it has since relocated and it did not have any records of 1999. Van Wyk said the distance from 600 Louis Botha Avenue to 11 Rathmines Road where it is common cause accused 1 lived at some point in time, was 2.2 kilometres. He testified further that Candice is the name of accused 1's first wife.

Van Wyk also found hospital records of Candice Laughton which confirmed her attempted suicide, which is mentioned in EXHIBIT G3 to
10 EXHIBIT G4. Van Wyk also established that accused 1 had done compulsory military training, but his status is AWOL, that is absent without leave.

He held the rank of a private in technical support and he misled the Randburg commando where he had indicated, or rather introduced himself as a lieutenant and that he was from the intelligence unit according to the beret that he had worn. Van Wyk said a private has no insignia.

Accused 1 had also posted pictures of himself on facebook, said Van Wyk, these were EXHIBIT DL1, DL2 and DL3, where he is wearing
20 a military uniform. On the left shoulder is reflected the rank with two pips, full lieutenant on the left side of the chest with the words Laughton.

Van Wyk's investigation through the local criminal record centre which has access to the Department of Home Affairs database revealed that there is no record of Ms Ketani having applied for a passport.

Van Wyk referred to EXHIBIT DO, the cell phone SMS records of

accused 1 where at page 124/136 and dated 8 May 2012, accused 1 had sent three messages to Dirk Reinecke on which he used the same words as appear in EXHIBIT G, namely “fuck them all”.

Van Wyk also mentioned that since he became the investigating officer in this matter his office was burgled, his laptop went missing, his police motor vehicle was stolen in August 2013, but found later the same day in the evening but his investigating diary was missing from the car. His work partner, Warrant Officer Malan’s house was also burgled and his laptop stolen. He found out that during the bail
10 applications of the three accused they were already in possession of the documents in the C section of the docket when they had not yet been disclosed.

Colonel Mike Sales testified that he is currently director of technical services relating to computers and digital services and the analysis thereof. Sales downloaded the SMS messages from accused 1’s cellular phone, a Nokia N97, which Sales received from Captain van Wyk on 22 August 2012. The download consists of 136 pages and is EXHIBIT DO.

Page 116 reflects messages received on the cell phone after
20 accused 1 was arrested. He further testified that the SMS messages on the 136 pages are not in date sequence. They were downloaded as they were on the phone where they are not necessarily stored in date order, but rather randomly wherever there is a gap in the phone’s memory. 11 Messages were from Poul Toft-Nielson, 117 from Mr Leon Rerhl and 41 from Mr Conway Brown. At this point the State closed its

case.

Unfortunately we will not be able to continue today, we will now have to adjourn until Wednesday morning, the day after tomorrow. Sorry, this is unfortunate, but in the circumstances we are not able to proceed. So the court adjourns until Wednesday morning at 10:00. The accused are remanded in custody.

COURT ADJOURNS

[13:54]
