FIRST INTERVIEW THAT PAUL O'SULLIVAN HAD WITH ROBERT KENGA

DATE: UNKNOWN

TIME: UNKNOWN

PLACE: Appears to be at 17 High Street, Oakdene

POS: Now listen, hang on hang on, let's just start again, I am just trying to. I am looking at this set. So, we are sitting here ...

RK: Ya, I was sitting ...

POS: Now you didn't, you only phoned after you went outside ...

Rk: Yes

POS: So your sitting here ...

RK: I heard

POS: And then you heard the shot

RK: The shot

POS: Right

RK: And then I said this is a gunshot, I turn myself and it sounded close. So I came and I opened the sliding door (sound of door opening) I stood and this is the way I looked first.

POS: Ya

Female: OK

RK: Nothing

POS: So you looked over that way towards the freeway and then down the road here

RK: Ya

POS: Yes, yes

RK: Nothing, now I saw Odette's car, cause my car was parked where it is

POS: Yes

RK: A little bit further and Odette's Kia was facing this way

POS: Ok. So you saw Odette's car parking there with the front facing towards the glass

RK: Ye

POS: Ok, ok

RK: I did not see her, but there was a gunshot and it must be a robbery. When I am thinking I heard the second gunshot

POS: Ok

RK: And I am looking through the glass

POS: Ye, so you cannot see very clearly

RK: I saw a person wearing a black top

POS: A black top

RK: A hoody, you call it what?

POS: With a hoody

RK: With a hoody, facing this way

POS: Facing towards the glass

RK: Towards the glass

POS: OK, now did he have anything on his hands

RK: No I could not see you see it is too ... (intervene)

POS: The glass

05-787

RK: Yes it is on the other side of the car

POS Yes so it is bad vision

RK: From the roof I only saw this section facing

POS: Uhuh

RK: And then through the windows...

POS Ah ya I understand

RK And through the windows I saw a black top

POS: Uh mm

RK: And when I heard the second gunshot I immediately went back for cover

POS: Yes of course you don't want to get hit

RK: I was under ...

POS: You came in and closed the door

RK: I came in and I pushed the door but it was not completely closed, but I never think I pushed the door, I do not think so I pushed...

05-788

POS: You came in

RK: When I came in the key for that door...

POS: Ya

RK: Was not locked from the inside, when I came in I think these people were going to come up

POS: You think they were going to come upstairs

RK: When I lock that door I stop and I remember that door is not locking from the inside, so I didn't know what to do so immediately I came to the phone

POS: Ya, which phone

RK: That one

POS: Uhuh, what is the phone number of that phone

RK: 011 435 61 ok the main line is divert here so especially this one is 6193

POS: 6193

RK: Yes

POS: Ok, so 011 435 6

05-789

RK: 1 –

POS: 61

RK: 93

POS: 93

RK: Immediately I dial George number and it ring

POS: Yes

RK: Because usually when I phone George I give him a missed call

POS: OK

RK: So he can phone me back

POS: Alright

RK: But on that day I took a bit long trutrutru but he is not answering but I drop and I said 10111

POS: Ok

RK: The answering machine it start talking and I heard the car starting

POS: Uh huh

05-790

RK: [Mimicking the noise of an engine starting] the engine starts I came back here. I stood here and the car came going down

POS: Ya

RK: I am looking at the car

POS: Yes

RK: I see that that is the same person wearing the ...

POS: Driving the car

RK: driving down there

POS: Only one person

RK: Only one which I saw

POS: OK OK

RK: I then came back to the phone and dial George's number (mimicking a phone that rings) no answer and then said 10111

POS: So it was the second time you try George

RK: Yes, I phoned him I think two or three times

05-791

POS: Ok

RK: I phoned 10111 the police

POS: POK

RK: IT took me about two or three minutes because the police answering machine

POS: YE ye ye

RK: Every time they took me and I report the case and give me the reference number

POS: What is the reference number

RK: Where is it where is it, it is not this one. No, this is Department of Home Affairs

POS: OK

RK: But I gave Odette's father the reference number

POS: Ok

RK: When he arrived here

POS: You gave to who

RK: Odette's father

POS: Ok

RK: And then after I got the police, I dialled Joseph number, our driver

POS: Ye

RK: Because every morning he was going to collect the vehicle there

POS: Uh huh

RK: I say Joseph do you have Odette's father number and I say please phone Odette's father we have been attacked here and I believe Odette she has been shot I believe Odette she has been shot. I drop the phone ...

POS: Ai ai ai

RK: So I move over there because I had never seen her when that gunshot went I never ...

POS: Yes, you don't want to get

RK: I get here

POS: Uh huh

RK: I saw her lying on the floor, I scream help! help! The man over there, the white man

POS: Alright

RK: He answered and said he also called the police

POS: Which guy

RK: The one staying over there

POS: Right so what I want you to do is just stand where you were, just come out of the way Melissa. Just stand where you were when you heard the first, you came and you stood here. Ok Alright. I just want to take a picture like that. Alright, thanks hey. Ok

RK: And then I face this way

POS: Ok

RK: Then I saw Odette's car

POS: Alright

RK: And immediately the second gunshot went off

POS: Ok

RK: I come back for cover

POS: Alright

05-794

RK: I walk around here to the door

POS: Ok

RK: [Indistinct]

POS: Ye

RK: I came back here

POS: I am just going to take one up here, do you have a tape measure, have you got a tape measure, a tape measure? I want to measure this room and the balcony, a measuring tape?

RK: No

POS: O, ok. Look here, these you know what these are 300, just measure it it will be 300

Female: Ja

POS: Ok, so you can count {he counts from 1 to 28] and there is a bit about, so 29 in one direction [and counts from 1 to 34 ½] 34 ½ and the balcony will be the 29 in length and the balcony in width, just bring the tape measure I think these are 450 tiles or 350 ok, so the balcony tiles are 350 alright and the width of the balcony is basically two tiles so the width of the balcony is 700 mm wide and we got this little goody that comes of it at this end [counts from 1 to 9] it is a three meter cut here alright, that would be fine.

Female: Ok

POS: Right, now hang on yes, go on you wanted to say something Robert

RK: Yes, when I noticed she was on the floor I screamed for help and the man there answered and he said he has called the police, I came back inside.

POS: Ok

RK: I think I was here

POS: Ok

RK: Cause when I screamed for Odette nothing happens

POS: Shame, she is dead already. Wait Robert, ok I cannot walk as fast as you with this thing on my foot. Ok, carry on

RK: My car was more or less parked here

POS: Uh huh

RK: And maybe a little bit but in this position

POS: Ok

RK: And then Odette's car came here by the sliding door. This is where we put our windscreens

POS: Ok

RK: The windscreens are in the storeroom and then I came down and that car was no more there

POS: uh huh. She is lying here somewhere. Shame. She is dead already

RK: I stood here, she was not responsive. Her eyes were open and she was facing this way

POS: Alright, she was dead already ... I want to speak to you about the will, but before I do I want you to go back up there and stand in the first position and the second position and the third position when you went halfway down the balcony. Robert go to the place where you came down like that, ye, stop there.

I am going to take those pictures again, just one, two three, just like that.

Perfect

Female: What about the front door

POS: The padlock

Female: Yes

POS: Explain to me the story about the padlock on the sliding door. When you last went in there, you locked it

RK: In the morning, Thursday morning, so when I came and when I screamed help, help, I saw the gardener of that house standing just at the end of the house

POS: Yes

RK: He was just standing at the end of the house looking at me and I don't know but he did wave at me when I was screaming and crying so I could understand to have said we have already called for help, the phone rang. When I am going now for the phone I noticed the sliding door open

POS: Uh huh

RK: This way

POS: Ya

RK: I run for the phone, I answer the phone and then I said to myself how come this door is open

POS: uh huh

RK: Because I have locked it

POS: In the morning

RK: At eight o'clock, no past nine the driver came. I had two windscreen fitments that day and then when the driver came I came to open. Usually what I do when I open with the key I hook

POS: On to there so you don't lose it

RK: So I came in there are two windscreens standing here

POS: uh huh

RK: I put the windscreens there

POS: Just show me this hook where you, just lift your jacket up. Alright, good

RK: And the bakkie was standing here and I took the first windscreen and the second windscreen when they were coming and standing outside. George arrived, he came to the bakkie and said to the guys Rob is everything alright. Yes everything is ok. He chat with the drivers. The drivers took the second windscreen. I came. George left.

POS: Ok, what did George arrive for

RK: Every morning he comes wherever he goes he comes and asked Rob is everything ok and we chat and I cannot say there is anything specifically why he arrived for. When he is around here he pops in. In all the years I have worked here, he is more on the road. I am here in the office with Odette, she is the wife

POS: Odette is normally here.

RK: Odette works every day with me

POS: She owns the business

RK: I know it is husband and wife I do not know who legally owns the business

POS: We got it down to her owning the business

RK: It is their business I cannot say. Then I came, then I locked the door as usual and I put the keys I don't want to lose the keys the keys stay on my desk

05-799

POS: Ok, ok that is good, perfect. Ok let me ask you, you don't need to go back up or maybe you want to go back up. Let me ask you about the will. Ok. You are a signatory to the will

RK: Yes

POS: Were you present when she signed the will

RK: No, who present

POS: You

RK: Me, when I signed the will

POS: When you signed it obviously you were present

RK: Yes

POS: You did not see her sign the will

RK: Odette

POS: Ya

RK: No

POS: So when did he bring it to you

RK: The will

POS: Yes

RK: It was some time before that, I do not know exactly when

Female: A month, two months

POS: Two weeks

RK: No definitely ...

POS: Three weeks, four weeks

RK: No definitely more than one month and a half, it could be ...

POS: Ok, alright but that fits, ok so maybe somewhere between four and six weeks

RK: You know I cannot really recall

POS: Ok then somewhere between four and six weeks

RK: Or the beginning of

POS: May

RK: Or the end of April

POS: End of April beginning of May

RK: Yah, I cannot confirm it

POS: Where were you when he brought it to you

RK: I was sitting in my desk

POS: Same desk where you were now, ok. And what did he say to you, what were his words

RK: Ok, it was in the morning, He came as usual Rob how's it, how is the business did you get more work and then he said Rob do you know a will. I said yes. Can I ask you to be a witness for a will

POS: Uh huh

RK: He is my boss and I said no problem. He walked down to his car then he came back with a bag and

POS: A briefcase

RK: No not a briefcase, it was his usual bag he is moving with

POS: A computer bag ort something

RK: No, no, no, just a normal bag

POS: Ok, alright

RK: He came with the document and then he bend it and he never made me read it

POS: Ok, so he bent it over so you could not see what was on it

RK: Yes. What I saw, witness one and witness two

POS: Ok

RK: I signed by witness two and then he told me do you know Ernest? You know my friend Ernest and ok I just say yes. And then he said he is going to ask him if he is going to be a witness too.

POS: Ok, so witness one was not signed

RK: No, it was not signed

POS: Witness one was empty and you signed by witness two. And where it has Odette's signature was the signature already on it?

RK: I did not see. This is how it was, can I show you on a A4 paper, on the A4 the paper was bent witness one and witness two

POS: Ok, so you did not see if there was any other

RK: No

POS: Ok, that is all I need to know. Alright that is perfect, alright

05-803

Female: Where was Odette at the time

RK: No Odette wasn't yet here at the office

POS: Was she out or

RK: You know if it was on Wednesday, you know I cannot remember exactly if it was on Wednesday or what she does not come ...

POS: Ok

RK: But if it was not on a Wednesday, Odette comes in the afternoon

POS: What does she do on a Wednesday then

RK: No I am not sure

POS: Ok, ok, alright perfect Robert you have been a great help, a great help

RK: But the son who is on the wheelchair I believe ...

POS: O, she is helping him

Female: After you signed as a witness you didn't mention anything to her

RK: No we then finished and changed the subject

End of recording

SECOND INTERVIEW THAT PAUL O'SULLIVAN HAD WITH ROBERT KENGA

DATE: UNKNOWN

TIME: UNKNOWN

PLACE: Appears to be at 17 High Street, Oakdene

RK: Nor more than that, there used to be windscreen stand where there is this pile of glass. In the morning as usual I am alone in the office. I came out, I was talking on the cell phone. And then the shade, you see the sun, the shade is around here in the balcony, so I came, not the shade, I mean the sun shine, I came ...

POS: To stand in the sunshine

RK: Yes, talking on the cell phone when I'm finish I put the cell phone in my pocket and I stood there and I remain there for one or two minutes. Facing this way, and then something, I just looked this way ...

POS: Ye

RK: I saw a person sitting on the grass against that flat windscreen stand. You see the glass, the flat windscreen stand ...

POS: Yes

RK: He was busy sitting and because they were busy building the grass was like here. He is sitting, facing this way. He is wearing a grey overall like this ...

POS: A black or white person

RK: No, I did not see

POS: You cannot see whether he was black or white

RK: No, 100% he was wearing an overall ...

POS: You couldn't see his face

RK: Yes, listen ...

POS: His face was black or white

RK: He was wearing a ...

POS: Balaclava

RK: It is open here

POS: Like a balaclava

RK: Yes, he was wearing a top overall, reflective. I looked and see this person is doing what there. So I talk to him in Zulu [repeats the words in Zulu]. He did say something, but I didn't hear what he said. So I ask him for the second time [Speaks in Zulu again]. He stood up and went down. So I said to him, I said what is he picking up, he picked up a helmet, a black helmet with a reddish design, like a fire ...

POS: Uh huh

RK: Black helmet with reddish design, I could see reddish and black. He stood up and he left. The overall from what I noticed, the overall was clean ...

POS: Ah, very good, very good. Perfect

RK: I went back into the office and you know nothing at the time. Odette when she came in that afternoon

POS: You told her about it

RK: When I said about it, they were both in the office. I mentioned to Odette that there was a visitor today. I stood there and I saw a person and George was there and he asked me he was wearing how and I gave him the description and then that is it

POS: Ok, so it could have been a white person, it could have been a black person

RK: Yes, he definitely covered and I did not see and I ask myself ...

POS: Why does a person want to conceal it

Female: And how tall would you say that person was

RK: Eish, you know what I cannot really recall but he was not more than me, the height

POS: How tall is George? Is George the same height as you?

RK: More or less, but maybe less

POS: So let me ask you something. Robert, when I see somebody walking even when I could not see their face and I know that person very well sometimes I can say ah ah that is Melissa walking or its Peter, my friend Peter, I can see from the way he is walking that it is Peter. Did you get any feeling about that at all?

RK: No.

POS: No?

RK: On the day of the event, no

POS: You either had the feeling or you did not

RK: I did not

POS: Ok, that's fine but there was nothing there and he went up that way. Tell me another thing. Was it a motor cycle helmet?

RK: Yes definitely

POS: Ok, did George have a motor cycle

RK: No

POS: No, ok. Alright, I think I am done

04-1463

Mr O'Sullivan in front of you the first document there referred to is a letter on the letter of BDK Attorneys dated 20th October 2017. M'Lord I have marked this as DD7.

COURT: Yes?

MR DU TOIT: Now the importance about this Mr O'Sullivan, this is the letter that you refer to with attached letter to the subpoena *duces tecum*. --- That is correct M'Lord.

Right. Now in the emails, and I don't intend to hand this up, you have now answered and you said something about this. But it is clearly from this if you look at that, that this was directed to myself and my colleague and not to you? --- Yes M'Lord. When I read the letter I didn't ..... Because it didn't come as a PDF file M'Lord, it came as a photograph.

Unfortunately I saw that. It was sent to you by the investigating officer? --- Yes M'Lord.

He didn't give this to you; he sent this to you by email? --- Correct M'Lord.

Which could have been done either by myself or Mr Krause, if that was the thing. So that was when the whole ..... I want to say ...[indistinct]. Now the second document there in front of you is, now you said that you made the recordings available on the stiffy. As I understand, I was handed over this the morning, the three transcriptions ..... you haven't done it. It was apparently done by Mr Krause; it was done from that thing. So the first one there is marked first interview with Mr O'Sullivan and Robert Kenga. M'Lord I would like to mark that as

04-1463

EXHIBIT DD8.

COURT: Yes.

MR DU TOIT: Then the second document also transcription from that is marked EXHIBIT DD9, that is the second interview. Then the last one is record to interview with Mr O'Sullivan had with Micota. That would be EXHIBIT DD10. Now for purposes of the re-examination, what I wanted to refer to you is EXHIBIT DD8, the first interview. I want you to go to what is marked as page 3. Right. This is an interview that you made available; you didn't type this; you didn't do the transcription of this. --- Pardon me?

You didn't do the transcription? --- No, no.

You didn't type it? --- It is the first type I have seen the transcription.

Now if we start at the top, it is the correct inference that RK should be Robert Kenga and POS would be Paul O'Sullivan? --- Yes M'Lord.

All right. A lot of things have been here, and you have been asked about this and you have been shown statements by Mr Kenga. And things were said also about you influencing him to change his version. Especially when it comes to the identification. --- Yes M'Lord.

All right. On page 3 let us start with the first line:

'I did not see her, but there was a gun shot and it must be robbery. When I am thinking I heard the gun shot.'

Now you reply to K; next Robert Kenga:

'And I am looking through the glass.'

You:

'Yes. So you cannot see very clearly?'

Robert Kenga:

'I saw a person wearing a black top.'

Mr O'Sullivan:

'A black top?'

Robert Kenga:

'A hoodie.'

'You call it what?'

Then you say:

'With a hoodie.'

Robert Kenga:

'With a hoodie facing this way.'

You again:

'Facing the glass?'

Robert Kenga:

'Towards the glass.'

You:

'Okay did he have anything in his hands?'

Robert Kenga:

'No I couldn't see. It was too .....'

Then intervene:

You:

'The glass.'

That is the only thing I want to raise about this. If you look at this, he said a person wearing a black top. You repeat a black top. Now the person that mentioned the hoodie, it seemed there is Robert Kenga. He says:

'A hoodie.'

'You call it what?'

It seems like he asked you a hoodie. What is it called, because he calls it a hoodie. Then you just say:

'With a hoodie.'

--- Yes M'Lord.

That is where the hoodie comes from? --- Yes M'Lord.

Now from this what you have handed now over, there is not a question that changed from a black hat and not into hoodie. This is what your interview with him shows? --- Yes M'Lord.

Then let me just ask you again. Did you at any stage ask Robert Kenga or influence him to change his statement that he would later give to Constable Weidemann to change it from a black man with a hat to a person with a hoodie? --- No M'Lord. At no stage.

Or did you get it from him? --- I got it from him M'Lord. So it was during this interview that I had with him. I felt that he wasn't sure of the skin colour of the person that he had seen.

Now what I want to ask you is this. You were referred to EXHIBIT S. EXHIBIT S was the email. --- Yes I remember.

That exhibit was handed in by the defence. All that I wanted to ask you about this is, you said that you do not agree with it. Now Mr