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times rule. So when we are investigating with the witness, we ask them three times. We do not ask them the same question three times. We will get them to explain exactly in their mind what happened and we let them tell us what happened and from that we will ask further questions and we will start again and it will do it a second time and then we will do it again the third time. And from that, M'Lord, I was able to have a fair idea in my mind as to what that witness did and saw. And as a result of that, I requested the investigating officer to go back to him and take a more detailed statement, because I felt that the statement that had been taken on the day was inadequate.

Now can you recall... if you now say that you do the three time rule, Mr Kenga explained to you that day you asked him on the scene what he saw, who was with him let him like in then acted? --- Yes M'Lord, we... we... I got him to sit where he was sitting in the office when he heard the first shot. I then got him to take me through what he did next, right down to the detail of which phone he used to dial out and so on and so forth.

Yes. --- Where he stood on the balcony and then I placed myself in his shoes where he was on the balcony so that I could... we actually parked the vehicle in the location where he said the deceased vehicle was started... parked so that I could visualise for myself what this witness may or

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may not have seen.

When it comes to the description of the person that did this, did you also ask him about the description of the perpetrator? --- Yes, M'Lord. I asked him if it was a white male or a black male and he could not tell me. He said that the person was wearing a black... he referred to as a hoody, a hoody jacket. And I asked him why could you not see the colour of his hands and he could not seem to recall any skin colour at all.

Did you at any stage... I could not say this... so Mr Kenga did not tell you that it was a black male? --- No, M'Lord. And I did not declare to him, because when you are searching for the truth, what you must not do is put words into people's mouths. So I asked him questions. I did not suggest answers to him.

Did you at any stage try and influence him to change his statement in any regard pertaining to what he witnessed that day? --- No, M'Lord, not at all. That would be unprofessional and we just do not do that.

Did you at any stage try to convince him to change the statement in the fact that he would say that it was the accused that he saw? --- No, M'Lord.

Now, did you at any stage... you said then that you have also spoken to Constable Weideman, the investigating officer. --- That is correct, M'Lord.

Now your words are that you advised her to and take another statement from him. --- That is correct, M'Lord.

What do you mean by that? --- Well, M'Lord, it became apparent to me as it is often the case in these matters, the first responders from the police have inadequate training as to how to properly document the crime scene and you end up with a situation where they will take a statement of one or two paragraphs M'Lord, when in fact there is such inadequate details it is almost impossible to work out what is going on. So where we realised that actually there was a lot more detail that should have been included in the statement, I simply made a summary of the information that I had got from my interview with Robert Kenga and I tasked Constable Weideman and suggested that she go and take another statement from him.

[Indistinct] part of your investigation did you look into the possibility of insurance policies? --- Yes, M'Lord. Where there is a murder... where a person has been murdered and the circumstances of the murder are not clear cut, one of the first things we do is we take the identity number of the deceased and we communicate with all the insurance companies. And the reason we do that, M'Lord, is because history tells us that there has been a number of cases where we found that the death is taking as a result of insurance policies that had been taken out. It sometimes

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included.

COURT: Yes.

MS KOLBE: He said it this morning.

COURT: In fact did he say ..... He knew what he had given that, but did he say the notes or the information?

MS KOLBE: May I clarify this with the witness? I understood him to have given her notes. How did you convey this? --- I had a meeting with Constable Weidemann M'Lord, and I conveyed to her the important parts that were missing from the original statement.

Did she write it down? --- I don't know M'Lord. At that time M'Lord if one can understand, when you are busy with investigations, at that moment in time your mind is very focused. 2 years later it is very hard to remember what all took place. But I do recall meeting with Constable Weidemann and Melissa was with him. Immediately afterwards or the next day from the meeting with Robert Kenga, and I pointed out to her that there were vital information missing from his sworn statement.

Yes. It was also Robert Kenga's evidence that he produced a new statement after having spoken to you. That would be correct? --- Absolutely.

Right. --- Because of the information that came out during that interview with him M'Lord. Particularly with regard to the crime scene and particularly with regard to the Will.

COURT: Ms Kolbe, yesterday you indicated to me that your client is in the habit of taking all the information of the meetings on the tape. Do

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you perhaps know .....Oh no, no sorry. No. It is not ...[intervene]

MS KOLBE: Unfortunately he wasn't present M'Lord.

COURT: Yes. No he wasn't present. Yes. Except you know on the 8th in Mr Scott's offices.

MS KOLBE: Yes he also has his own recording.

COURT: Yes.

MS KOLBE: Transcript and recording of that M'Lord.

COURT: Yes.

MS KOLBE: Can you remember what those points were that ought to have been included? --- Yes M'Lord. There was a discrepancy in respect of the skin colour of the person who shot Odette Barkhuizen. If I recall correctly in the written statement he said it was a black male. When I interviewed him I said to him was it a black person or a white person. He couldn't tell me. Then I asked him could you not see his hands? He couldn't tell me what the skin colour of the person was. So I then asked him why did you put in your previous statement it was a black male? He said no the cop filled it in and he just signed it. So that is when I went back to Constable Weidemann and I also questioned M'Lord about the Will. He was very specific. Because I said his signature was on the Will and we had a copy of the Will. I showed it to him. He said yes that is my signature. I said were you present when Ms Barkhuizen signed? He said no he wasn't present. George brought it to me and he told me to sign it. And he put a piece of paper over it so I couldn't see what it was I was signing.

COURT: Wait for that evidence on that. Let us just remain on track.

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MS KOLBE: As the court pleases M'Lord.

COURT: Yes.

MS KOLBE: If I may just revert to one aspect? My attorney draws my attention to his note. During this witness' evidence in chief, which was to the effect that he made a summary of his interview with Robert Kenga and gave it to Constable Weidemann for inclusion in a further statement. I will also look at my notes M'Lord.

COURT: Here is a note to get it. That you and your colleague will deal with that in a manner to ...[indistinct].

MS KOLBE: As the court pleases M'Lord. The record will be transcribed soon. Very well. Right. But your evidence is that you didn't give her a note of any description? --- No I gave her a summary M'Lord. I met with her and I gave her a summary of the interview that I had with Robert Kenga, which was an oral summary M'Lord.

An oral summary? --- Yes. I met with her; it was a meeting; we had a discussion.

Right. And you gave her that to include in the statement. Very well. But unfortunately we sit in the position today that we do not have a recording of that summary that you gave to Constable Weidemann and we also do not have her evidence that she received that from you. You cannot assist in any manner whatsoever further. --- Well I just sat with her M'Lord. I didn't give her a document.

Right. --- I gave her a summary.

Very well.

COURT: Proceed.

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MS KOLBE: We also have the evidence of Constable Weidemann which was that she simply decided to have a further interview with Robert Kenga, because he was an eye witness. She did not tell the court that it was by reason of having spoken to you, or having been requested to prepare an amplified or to obtain an amplified statement. Can you comment on that? --- I cannot M'Lord.

Now what we ..... Your evidence is that you asked Robert Kenga whether he couldn't see the hands of the perpetrator? --- That is just simplification of it M'Lord.

Yes. --- I spent 1½ hours with him.

Robert Kenga did not tell you during the interview that the hands were in gloves? --- I cannot remember M'Lord. I just asked him if he could see the hands and the colour of the hands. And I think his answer was no.

Did he give you the reason? --- I cannot remember M'Lord.

Well you see and M'Lord I will in due course place on record that the defence is prejudiced by the absence of a statement by this witness and proper records of ...[intervene]

COURT: Well ...[intervene]

MS KOLBE: As the court pleases M'Lord.

COURT: You may put it anyway. We have to ..... At the end of the day the case has to be decided.

MS KOLBE: As the court pleases M'Lord.

COURT: Whether you put it on record or not. I have got to take into account whatever has been placed. You will recall the evidence of Mr

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where we talk about the Will. Okay M'Lord if we start at page 85 and at line 19 M'Lord, I say:

"And I think you will have an opportunity to do that. What I now want to come to if I can is the Will. Now as you are probably aware and I think I am right in saying there is no original Will is there?

George: None that I found.

Paul: okay what happened to the original Will?

George: Alright, well then if I might ask you. Now during an interview process when people start asking you questions and you are trying to get answers. But let us analysis this, and I go "aha" so I have given the latitude to ask me a question.

He said, a question if you do not mind.

I say: go ahead. Alright then but it is also for the constable as well. Okay. Because I think the constable has the answer.

I say: Okay, but what is the question George instead of beating about the bush George?

I say to him, I have asked you a question George the question is.

Paul: Where is the original Will?

George: And the question is quite simple, my question is quite simple.

Alright.

The documents, important documents. Okay. Odette has, she had – okay, and that was the?

Paul: I am only interested in the Will at this stage.

George: Just, and I am going to get there in a minute if you do not mind.

Paul: Okay.

George: Okay the boys' birth certificates. Our original marriage certificate. But at the same time what happens is there was an envelope okay, which is now based on a book which I found close to R67 000 and envelope which has gone missing, together with – they have searched the house twice. Twice alright. I have searched Odette's room once trying to find the documents, alright, the envelope is gone.

Paul: The envelope with the Will in it?

George: The envelope with the cash in it.

Paul: Okay.

George: They were notes cash.

Paul: Alright.

George: My question is this, I believe my son took it Wade and he gave it to his grandparents.

Paul: The Will or the cash?

George: The envelope.

Paul: Okay you see I am not really interested in the

envelope with all due respect.

George: Let me finish please.

Paul: I want to know where the Will is.

George: Let me finish please.

Paul: Aha right.

George: It is my opinion that the cash and very important documents.

Paul: Aha.

George: Okay were altogether.

Paul: Okay.

George: Alright. Paul: Alright so.

George: Now the envelope and those important documents are gone.

Paul: Alright so you are saying you do not know where the original Will is?

George: I do not know where the original Will is."

Now with the greatest respect in the Will M'Lord, he could have said that 3 pages earlier.

If you did not interrupt him all the time. --- M'Lord he interrupted me.

COURT: The interruption was – do not tell me about the envelope and the question is the Will, is that not so?

MS KOLBE: Yes exactly M'Lord he was trying to explain to the witness that all the original documents, plus the envelope went missing.

COURT: And he says now the Will, will come back to you, where is the

You never looked at the... the Old Mutual and Sanlam policies? --- No I have not, M'Lord.

Anything else... after you have now seen Mr Kenga, you have submitted your report to Presidio. Did you do anything else with the investigation after that? --- Yes, M'Lord. I phoned Mr Barkhuizen on the 3rd of July 2015 to request from him a statement pertaining the circumstances surrounding his wife's death. And I also... [intervene]

Just... just a moment please? To request a statement? --- That is correct, M'Lord.

Ja? --- And I also informed him that we will need financial documented proof of earnings of... for him and his late wife as well as copies of the company's management accounts and audited financial statements.

Okay, first of all. Why did you request that from him? --- M'Lord, the loss adjuster at that stage was Mr Terry Ward and he instructed me that I should apply for the financials because that forms part of the... the finalising of the claim.

Right. What happened? Did you speak with Mr Barkhuizen? --- I spoke with him, M'Lord. He was aggressive towards me because he alleged that I made some comment while myself and Constable Weideman was standing at the scene.

COURT: So that... that... you went with Constable Weideman on a certain... [intervene] --- That is correct, M'Lord.

That was the first time. --- That is correct, M'Lord.

So that... that comments that he complained about would have been on the 2nd? --- That is correct, M'Lord.

Thank you.

MR DU TOIT: Yes. What happened then? --- I have denied the allegation and I requested Mr Barkhuizen to still submit those documents that I needed and he requested me to send him an email explain who I was and why I needed those documents.

Did you send him an email? --- That is correct, M'Lord, on the 3rd of July I sent him an email explaining my role and requesting that... the documents that we needed.

Is that email contained in the file here? --- That is correct, M'Lord.

Can you just go to that email? --- M'Lord, I have got so many documents here.

See if you cannot find it? I beg the court's pardon. M'Lord, if we can just have a couple of minutes. --- I apologise.

COURT: You want me to... --- I know I took him out, M'Lord. I got them, M'Lord.

MR DU TOIT: Now, you say this is the email that you sent to him? --- That is correct, M'Lord.

And that was sent on which date? --- On the 3rd of July 2015 and 11:30am.

Time? What time? --- 11:30am.

To what email address did you send this? --- To glass@a2zconcept.co.za.

And where did you receive this? --- Mr Barkhuizen gave me the email address.

You sent that email to him setting out what you wanted [indistinct] is that correct? --- That is correct, M'Lord.

Did he reply to that? --- No, M'Lord he did not.

Did you get any further reply from Mr Barkhuizen pertaining to the requested documentation? --- No, M'Lord, I did not. I sent him another email on the 9th of July 2015 and the 13th of July 2015. And then I phoned him again.

Right, [indistinct] July. You sent him another email? --- Ja, two... two further emails.

Requesting what? --- Requesting the documentation that we asked from him on the... in the first email.

Now before we go further as to what happened, this documentation was requested to finalise your report? --- M'Lord, no it was requested to finalise the... the claim that we received from Presidio.

Now you said and afterwards you phoned him. --- That is correct, M'Lord.

Can you recall when that was? --- It was on the 22nd of July 2015.

Ja? --- I phoned Mr Barkhuizen and I again requested

the documentation and he informed me that he was busy moving office and that he could not get to my request, but he promises that he would give attention to that and send it to me by the end of that week.

And did you get any of this [indistinct] --- I have not received anything, M'Lord. And then on the 4th of August 2015, I sent him another email requesting those documents that we needed.

Ja? Yes? --- But we have not received anything.

Did you submit then eventually a... was there anything else that you... is that the communication that there was between you and Mr Barkhuizen? --- That is correct, M'Lord.

Was a report submitted to Presidio? --- That is correct, M'Lord.

What was the recommendation regarding this claim? --- M'Lord, we... we... I just have to get to the report quickly. We... we just reported that we will comment on the policy response once the investigation into the identity of the individual responsible for Odette Barkhuizen's death has been established. So everything was to... to be based... or the outcome of the... of the claim will be based on the outcome of the criminal procedures.

Without going into what you found when you went on the ITC, what is the reason for doing a financial background? --- M'Lord, that is just to determine maybe if there might be a... I