

IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN

Case No: CC15/2014

In the matter between:

THE STATE

and

SHRIEN PRAKASH DEWANI

Accused

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PLEA EXPLANATION BY ACCUSED IN TERMS OF SECTION 115 OF THE  
CRIMINAL PROCEDURE ACT, 1977

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I am the accused in this matter. I understand the charges against me and plead thereto as follows:

1. Ad Count 1

1.1. I plead not guilty to this charge of conspiracy in contravention of section 18(2)(a) of the Riotous Assemblies Act, 1956 (Act 17 of 1956).

1.2. I deny that I had conspired with Zola Tongo, Mziwamadoda Qwabe and Xolile Mngeni or anyone else to commit the offences alleged.

1.3. I further refer to the contents of paragraphs 6 to 105 below.

2. **Ad Count 2**

2.1. I plead **not guilty** to this charge of kidnapping.

2.2. I further refer to the contents of paragraphs 6 to 105 below.

3. **Ad Count 3**

3.1. I plead **not guilty** to this charge of robbery.

3.2. I further refer to paragraphs 6 to 105 below.

4. **Ad Count 4**

4.1. I plead **not guilty** to this charge of murder.

4.2. I further refer to the contents of paragraphs 6 to 105 below.

5. **Ad Count 5**

5.1. I plead **not guilty** to this charge of obstructing the administration of justice.

5.2. I further refer to the contents of paragraphs 6 to 105 below.

## **GENERAL AVERMENTS**

### **Introduction**

6. The averments contained hereunder provide a synopsis to explain why I plead not guilty to the charges against me. It is not a comprehensive account.

### **My sexuality**

7. I have had sexual interaction with both males and females. I consider myself to be bi-sexual. My sexual interactions with males were mostly physical experiences or email chats with people I met online or in clubs; including prostitutes such as Leopold Leisser. My sexual interactions with females were usually during the course of a relationship which consisted of other activities and emotional attachment.

### **My relationship with the deceased ("Anni")**

8. I met Anni on 30 May 2009 after a mutual friend had given me her contact details. On our first date I was instantly physically attracted to her, loved her bubbly personality and sensed that there was a mutual chemistry.

9. Anni was working in Sweden at the time, but she regularly came to the UK where we would spend time together. I also flew to Sweden. We fell in love with each other. We were both ambitious and shared a common view on our future. We were both headstrong and often argued with each other.
10. During December 2009 I was informed by an endocrinologist that as a result of abnormally low hormone levels I may have problems reproducing. He recommended that if I wanted to improve my chances of having children in the future I should commence testosterone replacement therapy. However he also warned me about a number of side effects such as the risk of blood clots, sleep apnea, mood swings, breast enlargement, hair loss, acne and weight gain. I decided to undergo this treatment despite the side effects. Having my own family was important to me.
11. I discussed my problem with Anni as I knew that she wanted children as well. I later also discussed the matter with her parents who were very kind and supportive. They pointed out alternative options to me.
12. Anni and I went on separate holidays during December 2009/January 2010 and our relationship cooled down somewhat. On 14 January 2010 Anni ended our relationship in an e-mail to me. In March 2010 Anni

moved to London from Stockholm. We started seeing each other again.

13. Around that time I was advised that my hormone levels had increased making my chances of fertility better. Anni and I were both excited and I felt invigorated.
14. Towards the end of April 2010 we started discussing a future together and our relationship became more serious. Anni wanted to meet my parents and so we arranged for her to meet my mum on 29 April 2010. My dad was abroad at the time. We then arranged that Anni's parents would come to Bristol on 8 May 2010 to meet my parents.
15. In preparation for our married life together Anni and I had been discussing living arrangements. We decided that we would make our main home in Bristol, where my office was, but also have a base in London for weekends. We therefore began the task of redesigning both properties in order to be suitable for us as a married couple and for when we eventually had children.
16. During Anni's parents' visit to Bristol they had visited the property where we intended to live and her father had provided a number of helpful suggestions.

17. My current bedroom in Bristol was not ideal. For example it was not en suite and did not have sufficient wardrobe space or storage for shoes, handbags, saris or make up. Anni and I drew up many designs of how we wanted our bedrooms and en suite bathrooms in both our Bristol and London properties. We designed "his" and "hers" wardrobes which we had custom made. Anni was keen on entertaining guests at dinner parties and as such we decided to create a new modern kitchen with entertaining space. We spent time together discussing and choosing the various finishes, light fittings, switches, flooring etc.
18. Towards the end of May 2010 Anni and I had a disagreement. She phoned me in an angry frame of mind. Following this telephone conversation I wrote her the following email on 24 May 2010:

Dear Anni

I think it is better if I write this rather than say it on the phone as then you can read it over and over.....I am really really upset after our conversation. I realise we are very different but I have always believed in a relationship you can work through those differences. When we first met I immediately liked you.... And no not just because you are pretty.... But because you made me laugh.. We had such a good time at the first dinner at Asia de Cuba.

I have always wanted a girl that I can be friends with. One that understands me - and I know that that is not easy. I know that I am so focussed that some people think I am so intense. I am focussed on achieving things in life. I want to be someone who can do things - and that is not just about making money, but it is about having a rounded life. A family, a business, an input into the community. When we first met and started dating I knew that you were that girl.

It does need to be right for both of us though, I can't believe I'm gonna write this, and I actually have tears in my eyes as I write it, but if you really think being with me is not going to make you happy then this is not right for you. I really hope that that is NOT what you are saying but I don't want to feel like I have forced you into something. I really do love you, and hence I don't want

you to be unhappy. I want to be with you forever but not if that makes you unhappy ... That I could not bear ... I really hope we work this out.

I am really sorry that I have made you feel like this. You are so precious to me – I know I don't always show it. I often find it difficult to show how much you mean to me .... But please do not think this is because I don't love you.

Speak to you later

Love always

Shrien

19. We resolved our disagreement. There was no doubt in my mind that I loved Anni and that I wanted to create a future for both of us. I was assured by her that despite some misgivings she wanted to marry me and for us to have a family together. We announced our engagement on 27 May 2010.
20. In June 2010, I asked my personal assistant Sian Harris ("Sian"), brother, Preyen Dewani ("Preyen") and Sneha Hindocha (Anni's cousin) to help me organise a surprise trip for Anni as I wanted to give her the engagement ring that I had specially designed and made. I hired a private jet for Anni and I to travel to Paris, France, on 10 June 2010 where I formally proposed and presented Anni with her engagement ring.
21. Anni and I discussed plans for our wedding and considered a number of options. We both wanted to check out our short list of destinations in person and so in July 2010 we travelled together to Dubai and then to

India. After discussing the options with both families Anni and I ultimately decided to get married in India. We planned a number of functions for our guests to take place between 28 and 30 October 2010. The religious Hindu wedding ceremony was set for 29 October 2010.

22. I then returned to the UK to attend to my business and the house renovations. Anni stayed behind in India to continue with the arrangements for the wedding. We stayed in contact by phone, email and SMS. In August she flew back to the UK to surprise me and then travelled to Sweden for her uncle's birthday party.
23. On 31 August 2010 a group of my friends and I went to Las Vegas, for my stag party. We stayed there for a week and amongst other things I negotiated and booked a helicopter trip for us. Anni was in India at the time and confided in me that she was feeling overwhelmed and stressed as she had to do the planning and arrangements for the wedding on her own. She was finding it difficult to please everyone. She was also disappointed that she had not had a hen party.
24. I therefore returned to India on 13 September 2010 with my grandmother to help Anni. She had specifically asked my grandmother to come to India to assist her; the two of them got on well together.



25. Both Anni and I were similar in that we were opinionated and liked to control every detail. Often differences of opinion between Anni and I arose when we were organising the wedding. For example over matters such as the colour of the decorations, the theme for certain functions or the style of our clothing. These would cause stress and arguments. Things came to a head on 21 September 2010 when Anni left the hotel we were staying in. She sent me a text to say that she could no longer go through with the wedding and wanted to call it off. I tried to call her and also SMS'd her but she did not respond. I then contacted my dad. Anni's father thereafter phoned me and my grandmother. I spoke to Anni's father and asked him to try and contact Anni to calm her down. He agreed to try and contact Anni. I was extremely upset and was crying over the telephone.
26. The next morning Anni called me and returned to the hotel where we were staying so that we could talk. We went for lunch and she expressed her frustration about a number of different things. She said that I was too controlling and that I involved myself too much in all of the detail. She said that I did not just leave her to get on with things but rather kept checking up on what she was doing which made her feel uncomfortable. She was upset that she was in India without any of her family or friends helping her to organise the wedding. She felt it placed too much pressure on her. We talked it over and we both realised that we needed to listen to the other's opinions. We agreed that whilst at

times we really frustrated each other, we were in love and we wanted a future together.

27. I again returned to the UK to attend to my business and the house renovations. Whilst in the UK I discussed ideas of where to go for our honeymoon with Preyen and Sian. I wanted to do something that Anni had not done before as a surprise for her. I was keen on a safari as this was something that Anni and I had previously discussed and she liked animals. I made some enquiries about options and tasked Sian with researching where we could go for such a honeymoon.

#### **The wedding**

28. On 15 October 2010 I returned to Mumbai to help finalise the wedding preparations. The pre-wedding functions started on Thursday 28 October 2010. The wedding took place on Friday evening, 29 October 2010. This was followed by lunch on the Saturday afternoon and the reception on Saturday night.
29. Sian had been working on suggestions for our honeymoon and on Monday 1 November 2010 she updated me with an Excel spreadsheet setting out various options. I discussed this with Preyen who was still in the hotel with us.

30. Anni and I left India on 2 November 2010 and flew to Bristol with the rest of our family. The plan was to celebrate Diwali, an important Hindu festival, with our family before we went on honeymoon. Also the builders needed instructions from Anni and I on particular aspects of the renovation works; especially in relation to our bedroom.
31. On Friday 5 November 2010 Anni went to see our doctor in Bristol. We were keen to start a family so she also sought advice from the doctor about how to increase her chances of falling pregnant.
32. I had decided to take Anni to South Africa for our honeymoon. Neither of us had been to South Africa before and as it happens the acronym "SA" matched our initials. On Friday 5 November 2010 I asked Preyen and Sian to sort out the flights and to make the necessary hotel bookings at Chitwa Chitwa, a game lodge in the Kruger National Park, and Cape Town. I kept this a secret from Anni as I wanted to surprise her. On the same day I withdrew £7,000 (seven thousand pounds sterling) from my personal Barclays bank account.
33. We spent the weekend in London.

**South Africa – Tuesday to Thursday**

34. On Monday evening, 8 November 2010, we left the UK on a British Airways flight to Johannesburg. Our tickets were first class, flexible and

provisionally booked to return from Johannesburg on Tuesday 16 November 2010. Upon arrival I exchanged £200.00 at American Express at the airport and although the advertised rate was R10,83 to the Pound, after commission and fees I effectively received R10,37 to the Pound.

35. We stayed at Chitwa Chitwa from Tuesday afternoon until Friday morning 12 November 2010.
36. I received an email on my Blackberry with confirmation of the Cape Town flight and hotel bookings at the Cape Grace hotel on Thursday 11 November 2010 at around 16h00.

#### **Cape Town - Friday**

37. On Friday morning we left Chitwa Chitwa for Cape Town where we arrived between 16h00 and 16h30.
38. On arrival I went to look for a taxi whilst Anni stayed with our luggage. There was no immigration or customs as the flight was domestic and the first people I spoke to in Cape Town were a group of taxi drivers. One of them asked if I needed a taxi. I told him that I needed a taxi to the Cape Grace Hotel. He said that he does a lot of VIP transfers to that hotel. He told me that if I took a metered taxi it would be R350,00, and that he would do it for R250,00. He introduced himself to me as

Robert Tongo. I now know that his full names are Zola Robert Tongo (hereinafter referred to as "Tongo"). I told him that my wife was inside with our luggage. We both went back inside. I introduced him to Anni and we told him our names. Tongo spoke good English and was friendly. He enquired where we were from and what we were doing in Cape Town. I told him that we were from the UK. I think Anni corrected me and said she was from Sweden. He expressed surprise, saying that he had thought we were Indian. On the way to his car we told him that we had just got married in India and that we were on our honeymoon. I noticed that his car was in good condition.

39. As we left the airport the conversation continued. We told him that we had just been on a safari and that we would be in Cape Town for a few days.
40. Anni told him that the trip to South Africa was a surprise for her, and that I had also surprised her in the past by flying her to Paris in a private jet to propose. He told us that he was an executive tour guide and that he had chauffeured a number of VIPs in the past. He mentioned a few people but the names did not mean anything to us. He told us about things to do and see in Cape Town and offered to be our tour guide. I recall him mentioning penguins, a wine trip during the day, a night tour of the city and going to the top of Table Mountain. He also mentioned whale watching. He was in effect trying to sell his services

to us by explaining what there was to do and how he could help us. On our way to town he also pointed things out to us. I remember him pointing out a hospital where he said the world's first heart transplant was done. I recall that he told us that he was a bachelor and that he enjoyed living the life of a bachelor. We mentioned my stag party in Las Vegas and the helicopter trip I had organised with my friends. At this stage I thought that arranging something similar for Anni would be a good surprise.

41. At some point in the conversation Anni told Tongo that both of our families had flown over to India for our wedding, that it was an amazing event over a whole week and that we were both tired and needed to rest and relax.
42. When we arrived at the Cape Grace Anni went ahead into reception with the luggage while I stayed behind to pay Tongo. I could see Anni in the hotel reception as the windows were clear glass. Tongo confirmed that the fare was R250,00 as he had told me at the airport. I paid him the R250,00 plus a tip of R50,00. Whilst I was paying him he repeated his offer to assist us with tours if we were interested in his services.
43. Whilst paying Tongo I asked him where I could organise a private helicopter trip as a surprise for Anni. He said that would not be a

problem as he had contacts. He said that he can do a good rate as he knew a pilot who did tours for a company and who would be happy to do a private tour for us. Tongo gave me his printed business card and I stored his telephone number in my Blackberry. I then said I would call him later as I wanted to get to the check-in desk to try and get an upgrade. He replied that he had some time now, that he would park the car and pointed at an empty parking space opposite the front door. He said I should come and see him after I had checked in.

44. I then went to the reception where Anni was at the check in. I asked the receptionist about the possibility of an upgrade of our room as we were on our honeymoon. She told me that the honeymoon suite was taken until the Monday but would see what she could do. We discussed dinner options and chose Sevruga for 21h30. I said to Anni that I was going to talk to the driver outside about some tours. Anni said she would go to the room as she wanted to start getting ready. I went out to speak to Tongo. He was sitting in the driver's seat and waved to me to get into the passenger seat. The conversation began with him asking me again how long we had in Cape Town. I repeated that we were here for a few days. I was not specific about when we were due to leave. He then told me again about various day trips that he could take us on - especially going to see the penguins. I told him that I was really interested in a private helicopter ride. He told me that

helicopters take off not far from the hotel. He mentioned that one could take in all the sights and said one can see everything better than going up Table Mountain in the cable car. He mentioned the names of various points and bays. I cannot recall the exact names of these.

45. I told him that I wanted a private helicopter similar to the one in Las Vegas and I also explained to him about the jet Anni and I had been on when we flew to Paris. There were six seats in the back but we had the aircraft to ourselves, bar the two pilots who sat in the front, and this enabled us to have some private fun whilst in the air. He told me it was possible to organise something similar and that he thought it would cost R20 000,00 to R25 000,00. I responded by saying that if he could get it for R15 000,00, I would do it. I suggested this figure as I suspected that his estimate had a healthy margin and I was aware of what I had recently paid in Las Vegas. He said he would speak to the pilot and see what could be done. I said Sunday would be a good time for such a trip.

46. I also asked him whether he knew where I could exchange money at a good rate. I know from experience travelling to India, Kenya, Uganda, Ghana and Egypt that the unofficial money changers would very often give one a much better rate than the official rate at which the banks exchange currency. He said he knew of a shop nearby where he takes clients and could take me the next day at around lunch time,



depending on other clients. He was not sure about the exact time, but told me that he would let me know when. Tongo asked me if I wanted him to organise any of the other trips such as a wine tour or the penguin trip. I told him I would discuss it with my wife and see what she wanted to do. I gave him my phone number and left the car. Tongo seemed knowledgeable, helpful and respectable. He was well dressed, had a good vehicle, spoke good English, and offered his details on a professional business card.

47. I went back into the hotel and checked the hotel's exchange rate at the cashier. The rate was not good and I asked the lady at the counter if there was anywhere nearby where I could change money and was given directions to the V&A shopping mall.
48. I went to our room where Anni was unpacking and getting ready to shower. She wanted to wash and straighten her hair and told me that she will be busy for a couple of hours. I then walked to the shopping mall to change money. At the American Express shop I was informed that I needed my passport to change money. I therefore went back to the hotel to collect my passport and returned to the shopping mall. I changed 800 GBP for R8,242.25 at the Western Union which was a lower rate (R10,30) than before. I passed a flower shop where I stopped to buy a red rose for Anni; she loved red roses.

49. That evening we went to the bar in the hotel for pre-dinner drinks before we walked to Sevruga for dinner.
50. At the restaurant we ordered sushi. On the Monday in London Anni had purchased a bikini for £90.00 and this came up in conversation. She did not like to ask me for money and wanted to work to earn her own income. In this discussion she joked with me that if ever she ran out of money she always had her father's credit card. I teased her that her father should cancel it as we were now married and she was a Dewani. She responded by saying that her father will never cancel it. I bet her that he would if I asked him. I then said that I was going to text him to see. All this was done in jest. At this point I realised that I did not have my cellphone with me. I could not recall whether it was in our hotel room or if I had lost it. I therefore went back to the hotel to look for my cellphone as I wanted to make sure that I had not lost it. I found it on the side table in our room.
51. There was a missed call and a text message on my cellphone from Tongo. I used the bathroom and called Tongo back. He asked whether we were settled into the hotel and what we were doing for the evening. He then asked whether I had spoken to my wife about any trips we wanted to do. I told him that we were still discussing them. He asked me to let him know and also asked if I still wanted to go to change money tomorrow. I confirmed that I did. We agreed that he

would pick us up at midday. I asked him whether he had managed to arrange our helicopter trip. He told me it was fine and he had spoken to the pilot who should be able to organise a helicopter for us for the amount I had offered of R15 000,00. He would want payment off the books in cash and we would also have to fit in with his schedule. I replied that this was fine and that we were flexible. I reminded him that it needed to be a private helicopter for just the two of us. Tongo confirmed that it would be and that we must meet the pilot on Saturday to sort out the details and make payment. I returned to Sevruga.

52. I told Anni that Tongo had called and that we would go to change money tomorrow. She said that if it was sunny she would prefer to stay at the hotel's pool to sunbathe. After our dinner the conversation then returned to the credit card and I texted her father to say that Anni wanted him to cancel the card. He replied that it will not be a problem and asked me to send him the number. We both laughed at his reply as Anni did not think that he would say this. After dinner we walked around to the other side of the Waterfront to a bar, on the recommendation of the waitress who had served us. We had a drink there and then walked back to the hotel.

**Cape Town - Saturday**

53. After a late breakfast on Saturday morning we went to the hotel pool. I received a text from Tongo to say that he was outside. It had slipped my mind that we had the arrangement to go to the money changer. Anni elected to stay at the pool to sunbathe. I sent Tongo a reply back saying something like I will not be long. I went to our room, changed, took £5 000,00 in £50,00 notes and my passport and went to the front door where Tongo was waiting.
54. Tongo explained to me that we were going to a busy market in town and he had taken a number of his clients to this particular shop in the past to change money as they do a good rate. He made some general conversation about how busy he was. We parked on a main road and walked across the street to a jewellery shop called Golden Touch.
55. At the back of the shop was a lady behind a glass screen. I asked her what the rate was for sterling and she said ten-and-a-half. I asked for a better rate for £5 000,00 (five thousand pounds) as the rate offered was not much better than the rate at the Western Union, but she refused. I decided to exchange only £1 000,00 (one thousand pounds) of the money I had with me at the rate offered. I received R10 500,00. During

this time Tongo was also in the shop and conversing with the staff whom I assumed he knew.

56. On the way back to the car I asked Tongo about the helicopter trip. I enquired whether his contact was definitely going to organise it otherwise I will have to book another helicopter. He assured me that he will and that he just had to arrange a time to meet with him. I asked Tongo when we were going to meet the pilot and if we could do so now. Tongo replied that the pilot was working and he will arrange to meet with him that evening to discuss the details and make payment. I reminded him that the trip was a surprise for Anni and that he must keep it a secret. I asked Tongo for dinner suggestions as whilst Sevruga was good it was busy and quite commercial. He told me about a restaurant in the Stellenbosch-Somerset West area that was romantic but he could not remember the name. He told me other clients had been there and recommended it. He said I should enquire at the hotel, they would know which restaurant he had in mind. I asked him if he was free that evening to take us on a city tour and to drive us to the restaurant for dinner, as we had not seen anything of Cape Town yet. We agreed that he would pick us up at 19h30. I agreed on this time in order to give us time to drive around the city before dinner.
57. When we approached the hotel I asked him how much I owed him for the ride to the money changer and how much the tour and trip to the

- restaurant will be. He said the trip to town is usually R100,00 and the evening would be R1 000,00. I asked him if he would do it all for R1 000,00 and he agreed, saying that I could pay him that evening.
58. I returned to my room, stored the money and changed back into my pool clothes. I went to the pool where Anni was still sunbathing. I told her that I had arranged with Tongo to do a tour of the city and thereafter to go to dinner. She said that it sounded great and I should make the booking for dinner.
59. Anni wanted me to get my hair cut and coloured to hide my grey hair. I went to enquire at the salon. I also asked the concierge about a nice romantic restaurant in the Stellenbosch- Somerset West area. I think that I may have searched for some options on my phone and spoken to the receptionist about them. I asked the receptionist to make a booking at the 96 Winery Road restaurant for 21h30 and to request a romantic table for two. The salon told me to come back and I returned to the pool.
60. I went to have my hair cut and coloured. After this I returned to the pool and we ordered some food as we had not had lunch after our late breakfast. After we had something to eat we both fell asleep at the poolside. When I awoke Anni had already gone back to our room and had sent me a text.

61. We got ready to go out for the evening. I had not heard from Tongo about the helicopter booking. He had told me that he would arrange the meeting for that evening and that I would need to make payment in cash. I took the R10 000 I had exchanged in order to pay a deposit. I had decided not to pay the full price up front, but to offer a deposit of half that amount. If he insisted I was prepared to go up to R10 000.00. As the money would not fit in my suit trouser pocket and my new suit jacket's inside pockets were stitched up, I asked Anni to put the money in her handbag. I also had about R4 000,00 in my pocket to pay for dinner, the taxi fare of R 1 000,00 previously agreed and anything else we did.
62. When Anni and I had been in India to organise the wedding we used to carry cash around with us. Most of the suppliers we used were small companies or individuals who only accepted cash. The bundles of cash were often thick and Anni invariably kept them in her handbag for me.
63. We went to the hotel's bar at approximately 18h30 for pre-dinner drinks. Here we took photographs and chatted. Tongo texted me before 19h30 saying that he was going to be late. He then gave me a missed call and I called him back. He said that he would be there soon and we went to the hotel lobby to wait for him. Tongo then texted me to say that he had arrived. We went to the car I told Tongo the name of

the restaurant and that the reservation was for 21h30. We then started on the city tour. I recall seeing the aquarium, the BMW garage at the Waterfront and the Cape Town stadium. We also went up to a road where one could look down on the lights of the city. Throughout the journey Anni and I were laughing and joking in Gujarati. We spoke about various things including Preyen's wife's baby shower that she was preparing for and our safari. Both of us were stuck as to what the names of some of the wild animals were in Gujarati. We were both relaxed and enjoying ourselves, and we commented on how good it was just to be stress free.

64. We then left the city area to go to dinner. We were travelling on a motorway. Tongo said there was one more thing we should see, a street restaurant which was famous because Jamie Oliver had been there. All the tourists, according to him, went there. We turned off the motorway. We ended up in a street flooded with people with loud music. We did not get out of the car. I remember that there was a shop with a red sign or light and on the street there was a barbecue. Most of the people I could see had drinks in their hands and seemed to be having a good time. We did a U-turn and went back to the motorway.
65. On the motorway Anni and I decided that neither of us felt like a heavy dinner as we had eaten rather late that afternoon. We would prefer



lighter food. The menu for 96 Winery Road which the hotel had provided to us had a mushroom dish for vegetarians which Anni did not really fancy. We decided we would rather have sushi, like we had at Sevruga the night before. We asked Tongo and he said that there was a restaurant a bit further away on the seafront where we could have sushi.

66. At our destination Tongo parked the car. Anni and I walked towards the restaurant along the edge of the car park which was right next to the beach. We followed Tongo as he led us into a building and eventually we came to a restaurant called Surfside.
67. I said to Tongo that I will text him when we were done. He did not come into the restaurant.
68. We were seated at large glass windows looking out over the sea. The restaurant had a wooden floor and slightly to the right of where we entered there was a dance floor and music was playing loudly.
69. I went to the toilet which was just inside the main door of the restaurant. Whilst in the toilet I received a missed call from Tongo. I returned the call, but the signal was bad and the restaurant's music loud so I walked outside to speak to him. I asked him what he wanted. He wanted to know how much longer we were going to be. I was

unsure as we had just ordered. I asked him about meeting the helicopter pilot. He told me he was still trying to get in touch and asked me whether I had the money. I told him that he should not worry about the money and to let me know if we were going to be able to meet him. I told him that the restaurant was not really our kind of place and I asked him what we could do afterwards. He said that there are lots of places we can go and he would tell us when we were done.

70. I went back to the table and our food arrived. I recall that whilst we were eating I received a text from Tongo to the effect that he has sorted it out to which I replied. I took this to mean that he had contacted the helicopter pilot. When we had finished eating I sent Tongo a text to say that we were coming out.
71. As we left the restaurant I saw that Tongo had moved the car closer to the building. We got into the car and discussed with Tongo what we were going to do next. We did not really have a plan. Tongo suggested things to do and Anni responded. I recall there was some discussion about what Africa is really like.
72. As a consequence of the traumatic experience which resulted in the loss of my wife I have been hospitalised for over three years and suffered from severe post traumatic stress disorder. This, and the resultant flashbacks, nightmares and anxiety attacks, have affected

my memory and impacted on my ability to precisely and chronologically recall events concerning this terrible incident. Nevertheless I will set out the facts as I recall them today.

73. Anni and I were looking at the photos on our camera whilst the discussion was continuing about what there was to do in regards to night life.
74. At some point I received a text message from Tongo. I cannot recall the exact words of the text message but it was something about money. The gist of it was have you got it, or something like that. I understood this to be a reference to the money for the helicopter ride and accepted that he texted me as he knew that it was to be a surprise for Anni. I replied confirming that I had it.
75. We turned off the motorway. I saw a green road sign that had a name beginning with a "G".
76. The next thing I remember was banging noises coming from the front and the right hand side of the car. There was a lot of shouting in a language I did not understand. The next thing I recall is somebody next to me who told me to lie down. This person had a gun in his hand; I cannot recall which hand. He was waving the gun in the air. He shouted "Look down! Lie down!". We were both terrified and we

immediately complied with his demands. I was lying half on top of Anni. Another person was behind the steering wheel. I do not know where Tongo was at that stage.

77. I pleaded with them to let us go. I remember my watch going off my right wrist but I am not sure of the exact sequence of the events. At some point the person with the gun shouted "Phone!" and "Money!". I gave him all the money which I had on me. At that point I hid my phone in my trouser pocket. Anni whispered to me in Gujarati that she was hiding her rings between the car seats. He then pointed the gun at Anni. He spoke in English but because of his accent it was difficult to follow what he was saying.
78. He then said "Phone?" to me. He searched me and found my phone in my trousers. He got angry. He placed the gun against my left ear and said words to the effect that I should not lie to him or he would shoot me. I heard a clicking noise from the gun which scared me even more. I have never been close to a real gun before. All this time we were speeding along a bumpy road. After he had robbed us he just kept on saying "look down". I could therefore not see clearly as to what was going on. The vehicle then stopped. I looked up and saw Tongo outside the car through the rear passenger window. I only saw his face for a second and then we sped off. The person who was originally next to me was by then in the front passenger seat.

79. I remember I was ordered to sit up. We were on a motorway. The vehicle slowed down. We passed a police car. I noticed that the driver of our vehicle had yellow gloves on. After we passed the police car I was told to lie down again by the person who had the gun.
80. We turned off the motorway onto a smaller road. Anni was screaming. They both instructed me to tell Anni to keep quiet. The driver said that they were not going to hurt us, they just wanted the car and they were going to let us go separately. I begged them to let us go together. I then asked Anni for her rings. She gave me a ring but I did not see exactly which one she had given me. I held the ring out and said to them take this ring and let us go. The person in the passenger seat took the ring.
81. They spoke to each other in a language I did not understand. The next thing I remember, they were both shouting at me to get out. I pleaded with them to let us both go. They refused. The driver said they would leave Anni at the police station. I insisted that we both have to stay together. They became angrier and shouted at me to get out. The one with the gun put it to my head again and threatened to shoot me if I did not get out. I tried to open the door but it would not open. I recall the window opening. I recall hitting the ground and the car speeding away. The last thing I had said to Anni was to be quiet and not to say anything. I said this to her in Gujarati.

82. I ran to the nearest door and knocked but there was no answer. I knocked at other doors, and shouted for help, but no-one came out. Down an alleyway to my left I saw a car pulling into a garage. I ran towards the car and requested the driver to call the police, which he did. After some time two officers arrived and I told them what had happened. Initially they could not understand me, presumably because I was upset and because of my accent. I was asked for the registration number of the car and they asked whether I had the driver's number. I told them that I could get the number off the Blackberry server at work and they could also trace the location of the phone. I wanted to phone the UK but could not get through as the police officer's phone could not make an international call.
83. We then started driving around looking for the car. They spoke in a language that I did not understand and in English. The police officer got the colour of the car that I had given him wrong and I became annoyed. We went to the police station where they began filling in forms and asked me what had happened. I told them again and the police officer wrote in a book. It was difficult for me to follow what they were saying.
84. I was then taken to the Cape Grace in a police car driven by a white police officer. He told me that they would get the car's details from the CCTV footage at the hotel. I also could make the international call

- from there. At the hotel the police officer spoke to someone from security. I called Preyen who conferenced in my dad. My dad got Tongo's phone number from the server and they called vodaphone and the UK police to try and trace the location of my phone. I wrote Tongo's number down and gave it to the officers.
85. Other police arrived, some of whom were in plain clothes. Everyone was firing questions at me to which I responded. I was finding it difficult to understand them and them me. Colonel Els asked everyone to leave the room and for one person to write down what I had told them. An officer wrote out a statement and asked me to sign it. I did not pay much attention to what he had written and signed where he told me to. At one point I was taken to the library where a police officer was sitting with a computer where I was asked to assist with compiling identikits of the attackers. I saw Tongo there. He seemed to be actively helping the police.
86. I spoke to my family several times on the telephone. At some point the police discussed sending helicopters to assist in the search. I recall that after being told about the helicopters I was alone on the terrace with Tongo. He was assuring me that the police would find Anni. He appeared shocked about what had happened.

87. At some point in the morning I spoke to Preyen, who asked me to wait in my room. I went to my room and a doctor arrived who sat with me.
88. Someone then came and told me that there was a phone call in the communications centre for me. It was Preyen on the phone. He told me that they had found Anni and that she had been shot. At that point my whole world came crashing down. The next thing I recall is that the doctor gave me pills in my bedroom.

#### **Cape Town - Sunday**

89. On Sunday I asked to be taken to the Hindu temple where I spoke to the priest.
90. After I was dropped back at the hotel I received a number of calls and messages from friends and family trying to console me. I was aware that both my dad and Anni's father were en route to Cape Town.
91. That evening Captain Hendrikse, Colonel Theron and Captain Lutchman came to the hotel. They had brought with them some paperwork and Anni's engagement ring. I was surprised to see the ring as I thought that I had given it to the robber in the car. I explained to them how Anni had hidden the rings and asked if they could check to see if the other ring was in the car. This Captain Hendrikse agreed to



do. It was also agreed that Captain Lutchman would pick me up from the hotel the next morning to see Anni's body.

92. Later that evening both my dad and Anni's father arrived at the hotel.

**Cape Town - Monday**

93. I was taken by Captain Lutchman to view Anni's body and I was required to identify the body. It was a traumatic experience.
94. Captain Lutchman drove me back to the hotel and I spent the afternoon at the hotel with my family and various people who had come to support us.
95. Captain Hendrikse came to the hotel that evening and said that he wanted to speak with me. He asked me to accompany him to his office in Bellville.
96. In his office Captain Hendrikse said that he had read the statement that I had given on Saturday night and that he thought it was not a well written statement. He also said that the heading did not contain my contact details. He asked me specific questions to clear up what he regarded as uncertainties in my first statement. He gave me Anni's rings and other jewellery items. He asked me to sign the bag in which these were contained. We then returned to the Cape Grace.

**Cape Town - Tuesday**

97. On Tuesday morning Captain Lutchman arrived at the hotel as it had been arranged that he would take us to the rest home to see Anni's body. Whilst we sat on the terrace with Captain Lutchman he received a call on his cellphone. From the conversation it sounded like he was talking to Tongo. I had not spoken to Tongo since Sunday when I saw him at the hotel. I asked Lutchman whether I could speak to him. I took the phone and asked Tongo how he was. He sounded very down and said he was not doing well. He complained that he was being chased by the media. He told me that he had no money and now he had no car and thus no way of earning money. He said something along the lines that he did not know how he was going to survive. I felt sorry for him and decided that I would give him the R1 000,00 that I would have paid him for the trip on the Saturday night.
98. I told Tongo that I was leaving that night and that I had something for him and asked him to come to see me. He said that he did not know if he would be able to come as he did not have a car, but he would see if he could get a lift with a friend. I gave him the number for the mobile telephone that the hotel had lent me and said he should call me if he can arrange to come to the hotel.

99. My dad and father-in-law left with Captain Lutchman to go to the rest home to see Anni's body. I chose not to go as it had been very upsetting for me to see her the day before.
100. I went to the shopping mall to buy something to say thank you to the people who had been assisting me. The hotel staff advised me that there was media outside and that it would be better if I went in a hotel car which they arranged.
101. I went to a stationery shop and purchased a box of 10 handmade cards of African design. The cashier put the box into a white plastic carrier bag.
102. Whilst I was still at the mall I had telephonic contact with Tongo. He told me that he had managed to find a lift and I told him that I was in the mall and I was about to leave. I returned to the hotel. I went to my room and wrote a thank you card to Tongo and put the card and R1000 into an envelope. I put this back inside the carrier bag that I had from the shop and left the room.
103. I cannot recall if I called Tongo or he called me. I asked him to come inside the hotel as I was aware of the media outside. As I saw Tongo entering the hotel I walked down the corridor into the communications centre area where all the activity happened on Saturday night. Tongo

followed me. I thanked Tongo for all of his help and gave him the bag saying there was something inside for him. He then said that he was sorry for what happened. I asked him if he knew when he was going to get his car back and he said he had no idea. We then shook hands and I left the communications centre.

104. On Tuesday evening I was taken with my father and my father-in-law to Cape Town International Airport. We left on a flight to Amsterdam from where we flew to Bristol.

### **Conclusion**

105. I deny that I am guilty of the offences with which I have been charged.

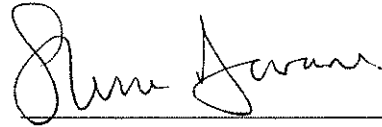
### **Admissions**

106. In an attempt to shorten the proceedings I have made a number of admissions in terms of section 220 of the Criminal Procedure Act, 1977, which will be handed to this honourable Court in a separate document.

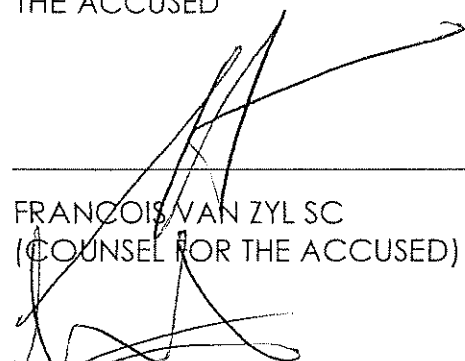
SIGNED at CAPE TOWN this

3rd

day of OCTOBER 2014.

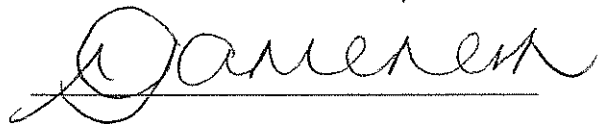


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