

SWORN STATEMENT

1

I, the undersigned **Paul O'Sullivan**, with ID No. [REDACTED] and with contact number [REDACTED] state under oath as follows:

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I am an adult male Certified Fraud Examiner and am the senior Consultant at Paul O'Sullivan and Associates, Forensic and Loss Control Consultants, '**POAA**', with my offices [REDACTED] **Johannesburg**.

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On **2019-03-28**, POAA were mandated by Agopyan "Hovig" Ohanes, '**Agopyan**', with Thailand ID No. [REDACTED], to investigate allegations of fraud, theft, possession of stolen property and smuggling, committed by Vuyo Mkhize, '**Mkhize**', with ID No. **750401** [REDACTED] committed against him.

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I established in my initial investigation that there exists *prima facie* evidence that Mkhize has unlawfully taken possession of a Necklace, a Ring and Earrings, '**the Jewellery**', worth **USD 190,000.00**, which at the time of writing this Sworn Statement is to the value of **R2,850,000.00**, (using a rate of 15:1) from Agopyan's company, Jacob's Jewellery. It is also evident that Mkhize committed fraud against Agopyan to acquire the Jewellery; and smuggled such Jewellery into South Africa, which is in contravention of section 15 read with section 81 of the Customs and Excise Act, '**the Customs Act**', which sections read as follows:

"15(1). Any person entering or leaving the Republic shall, in such a manner as the Commissioner may determine, unreservedly declare-

(a) at the time of such entering, all goods (including goods of another person) upon his person or in his possession which he brought with him into the Republic which-

(i) were purchased or otherwise acquired abroad or on any ship, vehicle or in any shop selling goods on which duty has not been paid;

[...]

and shall furnish an officer with full particulars thereof, answer fully and truthfully all questions put to him by such officer and, if required by such officer to do so, produce and open such goods for inspection by the said officer, and shall pay the duty assessed by such officer, if any, to the Controller."

And:

"81. Any person who contravenes or fails to comply with the provisions of section 15, shall be guilty of an offence and liable on conviction to a fine not exceeding R8 000 or treble the value of the goods in question, whichever is the greater, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and the goods in question and any other goods contained in the same package as well as the package itself shall be liable to forfeiture."

5

In the following I will demonstrate, with reference to the salient facts contained within Agopyan's Sworn Statement, which I attach hereto as **Docket Statement A2**, that there exists sufficient *prima facie* evidence showing that Mkhize committed the criminal acts of theft, fraud and smuggling.

RELEVANT PERSONS

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Agopyan

Agopyan "Hovig" Ohanes, with Thailand Identity No. [REDACTED] 622, and having date of birth [REDACTED]. Agopyan is the complainant in this case and is the owner of Jacob's Jewellery.

Mkhize

Vuyo Babalo Mkhize, with Identity No. 750401 [REDACTED], living at Unit [REDACTED] with contact number [REDACTED]. Mkhize is the main suspect in the allegations of theft, fraud and smuggling set out in this Sworn Statement.

Maphumulo

Mazo Nkosingiphile Maphumulo, with Identity No. 771207 [REDACTED] living at [REDACTED] [REDACTED], with contact number [REDACTED]. The supposed fiancée of Mkhize, who travelled with Mkhize to Thailand.

Teicher

Helen Teicher, is a Belgium Citizen who is a business associate of Agopyan. She was the person who introduced Agopyan to Mkhize.

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Lebohang Lebohang [REDACTED] living at [REDACTED]
[REDACTED] and having contact number [REDACTED]
[REDACTED] Who is the supposed wife of Mkhize.

Douglas Douglas [REDACTED] living at [REDACTED]
[REDACTED] and having contact number [REDACTED]. Who is the supposed husband of Maphumulo.

RELEVANT ENTITIES

7

Jacob's Jewelry Jacob's Jewelry Co., Ltd., with Taiwanese Business Registration No. 0105543071085, located at 232-236 Mahesak Soi-2 Road, Bangrak, Bangkok, 10500, Thailand, and having telephonic contact number [REDACTED]. This is the Jewellery Company, which Mkhize allegedly committed the theft and fraud against, which is owned by Agopyan.

Malca-Amit Malca-Amit is an international Group of Companies that provide global security services, including secure delivery services.

Renegade Capital Renegade Saint Capital (Pty) Ltd, with Registration No. 2016/237551/07, with registered address C4-03 The Sails, 14 Timeball Boulevard, Point Waterfront, Kwa-Zulu Natal. Both Mkhize and Maphumulo are Co-Directors in this company.

BACKGROUND

8

In May 2008, as elaborated upon in Docket Statement A2, Mkhizé was first introduced to Agopyan as being part of an official South African delegation. Since Mkhize was part of a delegation, Agopyan regarded him as a trustworthy character. It became apparent to me when conducting my interview with Agopyan that Mkhize left a very favourable impression

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[Signature]

on Agopyan. It was as such that, in **September 2016** when Mkhize contacted Agopyan to assist him with his travels to Thailand, that Agopyan was more than willing to assist Mkhize because of the favourable impression he made on him.

9

However, unbeknownst to Agopyan, Mkhize has a public reputation in South Africa as a renowned "Spin Doctor". Spin doctors are known to generally be charismatic individuals who use their ability of speech to persuade people of a certain viewpoint. In my professional assessment of Mkhize, he has demonstrated to me, in conversation and on analysis of his actions, that he used his abilities of speech to manipulate Agopyan to establish a trust relationship with him so that he could obtain a pecuniary advantage. This is important to keep in mind, as the alleged fraud and theft that was committed against Agopyan, relied on Mkhize's ability to win over Agopyan's trust.

ALLEGED THEFT AND FRAUD COMMITTED AGAINST JACOB'S JEWELLERY BY MKHIZE

10

In **September 2016**, before Mkhize left South Africa for Thailand, he made a certain misrepresentation to Agopyan, via WhatsApp, that he was in the financial position to afford expensive Jewellery from Agopyan. Because of that misrepresentation, which will be extrapolated upon below, it can with certainty be alleged that it was Mkhize's intention, right from the beginning, to visit Thailand, not just for a holiday, but also for the purpose of committing a theft and fraud against Agopyan.

10.1

In POAA's investigation no evidence was established that Maphumulo was Mkhize's fiancée, at the time of their travels to Thailand. On public record the only current official link between Maphumulo and Mkhize is that they are both directors of Renegade Capital. See attached CPB Business Information Report on Renegade Saint Capital as **Annexure "PO-01"**. Indeed it seems from the official records that Mkhize is married to a woman called Lebohang; and that Maphumulo is married to a man called Douglas. See attached CPB

Enquiry on Mkhize as Annexure "PO-02"; also see attached CPB Enquiry on Maphumulo as Annexure "PO-03". This would indicate that Mkhize may have lied to Agopyan that Maphumulo was his fiancée. This possible lie potentially also implicates Maphumulo as a suspect given that throughout their visit to Thailand they maintained the lie to Agopyan, that they were an engaged couple, which could have very well been a front concealing their true intentions for travelling to Thailand. Furthermore Maphumulo may also be an accessory after the fact as will be discussed.

10.2

I have good reason to believe that when Mkhize contacted Agopyan that Mkhize was not in the financial position to afford "[Agopyan's] nicest rings", as he had indicated to Agopyan in the WhatsApp Messages. As of the writing of this statement Mkhize is highly indebted, being 9 months in arrears with his credit loans, owing approximately **R836,414.00** to his creditors. See attached CPB Credit Enquiry on Mkhize as Annexure "PO-04". Given the above it is highly unlikely that Mkhize ever had the financial means to pay for jewellery in the amount of **USD 190,000.00**.

This allegation against Mkhize can be easily uncovered by the SAPS, by simply making an enquiry with Mkhize's banking facilities as to whether he had the funds available in **September 2016** to pay for Jewellery in the amount of **USD 190,000.00**. Mkhize's Banking Account details are as follows:

FIRSTSTRAND BANK LTD DETAILS:

BANK: FNB

ACCOUNT NO: [REDACTED]

ABSA BANK DETAILS:

BANK: ABSA

ACCOUNT NO: [REDACTED]0

If it is established, by the SAPS, that Mkhize did **NOT** have the financial means available to pay for such Jewellery, (ie free cash of R2,850,000) the only logical conclusion that can be drawn from this is that Mkhize's intention to travel to Thailand was to commit fraud and theft against Agopyan, by pretending he was to get engaged and needed jewellery for his new 'fiance'.

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Once in Thailand, after having been invoiced for the Jewellery, Mkhize made an oral representation to Agopyan that he would make the payment of **USD 190,000.00** into the Account of Jacobs Jewellery before he left Thailand. The Agreement that Mkhize would pay Agopyan the money before leaving Thailand is evidenced by the WhatsApp correspondence between Mkhize and Agopyan on the **2016-10-19**, which applicable section reads:

[10/19/16, 10:30:29 AM] Hovig: Also we haven't received anything in the bank . Safe flight

[10/19/16, 10:42:26 AM] Vuyo Mkhize: bank (absa - division of barclays) waiting for the reserve bank authorisation which they will receive by today... will then wire the money and email you the proof of payment... funds will be in your account by friday!

See attached WhatsApp Chat History in Docket Statement A2.

11.1

When I (telephonically) questioned Mkhize on this issue Mkhize stated to me that:

[...] I was going to pay in South Africa. In fact the arrangement was that I was going to pay to an Agent in South Africa, because the guy buys, buys a lot his Raw Materials from Jo'burg.

See page 3 of Transcript of Phone call between Mkhize and O'Sullivan as Annexure "PO-05".

11.2

The above constitutes further evidence that Mkhize never intended to honour the agreement that he concluded with Agopyan. Indeed Mkhize simply wanted to create the impression in Agopyan's mind that payment of the money was going to be made before he left Thailand. As such Mkhize has committed the criminal offence of theft by false pretences, in that he unlawfully and intentionally obtained the Jewellery from Jacob's Jewellery, by the consent of Agopyan, however gained such consent as a result of an oral misrepresentation made to Agopyan, which was confirmed on WhatsApp. It can be argued that the jurisdiction where the theft took place was Thailand. However, and I will deal with jurisdiction in more detail later, there can be no dispute that the fraudulent foundation stones for the theft were laid in South Africa on 2016-09-28 when Mkhize dishonestly started a discussion to 'buy' jewellery for his new 'fiance'. It was, like most confidence tricks, the laying of the 'bait' for the 'sting' to take place in Thailand and was therefore part of a carefully considered plan.

12

From **2016-10-19** to **2016-10-22**, Mkhize continued to utilise this *modus operandi* of misleading Agopyan, via WhatsApp. Agopyan makes it clear that if he would have known that Mkhize was simply making misrepresentations to him, he would have instructed Malca-Amit (the Courier Company) not to release the Jewellery to Mkhize, but to return it to the Jacob's Jewellery.

13

From **2016-10-24** to **2017-04-27**, when Mkhize was back in South Africa, Agopyan tried to enforce the undertaking that Mkhize gave him, for him to make the payment of **USD 190,000.00** into Agopyan's Account. However, every attempt to solicit such payment was met with either silence or more fraudulent misrepresentations by Mkhize. Whilst Mkhize obviously craves that this be made a 'civil matter' he cannot be allowed to do so, for the simple reason that he fraudulently 'induced' Agopyan to believe payment had been made and arrival in the business account of Agopyan was imminent. Without the fraudulent misrepresentation, Agopyan would still have his Jewellery, as he would not have let it go. Furthermore, if Agopyan had of known that Mkhize was NOT engaged to his 'fiancé' and was NOT in a position to pay USD190,000 for expensive jewellery, he would not have even entertained Mkhize in the first place.

14

When he realised that no cash would be forthcoming, Agopyan arranged that Mkhize could drop-off the Jewellery with a business associate of his, Mounir, at the SA Diamond Centre, located at **Suite 511, 225 Main Street, Johannesburg, 2094**. However, Mkhize never delivered the Jewellery to Mounir and did not give good reason for why he failed to do so. I suspect that by then Mkhize had already sold the stolen jewellery to raise cash to help solve his desperate financial situation. In this regard, his 'fiancé' has already confirmed to me that she never saw the 'engagement present' again after they returned to South Africa. If my suspicions are confirmed, then Mkhize has again committed fraud.

14.1

By not delivering the Jewellery to Mounir, it is clear that Mkhize even when given the opportunity to distance himself from his criminal conduct by handing back the jewellery, chose not to do so. It is as such that Mkhize's intention to commit theft and fraud against Agopyan is demonstrated very strongly by his actions in this instance.

14.2

Only the Police will be able to determine if Mkhize had already sold the Jewellery (as is suspected) by the time he was saying he would turn it over to a contact of Agopyan in Johannesburg. If he had already sold the Jewellery by then, a further charge of fraud can be added, by him misrepresenting that he still had the jewellery.

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Till this date Agopyan has not received any payment for the Jewellery from Mkhize. On **2019-03-28** during a telephonic conversation I had with Mkhize, on his cell phone, with number **076 732 4972**, Mkhize stated to me that:

Vuyo: [...] when I was back here he did ask me the [...] I should wire it to his Standard Chartered Bank Account in Hong Kong, but that later on he ventured to the arrangement that I give it to his Agent in Jo'burg.

Paul: Okay, so you gave it to some other individual you didn't Pay it to him?

Vuyo: Correct.

Paul: And the Amount you know which I have estimated at plus/minus R2.7 Million, that's the Amount you gave to that individual?

Vuyo: Correct, correct.

Paul: Okay, so you've obviously got Documents to show that or you've got a Receipt or something.

Vuyo: Correct.

See pages 4 of the Transcript of telephone conversation held between myself and Mkhize as Annexure "PO-05". Mkhize has not furnished me with any documentations showing that he made such a payment; and if such payment was made into which account such payment was made. I submit that he cannot send me such documentary proof, because he continues with his lies, merely to avoid the inevitable arrest and prosecution.

ALLEGED SMUGGLING COMMITTED AGAINST THE SOUTH AFRICAN GOVERNMENT BY MKHIZE

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As mentioned above according to section 15 read with section 81 of the Customs Act, Mkhize was under an obligation to declare the Jewellery to the South African authorities

once he entered South Africa, which he did not do. There is no evidence showing that on **2016-10-24**, when Mkhize entered into, South Africa that he paid customs for the Jewellery, to the value of **USD 190,000.00**. The opposite is true. Mkhize admitted that he unlawfully smuggled the (stolen) goods into South Africa.

17

On **2019-03-28** during a telephonic conversation I had with Mkhize he admitted to me that he committed the offence of smuggling, as is evident in the following sections quoted from the transcript below:

Paul: Okay, okay I understand. All right, so how are you going to deal with the SARS issue [Smuggling issue] though? Are you going to meet with SARS?

Vuyo: Ja, I'm going to meet with SARS, I'm going to, I'm going to meet with my – with a Lawyer on Monday and I'm going to meet with SARS. I'm going to – next – I, I – nothing I know tells me that your interpretation or your reading of that situation is wrong, is false or is incorrect. So I take – on that one I take, I take your, your, your reading to be correct.
[...]

Paul: [...] , but obviously you'll explain to SARS, I mean presumably you just took the Jewellery –

Vuyo: Sure

Paul: Through in your pocket or in your briefcase or whatever.

Vuyo: Ja, in fact, you know in fact it's a – some of those – it is one of those in hindsight stupid things because –
[...]

Vuyo: And [inaudible – over talking] [0:09:13.3] put it, put it on your backpack or war – get your partner to wear the Jewellery upon arrival in Jo'burg. But I'm not, I'm not – I'm taking responsibility [inaudible – over talking] [0:09:27.1]

See pages 2, 6 and 7 in Transcript of telephone conversation held between O'Sullivan and Mkhize attached as Annexure "PO-05".

The quoted sections in the above Transcript shows a definite unlawful intention of Mkhize to smuggle the Jewellery into South Africa, without paying over R400,000 in customs duty. Furthermore, Mkhize's admission also has the potential of implicating Maphumulo, in that if Maphumulo wore the Jewellery with the intention of unlawfully bypassing South African Customs, she aided Mkhize in committing the crime of smuggling. I am of the opinion that it

is not possible for Maphumulo Not to have known she was assisting Mkhize in the commission of a serious crime.

18

On 2019-05-10 I had a telephonic conversation with Maphumulo which was recorded and transcribed, where she stated that:

Paul: [...] Mazo, I'm phoning you about the Jewellery which yourself and Mkhize took from Bangkok.

Mazo: Yes.

Paul: Yes, where is that Jewellery now ma'am?

Mazo: I have no idea because he is the one who took it.

Paul: Okay, but he took it to give to you. Are you saying you don't have it?

Mazo: No I do not.

Paul: Have you ever had it?

Mazo: For a short while.

Paul: Okay, how long did you have it for ma'am?

Mazo: Was it – only a week or so.

Paul: And was that the week in which it was Purchased?

Mazo: Yes –

Paul: Okay.

Mazo: The week after that, yes.

Paul: The week that?

Mazo: Yes.

Paul: And then you handed it back to him?

Mazo: Yes.

See page 2 of the true Transcription of Telephonic Conversation between O'Sullivan and Maphumulo as Annexure "PO-06".

It would seem from the above that according to Maphumulo, Mkhize gave Maphumulo the possession of the Jewellery to illegally smuggle it into South Africa and then once in South Africa took possession back from Maphumulo. This would indicate that Maphumulo knowingly smuggled the Jewellery through customs on behalf of Mkhize; and that Mkhize is the last person I know to have had possession of the Jewellery, since she does not seem to know where it is now. She knew at all times it was not a 'gift' for her.

ESTABLISHING JURISDICTION IN SOUTH AFRICA

19

It has been accepted by our courts that theft is a 'continuous offence'. By this is meant that the theft continues as long as the stolen property is in the possession of the thief or of some person who was a party to the theft or of some person acting on behalf of or even, possibly, in the interests of the original thief or party to the theft, or that the stolen property is sold to another. To put it simply, if the stolen jewellery came into South Africa on the person of Maphumulo and she passed the jewellery to Mkhize, which is what she told me she did, then she stands to be charged with smuggling the jewellery and then handing the stolen property to Mkhize, who stands to be charged for acting with a common purpose in the smuggling, by getting his fake 'fiancé' to bring the jewellery into the country. Clearly Mkhize would have attracted attention by wearing expensive lady's jewellery coming over the border at the airport.

20

I have alleged above that Mkhize, who is a South African citizen living in South Africa, initiated the theft against Agopyan in South Africa, on the **2016-09-28** using a WhatsApp Message, sent from a South African cell phone, with number **071 863 7300**. Furthermore, even though Mkhize took possession of the Jewellery in Thailand, he continued to maintain possession of the Jewellery when he returned to South Africa on the **2016-10-24** by smuggling stolen property into South Africa, thereby avoiding import duty/VAT in excess of R400,000.00; and continued making false misrepresentations to Agopyan that the money was going to be paid into the Jacob's Jewellery's Account, in South Africa. It is therefore without a doubt that Mkhize committed the crime of theft by false pretences, against Jacob's Jewellery here in South Africa, by starting the process in South Africa, by fraudulently holding out he had just become engaged, and continued the fraud to get possession of the goods and brought the stolen goods back into South Africa, by getting his mistress to wear it on her person, so as to avoid paying R400,000 import tax on the stolen goods.

21

To make certain that Jurisdiction is established here in South Africa I name the scene of the crime to be 1 Jones Rd, Kempton Park, Johannesburg, 1632, which is the address of Oliver Tambo International Airport, the location where the alleged criminal act of smuggling took place by Mkhize and/or his 'fiancé' Maphumulo. Furthermore, to give effect

to his crime, Mkhize used a South African registered mobile phone. The fraudulent message to Agopyan registered mobile phone. The fraudulent message to Agopyan was transmitted from wherever Mkhize was in Thailand, to South Africa and hence back to Thailand. Not only the above, but on **2016-10-24** when Mkhize arrived back in South Africa, he continued with the fraudulent lies, that payment had been made, when he knew it had not. It is clear that he acted with criminal intention at all material times.

MODUS OPERANDI

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- 22.1. On **2016-10-17**, Mkhize unlawfully and intentionally fraudulently misrepresented to Agopyan that he would make the payment of **\$190,000.00 (US Dollars)**, into the account of Jacob's Jewellery before leaving Thailand for South Africa.
- 22.2. On **2016-10-22** Mkhize departed from Thailand for South Africa, with the Jewellery, without paying for it.
- 22.3. On **2016-10-24** when Mkhize entered South Africa he smuggled the (by now stolen) Jewellery through the South African Customs, without declaring such Jewellery as required by section 15 read with section 81 of the Customs Act.
- 22.4. From **2016-10-24** to **2017-04-27** Mkhize fraudulently misrepresented to Agopyan that he was trying to make payment for the Jewellery, whereas Mkhize never intended to make such payment, because he was penniless and had no money.
- 22.5. On **2016-12-29** Mkhize stopped corresponding with Agopyan, without making payment for the Jewellery or returning it to one of Agopyan's business associates.
- 22.6. On **2019-03-28**, in a discussion with me on the phone, Mkhize gave contradictory stories about the jewellery and, despite promising to avail me of the 'proof' that he had paid for it, has since refused and/or failed to do so.

23

I hereby request the South African Police Service to investigate the allegations of Fraud, Theft and Smuggling against Mkhize aided and abetted by his fake 'fiancé' Maphumulo. I tender all reasonable assistance to ensure that Mkhize is brought to justice.

As 'agent' for Agopyan I confirm I will facilitate his attendance in South Africa to give evidence in court. Mr Agopyan accepts it is now possible he will not get his Jewellery or money back, so he wants justice. He also requests the police to try and establish what Mkhize did with the stolen Jewellery.

24

Prior to me signing this statement, I have carefully read through it and am satisfied that the facts are correctly and accurately recorded. The following questions were put to me in person by the commissioner of oaths and I entered the answers thereto in my own handwriting:

'Do you know and understand the contents of this statement?'

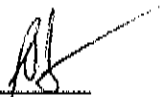
Yes

'Do you have any objection to taking the prescribed oath?'

No

'Do you consider the prescribed oath binding on your conscience?'

Yes



Paul O'Sullivan

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponent's signature was placed thereon in my presence at **JOHANNESBURG** on this **THIRTEENTH** day of **JUNE 2019**.



Commissioner of Oaths

Sarah-Jane Trent COMMISSIONER OF OATHS (EX-OFFICIO) Attorney 7 Janine Road, Sandown Estate Johannesburg, Republic of South Africa

ST



28th of March 2019

TC between Vuyo Mkhize & Paul O'Sullivan

TELEPHONIC CONVERSATION

"PO-5"

Case No: N/A
Dates : 28th of March 2019
Times : 12h00

HELD AT:

PHONE CALL CONVERSATION - PARTICIPANTS

Mr. Vuyo Mkhize

Mr. Paul O'Sullivan

Page 1 to 9 (including transcriber's certificate)

5 **Vuyo:** You need that Business Relationship that's short lived Business Relationship [indiscernible – cell phone connection] [0:00:04.8] Holdings and Afri [indiscernible] [0:00:06.4] Solutions, and subsequently the Transaction for which we had signed a Contract when – signed a Contract and this was in the Private Sector fell through and I don't know how he has dealt with the, the Declaration in regards to the Valuation of
10 the Company for 2017/2018.

Paul: Okay, okay I understand. All right, so how are you going to deal with the SARS issue though? Are you going to meet with SARS?

Vuyo: Ja, I'm going to meet with SARS, I'm going to, I'm going to meet with my – with a Lawyer on Monday and I'm going to meet with SARS. I'm going to – next – I, I, I –
15 nothing I know tells me that your interpretation or your reading of that situation is wrong, is false or is incorrect. So I take – on that one I take, I take your, your, your reading to be correct.

Paul: Okay, so what –

Vuyo: And I just have to Pay – I just have to – I'll just have to Pay whatever Amount
20 with whatever Interest.

Paul: Okay, I mean I imagine that SARS, although technically you have committed an Offense by smuggling the stuff through they normally accept if you go to them before they come to you, they will normally accept a Payment in *lieu* of Criminal Charges so you should be okay there. But I think your challenge is going to be – the Allegations that have
25 been made against you in Thailand –

Vuyo: Correct.

Paul: Which Alleges that you know you took this Jewellery from [Malka Ahmed?].

Vuyo: Well I think [Malka Ahmed?] would be, would be the Courier, said Courier Company –

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5 **Paul:** Yes.

Vuyo: Because I left Bangkok and went to Phuket.

Paul: Right.

Vuyo: And I – the advice from my Associate who owns [**Jacobs?**] Jewellery was not to change the, the Consignment with me to Phuket just because of the risk of Loss or

10 Theft.

Paul: Yes I understand.

Vuyo: So he arranged that he was going to, he was going to arrange for a Bonded Courier to drop it at the Airport five (5) days later –

Paul: Okay.

15 **Vuyo:** Which is when I was going to be flying out of, of, of – well where did he take it to? Did I come back to Bangkok? No, no I flew straight from Phuket. So he was going to take it straight to the Bonded Couriers. So the issue there is that there was never any Representation of Payment made.

Paul: Okay, because –

20 **Vuyo:** Because this [inaudible – over talking] [0:02:53.3] –

Paul: The way I read it was that they said that you produced Documents to prove that you Paid when in fact you haven't.

Vuyo: No, no, no, no, no, no there is absolutely nothing of the sort. The arrangement was always that I was going to Pay in South Africa. In fact the arrangement was that I was going to Pay to an Agent in South Africa, because the guy buys, buys a lot
25 his Raw Materials from Jo'burg.

Paul: Okay.

Vuyo: So, so there was never – but at some point, at some point he did, when I was back here he did ask me the [**Tariffs?**] I should wire it to his Standard Chartered Bank

5 Account in Hong Kong, but that later on he ventured to the arrangement that I give it to his Agent in Jo'burg.

Paul: Okay, so you gave it to some other individual you didn't Pay it to him?

Vuyo: Correct.

Paul: And the Amount you know which I have estimated at plus/minus R2.7 Million,
10 that's the Amount you gave to that individual?

Vuyo: Correct, correct.

Paul: And obviously you've got Documents –

Vuyo: Two point six-fifty (2.650) or something.

Paul: Okay, so you've obviously got Documents to show that or you've got a
15 Receipt or something.

Vuyo: Correct.

Paul: Okay, you know what the best thing – can I call you Vuyo?

Vuyo: No, no, no problem.

Paul: Okay, the best thing Vuyo I think if you can perhaps send me your email
20 address and then we can clear this up by email because I'm travelling to London tomorrow and I'll only be back in a week's time.

Vuyo: If you don't mind Paul, if you don't mind Paul just so – if you don't mind honestly like I've already, I've already met one of the people you have sent your Inquiry to who is, who is – I mean with whom I have a trusted relationship and I also asked him that
25 – is that – because I had a discussion with my Lawyer whilst with him – I've just come from that Meeting now because when I called the Lawyer he was not available, he didn't pick up, he only sent [indiscernible] [0:04:54.2] whilst I was in that Meeting. So just for comfort may I just ask that I see him first?

Paul: Okay, no that's fine.

5 **Vuyo:** Because he did give me an option that is it Urgent? Is it something that –

Paul: No it's not –

Vuyo: [Inaudible – over talking] [0:05:04.8] today or Friday? And I said "no" Monday I'm coming. Monday I'll come.

Paul: Okay, no Vuyo that's fine I don't see – there is no urgency on this Matter.

10 And I always prefer the people that I deal with, especially if they are possible Suspects to have Legal Representation. So I would prefer if I do meet with you that you have your Attorney with you.

Vuyo: No, no I don't need to have him with me, I just need to, I just need to have –

Paul: Get his advice.

15 **Vuyo:** Get his advice –

Paul: Yes.

Vuyo: And hopefully receive the response from Bangkok –

Paul: Yes.

Vuyo: To whatever Correspondence that he is going to send to see clarification
20 about the Matter because for me my main thing beyond possible Negative Publicity, my main issue is the Criminal Jeopardy I'm exposed to if that thing remains, or for as long as that thing remains. In fact I'm going to be travelling in two (2) weeks time –

Paul: Mmm.

Vuyo: So it's a bit of a, it's a bit of a –

25 **Paul:** I can give you some personal advice and this is obviously –

Vuyo: I know, I've read about you. I've read about your –

Paul: My advice, my advice to you would be not to travel until you have resolved the issues because the last thing you need is to travel to another country and then find that there's an Interpol Red Notice for you and you get Arrested.

5
R

5 **Vuyo:** That's what I'm –

Paul: Because once you have been Arrested in another country it becomes really, really complicated, you could be sitting for two (2) or three (3) months in Jail before you can get the Matter sorted out. So my advice to you would be not to travel until you've resolved that issue in Bangkok and I'm more than happy to assist you with that if, you

10 know, the Settlement can be made or proven –

Vuyo: Okay.

Paul: And then the person in Bangkok can Withdraw the Charges against you.

Vuyo: You're not so horrible after all Paul. So why are they so scared of you?

Paul: I don't know, some people say my bite is worse than my bark, but others will
15 say my bark is worse than my bite. At the end of the day you know if you sort out the issue with SARS then I'm not interested in that that's your business. I'm just interested in sorting out the person in Bangkok who wants their money. And if you are saying you can "prove" you've Paid then it becomes a Civil Dispute and not a Criminal Matter.

Vuyo: Ja, I think let me do that Paul, let me do that it's just that the irony, I think the,
20 the person who alerted me to this was [aligned?] to the [error?] in that – almost since whenever, all of, all of the [crusades?] should be on.

Paul: Okay.

Vuyo: And the people you've been assisting they have been receiving assistance from me.

25 **Paul:** Well you know I'm not saying I "assist" people but you know Forensics For Justice is a Charity which exposes Corruption and Crime.

Vuyo: Okay.

Paul: So it is not as if we have a vendetta or anything, I mean I've never met you I'm sure you are a nice guy. So you know I'm not interested in persecuting vendettas and

5 stuff like that, but obviously you'll explain to SARS. I mean presumably you just took the Jewellery –

Vuyo: Sure.

Paul: Through in your pocket or in your briefcase or whatever.

Vuyo: Ja, in fact, you know in fact it's a – some of those – it is one of those in
10 hindsight stupid things because –

Paul: Ja.

Vuyo: The friend of mine who has made the Accusation against me is actually the one who advised me, and I think even in Bangkok I think this whole thing of a Bonded Courier, he had explained that it was in order to avoid Paying VAT even that side. So there
15 was possible VAT that I would not have to Pay that side –

Paul: No, I think if it's –

Vuyo: And there was –

Paul: The Legal –

Vuyo: And [inaudible – over talking] [0:09:13.3] put it, put it on your backpack or
20 wear – get your partner to wear the Jewellery upon arrival in Jo'burg. But I'm not, I'm not –
I'm taking responsibility [inaudible – over talking] [0:09:27.1] –

Paul: No, no that's fine.

Vuyo: [I'm going to Pay?].

Paul: But I mean there would be no Legal obligation for VAT in Bangkok –

25 **Vuyo:** Okay.

Paul: If the Jewellery was Exported which it sounds like it was because you brought it into South Africa. So there would be no Liability for VAT in Bangkok, the Liability only applies here, and it would have then been rated at 14% not the current rate of 15%, but obviously because you – they will apply Penalties and the Penalties will probably be

5 100% so instead of paying R405 000.00 (four hundred and five thousand rand) I think you will end up paying R805 000.00 (eight hundred and five thousand rand) to avoid the Criminal Charges.

Vuyo: Dammit!

Paul: And you –

10 **Vuyo:** Okay, so Paul you – but can you send your email address anyway?

Paul: Yes I'll do that and then –

Vuyo: Okay.

Paul: Then when you've had a chat to your Lawyer we can have a chat, all right?

Vuyo: Okay man.

15 **Paul:** Good man, thanks hey.

Vuyo: That's my number, cheers, bye.

Paul: Okay, bye. ... That was Vuyo Mkhize and the time now is 12h10 and the date is the 28th of March.

Sarah-Jane: Okay, read the number he called you from.

20 **Paul:** 076 732 4972.

END OF TELEPHONIC RECORDING

=====

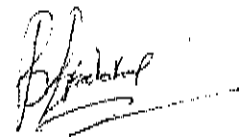
TRANSCRIBER'S CERTIFICATE

This is to certify that in so far as it is audible in the English language, the foregoing is a true and correct transcript of the **Telephonic Conversation** between **Mr. Vuyo Mkhize** and **Mr. Paul O'Sullivan**.

DATE HELD:	28 th of March 2019
TRANSCRIBER:	Belinda
NUMBER OF PAGES:	9 (including Transcribers Certificate)

TRANSCRIPTION NOTES:

1. Where background noise render speakers unclear, indicated with [inaudible].
2. Recording typed verbatim. Incorrect tenses/grammar as used by parties not rectified.
3. Names not spelt into record or where spelling could not be verified typed phonetically, followed by [?].
4. A long dash [-] after a word or sentence indicates either party did not complete a sentence or was interrupted by the other party.



Belinda Inez Bredenkamp
Transcriber

ST

10th of May 2019

TC between Paul O'Sullivan & Mazo Maphumulo

TELEPHONIC CONVERSATION – VUYO MKHIZE MATTER

"PO-6"

Case No: N/A
Dates : 10th of May 2019
Times : +/- 12h00

HELD AT:

Mr. Paul O'Sullivan's Offices

PHONE CALL CONVERSATION - PARTICIPANTS

Mr. Paul O'Sullivan

Ms. Mazo Maphumulo

Page 1 to 7 (including transcriber's certificate)

5
A

- 5 **Mazo:** Hello?
- Paul:** Hi, is that Mazo?
- Mazo:** Speaking.
- Paul:** Hi Mazo, the name is Paul O'Sullivan. How are you?
- Mazo:** I am fine thanks and how are you?
- 10 **Paul:** I'm not too bad, thanks. Mazo, I'm phoning you about the Jewellery which yourself and Mkhize took from Bangkok.
- Mazo:** Yes.
- Paul:** Yes, where is that Jewellery now ma'am?
- Mazo:** I have no idea because he is the one who took it.
- 15 **Paul:** Okay, but he took it to give to you. Are you saying you don't have it?
- Mazo:** No I do not.
- Paul:** Have you ever had it?
- Mazo:** For a short while.
- Paul:** Okay, how long did you have it for ma'am?
- 20 **Mazo:** Was it – only a week or so.
- Paul:** And was that the week in which it was Purchased?
- Mazo:** Yes –
- Paul:** Okay.
- Mazo:** The week after that, yes.
- 25 **Paul:** The week that?
- Mazo:** Yes.
- Paul:** And then you handed it back to him?
- Mazo:** Yes.

5 **Paul:** Okay, so did you hand it back to him after you came into South Africa or before you came into South Africa?

Mazo: After here.

Paul: After here, so when you came back into South Africa it was in your possession, and then you handed it back to him. Tell me are you still involved in a
10 relationship with him?

Mazo: Yes, so to speak, ja.

Paul: So to speak, okay, no that's fine. All right ma'am, so what we're going to have to do, obviously we're opening a Criminal Docket and we're going to have to get a Sworn Statement from you stating that you don't have possession of the Jewellery, but
15 that you've seen it and you've worn it once or twice and then you handed it back to him, okay.

Mazo: So who am I speaking to again?

Paul: Paul O'Sullivan.

Mazo: Paul?

20 **Paul:** I run a Forensic Practice in Johannesburg –

Mazo: Okay.

Paul: And this is quite a lot of money it's \$190 000.00 (one hundred and ninety thousand US Dollars) worth of Jewellery, and as you can imagine you know the person who owns the Jewellery the Legal Owner of the Jewellery, he either wants the
25 money back or he wants the Jewellery back.

Mazo: Uh-huh.

Paul: You can understand that I'm sure.

Mazo: Yes, no I'm following.

5 **Paul:** Okay, do you think there is any possible way that you can persuade Mkhize to hand the Jewellery back?

Mazo: Let me speak to him tonight. And is this your number?

Paul: Yes ma'am. So what I'm going to do –

Mazo: Okay.

10 **Paul:** I'm going to hold back on opening a Criminal Docket because obviously that's going to cause a lot of stress for everybody.

Mazo: Ja.

Paul: I'm going to hold back on opening that Docket for now but what we're really keen to do is either get the money for the Jewellery or to get the actual Jewellery
15 back and then we can Ship it back to Bangkok to its rightful Owner. So I'm going to hold back on that and then perhaps you can give me a call later or the first thing in the morning.

Mazo: First thing in the morning. Or is it possible that you send me a message of what we have discussed?

Paul: What we can do if you like, when I put the phone down if you SMS me
20 your email address I'll send you an email where I set out Chapter and Verse.

Mazo: Okay, or rather is – just hold on a second. ... [Mazo on another phone call – Vernacular 0:03:13.4] ... Yes, is it possible that you send a Text?

Paul: All right, it is a long story to Text. I can type easy on a keyboard. I'm not very good – you know I'm an old man I'm not very good with these little phones. I think you
25 have the story, I mean you were with him when they picked the Jewellery up in Bangkok or at the Airport so you would have all that information. And I think I've made it clear, you know we only work on Facts. And the only Facts we're interested in is "where" is the Jewellery now? Because the Legal Owner of the Jewellery wants it back or he wants the money for the Jewellery. I mean technically –

5 **Mazo:** So have you spoken to him? Did you talk to [inaudible – over talking]
[0:03:58.0] –

Paul: I have and he agreed to get involved with me and then he broke off
communication and he got an Attorney to write to me. And I'm saying if he wants to play
those games he is going to have no alternative but to face the music, and it is not looking
10 good for him.

Mazo: So which Attorneys that you know?

Paul: I don't have it in front of me right now.

Mazo: Okay.

Paul: But it was some Attorney –

15 **Mazo:** Okay.

Paul: And he said he wants to deal with me. And I've said to the Attorney, if
that is going to be the case, you know, we'll be looking at Criminal Charges. And I think it
can be avoided.

Mazo: Okay, let me speak to him because I had no idea of what is going on,
20 even now it is the first time I'm getting this call. So I think it's best if I speak to him first and
then call you.

Paul: Okay, all right.

Mazo: Call you tomorrow morning.

Paul: All right, thanks so much.

25 **Mazo:** Okay, Paul is the name?

Paul: Cheers now. Yes, Paul O'Sullivan.

Mazo: Okay, Paul thanks.

Paul: Thank you. Bye.

Mazo: Bye.

10th of May 2019

TC between Paul O'Sullivan & Mazo Maphumulo

5 Paul: Okay, get it off for transcription.

Jonathan: Okay.

END OF TELEPHONIC RECORDING

ST
AP

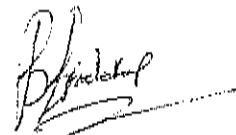
TRANSCRIBER'S CERTIFICATE

This is to certify that in so far as it is audible in the English language, the foregoing is a true and correct transcript of the **Telephonic Conversation** between **Mr. Paul O'Sullivan** and **Ms. Mazo Maphumulo**.

DATE HELD:	10 th of May 2019
TRANSCRIBER:	Belinda
NUMBER OF PAGES:	7 (including Transcribers Certificate)

TRANSCRIPTION NOTES:

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4. A long dash [-] after a word or sentence indicates either party did not complete a sentence or was interrupted by the other party.



Belinda Inez Bredenkamp
Transcriber

SWORN STATEMENT/AFFIDAVIT

1

I, the undersigned Agopyan "Hovig" Ohanes, 'Agopyan', with date of birth [REDACTED], and Thailand ID No [REDACTED], state under oath as follows:

2

I am an adult male business owner, who act on behalf of my company, Jacob's Jewelry Co. Ltd., with Thailand Business Registration No. [REDACTED], 'Jacob's Jewelry', located at 232 236 Mahesak 2 Alley, Khwaeng Suriya Wong, Khet Bang Rak, Krung Thep Maha Nakhon, BANGKOK, 10500, Thailand. See below a copy of my Thailand ID:



3

The purpose of this statement is to provide details of the fraud and theft that was committed against me, by Vuyo Mkhize, 'Mkhize', with ID No. 750401 [REDACTED], during the period 2016-09-28 to 2016-12-29. I first wish to describe how I met the person who stole from me. First, I wish to confirm that I have mandated, Paul O'Sullivan, to act on my behalf in this matter. I have supplied him with a special power of attorney in this regard and request the police to cooperate with him.



[Signature]
P.S.
11/07

BACKGROUND

4

In August 2008 Ms Helen Teicher, *'Teicher'*, a friend and business associate of mine introduced me to a South African Delegation, *'the Delegation'*, from the Kwazulu-Natal Province, which included Mkhize as one of its representatives. The Delegation's apparent Mission was to find international funding and expertise for the purpose of establishing a jewellery manufacturing plant in South Africa, *'the Plant'*. As I have been in the Jewellery manufacturing industry for most of my working career Teicher thought it a good idea to contact me, to see if I was interested in this business venture. This is how I came to meet Mkhize.

5

On 2008-08-08 I received an email from Teicher stating that three individuals of the Delegation, Mqondisi Gumede, *'Gumede'*, Vuyo Mkhize, *'Mkhize'* and Dita Ngcobo, *'Ngcobo'*, were going to be travelling with Teicher to Bangkok, Thailand for us to discuss the Delegation's Mission.

6

From 2008-08-16 to 2008-08-21 the Delegation, Teicher and I discussed the Delegation's Missions. The discussions we had were productive and we came up with some resolutions on how we could contribute in establishing the Plant in South Africa. However, the Project was largely dependent on being able to secure sponsorship from the South African Government.

7

Our discussions never materialised into an actual plan to establish a Plant in South Africa and as such our joint ambitions to establish such a Plant was not pursued with vigour any further. The project died. I did not expect to hear from any of the parties again.

8

However, I had further contact with Mkhize in December 2010 when I took my family to South Africa to go on a Wilderness Safari, at the Shamwari Game Reserve in the Eastern Cape. I contacted Mkhize for some recommendations as to where I and my family might stay in South Africa. Mkhize recommended several places to me, and in addition also invited



Declarant
P.S.
H.S.

my wife and I for dinner with some of his "business partners", whose names I do not now remember, however they could be easily identified on the pictures attached to this Sworn Statement, if such a need arises. See attached photos of the dinner which took place at the Shamwari Game Lodge as Annexure "AO-1". I cannot now recall the date the picture was taken. The picture was taken on my digital camera by one of the employees of the Shamwari Game Reserve. On the top picture of "AO-1", Mkhize is the first person from the left and I am the 3rd person from the right. On the bottom picture of "AO-1", Mkhize is the 4th person from the left, and I am the 6th person from the Left. I would definitely be able to recognise him if I saw him again. This was the last time I had contact with Mkhize until 2016.

FRAUD AND THEFT COMMITTED AGAINST MYSELF & JACOBS JEWELERS

9

After this, there was no further contact until sometime in September 2016 when I was contacted by Mkhize by email, which email I appear not to have kept. Mkhize told me that he was planning on taking a vacation in Thailand with Ms Mazo Maphumulo, 'Maphumulo', who he told me was his fiancée.

10

On 2016-09-28 I received the following WhatsApp message from Mkhize, confirming the above:

[9/28/16, 7:45:15 PM] Vuyo Mkhize: hey hovig, thanks for taking the time to reply to my email... glad to see from your profile picture that the family is well and growing... my fiancée and I are looking to be in phuket from 11 to 16 october and then in bangkok from 16 to 18 october... would greatly appreciate it if you could recommend nice places to stay in both places... and if you could start selecting your nicest rings for me to choose from... kind regards, vuyo mkhize!

See attached page 1 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2".

11

Even though we had not interacted with each other in years, I remembered the time when Mkhize assisted me with my travels in South Africa and regarded him as a distant friend. It was on this basis of distant friendship that I was willing to assist him in his travels in Thailand, by making suggestions to him.



[Handwritten signature]
HJ P.S. Q

12

Over the following few days, in October 2016, I sent Mkhize recommendations on places to stay in Thailand and he decided to stay at the Shangri-La Hotel in Bangkok, 'the Shangri-La', located at 89 Soi Wat Suan Plu, New Road, Bangrak, and the Le Meridian Beach Resort in Phuket, located at 29 Soi Karon Nui, Tambon Karon, Amphur Muang. See attached page 1 and 2 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". Mkhize asked whether I could book these hotels for him and confirmed that he was coming to Thailand from 16th October to 22nd October. I booked the hotels, with Mkhize to pay.

13

In addition to the above information and pursuant to a request from Mkhize, I also sent him some images of rings for Maphumulo, to which Mkhize replied:

Vuyo Mkhize: hey hovig, please tell me something like this does not cost the entire gdp of paradise? Is that a sapphire and are those diamonds all around it?

See attached page 2 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2".

14

On 2016-10-15 Mkhize and Maphumulo flew from Durban King Shaka International Airport to Dubai International Airport; and then on 2016-10-16 they flew from Dubai International Airport to Bangkok Suvarnabhumi International Airport. See attached copy of Flight Centre flight booking information sheet as Annexure "AO-3". The flight details were given to me by Mkhize, so that he could buy jewellery, tax-free.

15

On 2016-10-16 Mkhize arrived in Bangkok and sent me the following WhatsApp Message:

Vuyo Mkhize: hey hovig, landed safely in bangkok... will clear customs, catch our shuttle to the hotel and shout once settled there... see you shortly!"

See attached page 2 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2".

16

On 2016-10-17 I picked Mkhize and Maphumulo up from the Shangri-la, after their breakfast and took them in my car through to Jacob's Jewellery. Once we got to Jacob's Jewellery I showed Mkhize and Maphumulo a variety of different Rings, Earrings and Necklaces. Mkhize was friendly and talkative and joking that he really wanted to spoil Maphumulo and he eventually decided that he was going to buy Jewellery for her which cost USD 190,000.00.



See attached a copy of the Sales Invoice as Annexure "AO-4". Mkhize told me that he would be able to send me the USD 190,000.00 for the Jewellery in the next day or so, he just had to get the funds into Thailand, which would not take so long. It was agreed that the Jewellery would stay in my possession until such time when payment was made.

17

After we had concluded the deal, I arranged for my driver, Ton, to drive Mkhize and Maphumolo back to the Shangri-la. We had dinner that same evening. During their stay in Bangkok I gave them some recommendations on where to go and only saw them once more for dinner with my wife.

18

On 2016-10-19, towards the end of Mkhizes's stay in Bangkok, he wrote me the following WhatsApp:

[10/19/16, 10:42:26 AM] Vuyo Mkhize: bank (absa - division of barclays) waiting for the reserve bank authorisation which they will receive by today... will then wire the money and email you the proof of payment... funds will be in your account by friday!

See attached page 3 of WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". I was induced by this WhatsApp to believe that Mkhize had taken steps to pay me and that the funds would be in my account by the Friday. I trusted him. However, I still had control over the jewellery so could stop the transaction if I needed to.

19

Since Mkhize was travelling to Phuket for the rest of his vacation it was agreed that I would send the Jewellery with Malca-Amit, which is a company that does secure deliveries of precious items, to Phuket International Airport. Mkhize would have paid the money into Jacob's Jewellery's Account, by the time he picked up the Jewellery from the courier (Malca-Amit) on his way back to South Africa. There was no question in my mind that, in accordance with the WhatsApp assurances given to me by Mkhize, the USD 190,000.00 would imminently be in my account. Of course, I now realise that Mkhize had lied to me and that no bank instructions had ever been given and that no monies were on its way to my account. It became clear to me later that he duped me into believing that the monies had been paid, and were on their way to my account.

20

In case its needed, Jacob's Jewellery Account Information is as follows:

BANGKOK BANK
BANGKOK THAILAND



[Handwritten signature]
PS
W 2

A/C NAME: JACOB'S JEWELRY CO.,LTD.
A/C NO: [REDACTED]
SWIFT: [REDACTED]

21

On 2016-10-19 Mkhize and Maphumulo flew from Bangkok to Phuket International Airport. I did not have a lot of contact with Mkhize for the next couple of days. On 2016-10-21 I enquired over WhatsApp how he was enjoying Phuket. See attached page 3 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2".

22

On 2016-10-22, Mkhize replied with the following WhatsApp message:

[10/21/16, 7:25:15 AM] Vuyo Mkhize: hey hovig, phuket is simply divine, thank you very much, sir... the resort is paradise... patong beach is superb... off to phi phi island today... am told my payment should be in your account today... please check and advise... reference is the invoice number!

See attached page 3 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". Again, this WhatsApp gave me the assurance I needed, that the funds were en-route. As mentioned, it is now clear to me that the funds were not on my way and the funds never arrived. The statement in his whatsapp was therefore a fraudulent misrepresentation. This is important as I was still in a position to contact Malca-Amit and have the Jewellery returned to me. I now realise that I was being strung-along with false and fraudulent misrepresentations that the money had been paid, when it clearly had not. If I would have known the truth, i.e. that there was no payment at all, I would not have sent the Jewellery by Malca-Amit and would not have suffered the loss. Alternatively, I would have instructed Malca Amit NOT to turn the parcel over to him, but to return it to me.

23

That same day I regularly checked the Jacob's Jewellery Account and also the Jacob's Jewellery's email account for any notification, I WhatsApped Mkhize the following later on that day:

[10/21/16, 10:55:12 AM] Hovig: Hi Vuyo , there is no payment reached to ou account
[10/21/16, 9:08:02 PM] Hovig: Hi Vuyo , I didn't get any email ??
hovig@miloni.com

See attached page 3 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". I did not receive any reply to the above WhatsApp message from Mkhize.



[Handwritten signature]
A1 P.S. Q

On 2016-10-22 the following morning I received the following WhatsApp Message from Mkhize:

[10/22/16, 8:12:02 AM] Vuyo Mkhize: morning hovic, have collected the parcel from customs... sorry for the hassle in getting the payment to you... am sure it will be sorted out by monday... thank you for your trust and understanding... will call on monday... best regards to ossanna and the boys!

See attached page 4 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". I was shocked to learn he now had the Jewellery. If he had told me the truth, ie that there was no payment, instead of misrepresenting that the payment was done there is no way I would have allowed him to take the Jewellery. At this point I was a bit distressed as it was not our original agreement that Mkhize take the Jewellery from Malca-Amit before paying for it. However, since Mkhize was referring to my family in the above message and to your "trust" relationship, I thought that Mkhize was a friend that could be trusted and that there was no chance that he would betray my trust in such a manner. I was badly wrong.

On that same day Mkhize and Maphumulo departed from Phuket International Airport to Dubai International Airport. On 2016-10-24 they departed from Dubai International Airport to Johannesburg International Airport; and then on 2016-10-25 departed from Johannesburg International Airport to Durban King Shaka International Airport See attached Flight Centre flight booking information sheet as Annexure "AO-3".

On 2016-10-24, which was the following Monday I checked the Jacob's Jewellery Account, but there was no payment reflected as Mkhize promised. From Monday, 2016-10-24, to Thursday 2016-10-31, I tried contacting Mkhize over WhatsApp but was receiving no responses, see WhatsApp Chat below:

[10/24/16, 4:30:03 PM] Hovic: Vuyo nothing received yet .
Please check your bank
[10/25/16, 3:52:35 PM] Hovic: Hi Vuyo , I hope you reached home well.
Till today we haven't got any funds yet.
Please can you check your bank and get back to me please.
Best
Hovic
[10/25/16, 4:30:22 PM] Vuyo Mkhize: Missed voice call
[10/25/16, 5:40:05 PM] Hovic: Vuyo please send email to this address
Hovic@milori.com
[10/25/16, 8:10:22 PM] Hovic: Hi Vuyo . I am trying to call you ???



Please call me back

[10/26/16, 1:43:34 PM] Hovig: Vuyo good morning.

I haven't got any email from you???

[10/26/16, 3:14:05 PM] Vuyo Mkhize: image omitted

[10/26/16, 3:14:34 PM] Hovig: Ok Vuyo thanks

[10/26/16, 4:01:39 PM] Hovig: First 3 digit of account no is brach code that is 447

[10/26/16, 8:02:48 PM] Hovig: Vuyo please can you let me know what's going on please .

Tomorrow is Thursday and then we are on weekend again .

[10/26/16, 9:24:04 PM] Hovig: Vuyo I don't understand why you are not answering?

I called you many times I sent you messages with no reply ???

[10/27/16, 4:15:04 PM] Hovig: Hi Vuyo , I hope you are ok and everything is fine with you

Please call me

[10/28/16, 6:35:20 PM] Hovig: Vuyo would you be kind to answer me please.

[10/29/16, 7:55:36 PM] Hovig: image omitted

[10/29/16, 7:55:45 PM] Hovig: Congratulations

[10/31/16, 1:08:17 PM] Hovig: Vuyo please call . It's been a week you are ignoring me ??

This is not fair , I didn't treat you this way.

[11/1/16, 3:03:05 AM] Hovig: So that's ityou don't want to talk to me anymore.

Like nothing happened????

How you can do this , till now I can't forgive myself and getting sick of it.

See attached page 4 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". During that entire week I simply received one irrelevant message back from Mkhize, I was getting very frustrated with Mkhize as he was not replying to any of my messages or picking up my phone calls. It was at this point when I truly believed I had been tricked by Mkhize into parting with my companies valuable Jewellery worth USD 190,000.00. The realisation of the loss was devastating to me.

27

On 2016-10-01 Mkhize eventually replied to me on WhatsApp, stating that:

[11/1/16, 5:28:22 AM] Vuyo Mkhize: morning hovig, please bear with me for my silence...

i am simply stressed, frustrated and embarrassed by my many dishonoured undertakings to proceed the payment... i am now on what i believe is the last hurdle with my bank please give me until this coming thursday to sort this out!

See attached page 4 and 5 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". I note the above to be an admission of Mkhize's dishonest undertakings previously given that the money had been paid.

28

As expected, the payment that was promised to me on that coming Thursday was never made into the account of Jacob's Jewellery. I still tried to reach Mkhize over the next few



weeks but was met largely with more excuses or just silence. See attached pages 4 to 8 of the WhatsApp conversation between Mkhize and myself as Annexure "AO-2".

29

On 2016-12-21 I knew that Mkhize was not going to make the payment and so I arranged that he drop off the diamonds with one of my business associates in Johannesburg, a person called Mounir, at the SA Diamond Centre, located at Suite 511, 225 Main Street, Johannesburg, 2094. Mkhize agreed with me on the phone that if he could not pay the money to me by tomorrow (i.e. 2016-12-22) that he would drop off the Jewellery with Mounir on the 2016-12-28. However, on the 2016-12-28, Mkhize never delivered the Jewellery to Mounir and did not give any reason for why he failed to do so. Mkhize simply stated that he was "unable" to get a hold of Mounir. See attached page 7 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". It was by now clear to me, that Mkhize was completely dishonest with me throughout and never, ever, had any intention to pay for the jewellery, which he had taken under false pretences.

30

At this point I was furious with Mkhize and asked him very strongly why payment was not forthcoming. Mkhize dishonestly replied to me with the following WhatsApp message:

[12/29/16, 12:05:19 AM] Vuyo Mkhize: it is still touch and go, at the moment, hovig... have been waiting for confirmation from my guy since 15h00... he is not too happy about the pressure I am putting him under to arrange for the parcel to be returned in his absence... it is just a matter of him finalising an arrangement he is comfortable with from a security point of view!

[12/29/16, 12:20:41 AM] Hovig: I don't get it . He never did the wire ? He suppose to return you the money last week he didn't .

Now he is not happy with the pressure????

Just tell him this is your money and someone is waiting for 3 months to get paid ?

[12/29/16, 2:12:41 AM] Vuyo Mkhize: he understands that part, hovig... the only snag here is that i essentially leaned on him to wash money for me and his excuse for the initial delay was that he needed to find the right circumstances to wire your payment... now, he is telling me he needs to get the funds out of his vault without compromising himself with his staff and security company... he is very much a man of his word... him and i go back a long way... on my childrens' lives, please just trust that this is coming!



[Handwritten signature]
H
PSC
Q

See attached pages 7 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". I now realise the above to be a pack of lies.

31

I replied to this message as follows:

[12/29/16, 2:22:31 AM] Hovig: Vuyo !!! I need you or him to understand My position....
I didn't ask you to buy jewelry for your future wife nor I asked you to wash money .
I welcomed you after ten years and trusted you that you will pay for your purchase a week after you left Bangkok.
Now you are explaining to me the position of your friend????
What about my position???
I am keep reaping my self.
I just need a solution???

See attached pages 7 and 8 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". It is clear from the above that I would never have entered into this transaction if I had any idea that Mkhize was using laundered money to fund such a transaction or that he intended to get the Jewellery and not pay at all. What followed was more argumentation with Mkhize.

32

On 2016-12-29 I received the last WhatsApp message from Mkhize stating the following:

[12/29/16, 10:42:56 PM] Vuyo Mkhize: i have poor network reception where i am... the reason i have been quite since last night is that i do not know what it is i am supposed to do or say when all you do in response is lash out at me... mine is a delayed payment situation, not theft as you have been alleging... right now, i have chosen to take your directive to contact you when the money is in my hands and i am ready to go and deliver it to mo or anyone else... like i said, right now, my situation is that tomorrow is impossible for me for a number of reason... which leaves me with only tuesday..: if i have to pay interest for the late payment, let us talk about how much this has to be... alternatively, we can talk about how i can get the goods returned to you because that is the only thing that is completely within my control, right now... as much as i understand your frustration, i cannot deal with all this shouting and insulting... i am not saying any of this to be disrespectful in any way!



P.S. 21

See attached page 8 of the WhatsApp Chat History between Mkhize and myself as Annexure "AO-2". Once again Mkhize is lying and continues trying to buy time.

33

Till this date I have not received any payment for the Jewellery taken from me under false pretences by Mkhize. He clearly committed fraud to trick me into releasing the Jewellery. Upon return to South Africa he continued to commit fraud to induce me into believing that payment was imminent, thereby fraudulently delaying me from taking steps against him.

34

On 2017-01-19 I opened a case of theft at the Bang Rak Police Station, in Bangkok Thailand, against Mkhize. It seems the Police in Bangkok are in the process to investigate. However, it also seems that Mkhize took the jewellery back to South Africa. He therefore entered South Africa with stolen property. It seems he subsequently either sold the stolen property, or gave it to his wife, which would make her in possession of stolen property. I have been told by Paul O'Sullivan that his wife denies having the property.

35

Finally, I wish to mention that on 2019-05-23, I was discussing this matter with Malca Amit manager, Pacharanin Chairajpatanna by phone. I advised him that I was going to open a criminal case in South Africa and would appreciate any documents they might have that could help me. He subsequently sent some documents, to the e-mail of my accountant, Kapil, on 2019-05-27, namely the receipt, signed by Mkhize and two photographs of Mkhize and his 'fiancé' receiving the jewellery at the customs counter in the airport at Phuket on 2016-10-21. I attach true copies of both the e-mail and the attached documents as Annexure 'AO-5'. I have used the customs value of USD150,000 as this is the wholesale price of the jewellery in question. The retail value is much more, but after discount sold to Mkhize for USD190,000. Therefore my loss according to this crime is USD190,000

36

As previously stated on 2019-03-28 I mandated Paul O'Sullivan and Associates to perform an investigation into the alleged fraud, theft, smuggling and any other criminal acts committed by Vuyo Mkhize. I request that the police cooperate with Paul O'Sullivan, in order to advance the investigation and bring Mkhize to justice.



[Handwritten signature]
AJ PS

Should the State decide to prosecute Mkhize or Maphumolo, or both, I confirm my willingness to attend said trial in South Africa and give evidence in terms of this Statement.

Prior to me signing this statement, I have carefully read through it and am satisfied that the facts are correctly and accurately recorded. The following questions were put to me in person by the commissioner of oaths and I entered the answers thereto in my own handwriting:

'Do you know and understand the contents of this statement?'

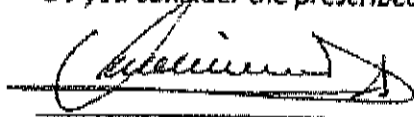
yes

'Do you have any objection to taking the prescribed oath?'

NO

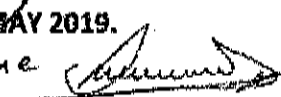
'Do you consider the prescribed oath binding on your conscience?'

yes



Agopyan Ohanes

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponent's signature was placed thereon in my presence at **SOUTH AFRICAN EMBASSY - BANGKOK** on this the

5th day of MAY 2019.
Tue 


 Commissioner of Oaths
 Pulane A Seoposengwe
 Third Secretary (Administration)
 South African Embassy
 12 A Floor, M-Thai Tower, AR Seasons Place
 Silom Road, Lumpini Bangkok 10330



Should the State decide to prosecute Mkhize or Maphumolo, or both, I confirm my willingness to attend said trial in South Africa and give evidence in terms of this Statement.

Prior to me signing this statement, I have carefully read through it and am satisfied that the facts are correctly and accurately recorded. The following questions were put to me in person by the commissioner of oaths and I entered the answers thereto in my own handwriting:

'Do you know and understand the contents of this statement?'

yes

'Do you have any objection to taking the prescribed oath?'

NO

'Do you consider the prescribed oath binding on your conscience?'

yes

Agopyan Ohanes

Agopyan Ohanes

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponent's signature was placed thereon in my presence at **SOUTH AFRICAN EMBASSY - BANGKOK** on this the

5th day of MAY 2019.
Tune Agopyan

[Signature]
Commissioner of Oaths
Pulane A Seoposengwe
Third Secretary (Administration)
South African Embassy
12 A Floor, M-Thai Tower, All Seasons Place
Pathumwan, Lumpini Bangkok 10330



ANNEXURE 'AO-1'



(Signature)

WhatsApp Chat History Download

Between Agopyan "Hovig" Ohanes and Vuyo Mkhize

[9/28/16, 7:45:15 PM] Vuyo Mkhize: hey hovig, thanks for taking the time to reply to my email... glad to see from your profile picture that the family is well and growing... my fiancée and i are looking to be in phuket from 11 to 16 october and then in bangkok from 16 to 18 october... would greatly appreciate it if you could recommend nice places to stay in both places... and if you could start selecting your nicest rings for me to choose from... kind regards, vuyo mkhize!

[9/28/16, 7:55:19 PM] Vuyo Mkhize: Messages to this chat and calls are now secured with end-to-end encryption.

[9/28/16, 8:33:58 PM] Hovig: Always good to hear from you , and will be great to see you in BKK soon .

I will send you some options to stay both in Phuket and Bangkok .

And your fiancée ring if you have anything in your mind please let me know so I can prepare it for you.

Best regards

[9/29/16, 2:29:55 PM] Hovig: Good day Vuyo

You can check this hotels in Phuket .

And I will gladly assist you with the reservation.

Meridian Phuket beach resort.

Indigo Phuket

Kalima resort and spa Phuket .

Bangkok

Shangrila Hotel

Pullman G Silom

Please check online

And let me know please

Best Regards

Hovig

[9/29/16, 2:36:45 PM] Vuyo Mkhize: thank you very much, hovig... am getting onto it, right away... chat soonest!

[9/29/16, 2:47:54 PM] Hovig: Anytime

[9/29/16, 3:36:04 PM] Vuyo Mkhize: hey hovig, am loving the meriden phuket and the shangrila bangkok... could you please see if:

1. the meriden is available for checking-in on 12 october, checking-out on 16 october;

2. shangrila is available for checking-in on 16 october, checking-out on 19 october?

[9/29/16, 3:41:03 PM] Hovig: Ok let me check and get back to you.

[9/29/16, 3:44:07 PM] Hovig: At the meridian there is different type of rooms .

Ocean front

Pool villa

Standard room

[9/29/16, 3:44:46 PM] Vuyo Mkhize: ocean front, please...



[9/29/16, 3:46:06 PM] Hovig: Ok

[9/29/16, 9:11:22 PM] Vuyo Mkhize: hey hovig, please tell me something like this does not cost the entire gdp of paradise? is that a sapphire and are those diamonds all around it?

[9/29/16, 9:17:49 PM] Hovig: Which one Vuyo ? I don't see any design 😊

[9/30/16, 2:59:30 PM] Hovig: Hi Vuyo .

Just checked and booked the hotels already.

I will forward you the confirmation soon on your email .please let me know once you receive.

Meridian will be 550 per night net ocean view with breakfast

Shangrilla will be 250 net including Breakfast.

Best.

Hovig

[9/30/16, 3:00:47 PM] Vuyo Mkhize: thanks, a million, hovig... will shout as soon as i receive your email!

[10/10/16, 6:40:39 PM] Vuyo Mkhize: hey hovig, please bear with me for having to be a pain... may i please ask that you move out our booking at le meridien in phuket by a week, to check-in on 19 october, instead of 12 october? no changes for shangrila in bangkok... have just been ambushed by a presidential assignment i cannot turn down that will keep me here until this coming friday!

[10/10/16, 6:44:27 PM] Hovig: Hi Vuyo , sure Will do

And let you know

[10/10/16, 6:46:40 PM] Vuyo Mkhize: thank you very much, my good sir!

[10/10/16, 7:04:16 PM] Hovig: When are you arriving to Bangkok??

[10/10/16, 7:12:13 PM] Vuyo Mkhize: sunday evening... the shangrila booking is perfect as it is!

[10/10/16, 7:13:33 PM] Hovig: Send me your schedule, so I can arrange a the car .

[10/10/16, 7:22:54 PM] Vuyo Mkhize: okay, will email soonest...

[10/10/16, 7:28:55 PM] Hovig: Thanks

[10/13/16, 3:07:49 PM] Hovig: Hi Vuyo .i hope everything is ok ?

[10/16/16, 6:27:18 PM] Vuyo Mkhize: hey hovig, landed safely in bangkok... will clear customs, catch our shuttle to the hotel and shout once settled there... see you shortly!

[10/16/16, 6:28:00 PM] Hovig: Welcome to Bankok 😊

[10/16/16, 6:28:30 PM] Vuyo Mkhize: 'welcome back'

[10/17/16, 10:39:38 AM] Vuyo Mkhize: morning hovig, done with breakfast... ready for you to pick us up whenever you are ready... sorry i diverted my incoming calls to my pa back home... i can make calls though!

[10/17/16, 11:14:31 AM] Hovig: Sorry just saw your Whatsapp

[10/17/16, 11:15:15 AM] Vuyo Mkhize: no problem... not rushing anywhere!

[10/17/16, 11:15:47 AM] Hovig: Are you in the lobby ?

[10/17/16, 11:16:16 AM] Vuyo Mkhize: coming down now!

[10/17/16, 11:16:20 AM] Hovig: I will be there in 15 minutes

[10/17/16, 11:16:46 AM] Vuyo Mkhize: kull!

[10/17/16, 11:28:00 AM] Hovig: I am in the lobby

[10/17/16, 6:22:59 PM] Vuyo Mkhize: hi hovig, we are going to be ready in 15 mins... whenever you are ready thereafter, we are good!

[10/17/16, 6:31:07 PM] Hovig: 7 O'clock driver will pick you up .

[10/17/16, 6:31:34 PM] Hovig: He will stand with the car at the lobby

[10/17/16, 6:31:52 PM] Vuyo Mkhize: super!



[10/17/16, 6:36:10 PM] Hovig: 😊

[10/17/16, 7:02:11 PM] Hovig: The restaurant is on 37 Th floor

[10/17/16 ,8:37:46 PM] Hovig: Image omitted

[10/17/16 ,8:37:47 PM] Hovig: Image omitted

[10/17/16 ,8:37:47 PM] Hovig: Image omitted

[10/17/16 ,8:37:48 PM] Hovig: Image omitted

[10/17/16 ,8:37:48 PM] Hovig: Image omitted

[10/17/16 ,8:37:49 PM] Hovig: Image omitted

[10/17/16 ,8:37:49 PM] Hovig: Image omitted

[10/17/16 ,8:37:50 PM] Hovig: Image omitted

[10/17/16 ,8:37:50 PM] Hovig: Image omitted

[10/17/16 ,8:37:51 PM] Hovig: Image omitted

[10/18/16, 10:12:56 AM] Vuyo Mkhize: hey hovig, could you please ask the driver to come back for us at 13h00? we are dead asleep!

[10/18/16, 10:32:19 AM] Hovig: Ok no problem I will send him at 13 h00😊

[10/18/16 ,9:02:04 PM] Hovig: Image omitted

[10/18/16 ,9:02:05 PM] Hovig: Image omitted

[10/19/16, 8:43:29 AM] Hovig: I am here in front of the hotel

[10/19/16, 8:56:40 AM] Vuyo Mkhize: okay, coming... 1 minute!

[10/19/16, 9:07:10 AM] Hovig: Vuyo we are getting late

[10/19/16 ,10:20:31 AM] Vuyo Mkhize: Image omitted

[10/19/16, 10:29:21 AM] Hovig: Thanks Vuyo .

[10/19/16, 10:30:29 AM] Hovig: Also we haven't received anything in the bank .

Safe flight

[10/19/16, 10:42:26 AM] Vuyo Mkhize: bank (absa - division of barclays) waiting for the reserve bank authorisation which they will receive by today... will then wire the money and email you the proof of payment... funds will be in your account by friday!

[10/19/16, 10:45:32 AM] Vuyo Mkhize: one more thing, hovig, just realised that travel agent already arranged transfer to le merdien... so, please ask pranee to cancel the other one!

[10/19/16, 10:45:50 AM] Vuyo Mkhize: once again, thanks for everything!

[10/19/16, 10:52:22 AM] Hovig: Ok Vuyo will do now

[10/19/16, 2:15:17 PM] Vuyo Mkhize: hi hovig, landed safely in phuket... on the way to the hotel!

[10/19/16, 2:21:25 PM] Hovig: Great , enjoy your stay

[10/20/16, 6:32:29 PM] Hovig: Vuyo , how is Phuket??

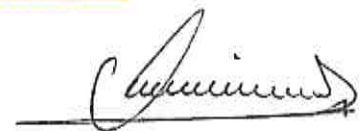
[10/21/16, 7:25:15 AM] Vuyo Mkhize: hey hovig, phuket is simply divine, thank you very much, sir... the resort is paradise... patong beach is superb... off to phi phi island today... am told my payment should be in your account today... please check and advise... reference is the invoice number!

[10/21/16, 7:29:38 AM] Hovig: Enjoy your stay . Will keep you informed 😊

[10/21/16, 10:55:12 AM] Hovig: Hi Vuyo , there is no payment reached to ou account.

[10/21/16, 9:08:02 PM] Hovig: Hi Vuyo , I didn't get any email ??

Hovig@mliori.com



[10/22/16, 8:12:02 AM] Vuyo Mkhize: morning hovig, have collected the parcel from customs... sorry for the hassle in getting the payment to you... am sure it will be sorted out by monday... thank you for your trust and understanding... will call on monday... best regards to ossanna and the boys!

[10/22/16, 8:16:03 AM] Hovig: Have a safe flight to dubai and we talk on Monday

[10/24/16, 12:27:42 AM] Vuyo Mkhize: hi hovig, my attempts to get out of dubai today rather than tomorrow afternoon, as per my original itinerary, failed... please do update me on the payment situation when you get to the office tomorrow morning though!

[10/24/16, 9:42:18 AM] Hovig: Hi Vuyo .

Hope you enjoying in Dubai, just checked the bank nothing reached yet , I will keep looking .

Meanwhile if you can get me the bank confirmation that will be great

Will be in touch .☺

[10/24/16, 4:30:03 PM] Hovig: Vuyo nothing received yet .

Please check your bank

[10/25/16, 3:52:35 PM] Hovig: Hi Vuyo , I hope you reached home well.

Till today we haven't got any funds yet.

Please can you check your bank and get back to me please.

Best

Hovig

[10/25/16, 4:30:22 PM] Vuyo Mkhize: Missed voice call

[10/25/16, 5:40:05 PM] Hovig: Vuyo please send email to this address

Hovig@milori.com

[10/25/16, 8:10:22 PM] Hovig: Hi Vuyo . I am trying to call you ???

Please call me back

[10/26/16, 1:43:34 PM] Hovig: Vuyo good morning.

I haven't got any email from you ???

[10/26/16, 3:14:05 PM] Vuyo Mkhize: image omitted

[10/26/16, 3:14:34 PM] Hovig: Ok Vuyo thanks

[10/26/16, 4:01:39 PM] Hovig: First 3 digit of account no is brach code that is 447

[10/26/16, 8:02:48 PM] Hovig: Vuyo please can you let me know what's going on please .

Tomorrow is Thursday and then we are on weekend again .

[10/26/16, 9:24:04 PM] Hovig: Vuyo I don't understand why you are not answering?

I called you many times I sent you messages with no reply ???

[10/27/16, 4:15:04 PM] Hovig: Hi Vuyo , I hope you are ok and everything is fine with you .

Please call me

[10/28/16, 6:35:20 PM] Hovig: Vuyo would you be kind to answer me please.

[10/29/16, 7:55:36 PM] Hovig: image omitted

[10/29/16, 7:55:45 PM] Hovig: Congratulations

[10/31/16, 1:08:17 PM] Hovig: Vuyo please call . It's been a week you are ignoring me ??

This is not fair , I didn't treat you this way.

[11/1/16, 3:03:05 AM] Hovig: So that's ityou don't want to talk to me anymore.

Like nothing happened????

How you can do this , till now I can't forgive myself and getting sick of it.

[11/1/16, 5:28:22 AM] Vuyo Mkhize: morning hovig, please bear with me for my silence... i am simply stressed, frustrated and embarrassed by my many dishonoured undertakings to proceed the



payment... I am now on what I believe is the last hurdle with my bank... please give me until this coming thursday to sort this out!

[11/3/16, 6:15:09 PM] Hovig: Hi Vuyo , I hope the transfer was done today .please update me with a return call

[11/4/16, 5:37:23 AM] Hovig: Vuyo I am waiting your call ???

[12/1/16, 12:44:37 AM] Hovig: image omitted

[12/1/16, 12:46:24 AM] Hovig: There is Law punishes the Thieves like your self

[12/1/16, 12:48:58 AM] Vuyo Mkhize: i am really sorry about all of this, hovig... i will call you at 10h00 tomorrow, my time!

[12/1/16, 12:50:26 AM] Hovig: This is not the way you treat a friend who trusted you

[12/1/16, 12:51:38 AM] Vuyo Mkhize: that is totally true, hovig... i am going to sort this out... i swear!

[12/1/16, 5:00:09 PM] Hovig: I am calling you but you don't pick up again ?

[12/1/16, 5:02:05 PM] Vuyo Mkhize: hi hovig, these whatsapp calls don't ring on my side... they just come up as 'missed calls'... let me please call in two hours!

[12/1/16, 5:11:47 PM] Hovig: Ok, it's better in 1,5 hour

[12/1/16, 5:12:30 PM] Hovig: I am in HK I will be in the flight in 2 hours

[12/1/16, 5:12:44 PM] Hovig: Or in 5 hours

[12/1/16, 5:13:35 PM] Vuyo Mkhize: okay... in 5 hours, then!

[12/1/16, 5:33:43 PM] Hovig: Thanks

[12/1/16, 10:26:51 PM] Vuyo Mkhize: hi hovig, guess you have not yet landed... your line is off... please text once you are available!

[12/9/16, 6:38:47 PM] Hovig: Hi Vuyo , did you manage to wire today

Thanks

[12/9/16, 10:32:29 PM] Hovig: I am expecting an answer ?

[12/12/16, 4:08:25 PM] Hovig: Vuyo please give me answer ???

I hate to be ignored

[12/13/16, 12:51:17 AM] Hovig: Can you answer the phone ????????

[12/13/16, 10:56:59 PM] Hovig: I am waiting since October to talk to you?????

[12/16/16, 5:42:17 PM] Hovig: I waited soooo long .

From Monday I will give the go to the lawyers to start working.inside SA and outside.

I will make sure also to put your company on center of attention.

You made me soooo

Upset .

I will use any power I have .

[12/17/16, 11:07:25 PM] Vuyo Mkhize: you are getting your money, hovig!

[12/17/16, 11:09:39 PM] Hovig: You've been telling me this for 2 months

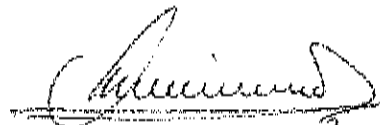
[12/17/16, 11:09:57 PM] Hovig: And you don't even answer???

[12/17/16, 11:10:24 PM] Hovig: You told me on 15 th

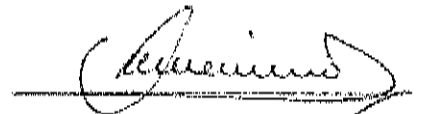
[12/17/16, 11:11:25 PM] Vuyo Mkhize: after reading all the messages you have been sending to me and mazo, I have concluded it is better i do not say much to you... please check your account on tuesday morning!

[12/17/16, 11:13:07 PM] Hovig: I will

[12/19/16, 3:44:53 PM] Hovig: Since I will have the money in the bank tomorrow, can you send me the swift copy please .



[12/19/16, 7:46:21 PM] Hovig: Can I have the swift please
[12/19/16, 11:58:01 PM] Hovig: Vuyo I am still waiting??
[12/20/16, 2:37:17 AM] Vuyo Mkhize: had to get an intermediary to do the transfer... reference is my name... please check your account tomorrow!
[12/20/16, 2:37:30 PM] Hovig: It's almost 3,30 in HK we haven't got anything yet .
It will be helpful if you get me the swift
[12/20/16, 3:46:19 PM] Hovig: ??
[12/20/16, 6:00:50 PM] Hovig: Can I get the swift ???
[12/20/16, 8:21:52 PM] Hovig: So we get back to the Silence ????
[12/21/16, 3:58:42 AM] Hovig: If you've the wire you should have the swift !!!!!
So that's means nothing is done
[12/21/16, 1:51:11 PM] Hovig: Stop playing with me.
I am not begging from you
[12/21/16, 1:59:26 PM] Vuyo Mkhize: i do not know what else to do or say, now... I have already paid a premium to get your money to you despite not being allowed to make forex payments myself
[12/21/16, 2:00:05 PM] Hovig: I am asking you send the swift
[12/21/16, 2:00:36 PM] Hovig: Anyone in this world when they wire they have a proof
[12/21/16, 2:01:00 PM] Hovig: You are the only person that you don't have
[12/21/16, 2:01:36 PM] Hovig: Means you haven't done it ???
Just you are playing
[12/21/16, 2:09:49 PM] Vuyo Mkhize: hovig, i do not want to explain how i have arranged for this payment to be made... if you cannot wait for a day, or so, i would rather see if i can still pull out of this and ship the items back to you... that has always been an option since the intention was never to steal anything from you!
[12/21/16, 2:11:53 PM] Vuyo Mkhize: i understand you are anxious and angry but your insults do not make any sense... nobody goes and steals from someone they have given all their details and their picture... i would really appreciate it if you could leave mazo out of all this!
[12/21/16, 2:28:12 PM] Vuyo Mkhize: mazo is not wearing any of those items until i sort this out... the messages you have been sending her have literally almost killed her... that was really unnecessary!
[12/21/16, 2:33:21 PM] Hovig: What about my Feelings, have you ever think ????
One month you didn't answer my calls you ignored everything
[12/21/16, 2:33:36 PM] Hovig: What do you think ?? It's Fun
[12/21/16, 2:34:04 PM] Hovig: I don't deserve what you are doing to Me.????
[12/21/16, 2:35:10 PM] Hovig: Now you are telling me you can pull out the money???
[12/21/16, 4:58:31 PM] Hovig: I have someone in Johannesburg you can give him the cash if it helps you .
He will charge 5 %
In case the wire doesn't come tomorrow.
[12/21/16, 5:04:06 PM] Vuyo Mkhize: okay... let us see what happens tomorrow!
[12/21/16, 5:04:26 PM] Hovig: Ok
[12/21/16, 5:09:52 PM] Hovig: You can also deposit in his account in bank in Durban with your local currency.



[12/21/16, 5:11:56 PM] Vuyo Mkhize: the problem is that i do not have access to that much cash in local currency, at the moment... let me wait for the guys i have already engaged, failing which i will take it to your guy!

[12/21/16, 5:16:19 PM] Hovig: We will wait tomorrow

[12/22/16, 3:45:16 PM] Hovig: Hi , I didn't receive anything yet??

[12/22/16, 7:44:06 PM] Hovig: Address: 225 main street. Suite511. 5A diamond centre. J'berg

[12/22/16, 7:44:52 PM] Hovig: I will send you the phone number later

[12/22/16, 7:45:30 PM] Hovig: Can u arrange for tomorrow

[12/23/16, 1:45:50 AM] Hovig: 0027833377778. Mo.

[12/23/16, 1:46:18 AM] Hovig: His name is Mo

[12/23/16, 2:49:24 PM] Hovig: Hi Vuyo

[12/23/16, 2:49:46 PM] Hovig: Did you manage to call the guy?

[12/27/16, 2:40:59 PM] Hovig: Vuyo please let me if tomorrow is everything set.

Thanks

[12/27/16, 4:43:22 PM] Vuyo Mkhize: image omitted

[12/27/16, 5:14:37 PM] Hovig: Ok I will try to call him

[12/28/16, 12:47:08 AM] Vuyo Mkhize: hi hovig, any luck with mo?

[12/28/16, 1:02:15 AM] Hovig: Call him in the morning please . He will be available

[12/28/16, 1:19:17 AM] Hovig: He was traveling

[12/28/16, 2:02:40 AM] Vuyo Mkhize: okay...

[12/28/16, 11:43:57 AM] Vuyo Mkhize: image omitted

[12/28/16, 11:43:57 AM] Vuyo Mkhize: image omitted

[12/28/16, 11:45:04 AM] Vuyo Mkhize: and mo is on voicemail... let me wait, maybe he is not up yet!

[12/28/16, 12:35:38 PM] Hovig: Vuyo this thing has been going so long .

First you told me you are waiting to get paid then you told everything is ready you can't do it .

I find a solution for you .

Now you are sending me a conversation between you And I don't know who.

Vuyo please arrange it tomorrow???? And if Mo is not available

I have more people to ask a favor.

I need this thing to settle tomorrow.

I don't want to leave it for next year.

Thanks

[12/28/16, 11:53:42 PM] Hovig: Vuyo please let me know if everything is set for tomorrow.

Thanks

[12/29/16, 12:05:19 AM] Vuyo Mkhize: it is still touch and go, at the moment, hovig... have been waiting for confirmation from my guy since 15h00... he is not too happy about the pressure i am putting him under to arrange for the parcel to be returned in his absence... it is just a matter of him finalising an arrangement he is comfortable with from a security point of view!

[12/29/16, 12:20:41 AM] Hovig: I don't get it . He never did the wire ? He suppose to return you the money last week he didn't .

Now he is not happy with the pressure????

Just tell him this is your money and someone is waiting for 3 months to get paid ?

[12/29/16, 2:12:41 AM] Vuyo Mkhize: he understands that part, hovig... the only snag here is that i essentially leaned on him to wash money for me and his excuse for the initial delay was that he

needed to find the right circumstances to wire your payment... now, he is telling me he needs to get the funds out of his vault without compromising himself with his staff and security company... he is very much a man of his word... him and i go back a long way... on my childrens' lives, please just trust that this is coming!

[12/29/16, 2:22:31 AM] Hovig: Vuyo !!! I need you or him to understand My position....

I didn't ask you to buy jewelry for your future wife nor I asked you to wash money .

I welcomed you after ten years and trusted you that you will pay for your purchase a week after you left Bangkok.

Now you are explaining to me the position of your friend????

What about my position???

I am keep reaping my self.

I just need a solution???

[12/29/16, 2:32:06 AM] Vuyo Mkhize: but it precisely because i understand your position, hovig, that i have gone to such desperate lengths to resolve this... i am begging you, please try and contain your anger and frustration just a little bit longer!

[12/29/16, 2:37:53 AM] Hovig: I've been waiting for 3 months?

Now I have to face another issues of yours !!!!! I am not part of all this problems .

I made a legitimate sales true official custom procedures.

And I am trying to help you to pay.

What you want me to do more ????

[12/29/16, 7:42:20 PM] Hovig: Can you let me know what going on Now !!!

[12/29/16, 9:22:32 PM] Hovig: Can you just be kind enough to answer ????

[12/29/16, 10:42:56 PM] Vuyo Mkhize: i have poor network reception where i am... the reason i have been quite since last night is that i do not know what it is i am supposed to do or say when all you do in response is lash out at me... mine is a delayed payment situation, not theft as you have been alleging... right now, i have chosen to take your directive to contact you when the money is in my hands and i am ready to go and deliver it to mo or anyone else... like i said, right now, my situation is that tomorrow is impossible for me for a number of reason... which leaves me with only tuesday... if i have to pay interest for the late payment, let us talk about how much this has to be... alternatively, we can talk about how i can get the goods returned to you because that is the only thing that is completely within my control, right now... as much as i understand your frustration, i cannot deal with all this shouting and insulting... i am not saying any of this to be disrespectful in any way!

[12/29/16, 10:50:44 PM] Hovig: I am not a bank to charge you interest , all what I want to get paid for your purchase, which you suppose to pay in October!!!alternative I will get the goods back officially the way you took them out immediately.

[12/29/16, 10:52:08 PM] Hovig: If you don't think you will pay by Tuesday.

Better to book your flight now because I am not going to wait

Any more.

[1/3/17, 7:04:49 PM] Hovig: Hi Vuyo

[1/3/17, 7:05:31 PM] Hovig: Today is Tuesday I haven't heard from you ???

Can you let me know where we standing?

[1/3/17, 7:29:24 PM] Hovig: Can u reply ??

1/6/17, 2:44:22 AM] Hovig: Image omitted



[4/27/17, 12:03:56 AM] Hovig: I would like to see your face when you will be behind bars somewhere that you will never imagine.

You think you are protected in SA by friends!!

You are wrong? I have patient and I will do everything by law to let you pay what you and your wife steel from me in Bangkok and Phuket .

Thieves they end up in jail no matter how clever they are just to remind you.

By the your friends in dubai they will be very upset from you !!!

[10/20/18, 9:19:55 PM] Hovig: You remember 15 October 2016 Right??????

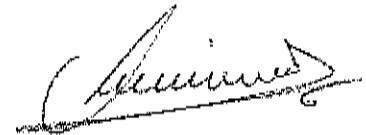
[10/20/18, 9:20:36 PM] Hovig: I am sure you never forget?? You and your lovely wife .

[10/20/18, 9:21:20 PM] Hovig: You put hate in my heart to trust people like you mother fucker

[10/20/18, 10:48:33 PM] Hovig: image omitted

[10/20/18, 10:49:26 PM] Hovig: Your lovely partner is enjoying her jewelry that you still ????

[11/2/18, 12:17:45 PM] Hovig: Let your whore enjoy your theft mother fucker

A handwritten signature in black ink, appearing to read "Hovig", with a long horizontal line extending from the end of the signature.

Annexure 'A0-3'

Saturday 23 October 2018

Emirates EK 397
Departure 22 October 09:10
Arrival 22 October 12:30
Duration [REDACTED]
Booking status
Class
Baggage allowance
Equipment
Frequent Flyer number

Phuket, (Phuket Intl)
Dubai, (Dubai Intl)
 05:20 (Non stop)
 Confirmed
 Business
 2PC
 BOEING 777-300ER
 EK396402115

Terminal: 1
Terminal: 3

Sunday 24 October 2018

Emirates EK 765
Departure 24 October 14:40
Arrival 24 October 20:50
Duration [REDACTED]
Booking status
Class
Baggage allowance
Equipment
Flight meal
Frequent Flyer number

Dubai, (Dubai Intl)
Johannesburg, (O.R. Tambo Intl)
 08:19 (Non stop)
 Confirmed
 Business
 2PC
 BOEING 777-300ER
 Meal
 EK396402115

Terminal: 3
Terminal: A

Tuesday 25 October 2018

South African Airways SA 543
Departure 25 October 10:15
Arrival 25 October 11:20
Duration [REDACTED]
Booking status
Class
Baggage allowance
Check in completed by
Equipment
Flight meal
Frequent Flyer number

Johannesburg, (O.R. Tambo Intl)
Durban, (King Shaka Intl)
 01:05 (Non stop)
 Confirmed
 Business
 2PC
 08:30
 AIRBUS INDUSTRIE A320-1000200
 Snack or drink
 SA EK580002115

Terminal: B

Ticket details

E-ticket EK 176-1076174005 for Vuyo Babalo Mabeza
 E-ticket EK 176-1076174007 for Mado Madingqela Maphanaghe
 E-ticket PG 020-1076174010 for Vuyo Babalo Mabeza
 E-ticket PG 020-1076174011 for Mado Madingqela Maphanaghe

General Information

FULL TICKET PAYMENT DUE... R56 030.00 EMIRATES
 MIN STAY... 0 DAYS
 MAX VALIDITY OF TICKET... 12 MONTHS
 CHILDREN REQUIRE UNABRIDGED BIRTH CERTIFICATES TO TRAVEL
 DATE CHANGES PIPEPERSON BEFORE DEPARTURE... R595.00
 DATE CHANGES PIPEPERSON AFTER DEPARTURE... R595.00
 DIFFERENCE IN FARE TAXES AND SEASONS PAYABLE WITH ALL CHANGES
 DATE CHANGES ARE SUBJECT TO AVAILABILITY WITHIN VALIDITY AND ROF
 CANCELLATION BEFORE DEPARTURE... R4 000.00
 CANCELLATION PIPEPERSON AFTER DEPARTURE IS NON-REFUNDABLE
 NO SHOW PENALTIES WILL APPLY
 REROUTING NOT PERMITTED UNLESS OTHERWISE SPECIFIED
 DATES, TIMES AND DETAILS

Customer : Mr. VUYO B. MKHIZE
C4-03 THE SAILS
14 TIMEBALL BOULEVARD
POINT WATERFRONT
DURBAN 4001. RSA.

Sales Invoice
No. : SAIN005677
Invoice Date : 17 October 2016
Currency : USD

No. Article No.	Description	Quantity	Unit
1	Lot. No. : 293450 NECKLACE NJ2140WD 2 DR/ 0.30 CT 103556 132 DF/25.31 CT 125 MQ/14.71 CT 86 DR/ 7.42 CT GOLD 68.39 GM	1	PC
2	Lot. No. : 291033 RING RJ9998YD-WY 1 DF/ 3.20 CT (NFY- VS1) 102255 1 DF/ 1.03 CT (G-VS1) 1 DF/ 1.00 CT (E-VVS2) 6 DR/ 0.13 CT GOLD 8.04 GM GIA	1	PC
3	Lot. No. : 290495 EARRING EJ5262YD-WY 1 DF/ 2.00 CT/GIA/NFY-SI1 101713 1 DF/ 2.02 CT/GIA/NFY-VS2 36 DF/ 0.25 CT 56 DR/ 0.65 CT GOLD 10.50 GM	1	PR
Total Quantity :		3	

Total : (USD) \$190,000.00

Total Amount : US DOLLARS ONE HUNDRED NINETY THOUSAND ONLY.

Remark *** THIS IS NET PRICE ***

ANNEXURE 'AO-4'

Chunnam



ANNEXURE 'AO-5'

From: Pacharanin Chairojpattana (MA BKK) [<mailto:Pacharanin.th@malca-amit.com>]
Sent: 27 May, 2019 06:36 PM
To: account@jacobjewelry.net
Cc: Pacharanin Chairojpattana (MA BKK); Shirley Malmgren (MA BKK)
Subject: JACOB - PHUKET

Dear K. Kapil,

Attached above please find documents upon your request.

Regards,

Pacharanin Chairojpattana

Assistant Sales Manager
Sales and Marketing
Malca-Amit (Thailand)Ltd.
Tel : 02-267-4400-11 Fax: 02-630-1350



MALCA-AMIT (Thailand) LTD. ("Malca-Amit")

5th Floor, Jewelry Trade Center Building,
919/6 Silom Road, Silom, Bangkok,
Bangkok 10500 Thailand.

Tel. +66-2-267-1400 Fax: +66-2-630-2820

MA-Contract Number:	7004730
Total Number of Parcels:	1
Outside Seal Numbers:	
Verified by:	

DOMESTIC SECURED SERVICE SHIPPING INSTRUCTIONS ("MA-CONTRACT")

THE UNDERSIGNED HEREBY REQUESTS MALCA-AMIT TO ARRANGE FOR THE FORWARDING OF THE SHIPMENT AS SET OUT HEREIN AND SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF.

TO: COMPANY	TO: COMPANY
(COMPANY NAME, ADDRESS, CONTACT PERSON, PHONE NO) JACOB'S JEWELRY CO. LTD. 232-236 MAHESAK SOI 2 ROAD, BANGRAK, BANGKOK 10500 THAILAND Phone: 02-035-6140 - 41	(COMPANY NAME, ADDRESS, CONTACT PERSON, PHONE NO) JACOB'S JEWELRY CO. LTD. 232-236 MAHESAK SOI 2 ROAD, BANGRAK, BANGKOK 10500 THAILAND Phone: 02-035-6140 - 41

TO: COMPANY	TO: COMPANY
(ADDRESS, CONTACT PERSON, PHONE NO) 232-236 MAHESAK SOI 2 ROAD, BANGRAK, BANGKOK 10500 THAILAND	(CONTACT PERSON, PHONE NO, EXHIBITION/BOOTH (if APPLICABLE))

1	NATURE OF THE PROPERTY	SEAL NUMBERS	DECLARED VALUE (USD)	WEIGHT (KG)
2	GOLD JEWELLERY	MA 11199313	Insurance Value	150.00072 US \$
3				
4				
5				
6				
TOTAL				

IF NO VALUE IS DECLARED, THEN MALCA-AMIT'S LIABILITY SHALL BE LIMITED TO THE LESSER OF (i) ACTUAL LOSS SUSTAINED AND (ii) US\$ 30,000.

☐ Rider (if applicable):

Payment Terms:

☒ Shipper ☐ Consignee ☐ Other: per attached
If Consignee or other designated party does not pay within
30 days, Shipper undertakes to pay respective charges.

ON BEHALF OF THE CUSTOMER, I HEREBY ACCEPT THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF, INCLUDING LIMITATIONS OF LIABILITY AND DECLARE, THAT (i) I HAVE THE AUTHORITY TO SIGN THIS MA-CONTRACT ON BEHALF OF THE CUSTOMER, AND (ii) THAT THE DESCRIPTION OF THE PROPERTY IS ACCURATE AND COMPLETE.

PRINTED NAME: _____ SIGNATURE: *[Signature]*
DATE: _____ TIME: _____

ON BEHALF OF MALCA-AMIT THE UNDERSIGNED HEREBY ACKNOWLEDGES RECEIPT OF THE PARCEL(S) IN APPARENT GOOD ORDER, SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF.

PRINTED NAME: *[Signature]* SIGNATURE: *[Signature]*
DATE: 21/10/16 TIME: 10.45

ON BEHALF OF CONSIGNEE THE UNDERSIGNED HEREBY ACKNOWLEDGES RECEIPT OF THE PARCEL(S), EACH IN GOOD ORDER AND CONDITION, WITHOUT ANY SIGNS OF TAMPERING OR MANIPULATION OF THE OUTER WRAPPING, SEALS AND/OR SEALING TAPES, EXCEPT AS NOTED HEREIN.

PRINTED NAME: *[Signature]* SIGNATURE: *[Signature]*
DATE: 22/10/2016 TIME: 07.37

amcny211016 11 35 57

DSS-HEG 05-15

[Signature]



Cherished

SPECIAL POWER OF ATTORNEY

I, the undersigned,

MR. OHANES AGOPYAN

with date of birth [REDACTED], and Thailand ID No. [REDACTED], in my capacity as owner of Jacobs Jewellery Co. Ltd. And in my own capacity, do hereby, nominate, constitute and appoint:

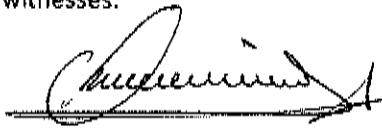
Paul Robert O'Sullivan, with ID No. [REDACTED];

with power of Substitution, to be my Agent in my name, place and stead, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein to:-

attend to an investigation into certain allegations of fraud and/or theft against Jacobs Jewellery Co. Ltd. and for this purpose to open a criminal complaint and deal with the South African Police Service and/or the National Prosecuting Authority and/or any other law enforcement agency and/or banking institutions, including the South African Revenue Service (SARS) to assist and/or exchange relevant information.

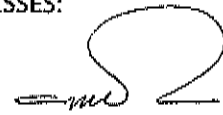
Hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my Agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at **BANGKOK** this the 5th day of MAY 2019, in the presence of the undersigned witnesses.

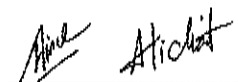


OHANES AGOPYAN

AS WITNESSES:

1 
Signature

Noppamit Chevanak
Print Name

2 
Signature

Winda Atichan
Print Name

