

IN THE HIGH COURT OF SOUTH AFRICA
(South Gauteng, Johannesburg)

The Director of Public Prosecutions for the South Gauteng High Court, Johannesburg, who prosecutes for and on behalf of the State, hereby informs the Honourable Court that:

MPYE, THABISO MELVIN

a 29 year old male, residing at 279 Maunde Street, Atteridgeville, Pretoria

(hereinafter referred to as the accused)

is guilty of the crimes of:

1. **KIDNAPPING READ WITH SECTION 51(2)(c) OF ACT 105 OF 1977;**
2. **MURDER READ WITH SECTION 51(1) OF ACT 105 OF 1977;**
3. **THEFT**

COUNT 1

IN THAT upon or about 08 February 2010 and at or near the OR Tambo International Airport, in the district of Kempton Park, the accused did unlawfully and intentionally deprive **UWE GEMBALLA** of his freedom of movement.

COUNT 2

IN THAT upon or during the period 08 February 2010 to 27 September 2010 and at or near number 64, 1st Avenue, Edenvale in the district of Kempton Park, the accused did unlawfully and intentionally kill **UWE GEMBALLA**, a 55 year old male German national.

COUNT 3

IN THAT during the period 08 February 2010 to 27 September 2010 and at or near number 64, 1st Avenue, Edenvale in the district of Kempton Park, the accused did unlawfully and intentionally steal an i-phone the property of or in the lawful possession of **UWE GEMBALLA**.

Wherefore upon due proof and conviction, the said Director of Public Prosecutions prays for sentence against the accused according to law.



R.S DU TOIT
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
SOUTH GAUTENG HIGH COURT, JOHANNESBURG

SUMMARY OF SUBSTANTIAL FACTS

1. On 08 February 2010, the deceased, a German national, entered the Republic of South Africa through the OR Tambo International Airport.
2. The deceased was a well known German businessman who owned a business that specialized in the conversion of exotic cars.
3. The accused assisted other perpetrators whose identities are known to the State with the kidnapping of the deceased from the OR Tambo International Airport where after he was taken to a house at number 64, 1st Avenue, Edenvale.
4. The deceased was deprived of his freedom and was held against his will for several days at the abovementioned address.
5. The accused and other perpetrators whose identities are known to the State killed the deceased. He covered the deceased' entire head with duct tape, then forced out all of the oxygen from his body by sitting on his chest and thus suffocated him.
6. The body of the deceased was then wrapped up in a black plastic sheet and this sheet was tied with duct tape. The body was then taken and buried in Lotus Gardens, Pretoria.
7. The body of the deceased was subsequently exhumed on 27 September 2010, after the place where it was buried it was pointed out by the Accused.

8. The deceased died as a result of "suffocation".

The State alleges that in committing the aforesaid acts, the accused acted in furtherance of a prior criminal agreement to commit the various offences. At present it is unknown when, where and/or who all the parties thereto were. The State further alleges that the said prior criminal agreement existed at least before and for the duration of the commission of the offences in question.

LIST OF WITNESSES

- 1 Paul O'Sullivan
- 2 Etienne Boshoff
- 3 Juan Meyer
- 4 Marian Tupy
Flora Clinic
Suite 8
East Block
- 5 Robyn-Ann Teixeira
40 Swartbweg Drive
Glenvista
- 6 Thandi Tshabalala
First National Bank
Sauer Street
- 7 G Halworthy
343 Roots Avenue
Eersterus
- 8 Ludi Rudolf Schnelle
SAPS
Organised Crime
Johannesburg
- 9 Floyd Boikanyo Mpye
279 Maunde Street
Atteridgeville
- 10 M W Erasmus
SPP
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