

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR
INCLUDING ORGANS OF STATE**

WITNESS AFFIDAVIT

I, the undersigned

Michelle van der Merwe

do hereby make oath and state:

1. I am a major female candidate attorney employed in Johannesburg.
2. My place of employment is not disclosed due to reasons which will become evident later in my statement.

PURPOSE OF AFFIDAVIT

3. It is my duty as an officer of the court to curtail unethical behaviour and to uphold the law.
4. By virtue of this responsibility I am deposing to this affidavit to disclose my personal knowledge on the unlawfulness of the charges laid against Mr O'Sullivan under Case No. Rosebank CAS 47/5/2016, which I understand was prosecuted and Mr O'Sullivan was acquitted in the Randburg Regional Court. Mr O'Sullivan has requested I provide this statement.

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BACKGROUND

THE BOBROFFS

5. I am the daughter of the Complainant in the Rosebank case, Ms Cornelia Sophia van der Merwe ("**the Complainant**").
6. The Complainant was an employee and candidate attorney at Ronald Bobroff and Partners ("**Bobroff**") in Rosebank.
7. It was during this time that the Complainant met Mr Anthony Kilroy Beamish ("**Beamish**"). Beamish is presently a journalist at Carte Blanche. I understand that at that time, he worked freelance and/or for Moneyweb.
8. The Complainant became romantically involved with Beamish during her employment at Bobroff (and currently still is).
9. They do, however, keep their relationship discreet by reason of Beamish's work and my mother's involvement in his stories of and concerning the Bobroff's, as well as other matters.
10. The Complainant had often disclosed to me, during her time of employment at Bobroff, that Beamish had requested her to source information for him from the server at Bobroff due to the fact that he was obsessively engaged in writing articles about Bobroff.
11. Beamish subsequently utilised the Complainant's vulnerability towards him to gain an advantage, i.e. to gain access to information held by Bobroff's server, which included, *inter alia*, information regarding all Bobroff's clients as well as a database containing information of most registered attorneys at that time. I have direct knowledge of this because I distinctly recall her telling me these things.
12. Beamish would regularly stay over at our house in Centurion, located at Unit 7, Domicile, Eldo Glen Estate, CENTURION, and initially shared a bed with

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the Complainant. They later decided to sleep in different rooms due to the fact that I advised the Complainant that Beamish is taking advantage of the situation. Beamish would even spend some Christmas celebrations with us.

13. On most occasions when Beamish visited our house, he would speak about the Bobroffs and how he had created fake e-mail accounts to stalk them and send them anonymous e-mails. He derived great pleasure from this.
14. It was similarly during this time period where the Complainant became well acquainted with Mr Anthony Millar ("**Millar**"), whom is a very close friend of Beamish. I first met Millar at my mother's 50th birthday party in 2016 at a restaurant in Pretoria and my mother introduced him to me as a friend.

PAUL O'SULLIVAN

15. It is common knowledge that Mr O'Sullivan was hired by the Bobroff firm to investigate the leakage of information from the firm.
16. The Complainant was questioned by Mr O'Sullivan at her work and at his offices during 2014, which resulted in her admitting that she had unlawfully taken files off Bobroff's server and e-mailed them to Beamish, who in turn supplied same to another lawyer, Anthony Millar.
17. The back-lash of this event led to the false criminal charges of kidnapping and intimidation being laid by the Complainant against Mr O'Sullivan and his assistant, Melissa Naidu, only in 2016.
18. During the subsequent criminal trial for kidnapping and intimidation, the Complainant would often phone me crying hysterically and stating that she wanted to withdraw the charges and that she wished that she had never laid them. She repeatedly blamed Beamish for getting her into this predicament.
19. During the criminal trial, I specifically recall the Complainant stating that she is only sitting in Court because Beamish wants a story out of it.

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20. From the outset it was clear that she was manipulated into laying charges by Beamish and that he was enjoying the trial and hoping to get a good story out of it. I understood that he would arrive at the trial with the Complainant and/or with a reporter from Moneyweb.
21. Initially during the criminal trial, Beamish would attend Court and take video footage of the Court proceedings without requesting permission of the Court. At one stage he sent me a video that he had secretly recorded during the proceedings to show me *"how well Advocate van der Sandt was performing in Court"*. In this regard I provide screenshots of the video footage provided to me by Beamish below. I have retained the actual video and have given it to Mr O'Sullivan:




22. It was clear that Beamish was enjoying the proceedings although it had severely traumatised the Complainant, to the extent that she even had to book off sick with the court, as she could not stomach what she had to do.
23. It was furthermore not a coincidence that the charges laid against Mr O'Sullivan were aired on Carte Blanche a few weeks after he was arrested

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from a plane with his minor children on their way to London. At this stage, Beamish was already an employee at Carte Blanche and was working on the story he later aired. The day after Mr O'Sullivan was arrested, I believe Beamish went with my mother to sign an affidavit somewhere in Pretoria. He video-taped that affidavit and showed it on Carte Blanche on 08 May 2016.

24. I have personal knowledge on how Beamish has been controlling and intimidating the Complainant since they met and continues to do. I furthermore also have personal knowledge on how Beamish developed an obsession with Mr O'Sullivan, which followed a situation, whereby Mr O'Sullivan obtained the confession from the Complainant that she had been stealing documents and sending them to Mr Beamish.
25. Beamish's obsession had escalated to a point where Beamish would exclusively speak about Mr O'Sullivan and the Bobroffs when he visited us. He was totally obsessed and it consumed him. There is no doubt in my mind that, having been caught out by Mr O'Sullivan, receiving stolen documents from the Complainant, Beamish took revenge and part of that revenge included procuring the false charges against Mr O'Sullivan.
26. During or about December 2018, Beamish even received a warning at Carte Blanche for writing derogatory statements about Mr O'Sullivan on social media. I know about this because I was present when he told my mother about it and he was very upset and said he would have to be careful about how he dealt with O'Sullivan going forward.
27. Mr O'Sullivan has often complained that Beamish has engaged in harassing Mr O'Sullivan, his family and colleagues by way of using anonymous e-mail accounts. I have no direct knowledge of the method used, but I distinctly recall Beamish saying that he set up fake e-mail accounts to harass the Bobroffs with. He bragged about it, especially after he had been drinking heavily, which was often. He said they would never trace it back to him.

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SEXUAL ASSAULT

28. The reason for the neglect to provide my place of employment in the advent of this statement, is due to the fact that I had to apply for a Protection from Harassment Order, with case no. Pretoria HA1715/19 during December 2019 against Beamish, to keep him away from my house in order to protect myself from any further abuse.
29. On 17 December 2019, I similarly opened a case for sexual assault against Beamish at Wierdabrug Police Station under CAS 388/12/2019.
30. By disclosing my work address in this statement, I fear that Beamish would use it to cause me damage and harass me.
31. Beamish had previously contacted one of my employers in an attempt to defame me.
32. It is necessary for me to disclose that after the sexual assault by Beamish against me last year, I subsequently turned to Paul O'Sullivan and told him about the things Beamish was engaged in, as I could not hold it back any longer and felt guilty for keeping quiet. I have since tendered my assistance to Mr O'Sullivan, should he need me to testify at any civil or criminal proceedings against Beamish.

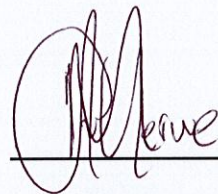
CONCLUSION

33. I have read and completely agree with Magistrate Sethusha's judgment which proclaimed that the true state of events in the criminal trial were not disclosed by the Complainant. She could not disclose the true state of events, as this would have exposed the fact that she was there as part of a conspiracy by Beamish to attack and humiliate Paul O'Sullivan, who Beamish was obsessed with.
34. I am adamant that the Complainant was carefully manipulated into laying the false charges against Mr O'Sullivan by Beamish to feed Beamish's own

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agenda, for media popularity. I got the impression it would boost his journalistic career if he could nail a big-fish like Mr O'Sullivan.

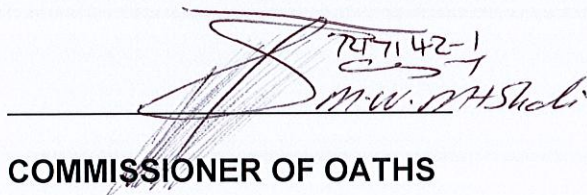
35. On 2020-10-10, I was contacted by Mr O'Sullivan to give this statement, setting out what I know, I confirm that I do so without any promise of favour or threat of prejudice. It is only in the interest of justice that I depose to this affidavit to unveil how the justice system has been abused, by Beamish and (regrettably) my mother, in the case against Mr O'Sullivan.



Michelle van der Merwe

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct.

This affidavit is signed and sworn to before me at ^{Rosebank} ~~JOHANNESBURG~~ on this the ^{14th} ~~13th~~ day of OCTOBER 2020, and that the Regulations contained in Government Gazette No. R1258 of 21 July 1972 as amended by Government Notice Regulation 1648, Government Notice Regulation 1428 and Government Notice Regulation 773 have been complied with.



747142-1
M.W. Mshali

COMMISSIONER OF OATHS

Full Names: mlungisi wiseman Mshali

Designation: Constable

Address: 15 Sturdee Avenue

