

SWORN STATEMENT

I, the undersigned, **Michelle van der Merwe**, ID no. [REDACTED], state under oath as follows:-

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I am a 27 year old adult female law student at the University of Pretoria, in my final year of studies. I reside at [REDACTED] Centurion and my cell phone number is +27 [REDACTED].

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The purpose of this statement is to set out the facts pertaining to the sexual assault I endured at the hands of Mr Anthony Kilroy Beamish "**Beamish**", ID no. **640527** [REDACTED]. The previous statement I made, was replete with matters not pertaining to the sexual assault and I have therefore decided to provide a single statement that deals ONLY with the offence.

3

On **2019-05-31**, Beamish was visiting my mother Mrs Cornelia van der Merwe "**Cora**" at our house, 7 Domicile, Eldo Glen Estate, Centurion, Pretoria. By way of background information, Beamish has been visiting our house for a number of years, as he is involved romantically with my mother. He would often stay over.

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On this particular evening of **2019-05-31**, Beamish was drinking and so was my mother. Cora had drank enough alcohol that she had become incapacitated.

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On **2019-05-31** once I had already gone to bed, I heard a commotion coming from the bathroom and left my bedroom to identify what it was. There was no power in the house at the time due to rolling blackouts from Eskom.

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As I left my bedroom and approached the bathroom, I saw Beamish shining his cell phone flashlight onto Cora and appeared to be undressing her. She was sitting on the floor with only her panties on. Beamish was only wearing dark pants and had no shirt or shoes on.

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I asked Beamish "What do you think you are doing?" and he did not respond, and instead left the bathroom and proceeded to the spare room where he was staying that evening.

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I assisted my mother, who could not walk properly due to intoxication, to her bedroom and onto her bed. She lay down and promptly passed out. I left her bedroom and closed the door.

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I walked to my own bedroom and climbed back into bed. I left my door ajar in order to listen out for my mother should she need my help.

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That same night, but it could have been very early the following morning, i.e. **2019-06-01**, I was awoken by the physical presence of Beamish in my bedroom and saw that he was bending over me while I was lying on my back in bed. Beamish had his hand in my pyjama bottoms beneath my panties and I could feel his warm hand directly on my naked crotch. I realised what he was doing and began kicking at him. I did not scream at the time as I was in shock and my voice was gone. Beamish did not say anything and left my bedroom.

11

Following the sexual assault, I was traumatised and afraid to tell my mother what had happened. It took me some time to understand what had taken place and what to do about it.

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On **2019-07-13**, I visited the Wierdabrug Police Station and at the advice of the police was counselled by a male counsellor, Mr. Rommel van der Riet. I now realised that the police failed me, in that they should have taken a sworn statement and opened a docket for me.

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When I told my mother and my uncle Johan Stoffberg ("Stoffies") about the sexual assault as well as my intention of obtaining a Protection Order against Beamish, my mother advised that the Protection Order would not be necessary as Beamish would not be allowed in the house again. I believed my mother and felt that if he would never come there again, I would be safe.



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On **2019-12-17**, I opened a case of sexual assault against Beamish at Wierdabrug Police Station **WIERDABRUG CAS 388/12/2019** after it became apparent that Beamish would be invited back to the house, to stay there over the December holidays 2019. I also started the process to obtain a protection order against Beamish, which is ongoing and has been delayed due to the COVID-19 Pandemic.

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At the time of deposing to my affidavit in the opening of the docket **WIERDABRUG CAS 388/12/2019**, I did not have the exact date that the sexual assault took place, however I knew it happened the night before a tree was pruned in my complex.

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On **2020-01-09**, I obtained the name of the gardening service, [REDACTED] **Tuindienste** with contact number **+27 72 108 0259** and called them and asked for the exact date that the tree had been cut down in my complex and I was informed that the tree was pruned on **2019-06-01**. This would then place the sexual assault on the night of **2019-05-31**, or **early morning of 2019-06-01**.

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I am not aware of what if any investigation has taken place in this matter, but I believe I have been let down by the State and I desire that Mr Beamish be brought to justice for what he did to me.

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 oath 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



Michelle van der Merwe

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 lyttelton on the 05 day of **JUNE 2020**.



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COMMISSIONER OF OATHS

