

**LEGALLY PRIVILEGED AND STRICTLY CONFIDENTIAL**

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## **Report of Dr Audrey Giles**

**In the  
matter of:** Project Storm

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**Instructions** Messrs Freshfields Bruckhaus Deringer LLP  
**from:** *(Ref: GN/PT 125960-0033)*

**Lab Ref:** SF01812

**Date:** 19<sup>th</sup> December 2012

## **INSTRUCTIONS**

Whilst my report has been prepared to assist a specialist independent committee of MTN Group Limited (the Hoffman Committee), my instructions have been received from Messrs Freshfields Bruckhaus Deringer LLP (acting for MT International (Mauritius) Limited.

My instructions were to determine if a signature in the name P Nhleko on an Invoice dated 1<sup>st</sup> March 2007 is a genuine signature of Mr Phuthuma Nhleko.

## **SUMMARY OF FINDINGS**

1. My examinations, and therefore the conclusions which can be drawn from them, have been limited by the fact that I have examined only a copy of the questioned Invoice – this copy does not show all the details of the questioned signature. Further Mr Nhleko's signature demonstrates a wide range of natural variation.
2. It is apparent that the questioned signature contains some fluent pen lines, but there are areas which are less fluent and there are a number of apparent pen lifts present.
3. Comparisons of the individual elements of the questioned signature with the signatures of Mr Nhleko available to me mostly demonstrate differences. Individual elements in the questioned signature can be matched to a very few elements throughout the more than one hundred and fifty signatures of Mr Nhleko which I examined.
4. On the basis of the evidence before me I have concluded that there is more support for the view that signature on the copy Invoice dated 1<sup>st</sup> March 2007 [1] is a simulation than there is support for the view that this is a genuine but unusual signature of Mr Nhleko. This support, however, is limited.

## **QUALIFICATIONS, BACKGROUND AND EXPERIENCE**

I am a Bachelor of Science and a Doctor of Philosophy. I was formerly the Head of the Questioned Documents Section of the Metropolitan Police Forensic Science Laboratory (Scotland Yard). With over thirty-six years' experience in all areas of the scientific examination of documents and handwriting, I now lead the scientific work of The Giles Document Laboratory.

### **Training and background**

I trained in all aspects of Forensic Document Examination in the Questioned Documents Section of the Metropolitan Police Forensic Science Laboratory (MPFSL) in London, where I worked for thirteen years. In 1986 I was appointed Head of that Section supervising the work of twelve experienced scientists. In addition to carrying out my own casework, my responsibilities at that Laboratory included direction of research, Quality Assurance and the Training of Questioned Document Examiners. From 2002 – 2009 I was registered with the Council for the Registration of Forensic Practitioners and was a Speciality Assessor of candidates for registration.

### **The Giles Document Laboratory**

In 1989 I left the MPFSL to set up my own independent Laboratory. The Giles Document Laboratory is equipped to the highest standards for Forensic Document Examination. The Laboratory has made specific investment to ensure that the most up-to-date equipment is available for all necessary examinations, including the latest in Video Spectral Comparators and Raman Spectrometry for ink examinations, electrostatic detection equipment (ESDA) for detecting impressions, etc. I have worked closely with manufacturers in the development of new equipment, software and techniques. The Laboratory also uses image capture software to provide demonstration material for reports and Courts. The Giles Document Laboratory is accredited to the internationally recognised Quality Standard, BS EN ISO 9001 : 2008.

### **Standing in the profession**

I am an active member of the leading learned organisations in the field:

- The Forensic Science Society
- The American Society of Questioned Document Examiners
- The Gesellschaft für Forensische Schriftuntersuchung

I have attended meetings in the United Kingdom, Europe, the United States and South America, contributing papers on original research carried out at the Giles Document Laboratory. I chaired the Forensic Science Society Questioned Document Group Meetings in 1987, 1991 and 1998. In 1999 I was appointed Chair for the Questioned Documents discipline at the 15th Triennial Meeting of the International Association of Forensic Sciences in Los Angeles, USA.

I have contributed to scientific journals and forensic science text books and am a member of the Editorial Board of the Journal of the American Society of Questioned Document Examiners. I have been appointed as an external examiner by the University of Strathclyde and have appeared as a consultant expert on television and radio a number of times.

In 1992 I gave evidence to the House of Lords Select Committee on Science and Technology (Sub-committee on Forensic Science), and in 1994 participated in the development of National Vocational Qualifications in Questioned Document Examination and in the Working Group for the Registration Council for Forensic Practitioners (CRFP).

### **Casework and Court Attendance**

I have provided independent expert advice to Claimants, Defendants and Prosecutors in thousands of cases, both in the United Kingdom and overseas.

- Disputed handwriting and signatures
- Inks
- Alterations to documents
- Latent impressions
- Faxes
- Typewriting
- Products of modern office technology
- 

I advise a wide range of clients:

Banks

- Building Societies
- Financial Institutions
- Solicitors
- Photocop

Companies

Government Agencies

- Police
- Crown Prosecution Service
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My experience is extensive in presenting expert evidence in British and international courts of law (including the International Court in The Hague) as well as Arbitration and Employment Tribunals. As an expert who deals with both civil and criminal cases, I have given evidence in the High Court, the Court of Appeal, the County Court, the Crown Court and Magistrates Courts. I have been trained in the role of Single Joint Expert and routinely act in this capacity.

## **DOCUMENTS EXAMINED**

(Copies of the parts of these documents relevant to my examinations are attached to this report)

### **Questioned documents**

<i>N°</i>	<i>Description</i>	<i>Date</i>
[1]	Copy Aristo Oil International Services LLC Invoice	01 March 2007

### **Comparison documents**

<i>N°</i>	<i>Description</i>	<i>Date</i>
[2]	Approval for Expenses of Ms Imogen Mkhize	30 September 2007
[3]	Carbon copy Travel Requisition N° 15608	02 June 2006
[4]	Copy Travel Requisition N° 8830	2006
[5]	Copy Travel Requisition N° 2967	2006
[6]	Carbon copy Travel Requisition N° 6430	2006
[7]	Carbon copy Travel Requisition N° 16380	2006
[8]	Copy Travel Requisition N° 18020	05 June 2006
[9]	Carbon copy Travel Requisition N° 8827	2006
[10]	Carbon copy Travel Requisition N° 6428	2006
[11]	The Peninsula Hotel Invoice	17 April 2007
[12]	General Expenses Authorisation	27 July 2007
[13]	Note added to copy American Express Statement	28 May 2007
[14]	Attendance Register	Beginning 12 November 1997

[15]	Attendance Register	Beginning 10 July 2005
[16]	Attendance Register	Beginning 23 January 2006
[17]	Attendance Register	Beginning 19 November 2003

I have also been provided with a report of Ms Lourika Buckley dated 28<sup>th</sup> August 2012. Copies of the signatures examined by Ms Buckley are attached to her report and I have included them in my examinations.

## **THE QUESTIONED SIGNATURE**

I have been provided with only a copy of the questioned Invoice dated 1<sup>st</sup> March 2007 [1].

The skilled examination of handwriting and signatures involves an analysis of the fine detail of the handwriting including stroke direction and order, crossings between strokes and pressure. These fine details are lost during copying processes and hence the conclusions that can be drawn from the examination of copies are restricted. Furthermore, it is not possible from the copy available to determine if there are any guide lines or other aids to simulation associated with this signature.

The questioned signature [1] clearly contains a number of freely written pen lines, particularly the large loop of the initial “P” and the final flourish of the signature. I also noted variation in pen pressure along the pen lines of the signature. I have noted in particular that the joining strokes between individual character forms appear to be very lightly written or the pen has been lifted from the surface of the paper altogether. However, there do appear to be a few points in the pen lines where the pen has come to a rest whilst on the paper, leaving a heavier deposit of ink – these areas include the beginning of the initial “N” and in the upward stroke of the peak of this character form, as well as at the end of the large loop of the initial “P”.

## **SIGNATURES OF MR PHUTHUMA NHLEKO**

I have been provided with a number of documents signed by Mr Nhleko in the course of his day to day business in the period 1997 to 2007 [2 – 17]. I have identified one hundred and thirty five of these signatures on the documents available to me.

Mr Nhleko's signature is fluently written in a very distinctive style, containing a number of complex character forms. Everyone's signature varies from day to day and over time. Mr Nhleko's signature demonstrates both development over the years and variation from day to day. The degree of variation is relative large but no greater than I might expect to encounter from time to time in the genuine signatures of a single individual.

## **COMPARISON OF SIGNATURES**

I compared the questioned signature on the copy Invoice [1] with the signatures of Mr Nhleko available to me [2 – 17]. In these comparisons I took into account the shape, structure and proportions of the individual character forms, and the overall style and size of the signature. I compared the signatures directly using the framestore facility of a Video Spectral Comparator.

### *Results*

I noted a general similarity between the questioned signature [1] and the signatures of Mr Nhleko. However, I have noted that the questioned signature [1] is characterised by a number of either very light pen lines in between character forms or pen lifts, particularly in the cursive section of the name Nhleko. Such breaks in the pen line are unusual in the signatures of Mr Nhleko where the connecting strokes are more firmly written.

I noted that individual character forms in the questioned signature [1] demonstrate differences from the majority of the signatures of Mr Nhleko available to me. For each individual element in the questioned signature [1] I have been able to find an approximate match in shape, structure and proportions to equivalent elements in one or two of the comparison signatures.

I have listed some of the differences and rare similarities in the following table.

**Table – Comparison of questioned signature [1]**

<b>Feature</b>	<b>Questioned signature [1]</b>	<b>Undisputed signatures</b>
“P”	Pen movement from base of vertical to beginning of curve, short; curve to right intersects with downward stroke from “o”.	With a few exceptions, a longer pen movement; with one exception (Page 7 [16]) curve of “P” extends to right of downstroke.
“N”	Long downward entry stroke with rounded join at base of entry stroke.	Entry stroke usually same height as peak; character more angular.
“h”	Reduced to single curve; similar height to “N” entry stroke.	Arch present even if reduced except signatures on Pages 22 and 25 [15]; usually taller than “N”.
“l”	Small “v”-shaped movement high at beginning; loop absent.	Mostly looped although not all; high entry strokes also seen in some signatures such as Page 19 [16].
“e”	Small peak followed by taller incomplete peak.	Either present in the form of a loop, single peak or absent.
“k”	Arch rounded.	With exception of Page 32 [14] arch angular.
“o”	Upward stroke followed by angular bowl similar to “y”.	Entry stroke horizontal or sloped slightly upwards although this element is reduced or absent in many signatures; note ST11 of Buckley Report is more similar.

I have noted that the structure which appears to represent the character “e” in the questioned signature [1] is outside the range of variation of all of the signatures of Mr Nhleko which I examined.

*Conclusions*

I have considered two propositions for the condition of the questioned signature on the copy Invoice dated 1<sup>st</sup> March 2007 [1]:

1. That it is a genuine signature of Phuthuma Nhleko.
2. That the signature is an attempt to simulate the genuine signature of Mr Nhleko.

In this Laboratory, in keeping with the practice of Forensic Science Laboratories around the world, conclusions are expressed on a qualitative scale describing the strength of the evidence. The main points on the scale are:

*Positive*

Conclusive evidence  
Very strong evidence  
Strong evidence  
Weak evidence

Inconclusive  
evidence

*Negative*

Weak evidence  
Strong evidence  
Very strong evidence  
Conclusive evidence

My examinations, and therefore the conclusions which can be drawn from them, have been limited by the fact that I have examined only a copy of the questioned Invoice [1] – this copy does not show all the details of the questioned signature. Further, the signatures of Mr Nhleko demonstrate a wide range of variation. Variable signatures are vulnerable to simulation since it is difficult to distinguish between differences which are merely natural variations and those that may have been introduced by another person.

It is apparent that the questioned signature [1] contains some fluent pen lines, but there are also a number of pen lifts within the signature which are not seen in the signatures of Mr Nhleko and further there are some points where the pen appears to have hesitated and come to a rest on the paper in an otherwise freely written stroke. Pen lifts and hesitations are common features of simulated signatures.

Comparisons of the individual elements of the questioned signature with the signatures of Mr Nhleko available to me demonstrate differences. Although individual elements in the questioned signature [1] can be matched to a very few elements these are rare matches. The more than one hundred and fifty signatures of Mr Nhleko which I examined do demonstrate substantial variations and, therefore, it is not surprising to find occasional matches between one element or another of the questioned signatures in this large sample of signatures. However, the particular combination of structures seen in the questioned signature [1] is not found in any single comparison signature. Further, one element appears to be completely outside the range of variation seen in the equivalent structure in Mr Nhleko’s signatures.

I have considered the possibility that the differences in the questioned signature [1] may have arisen as a result of the document being placed at an awkward angle when the signature was made. The questioned signature [1] shows a strong rise in the baseline from left to right, but this is true of a number of signatures provided for my examination and particularly that on the Note [13]. However, the signature on the Note [13] and other signatures written at an angle do not show the unusual features seen in the questioned signature [1].

I have also considered the possibility that Mr Nhleko may have signed the questioned Invoice [1] whilst introducing differences into his signature. Disguised signatures, or signatures written with intent to deny at a later date often follow a pattern of demonstrating substantial differences in very obvious features, such as initials, whilst retaining the fine detail of the genuine signature. However, this is not the pattern seen in the questioned signature [1] which demonstrates differences in detail throughout.

The differences, the apparent lack of fluency in the questioned signature [1] and the unusual amount of pen lifts observed are indications that the questioned signature [1] is not genuine. However, the evidence regarding the signature [1] is difficult to assess, particularly in the absence of the original Invoice [1] and taking into account the wide range of variation seen in Mr Nhleko's signature. Nevertheless, the evidence supporting the view that this signature [1] is not genuine, albeit weak, is positive.

Accordingly on the basis of the evidence before me I have concluded that there is more support for the view that signature on the copy Invoice dated 1<sup>st</sup> March 2007 [1] is a simulation than there is support for the view that this is a genuine but unusual signature of Mr Nhleko. This support, however, is limited.

I enclose with this report a signature comparison chart showing the questioned signature [1] and a number of the signatures of Mr Nhleko which contain some of the more unusual features amongst those provided for my examination.

## **REPORT OF LOURIKA BUCKLEY**

I have been provided with a report of Lourika Buckley who describes herself as a Forensic Handwriting Examiner and Professional Graphologist. I am not acquainted with Ms Buckley; I have not encountered her work previously. I note that she was trained at an institution called Grafex Academy of Graphology and Forensic Handwriting Identification. She appears to have obtained her qualifications from those that trained her. I am not acquainted with Grafex or its members. However, Forensic Document Examiners in the UK, Europe, USA and Australia do not view graphology as an appropriate discipline upon which to base the forensic examination of signatures and handwriting.

Ms Buckley was provided with a copy of the questioned Invoice [1] and a number of documents bearing signatures for comparison, all of which appear to have been signed in 2011 and 2012, some years after the date of the questioned signature. Ms Buckley does not take this difference in the date of the questioned signature compared to those of the comparison signatures into account in reaching her conclusion.

Ms Buckley carries out a technical comparison of the signatures available to her. Her description of the differences is somewhat difficult to follow, although she has made some accurate observations. I do, however, disagree with her statement that “*no significant similarities could be found in the signatures*” – this is wrong on two counts. Firstly, there are similarities present – some of these do occur in the detailed sections of the signature. Secondly, it is usually inappropriate to describe similarities as being significant since there will always be similarities between a simulated signature and the target signature. Differences, however, between signatures are of far greater significance.

Ms Buckley concludes that the questioned signature was not produced by Mr Nhleko. The conclusion is not qualified in any way which suggests that Ms Buckley believes that the evidence supporting her conclusions is very strong indeed. However, she provides no scale of conclusions which would allow me to assess the strength of the evidence which she is describing. Given that Ms Buckley’s comparison signatures were more limited in quantity and made later than the comparison signatures available to me, it does appear that she may be over-estimating the strength of the evidence supporting her conclusion.

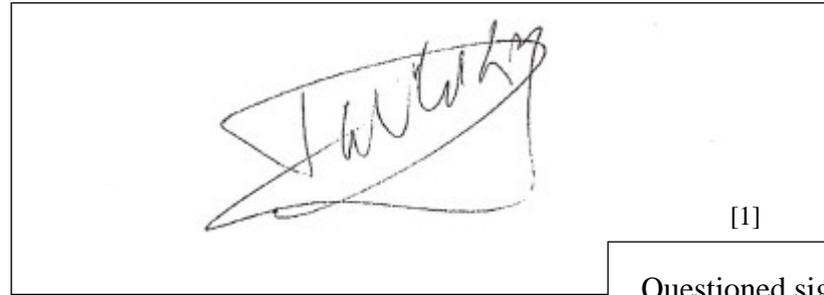
## DECLARATION

1. I understand that my overriding duty in written reports and giving oral evidence is to the Hoffman Committee. I believe that I have complied with that duty.
2. I am aware of the requirements of Part 35 of the Civil Procedure Rules and Practice Direction, and the Protocol for Instruction of Experts to give Evidence in Civil Claims.
3. The report reflects my views as an independent expert.
4. I believe my report to be accurate and to cover the issues which I have been asked to address.
5. Where relevant I have included in my report any information of which I have knowledge, or of which I have been made aware, that might adversely affect the validity of my conclusions.
6. Where relevant I have indicated in my report any sources of information upon which I have relied.
7. I will notify those instructing me immediately, and confirm in writing, if for any reason my existing report requires any correction or qualification.
8. I understand that my report, subject to any corrections before swearing as to its correctness, will form the evidence to be given under oath.
9. I understand that any cross-examination on my report may be assisted by an expert.
10. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
11. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signed:

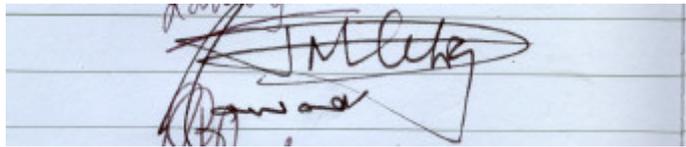
Date: \_\_\_\_\_

**Signature  
comparison chart**

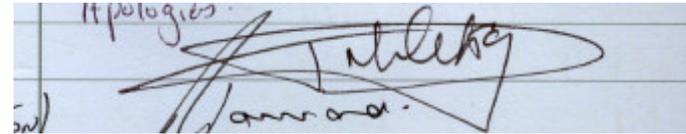


[1]

Questioned signature



[14]  
Page 12



[14]  
Page 13



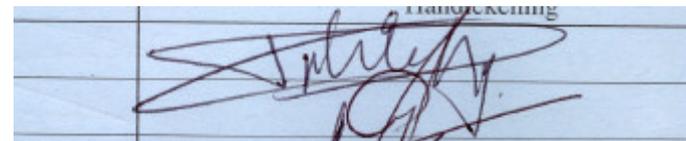
[6]



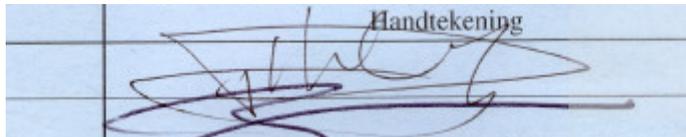
[8]



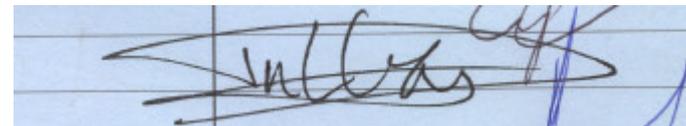
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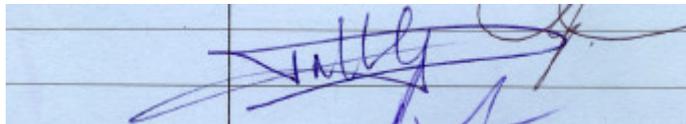
[15]  
Page 17



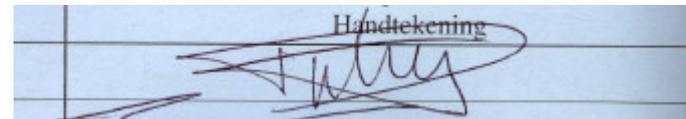
[16]  
Page 7



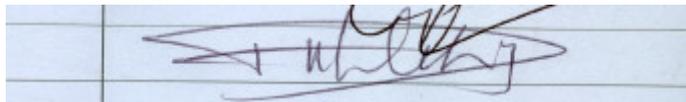
[15]  
Page 22



[15]  
Page 25



[16]  
Page 18



[14]  
Page 32

Comparison signatures