

news you're not supposed to know

# nose WEEK

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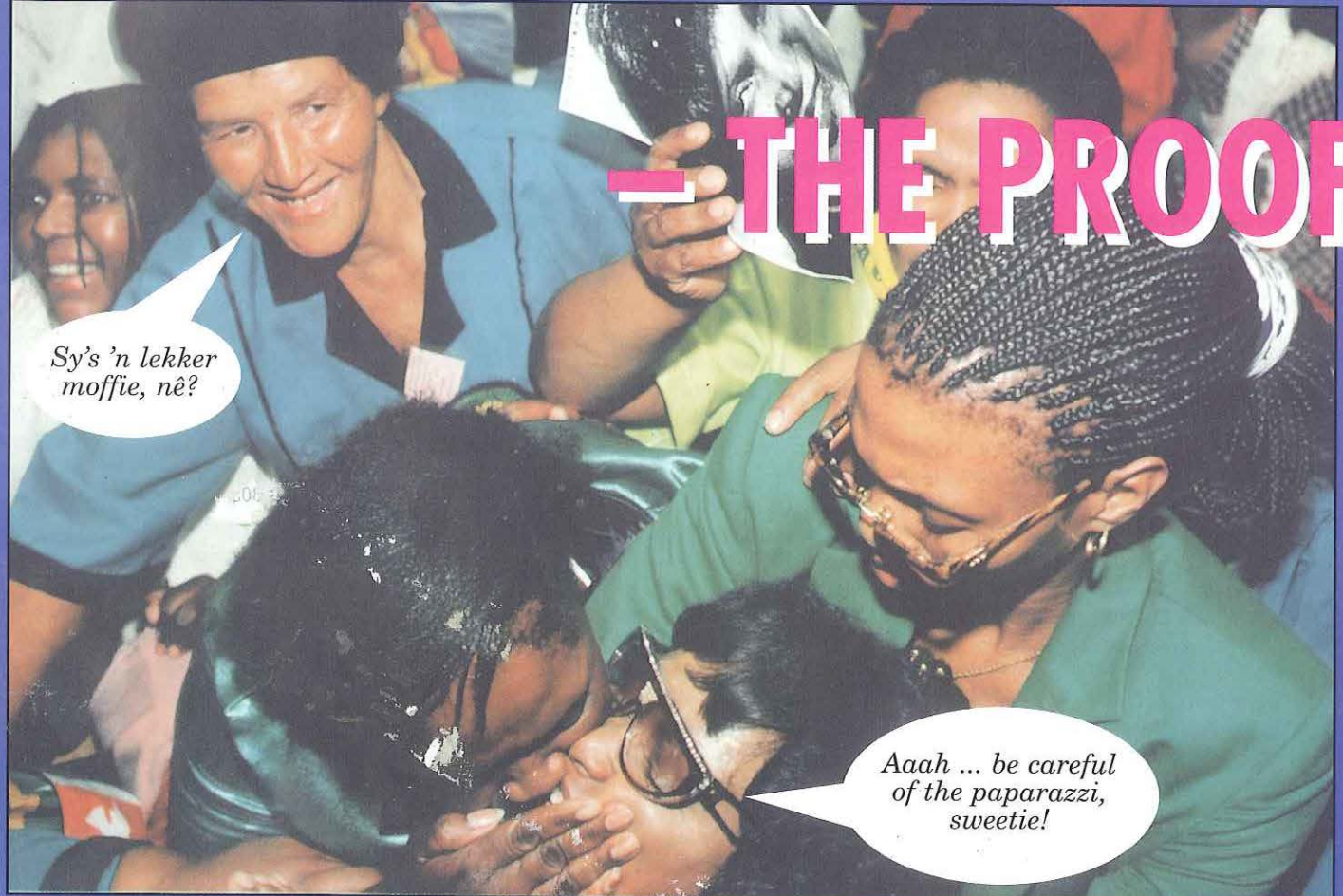
PUBLISHED MONTHLY

Issue No 19

**REVEALED!**

Press claims of her lovers all lies ...

## WINNIE IS LESBIAN!



**— THE PROOF!**

*Sy's 'n lekker moffie, nê?*

*Aaah ... be careful of the paparazzi, sweetie!*



**STANFIELD:**  
Standard launders gang boss's loot — p10



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The billionaire conman lawyers love — p6



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In England in 1990 Mr Justice Ognall took the unprecedented step of publicly calling a halt to a protracted trial in which the Department of Health was resisting the claims of hundreds of haemophiliacs who had been infected with AIDS by blood products it had supplied to them. Many victims had already died, and many more would undoubtedly have died by the time the case was over, if the lawyers were allowed to continue "as usual". He had done so, the judge said, to protect the reputation of the law, adding: "I believe the legal profession has a duty ... to see that the legal system does not become a scapegoat in the eyes of the public for what, I fear, may be perceived as the unjust and inhumane denial of any significant measure of compensation to the plaintiffs."

Despite their diversity, our stories this month have one theme in common: in each we observe our legal system being held to ridicule by those who have discovered just how available it is to exploitation for illegal, immoral and unjust ends. The conduct of the central figure in each is undoubtedly reprehensible, but, in the end, it is the legal profession – from junior attorneys, to Appeal Court judges, to the Minister of Justice – who must, as custodians of the system, be called to account for the loss of moral or "common" sense which has made it so easy. – *The Editor*

## LETTERS ...to the editor

PO Box 44538, Claremont, 7735

### AMWAY

#### 1. PARLIAMENT TAKES NOTE

*Dear Sir*

Congratulations on your article on AMWAY. I raised this matter in Parliament in August, saying: "The scheme looks like a pyramid one ... In an Amway pamphlet it is stated that one's annual income can be R400 000 ... But the US Federal Trade Commission demands that it be clearly stated on labels of AMWAY products that 54% of distributors earn *nothing*, and for the rest the average payout is 65 dollars [R325] per month."

Any readers who have had their fingers burnt in this regard are welcome to contact me. Fax (021) 461 9687.

*David Graaff MP*

National Assembly

#### 2. WE'RE CLASSICALLY CLEAN ...

*Dear Sir*

We read with utter amazement your exposé on the Amway multi-level marketing enterprise. Amazement because we had been under the impression that the commercial illegitimacy of such schemes had been effectively legislated against, and that the South African public had lost enough hard-earned money through the previous waves of parasitical invasions to blight our land.

We too have a direct selling organisation, ClassiCare, that brings our ClassiClean products into the homes of people and is neither pyramid nor multi-level. A well-designed, well-run direct selling organisation has enormous

advantages over conventional retailers such as Pick 'n Pay, and can deliver superb value for money right on the customer's doorstep. The final judgement must be made by customers who are prepared to pay for the value offered, and this is the only test of sustainable competitive advantage. ClassiCare is prepared to stake its future on solid groundwork, hard to beat value-for-money products, and people of integrity backed by proven manufacturers.

The best advice we can give to those presented with lucrative "business opportunities" in this game, is to proceed with caution, check the source and supply chain, and check price competitiveness carefully. Products in the multi-level marketing organisation are typically far more expensive because of the long chain of distributors and agents.

ClassiCare has publicly declared its corporate ethic based, not on Christian "principles", but on Christianity as revealed in the Word of God. This does not, however, give us licence to prey on Christian institutions and churches for customers. As far as we are concerned, our customers are in the marketplace.

*C H Roux*

MD, ClassiClean (Pty) Ltd

#### 3. ... AND I'M JUMPING SHIP

*Dear Sir*

I joined IDA (a division of Amway) a few weeks ago, and read your article with interest. It substantiated some doubts I was beginning to have. Please feel free to publish my letter of resignation to my "Upline", Robbyn (The prices I quote are all wholesale prices, available to registered distributors only. The recommended retail prices are 30% more expensive.)

*Dear Robbyn*

I have been waiting enthusiastically for Amway to arrive here since I listened

to Paul Pilzer's tape and read his book marketed by the Amway founder. It is on the basis of his encouragement that I signed up.

What I have done in the last few weeks is to obey the Amway call to "Use the Products", but instead of blindly believing the fantastic claims about the value-for-money they offer, I have been systematically comparing their quality to the brands I already use.

I was initially disturbed by several things, such as needing to use the same quantity of Glister as I use of Colgate, and discovering that Amway's G&H Complexion Bar lasts just as long as a bar of Vinolia.

Amway's Dish Drops costs R38/litre = 3.8c/ml. Per wash: 3.8c x 3ml = 11.4c.

Compare Sunlight Liquid which costs R6.49/750ml = 0.86533c/ml. Per wash, that's 0.86533c x 5ml = 4.326c. Which means that Dish Drops costs 2.634 times more than Sunlight.

Amway's Glister Toothpaste costs R27/200g = 13.5c/g. Compare that with Colgate, which costs R3.95 for 100g = 3.95c/g. Which means that to brush my teeth with Amway's Glister costs 3.41

### cover story



Ms Winnie Madikizela-Mandela was overcome by the embrace of her nearest and dearest in the ANC Women's League after the League elected her their new president, prompting the Sunday Times' Jo'burg Metro to dub her "smother of the nation". Her election was a major comeback after international press allegations that she had either instigated or condoned assaults on black youths - and the murder of Soweto youth activist Stompie Sepei - all of whom she suspected of having been homosexually involved with a benevolent Anglican priest.



times as much as good old Colgate. (All the crap I have been fed about "you only need to use THIS much" is totally misleading. Have you actually tried it?)

Amway's G&H Complexion Bar costs R13 a bar. Compare that with Vinolia Sandalwood Soap, which costs R2.65 a bar, making Vinolia 4.9 times cheaper than Amway's product!

These discrepancies are not trivial, Robbyn! They are scary. Amway is trying to persuade us to buy very expensive products, and convince our friends to do the same, so that we can all make money from our networks.

This explains why parasite companies like Amway founder Yager's InterNet exist to boost the flagging enthusiasm of the distributors. When I can look at an Amway catalogue and see something which REALLY costs less than at my local store, I'll be interested. I do not want to be associated with IDA South Africa, because there is too much evangelical proselytizing going on, and not enough genuine attention to the facts. Meanwhile, I think I will continue to use products which I know are of good quality, and which won't bankrupt me.

I want to jump ship. Sorry to have wasted your time, but my conscience prevents me from deceiving people who trust me. They will see through the bullshit soon enough — and I'll look a fool.

Andrew Shrobbree

Cape Town

#### 'B' FOR BALL'S OLYMPIC EFFORT

Dear Sir

How dare you publish an informative, well-worded, concise and hard-hitting magazine, as in this country we have an enviable record of centrally mediated "Manufactured Consent".

If you carry on there will be no more fig fronds of misinformation to hide behind.

I would like to thank Mr Chris Ball for masterminding the Olympic bid. Without his dedication and his expertise it could all have been very different.

V Grate-full

Cape Town

#### HORRORS! WE WEREN'T INVITED TO LAWYERS' AGM.

Dear Sir

It was with absolute delight that I received the latest edition of noseWEEK. The Annual General Meeting of the Law Society of the Cape of Good Hope took place in Cape Town from 13 to 15 October or thereabouts — I presume you were not invited!

Mark Nettleton

Grahamstown ■

## Dealing with financial collapse in the Absolutely Fabulous New South Africa

Why is it that in the new, democratic South Africa, the public is still not deemed fit to be told the reasons for the collapse — at huge cost to us all — of a major insurance company?

**W**E ARE not only entitled — as shareholders, policyholders and taxpayers — to know what happened to our money.

As citizens, we rely upon a system of extensively contrived laws — and regulatory authorities — to ensure all is well in the world of insurance and banking.

The collapse of any financial institution raises the possibility that there might be something wrong with the system, and that we may be similarly at risk elsewhere.

The fact that, four years later, still no-one has been brought to account for the collapse of Crusader Life must remove all doubt that there is something seriously wrong with our system. The time to charge the crooks may even have passed. Perhaps the time to fire the legislators and regulators has arrived.

In December 1993, Anglovaal and UAL (a Nedbank subsidiary) were reportedly prepared to make a R30 million "rescue" offer for Crusader Life, which had some months earlier been placed under curatorship at the request of the Financial Services Board. "While the more naive might interpret this as an offer to rescue unfortunate policyholders," noseWEEK wrote in 1994 (see nose10), "knowing the reputation of Anglovaal [and its chairman, Basil Hersov — Ed.], it is safer to assume that

what they have in mind is to rescue Anglovaal and UAL from having to cough up what they really owe Crusader policyholders and minority shareholders — a great deal more than R30 million — if the truth were to become known in a full and proper inquiry."

The inquiry, before 90-year-old Mr Justice Oscar Galgut, continued for a time — in secret. It was neither full, nor proper, especially since various key company directors and professional advisors refused to be questioned before the commission and stalled matters by appealing to the Constitutional Court to protect them from having to answer for their actions. The strategy paid off: earlier this year, Judge Galgut suffered a stroke and his memory is impaired as a result. The commission is unlikely to

**Their true intention was to temporarily hide Pegasus where the Registrar of Insurance Companies could not easily see or identify it.**



## Crulife cover-up

From page 3

continue and there will be no commission report — a circumstance which Mr Hersov and his friends Mervyn King *et al* no doubt find most comforting.

But what, all you faithful democrats ask, of the Minister of Finance? Surely Trevor Manuel will act to see that financial probity is served? The problem is, we doubt that he has ever heard of Crusader Life. “Anyway, what, for the sake of Karl Marx, is the Financial Services Board?!” we hear him exclaim.

The situation brings nothing to mind so much as that wonderful scene in *Absolutely Fabulous*, where the breathless owner of the PR business is suddenly, apparently after years, finally prompted to ask the scatty young thing who hangs around her salon: “What do you actually do here?”, to which she receives the disarming (and, in SA, the only politically correct) reply: “I don’t know, really .... get paid, I suppose!”.

So, three years after we first reported that all was not on the straight and narrow at Crusader, we have decided to take up where Judge Galgut has so sadly left off. In this and coming issues we will reveal some of the awful truth that Mr Hersov and his disreputable pals have so shamelessly set out to hide. We begin with a sampler:

### PEGASUS WINGS ACROSS NEVER-NEVER LAND

THE Insurance Act prohibits an insurance company from using its foreign assets to cover its local liabilities. Crusader Life (Crulife) bought control of Pegasus, a British insurer, in 1990. This was clearly a foreign asset. As such, Crusader could not use it to offset its ever growing liability to the mass of South African policyholders it was almost recklessly recruiting with creative junk mail marketing drives [*many of them mailed to FNB’s client address list — thank you Mr Hersov.*].

In order to overcome this “difficulty”, the directors of Crulife, and of its ultimate parent company, Anglovaal, were assisted with “legal” advice from some eminently crooked attorneys at Deneys Reitz and some equally accomplished accountants at Coopers.

One of these shady schemes (there are several recorded in the evidence) involved the directors and their advisors designing a series of fake transactions in terms of which Pegasus was “sold” by Crulife to another



Anglovaal and First National Bank chairman Basil Hersov.

Anglovaal/Avins subsidiary called Avint.

Documents and internal company correspondence reveal that their true intention was not to sell Pegasus, but to temporarily hide it where the Registrar of Insurance Companies could not easily see or identify it, while at the same time creating an apparition of something “local” that the Registrar would be misled into approving as cover.

Secretly, besides the publicly announced Pegasus sale agreement, Crulife and Avint had another agreement in their bottom drawers, which, in effect, simultaneously reversed the sale. (This second agreement gave them a so-called “put” and “call” option against each other, in terms of which the deal could instantly be undone: Crulife would be obliged to buy Pegasus back for the same amount, while Avint would, of course, similarly be obliged to sell it back to Crulife.) So Crulife still effectively — but secretly — controlled Pegasus; although in Crulife’s books it no longer appeared as Pegasus, easily identified as a foreign asset. It now appeared as a R10 million claim against a local, South African company (Avint) for the supposed “sale” price. And in Crulife’s accounts, of course, there was no mention of the secret “put” and “call” options. This particular example of cre-

ative accounting, where sleight of hand is used to make something illegal disappear and then miraculously reappear, looking like something legal; or to make something bad, such as a bad debt, disappear only to reappear looking like a great “investment” and asset in a company’s books, is so common that it is politely referred to in accounting jargon as “warehousing”. Renaming the ploy to make it sound “professional” and businesslike, apparently helps accountants and their corporate clients ignore its dishonest and criminal nature. [*That way, too, common criminals can stay on as neatly blazered millionaire members of the River Club. — Ed.*]

### UAL BREAKS THE LAW

IN November 1993, when the provisional curators of Crusader applied to court for the appointment of a commission of inquiry, they declared that, if UAL had entered into a joint underwriting agreement with Crusader while UAL was not a registered insurer, this would not only have been illegal; the deal was also void in law and UAL would be obliged to reimburse Crusader with all the amounts it had received. The curators estimated the amount at “some millions”. Since then, documents produced at the secret inquiry prove that UAL had undoubtedly entered into such an



## The Anglovaal board feared that the issue of a press release would "provoke questions, some of which cannot be answered".

underwriting agreement while it was not a registered insurer. Dave Barber, a director on Anglovaal's AVINS board and their appointee MD of Crulife at the time, has chosen in court proceedings so far not to comment. [After all, what would his boss Basil say? — Ed.]

### WHAT THE ANGLOVAAL DIRECTORS KNEW

FORMER Crulife director Don Rowand — see nose10 for an account of his misdeeds — when questioned under oath at the inquiry, said that from June 1990, when Anglovaal took a controlling interest in Crusader, all the Anglovaal directors had full knowledge of the various ploys that had been used to "create" assets in Crusader's books in order to hide shortfalls in its annual accounts.

He testified that when Anglovaal took over, he had been given the assurance "from Mr Hersov downwards" that it would inject new capital into Crusader to cover the shortfalls. Instead, the Anglovaal directors had not only insisted on maintaining the old "created assets", but had actively connived in the creation of further fake assets. These directors included the late Clive Menell, Mervyn King (South Africa's most marketed ex-Judge) and Ernie (EDG) Gordon from the Anglovaal main board, and Dave Barber, Dave de Beer and Dr Brian Benfield from the board of Anglovaal's insurance arm, AVINS. Benfield, in fact, proposed the invention of at least one of them himself in the form of something called Avins Longterm Finance, later renamed DRBC Longterm Finance [DRBC standing for *Deneys Reitz Business Consultants* — see nose 10]. What was designed to look like an (admittedly somewhat curious) investment of R10 million by a company controlled by the attorneys at Deneys Reitz in Crulife's marketing campaigns (it was widely reported as such in the financial press) was, in fact, a disguised loan to Crulife in contravention of Section 20 of the Insurance Act; a fraud which had the

effect of falsely increasing the company's profits and its permissible assets for the purposes of its annual returns to the Registrar of Insurance. The fraud features in the minutes of the Crulife board meeting held on 19 November 1990.

Another senior figure in the financial world who was on the board, present at the meeting, and therefore party to these disreputable dealings, was Mr Jean Brown, a director of ABSA.

The extraordinary thing is that the joint judicial managers of Crulife, including Billy van der Merwe, former president of the Association of Law Societies of South Africa, have produced no less than three reports — but not once do they make any reference to the serious matters that have emerged in evidence at the secret inquiry, preferring to hide what they know both from the court and the public. Could it be that a lawyer as senior as Van der Merwe fears that if he embarrasses senior figures in the financial world, his own financial prospects might not be that good? Or, being such a busy man, did he just forget?

### A MEDIA STRATEGY TO REMEMBER

ANOTHER insight into the devious minds at Anglovaal: in October 1993, just as the Johannesburg Supreme Court was about to order the inquiry into the affairs of Crusader Life, Anglovaal hired a firm of media relations consultants, Sussens Mann Ogilvy & Mather, to help devise a "media strategy" to prevent the media from arriving at "possibly hostile conclusions" about Anglovaal's role in the collapse of the much-promoted insurer. On Dec 10, Sussens Mann media expert (and former Business Times editor) David Carte, wrote a letter to Anglovaal chairman Clive Menell to report the views and advice of his "team".

From Carte's letter it emerges that Anglovaal were, at least initially, opposed to Sussens Mann's suggestion that they should issue a press release — because the Anglovaal board feared it would "provoke questions, some of which cannot be answered".

Carte's team designed a press release which portrayed Anglovaal as "coming to the aid of policyholders", and made it look "moral", "magnanimous", "deeply regretful", and, even, "as much a victim as others who have lost". The press release was also supposed to hint — without actually being defamatory — that "other parties played a part in the debacle".

They also proposed making a blatantly misleading reference to a "golden honeymoon clause" in the agreement in

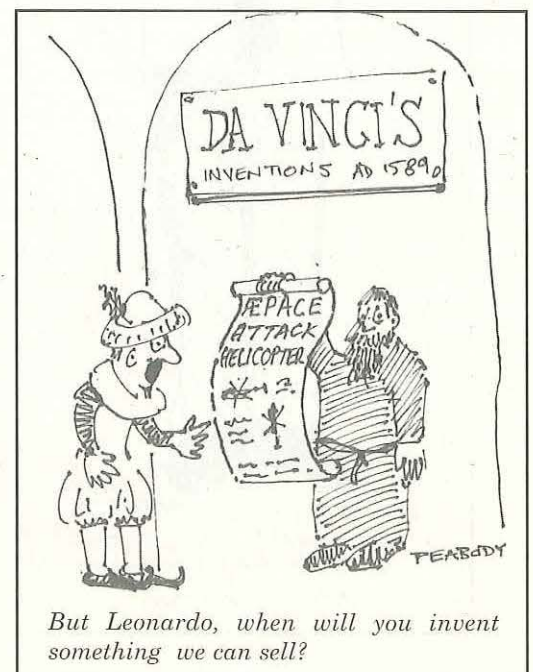
terms of which Anglovaal had gained control of Crusader. In terms of this clause, Anglovaal's management was supposedly "kept at a distance" from Crusader's affairs. (This despite the overwhelming amount of evidence that Anglovaal's management had, in fact, immediately become most intimately involved in the management of Crusader.)

Carte concluded his letter to Menell with the sage observation that "only if media have access and authoritative information can you control the message and convey that Anglovaal does care and was not to blame". But Anglovaal's problem was that — to quote the comment Menell wrote in the margin of Carte's letter — "we were, ultimately, to blame".

Menell's co-director, Basil Hersov, obviously had no such scruples and did not need the worldly ex-journalist Carte's encouragement to take such a devious line with the press. He had done so already. [Or, maybe, the wily Carte had just read the clippings file to establish what his wealthy client was, in any case, wont to do — and then tailored his advice accordingly? — Ed.]

Because, six weeks earlier, in an interview with Matthew Curtin (published in Business Day on 1 Nov 1993), Hersov had anticipated Carte's line. Curtin's article was headlined "Anglovaal does not see what the fuss is all about", and noted: "He [Hersov] blames the [Crulife] disaster (he calls it a 'perceived' disaster) on Crulife's management which 'let Anglovaal down'."

Curtin continued: "He does not accept that any blame should attach to Anglovaal or its management. He adds that it is doubtful whether the Group



But Leonardo, when will you invent something we can sell?



'could or should have used' what influence it had on the Crusader board. Nevertheless, he concedes that the group's inexperience in the insurance business fostered its passive approach towards Crusader." The evidence now shows that Hersov and the Anglovaal Boys took anything but a passive approach — also, apparently, when it came to lying. But Curtin believed him. Why, Hersov only runs First National Bank, so how should he know about such complicated financial matters?

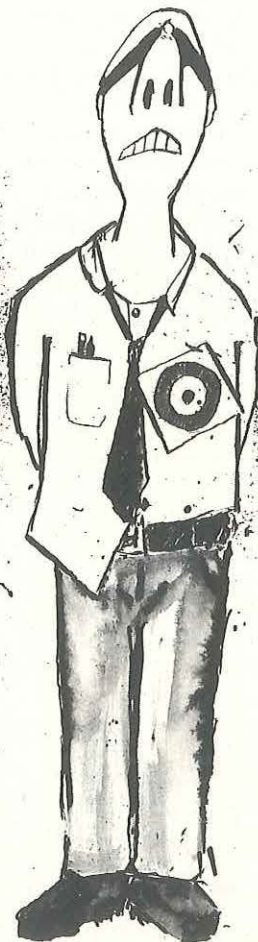
To think FNB still chooses to keep Hersov as its chairman! Might it be for his expertise as a liar and a fraud?

*[To be continued. We will also revisit the financial debacle and Mr Hersov and friends' at FNB's role in the ensuing scandalous cover-up at KPL-Etsa (In Liquidation)]* ■

# Nine-tenths of the law

A battle royal has been raging in South Africa's courts since 1994 between a fugitive German conman, Jürgen Harksen, and the trustees appointed by the court to find and seize the fortune he managed to take off the rich and gullible of Europe — said to total over R1 billion — before fleeing to South Africa ahead of various court officials waving warrants for his arrest.

*A Day in the Life  
of  
Joe Bloggs, CA (SA).*



*"Last words? Kill me now, and you'll NEVER get your tax return in on time!"*

**W**ITH time running out for his foreign creditors, whose claims total many hundreds of millions, the case is rapidly developing into a spectacular demonstration of the lack of business and professional ethics — and the sorry state of law enforcement — in South Africa. Since his arrival in this country, Harksen is believed to have spent as much as R10 million on the scores of lawyers, accountants and frontmen he has hired to help him outwit, out-litigate and, he hopes, finally frustrate the efforts of his many victims desperate to recover the money he persuaded them to invest in his imaginary schemes.

His fierce rearguard action to prevent his trustees, Coopers and Lybrand, from seizing his palatial Constantia home and other assets has meant *they*, in turn, have had to spend an estimated R7 million in legal fees and expenses — so far.

#### Harksen's Dream Team

THE strategy appears to be that provided you have enough — say a billion or so — of other people's money in your hands, you can easily afford to spend a small percentage — R20 million or so — on keeping them at bay. The converse applies to your victims, of course: with most of their money in your hands, they, presumably, have that much less with which to pay lawyers to take you on!

Harksen appears, quite naturally, therefore to have turned to the one group of people whose support a wealthy criminal can always rely upon: lawyers, always eager to get their share of the loot. He quickly surrounded himself with such a formidable array of Cape Town's top lawyers that even OJ would have been impressed. And they have certainly not let their client down. Since proceedings against Harksen started in the Cape Town Supreme



Court three years ago, they have battled his way through 24 High Court and several magistrates' court cases. Several of the cases have been lost, but all of them have helped to frustrate and delay the winding up of Harksen's estate for a further few weeks, months or years longer.

Among the cases was an application to the Constitutional Court. In terms of the law of insolvency as it has applied in South Africa for a century, a trustee is entitled to take control of assets held in the name of an insolvent person's spouse. The spouse is then entitled to proper notice and sufficient time and opportunity to satisfy the trustee that the assets in question are in fact properly his or hers by right. Only if the spouse fails to satisfy the trustee that he or she is the legitimate owner, may the trustee treat the assets as if they belonged to the insolvent, sell them and use the proceeds to pay the insolvent's creditors.

The trustees believed that Harksen transferred various valuable assets into his wife's name in order to thwart the efforts of his creditors and trustees to recover them, and seized them. Mrs Harksen's lawyers argued that the provision in the law was an unconstitutional infringement of her rights.

Despite the fact that the case dealt with important, conflicting matters of principle that should be the subject of profound public debate before any decision is reached, Harksen's application went before the Constitutional Court unopposed. The trustees were not prepared to wager the further substantial sums which would be required in legal fees if they were to oppose yet another of his elaborate court actions.

Earlier this month the court nevertheless turned down Mrs Harksen's application and she will now be forced to go through the normal procedures to prove that she was the bona fide owner

of the assets the trustees have seized

Harksen's legal team's strategy of stall and delay — regardless of cost — was particularly evident at the inquiry into his affairs which began in the Wynberg magistrates' court on 30 November 1995. The inquiry got off to a slow start when it was postponed for almost six months while Harksen petitioned the Supreme Court for the dismissal of trustees Michael Lane and Eileen Fey. The High Court eventually dismissed the case against Lane and Fey. Since then, the inquiry has been bogged down by months of lengthy argument by Harksen's main advocate, Johnny van den Berg. In a report to creditors, Fey describes some of the troubles the trustees have faced.

**"These gentlemen have discovered a new moneymaking machine."**

"Although the insolvent [Harksen] has been successful for many months in delaying his interrogation, we have been able to secure [after another High Court application in May 1996] Mrs Harksen's attendance at the inquiry. Mrs Harksen then still refused to testify. The magistrate has ordered her to do so. She has requested time to consider whether she will apply to the High Court again."

The trustees estimate that they have managed to spend only seven of the sixty-five days of the hearing — being run at a cost of R40 000 per day — actually talking to the Harksens. Total cost so far: R2,6 million.

A man who is unafraid to use the

courts and financially strong enough to see lengthy and costly litigation through to the end, whatever the outcome, is what lawyers call an angel. Which might explain the fervour of the three firms of lawyers and four advocates who regularly represent Harksen. An example: When Harksen needed an affidavit from his old friend and colleague in Germany, Hans Siegwart, for one of his countless cases in the Cape Supreme Court, it was arranged for Siegwart to meet with Harksen's lawyers in London.

Siegwart was later to describe his meeting at the "pretentious" London offices of (Cape based attorneys) Herbsteins, in Westminster, with Harksen's advocate, Johnny van den Berg, and his attorneys Raymond Mallach, Gabriel Vidal and Thomas Marx (Vidal and Marx had flown in from Spain and Germany.)

Siegwart wrote: "I am now back from my London trip, totally frustrated, dirty, but more I do not understand the procedure and working method of Johnny and Raymond.

"Had the ancient Romans written these on clay tablets and sent them to us in London, this shit would have been completed in two hours. Instead, grown up people, we must all [sit and] watch dear Johnny dictating ... because he hasn't done the work at home. ... These gentlemen wanted to hang around for a third day!

"[They] have discovered," Siegwart concluded, "a new moneymaking machine: every two or three weeks a trip to Europe for four to five people travelling so that the one of them can dictate; telephone calls to South Africa while everybody is waiting. Johnny is the first who has this new way of starting each affidavit with a R100 000 trip (to Europe). ... Please issue instructions that affidavits will from now on only be



ABOVE: Jürgen Harksen on the left, his attorney Paul Katzef from C&A Friedlander, and Jeanette Harksen. RIGHT: The Harksens hand over money to charity.



## Nine-tenths of the law

From page 7

done by fax and courier."

Harksen also formed a close working relationship with Somerset West attorney, Diethelm Kulenkampff, who helped set up several of his front companies.

When Kulenkampff refused to testify in a court, the magistrate ordered him to do so. The case has been adjourned while Kulenkampff takes the magistrate's order on review to the High Court. In an affidavit, trustee Eileen Fey alleges that Kulenkampff handled 80 percent of Harksen's business and even went as far as transferring his own account to FNB in Goodwood, where Harksen also held his business account, presumably for his client's convenience.

But delaying the liquidators with costly litigation has formed only part of Harksen's strategy. It was difficult ensuring that enough cash was available to pay his legal costs, while at the same time having to hide his cash and assets from liquidators in Germany and South Africa eager to seize every cent they could find.

In this endeavour, he has relied upon his lawyers and some shady "business associates". His main ally and money man appears to have been Siegwart, who is prominently named in High Court documents relating to many of Harksen's irregular financial dealings. A long-standing associate, Hans Siewart is known to introduce himself on occasion as "Siegwart Maxwell" or "Mr Maxwell" and describes himself as a trustee and administrator of "Scan 1000", the (probably mythical) investment vehicle which Harksen and his associates claim to have set up with their investors' funds. Harksen and Siegwart have claimed it is worth as much as R3 billion — but have produced no proof.

Siegwart gives his address as Sark, one of the Channel Islands, although he spends much of his time in Switzerland. Another associate, Heiner Hamman, is alleged to have substantial information on Harksen's affairs. He was subpoenaed to appear at the liquidation inquiry, but left South Africa shortly before he was due to do so. Another such associate, Hans Hulse Reutter, is rumoured to be paying Harksen's legal costs and to be financing Harksen's opulent lifestyle. The day before he was to testify at the insolvency inquiry he, too, left South Africa. Hans Bergman, another said to be supplying Harksen

with funds, also left South Africa in a hurry. Warrants for the arrest of Hamman, Hulse Reutter and Bergman have been issued in South Africa.

Harksen long ago started preparing for the day when his murky past might catch up with him, regardless of how hard he tried to cover his tracks. Shortly after his arrival in South Africa in 1993, he sent instructions to his lawyer in Spain, Señor Gabriel Vidal, to remove his name from his Spanish accounts, and from all his other overseas accounts in Germany, the USA, Britain and Panama. Vidal was

### He once gave his secretary R30 000 to buy gifts for his wife at Cavendish Square.

instructed to transfer the accounts into Jeanette Harksen's name. He has frequently told Señor Vidal to instruct his other lawyers and bankers to transfer millions of English pounds, US dollars and German marks to the accounts of various offshore companies at banks in Panama, America, Britain and Spain. Most of his funds have been moved via bank accounts at Lloyds Bank in Mallorca and Ibiza, and through First National Bank of Cape Town.

In January 1994, news broke that the German government had issued a warrant for Harksen's arrest and intended to apply for his extradition.

On the 25th of that month, attorney Paul Katzeff of C&A Friedlander sent a letter on Harksen's behalf giving instructions to have all bank accounts in his name transferred to his wife's name. In the letter he dutifully wrote to Standard Bank, countersigned by Harksen, he baldly claims that the accounts were never meant to be in Jürgen Harksen's name and blames the bank for the "error".

Harksen also transferred his Constantia home to a company called Multi-Man. He transferred all shares in Multi-Man to his own company, HEG, and made Katzeff the sole director of both.

With Siegwart's help, Harksen set about obliterating any trace that he ever owned property in Cape Town. They created a fictitious lease agree-

ment on his house at Klaasenbosch, backdating it to shortly after his arrival in December 1993. Since his arrival in South Africa, Harksen, and various friends and associates acting on his behalf, have set up no fewer than 78 companies and bank accounts for use in hiding his assets from his trustees.

Hiding his wealth has been his main preoccupation ever since Siegfried Greve, leader of a group of the victims of an investment scam he ran in Hamburg, managed to trace him to Cape Town. Greve, representing hundreds of victims who invested R300 million in the fraud, successfully petitioned the courts in Germany for Harksen's sequestration, and Coopers and Lybrand in Cape Town were appointed to oversee the liquidation of his not inconsiderable assets. The victims had been persuaded to invest in Harksen's scheme with promises that they would earn 1300% interest in ten years. Among those who have told of Harksen's dishonest deeds is his former secretary, Sabine Coopmeiners (he persuaded her to invest R25 000 of her savings in his scheme). Sabine knew his business affairs well. She had worked for him for two years in Germany, Spain, England and now South Africa.

In an affidavit handed into court, she told how he falsified and created dozens of documents to show that he was not actually the owner of Klaasenbosch, the luxury estate in Constantia that has become his home, or of many of his other assets. According to these documents, they purportedly belong to his partner, Siegwart.

Harksen, she said, dictated letters to her, or to any of the other three secretaries who worked for him, and instructed the secretaries to print the letters on any one of the letterheads he was using that day. To add a touch of realism he always used different type fonts, complete with false and forged signatures of his business associates. Harksen affixed official-looking, but false, stamps to the printouts and then ran them through a photocopier to make them appear as though they were authentic copies of original documents.

The 36-year-old *wunderkind* "investment banker" from Hamburg was no stranger to such dealings. Things had been getting a bit too hot for him in Hamburg ever since the German tax authorities came to demand R500 000 in tax arrears from him, and word leaked that Harksen was about to be arrested for fraud and tax evasion. (Harksen was arrested in South Africa in 1994 on an Interpol warrant for his



arrest on various charges of fraud.) In October 1993 his most pressing need was to get enough money out of Germany to fund his lavish lifestyle in South Africa.

Prior to his arrival, the Harksens had routed most of their cash out of Germany and into offshore accounts. In the months after his arrival here, almost R26 million was transferred from these accounts to accounts in South Africa.

Harksen no doubt thought sunny SA a good choice. It has no extradition treaty with Germany and is not terribly fussy about sheltering fugitives from justice or hot money.

On 23 September 1993 Harksen contacted Thomas Marx of Marx and Zippel, one of Hamburg's most prestigious law firms, to help him emigrate to South Africa. Dr Marx was most obliging and immediately dispatched a fax to his old business contact, Fritz Keller of Lindsay, Keller and Partners in Johannesburg, asking Keller to help "a financially significant client". The task fell upon Keller's newly qualified articulated clerk, young Karl-Heinz Schroder, who replied by fax saying his firm would be most willing to render any service they could to help a prospective German immigrant, especially of the "financially significant" kind. On hearing that his new client "preferred Cape Town or Durban to Johannesburg", young Schroder suggested that he contact Sylvia Döhne or Ursula Ehrentraut of Home News estate agents in Sea Point. No kidding.

In October 1993, Jurgen and Jeanette paid a flying visit to Cape Town to be shown various exclusive properties by Sylvia and "Uschi".

When the Harksens saw Klaasenbosch, with its own lake, streams, stables and lawns, they knew they had found the perfect hideaway. He immediately signed the R4 million offer to purchase and flew back to Germany, stopping over at Zurich Airport long enough to meet an old friend and colleague. Harksen later admitted in court documents that his associate, Siegwart, handed him R8,2m there on 17 October 1993. It was this money that Harksen deposited with the Standard Bank in Plumstead.

A few days later, Harksen was thrilled to hear from Sylvia and Uschi that he was the new owner of Klaasenbosch. Meanwhile, back in Germany, the heat was on. The police and tax authorities were closing in. He sent instructions via Dr Marx to Fritz Keller to form a new company in South



Coincidental lookalikes? Are they related - or is it just their shared passion for loot that makes them look so similar? Left to right: Convicted stockbroker Greg Blank, Jurgen Harksen and Singapore's rogue trader Nick Leeson.

Africa called HEG, which would be the owner of Klaasenbosch. Next, he flew to London, where he arranged for Sylvia Döhne to meet him at the Blake Hotel.

Sylvia met both Jürgen and Jeanette in their hotel room, where Jürgen handed her a plastic box with R160 000 in new and used German currency: the deposit for Klaasenbosch, plus Sylvia's sundry expenses. The three ate breakfast at the hotel before Sylvia flew back to Cape Town to celebrate the sale of her career.

**They didn't only spend money on themselves. Harksen donated R100 000 to the ANC, the same amount again to the NP, and R20 000 to the Wynberg policemen's fund.**

Six days later, on 13 November 1993, the Harksens arrived in Cape Town to start their self-imposed exile, their immigration papers all in order.

First task was to meet with the ever-obliging manager at Standard Bank, Plumstead, Mr Harty, to deposit the R8,2 million in cash Jürgen had brought along in his large case. Next, Jürgen faxed his friend, Señor Vidal, in Spain, asking him to transfer a further R5,8 million, in cash, via Lloyds Bank in Spain, to Lindsay Keller and Partners for the balance owing on Klaasenbosch.

Keller also obligingly wrote a letter to the Department of Home Affairs con-

firming that his client conducted an account in the books of the bank with a balance of R1 million — a great help for getting a South African permanent residence permit.

Next, they demolished the old house on Klaasenbosch and built another for R8 million. They splurged on new luxury cars, clothes and jewellery for Jeanette (including 200 pairs of shoes and 47 leather jackets). For variety, they spent every Wednesday at one of Cape Town's luxury hotels.

On one occasion Harksen gave his secretary R30 000 with instructions to buy gifts for his wife at Cavendish Square in Claremont.

They didn't only spend money on themselves. Harksen donated R100 000 to the ANC, the same amount again to the NP, and R20 000 to the Wynberg policemen's fund.

The statute of limitations in Germany stipulates that charges of fraud and tax evasion lapse if they have not been prosecuted in five years. If, at the end of that period, Harksen has still not been deported from South Africa to Germany to be arraigned, the charges against him will be dropped and he will be free to enjoy his ill-gotten gains unhindered — back in his beloved Hamburg, if he chooses.

His extradition hearing is set for Wynberg magistrates' court in November. If the magistrate orders his extradition to Germany, Harksen will have 10 days to lodge an appeal with the High Court. If the High Court turns him down, he can appeal again to the full bench of the Court and delay the matter for another year or so.

Only then will he have exhausted all his legal options. Judging by his lawyers' record to date, they will request and be granted the maximum extensions and postponements. He has been in South Africa for four years already. Who knows. He might just pull it off and walk away a wealthy and free man. ■



# How Standard helped gang boss Stanfield solve his BIG financial problem

**D**RUG lords in SA, as elsewhere in the world, have one great problem — what to do with mountains of cash generated by their nefarious activities. However, in South Africa, unlike most other countries, the prob-



Colin Stanfield, his trousers shot to tatters in a raid on his house.

lem is being resolved by some of our most reputable financial institutions.

"With us you can go so much further," boasts Standard Bank. No-one knows this better than Colin Stanfield, alleged to be one of the most prominent drug dealers in the Western Cape. Stanfield has never been able to provide the semblance of an explanation for his immense wealth, estimated at around R17 million, and was until recently on bail of R500 000 while facing various charges of drug dealing (one involving 87 000 Mandrax tablets) and of tax evasion. He is in addition being investigated on a wide range of other charges including arms smuggling and fraud. In recent years, a number of his close associates have died in incidents of gang-related violence.

In 1994, police discovered R2.7 million in cash in a raid on Stanfield's house. Clearly, he was running into difficulties with regard to the accumulation of cash. As the saying goes, "more money, more problems". Actual cash has a surprisingly limited usefulness in the modern economy and is, furthermore, subject to inflation. Consequently, all around the world banking, investment and law enforcement officials have learnt that the single most effective way to combat the drug trade is to follow the money. For those who earn cash from extortion, theft and drug dealing, it has become imperative to speedily and secretly inject their profits into the legitimate economy.

This is where Standard Bank Financial Services (Stanfin) — a wholly owned subsidiary of Standard Bank — enters the picture. Stanfin consultant Wilbur Petersen had dealt with Stanfield's account since 1987, periodically selling him various policies, mainly from Liberty Life, in the range of R100 000 to R400 000, paid for in cash. In fact, Petersen had become something

of an overall financial advisor to Stanfield. In June 1995, Stanfield instructed Petersen to visit him at one of his houses. According to Petersen, Stanfield told him that he had some money "*om skoon te was*". This time it was a veritable laundry load he wanted washed — R4m in cash. He wanted to buy some policies for his family trust.

Petersen arranged to deposit the money directly into the account of Liberty Life so as to avoid the huge cash deposit fee which Stanfield would otherwise have had to pay to Standard Bank had he deposited the money into his own account. He also undertook to collect the cash from Stanfield's residence and make the deposit himself.

On 28 June, Petersen went to Stanfield's house, where two armed men were waiting to act as escorts. Together they loaded several heavy cardboard boxes of cash and drove to the Athlone branch of Standard, where they were met by Liberty Life representatives Nick Pothier and Ms W Leeman. During the course of that day and the next Petersen, on behalf of Stanfield, deposited the money into the Liberty Life accounts with Standard Bank: R1.5 million in cash at the Athlone branch; R1 million at Claremont; and R1.5 million at the Rondebosch branch. In return, Liberty Life issued five Capital Builder policies on the life of Stanfield's wife, Sharifa, in the name of the Sharfield Family Trust. *[Was Liberty head office ever told of Sharifa's "professional" risk exposure, we wonder? - Ed.]*

**T**HIS little transaction was no doubt cause for great rejoicing in the financial institutions involved. Petersen received his standard commission (nearly R200 000 in the first year with an additional amount in the second year) and was further rewarded with a trip to Australia as one of the top 50 Stanfin consultants during that year. His boss, zone manager Chris Forde, also received his cut. The sales director received a pat on the back for having met and exceeded his targets.

None of the Stanfin managers or the Standard branch managers objected to the deposit of this sum of cash, in spite of the fact that common sense dictates that there are no legitimate circumstances in which an individual could deposit R4 million in cash. Drug money, extortion, prostitution, theft, robbery, murder, rape, car-jacking, child abuse — the whole degrading Pandora's box of social evils that go with gangsterism in the Western Cape come to mind.



A cash deposit of this size should only be permitted by a business with audited financial statements. Now, with the bankers' help, Stanfield's money had, without further ado, acquired the same respectability as that earned through any legitimate enterprise.

Stanfield has also been able to launder considerable sums through the purchase of houses. For example, in August 1996, he bought a property in Bedfordview, Johannesburg, in the name of his daughter for R2.27 million, any one of several houses he bought through Peter Ludwig of estate agency Pam Golding. As in the case of the Liberty payments, he paid cash for it — deposited at the Claremont branch of Standard Bank over three successive days - possibly in the belief that these sums would draw less attention.

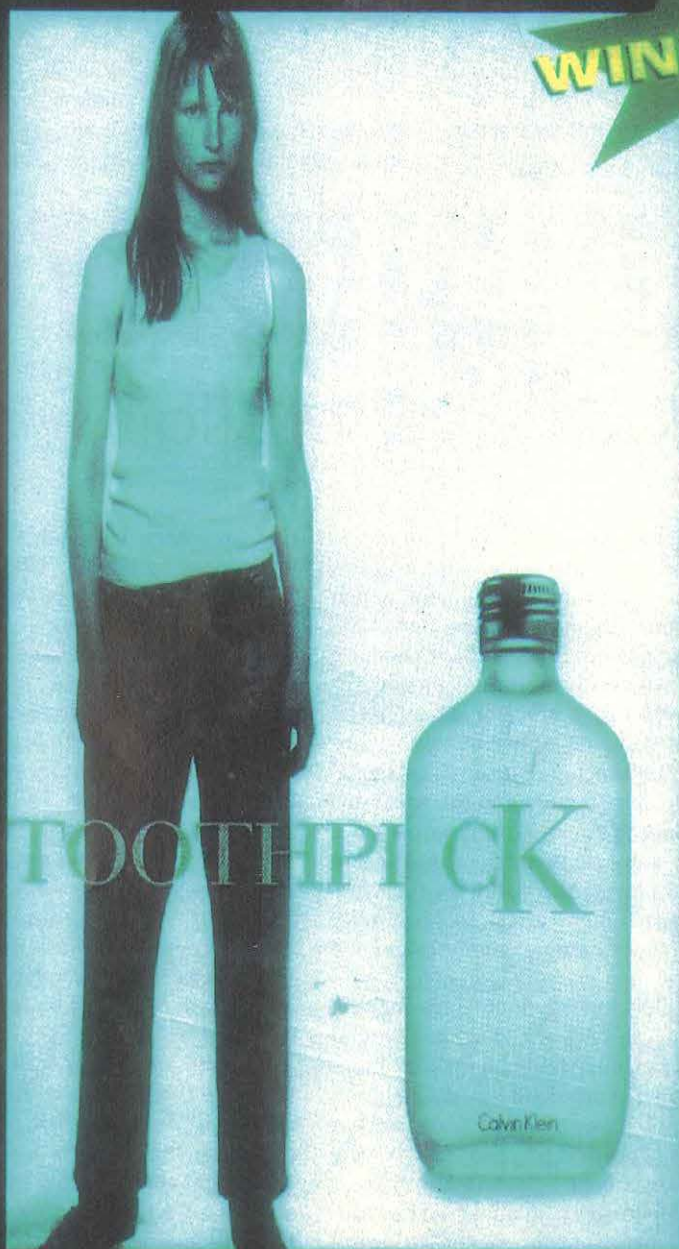
**A**T ONE of his houses, in Rondebosch, there were repeated incidents of shooting during 1996. One neighbour said of Stanfield and his henchmen: "They are very quiet and amiable people — the only problem is they are going to end up killing us."

Without any help from the financial institutions, police discovered Stanfield's policies on a raid on four of his homes during August 1996. Now he has a battle explaining his very considerable assets. In doing so, he will be aided by a certain Mr Theron, formerly a tax investigator with the Receiver of Revenue. Mr Theron was boarded from his government job on the grounds of medical incapacity, but managed to summon the strength to open a tax consultancy which is very closely linked to Colin Stanfield. He will also be helped, as in the past, by attorneys Francois Potgieter and Charles Abrahams, and advocate Anton Feldhuizen SC. We presume he will be funding his defence from ongoing operations — and paying his considerable legal bills in cash.

**Footnote:** The new Proceeds of Crime Act 76 of 1996 came into force on May 16 this year. One of its provisions is that people who suspect that money laundering is taking place should speak up or face up to 15 years in jail. The new Act also makes provision for the confiscation of the proceeds of crime. In the US, Federal Law stipulates that any cash deposit of more than \$10 000 must be reported, and the depositor identified. ■

ADBUSTERS  
IN  
noseWEEK

**A**dbusters in Canada welcomes submissions from young and old, from schools, individuals and especially from ad professionals, of spoof ads. Our readers might also like to try their hand at it. We will print the cream of the crop and the authors will receive a free subscription to noseWEEK. To inspire you, here's David Milligan from British Columbia's recent Adbusters winner!







Thomas Tyler

# Animal crackers

## Pallo's Perverse Affair with some Frenchmen

**P**LUS ca change, plus c'est la même chose. Politicians, apparently, share a professional code which permits them to lie. And new ANC ones do so as slickly as old Nat ones. So why did we think a change in government would bring a better deal for the environment and animals which are part of it? Take for instance the lucrative trade in our wild-caught primates which some farmers — and who knows who else — are trapping for export at up to R1 000 per monkey or baboon to various foreign laboratories, to be cruelly used for secret, unmentionable experiments.

In 1990, in the last days of the apartheid era, the world was outraged when more than 100 baboons and monkeys were found dead or dying from starvation in rows of small wire cages at a secret "research" centre in the Mpumalanga bush, close to the SA Air Force's Hoedspruit airbase. The animals had been caught in the wild and

had then been left without food or care for months by the French operators of a shady operation with the grand title: Centre Africain Primatologie Experimentale (CAPE). To discourage criticism, the name of well-known French scientist, Professor Roger du Boisterselin, head of the histology and embryology laboratory at La Pitie Salpetriere hospital in Paris (where Princess Diana died) was mentioned in connection with the project which, it then emerged, had been clandestinely operating without any licences or wildlife permits, since 1985. But the eminent professor's involvement in the vile project could not be confirmed — he had died in 1988.

There appeared to be no official record in South Africa of the French laboratory in the bush. Is it possible, I hear you ask, that at the height of Total-Onslaught era some foreigners could operate a secret laboratory stocked with R3-million worth of some of the world's

most sophisticated equipment, so close to the Hoedspruit base without the SA government's knowledge? Indeed.

The French were, ostensibly, in South Africa to do poison tests on baboons to establish whether various "agricultural products" met European Community standards. But when the SPCA was alerted to the plight of the animals by an anonymous tip-off, documents found on the premises suggested more likely links to the French military establishment.

The animals had been abandoned without food or care when, apparently, the French staff decided to go on home leave for a few months. We gather that their attitude to indigenous people and baboons was much the same: they had not thought it necessary to pay their local labourers for all these months that they were away, either. Perhaps it's the French way: five years later, the French Embassy in Pretoria has still not seen fit to comment or explain.



Suspicious about (French) state funding and the sinister military connections of the place were, if anything, confirmed by the extraordinary reluctance of the Nat government to take any action, despite the lack of permits, outrageous labour practices and downright cruelty.

More than 100 of the unfortunate animals had to be shot to put them out of their misery. Many were pregnant and scarred from earlier experimental procedures.

The official "owner" of the premises, M Michel Bailly-Maistre, confirmed that R3 million had been invested in the project, but then refused to say who he represented. He was never called upon in court to explain, either. Instead, he was allowed to walk free after paying a risible admission of guilt fine of R200.

Most bizarre of all, Bailly-Maistre was allowed to continue operating his "laboratory" into the new era — only now with a permit from the Gazankulu government!

Officially, our new Minister for Environmental Affairs and Tourism, Dr Pallo Jordan, did announce a moratorium on the export of wild-caught baboons. The moratorium was to be in force in all but two of the nine provinces. (Quite why KwaZulu Natal and the Free State were excluded is not clear.) So that when a group of animal activists flew to Cape Town in February this year, they went not to bury Pallo, but to praise him for his concern for our near-human cousins.

The activists also went to tell him that they had reason to suspect that his moratorium was being contravened. "Bring me proof and I will deal with it!" the Minister assured them. But suddenly there were some disturbing indicators that all the Minister said might not be as heartfelt as they had hoped. Quite naturally, in the course of their conversation, the subject of warfare experiments at our own SADF's (now defunct) secret Roodeplaat laboratories had come up — including the testing of poisons on animals, allegedly for later use on ANC activists. "Better the baboons than the activists," shrugged our gallant Minister for the Environment. Cold echoes of Jimmy Kruger?

And then, just as they were leaving the Minister's office, in a last, throw-away line, he found it necessary to remind them that he had "no jurisdiction over the provinces" and could not "interfere in provincial matters". Didn't that sound rather like another

## Dr Dormehl of the Atomic Energy Board had the rare distinction of actually being paid for her expertise in masturbation.

wily politician hedging his bets?

Back in Gauteng, the activists found proof that baboons, trapped on Erich Venter's farm at Vaalwater in Mpumalanga, were, indeed still being exported via devious routes to France — on a regular basis.

As this is, after all, the new South Africa which embraces Transparency and Freedom of Information, the Johannesburg branch of South Africans for the Abolition of Vivisection (SAAV), quite naturally, asked the Minister of Environmental Affairs to tell them who was applying for the export permits.

**I**MAGINE their surprise when they were met with an abrupt refusal by their favourite, oh-so-environmentally-concerned Minister Jordan. The Constitution, the righteous Minister now declared with learned voice, only entitles citizens to the information that they need in order to enforce their *own* rights.

He did not believe their rights were affected by the export of *baboons*. The Constitutional Litigation Unit of the Legal Resources Centre in Johannesburg will be taking him up on that one, we have been pleased to learn.

The reason for the Minister's abrupt change of attitude became apparent soon thereafter when Dr Pieter Botha of the Department of Environmental Affairs and Tourism confirmed that baboons had been, and were continuing to be, exported — with the personal blessing of our Minister himself!

The rudely disillusioned SAAV members were also to learn that the Minister is a masterful dissembler. When he had received them so politely in his office, he had been

careful not to mention that a mysterious French delegation had just been to see him — only days before — about secretly exporting more unfortunate non-human African primates to a research station operated by the pharmaceutical company, SANOFI, and to other unspeakable places in France. The Minister also did not mention that once his animal rights friends from Gauteng left his office, the mysterious Frenchmen would soon be returning — to receive his final, official blessing for their cruelly profitable ventures. The French government, no less, has assured him that all was well with the deal.

And, let's face it, they're not even being very subtle about it. The Gauteng Directorate of Nature Conservation has in the meantime — in refreshing contrast to our obfuscating Minister for Environmental Affairs and Tourism — officially confirmed that an export permit for the export of 80 baboons was issued on 8 March last year. Not only were the baboons destined for SANOFI in France ... they were being exported "from an organisation called CAPE, situated in Mpumalanga"!

Yes, the self-same CAPE that in 1990 left its baboons and staff to die of hunger, is still in business in 1997 — with the protection of our new Minister for Environmental Affairs. No wonder the Pallo Jordan who so eagerly quotes the Constitution, prefers to shake his French friends' moneyed hands in private.

While on the subject of grotesque and immoral experiments condoned by the government on our behalf: there are a few other serious questions that require answering.

What was the connection, "in the good old days", between the Life Sciences Institute of the Atomic Energy Board (later the Nuclear Energy Corporation) and the University of Pretoria's H A Grove Animal Centre at the H F Verwoerd Hospital? Remember the saucy lady professor with a seemingly inexhaustible budget and a predilection for masturbating baboons in impotency studies?

Even her colleagues were aghast at the seemingly valueless and repetitive (sic) experiments Dr Irene Dormehl performed on those hapless animals.

Besides having the rare distinction of actually being paid for her expertise in masturbation, Dr Dormehl was head of the AEB's Life Sciences



From page 13

Institute — which lavishly funded the experiments she conducted on animals held captive at the University's H A Grove Centre.

Her closest friends and collaborators at the time were the current head of Pretoria University's Medical School, Professor Antonie van Gelder (who is said to have only a passing, academic interest in masturbation) and — you had to have guessed it — Dr Wouter Basson, the Dr Strangelove of SA Military Intelligence.

Basson, back on the new government's payroll "for security reasons", is, of course, infamous for the poison and germ warfare experiments on animals done at his own secret laboratory-in-the-bush, Roodeplaat.

Like Basson, Dormehl always flew first class, and stayed at nice hotels on her scientific travels around the world, and any equipment she wanted for her experiments she got. The body of her *published* papers concerned matters that were already well-known in nuclear medicine and had little clinical application.

Her work on masturbating baboons and the erectile dysfunction of baboon penises has largely escaped scrutiny. Was there perhaps something more sinister in her association with her colleague Wouter Basson, who, besides manufacturing Ecstasy in the hope of leading black youth to drug addiction, also admitted his team — secretly sponsored by the SADF — were looking into a drug which would cause blacks to become impotent?

To date, the anti-vivisectionists have been unable to obtain an assurance from Minister of Defence, Joe Modise, that SA is no longer engaged in warfare experiments on animals. In fact, as recently as 1995 his deputy, Ronnie Kasrils, was still sufficiently misguided to assure them that the SA Defence Force "does not experiment with animals and no irradiation or bacterial infection trials have been conducted".

In March, the animal activists wrote to remind Minister Modise that Roodeplaat Research Laboratories was a Military Intelligence project staffed with officers drawn from the Surgeon General's office — and that Roodeplaat specialised in experiments on animals of various kinds. They then sent the Minister of Defence a list of detailed questions about those experiments. Six months later, their questions remain unanswered. ■

Sometimes

the

loss

of

even

little

bits

can

be ...

quite devastating!



Keep developers

off the slopes

of Table Mountain





# Lawyers leave cripple crawling

**D**AVID Hlatana is a street person, the politically correct term for what was once called a vagrant, a tramp, or less flattering names for the human flotsam of the city. He wasn't always so. Born in East London, he worked for most of his adult years at a variety of jobs, including a stint as a miner in the then Transvaal. A few years ago, he started to show the first signs of a degenerative illness, muscle myopathy, a painful disease which began in his feet and travelled slowly but surely up his legs. It was destined to eventually render him completely incapacitated but, as it happened, this occurred instantaneously, in Cape Town, on 14 February 1993, when he was knocked down and seriously injured by a Golden Arrow bus which failed to stop. The accident left him without the use of his legs, incontinent — and in constant pain. He had lost his identity book and could not register for a disability pension. He kept himself alive by crawling on the streets, begging for food and money.

One day, he was attempting to climb onto a bus in Cape Town's city centre and appealed to another passenger for help. The young man, Hilton — he doesn't wish to be named — said that his first thought, as this dirty, crippled beggar picked on him, was "Why me?". It was the start, he imagined, of a long *spiel* which would end in the usual demand for money. "But at that moment, the bus driver started berating the beggar, telling him, in Afrikaans, 'We don't want any dirty fucking kaffirs on this bus.'" An odd turn of phrase, you might think, coming from someone who was himself what is sweetly known as "previously disadvantaged", but this is Cape Town, folks. At that, Hilton picked a side, and fortunately for David, it was his side. Hilton reprimanded the driver, hauled David onto the bus and resigned himself to hearing the man's story. "He told me about his accident and his illness, but he didn't ask me for

anything," recalled Hilton. "He seemed grateful to have someone to just listen to him." When Hilton got off the bus, the story might have ended there. But, he said, he couldn't "get rid of a feeling of guilt". That rainy evening, he went looking for David in Sea Point and found him crawling onto a building site for the night.

Over the next few months, Hilton made it his business to see what he could do for the unfortunate man. He had no illusions about his protégé who, not surprisingly, was often drunk, often manipulative and often unreliable. "Well, he had to be to survive, didn't he?" Hilton contacted social workers at Groote Schuur hospital, and with their help managed to get David a wheelchair. "Apart from the physical help of the chair, it gave him far more dignity as a person," Hilton said.

**H**E DISCOVERED that a Road Accident Claim had been submitted to the Road Accident Fund on David's behalf by attorneys H Mohamed & Associates, of Athlone in Cape Town. David could not explain how he had come to consult this particular firm, so far from his usual stamping grounds.

David's case was handled by Mr Aaron Pillay who, David says, informed him that his settlement would be only R5 000, "because he said I was partly to blame for the accident."

As David was given no copies of correspondence, nor copies of anything he signed, this cannot be confirmed.

We have tried to get details of the claim from the Road Accident Fund in Pretoria but their computer was down for over a week. At the time of going to press, we are still pursuing this inquiry.

Back to Hilton. Having

involved himself in David's affairs, Hilton went to the lawyers with David but was unable to get any clarity from them on what was happening. Later, armed with a Power of Attorney to act on David's behalf, he returned to negotiate with H Mohamed & Associates, but relations were quickly anything but congenial. Now senior partner Mr Hussain Mohamed refused to deal with Hilton, or to say what settlement amount had been agreed — or even if there had been a settlement at all. When noseWEEK enquired, he also refused to tell us what the settlement figure was. "We have to respect attorney and client privilege," said the smooth Mr Mohamed. "We can't disclose details to every Tom, Dick or Harry who phones." Resisting the impulse to ask how many people had enquired about a poor vagrant's affairs that week, we instead discovered for ourselves that, already some two weeks earlier, a settlement of R12 200 had been paid — to Mohamed & Associates.

The Road Accident Fund had agreed to pay David R10 400, plus R1 800 for costs. You'd think, wouldn't you, that R1 800 would be quite a good fee for such a small settlement. After all, the total sum that this poor man will ever get for what remains of his, by any standards, miserable life is pitifully small. But it wasn't enough for Mohamed & Associates. They demanded a fee of R4 890, which after deducting the R310 they claim to have advanced to David, leaves him a neat, round R7 000. Most people reading those figures will find them shocking — except, apparently, some lawyers. — *Maureen Barnes.* ■

## The Last Fax



*They're moving to e-mail*





nose  
updates

# A friendly Key to our one friend Dave, our other friend Dave, and his other friend Dave

Last month FNB's card division chief, Dave Stewart, and long-time Kyalami manager, Dave McGregor, emerged, we were amazed to note, as star witnesses for the prosecution at the trial for fraud of their old friend, former Tollgate director, Mervyn Key.

**O**FFICIALLY Key, also the former owner of the fabulous Paarl wine estate, Rhebokskloof, is bankrupt. He is facing criminal charges arising from some of his more recent extraordinary deals concerning Kyalami race track and the World Formula One Grand Prix circuit operated by his old friend Bernie Ecclestone. (Ecclestone and his particularly lucrative "sport" were introduced to our readers in our last issue).

As we listened to the evidence being led before Mr Justice Selikowitz at Key's trial in the Cape High Court, we could not help remembering an extraordinary conversation between Key and his friend, Dave McGregor, which we overheard in early 1995.

The extraordinary thing about that earnest little chat was that the already officially bankrupt Key was heard to declare himself willing to help his old Kyalami partner McGregor out of a financial squeeze!

McGregor had — don't we all know it — got into a jam with Wesbank and Diners Club. Wesbank he managed to settle with a "special allowance" Key had paid him. But Diners Club still had McGregor "by the short and curlies" for a R57 000 bill which he had been unable

to "wriggle out of". But how, you ask, was the bankrupt Key able to help?

Easy, it soon transpired — especially since another of his best friends happened to be Dave Stewart, then still manager of FNB's biggest branch — Commissioner Street, Johannesburg — and now, of course general manager of FNB's card and electronic division.

"Dave is very kind to me," we overheard Key telling his other, less fortunate, friend, Dave (McGregor). As a result of his friendship with FNB manager Stewart, Key told McGregor, he certainly would have the facility to "come to the party on Diners Club".

That was not all. It then transpired that banker Dave was not only prepared to help his friend Key with a facility — he was also prepared to buy bundles of shares on behalf of his old, bankrupt friend. He was particularly happy to accept instructions from Key to buy 1000 Boland Bank shares, based on Key's conviction that they would soon double in value. Who was Stewart to argue — yet another of Key's old friends (and business partners) is, after all, Boland Bank chairman Christo Wiese (no stranger to noseWEEK readers).

The shares did as Key expected — after a deal with some Malaysian (but please, keep this private!).

But, in case anything should go wrong with their little arrangement, wily banker Dave Stewart knew how to set up the lower ranks to take the rap for what you and I might easily regard as a reckless indiscretion: "OK," we heard our friend say to his bankrupt friend Key, "but will you please write a fax for the attention of [FNB junior employee] Richard Wright, confirming your instructions."

No problem, said his old buddy Key: "Eleanor [Key's very loyal secretary] is doing it now." Key is no fool either. The fax sent to Richard Wright confirmed Michelle Key's [that is, his non-bankrupt wife's] instructions to buy 1000

Boland Bank shares, together with 10 000 Invicta shares. (Invicta is, of course, that little JSE project being run by their other best friend Dave — Dave McCay, ex Rand Merchant Bank and Tollgate director, remember?)

The conversation, as we heard it, concluded with that old FNB rogue manager, Stewart, reminding his favourite client, Key (who has followed him from bank branch to bank branch for the past twenty years): "And it wasn't an instruction to me, it was for the attention of Richard Wright, OK?" Yes, indeed — poor Richard, when the cops come around, what will he be able to tell them?

## ON A LIGHTER NOTE:

**STATE WITNESS** Alex Wilmot-Sitwell, son of the boss of London stockbrokers, Warburg Securities, was asked in evidence at the Key trial to confirm his diary note for a lunch he attended in South Africa in 1991 at the time of the Tollgate take-over negotiations. In the note, he had recorded the impact made on the lunch guests by HCI — and Tollgate — director Michael Lewis:

"James Grigg [Warburg Securities executive] and Anthony Brockbank [London lawyer involved in the early Tollgate negotiations] are both still in a state of shock and both convinced he [Lewis] is certifiable. I thought Grigg was going to faint when the bottle of port arrived and Lewis threw the cork across the Rand Club diningroom with a cry: 'We won't be needing this!' He spent most of his lunch describing his latest purchase of a Bentley Turbo."

## MRS DURR AND ABSA

**W**E REPORTED earlier — with some dismay — how Mrs Valerie Durr of Cape Town had unsuccessfully sued ABSA Bank in the Cape Supreme Court for the R600 000 she and her family lost after investing in



the ill-fated Supreme Holdings on the advice of one of the bank's "financial advisors".

Mr Justice Van Zyl of the Cape Court rejected Mrs Durr's claim and supported the bank's outrageous contention that, by law, she was entitled to expect no better advice from ABSA Bank than she would get from most of the 28 000 South Africans who choose, quite arbitrarily, to describe and promote themselves as "financial advisors". Not surprisingly, that advice happens generally to be unqualified, ill-informed and bad.

Since then the Appeal Court in Bloemfontein has set aside the Cape judgement and found in Mrs Durr's favour.

The skill of a broker or financial advisor must be commensurate with the type of service he offers, the Appeal Court ruled: if a broker professes skills and then goes on to give a client assurances about the soundness of an investment which he is not qualified to give, then, the Appeal Court has held, he can be deemed to bear "some if not all" of the responsibility if his ill-informed words cause financial woe for his client. As a result, giving Mrs Durr such ill-informed advice has just cost ABSA over R1 million in damages and legal costs.

The Appeal Court judgement, remarkable for its plain and precise language, is written by Appeal Judge J J A Schutz, with four Appeal Judges concurring. The judgement stipulates that brokers offering advice must "forewarn [their clients] where their skills end, so as to enable them to appreciate the dangers of accepting advice".

Company law ensures that there is enough information available, so that if brokers give advice which subsequently turns out to have been poor, they have only themselves and their lack of skills to blame. "The legislature and administration," says Judge Schutz, "have gone to the trouble of allowing people to protect themselves ... by ensuring that they have easy access to audited figures." If consultants can't interpret audited figures or ignore such information in favour of "glossy pamphlets and press cuttings" then, says Judge Schutz, "I would suggest that banks and similar institutions refrain from claiming expertise they do not have".

In his judgement he noted: "In the case of Supreme a few pertinent requests for the likes of audited statements and prospectuses should have led to more questions or simply a loss of interest in Supreme." But with all the high-gloss pamphlets which Supreme produced, and glitzy marketing confer-

ences, most financial brokers failed to notice that the company had not complied with even the most basic conditions of the Companies Act.

Now what of Masterbond? Or CIB and, say, the skills claimed by a certain Central Banker?

## AERIAL STUNTS: THE SHEPSTONE AND WYLIE MISSING TREES MYSTERY CONTINUES

**I**N THE sweeping saga of pioneering lumberjack lawyers Shepstone and Wylie, readers will remember, much was made of the fact that no-one initially seemed to have much of a clue as to how much timber was planted, or in fact *could* have been planted, on those farms in the rolling Natal Midlands — not the syndicate members who had been persuaded to invest in them, not Shepway Management, and certainly not S&W, who, of course, had nothing to do with trees in the first place.

In the tortuous process of the apportioning of blame, Shepway insisted that they had been led up the winding forest path by loggers Roseveare and Howe, who had misled them as to the number of trees which had been planted on the farms. Roseveare and Howe insisted, in turn, that Shepway had not furnished them with the survey maps necessary for a full assessment of the land and its suitability for timber. Enter the Third Man.

Vic Fenn is a bush pilot and an aerial survey specialist. In 1986 he was approached by insurance brokers PFV (Price Forbes Volkskas) to join them as junior partner in — and employee of — a specialist brokerage, called Timber Risks cc, to sell insurance for timber plantations. He got a salary of R48 000 a year, plus a cut of the profits. Amongst the brokerage's bigger clients for plantation insurance was ... Shepway, the well-known plantation management company operated by partners of Natal's most talked-about law firm.

In addition, Fenn started a second business, Aerial Surveys, through which he marketed his surveying skills, this time not to the insured, but to insurers who wanted to be sure exactly what they were insuring before issuing a policy to a plantation owner. To accurately assess the risk they would be taking on, insurers could hire Mr Fenn to

conduct an accurate aerial survey of the plantations, to determine their size and the true extent and density of planting.

Finally, in the unhappy event of damage or loss, Mr Fenn donned a third hat, to emerge as "independent" Loss Adjuster, now through his (and PFV's) cc, Ag-Adjust. When a forest suffered a claimable disaster, Ag-Adjust assessed the loss — for yet another fee.

In 1992, PFV and Vic Fenn fell out. In the ensuing legal unpleasantness, certain revealing documents inevitably came to light. One of these recorded all the claims settled by Ag-Adjust in 1991. Prominent among these was a claim of R244 598 paid out to Shepway Management after a plantation fire

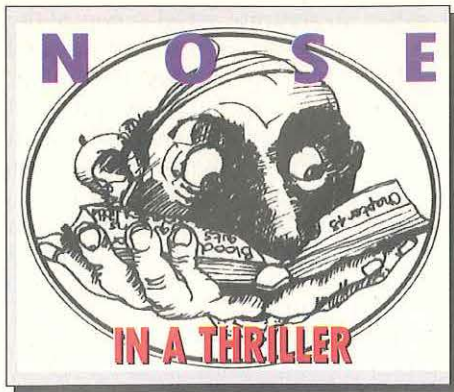
Which suggests that, thanks to Mr Fenn, Shepway must have had a pretty shrewd idea of the true number of trees planted on the plantations they were managing for their gullible clients, or they would not have succeeded with their substantial insurance claim.

In the meantime, the S&W attorneys are fighting creditors' attempts to hold them liable for the timber scheme fiasco, tooth and nail. Their bid to force the liquidators to provide security for legal costs (amounting to a speculative R1m), as a condition of them being allowed to pursue their claims in court, is trundling its way through the Appellate Court. Their application to be excepted from the claims of the creditors of Shepway (which, if successful, will effectively absolve them, as law firm, from the doings of the dodgy management company operated by their Durban partners) is following a similarly convoluted course through the courts. So far S&W have been excepted from one claim — that of the Pinelands syndicate — by the Durban High Court. Apparently, though, those S&W partners who were also Shepway directors may still be held personally liable for the losses resulting from the failure of Shepway Management. ■



*It was disgusting! He kept rubbing his rucksack against my handbag!*





## GUILT BY JOHN LESCROART (HEADLINE)

**M**ARK Dooher is handsome, fifty-ish and a very successful lawyer in San Francisco. Since much of his work comes from the Catholic Archdiocese and various charity trusts, his private, as well as his public life has to be squeaky clean.

Not difficult, you might suppose when at home he has Sheila, his nice

and loving wife of twenty years and their happy family. Sure, he's had the odd fling or two at one time, but that had ended after Sheila found out and put a stop to it. He could sleep around or keep the kids — this ultimatum, and the fact that he'd lose most of his legal work if he divorced, keeps him on the straight and narrow. That is until he meets Christine Carrera, a young and sexy lawyer.

We know of course that all American lawyers are handsome or beautiful and look as though they've just stepped out of LA Law for a quick martini.

Anyway, Mark's gotta have her. And why not? He works hard; his wife's getting old; he deserves something better. So he decides, like many a good psychopath, that Sheila has just got to go.

Will he do the deed? Yes. Will he get away with it? Now that's where this well-written novel really gets going. An interesting and well-written legal drama from the author of *Hard Evidence*.

## SERPENT'S TOOTH BY FAYE KELLERMAN (HEADLINE)

**F**AYE Kellerman, wife of the more famous Jonathan, started writing thrillers some nine books ago and sold well from the beginning. She intermingles the cultural and social lives of her characters with the working life of the Los Angeles Police Department. I enjoyed her first few stories of Lieutenant Peter Decker and his courtship and marriage to the widowed Rina, his conversion to Judaism and his relationship with his fellow policemen. However, in her subsequent books, the recitation of orthodox Jewish rituals began to get on my nerves, as did the saintly Rina. It all started to feel like a religious textbook and I almost expected to find a multiple choice questionnaire at the end of each story.

Well, Kellerman's new book is a different ballgame: we're back in the classic thriller genre! A hard-eyed gunman opens fire on a crowded, elegant restaurant, killing thirteen people and injuring a couple of dozen more. Then he turns the gun on himself.

When Decker and his team start checking the sequence of events, something doesn't tally. Although the killer, Harlan Manz, disgruntled ex-employee and sometime actor, is dead, he seems an unlikely murderer. Could this be a "hit" disguised as a mass killing? It is going to take a lot of investigation before the bizarre truth comes out.

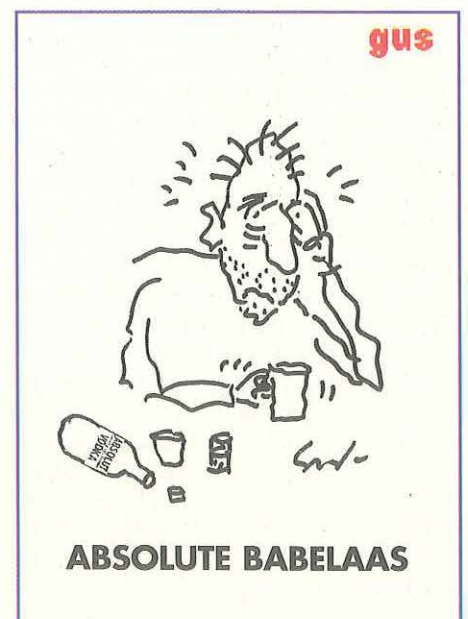
*Serpent's Tooth* is fast-paced, interesting and definitely worth a read. One word of warning, however. The writer of the cover "blurb" has revealed more than necessary of the plot. Take my advice: don't read the cover, just read the book. — Maureen Barnes ■

## OUR APPRECIATION

**... TO ALL THE LOYAL READERS, listed here, who over the past month continued to respond so generously to our plea for help in funding the relaunch and expansion of noseWEEK. This was after the costs of a court case — that we won — wiped out our reserves. We are now over halfway to the R300 000 we need. If you haven't yet contributed by sponsoring a gift subscription, perhaps you would still like to do so. Readers have sponsored special gift subscriptions to Members of Parliament, educational institutions or to friends. The cost of a special subscription is R100. Send the recipient's name, with full postal address, phone number and any gift message you would like us to include, together with your cheque, to noseWEEK, P O Box 44538, Claremont 7735.**

**A:** A K P Armstrong, Nottingham Road, R100; J J Ashley, Rondebosch, R120; **B:** Simon Barlow, Stellenbosch, R200; Allan Bartram, CT, R1 325; N J Bednall, Claremont, R120; **D:** E R David, Cleveland, R230; N J Deetlefs, Welkom, R100; Delta Interiors, Cape Town, R100; Prof Tim Dunne, Newlands, R200; **E:** A B Edwards, Durban, R100; **F:** R B Flanagan, George, R110; Dr J Fleming, Parkview, R400; W G Frawley, Roosevelt Park, R120; **G:** K G Goodman, St Francis Bay, R100; **H:** Stella Horgan, Kensington, R100; M G Howse, Northlands, R120; C D G Hurst, Claremont, R200; **K:** Leo Kawalsky, Johannesburg, R110; H K Kerr, Suider Paarl, R100; M D F King, Kenilworth, R120; R Klevansky,

Sandton, R80; N Kosviner, Kloofnek, R100; **L:** Jenny Le Roux, Claremont, R190; G M J Lee, Worcester, R120; Lining & Textile, Mowbray, R100; Angela Lloyd, Harfield, R240; **M:** P Milford, Constantia, R120; D H D Moodie, Elgin, R300; **N:** P Newton, Cape Town, R1 200; Fiona Nicholson, Thohoyandou, R55; **P:** T W Potter, Constantia, R200; **R:** L Rowand, Inanda, R200; Charles Roberts, Umtata, R300; **S:** R M Smith, Johannesburg, R200; Mrs M Spracklen, R120; **T:** C Thorne, Rondebosch, R200; B Tilney, Cape Town, R240; David Tripp, Cape Town, R55; R Tannahill, Johannesburg, R120; **V:** Mrs J Van Hoogstraten, Hout Bay, R100; Vic, Johannesburg, R120; **W:** K W Watt, Stellenbosch, R110. ■







By Michael Olivier  
Host at Parks Restaurant

**R**USTENBERG is often referred to as the Cape's First Growth Estate, with good reason — wines have been bottled there for 105 years. Thirty years ago, I used to make a dessert with Cape gooseberries poached and set in a wine from Peter Barlow's Rustenberg Estate called Frontignac. It came in a clear — flint I believe is the technical term — Bordeaux bottle with a charming little black and white naive woodcut label. It was an amber wine of both unctuous sweetness and muscat bouquet that are now only in memory. After dinner, it went down very well with coffee too. In those days wines were made by Reg Nicholson, the man for whom the term "Nature's Gentleman" was invented. Reg retired after the 1974 vintage and only recently we were drinking his last Rustenberg Dry Reds with great enjoyment. Reg is gone, so is the gentle Peter, and the mantle has fallen on a young New Zealander, Rod Easthope, and on Simon Barlow, son of Peter. The wines are now a lot of bull, well, named after a lot of Bull — the Brampton Beacon Bloomer to be precise — a Canadian

Jersey bull imported by Peter to sire the Jersey cows which form part of the oldest registered Jersey herd in South Africa, resident on Rustenberg.

The Brampton range is Rustenberg's "second label", much like those of the great chateaux of France. Chateau Margaux has its Pavillon Rouge, Leoville Las Cases its Clos du Marquis. The name Rustenberg is kept for the top flight stuff only. Grapes from Simon's farm near Somerset West are used in the Sauvignon Blanc 1996 (5% from Rustenberg in the 1997) and the Chardonnay 1996. The Cabernet Merlot 1996 is made from vines on Rustenberg, some of them up to 35 years old. Simon uses a vertical shoot-positioning trellis on all vines. This technique, which is very popular in Western Australian vineyards, positions the branches of the vines so that all pruning can be done mechanically. The rows are usually planted West to East to allow the leaves — the factory of the vine — maximum exposure to the sun from sunrise to sunset.

**T**HE BRAMPTON SAUVIGNON BLANC 1996 is a reticent wine. There is none of that great, often brash, attention-grabbing fruity forwardness. This wine's bouquet is like a visit to Floris in Jermyn Street — some flowers, some spice and passion-fruit, while the palate offers a hint of orange and lemon and grass — more of a nod to an opera singer than to a bawdy music hall star. The latest catalogue of the International Exhibition Wine Society Co-operative in the UK describes the wine as "a great new find" in a "French rather than a New World style". It is on the SAA 1997 wine list for those of you who travel. The 1997, about to be released, is a corker. Redolent of green gooseberries and fresh youthful

fruitiness on the palate with a nettly, figgy grassiness in the bouquet.

**T**HE BRAMPTON CHARDONNAY 1996 is an unoaked Chardonnay, unusual for a top quality Estate. Most unoaked Chardonnays are produced by co-ops where I suspect the cost of the barrels is a factor. It is a brave person who relies solely on the features of the Chardonnay grape with no assistance from oak — traditionally such an integral part of the wine. However, there is a load of apricot and pineapple and a marmaladiness on the nose. Lovely citrus on the palate with a creaminess which adds complexity. It has such length that I swear you could taste it after you've brushed your teeth the next morning.

**T**HE BRAMPTON CABERNET SAUVIGNON [60%] / MERLOT [40%] 1996 is made from grapes harvested at about the same time, fermented in closed tanks with regular oxidative pumpovers. Matured in American Oak, it is a stunner. Packed with blackberry fruit and round and full on the palate with lovely ripe tannins and great length. The wine I tasted had only been bottled for 2.5 weeks so would have benefited from a bit of a rest to recover from the bottling shock, but the harmony and elegance are there. However, it is due for release in late October, so lay some in for the festive season and way beyond.

Retail prices for these wines should be as follows, but do shop around.

<b>Brampton Sauvignon Blanc 1997</b>	<b>R25.00</b>
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## PERSONAL

**THE TRUTH** is precious, if not always palatable. [1925]

**HAPPY BIRTHDAY PUG.** Hopefully noseWEEK lasts for the next ten issues! Mort. [1379]

**SHARON:** Though sometimes abrasive, for the man who knows everything, this is indispensable. [3762]

**HERBERT & BETTY:** Small recompense for the pleasure of your friendship. [3761]

**GILL** — Relish this read and put on your boxing gloves. With love, Mandy. [3957]

**SAM, Enjoy, Enjoy** — Best wishes from Jack and Merlyn. [1943]

**A NARROW ESCAPE,** thank goodness, from the Olympics. Never again. Well done nose. Dom. [3939]

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**DERRICK.** I hope you are reading this. [3972]

**ANNE, SIMON, KATE & JAMES** — You light up my life, love Dad. September 1997. [1831]

**HELLO SUNSHINE,** with best wishes from the Vikings in Muldersvlei. [2014]

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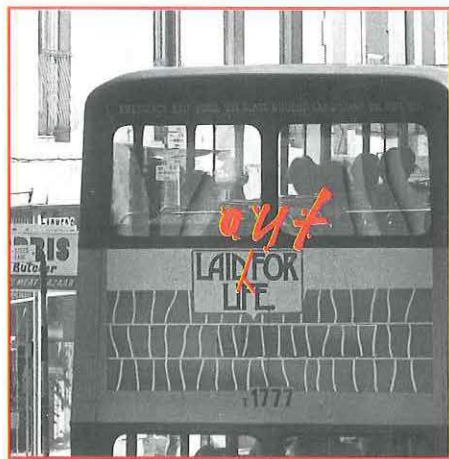
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