


nose week

R15.00 incl vat

**ABSA
lifeboat:
Heath
explains**



As I remember it,
they placed one
of the electrodes
about here ...

AECI: Legal scandal over Macassar ● Jackie, the chimp: a chilling tale
Frank Waring's kids fight for the loot ● Mbeki and AZT
Boland PKS bosses take a secret bonus ● Lawyers and little old ladies
Post Office philatelic fraud ● A prize week in Bulgaria

Everyone working on noseweek deserves the country's highest accolade for sheer grit. What Mandela calls a 'general lack of morality' is sadly evident everywhere.
Diane Gifford, Jo'burg

The most advanced environmental activists in the world today know that the cause of most environmental problems lies in the power relations of global economics and politics, and that this is where the real struggle must be fought. The articles that you publish relate to this issue because they reveal the minutiae of the general state of corruption that prevails. Individual environmental struggles reveal the same sort of thing.

We in ZEAL (Zululand Environmental Alliance) expose environmental problems where we can. Right now, it's air pollution in Richards Bay. The real story though is how it has come about and how local, provincial and national government departments have, over the years, colluded with big business to allow it to happen.

Everybody who stands up for freedom and against corruption and the abuse of power makes people believe that we can make a future for humanity, despite the odds. That is the ultimate importance of noseweek.
Jim Phelps, Empangeni

H MOHAMED & ASSOCIATES

The constitutionality of Judge Willem Heath's special investigating unit is to be tested by the S A Association of Personal Injury Lawyers (Saapil) in the Pretoria High Court. Saapil contends that the unit has no right to investigate its handling of road accident claims. What are the lawyers scared of? Now, instead of putting matters right among its members, Saapil will spend a fortune fighting nonsense. Well done to noseweek for raising the issue!
Pam Herr, Somerset West

Congratulations! You kicked their ass, big time!
Snowy Smith, Durban

A J Hanekom's run-in with a member of the legal profession (Letters, nose27) reminds me of my experience with the venerable firm of MacCullums Inc. of Cape Town. I purchased a property and, on paying a substantial deposit to MacCullums' conveyancing attorney – a plummy-accented, cigarette-smoking individual whose name eludes me – I specifically requested that the money be invested at best for my benefit. The firm had not, as far as I knew, a reputation for boere verneukery. On consummation of the deal I was astounded to be informed by the hand-wringing gentleman

that, most regrettably, interest earned on my money was by law to be credited to the Law Society! The offer of a 'free' lunch at the City Club was rejected.

About that time noseweek was onto the Law Society's soft-shoe shuffle of city attorneys greasing palms in the Deeds Office, so I realised I'd get nowhere. At least we know where that altruistic body gets its money.
D E McCann, Cape Town

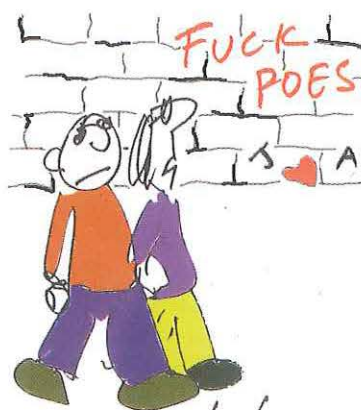
OLD MUTUAL AND SAFMARINE

That Old Mutual has sunk the Merchant Navy, affecting the jobs of seamen, is nothing compared with what it's done to half the nation's quality of life after retirement.

BECKETT'S BEK

Worthy is fine, but I also want a laugh. What stick in my mind from your last issue are (1) Strachan on revolutionary bungalows, (2) your whack at Isobel and Nigel, quite neatly substantiated by a 1cm 'cover story'. Jenkins, Absa etc I know must be done, but they don't light my fire. AIDS revisionism, I thought, could be quicker; go further. And how about a dog-eats-dog column on the media? In short: intrepid, fine, but more cheek and levity from the salt- and pepper-pots, please. (What was the point of the S A City Life ad? Something passed me by.) Khotso!
Denis Beckett, Parkview

I'm still laughing about the Smithsonian letter which you appear to have missed. For the rest, some – not all – points well taken. While City Life's ad was perhaps obscure, we reckoned that was its problem. Clearly we were wrong, so look right and all will be revealed. An abusive attitude to sex, and the female sex in particular, while a valid subject for discussion, is not a valid marketing device in a country where too many regard it as OK. SACL's editor agreed and withdrew the ad. We have once used that word ourselves – disarmingly – in our first edition. That poetic Gus cartoon caused the SA Reserve Bank to cancel its subscription, never to return. So, play it again, Sam. – Ed.

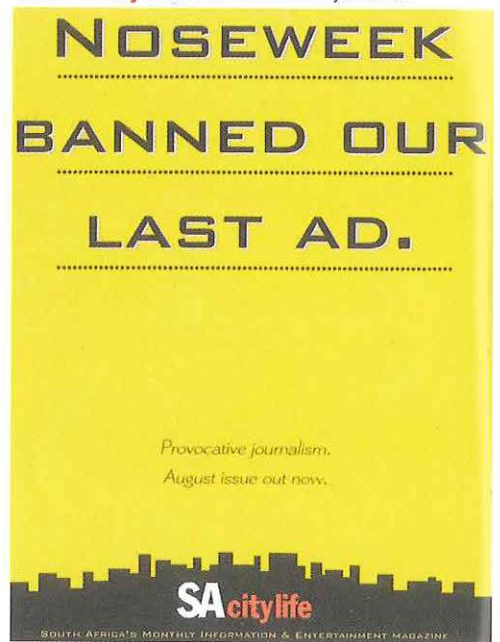


'Shame, they can't even spell poets.'

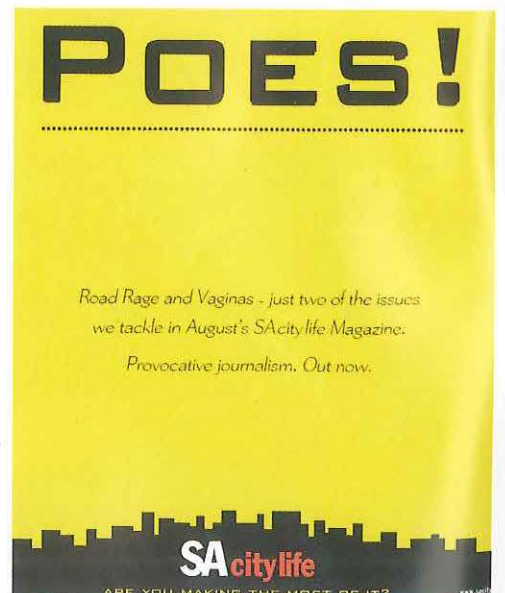
OM controls many companies via the stock exchange. So it gets control of their medical aid and pension funds. In the last few years the MDs of these companies have been brow-beating their staff into accepting changes to their pensions (you've heard of 'defined contributions') so that, once the staff are retired, the company is no longer responsible for their medical aid.

As you get older human parts wear out ... a liability for which many companies have not made provision. OM, in one smart move, has removed this liability at the cost of the human lives it will affect in the future.
Mike Taylor, Cape Town
See Notes & Updates – Ed.

That SA city life advertisement, and ...



the ad noseweek 'banned'.



Editor Martin Welz
Telephone (021) 671 4809
Facsimile (021) 683 8641

Managing Ed Marten du Plessis
Design Raymond E Meylan
DTP editor Jeanine Oosthuizen

Contributor Nick Paul
Copy editor Barbara Mowatt
Secretary Adrienne de Jongh

Subscriptions Janey Muller
cover picture
John Woodroof / Sunday Independent

OOPS, WRONG MAN

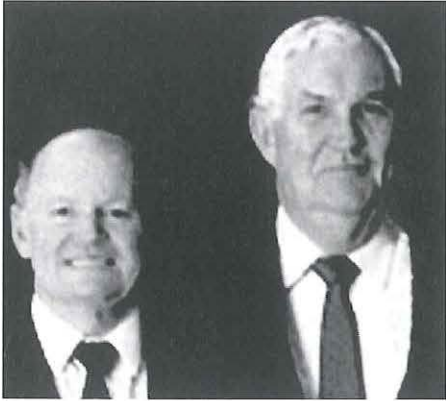
Your article 'Old Mutual Sinks SA Seamen' (nose 27) shows a photograph of my very good friend Bill Beck, instead of the stated Mike Levitt, chairman of Old Mutual.

Mr Beck was deputy chairman of Old Mutual a few years ago.

I find your articles fascinating, and in particular the ongoing 'Offshore Murder' saga, since I am directly involved in the investor tank-container industry (the 'squeaky-clean' side of it!).

I have decided to become a subscriber to noseweek.

Rick Cheetham, Claremont



You're right. Bill Beck (right) so towered over Mike Levitt (left) in the picture we had, we focused on the wrong man. Apologies to all! - Ed.

OILED PROFITS

Petrol price increases continue to plague the motorist. The simple explanations given are increases in the oil price or the devaluation of the rand against the dollar.

I would like to know, having just travelled 8 000km through Botswana, Zimbabwe and Zambia, how it is that their price is 80 to 90cents per litre cheaper than ours? They are subjected to the same oil price increases and have an even greater depreciating currency. Furthermore, I would imagine that Botswana (and possibly Zambia and Zimbabwe) obtains its petrol from RSA.

Perhaps you can investigate the real reason for the difference.

A friend who was privy to some of the oil company bank information informed me that if the average citizen knew what the SA oil refineries were making in profit and remitting abroad there would be a 'national riot'. Recently a very well-connected individual told a meeting in Johannesburg how - on what fictitious basis - the oil price was made up. Apparently, we calculate the amount that is paid to the refineries based on a fictitious (historically, from the apartheid era) formula. This formula determines the price as though the oil was refined into petrol at the Singapore refinery, which was supposed to be the most advanced and expensive at the time, and transported from Singapore to Cape Town as though it was refined petrol.

In reality, the crude oil comes *inter alia* from Bahrain. This means that not only is the

base price in \$ terms inflated but so are the shipping costs and the insurance on the product, as clearly the cost of shipping refined fuel from Singapore and the insurance thereon is significantly higher than that of crude from the Gulf.

It was also mentioned that Caltex in Cape Town is, as a result, one of the most profitable refineries per unit of production in the world. We need to get to the bottom of it all. Is any company or person being enriched? Isn't it time the deal with the oil companies was renegotiated?

I believe this matter, which has been subject to speculation and a lack of transparency for years, should be brought into the open.

A J E Read, Cape Town

ENVIRONMENTAL IMPACT OF MONEY

Recent expressions of concern about Saldanha mining proposals have once more highlighted a very disturbing feature of the constant battle for the environment.

This concerns two normally very respected bodies in the environmental debate, namely, the CSIR (specifically Ematek in Stellenbosch) and Cape Nature Conservation. It didn't take developers long to find out that all their expensive environmental impact assessments were being negated by the expert scientific output from the CSIR. The response was swift - get the CSIR to do the impact assessment in the first place, at the normal high cost, of course.

This is why the list of controversial developments rubber-stamped by the CSIR has become so long. Has the CSIR ever, in any assessment it has done for a developer rejected the client's proposed development as unfeasible or unacceptable?

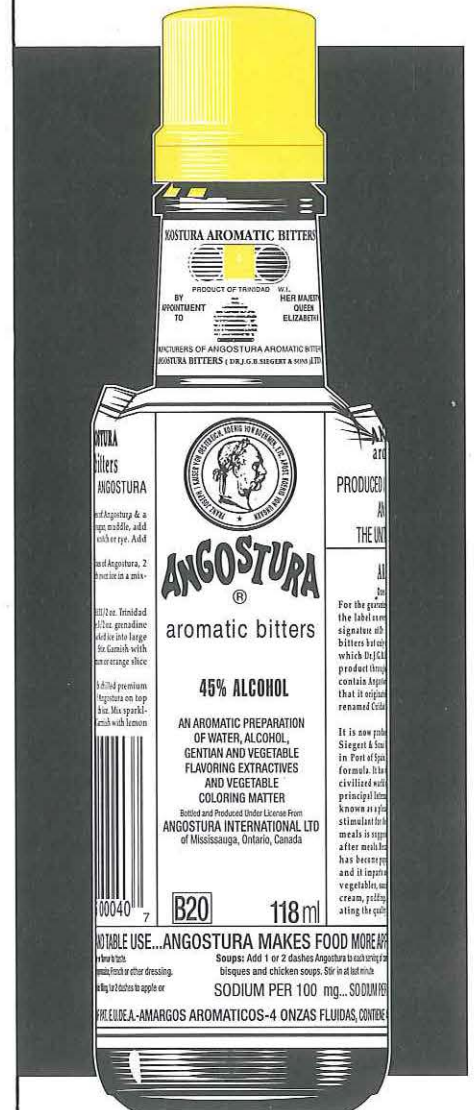
It appears that many CSIR experts have seen the potential for personal profit in the drift. It is noteworthy how many former senior CSIR people are now private consultants who are actively pro-development - if contracted by a developer. Here I am thinking of Dr. Allen Heydorn, a man for whom I've always had the greatest respect, but who, over the past year or two, has been undoing all his good work in the field of protection of the environment.

Cape Nature Conservation, too, is popping up in the most unlikely places. By the time the public finds out and the hoo-ha erupts, it's too late: CNC has usually already given its permits and permission. How does this happen? I personally know many CNC staff who are regularly horrified by the sell-out actions of their seniors. The answer: many in CNC's top management took their multi-million rand packages and are now selling their expertise - and their know-how of the inner workings of CNC - as consultants to the developers.

The very people who have to decide on development permits were probably appointed in their jobs by the consultants (their erstwhile bosses) who drew up the applications! Just witness a former head of CNC, Dr Johan Neethling's pro-development actions in the Southwestern Cape. The situation calls for some serious investigation.

Concerned, Sea Point

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In December 1995 a sulphur cloud
drove residents from their homes

NOW A LEGAL CLOUD DECENDS OVER MACASSAR

A MAJOR SCANDAL IS ABOUT TO erupt about the improper involvement of the chairman of one of South Africa's largest legal firms in the cases of hundreds of Macassar residents with claims against the chemical giant AECl. The residents are claiming for damages resulting from a sulphure fire that broke out at the company's premises four years ago.

Mr Dines Gihwala, who lasted year served a term as acting judge of the Cape high court, was recently elected chairman of Hofmeyrs, a firm of attorneys with branches in all the country's major cities.

Hofmeyrs have, until very recently, been AECl's attorneys, and have represented the company in defending all the claims arising from the Macassar incident.

noseweek has now discovered that Gihwala has secretly gained access to – and control of – the attorney's files of more than six hundred of the Macassar residents. The files deal with their claims against his firm's client, AECl.

The conflict of interest could seriously prejudice the conduct of their cases and could constitute a fraud on the claimants, or on AECl, or on both. It is not possible for the same firm of attorneys to act in the best interests of both plaintiff and defendant in the same case.

Gihwala's insensitivity to professional conflicts of interest has previously been the subject of controversy. Earlier this year, while acting as judge of the high court, he heard a case involving Standard Bank and gave judgement in the bank's favour. Standard Bank is one of Hofmeyrs' major clients. Despite previous controversy, Gihwala still serves on two of the Cape Law Society's special committees.

In December 1995 a pungent sulphur cloud enveloped Macassar, an impoverished neighbourhood on the Cape Flats, forcing the authorities to evacuate the

entire population of the area. Two asthma sufferers died, allegedly as a result of having inhaled the sulphur gas, and hundreds of others whose breathing or eyesight were effected, were treated at nearby hospitals.

According to the findings of a judicial commission of enquiry, the poisonous gas cloud came from a fire that had broken out in an illegal sulphur dump on AECl's property at nearby Somerset West.

By December 16 last year – the legal cut-off date – more than 15 000 summonses had been issued on behalf of residents against AECl. The majority claimed damages from the company for stress, minor medical expences, and for damage to clothing, gardens and buildings. About half of these claims have since been settled out of court by AECl.

Only 30 cases are for serious health impairment, resulting in individual claims exceeding R100 000 each. These cases are

Dines Gihwala, new chairman of Hofmeyrs, does it again.



set to be heard in the high court.

But now a legal cloud has descended over hundreds of people whose claims against the company remain in dispute.

At the time of the fire, AECl were represented by a Cape Town law firm, Walker Malherbe. On November 1 1998 the firm amalgamated with Hofmeyrs, after which date AECl were represented by Hofmeyrs. Hofmeyrs have their Cape Town offices in a prestigious building at 2 Long Street.

Six weeks later, a small firm of attorneys called Batchelor and Associates – who just happen also to have their offices at 2 Long Street – rushed to serve 660 summonses, which had purportedly been issued on behalf of Macassar residents, on Hofmeyrs, who agreed to accept the summonses on behalf of their client, AECl.

Between 10.50pm and two minutes to midnight on December 15, the first 491 summonses were served on Mr O'Leary at Hofmeyrs; next morning he spent a further hour and a half signing for the last 171, and shortly after 4pm that afternoon he signed for a last single file, giving a total of 664 summonses served on Mr O'Leary – on the last day that claims were still valid.

Had the summonses not been served on that date, these residents' claims against AECl would have prescribed.

Besides having their offices in the same building, Batchelors have other curious links to Hofmeyrs (see below).

Shortly after the summonses were served, Hofmeyrs, acting for AECl, requested further particulars from Batchelors about the claims in all the cases. By law the claimants must answer the questions within a year, failing which their claims lapse.

In November this year – barely a month before the expiry date, Mr Dines Gihwala,

who had just been elected chairman of Hofmeyrs nationwide, approached the two young partners of a small Lansdowne firm, Koorowlay and Kleinveldt, and asked if they would take over 666 Macassar case files from Batchelors. They were delighted, and all the files were delivered to their offices.

Within days they discovered that there was no indication in the files of any instructions having been received from any of the claimants. Besides not having the information they needed to reply to the requests for further particulars, they soon found that none of the clients knew about, or had approved the transfer of their cases to a new firm of attorneys. In fact, most appeared unaware that they had instructed a firm called Batchelors to start with. Many knew they had instructed other firms of attorneys to issue summons on their behalf – and some had already received settlements from AECI!

Koorowlay & Kleinveldt apparently decided it would be prudent to send a circular to all their new clients, and, in the meantime, wrote to Hofmeyrs asking for an extension of time to reply to the requests for further particulars. It would clearly have been impossible, otherwise, to do the job properly in the short time available. Hofmeyrs refused to grant an extension.

At this stage – late in November – Karoolay & Kleinveldt told Hofmeyrs that, if they did not agree to an extension, they would be obliged to apply to court for an extension, setting out the circumstances of the case.

It was at this stage that Mr Gihwala once more rushed on the scene – and insisted that they deliver all the files to his own offices at Hofmeyrs, so that he could have his own staff complete the replies – in many cases, without any proper instructions having been received from clients. His partner in the Lansdowne branch of Hofmeyrs, Shervaan Rajie, was ordered to supervise the processing of replies to AECI's requests for further particulars.

The issue rapidly became the talk of the firm – and noseweek got to hear of it.

At about the same time, the old partners of Walker Malherbe decided – for unknown reasons – to secede from Hofmeyrs and to reconstitute their old firm, now simply as Walkers Inc. Their new nameplate went up on December 1. They have taken their client, AECI, with them.

Approached next day by noseweek for an explanation of AECI's attorney's improper involvement in the cases, Melvin Traut, the general manager of AECI's Somerset West plant, said he did not think it was appropriate for him to comment. He

informed us that CWB loss adjusters had taken over the management of AECI's case, and in effect were instructing Walkers in all the matters.

Next day, AECI's director of communications in Johannesburg, Michael Blizzard, gave us the following statement: "AECI has not been aware of any association between A Batchelor & Associates and Hofmeyr Herbstein Gihwala Cluver & Walker Inc. If such an association exists it has not been formally brought to AECI's attention.

"AECI would regard with concern any conflict of interest that could exist as a result of an association between A Batchelor & Associates and Hofmeyr Herbstein Gihwala Cluver & Walker."

Then Walkers commented: "Macassar claimants continually contact our offices directly to enquire. Many of them do not appear to know they are represented or the identity of the attorneys representing them. We have gone out of our way to refer such claimants to their attorneys of record," said senior partner Denis Lloyd.

According to Mr Lloyd, A. Batchelor & Associates do not share "and have not ever shared" either directors or shareholders with Hofmeyr Herbstein Gihwala Cluver & Walker Inc. "We however understand that Mr Batchelor practised with the firm Herbsteins some years ago," he told noseweek. "There neither is nor was at any time any conflict of interest in the conduct of these matters."

While the central conflict of interest clearly arises from the involvement of Hofmeyrs' chairman, Mr Gihwala, the links to Batchelors remain of interest.

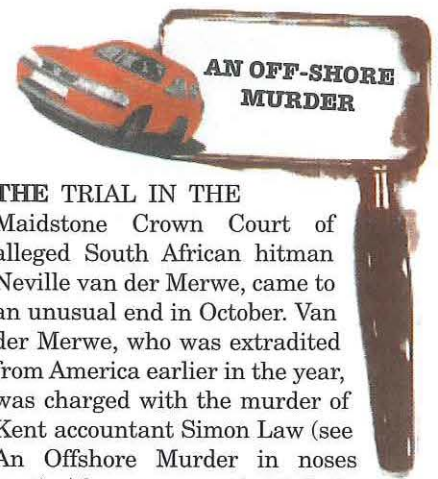
In the Cape Law Society's yearbook for 1995, Anthony Batchelor and Barry Halliday were listed amongst the partners of the firm Herbsteins, who had their offices at 2 Long Street. Fred Stander was listed as a consultant at the firm. Herbsteins later became the Cape Town component of Hofmeyrs.

In the 1997 yearbook, the new firm, Batchelors, is listed for the first time, with only two partners: A. Batchelor and Fred Stander, both formerly of Hofmeyrs. Stander was, in fact, still listed as a consultant at Hofmeyrs.

In the 1998 yearbook, Batchelor and Stander are joined at Batchelors by a new partner: Barry Halliday, who until the previous year had been listed as a partner at Hofmeyrs. Stander is also still listed as a consultant at Hofmeyrs.

Articled clerks registered at Hofmeyrs are regularly "seconded" to Batchelors to serve part of their period of articles there.

Hofmeyrs acts for the Road Accident Fund. Accident victims who wish to institute claims against the fund, are, of course referred to Batchelors. *n*



THE TRIAL IN THE Maidstone Crown Court of alleged South African hitman Neville van der Merwe, came to an unusual end in October. Van der Merwe, who was extradited from America earlier in the year, was charged with the murder of Kent accountant Simon Law (see *An Offshore Murder in noses past*). After a one week trial, the jury were unable to come to a unanimous verdict. As a result of the "hung" jury, the case ended with Van der Merwe being held for retrial in another court. Another bizarre feature of the trial was the frantic behind-the-scenes efforts of lawyers for the S A Reserve Bank to keep the evidence of two South African witnesses in the case secret. In October, two days before the trial was to commence, a letter was delivered to the prosecutor at the Maidstone court in Kent from Dr D H Botha, a senior partner at attorneys Rooth and Wessels, in Pretoria. In the letter, Botha, who acts for the S A Reserve Bank, asked that the evidence of Mr Nico Alant and Ms G Breytenbach, both witnesses for the prosecution, should be led in camera in order to protect the Reserve Bank's "interests". A senior reserve bank official, Mr Charles van Staden, also flew to England to attend the trial as an observer, leaving the two witnesses in no doubt that they were being "watched". In response to his letter, Mr Paul Close of the Crown Prosecution Service advised Botha that, while prosecuting counsel would do everything possible to protect his client's interests, it was unlikely that the court would agree to hearing the South African witnesses' evidence in camera. It appears that the SA Reserve Bank is persisting with its attempts to keep the illegal activities of South African businessman David Jenkins, and the bank's own sinister collaboration in those activities, secret. Alant was a former inspector at the S A Reserve Bank and Ms Breytenbach is employed in the office of the Attorney General in Pretoria. They were both involved in an investigation of Jenkins's unlawful foreign currency activities, until that prosecution was mysteriously aborted some years ago by senior officials of the Reserve Bank. The murder victim in the British case, Simon Law, acted as front man for vari-

continued on page 27



Study it,

nose it,

taste it.

Now try

spit it out!



Those in the know, know Bellingham

THE WARINGS AT WAR

THE FAMOUSLY WEALTHY AND always controversial Warings are at war – this time with one another – in a scramble for control of the millions Frank Waring, one-time member of the Verwoerd and the Vorster cabinets, put into various trusts for his children.

Frank and Joyce Waring are today both senile. Now it's their children who are set to out-do themselves, if the family dirty linen strung edge to edge in documents and statements filed at court is anything to go by.

The genes Frank and Joyce (equally famous for her ability to make newspaper headlines) passed on to their children appear to be playing as big a role in the feud as does the fortune at issue.

In January this year, the Warings' elder daughter, Adrienne Koch, applied in the Cape High Court to have her father and various people nominated by him removed as trustees of The Adrienne Trust, which Frank had created for her benefit. She also asked for the appointment of her former son-in-law, Lionel Kramer, as a trustee to be declared invalid. Kramer's appointment, she said, had been 'cynical and spiteful' [see *Shopping and Fucking*, page 9].

In their stead, she asked for her son, Simon Koch, a chartered accountant, and his attorney, Kevin Klein, to be appointed trustees. At the time both Simon Koch and Klein were directors of Kelvinator South Africa Ltd, a fact submitted as evidence of their business expertise. [*The company has since collapsed with debts exceeding R400-million – Ed.*]

Two weeks after Adrienne filed her application, her younger sister, Frances Waring (who in recent years has led a relatively quiet life with a leading member of the Groote Schuur heart unit in one of the fashionable bungalows on Clifton beach), applied to court to have a curator appointed to handle their father's affairs.

Frank is 91 and senile, and has required full-time nursing care for three years. In court papers it is said that his personal estate is worth more than R7m. (In addition family trusts own off-shore interests that, in 1988, were valued at more than R100m.)

Frances believed her father's interests might need to be protected in the ensuing proceedings and proposed that Mr Peter Davis, an attorney at Herold Gie and Broadhead, be appointed as his curator.

'I am advised that Mr Davis is frequently appointed to act in matters of this nature,' she told the court. [See page 13.]

In April Mr Davis's appointment was confirmed by the court.

Last month Adrienne's application, too, was granted. Evidence presented in the case indicates that it is only the first round: a major assault on the central family trust is still on the cards.

In court papers, Adrienne alleged that only in 1998 did she become aware that

'We're off to war, now fuck the chitter-chatter'

– granddaughter, Judy,
to her mother, Adrienne

shares owned by the Waring trusts in a British company, Goode Durrant, had been exchanged for debentures, which, she said, resulted in the trusts being unable to share in the company's recent financial success. She discovered that the shares had been transferred to trusts controlled by her brother, Michael, and that a large number have since been sold

'realising a handsome profit for trusts in which he is directly interested'. She alleged she had not received information to which she was entitled as a trustee. The other trustees had generally made common cause with Michael.

Although her trust owned 9.09% of the shares in Bluegum [Investment Holding Co, the family trust's investment arm], they were 'B' shares, each carrying a single vote, while Michael held 'A' shares, each carrying 1 000 votes. As a result, while Michael directly owned only 0.1% of the shares, he exercised 99% of the votes in the company.

In their replies, the off-shore trustees denied any wrong-doing and said that the conversion of shares in Goode Durrant to debentures had ensured that the beneficiaries, including Adrienne's trust, had received a stable income despite the fact that the company had performed poorly for several years.

Attached to Lionel Kramer's reply were a bundle of letters exchanged by his ex-wife, Judy, and his mother-in-law, that contain a much cruder statement of their strategy and intent. In one of them, Judy declares: 'The main aim is to ... take the money and run.' In another Adrienne writes: 'A little blackmail would be fine ...'

First clue that all was not well among the members of the clan came more than

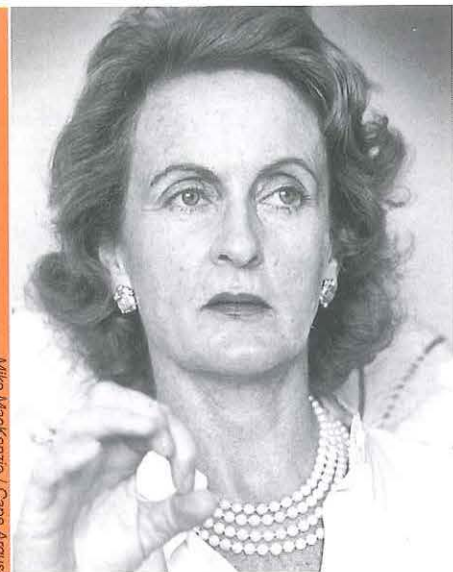
Frank and Joyce Waring, photographed at their Sea Point home in 1980.



Mike MacKenzie / Cape Argus

10 years ago, when Judy Koch, then an articulated clerk at attorneys Werksmans in Jo'burg, managed to uplift her uncle Michael Waring's will from the firm's safe and sneak a copy to her mother. (As can be imagined, Michael was not amused and Werksmans agreed that it might be better if Judy found articles elsewhere.)

Several months later, in February 1988, Frank Waring wrote to his local accountant and business manager, Royden Webber, telling him about a meeting he had had over Christmas with his daughter and grandson. He told Webber how Adrienne admitted that the challenging letters she had been writing to various of the trustees were 'mere red herrings'



Mike Mackenzie / Cape Argus

Adrienne Koch – she's got the genes, now will she get the money?

aimed at bringing about a meeting at which she could make various demands regarding her trust.

Frank found the tenor of her approach extremely worrying. She made 'extraordinary' accusations against her brother, Michael – *inter alia* that he was close to the ANC – and was derogatory about her father as donor: 'I could not help feeling that she lacked logic in her thought process and argument and seemed determined to bring about a family confrontation regardless of the consequences,' he wrote to Mr Webber.

Reaffirming his confidence in his son's integrity and ability to run the family's off-shore interests, Frank explained that the reason for his 'rather unusual' letter was his concern about Adrienne and her family 'over the longer term'.

'I cannot help but feel that they are solely interested in their own positions and their own personal ambitions and could seek to achieve these at the

expense of other members of the family.

'In the interests of family harmony and continual success of the family's financial affairs, I believe it is inadvisable for any other members of the family, outside of Michael and his successors...to be involved in the conduct of the family's affairs.'

On his death, all the voting shares in the family business would go to Michael. His daughters would get non-voting shares.

Two months later, Frank wrote to Sir Peter Lane, chairman of the Conservative Party in England and a well-known trust consultant: 'As I am of the opinion that Adrienne and her children will not approach the question of the trust's investment ... in a rational and sensible manner, I wish to ensure that your appointment will stabilise matters ... I cannot but help feel that they are solely interested in their own positions and their own personal ambitions and could seek to achieve these at the expense of other members of the family.'

In 1996, Lord Lane would say in response to a letter from Adrienne's attorney asking his company to resign as trustee: 'The conduct of Adrienne and her children suggests that the concerns expressed by Mr Waring were well founded.'

Adrienne says in her application that she learnt only in 1996 of the letter her father had written to Lane in 1988. 'I cannot help believing that my father (80 at the time) was strongly influenced by Michael to write this letter.' According to her legal advisers, it would not have been lawful [in terms of South African trust law] for a trustee to have given effect to her father's private instructions.

When her attorneys wrote to the various off-shore trustees demanding information and explanations, the trustees charged the trust more than R500 000 for drafting their replies. (The Adrienne Trust's capital barely exceeds R1m.) Her attorney's reaction: 'The thinly concealed message conveyed to our clients [Adrienne and her children] is that for as long as they continue to seek explanations or otherwise "rock the boat", the foreign trustees will appropriate all or the greater part of the trust's income by way of fees and disbursements.'

These are among the issues that, presumably, still remain to be settled.

FRANK AND JOYCE

The Honourable Frank Waring was an icon of the old South Africa: rugby Springbok in the early 1930s, founder of *The Sunday Express* and leading member of the United Party opposition in parliament until he shocked his colleagues by crossing the floor, in 1961,

to become a cabinet minister in the National Party government.

The family fortune both on- and off-shore benefited handsomely from his business and political connections, though he was careful to ensure that little was known about it.

It was the powerful and outrageous women in the family who captured the nation's attention.

First and foremost among them was Joyce, daughter of the equally wealthy and politically unpredictable Arthur Barlow. (Once described as 'South Africa's greatest political impresario', Barlow ended his long career in parliament at 80 as an independent MP, having resigned from the UP when he was 78.)

Like her father, Joyce never hesitated to express her own, frequently outrageous views on a great variety of subjects, often succeeding in leaving husband Frank looking something of a wimp by comparison. 'Even if it means a flaming row, it's better to be honest,' is how she summarised her approach to life and marriage.

She wrote several autobiographical books, one of them titled *I'm No Lady*.

Only once was Joyce silenced by a man. When Hendrik Verwoerd appointed Frank to his cabinet, Verwoerd called her in and told her: 'You must stop writing. If you don't, I'll tie up your hands and cut out your tongue.' To which she responded: 'Thank you, sir!' She was silent for several years.

But after Verwoerd's assassination and John Vorster's appointment as prime minister, the deal was off; while Frank was minister of sport and tourism, Joyce was back to expressing her views on everything and anything.

She was a rampant (right-wing) feminist. As an early campaigner for abortion on demand, she stunned the volk by publicly declaring (in 1975): 'I've had an abortion so I know what it's all about. If I had not been allowed a legal abortion, I would have gone for an illegal one.'

She campaigned for a state lottery, dismissing the views of the church as outdated. She declared herself in favour of mixed race beaches.

In 1980 she outraged students at UCT by declaring that coloureds and Indians should be allowed on to a common voters' roll because the whites needed the 'pride and humanity' of the coloureds and the 'cunningness' of the Indians.

Steve Biko she dismissed as 'a nobody that no-one had heard of before his death'.

'I know the blacks because I grew up on a farm,' was another memorable quote (predating Jani Allan's by decades).

continued on page 23

SHOPPING AND F*cking

THE LIFE AND TIMES OF JUDY

AFTER FRANK WARING'S GRAND-daughter, Judy, was caught sneaking a copy of her uncle's will from the safe of her employer, Werksmans, she was fortunate to strike up a close acquaintanceship with well-known Cape Town attorney Raymond Mallach. He happily agreed to a transfer of her articles to his firm.

In no time at all Judy had the male members of the Cape legal profession in thrall. Leon Kuschke SC headed the pack and made her an offer of marriage – which he quickly regretted and retracted. She sued for breach of promise and won R150 000 in damages. Sources at the bar claim to have overheard Kuschke exclaiming: 'Never was money better spent!'

Having met a while before, Judy and attorney Lionel Kramer commenced what was to be a 'short but eventful' marriage in October 1988. She left the bar to join his firm, and they practised as Kramer & Kramer, frequently hitting the headlines as defence attorneys for some of the Cape's drug and gang lords. In 1994, the Kramers emigrated to New Zealand.

Quite how 'eventful' the Kramer marriage was emerges in the first paragraph of an affidavit filed by Lionel in the current court battle. 'While in New Zealand, Judy assaulted me seriously without any provocation. I sustained injury to my right eye, which required medical attention. Prior to that, Judy had assaulted me on a number of occasions when we still lived in South Africa. I deny having called Judy a slut and a whore.'

Within weeks of their arrival in New Zealand, he returned to SA for a month to finalise his affairs. His in-laws, Adrienne and Arnim Koch, flew to New Zealand to help the family settle in. And Judy found a lover, 'one Christopher Rampton, a Hong Kong businessman'.

Lionel first heard of the affair when he saw a letter from Judy to her parents. The letter (a copy was filed at court) is addressed to 'Dearest darling mom and dad and everyone else'. In it she writes: 'Lionel has been very understanding. I told him I had fallen briefly (if only he knew) in love with someone else and that that person had come to visit me in Wellington because I was very depressed. He [Lionel] says he now understands everything and has been very adult about it. The problem is that I have not been honest with him, [I've been] downright horrible and a real bitch.'

After her amorous encounter with Mr

Rampton ('CR') in Wellington, Judy flew to Australia to spend a weekend with him in Sydney on the pretext that she was meeting her mother there. Lionel stayed at home to look after the children.

'On the in-love front,' she writes, 'he was and is spectacular and extremely loving. He just can't seem to make up his mind for now, but assures me that all will be well and I must just be patient. It could not have been more perfect and romantic and the hotel was out of this world. On the rocks at the harbour under the harbour bridge ... he is a wonderful lover and we were pretty relaxed.'

'I flew business class and it was great,' she continues. 'On arrival in Sydney my darling Sydney Jacobs [*one of her former South African lovers*] came to fetch me. I told him about CR and he was very sweet.'

Her new lover funded her stay in a luxury hotel ('my own personal butler'). She confides: 'CR is obviously loaded and not at all bothered ... I think he must like me a bit (sure as hell some of his anatomy does) or it is just small change.'

'The whole weekend was a great

'I think he must like me a bit (sure as hell some of his anatomy does)'

success and the best of my life. We went on a harbour cruise and to Watsons Bay to Doyles to have lunch. Then we went shopping at David Jones, although I was not in the mood for looking at things. They were all too beautiful and expensive and every time I wanted to buy something for the kids CR would pay and I did not want to have any fights, so I said let's axe shopping. I did not want him to pay.

'He was most impressed and told me afterwards that it was a test, since his first wife loved spending money (his). I told him I also love to spend, but my own, and that I hate shopping with anyone except myself and my mother. It was a boring and ridiculous activity when there was much else to do. (Bullshit, I love it and I knew it was a test.)'

'He was over the moon and we walked back to the hotel along the wharf and sat down at a sidewalk café and watched the sun set. I paid for all the taxi rides just to show. We would be a real team and I can't wait to get married. You are quite right when you say that he is thoroughly

charming and "a real dish".

'At the wharfside he told me it was so difficult for him as he needed to spend until 1997 in Hong Kong ... and that it would be difficult considering the size of his home in terms of children ... I did not get uppity. He said I should make it work with Lionel ... I take this to mean until 1997. The truth is that I am prepared to wait for him and I suppose I can "use" Lionel in the meantime.'

'L will never know (until 1997).'

In August 1995 the Kramers moved on to Australia. Lionel recounts: 'Shortly after our arrival in Sydney, Judy commenced an adulterous relationship with her employer, Mr Richard Allsop, who is a partner in the well-established legal firm Holman Webb. I understand the affair was conducted at Sydney hotels and at a flat in Potts Point. Evenings and weekends I cared for the children whilst Judy spent time with Mr Allsop.'

Late in 1996, Lionel learnt that Judy had met a member of the Australian cricket XI. 'I became aware of their relationship through several telephone conversations [she had] with someone I believe to be the gentleman concerned and from what she told me,' he told the court. 'Once, when Judy was talking to him on her cellphone [*while travelling with Lionel and their children in the car*], she addressed him as "horny Barney". Although Judy visited this person at his hotel in Sydney, I do not know whether their relationship was adulterous.'

By the time Adrienne visited the Kramers in Australia in 1996, she found Lionel 'openly aggressive'. 'On one occasion he actually jumped onto a coffee table and stood over me in a most threatening manner. I thought he was going to hit me,' she told the court.

She said that in January 1997 Lionel had punched Judy in the face and hit her to the ground. 'When Judith managed to flee to the car with her children, Kramer jumped on to the bonnet and she drove until he fell off.'

'Richard Allsop ... then drove Judith to the doctor. Kramer was there on Judith's arrival and he again climbed on to the vehicle and attempted to use a spare set of keys to gain access to the car. Allsop again had to drive off and, after a short distance, Kramer fell from the vehicle.'

In view of the hostility between them, she argued, his appointment as a substitute trustee of The Adrienne Trust was 'entirely inappropriate' and 'a cynical and spiteful act of retaliation' on the part of the off-shore trustees.

Judith and Lionel were divorced in April 1998. She is now Mrs Swan. ■

WHAT HAPP

It's curtains for Jackie the chimp

Daily News Reporter

PINETOWN: "Sense has to come sentiment." chimpanzee-trainer Meyer has decided sadly.

So when the final curtain falls on Sleeping Beauty on Ice in Durban this week, it will be curtains for the career and back to his roots for one of the show's most popular characters, Jackie the chimp.

On the verge of adulthood, seven-year-old Jackie is increasingly attempting to assert his male territorial rights. And in the process has bitten several people one - ice manager Mr Hawkes quit

Nursing hand, Mr insisted

to get Jackie in a environment.

Mr Meyer said yesterday that he was negotiating with the Natal Lion Park near Pietermaritzburg and he hoped that was where Jackie would be ending his days. He will stay there for a trial period while Mr Meyer tours the Cape for a month.

And if he settles he will remain there when Mr Meyer flies back to Las Vegas where his wife runs their restaurant. "I will be sad to leave him, I have had to do this with 10 chimpanzees in the past 25 years but the climate is good here and I think he will be happy." Mr Meyer said.

ANYONE WHO HAS BEEN IN CLOSE contact with young primates will know just how like human children they are. Careful observation by animal behaviourists over the past decade has dramatically proved what most decent people have long sensed: chimpanzees and gorillas can conceptualise and use language, they love playing with dolls and can find solace from sadness by stroking a kitten. They are individuals with a capacity to experience joy, pain and loneliness just as humans do.

Zoos and circuses have, historically, not only kept them under the most appalling conditions of captivity for our entertainment but have been ready sources of these animals for the vivisection 'industry'. Which made it all the more poignant when, last year, acting on an anonymous tip-off, South African anti-vivisectionists began asking the question: 'What happened to Jackie?'

Jackie was a young male chimpanzee that starred in Boswell Wilkie Circus - children of the 1970s will remember the chimpanzee tea party and Jackie driving his jalopy. A Durban Daily News report describes his last appearance in *Sleeping Beauty on Ice* performed in Durban at Christmas time in 1981 and records his trainer's plans for sending Jackie to a blissful retirement back in the wild.

All lies. Reality found him confined to a cage at Johannesburg Zoo. When asked, zoo staff recalled vaguely that his trainer had left the circus and that Jackie had been given to the zoo because he had become 'unmanageable', probably as a result of the trauma of separation.

South Africans for the Abolition of Vivisection (SAAV) has in its possession a report of Jackie's veterinary history at the zoo. It is evident from the report that Jackie was in an extremely traumatised and tormented state for all the years he lived at the zoo - there are references to self-mutilation, frequent masturbation, prolonged screaming, the constant circling of his cage and the fact that he became upset with crowds of people. He was kept on sedatives and tranquillisers for most of the time he was there.

The report not only highlights the cruelty and stress of zoo environments, it raises disturbing questions about what zoos do to the animals in their care to make them viewable objects.

According to the zoo's director, Mr

Willie Labuschagne, in 1984 the zoo was approached by a delegation from Roodeplaat Research Laboratories (RRL), the infamous front for the previous government's biological and chemical warfare programme. The delegation included Prof Melzer, who is now in the faculty of Veterinary Science at Onderstepoort, and Dr Daniel Goosen, the first managing director of RRL. They said they required holding facilities for three young chimps that had come from a medical research company in France. They also wanted Jackie on a 'temporary swap'. (As RRL's Dr Strangelove, Wouter Basson, had a peculiar interest in a project that aimed to find a drug that could surreptitiously be used to make black men impotent, one can guess which of Jackie's unhappy traits attracted their attention.)

Labuschagne says the zoo saw this arrangement as a blessing in disguise - the zoo got three small chimps (which presumably were more of a drawcard) in



Zoo director Willie Labuschagne

exchange for one old, stressed male.

When SAAV asked him if zoo representatives had visited Roodeplaat to check where Jackie was going and what experiments he was going to be used for, he said they did not. The deal was 'on trust' and they were satisfied that conditions would be good. So, on 27 September 1984, Jackie was quietly removed from his cage at the zoo and handed to the white-coated men from Roodeplaat Laboratories.

When SAAV first approached the Johannesburg Zoo in June last year with questions about its dealings with Roode-

ENED TO Jackie?

plaat, zoo officials made no mention of this transaction. Indeed, if it were not for the anonymous tip-off we would not have known about Jackie.

But the plot thickens. The intrepid SAAV investigators went on to discover that by 1990, six years after his arrival at Roodeplaat Laboratories, Jackie was dead. RRL claimed he died of pneumonia. The bizarre thing is that last year, eight years later, his body was still being kept in a freezer at Biocon, a private contract laboratory that was set up a few kilometres from RRL after the latter was hurriedly closed down due to public disclosure of its activities. (Biocon directors Stiaan Wandrag and Brian Davies are both ex-RRL.)

What grotesque experiment was performed on Jackie at RRL, what changes had his body undergone, one wonders, that

warranted his body being so preserved? After all, RRL had crematoriums specially built to dispose of the many animals killed in the course of its experiments.

Whatever the reason, as soon as the anti-vivisectionists published the first report on Jackie in their newsletter, *Snout* [*A nose by any other name? – Ed.*] the corpse was apparently hurriedly hauled from the freezer. Once more SAAV received a tip-off: a box with the cleaned bones of a chimpanzee, said to be those of Jackie, was now to be found at the Transvaal Museum in Pretoria.

SAAV investigator Beatrice Wilshire telephoned Duncan McFadden, head of the mammals department at the museum. He remembered Jackie quite well and immediately directed Ms Wilshire to the department of archeo-zoology, where a most pleasant, helpful woman said she

would look up Jackie's file and call back. She did 10 minutes later, but the formerly open and helpful woman muttered coldly that she was 'unable to give out any information'. You see, Jackie's card had been 'flagged'. It stated that inquiries about the case had to be addressed to Dr Daan Goosen, the former RRL director who had negotiated Jackie's 'temporary transfer' from Johannesburg Zoo.

A call to Duncan McFadden a few days later reflected the same change of attitude. He now found it difficult to recall Jackie and referred inquiries to Dr Ina Plug of the museum's department of archeo-zoology. Dr Plug agreed to see the investigators, who got the impression that the helpful woman genuinely knew nothing about Jackie's background. All she knew was that the museum had received the clean skeleton of a chimpanzee, purportedly Jackie, from Biocon. Her only interest was in dating and cataloguing the bones – which were described in her file as being of an aging *female* chimp. When Mrs Wilshire queried this discrepancy, she was told it was a 'typing error'.

This was an unusual error for a scientific institution to make. And why had Jackie's skeleton been stripped by Biocon before being transferred to the museum, when the latter institution has its own specialist facilities for performing this function? More to the point, why did queries have to be referred to an ex-Roodeplaat director?

What might Jackie's corpse have revealed to an independent scientific observer?

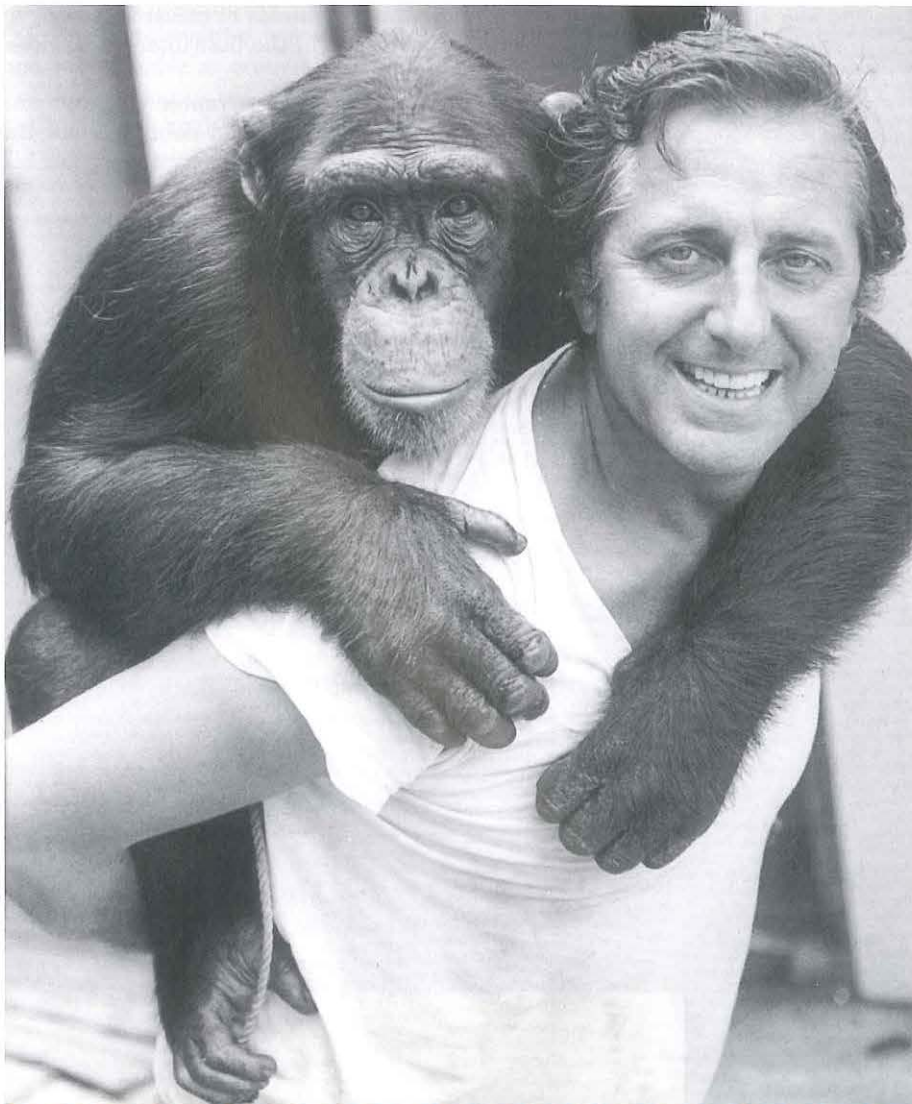
We now know that there were many things Roodeplaat needed to hide from the civilised world. The really frightening thing about it is that South Africa's post-apartheid government and the governments of Britain, France and America are determined to continue the cover-up.

But that, of course, is not all. Jackie's tortured life is a symbol of the thousands of expendable animals worldwide whose silent screams never reach beyond the high walls and dungeons of the vivisection laboratories. *n*

Historic Breakthrough for Great Apes in New Zealand – see next page

The above article is based on articles that appeared in recent issues of Snout. Those interested in giving the campaign their support may write to: SAAV, P O Box 29400, Sunnyside, 0132 or call ☎ (012) 3292800.

Sleeping Beauty on Ice? Jackie with his trainer, Lucien Meyer in 1981



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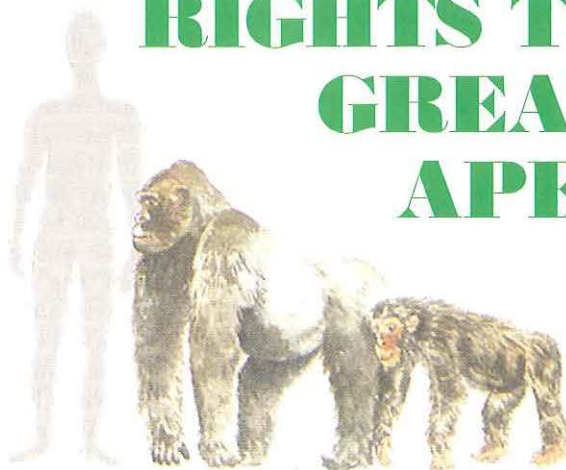
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NEW ZEALAND GIVES HUMAN RIGHTS TO GREAT APES



IN OCTOBER NEW ZEALAND BECAME THE FIRST country in the world to pass a law recognising the feelings and status of the great apes as man's closest relatives.

There are five great ape species: chimpanzees, bonobos, gorillas, orangutans, and humans. All are in the same genetic family.

New Zealand's new Animal Welfare Act prohibits the use of the so-called non-human hominids in research, testing or teaching – unless such use is in the best interests of these creatures themselves.

'This requirement recognises the advanced cognitive and emotional capacity of great apes,' said John Luxton, the minister who was responsible for the passage of the bill through parliament.

The law is based on scientific evidence that the non-human great apes share not only our genes but also basic human mental traits, such as self-awareness, intelligence and other forms of mental insight, complex communication and social systems, and even the ability to master some human language skills.

The Great Ape Project International has hailed the groundbreaking legislation as part of the trend toward recognising the complex mental, social and individual realities of other animals' lives.

The trend is also evident in the explosion of interest shown by US law schools in the status of other animals, most recently confirmed by Harvard University's decision to offer an animal law course in the spring of 2000. 'Ultimately, GAP would like to see the non-human great apes accorded standing in legal systems throughout the world,' said the organisation's vice-president, Paul Waldau. 'This would permit them to be protected by rights to life, liberty and freedom from torture.'

The numbers of non-human great apes have plummeted this century, as free-living populations have increasingly fallen victim to the commercial bushmeat trade and deforestation. More than 3 000 individuals are held in captivity around the world. All of the non-human great ape species are listed as threatened. ■

The Great Ape Project homepage: <http://www.enviroweb.org/gap>

Beware the dog!

WHAT IS BECOMING OF THE WORLD? Childless old ladies of the Cape are no longer leaving their stately homes stuffed with art and antiques, their pearls, grandfather clocks and De Beers shares to distant nephews and nieces in South London or Sydney.

Nor, should those distant relatives have proved undeserving, are they leaving their earthly possessions to what used to be regarded as respectable charities: the local dogs' home, the orphanage, or the Cape Town Philharmonic Orchestra.

The new fashion in wills for old ladies, it seems, is to leave the mansion, antiques and pearls to the well-off family attorney who gave the old lady loving legal advice on where to invest her money and how to draw up her (last) will.

This new trend does not lack a certain homely touch: these attorneys' wives and offspring are as often also included in the old ladies' wills.

Readers will recall the recent case of the frightfully wealthy widow Windham and her loveable attorney and heir, Mr Frank. Ah, you say, but one swallow doth not a summer make. True, but what of

two swallows, with rumours of more?

noseweek has discovered a second case: that of 94-year-old Paddy Policansky, who died surrounded by paintings and antiques at her home in Kenilworth in May last year.

Her estate has been valued at a modest R3.75 million. As she had no children and few friends, various animal charities had gained the distinct impression that she planned to leave it all to them.

But, it now transpires, in the end the 'charity' that won out was another sort of animal entirely: her attorney, Peter Davis, senior partner in charge of family trusts and deceased estates at the well-known firm Herold Gie and Broadhead.

Here it is worth recapping the case that appears to have set the trend: the last will and testament (as opposed to the one she wrote some years earlier) of Dorothy 'Johnny' Windham.

Mrs Windham had inherited both the millions of her first husband, Anglo American founder Carl Davis, and the estate of her second husband, former chief justice of St Helena, William Windham. As a result she owned valuable jewellery,

thousands of De Beers shares and a beautifully restored Georgian mansion in Green Point that was stuffed with the appropriate art and antiques. The house was declared a national monument. At the time of her death in 1997 her estate was worth more than R16-million.

In 1985, when she was 85, she wrote a will leaving her historical home with its furnishings to the University of Cape Town. The De Beers shares *et al* were to go to her step-relatives now resident in England. Boys' Town, the People's Dispensary for Sick Animals, the Community Chest and various friends and retainers were to get small legacies.

But then Mrs Windham appears to have changed her mind.

Between 1987 and 1990, advised by her new attorney, Mr Frank, she made various changes to her will, which resulted in both UCT and her English relatives being disinherited. In their stead she named her attorney, Jonathan Graham Frank and his lovely wife and children as her major heirs. Attorney Frank got the house, his wife, Denise, got a percentage of the entire estate in cash,

Paddy Policansky's gate at 17 Highwick Avenue, Kenilworth. Despite the sign, there was no dog – then.



Beware of Dog

Paddy Policansky's Wills continued

plus a double string of pearls with an emerald clasp; their son, Craig, got 4 000 De Beers shares (undoubtedly making him *Style* magazine's most eligible bachelor in the year 2000); son Howard and daughter Michelle got small legacies.

When, some time after her death, her relatives in England – step daughter-in-law Cally Horton and step-grandson Robert Carl Davis – and UCT discovered the dramatically changed state of their expected Windham fortunes, they were shocked and dismayed. Early this year they launched an application in the Cape High Court to have all the later wills set aside. They allege that, as her adviser on matters concerning her estate for many years, attorney Frank exercised undue influence over the old lady, weakening her resistance and making her mind pliable to his unscrupulous designs.

The case will go to trial in the new year.

The story of Mrs Policansky is no less interesting. Whereas she was the widow of Leon 'Sonny' Policansky, who had made his millions manufacturing Cavalla cigarettes during the war, most of her fortune was inherited from her own family, the Schmulows of Pretoria.

Mrs P had no children of her own. Quick to take offence, she had very few friends – and even those she preferred speaking to by telephone rather than having them visit. She certainly appears to have had more affection for animals than for any of her relatives.

Except for her two cats, she even preferred to conduct her relationship with animals at a distance – by way of donations to animal charities.

The gate of her home in Highwick Avenue always bore a large notice declaring 'Beware of dog' – but she never, ever, kept a dog. The ferocious barking to be heard from behind the front door, when unwanted hawkers came to knock, was being done by Mrs P herself.

The only people who were welcome to call at her home were fund-raisers for charity – and most particularly those for animal charities such as the Carthorse Protection Association and the Animal Anti-cruelty League. In addition to her regular donations to these charities, she

also led several of them to believe that they would be the heirs to her estate.

Mrs P died leaving an estate modestly valued at R3.7 million. She wanted no funeral, a practice she regarded as barbaric. Her body was taken, unescorted, to the crematorium and cremated without ceremony or prayers. Her two cats were put down on the same day, all in accordance with her wishes.

A week after the small notice recording her death appeared in the *Cape Times*, the Standard Bank duly delivered the will she had drafted in 1983, and left in the bank's safekeeping, to the Master of the High Court. But they had been pipped to the post, as it were.

Just two days after her death, attorney Davis filed a more recently drawn will and an inventory of all her assets at the Master's office. Mrs P had drawn this will with his advice and guidance in December 1997, when she was 97 years old and only six months before her death. It revoked in its entirety the previous will held by the bank.

A comparison of Mrs P's earlier and later wills reveals a notable similarity: both contain an admirable list of bequests to charities.

There are also some very notable differences. In the earlier will, Aubrey Allan of Standard Bank was appointed executor and was left a legacy of R10 000 'with thanks and appreciation' for his help. The main heirs were Mrs P's cousin, Dr Max Goddard, and his wife and children. In her old will Mrs P left legacies of shares and cash to her sister-in-law Maureen Schmulow, cash to her brother-in-law's children, Linda and David Policansky, and R5 000 to her godson, Gavin Cooper.

In the new will filed by Mr Davis, he is the executor, and there is no appreciative legacy for Mr Allan. The Goddards, the Policanskys and godson Gavin have also been omitted entirely from the new will, while Maureen Schmulow, the only relative still to get a mention, got no shares, only R5 000 (which, considering the size of the estate, could be perceived as an insult).

Installed in their stead, are 'my attorney and very good friend of Cape Town', Peter Michael Davis, his wife, Linda, and their sons, Michael and Christopher.

In the new will, drawn by the 97-year old Mrs P under his guidance, Peter Davis gets the house at 17 Highwick Avenue, conservatively valued at R950 000, together with paintings and furniture valued at R166 000. These include the baby grand piano that in the earlier will

was bequeathed to the Eoan Group on the Cape Flats, and a large Irma Stern painting, *The Tomato Sellers*, which the appraisers appointed by Davis valued at only R65 000. (Stern paintings are now selling at anything between R250 000 and R1-million.)

The will further provides that before the house is handed to Davis, it must be painted, inside and out, at the estate's expense.

In addition, Mrs Davis and their two young sons get legacies totalling R40 000, making a total for the Davis family of R1 156 000 (excluding the cost of repainting the house).

Legacies to old friends (Gertrude Cooper and Dora Olds) and helpful business acquaintances (such as her travel agent and the manager of the Savoy Hotel in London, where she spent two weeks in a river suite every Christmas for the last 15 years of her life) total R157 000; retirement bequests to her three loyal servants together total only R200 000; direct legacies to animal charities total R75 000, while legacies to charities for the poor and handicapped total R100 000.

The remaining R1.75 million of the estate goes to a trust to be administered by Mr Davis, who will invest the money where he sees fit. Twice a year he must distribute the income, as he sees fit, between six animal charities and three charities for the poor nominated by Mrs P in her will. In charity circles, that makes Davis a very influential man who few would dare to criticise.

Which brings to mind another of his wealthy benefactor's quirks: lacking the courage to take issue publicly with those with whom she disagreed, Mrs P instead would taunt them with abusive, anonymous telephone calls.

To revert to the matter of Mrs Windham's estate: as Mrs Policansky had done on the advice of her attorney Mr Davis, so Mrs Windham, too, had made another, superficially insignificant, change to her will on the advice of her loving attorney, Mr Frank: instead of listing friends and charities for smaller legacies, her will confers on Mr Frank the power to distribute the remainder of her estate to charities, institutions and causes 'as he sees fit'.

The charities no longer listed as legatees in the later Windham wills have made no formal objection – for reasons that appear obvious enough to us. Just consider: If those English relatives and UCT lose their case and Mr Frank gets to keep the estate, we find it hard to imagine that he will 'see fit' to include UCT among the institutions to share in the remainder of Johnny Windham's estate. *72*

RE THINK ING AIDS PART 4

AZT AIDS by prescription?

President Thabo Mbeki rarely goes public on controversial issues – an aspect of his political style that is often criticised in our circle of friends.

When, therefore, the president of South Africa goes into the teeth of the storm about rape and AIDS babies to declare that he has noted that there are serious doubts – and court cases – about the merits of AZT, dear reader, that is reason to pause and, just maybe, to applaud.

Ineffective as a therapy, AZT is a gruesome, slow-acting but lethal poison prescribed for desperate HIV-positive and AIDS patients. That is the drift of a large body of scientific evidence that would place billion dollar drug trader Glaxo-Wellcome squarely in the worst tradition of the snake-oil salesman eagerly exploiting the desperate and the dying.

HERE ARE JUST SOME OF THE FACTS Glaxo and its allies would rather you didn't know and will, apparently, stoop to any means to suppress. (One of the commoner ones is to smear its critics by comparing them with apologists for the Holocaust – see page 18.)

Glaxo representatives have hastened to assure Mbeki that there are no legal actions in process against Glaxo for harm caused by AZT. A careful choice of words. What they don't say is that various cases are pending in Europe and the United States in which the claimed benefits of AZT are in dispute. In the US one of these is a class action for neurological damage suffered by infants and children on an AZT trial. Robert Beard, legal counsel for the International Coalition for Medical Justice (based in the state of Virginia), is assisting the plaintiffs in the preparation of that case. He has told noseweek: 'We believe a number of other lawsuits against Glaxo for harm caused by AZT have been settled out of court with confidentiality agreements. We don't want to tip our hand but even the mainstream literature is replete with studies showing the highly toxic and dangerous nature of AZT.'

In other cases it is the doctors and government health authorities who have prescribed the drug who are formally cited as defendants in court – not Glaxo itself. Most often at issue is the right of parents to refuse to have AZT administered to their HIV-positive infants.

In Maine, US, in September last year, Valerie Emerson, the mother of an HIV-positive girl, Tia, who died while taking AZT, won a court battle against the Maine Department of Human Services for the right to not administer AZT to her four-year-old son, Nikolas, who also tested HIV-positive. The mother was reported to the Department of Human Services when her doctor noted that she persistently questioned the use of AZT. In upholding the mother's right to decide, the judge said that 'she feels that she has willingly and in good faith surrendered up the life of one child to the best medicine has to offer and does not want to do the same with the next'. The judge described Mrs Emerson's decision to resist AZT treatment for her child as 'rational and reasoned'.

Many parents whose children have used AZT testify to the horrific effects of the drug and the immediate improvement once use is stopped. In a 1995 trial of various drugs administered to HIV-positive children, sponsored by the (US) National Institute of Allergies and Infectious Diseases and the National Institute of Child Health and Human Development, those children taking AZT experienced such severe bleeding and biochemical abnormalities that the trial had to be stopped.

AZT is short for azidothymidine, the Glaxo-Wellcome drug, invented – and rejected – in the 1960s as a cancer chemotherapy of last resort. AZT was not patented at the time as laboratory tests showed that it was so toxic that human use could not be envisaged. Yet AZT became the most well-known and, at one time, the most widely prescribed chemotherapy for those unfortunates whose number came up on the contentious test for antibodies to HIV.

By imitating the last building block in a DNA chain, thymidine, AZT stops replication of those cells it reaches, theoretically also stopping the replication or spread of retro-viruses, such as HIV, supposedly contained in those cells.

Taking AZT is a drastic step by any measure, as cell replication is fundamental to health, vitality and ultimately life. The effects of taking AZT are accordingly unpleasant. Especially in the early years of AZT treatment before 1994, when dosages were relatively high, many patients experienced the effects of the drug as a torturous combination of nausea, fatigue and extreme pain from muscle wasting.

A 1994 Harvard School of Public Health study concluded that the adverse reactions resulting from the extreme toxicity of AZT were so severe that they amounted to a

serious reduction in the quality of life, outweighing any alleged benefits.

These reactions to AZT are ironically – and dangerously – similar to those symptoms frequently associated with AIDS, often confusing the issue as to what is the real cause of distress and death attributed to HIV: AIDS or AZT?

Critics say that Federal Drug Administration approval of AZT for AIDS – which swayed world opinion in its favour – depended on a cosy, old-boy network of cronies and a blatant disregard for, and manipulation of, scientific procedure.

After studies in Europe showed that AZT in fact leads to a significantly increased risk of death from AIDS, the FDA and US medical bureaucrats backed away from their previous recommendation to 'hit it [HIV] early, hit it hard [with AZT]'.

Those scientists who were critical of AZT from the start say that these deadly results were wholly predictable on the basis of any intelligent consideration of the pharmacology of AZT. In their analysis of the pharmacology of AZT, published as a supplement to the April 1999 edition of *Current Medical Research and Opinion*, Elepulos *et al* point out that AZT is a 'prodrug': it needs to be metabolised by the body to an active form before it can work. However, they argue, AZT is not metabolised in sufficient

quantities by the body to have any anti-HIV effects.

All the dissident groups agree that it is misleading to describe AZT as anti-viral, since the drug has no capacity to distinguish between supposedly infected and ordinary cells. Its one and only capacity, they say, is permanently to stop replication of all cells it reaches. Ironically, rapidly dividing cells such as those of bone marrow, where the immune system is formed, are the worst affected. This obviously makes AZT at any dose the worst option for anybody in a fragile state of health.

It is not surprising that the largest support group for HIV-positive people independent of industry funding, Health Education Aids Liaison (HEAL), has concluded that the definitive characteristic of all those HIV-positive people who live normal, healthy lives, is that they avoid taking AZT.

Both Dr Jay Levy, professor of medicine at the University of California, and Dr Donald Abrams, professor of medicine and director of the AIDS programme at San Francisco General Hospital, have noted that the long-term survivors of 'HIV infection' have all stayed off AZT.

In 1994 the journal *AIDS* reported that fully 94% of HIV-positive people whose condition had 'progressed' to full-blown AIDS had used so-called 'anti-retrovirals',

of which AZT is the most common.

On the other hand, a report of a study of healthy, long-term HIV-positive people which appeared in the July 1999 issue of the *Journal of Medical Virology*, while carefully recording their consumption of vitamins and lifestyle changes, finally mentions, in passing, that none of the 68 people were on AZT.

Figures from the US Centers for Disease Control show that the number of people dying from AIDS trebled between 1987 and 1989 after AZT was approved for use with asymptomatic HIV-positive people (people testing HIV-positive, but showing no signs of ill-health). By 1994 the rate of deaths had risen to 15 times what it had been before the introduction of AZT. Then the number of AIDS deaths in the US halved between 1994 and 1997, as drug cocktails – of which AZT was just one, smaller part – became the predominant treatment. Critics say that as the role and dosage of AZT has been reduced, so has the medical treatment become less deadly.

That AZT is, in fact, deadly was conclusively established by the Concorde trials, the joint British-French trial of AZT (previously referred to in this series) that was run from 1990 to 1993.

Doctors on the Concorde trial testified to pressure from Glaxo representatives to stop the trials at an early stage – when the results could still have been interpreted as

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a vindication of AZT. In the short term, ingestion of AZT pushes up the level of immune system T-cells in the blood. So, if T-cell counts are used as a yardstick and the trials are kept short enough, it is possible to report success for AZT. But many poisons stimulate immune-system activity for a time; with AZT the short-term T-cell response is to its toxicity, not as a result of any anti-viral effect.

One of the many objections to the original American FDA trials used to approve the drug for use was that they were too short: the trial on which initial FDA approval of AZT was based lasted only four months.

The Concorde trials ran for three years, focusing on the effect of early treatment with AZT (treatment of people who were HIV-positive but showed no sign of illness). In March 1993, prior to the publication of their final report, the Concorde researchers wrote a letter to the British medical journal *Lancet* stating that they had found no benefit to the early use of AZT.

Faced with a plummeting share price, Glaxo called a press conference where company representatives simply misrepresented the results. They claimed that Concorde showed that 'early treatment can improve survival', and that 'survival appears to be correlated with CD4 cell (T-cell) response'. To which Concorde's principal investigator, Prof Ian Weller responded (in 1996, on the BBC programme *Panorama*): 'If anything, Concorde showed that there wasn't a correlation between CD4 and survival. My personal view is that the whole [Glaxo] exercise was one of damage limitation.'

(In 1996 researchers wrote in the journal *Annals of Internal Medicine* that counting immune system cells was 'as uninformative [an indication of immune system status] as a toss of a coin'.)

The British co-chairman of the Concorde research team, Professor David Warrell (he is also a member of the British Medical Research Council's specialist AIDS team) was 'outraged by this behaviour of the Wellcome Foundation (Glaxo)'.

Under pressure from Glaxo, Prof Warrell had agreed to soften the wording of the original letter to *Lancet*. Then similar pressure was exerted to have the conclusive sentence in the formal report on the Concorde trials – stating that there were no benefits to the early use of AZT – deleted. Here Prof Warrell and the other Concorde scientists drew the line. Their report was published in *Lancet* in April 1994 with its conclusions intact – but Glaxo representatives on the trial co-ordinating committee refused to sign it.

Prof Warrell commented to *Panorama*,

'What we learned ... is that when the "wrong" result is produced for a famous and flourishing company on which a great deal of financial expectation rests ... there's going to be an attempt perhaps to blunt the message, to modify it, to make a more mellow conclusion from results which seem to be inescapable in their implications.'

Shortly after the Concorde results were published, US researchers announced the results of another trial also showing that the early use of AZT had no beneficial effect. This study was carried out by the same researchers who had previously carried out the hasty trials on which FDA approval of AZT was based and directly contradicted the various confident pronouncements that had been made by US health officials at the time that approval was granted.

The New England Journal of Medicine reported in March 1997 that *initial indications* that AZT *might* be increasing the chances of dying from AIDS, had now been confirmed: 'Extended follow-up of

The FDA has classified AZT as a 'category C' drug, which means that 'safety in human pregnancies has not been determined'

patients in the Concorde study has shown a significantly increased risk of death among the patients treated early [with AZT]. In other words, the drug that had generated hundreds of millions of dollars in profit for Glaxo had not only caused pain and suffering to many patients, it had actually significantly increased their chances of dying.

With rare exceptions, the popular media – which only a few years earlier had blazoned the miracle of AZT – remained noticeably silent about these developments.

Perhaps that is why AZT is still widely prescribed by some ill-informed doctors for asymptomatic HIV-positive people. Its more common current use, however, is as the basis of 'combination' drug therapies in which it occurs in much smaller doses. But, the critics argue, the pharmacological action of AZT is such that it can never be beneficial.

In what could be the most cynical development of all, the AZT lobby is recommending its use by pregnant women who have tested HIV-positive, supposedly to prevent HIV transmission from mother to child. (Earlier in this series it was noted that pregnancy itself is the condition most

notoriously responsible for false positive readings on the standard HIV tests.)

The classic justification for prescribing AZT to pregnant women who are HIV-positive as a means of preventing transmission to their infant is a contentious 1994 US trial, ACTG076 – funded by Glaxo – that claimed to show that AZT reduced transmission by 67%. This statistic may not be as significant as it appears. Less than 50% – some estimates are as low as 20% – of infants born to HIV-positive mothers will themselves test HIV-positive. Of those, a large proportion – possibly as high as 80% – will convert to HIV-negative within 18 months, without any medical intervention.

Those 'HIV-positive' infants who do develop AIDS may not be vulnerable because of a virus. As Dr Robert Root-Bernstein has pointed out, approximately 80% of HIV-positive infants in the US are born to drug-addicted mothers – and they inherit their mother's severely compromised immune system and vulnerability to disease, with or without HIV.

The same applies to pregnant African women who may be vulnerable to disease for different reasons, but who likewise pass on that vulnerability to their babies. In 1998, HIV researchers in Tanzania found that simply providing pregnant HIV-positive women with multivitamins resulted in healthier babies and a noticeable increase in postnatal immunities.

According to the FDA, AZT is classified as a 'category C' drug, which means that 'safety in human pregnancies has not been determined ... the drug should not be used unless the potential benefit outweighs the risk to the foetus'.

Pregnant women are usually warned to watch what they eat and drink. Since the thalidomide scandal of the 1950s, prescribing drugs for pregnant women has been treated with the utmost caution.

Even accepting the nebulous theory of HIV infection and pathogenicity – the idea of suspending this principle to administer a drug such as AZT to 100% of pregnant HIV-positive women – seems bizarre.

HIV-dissidents predict an increase in birth defects, and dire long-term consequences to the use of AZT with pregnant women.

Disquieting results were reported as far back as 1994 in the *Journal of Acquired Immune Deficiency Syndrome and Human Retrovirology*, when a study of 104 HIV-positive pregnant women in India who took AZT showed that their babies had a rate of serious birth defects up to five times the 'normal' rate.

Researchers from the US and Finland reported in *Mutation Research* in July this

year: 'AZT crosses the human placenta and is rapidly incorporated into DNA of placental tissue ... even short exposures to this drug might induce fetal genotoxicity ... AZT has been shown to produce large-scale DNA damage ... the consequences of any fetal exposure to a nucleoside analog [AZT], in utero, remain unknown'.

In a paper in *AIDS* in May, researchers at the Department of Paediatrics at the University of Florence reported that infants whose mothers received AZT during pregnancy had a much higher probability of developing severe diseases

The University of Florence reported that infants whose mothers received AZT during pregnancy had a much higher probability of developing severe diseases

compared with children of untreated HIV-positive mothers. The children also had a higher probability of severe immune suppression, and a lower survival rate.

There are several other recent study results published that caution against AZT being prescribed for pregnant women.

It is these studies, along with the Perth group's comprehensive analysis of the pharmacology of AZT, which both the Medicines Control Council and the Medical Research Council must specifically address, if the South African public – and President Mbeki – are to be assured of the drug's efficacy and safety.

From 1987 to about 1993 AZT was hailed as a wonder drug – on the basis of

'sound research', of course.

Most of the 'mainstream' medical men who then insisted that AZT was effective as an early therapy for postponing the onset or progress of AIDS are now insisting that, while it might not be *therapeutic*, AZT does have a *prophylactic* (preventative) effect. In the dire circumstances of HIV-AIDS, it is 'safe enough' for pregnant women and their babies, they say – again, of course, on the basis of 'sound research'.

And the same critics who were vilified until they were vindicated by the Concorde trials are the ones today cautioning that AZT should *not* be used by pregnant women and infants. Many of the scientific studies they cite as reason for caution are new, directly contradicting the recent assertion by Dr Salim Karim, head of AIDS research at the SA Medical Research Council, that 'there is no new evidence in the medical literature in the last year on the adverse effects of AZT'.

The history of AIDS research has demonstrated that instant profit and instant prestige are powerful motives for going short on science. The science underpinning the original use of AZT was dicey at best, downright dishonest at worst. The ante has been upped to a point where it may be impossible for many of the players to contemplate turning back. Can you imagine the claims for damages they will face? *n*

*For an extraordinary debate on the subject of AZT in South Africa, see: www.virusmyth.com/aids/index/abrink.htm
For an analysis of the pharmacology of AZT by the Perth Group, see: www.librapharm.co.uk/cmro/vol_15/supplement/main.htm*

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When you question AZT for babies, people get hot under the collar

Considering the many side effects of the AIDS drug AZT, the question of giving it to pregnant women should be weighed carefully instead of being blindly accepted.

BY NICHOLAS REGUSH

Nicholas Regush is medical feature writer for ABC NEWS, one of the major news channels in the US.

For its critical AIDS series, noseweek has been accused – by a columnist of the Mail & Guardian – of 'denying the Holocaust'. Imagine our surprise when, within days, we saw Regush abused in identical terms halfway across the globe. His comment: 'I have worked as a medical science reporter for 30 years. In all the time I've worked as a journalist, I've never come across a nastier group of people to interview than those propagandists who work in HIV research.' The article that follows was published recently by ABC News, and is republished here with permission.

PASSIONS CAN RUN HIGH IN scientific circles when questions are raised about conventional thinking in AIDS research. The use of the anti-HIV drug AZT in children of HIV-positive mothers is just such an issue.

Consider the telephone call I made recently to Dr. Mark Wainberg, head of the International AIDS Society: I had called Wainberg, who does AIDS research at Montreal's Jewish General Hospital, to interview him on the science underlying the view that HIV-positive women should be given AZT and that their newborns should also be put on the drug.

(I began this series writing about HIV-positive women and their supporters who are taking action in the courts to prevent government authorities from seizing their children if they don't agree to AZT treatment. Closely related is the question of whether HIV is the cause of AIDS.)

HOLOCAUST EQUATION

I called Wainberg because he had been quoted in the *Ottawa Citizen*, a major Canadian daily, saying that the dissidents were 'fringe people' and that 'There are people out there who deny that the Holocaust happened. Do we want to give them equal credibility?' Did Wainberg really make the Holocaust comment? If so, did he really believe a comparison between mothers fighting for their rights in the courts and those denying the Holocaust was valid? If he indeed felt so strongly, then maybe he could document the AZT science underlying his views.

Not only did Wainberg verify what he had said in regard to the Holocaust in the *Ottawa Citizen*, but he began shouting at me, saying that if I wrote anything at all on this issue, I would be a 'child murderer'. He threatened that if I wrote anything, he would do everything possible to get me fired from my column and my 'bosses' fired. He taunted me, saying that I wouldn't have the guts to print these comments.

I asked him if he therefore believed that this AZT issue should never be reported by the media. 'Never,' he continued to shout. 'Absolutely never.'

He then went on to condemn me again and again as a 'murderer'. He also told me that he considered any other journalist raising questions about the use of AZT in children of HIV-positive mothers to be a child killer.

Wainberg, a well-recognised AIDS researcher who is one of the developers of

the anti-HIV drug 3TC, never once asked me what science questions I wanted to explore with him, and I could barely get a word in edgewise. He had remembered me from more than a decade ago as a Canadian medical reporter who had included nonconventional features and commentaries on AIDS among my more mainstream AIDS stories.

JUST DON'T ASK

Though Wainberg had taken issue with some of my reporting in those days, I had been totally unprepared for his savage assault on anyone (including myself) who had questions about AZT treatment in pregnant HIV-positive women and their newborns.

Considering that there is usually room for argument on scientific studies, that there are reasonable fears about the potentially powerful side effects of AIDS drugs and that there may be legitimate concerns about human rights involved in such a complex situation, I could only shake my head in amazement when I put the phone down. Given that other scientists have also shown strong emotion in denouncing challenges to AIDS orthodoxy, it can make you wonder what in the world is happening to scientific debate.

FINAL ANSWERS

One key study was published on 3 November 1994, in the *New England Journal of Medicine*. It showed that HIV-infected mothers who received AZT gave birth to 13 HIV-positive infants,

Nicholas Regush



while mothers on placebos gave birth to 40 HIV-positive infants. This small study was stopped early because of the significant difference between the two groups and the results were immediately touted as grounds for making AZT standard therapy for HIV-positive mothers and their newborns.

But no study comes with all the facts. The authors of the NEJM article note, for example, that the risks and the benefits of initiating (AZT) treatment during the first trimester of pregnancy, after 34 weeks' gestation, or in labour, or of treating only the newborn were not assessed.

In an editorial accompanying the study, the authors state: 'The results, however, raise many questions about the mechanism of action of (AZT), the timing of transmission, the effectiveness of the regimen in women with clinical characteristics that differ from those women in the trial, the long-term effects of exposure to (AZT) during pregnancy, and the type of counselling that is appropriate to ensure that HIV-infected women understand the benefits, risks and uncertainties of the therapy.'

NO ABSOLUTES EXCEPT ONE

The authors also note that in its recommendations for AZT therapy, the public health service emphasises 'the need for a thorough discussion of the benefits and risks. The final decision on therapy should be made by the woman in consultation with her health care provider.' I might add, a health provider who is properly informed.

No study has since been published that should change the spirit of that recommendation. While some proponents speak of the steady decline of infant and child AIDS cases after a 1992 peak, factors such as declining births to HIV-positive women and better prenatal care may have played a role.

Then there are the voluminous reports of adverse reactions to AZT to consider, including the drug's ability to damage bone marrow, kill growing cells (particularly immune cells) by interrupting their synthesis of DNA (life's blueprint) and to establish itself in DNA with the potential for long-term consequences, which includes the possibility of cancers.

Should there be widespread reporting and discussion about this entire issue? Absolutely! *n*

Screwed, by George!

Life on the Streets of Gauteng

GEORGE GAITANELIS IS A PLAYER. For a couple of decades or so, he's operated in the mean streets of Hillbrow and Joubert Park, looking for gaps in the shifting markets of the new Egoli, capitalising, making a buck, getting out.

Throughout the 1990s, he has operated telephone bureaux in the area, selling phone time and offering services such as luggage storage at a highly inflated rate to the transient masses that flood the area each day – immigrants, commuters, people from out of town looking for work. In mid-1997, an opportunity arose for George to open up shop in the newly refurbished Park Station, once Johannesburg's mainline railway station, today a gritty and cavernous mall catering to the tens of thousands of commuters who arrive daily from Soweto by train, to disperse from there in a seething throng of combi taxis.

He grabbed the opportunity to open the ultimate telephone bureau and, in the adjoining shop, started up an internet café. He incorporated these businesses as closed corporations, each with a sole member, one Isaac Mchunu, an employee of his. The reason George had to go this circuitous route to open his businesses is quite simply that Telkom wanted nothing to do with him and would not lease him new lines, as he owed a quite substantial sum of money, about R250 000, on his phone bills from his Hillbrow businesses, accumulated between 1994 and 1996.

This sum, said George, was easily explained: like so many Hillbrow residents, he had fallen prey to the wiles of unscrupulous Nigerians who were tapping into phone lines before they even got to his shops and renting them out to other Nigerians for three-hour phone calls to Lagos at R1 656 per hour, which, according to George, were reflected on his detailed bill as having been made at times the shops were not open. In one month, he asserts, the bill at one shop climbed from R5 000 to R28 000.

According to an authority closely linked to the case, though, telephone fraud by Nigerians was virtually unknown in

the period during which George ran up his phone bill. The same investigator appears to be under the strong impression that George is not the small-time businessman he claims to be, but was running a veritable web of similar businesses, 21 in total, all owned on his behalf by nominees and even under aliases. He also suggests that sum owed by George to Telkom was somewhere in the order of R1.3-million to R1.5-million, rather than the R250 000 admitted by George. All lies and slander, says George.

Whatever the bills and however they were incurred, they became a recurring nightmare for George. Running up debts at his five shops and threatened with closure by Telkom which was clearly reluctant to continue his service, George sought advice from Martin Nel, a Telkom technician, who suggested that he speak to a Mrs Renee van Rensburg in the credit division.

Mrs van Rensburg turned out to be extremely helpful. For between 10 and 20% of the total, she said, she would write off most of George's phone bills. George, no doubt recalling four minute waits on Telkom's inquiry line, was amazed that it could be this easy, and grateful to the highly competent Mrs van Rensburg, who had clearly done this sort of thing before.

So often had she done it before, in fact, that the more lucrative side of her job as a Telkom employee had become obvious to the Telkom Investigations Division. Faced with arrest, and promised a reduction in the charges that would be brought against her, she had agreed to turn state witness and accept one last bribe, which would be recorded on a hidden camera. It's possible that some within Telkom saw this as an opportunity to get the troublesome George Gaitanelis to cough up once and for all. Or, as George sees it, to rob him of his businesses and install one of their friends in his place.

Whatever the reason – perhaps it was the misfortune that seems to have dogged George as if he were some hapless Gauteng Odysseus – George was it. On 22 October 1997, as George handed over his payment to an oddly nervous Mrs van

Rensburg, Sergeant Judeel of the SAPS appeared and arrested him for corruption.

He was duly charged and bail was set at R50 000, the next shock for George. His attorney, Andrew Hertz, had told him that bail would not exceed R10 000 and had obtained a cash cheque from George for this amount to deal with the eventuality. Next George knew, he was having to send friends scurrying to raise the full R50 000 in cash – his attorney had disappeared with the cheque.

Hertz was a recent associate of George's. In 1997, he had joined in partnership with George's previous attorney, David Drutman, and when the partnership was dissolved shortly thereafter, George had retained the services of the newcomer, perhaps discerning in him the spirit of a street fighter like himself.

With George's R10 000 cheque in his hands, perhaps Hertz had realised that he was onto a good thing.

During the ensuing weeks, it seems that Hertz went out of his way to sow the seeds of uncertainty in the mind of the unfortunate George. He hinted darkly at a maximum sentence of 10 years for fraud on the scale that Telkom was alleging and clucked over what he anticipated to be a difficult and costly defence.

In the meantime, says George, he was without income. Telkom had – quite reasonably – cut the telephone service to his shops, thereby cutting his once very substantial cash flow. So George nominated Hertz to represent him at a meeting with Telkom, from which Hertz returned with a long face. Telkom was unwilling to accommodate George, he said, and was determined to press charges against him. Subsequently, a Telkom employee who had been present at the meeting confessed to George that he had been 'surprised' at the uninspired manner in which Hertz had represented the interests of his client.

A frantic George visited Hertz at his home to discuss emergency measures. He needed someone to act as a (secret) nominee in his Park Station businesses, with the purpose of getting his phone lines back in. Did Hertz know of such a person,

he asked. Hertz played his hand long. Sorry George, he said, but I don't. I'd love to help you out, Georgie, but you've got to understand that you're a bit of an iffy proposition these days, businesswise. It's likely that he shook his head in sympathy for the trials of his client. Come on Andy, said Nicolette Hertz, his wife, who was present at the informal meeting. Surely we can help Mr Gaitanelis? Slowly, reluctantly, the sharp young attorney softened. Look, George, he said, let's sleep on this and meet tomorrow. Perhaps I can act as nominee for you, just until this all blows over and we get things sorted out.

Buoyed somewhat by the sympathy of the Hertz couple, George arrived at the meeting the next day hopeful that his businesses would soon be up and running

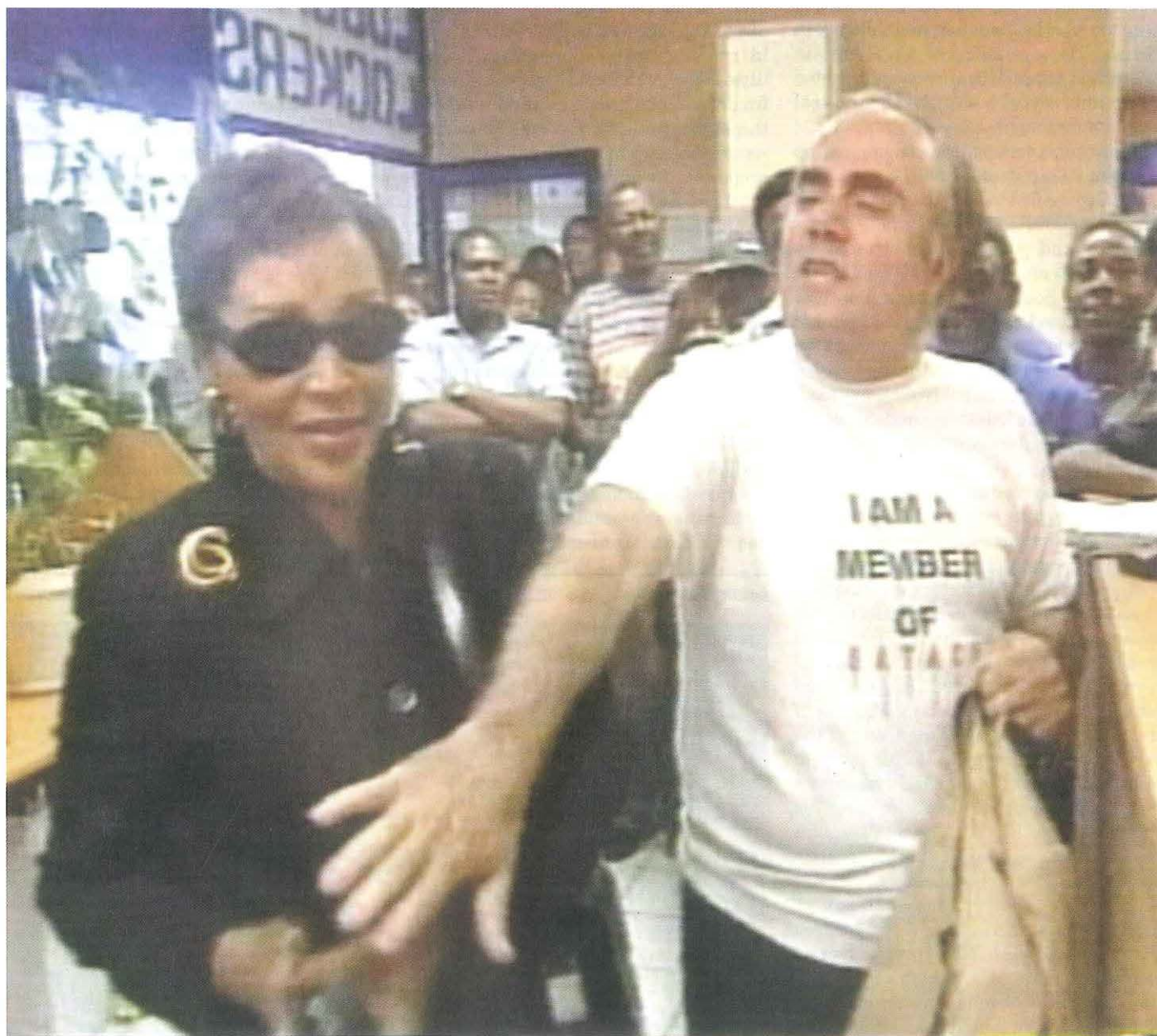
again and able to provide him with the wherewithal for his very costly defence. The mood at this meeting was startlingly different from the previous night. Look George, said the Hertz, you're so deep in it now that there's only one way out. We'll stand in as nominees for you and run the business – but only if you give us 50% of your Park Station businesses. Are you trying to kill me? shrieked George. That's the equivalent of about a million bucks you're asking for!

Desperate, he went to his brother, who was also unable to help him, Telkom being leery of providing lines to any business whose proprietor was a known Gaitanelis, George or not. So back to the Hertz he went. He accepted their deal and Hertz's offer of a 'free defence'. To act as nominal

owner of the other half of the business, he approached young Norma Landella, to whom he refers as 'my ex-common-law wife, the mother of my child'. Fair enough, says Norma, but you'll have to make our only daughter, Nikki, the express beneficiary of your half of the shares should anything happen to you.

George, the fox of Hillbrow, should have seen it coming. Manipulated by those he trusted and those he had no choice but to trust, he had effectively signed his business over to others – not employees and truly nominal nominees this time, but people who were fully aware of the power he had given to them and had calculated shrewdly what they stood to gain. Nevertheless, the deal was done, a contract drawn up by Hertz was signed and George

George Gaitanelis grabs another (photo) opportunity – with Felicia Mabuza-Suttle at Johannesburg's Park Station



Screamed, by George!

Life on the streets of Gauteng

and Hertz started running the businesses together, incurring joint debts in the purchase of rows of new luggage lockers that would not only increase income but, predictably, would become the subject of later dispute.

And now a yet more sinister note could be heard in the silky voice of the lawyer Hertz. He began to suggest to George that it would be best if he pleaded guilty to the charges brought against him by Telkom. He was sure, he said, that a guilty plea would be considered as mitigating by any reasonable court, although, and perhaps here he got a little carried away, the sentence was still likely to be substantial. By March 1998 George, now a shadow of the fast operator he had once been, was utterly despondent. His old father had fallen ill in Greece. He was facing a long term in prison and his defence was being mounted by an attorney who was showing no real zeal in pursuing his case.

Believing, perhaps, that there was no problem so big it could not be run away from, George fled to Greece. But the air of his homeland restored some of his strength and judgement. Bolstered by the advice of family and friends, he returned to South Africa after a month or so, determined to face the music. On his return he found that the suspicions he had begun to nurse about the sincerity of his attorney were horribly well founded. Hertz, it seemed, had alerted Sergeant Judeel to his departure the minute he absconded.

George appointed another attorney, Paul Friedman, to take over his defence. One of Friedman's first acts was to go over with a fine toothcomb the contract George signed with Hertz. Clause 3.3, was illuminating. It stated, in effect, that should George fail to avoid going to prison, his entire business would pass into the hands of Hertz – Norma Landella never having been intended to play any role in the running of the business according to the terms of the agreement. Hertz's advice to his client to plead guilty, George now concluded, was a blatant and obvious attempt to have his client incarcerated and, thereby, to acquire the controlling interest in his client's business at absolutely no cost.

George now entered into a flurry of negotiations with Hertz and it appeared that they had each other over a pair of wobbling barrels. A condition of the continuation of the negotiations, for example, was that George would not lay criminal

charges against Hertz or report him to the Law Society. In the meantime, the obviously astute Friedman was negotiating with Telkom to drop the charges against George in exchange for an undertaking that he would pay them in due course. His phone service would also be restored so that he would have the means to pay them. It was also established by Friedman, satisfactorily though not conclusively, that crucial parts of the contract between Hertz and George, including George's initials on various pages, had been forged.

Then Hertz did a George Gaitanelis on the crowd: he pocketed the cash flow, handed over care of his new and burgeoning phone empire to his father-in-law and did a runner to New Zealand, where, it appears, he was taking steps to secure immigration papers.

Hertz had failed to pay the rent on the premises in Park Station and had basically taken over where George had left off in running up monumental debts with little hope of honest payment. Intersit, from which the premises were rented, put the businesses out to tender in a bid to recover the outstanding rental on the two properties. An offer of R280 000 was made to them by one Mr Colin Borocowitz. George knew that name. At the time of his uneasy partnership with Hertz the said Borocowitz had spent some time in the phone shops in his supposed capacity as Hertz's bookkeeper. Oy vey.

It's George's contention that Borocowitz was out to buy the shops on Hertz's behalf, using the cash profits made during the time that George and Hertz were running the shops together but not paying rent.

Righteous anger has transformed George Gaitanelis. Together with the famously single-minded Snowy Smith, he has taken up the crusade against crooked

attorneys generally, and against Hertz in particular. He has pressured the quaintly named Transvaal Law Society into writing to its learned colleagues in New Zealand, ensuring that Hertz's new career in the Antipodes is scuppered before it has a chance to begin.

He has written to every cabinet minister and most MPs, some of whom have taken him quite seriously, notably Mr Reddy of the DP. He received a sympathetic reply from Brigadier General Snowball, secretary to the Minister of Defence, whose name alone earns him a place in this story.

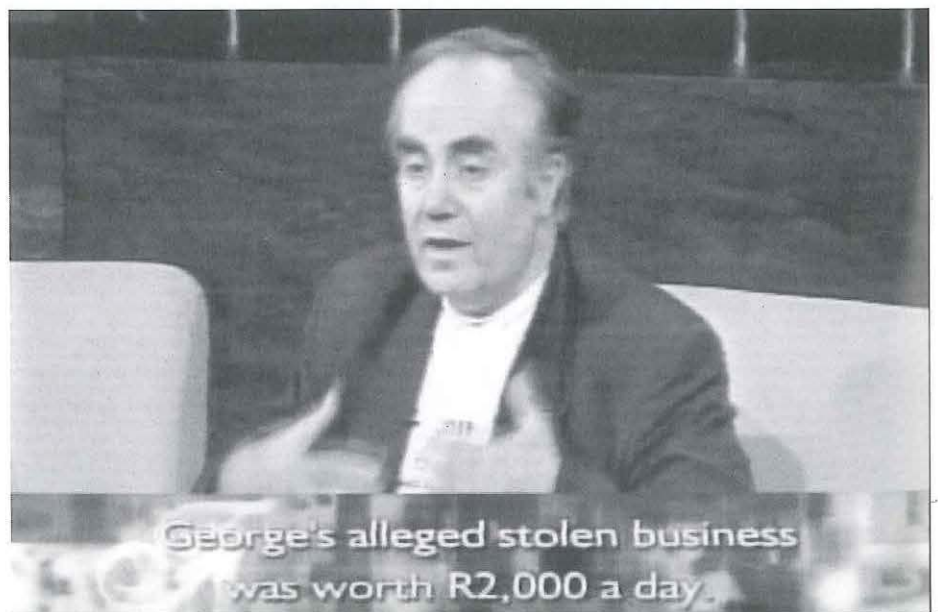
He has also approached playwright Essop Khan to dramatise the events leading up to his dispossession.

He has founded an organisation whose acronym, SACTACT, stands for Stop Attorney Theft Against Clients Today. He has had T-shirts printed campaigning against the perfidy of lawyers. He has posted lyrical notices around Park Station inveighing against the casually partisan directors of Intersit. He has begun work on a substantial volume provisionally titled 'How to Haunt a Crooked Lawyer' and has threatened to indulge in a bit of protest theatre, in which he will symbolically hang himself on a concealed harness above the commuters at Park Station, his neck at a grotesque angle to his body.

He has generated a tornado of faxes, petitions and letters to other victims, to his enemies, to the authorities. He has secured himself a full 15 minutes of saccharine incomprehension on the Felicia Mabuza Suttle show. (Video copies can be shipped for a small fee.) And best of all, he's got himself into noseweek.

There's a place for victims – and business – of every stripe in our sunny new democracy, it seems. And for every sort of justice.

George campaigns to Stop Attorney Theft Against Clients Today on national television.



notes and updates

BoE GETS A BOLAND HANGOVER

In July 1996 Boland Pks, then newly acquired by BoE, sold its micro-loans division to the Johannesburg-based Theta Group, whose subsidiary company, Unity Financial Services, also provided short term cash loans to customers through 100 branches nationwide.

Boland's micro lending division provided 36 and 48-month small loans to customers through various group loan schemes. At the time it was the only growing portfolio on the asset side of Boland's balance sheet - all other portfolios were in a phase of decline. Due to problems in its IT department, however, Boland PKS had constant difficulty reconciling the micro loan accounts, so, according to well-informed sources, it was considered a good idea to "sell the mess before it blew up".

There was, of course, another reason why it was probably a good idea: giving small loans to the poor at usurious inter-

est rates is easy; collecting it back from the poor, particularly from those poor who belong to "previously" get ugly - especially when you're an old Afrikaner establishment.

Both Boland and Theta were eager to conclude a quick deal, with Boland selling Theta a "book" of micro loans totalling R872 million (calculated on the basis of a "D-day reconciliation", please note). The total deal, which included, inter alia, an undertaking by Boland's parent company, BoE, billions in fiance for the business for a five year period, was done in exchange for a 35% stake in Theta, valued at the time at R2.8 billion. For Boland it was a means to "create value" in a hurry - a bad year-end was looming. Theta were keen to gain "critical mass" in a rapidly expanding micro-lending market. The stock market would surely be impressed.

As usual, it's when you get to the small print that the term "interesting" comes to mind, rather than "impressive", to describe the deal. In order to get Theta to accept the D-day reconciled book, Boland was required to guarantee certain sales and profits. It happily guaranteed an after tax profit of R167m for the year

ended 30 September 1999 - and projected ongoing profit increases thereafter. All linked to a 20:1 penalty clause.

Boland were either very confident - or very desperate: This was more than a year's profit for Boland PKS. Analysts at BOE, Boland's holding company, are later said to have privately described it as the worst contract in the history of the company.

The men at Boland PKS have, to date, still not been able to reconcile the micro loan accounts. At one stage there were more than 7 000 accounts they could not reconcile - and that was only on one of the schemes. Which explains another clause in the small print: Boland also undertook to provide "computer and other logistical support" and for the "transfer arrangements" of the business. This hot potato the smart boys at the top shrewdly handed on to Gawie Cillie, former manager of the East London branch who is known for his diligence - and decent enough to take the rap when all unravels. When last heard, he was still trying to sort out the mess.

Needless to say, September 1999 has come and gone, and the promised profits

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The Warings at War

continued from page 8

The *Cape Argus*, in an editorial in 1977, rated Joyce among the great 'rugged individualists' and *enfants terribles* who have enlivened the public and political scene in SA with their controversial and contradictory views, scorching invective and irreverence for orthodoxy.

Nusas leader Geoff Budlender, however, described her as 'a loud-mouthed cuckoo living in cloud-cuckoo-land'. Responding to her description of UCT students as 'disgusting, unwashed, long-haired and insolent', he reminded Joyce - and the world - that at a UCT debating society meeting in 1933 she had proposed that 'the salvation of mankind lies in fascism'.

Of herself she said: 'You name it, I've done it ... you think it, I've said it.'

In her 60s, Joyce was still riding her old horse Cantip three times a week. 'We'll probably die together: he of a heart attack and me from a broken neck as he falls. It'll be a hell of a better way to go than creeping into senile decay,' she told an interviewer more than 20 years ago. But there were to be no fatal falls for either.

In February this year the advocate appointed to investigate Frank Waring's

condition and situation, preparatory to the appointment of a curator to look after his affairs, found Joyce 'still a formidable lady'.

In March advocate Elize Steyn reported that Mrs Waring was aware of the dissension between her children. 'I don't know why the children think that somebody will run off with the money,' she repeatedly told advocate Steyn.

Frank was placed under curatorship in April this year. As the year progressed Joyce, too, rapidly declined and, in recent weeks a curator has been appointed to handle her affairs. Frank and Joyce have been married for 64 years.

Of their children Frank once said: 'They've not frittered their days away on tea parties. They've got stuck into things.' Leading the rush to 'get the money' is their daughter, Adrienne Koch. Both in looks and style she is hardly distinguishable from her mother.

In 1958 Adrienne became 'the first Nat in the family'. She became a Paarl town councillor in 1963, when her daughter, Judy, was one year old, and the town's first woman mayor in 1971. In 1974, she was described as the 'go-go girl for the NP'. She was Nat senator from 1977 to 1981, when she became a member of the President's Council.

In the family battle she is ably assisted

by her equally controversial son, Simon, and daughter, Judy - who, apparently, like her mother and grandmother, has a flair for life beyond the pale, even if it is only between the sheets in Australia. [See box.] Their part in the family feud leaves no doubt that they have inherited Joyce's irreverence and yen for the good fight in no small measure, leaving the tamer Warings ducking for cover. *n*

Adrienne Koch: This is no tea party



Cop 'stole Mandela's goldfish in supermarket bag'

WYOLISI COPPE
STAFF REPORTER

A police inspector from the National Protection Service has appeared in court for allegedly stealing a "Checkers bag full of goldfish" from the new R4-million house of former president Nelson Mandela.

Inspector Petrus Kotze, of the protection

service's Rondebosch office, was arrested on Tuesday and appeared in the Wynberg court.

His case was postponed until November 30 for further investigation and he has been suspended from further duties.

He was arrested again yesterday and appeared in the Bellville Magistrate's Court for other charges of theft and house-breaking, after sprinklers were stolen from a store-

room in the parliamentarians residential complex, Laboria Park in Belhar, in March.

Another policeman, John Armatt, who is attached to the Public Order Policing Unit based in Faure, was arrested in connection with the incident and also appeared in the Bellville court today.

The men were released on warning and their case was adjourned until November 16

to give them time to get lawyers.

It is alleged that the fish incident happened on October 17 when Inspector Kotze and a colleague, who also works at the Grootte Schuur Estate, visited Mr Mandela's new house in Bishop's Court.

Inspector Kotze allegedly helped himself to "a shopping bag full" of goldfish from an ornamental pond in the garden.

Cape Argus 04/11/99

at Ocean Basket we understand, that sometimes,
south African's resort to seriously desperate measures
in their quest for fresh fish


your seafood house

so don't be a basket case - get hooked

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have not materialised.

In the meantime, however, the top eight members of Boland PKS's management had long ago sneakily declared bonuses to themselves totalling R10m (after tax) as a pat on the back for concluding the deal. MD Riaan Stassen received a bonus of R2.3 m. SZ Roux received R800 000. Chris Oosthuizen got R600 000. Andre du Plessis and Christiaan van Schalkwyk (in charge of credit risk!) each received R400 000.

Piet Krynauw (commercial financing), Sias de Kock (treasury and product development) and IT manager Gerhard Laubscher – all of whom who "just happened to be in the vicinity of the table at the time" – each received R350 000. All amounts were net after deduction of tax.

These bonuses were never revealed to shareholders, in spite of the fact that Boland pks's holding company BOE claims to subscribe to the King and Cadbury reports. Coopers, the company auditors, were cautioned about the bonuses by nervous employees in December last year – to no avail.

The people who initially thought up the scheme and set the wheels rolling have, however, been given a hard time. Hence the departure of Mynard Slabbert, Hans Petzsch, Basson and Rian Botes to set up a (so far successful) micro finance brokerage of their own in collaboration with Saambou Bank. The departure of the above people was followed by a dramatic drop in business. Micro finance deals with unions and employers of large numbers of workers dropped from R135m a month to R54m a month. As a result staff did not receive any bonuses or increases. They were told the bank "did not have a very profitable year".

In due course the deal blew up or, to put it more politely, was subject to various "revisions" which currently see BOE with only 9% of Theta's shares and a packet of NAIL shares. And the warranty period is still not up. Theta still has full recourse for any shortfall. As a well-placed source in Theta put it: "What the warranties will lead to is still to be seen."

But, surprise, surprise, those handsome management bonuses secretly paid to Boland's top executives have never been repaid. Management did contemplate suing Rian Botes and Mynard Slabbert for their role in the unhappy saga. They responded by asking for details of the

bonuses to be submitted to court – which was when PKS management hastily decided to drop the case.

After all, how could MD Stassen be expected to refund his bonus? He had already spent most of it on a new Mercedes 500 SL for himself and a Range Rover for the kids.

Rumours are doing the rounds that Michiel le Roux and his askari Riaan Stassen have made for PSG Merchant Bank. Apparently there has been some leal sadness between them and main boss Christo Wiese.

And so the BoE saga continues to unravel.

SAFMARINE

Mr Robert Knutzen, owner of the Golden Ocean shipping group, withdrew his application in the Cape high court for the liquidation of the SA Marine Corp Ltd, after parent company Safren hastily injected new capital into the company, putting its solvency at least temporarily beyond dispute.

Earlier Knutzen had obtained an interim order stopping the distribution of proceeds from the sale of Safmarine's profitable container shipping division – and its trademark – to Danish shipping company A P Moller. Such a distribution would have allowed Old Mutual – controlling shareholder in the Safren group of which Safmarine was part – to pay itself a \$100 million dividend, thereby enhancing its own year-end figures due for publication in London.

As reported in nose 28, details about the once-off nature of this dividend were strangely lacking in a glowing report on OM published by Merrill Lynch shortly before OM's London listing, which anticipated Old Mutual's year-end profits at a figure closely matching its share of the total proceeds of the sale of the entire SA merchant marine. Safren had a struck a deal to sell the remaining, loss-making divisions of Safmarine – now SA Marine – to Greek shipowner Stamatis Restis.

Knutzen's analysis of the economics of the situation and rumours about Restis's intentions made him fear for the long-term future of what remained of Safren, and for the company's ability to meet its long-term obligations in terms of lease contracts ("charter parties") signed with Knutzen's company for "dry bulk" ships. Conditions in the dry bulk carrier side of the shipping industry were so tough, Knutzen asserted in his application, that SA Marine, as part of the Restis empire, would soon require fresh capital. It could very conceivably be more profitable for Restis to simply allow his new purchase to go to the wall.

Knutzen described Old Mutual's policy towards SA's merchant marine as one of "asset stripping".

While strenuously contesting his analysis of the situation, Safren amended its agreement with Restis to effectively loan SA Marine R200 million, and to put in R50 million in capital.

Knutzen has withdrawn his application and the parties paid their own costs.

The distribution of the dividend from the sale of Safmarine can now go ahead and Old Mutual's London shareholders will get their (once-off) dividend.

THE POST OFFICE

While readers will have heard of the exorbitant salary demands of the team of New Zealand consultants recently appointed to the S A Post office, they might not have heard of the very sudden departure in June from the Post Office of its Head of Security at head office in Pretoria, Mr Reggie Marimurtu.

An ex policeman, Marimurtu had held the post for two years. The circumstances of his departure from the PO, within days of his return from a trip to Arusha, are still a bit hazy, but noseweek has learned that, after various incredible reports about bribe-taking at the PO, someone was delegated to offer security man Max a private "incentive" (a figure of R3 million has been mentioned) as a test.

The test result apparently has something to do with subsequent events.

Other senior PO officials have also decided to pursue careers elsewhere in recent times, following enquiries into their travel expenses claims and orders for elaborate office furniture that was delivered to private residences in Pretoria's more fashionable suburbs. (Stinkwood tables made to PO boardroom specifications apparently make ideal Waterkloof dining tables.)

The PO's reputation for probity has been pretty bad for some time. Citizens may be surprised to learn – although industry sources were not – that, as in colonial times, South Africa no longer prints its own postage stamps. The Government Printer in Pretoria is equipped with all the special equipment and special papers to carry out the task – and has performed it for decades. The problem, noseweek is reliably informed, is that, besides charging twice as much for his services as most foreign security printers, the Government printer simply cannot be sure that his staff aren't printing a couple of hundred thousand extra stamps "off the record" for their private enrichment.

In March last year, when asked to com-

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CLASSICS
JAZZ

notes and updates

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ment on the appearance of misprinted stamps - highly valued by stamp collectors - on an international stamp auction, the Government Printer, Mr B Dondolo, admitted that, while they might have slipped through the verification process, they could as easily have been obtained illegally from his establishment. "Given the problems we have encountered in this regard ... there is a 50-50 chance for both possibilities to have occurred," he said. Watch this space for further developments.

HEATH AND THE ABSA LIFEBOAT.

The Sunday Telegraph in London reported dismay in British banking circles at Judge Willem Heath's announcement that, although he had found that the lifeboat awarded to ABSA in 1990 failed to meet the requirements of the Reserve Bank Act, he had decided not to pursue his action against the bank and its directors and shareholders to recover the R1.1

billion they had unlawfully gained. Heath said he had decided not to go ahead with the action as it would "threaten the stability of the financial system" - i.e. cause a "run" on the bank. "This smacks of a cave in under pressure," the Sunday Telegraph said.

Indeed, Heath cannot claim any personal expertise in banking that would entitle him to judge factors which might influence the "stability of the financial system". He would have to have relied upon expert evidence to arrive at such a conclusion.

The question is: whose expert evidence? We know that ABSA have actively been putting the "it'll bring down the temple" idea about for some time, but that sort of campaign was to be expected, and must have been dismissed for the self-interested claptrap it is. ABSA and its wealthy shareholders SANLAM and Rembrandt can easily afford to repay the illegal gift they obtained.

Suspicion must, therefore immediately fall on either the Minister of Finance, or senior officials (past or present) of the Reserve Bank itself.

Let's be realistic: Tito Mboweni and Gill Marcus at the Reserve Bank can't yet claim much expertise on a matter such as this. They must be relying on advisors

reared in Chris Stals's "old school". Either that, or these banking and financial authorities must be out to ingratiate themselves with the monied men of the old order. After all, look what the new black business "elite" at NAIL have managed to pocket in handouts from SANLAM! As the Sunday Telegraph notes: "It flashes an orange light over moral hazard in business South Africa: that if one clique can break banking rules it will be difficult to bear down on future breaches by others."

Financial Mail editor Peter Bruce has recently remarked: "There is something in the argument that says a culture of illegitimacy transcends political change." And there we thought Mboweni and Marcus had been appointed to bring about change! It seems they have settled for doing the job "as well as Stals did it". And indeed, within days of Heath's announcement, they were pictured in the press raising glasses at an ABSA celebration - in their official capacities, of course. And on a first class flight to London, deputy president Jacob Zuma was recently observed conscientiously doing his homework - in a beautiful ABSA corporate folder. A terrible - and depressing - cliché about the more things change comes rushing to mind. *n*

continued from page 5

ous of Jenkins's illegal off shore activities involving the exportation and leasing of shipping containers. It is alleged by the prosecution in the English case that in 1991 Jenkins hired two South African hitmen - Van der Merwe and a certain Glen Chait - to murder Law after they had a fall out and Law appeared to be collaborating with South African investigators looking into his activities.

As was previously reported in noseweek, Jenkins's activities, involving not only large-scale currency fraud, but also tax fraud and fraud on the country's export incentive scheme, were apparently condoned by, amongst others, the then Minister's of Finance and of Trade and Industry, Barend du Plessis and Dawie de Villiers. Shortly after Alant's investigation was aborted, he was pressured into resigning from the bank and into signing an undertaking not to disclose any of the information which came into his possession during the period of his employment with the bank.

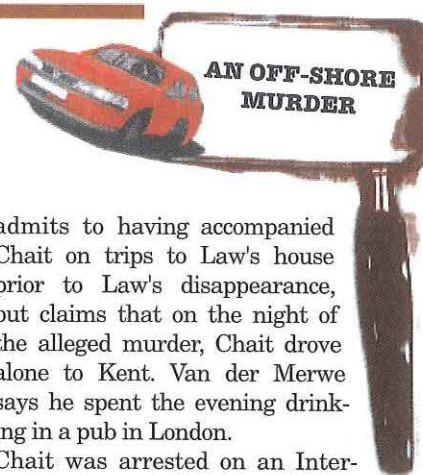
Alant is a highly qualified attorney. It is his view that Section 33 of the Reserve Bank Act - the clause which imposes an obligation of secrecy on bank employees - is unconstitutional, and that publication of the information he has concerning the Jenkins case and other irregularities at

the bank is in the public interest. It is now known that he has attempted to bring some of it to the attention of the Public Protector, Mr Selby Baqwa, but that the bank's lawyers have informed Mr Baqwa that, in their view, he would be committing a criminal offence if he so much as takes possession of the information.

The issue first became public knowledge in March this year, when Alant was called as a witness in a civil trial in the Cape High Court to prove that Jenkins had lied to the court under oath about his interests in an off shore company cited in the case. The Reserve Bank hurriedly intervened to have Alant's embarrassing evidence expunged from the record. noseweek was able to compile a full report on the evidence before it was expunged (see nose26).

In the British murder trial, it became unnecessary for the prosecution to call Alant and ms Breytenbach as witnesses: confronted with a summary of the evidence they were to give, the defence decided not to contest it, and agreed to the summary becoming part of the trial record.

In essence, Van der Merwe does not dispute the prosecution's allegation that Jenkins intended to have Law "dealt with", but says it was his partner, Chait, who committed the murder. Van der Merwe



admits to having accompanied Chait on trips to Law's house prior to Law's disappearance, but claims that on the night of the alleged murder, Chait drove alone to Kent. Van der Merwe says he spent the evening drinking in a pub in London.

Chait was arrested on an Interpol warrant in Johannesburg in 1996, but the day before he was to have been extradited to England, he was found dead in his police cell. Although there are many questions about the circumstances of his death that remain unanswered, an inquest magistrate subsequently ruled that the cause "or likely cause" of Chait's death was "consistent with hanging - suicide".

The new trial of Neville van der Merwe, which commenced in the Old Bailey in London earlier this month, is still continuing. In Pretoria an application by the Reserve Bank to the high court for an order of "perpetual silence" against Alant is expected to be heard in February. *n*



The Letters of AL KROK



MR. J. L. HOOKER,
U.S.A.

Dear John Lee,
The story of 'Howlin' Bob' is the story of the Blues - it began

LONG AGO, WHEN NATURE'S SIMPLE SYMPHONY FILLED THE AIR,
so ZZUMMM!

ARK! ARK! BORK! OH OH OH BAYBA!

THE PEACE WAS SHATTERED BY A HAUNTING LAMENT,

OWWWWW BAYBA! - AWANCHOOO SO BAD!

FULL OF PAIN & PROMISE..

AAHM SOOO SADDENBLOOO ABOWCHOOO OO HOOO!

SO WE TOOK IT ON THE ROAD. 'HOWLIN' BOB' WAS BORN.

OOH WERRA YOOOO BAYB?

HE TORE OPEN THE HEARTS OF THE PEOPLE

MAH BAYBA DON' LURVE ME NO MOAH!

HOORAY! CLAP! CLAP!

TO FIND THAT LOVE HAD FLOWN.

AHM YO LOVIN' MAINNN!

PAIN TURNED INTO AGONY

WOWNCHA SQUEEZE MAH LEMMIN BAYBA!

AND SOON THERE WAS NOTHING BUT DULL HEARTACHE..

THE THRILL IS GAWN! AHM-A-GOIN' HOWM

BUT..

BACK IN NATURE'S BOSOM, 'HOWLIN' BOB' WILL RISE ANEW!

ARK! ARK! BORK! AHMA LIDDLE RED ROOSTAH BAYBA!

so ZZUMMM!

Love, Al Krok.

Adapted for noseweek from Selected Letters by Al Krok by Roderick Freemantle (Snail Press, 1998). © Roderick Freemantle 1999.

1st prize: one week in Bulgaria

2nd prize: two weeks in Bulgaria

1999 WAS THE YEAR THEO SCHKOLNY went to the Community Chest Carnival and was talked into buying two R10 raffle tickets by a sweet lady at the Bulgarian stall. Her name was Vaska. Theo won first prize – a return air ticket and one week's free hotel accommodation in Bulgaria.

The fact that it had never crossed his mind to travel to Bulgaria – he is a clinical psychologist, after all – did not mean that he was not excited. That night in March he hauled out his atlas and his appointments book to see when he might clear a week to travel. ('Take two Prozac and call me in a week.') June looked good. Next morning he called Community Chest. They were sure a few days in Sophia plus a few days in Varna, a Black Sea resort tantalisingly punted in the tour pamphlet, was fine. The air ticket was sponsored by Balkan Air and accommodation sponsored by a Jo'burg tour operator, Travel Alive. (How else might one travel? he wondered.)

At Balkan Air in Johannesburg, Zoya reserved him a seat on the flight leaving Johannesburg for Sophia on June 6.

Some time in May, however, Zoya called – to tell Theo that their 6 June flight had regrettably been cancelled. What the hell, it was free. With a bit of re-organisation, 20 June would do as well. You're on, she said.

A week later Balkan Air called again. This time it was Francine who regretted to inform him that that flight, too, had been cancelled. So they made it 27 June.

A week later – yes, you guessed it – Balkan Air called to say that all its flights had been cancelled 'until further notice'. Theo demanded to speak to the manager. Certainly you may leave a message for Mr Pavlov, said Francine sweetly. He will return your call as soon as he has a free moment.

Mr Pavlov apparently has no free moments. So when Theo told Mrs Wren at Community Chest about his terrible disappointment, the Chest instantly decided to pay for a flight to Sophia on Lufthansa. (The cheque the Chest gave Theo bounced, but was met when deposited a second time.)

Confident that he was finally headed for Sophia on 4 August, Theo phoned Travel Alive to make the hotel reservations. Now a hostile manager, identified only as Duncan, said Travel Alive wasn't offering

the prize any more, because Balkan Air had somehow let them down. Your name's on my raffle ticket, Theo insisted. Finally Duncan agreed – as a gesture of goodwill, you understand – to provide a week's accommodation, but only at the three-star Hemus Hotel in Sophia. Black Sea resorts were out. Theo wearily accepted, only to discover that in Bulgaria, according to Duncan, a week has only five nights. Theo had booked his flights assuming seven. Community Chest again stepped in and agreed to pay for one extra night.

Late on 5 August, after a long flight, Theo landed at Sophia airport. Having hailed a cab to the Hemus Hotel, he was startled when the cab unceremoniously dumped him on the pavement outside a bleak 25-story office block, or so it appeared, until a passer-by directed him to a door into a dimly lit lobby, where a middle-aged woman made up like a 1950s drag queen with long plastic eyelashes and dark green eye-shadow welcomed him warmly as the Hemus Hotel's first-ever English-speaking guest. Until very recently, the Hemus had been the holiday destination of thousands of communist workers. 'You vil tich me English, yes!' the woman exclaimed heartily – and directed him to carry his own bags up the dark stairs to room 403, where he fell into bed, too exhausted to care.

Next morning he awoke to the full horror of the place: the cupboard, the 'ashtray', the mattress that bore the marks of numerous events too ghastly to contemplate – and two flea bites on his foot. The camera he had brought to record the historic sights of the city was used instead to meticulously record the forensic evidence.

Theo rushed down to reception to phone

The evidence: the ashtray, the mattress, the flea-bitten foot



Theo celebrates his liberation from the Hemus Hotel with a new Bulgarian friend

Travel Alive. They had to make another plan. However, no long-distance calls were allowed from the hotel. He was shown to the central post office, where he paid R90 for a call to Johannesburg. 'Sorry, Duncan's not available to take your call right now,' said a sweet voice.

Back at the hotel he asked for the number of the South African consulate. They'd never heard of it – and there is no operator service in Bulgaria. Looking down the list of embassies stuck to the hotel counter, his eye fell on Israel. What else to do?

The ambassador's secretary answered the call. She was neither Israeli, nor Jewish – but she knew when a Jewish boy needs chicken soup. The only thing to do, said Theodora Iossifova, is for you to come and stay at my house.

Theo had one of the happiest holidays of his life talking and partying with an array of Balkan characters, spontaneously generous, dignified, all larger than life.

Theo thought it might be appropriate this once to visit a synagogue – and saw probably the most beautiful synagogue in Eastern Europe to survive the Holocaust.



It was one of the few sites he photographed. On the seventh day his newfound friends accompanied him to the airport to cheer him on his way.

Next March Theo will be making a beeline for the Community Chest Carnival and the stall presided over by Vaska. He may just win the second prize this time. 72

Just for the thrill of it

Single and Single
by John le Carré
Hodder and Stoughton
R139.95

The Prodigal Spy
by Joseph Kanon
Little, Brown and Company
R109.00

The Big Bad City
by Ed McBain
New English Library
R69.95

Reviews by
William Sauderson-Meyer

FOR A SHORT WHILE, IT LOOKED AS if the end of the Cold War might just trip up Le Carré. Despite the publisher's hype about it being his best book yet, his previous publication, *The Tailor of Panama*, was tedious and clumsily humorous in that terribly self-conscious English manner.

Tailor had about it the air of an author searching for a new setting and, in desperation settling on Panama, on the assumption that one armpit of humanity is much like any other. One expected to have Le Carré next plumbing the seediness and squalor of Africa as he searched for backdrops to his sad and lonely heroes.

But with *Single and Single* Le Carré has redeemed himself. The nexus of the story is post-communist Russia, where the remnants of the old order now seek

new ways of ensuring a life of privilege. Their web of financial manoeuvring includes the House of Single and Single, a legal firm in London.

A corporate lawyer from Single and Single is executed on a barren hillside in Turkey, and the carefully constructed edifice built by Tiger Single starts to teeter. His son, Oliver, whose career at the side of his father was brief and inglorious, is reactivated by British Intelligence.

What makes Le Carré's writing so compelling is not the plotting, appropriately Byzantine for a spy thriller though it may be: it is the recurring themes of alienation and thwarted emotion that gnarl the souls of his heroes.

Oliver is typical of Le Carré's protagonists in that he is a fundamentally decent man, scarred by his service to his country and by an upbringing that was characterised by emotional abandonment by his father. There is a hollow core unfilled from childhood and the book traces as much a clumsy journey by Oliver to nourish the soul, as it does the exploits of the Russian Mafia.

Joseph Kanon, whose second novel, *The Prodigal Spy*, is a gripping espionage tale that starts in the 1950s era of Red-under-the-beds McCarthyism, masterfully takes up this same theme of filial alienation, frustration and anger.

Young Nick's life is changed for ever when his father, Walter Kotlar, the urbane, Harvard-educated Under-secretary for State, is targeted for un-American activities. The fumbling prosecution by a redneck Congressman seems doomed to failure, until suddenly Kotlar disappears, only to surface in Moscow as a self-confessed Russian spy.

For Nick and his mother, Kotlar is effectively dead. They rebuild their shattered lives, she remarries and Nick takes his new father's surname as a means of closing the door on the past.

Some 20 years later, while in London, Nick receives a message that his father wants to see him. He is horrified and intrigued in turn. Anger and rejection battle a filial affiliation that has never died, especially when he realises that his father wants to return to the United States.

Accompanied by the beautiful young journalist who brought him the message, he travels to Czechoslovakia to meet a sick and slowly dying man, who even in the obscurity of old age poses a threat to some.

It is, of course, difficult for any writer of espionage novels not to have been influenced by Le Carré, who has so do-

minated the genre in the past 30 years. But it is uncanny how similar in focus Kanon and Le Carré are in their examinations of the corrosive influence of betrayal. This is not a case of conscious imitation: Kanon's writing style is quite different and it has a simplicity absent in the careful intricacies of Le Carré.

One can only hope that the American Kanon will prove as deliciously prolific as his alter ego on the other side of the Atlantic.

At quite a different level of suspense there is old New York detective writer Ed McBain. 'Another 87th Precinct novel,' you might sigh. 'Round up the usual suspects of detectives Steve Carella and his partner Artie Brown.' True. Yet if you are looking for one writer who has maintained a consistent standard of writing, in spite of being prolific, McBain's the man.

McBain's writing is measured and sparse – and hypnotically detailed in the rendering of police procedure. But behind the painstaking exactness of investigatory techniques is an honest portrayal of character. For McBain fans, Carella *lives* just as Agatha Christie's Hercules Poirot captured the imagination of another generation of fans.

The Big Bad City has a typical cast of Big Apple nutters. There is the stabbed nun with breast implants, the Cookie Boy (a burglar who leaves a home-baked tray of chocolate cookies on the pillow of his victims) and a vengeful hood who, having murdered Carella's father, decides that the best way to secure his future freedom is to murder Carella too.

With all the usual ingredients, this latest McBain does not disappoint. At very least, even if you are not a 87th Precinct fan, the measured pace at which these novels unfold acts as a wonderful soporific.

● noseweek is having difficulty getting review copies from some publisher's agents in South Africa. Books are unavailable or are promised and just never arrive. A few careful questions among our publishing contacts reveals that some have taken umbrage at having their authors reviewed in critical terms on these pages.

Just for the Thrill of It will continue telling readers what is worthwhile and what is junk among new (and old) crime, espionage and mystery titles. If the publishers' agents don't like it, preferring poodle reviews in the mainstream media, well, tough luck. We'll buy our own copies. Watch this space in the next issue for a dissection of Patricia Cornwall and other writers in the popular forensic pathology genre. *n*

SIMBA

BY HAROLD STRACHAN

smalls

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IT ALWAYS SEEMED TO ME THAT where Anglo-American went, Fanagalo went too. Well, okay, let's be precise; where there was mining in southern Africa there was Fanagalo and that meant in all the related manual work that went with mining. And I dare say, that's the way it became the pidgin lingo of the building industry generally.

You know, I remember having impromptu trade union meetings on a building site in Chingola in the days when copper was really pricey and the Copper Belt was like the Witwatersrand, sucking into Zambia goatherds from Mozambique and boatmen from the Great Lakes and skilled Chilunda hunters from the far west where game was then scarce. Our team were house-painters all. You can imagine what the house-painting was like.

So, after work and pay time on Friday, this assorted bunch would huddle round a watering can of boiling tea, which my missus would bring over and stand on a fire, and cook meat on concrete shovels, along with the plumbers and brickies and related odds and sods from the 24 mine houses we were working on. One contract, no bullshit. And, of course, as in any worker community in any booming industry, as often as not the talk turned to syndicalism of one sort or another. We even handled such abstract arithmetical things as wage percentages, man. Patience and humour did the trick. And the tea, of course, the great British lubricant of mind and bowel.

Fanagalo has only nouns, verbs and adjectives, fragments of Xhosa, Zulu and bits of English and Afrikaans. If you want a past tense you stick -ili to the end of the verb, if you want the future you stick zo- in front, and that's it. No plurals. If multiple things are discussed you just say maningi lo before the noun.

I got pretty good at it over the years. It's like the collage art of Braque and Picasso: bits and pieces of any old thing.

Well, this was a serious roofing man we got to do our old wood-and-iron house in Durbs just last year. In Durbs you don't just bang a lot of corrugated sheets on the timbers. This isn't Upington; in Durbs when you talk of humidity, you're talking 90% of it in summer. Motionless under a tree you stand and sweat. You can imagine the rust around here.

Here you get each sheet on a trestle, and go over every one with acetone to get every last bit of factory grease off, then start all over again on the trestle and prime each one both sides with calcium plumbate, and this is seriously boring travail, to be sure, and uncomfortable, because you're not just standing motionless under aforesaid tree.

You have this wad of rags with acetone, on a stump of wood because it pickles the skin, and you're up and down these bloody corrugations day after day while the fumes pickle your lungs. The roofing man's son takes care of all this tedium while the old man does the business part. The son is not alone, of course, he has a Zulu labourer along.

Wena yazi lo blulu gamina, he says to this labourer, lo yena lo game ranger lapa lo Kruger National Park?

Uuuuu, replies labourer, with head and eyes half rolled back.

Wena yazi lapa yena kona lo simba (blimey if you haven't got the Zulu word Swahili will do), wena yazi lo simba?

Yebo, mina yazi yena, mina tanda yena stellek, lo cheese and onion.

Ayikona! Ayi lo simba! Lo yena tshela Groarrrrr! says son, making claws with his fingers.

Ooooh ja! says labourer, mina yazi lo, lo mina tanda ispeshele, yena lo Mexican Hot Chili.

NO, MAN! Ayi lo simba! says son. Lo yena kona lo bigbig hairs lapa, showing a mane with his hands. Lo yena tshela GGROOOAAAAARRRGGGH!! Fanagalo. Makes claws with his nails. Wena yazi lo?

AAAAAAH ja! Mina maningi stupid! Mina yazi lo; yena lo Tina Turner, lo!

Jesus bloody Christ!! cries son, What's wrong with this bugger? Doesn't he understand a bloody thing in this world?

At this point I intervene, in the name of public order. About time for tea, hey? I say. How many sugars, everybody?

Two for me, says son.

If it's in one of those big ceramic mugs of yours, says labourer, then two; but if it's in an ordinary teacup, then one, please.

This has been today's ritual. Tomorrow this lad will tell this labourer about his sister who is a TV announcer. ■

Maningi lo rare back issues of noseweek to the reader who supplies the best translation of the above conversation.

PERSONAL

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