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SUE**

issue

49

SEPTEMBER 2003

SEPTEMBER 2003

+Zumason'sallegedrapevictimpaidoff+BillVenterandhisbelow-stairsyenta+

+ Mercantile Bank mum over mis

ndearartistMadibaandtheGrootKrokodilhaveincommon+



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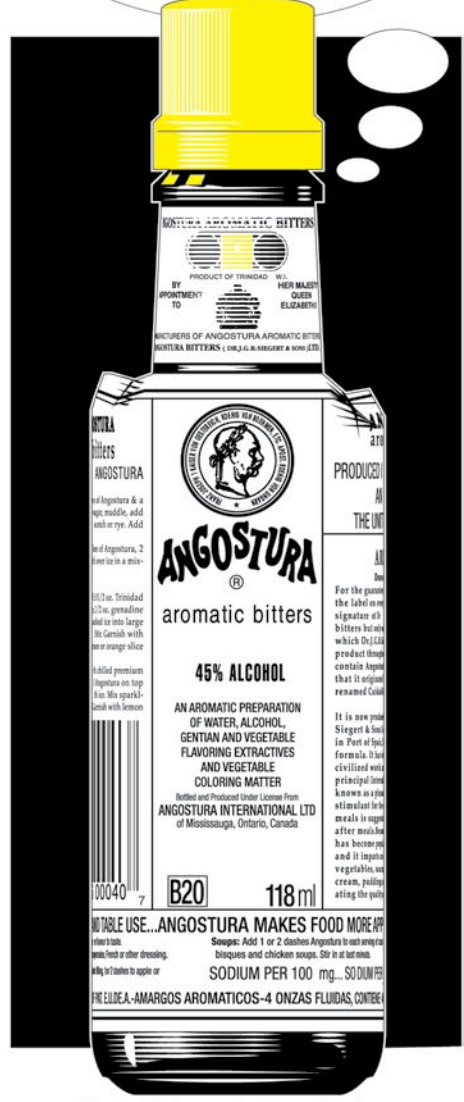
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**Mac and tosh**

Mac has resigned! Well done, *noseweek*. I just loved his interview on TV and all his talk about the struggle. While Mac is eating the cream and jam from his hard-earned silver spoon, the masses are still in the townships waiting for the ANC to fulfil its promises.

**Tony Wilson**  
Claremont

**Headless chickens**

There's little that's more satisfying than watching a gang of immoral suits running around like headless chickens.

The FirstRand directors' response (*nose48*) to your story is laughable and a sad reflection on the state of big business. Can they not see

supporters for the ANC's participation in its first general election". You also say that "the ANC was unbanned in 1992".

Operation Vula was launched by the ANC in 1987 to strengthen underground structures and to establish an internal leadership to direct operations from inside SA. In 1987 the objective of the then-banned ANC was to overthrow the government. Maharaj was one of seven men who directed Vula.

In 1990 (not 1992 as you reported), the ANC and SACP were unbanned, Mandela was released, and the Groote Schuur Minute was signed, setting out the path for negotiations.

The NP government

at it, it was not just about recruiting ANC members for an election.

It was to create a clandestine structure inside the country. When the Nats uncovered Vula, Kasrils claimed it continued after the ANC was unbanned because no ceasefire had been agreed. What can that mean but that Vula was some sort of alternative plan in case negotiations failed?

**Veritas**  
Kenilworth

*■ We were obviously the unwitting victims of more recent corporate spin. But in 1999, when Maharaj was appointed to the group's boards, FirstRand's then CEO Paul Harris did sing the praises of*

**Crowing over De Kock**

Your reply to the letter from Arthur de Kock ("FirstRand and Mac") in *nose48* was so spot on that I could not resist cheering. Full marks.

**LS**  
Sydney, Australia

**Art of deception**

I read "The great Mandela art scam" (*nose48*) with interest. Whatever transpired regarding Mr Mandela's artistic talents has a profound effect on a small group of "children" – those that worked for the Concept Group.

Concept suffered the knock-on effect of the demise of its holding company UAM and was also put into liquidation, having been a successful and well-known agency since the early 1970s.

Concept staff were persuaded to sign a retrenchment deal which entitled us to claim basics like leave pay and notice pay.

We have had to wait and see whether Concept's bid to recoup money from Ayob's company Magnifique would prove successful, to know if we would get anything.

Now that the Concept liquidators have lost this battle, there is no hope of us receiving anything.

Staff ranged from the creative, marketing and production teams to office admin staff and tea ladies, some of whom had been in Concept's employ for more than a decade and, in one case, over 21 years!

We have suffered financially and emotionally.

If Mr Mandela and his representatives are so concerned with the Children's Fund, they should now be as concerned about breadwinners no longer earning monthly salaries, or even minimal retrenchment packages to help tide them over.

If, as Mr Ayob now says, the R13m has always been held in the Magnifique bank account – as he is quoted as saying in the *Sunday Argus* (17 August) – surely the

**"The FirstRand directors' response to your story is laughable and a sad reflection on big business"**

just how shocking the extent of their money-lust has become?

**William Kelly**  
By email

**Pulling the Vula**

In "FirstRand and Maharaj: chronology of a sweet deal" (*nose48*) you state that "Operation Vula was aimed at mobilising funds and

uncovered Operation Vula – still operating – six months later and claimed it was a plot to overthrow the government and seize power.

The SACP and ANC denied this and said it was to strengthen underground structures and create an internal ANC leadership.

Whichever way you look

*Maharaj's "sound strategic and logistics skills honed during his time in the ANC underground as commander of Operation Vula, coordinating the military and political arms of the ANC's struggle for democracy".*

*These were all "vital skills in the FirstRand scenario", Harris claimed. And FirstRand are upset when we suspect they're involved in strategic underground activities! – Ed.*

**CEO no evil?**

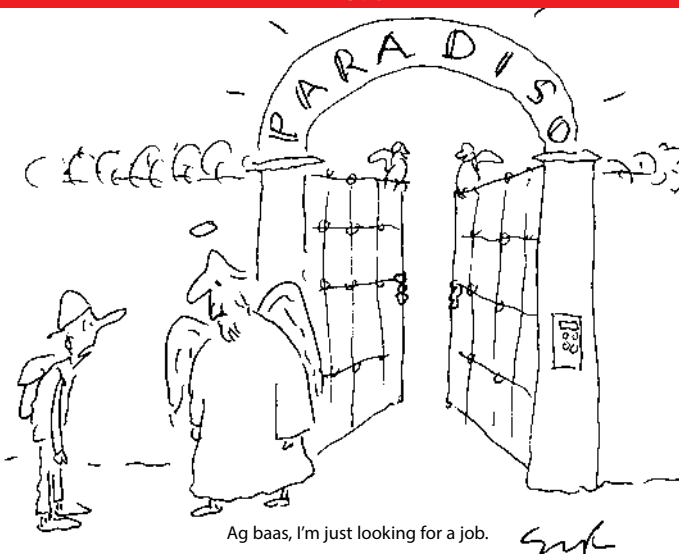
Thanks for the brilliant answers in *nose48* to "FirstRand and Mac" and also "SAA flies off" (Letters). You get better with each edition.

What is it with CEOs who reply so thinly that they stretch credibility?

Are they so arrogant that they think everyone "beneath" them is too stupid to see their papering over of the facts?

**Joe O'Carroll**  
Kenilworth

**Gus**



Ag baas, I'm just looking for a job.

annual interest on it could assist the victims of his “high-powered” negotiations?

Obviously the small print has covered Mr Ayob’s interests. But is Mr Ayob proud of his actions? And what does Mr Mandela think about this whole debacle?

If these funds have been earmarked for the “children”, I and my colleagues would like to be considered as some of these children.

**Name withheld**  
Cape Town

### Copyright or wrong?

In “The great Mandela art scam” you either miss or choose to ignore that Mandela was party to the deception. By posing with broad smile and pen in hand he purported to be the author of the artistic works. Doesn’t Mandela’s active participation drag his own integrity into the arena? Either he knew exactly what was going on, or he is disappointingly naïve, with misplaced confidence in his lawyer.

Have you asked who was the original owner of the copyright in the sketches, how and when it changed hands and who granted a copyright licence to whom? Assignments of copyright are only valid if they are in writing. I asked all these questions when I became involved, but received no answers. I was told that Ayob, armed with Mandela’s mandate, insisted on secrecy. I saw the Magnifique agreement: it raises more questions than it answers.

I do not wish my identity to be disclosed, although I do not breach any client confidences by canvassing these issues.

**Name withheld**  
Cape Town

*There’s more! See inside – Ed*

### Bum Voyager

I write this while cramped in a window seat (I asked for an aisle seat because of my height), in front of the emergency exit on an hour-later flight than I booked, unable to make a crucial

6pm business meeting, wondering why I persist in flying SAA.

In the past I have complained, got no response or no resolution, decided not to fly SAA, used other airlines – and twice I’ve been seduced back by Voyager miles and card status. But no more. I knew the service was atrocious and benefits to loyal clients had been reduced, but today took the cake.

I am a Voyager gold card holder who flies every second week between Jo’burg and Cape Town. In this instance I hold a full-priced economy ticket – R4092.

But not even arriving 40 minutes early could get me on my booked flight leaving Jo’burg at 3pm. Instead I was offered a free flight (which I didn’t want). Not one manager could be found, and no effort was made to get me on another airline or make a plan – any plan.

If this is what is reserved for loyal clients, I can’t imagine what is doled out to discount-fare passengers.

I complained to three more “team leaders” (driving blood pressure to record levels), from whom I received nothing more than shrugged apologies, averted eyes and the standard “There’s nothing I can do”.

Since I won’t fly SAA in future, I’ve thrown away my precious gold card. At some point the complaints and loss of customers might give SAA some cause for concern, but until then I have had my fill of pushing water up a hill. What possible message could I take out of my experience other than “Bugger off!”? Message received.

**Chris Loker**  
Gardens

### Airborne pests

Open letter to André Viljoen, CEO of SAA:

I read with great interest in the latest edition of your in-flight magazine, *Sawubona*, about your new “customer orientation”. It’s a pity you don’t practise what you

preach and look after your customer better than in your despicable approach to me, my family and my company. I have also read *noseweek* regarding the many problems clients all over SA have with Voyager, so it appears I am not alone. It’s about time you took notice of what people say and look after your customers and then perhaps SAA’s financial situation will improve too.

I am giving you one last chance to rectify my situation, otherwise I will have no alternative but to consider my options.

**JE Pullen**

MD, Rentokil, Claremont

■ *We are eager to know which of Rentokil’s “options” you have in mind for these rats. – Ed.*

### Not right arms

On vacation in SA I read your excellent magazine.

I am very disturbed about the arms purchases being made for the SANDF.

My particular concern is the sale of the very expensive Saab Gripen fighter to SA, which must raise serious questions of relevance and probity. During the sales campaign to fulfil the SANDF fighter requirement, the US offered F-16s at a fraction of their original cost.

With more than 3000 of the type in service worldwide with more than 30 air

forces, the F-16s would have allowed the SANDF to obtain low-cost logistic support and easily available spare parts.

Instead, the commercial deal negotiated has resulted in huge and embarrassing sales commissions being paid at enormous cost to the South African taxpayer.

The money saved by buying the F-16 would have enabled the Mbeki administration to allocate billions to improving health care for the population.

**Michael Jolley**  
Tucson, Arizona

### Maybe Abie

I have now been advised by the Law Society of the Cape of Good Hope, after

the holding of a disciplinary enquiry in regard to allegations of professional misconduct against me with respect to the registration of the De Witte Family Trust, which complaint had been lodged by [attorney] Kulenkampff on behalf of Maria van Waasbergen, without my having testified before such enquiry, that they have come to the conclusion that there was no evidence of professional misconduct.

Such finding has, moreover been ratified by the Council of the Society. It follows therefore that the complaint was unwarranted, unjustified and constituted an unlawful denigration and defamation of myself.

I assume that you have ascertained the abovementioned facts from the sources to which you appear to be privy, that you will in due course allude thereto in your publication and moreover – not that you are renowned for fair play – that you will publish prominently, as you have your attacks on me from time to time, an unequivocal retraction of professional misconduct attributed to me in connection with the incident complained of and an appropriate apology.

**Abe Swersky**  
Cape Town

■ *First, slow down and breathe deeply, in ... out.*

*Next: as far as we’re concerned, absolutely nothing follows from any of the Law Society’s cosy, secret “enquiries”. The fact that the Law Society apparently approves of your conduct is no surprise. After all, not that long ago they also elected you an honorary life member!*

*Finally, your request for a retraction and apology: We do apologise to those readers who in the past have had occasion to complain about our language, but now there’s only one way of putting this: “Fuck off!” – Ed.*

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**Subscription rates**

SA only R195 for 10 issues.

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Printed and Published by Chaucer Publications (Pty) Ltd.



## THE SPY IN ZUMA'S EYE

Whether Director of Public Prosecutions Bulelani Ngcuka was a spy for the apartheid regime or not – and he says he intends challenging his accusers in court – it is clear that the accusation comes as the next round of a vicious smear campaign by the supporters of Deputy President Jacob Zuma.

This is not the first time controversial intelligence records to which Zuma and his friends Mac Maharaj and the Shaik brothers had unique access – they compiled them! – have been used against a political enemy.

With his personal financial advisor and former secret agent Schabir Shaik in court charged with corruption and fraud for allegedly facilitating or soliciting a bribe on the deputy president's behalf from a foreign arms company, Zuma is fighting for his political life.

In 1987, he was head of the ANC's Intelligence Department in Lusaka. According to the ANC submission to the TRC, Zuma's Lusaka-based operation helped the ANC identify "over 600 [Security Branch] agents – in exile and deployed in internal ANC and MDM structures – from details of reports they had submitted to their handlers." Mo and Yunis Shaik, brothers of Schabir, working under Zuma, claimed to have recruited security branch officials in Natal who copied SB files to be fed back to Zuma. To this day, the Shaiks claim allegiance to Zuma. Mo Shaik and Mac Maharaj – who was Zuma's deputy in ANC intelligence – are now punting the story that Ngcuka was among those they identified as an SB spy.

Twelve years ago, a similar spy "file" was produced to end the career of the president of the National Union of Metalworkers, Maxwell Xulu. Many had considered Xulu a potential leader in the province under the new dispensation.

"Xulu has been edited out of union history in true Stalinist style," says a former leader in the movement. The only mention of Xulu is in the ANC's official submission to the TRC in 1996, where he and two others are named as apartheid spies. "A former treasurer-general of Cosatu, his Security Police source number was PNJ645," it is stated in the document. "He was controlled by War-

rant Officers Brown and Twala of the Port Natal region. He submitted 23 reports, in which he is described as a 'high level source holding a senior position in the labour movement' and having 'high-level contact with the leadership in exile.'" The information came from the ANC's Security and Intelligence Department.

Alec Erwin, then Numsa education secretary, brought the evidence to the union and prosecuted Xulu on the basis of files allegedly provided by an ANC mole. Erwin allowed Xulu and other Numsa office-bearers to examine the files in the room during the hearing, but would not permit them to be copied or taken away.

One who was present says the files looked convincing, covered with police stamps. However, Xulu's name did not appear in them, only a code number PN645. ANC intelligence thought Xulu must be the guilty party, as he had been present at all the meetings reported on.

The trouble was others in the union movement were also present at all the meetings reported upon to the police, so why had Xulu been singled out? (Similarly, the evidence in the possession of *City Press*, the newspaper to break the Ngcuka "spy" story, indicates that the ANC had merely speculated as to whether Source RS452 was in fact Ngcuka.

Xulu angrily left the union and shortly thereafter collected six bullets in the legs and chest from would-be assassins.

Clearly, somebody wanted to get rid of Xulu, six months before the unbanning of the ANC. Why? One version says Xulu was targeted because he was very popular but a workerist and very critical of the South African Communist Party (SACP). Another suggests that, with liberation round the corner, there was a need to clear out possible rivals to Jacob Zuma so that he could succeed to the premiership of KwaZulu-Natal.

Moses Mayekiso, the then secretary general of NUMSA, refused to comment beyond saying the union had "had sufficient evidence to do what it did."

Maybe, but those troubled at the time by the allegations against Xulu see parallels in Ngcuka's predicament. He is currently Zuma's biggest opponent.

## STOP PRESS

A friend on the Spanish costa wants to know what we know about a black South African aged 50-odd, who calls himself Michael Peters-Fenwicks and is visiting Marbella with grown daughter and Scottish girlfriend Linda Gillespie. Peters-Fenwicks – pleez! – claims to own a 200 ft yacht and is wanting to look at the most expensive homes for sale.

We know of no South African who owns

a 200 footer on the Med – but hey, come to think of it, when last we heard, the gossip in London was that Mzi Khumalo – Mark Shuttleworth's contender in the instant billionaire stakes – was buying the late Aristotle's old yacht, Christina, and a grand house in Nice.

Could our man in Marbella be Mzi in disguise? If it is, would he please call and tell us where he found that name? – *The Editor*



◀ Deputy  
President  
Jacob Zuma

# THE SINS OF THE CHILDREN

## THE SON: RAPE CRISIS

Deputy President Jacob Zuma's son, Mziwoxolo, 24, was arrested on 22 October 2000 for allegedly raping a fellow student at the University of Zululand. The girl was in her first year and not yet 18. Mziwoxolo, usually known by his English name, Edward, was released on bail and the case was set

willingly withdrawn the charges, saying she had acted emotionally rather than rationally in "a lovers' tiff".

Indeed, a few days before Christmas, when Mziwoxolo appeared in the Mtunzini magistrate's court, the prosecutor announced that he was withdrawing the charge on instructions from the

**It seems a financial inducement was required to assist the young lady to decide whether she had been raped or not**

for trial two months later.

The deputy president was in Cuba at the time of the alleged incident. In late October 2000 his office issued a statement saying that his son and the girl had discussed the matter and had resolved it amicably. Zuma's spokeswoman Mathula Magubane told Sapa the "rape" complainant had

regional prosecuting authority. That was the public version.

Privately, it now emerges, it took a little more than a discussion to persuade the woman to change her story.

The urgent talks (in the week after the alleged rape) took place in the Durban offices of Schabir Shaik, Jacob Zuma's former intelligence agent and

the man who today handles his personal finances. The reason? It seems a financial inducement was required to assist the young lady to decide whether she had been raped or not.

*Noseweek* was tipped off that Schabir Shaik had intervened to assist Zuma junior – and that the woman had been put on the payroll of one of his companies, Kobitech Transport Services.

The alleged rape victim's attorney, Linda Mazibuko, confirms that settlement talks took place with Shaik, but won't reveal the settlement terms.

The victim herself could not be traced for comment. She had left her last-known address in Durban when we called there. A cellphone number we were given is constantly "not available".

Approached for comment, the then managing director of Kobitech Transport Services, Sabeer Sheik, said he was aware of the "pay-off", but insisted he was innocent of any wrongdoing – he had only become aware of the pay-off after the fact.

Sheik (not to be confused with



Schabir Shaik) said that last year when his company was preparing an application to the IDC, he checked over the company's accounts and noticed names on the payroll that were definitely not company employees. One was that of Zuma junior's former girlfriend and alleged rape victim. She had been paid "some thousands" each month for at least six months. Other staff confirmed that they saw her regularly at the offices when she "came to collect her money".

Sheik said that at the time he was concerned not only for his own profits – he is a minority shareholder – but in order to get IDC financing his company needed to look tightly run. He had approached the company's accountant, Colin Isaacs, and his fellow director Schabir Shaik for an explanation.

They had eventually admitted that the woman was the alleged victim of Mziwoxolo Zuma – and that the only way to have her "go away" was to offer her a regular monthly pay-off as an employee.

"I told them I did not care what they did for Zuma, provided it was not at my expense, so they transferred the item out of Transport Services accounts – I think to that of Kobi Holdings," Sheik said.

The control prosecutor in the rape case, Mduduzi Mzila, told noseweek charges against Zuma junior were withdrawn after the alleged victim claimed she would not be able to give

evidence in court as she feared the trauma and stress of being cross-questioned would see her break down. She had earlier told police that she wanted to see a prosecution take place and would be a reliable witness.

Among the documents seized from the Nkobi Holdings offices by the Scorpions are documents related to the payment of staff of Kobitech.

An investigator told noseweek: "We are loath to probe the matter as it does not fall within the ambit of investigating the arms deal. We have to be careful what we do."

When we asked Bianca Singh, the former personal assistant to Schabir Shaik, what she knew about the matter, she referred us to her "spokesperson" - her stepfather, Bernard Otway.

Said Otway, a used car dealer: "What do you think? Of course she knows about the rape story involving Mzi [Mziwoxolo]. Bianca was Shaik's PA, she was in the room when these things were discussed. She was in the room when Zuma was discussed."

"I'm not a stupid man," added Otway, "the Scorpions initially got all heavy-handed with us and demanded Bianca talk to them and give them a statement. She gave a statement as she was subpoenaed and had to. But we have taken all the evidence and books and documents and concealed them in safe places. Nobody, not the media nor the Scorpions, nor anybody will find them."

## THE DAUGHTER: IDENTITY CRISIS

And then there's the deputy president's daughter, Yvonne. A bit of a socialite and spendthrift – she constantly lives beyond her means and has an appalling credit record. So much so that earlier this year she could not get finance to buy a new car.

No problem to someone with Zuma connections.

By some miraculous means, Ms Zuma has acquired a new ID book with an entirely new ID number – a number which, when given to potential grantors of credit, does not automatically bring up her bad "old" record with the country's major credit control agencies.

Yvonne Zuma's original ID number is 6703021071082. That number instantly brings up a computerized history of bounced cheques and bad debts. But now she's got a new number: 6603021095083. If you punched in that number, up would come .. yes, our Yvonne, but now with a credit record clean as a whistle.

The credit "cleanup" did come at some cost to Ms Zuma: for the privilege of a new ID number, she's had to become a year older than she, in fact, is.

Earlier this year Yvonne lost her job at CellC – and is back at the SABC, where she describes her job as "government liaison". ■

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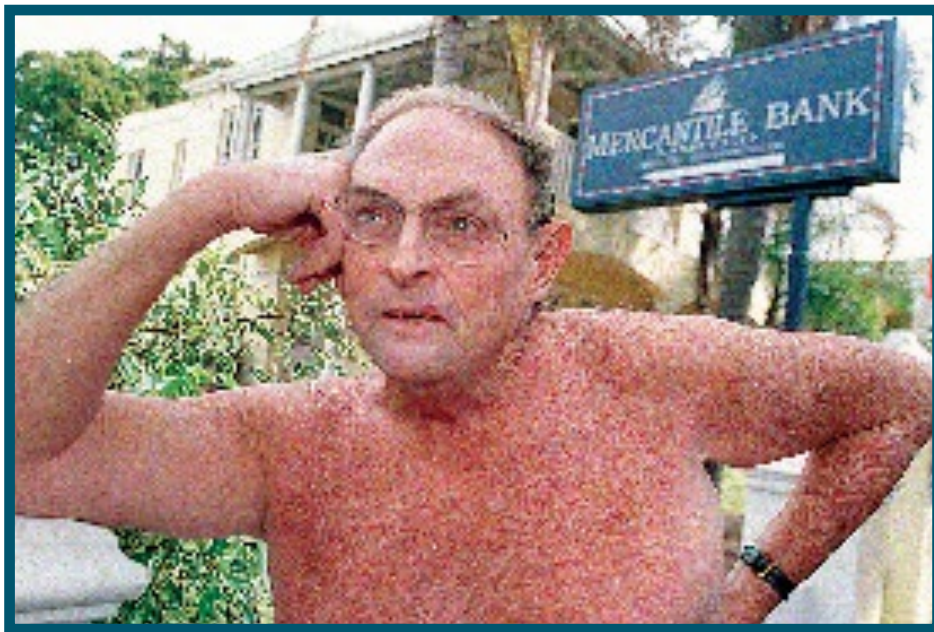


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# MERCANTILE STOLE THE SHIRT OFF MY BACK



**Educationalist Dr Frank Carlisle (above) capped a successful career with the sale of his business to a JSE-listed company. Many millions in proceeds were paid into the company's account with Mercantile Lisbon Bank. But when the time came to pay the proceeds to shareholders, the money had disappeared – along with a senior Mercantile executive. The bank denies responsibility and is using legal manoeuvring to stymie Carlisle's attempts to find out what happened and get his money back**

## A CASE WAS SET TO

go on trial on 5 June, in which Mercantile Lisbon Bank, a South African registered institution, was suing Johannesburg educationalist Dr Frank Carlisle in terms of a suretyship he had signed on behalf of a company controlled by his son. Carlisle had indicated that he intended defending the case, as he had counter-claims against the bank for much, much larger sums – but at the time he thought the chances were good that their disputes could be settled out of court.

It was not to be. The bank made it clear that they were not prepared to even discuss, let alone settle, Carlisle's claims. And, on the day before the trial was set to commence Carlisle's attorney, Willem Zwiegers, ever-so-professionally informed him – for the first time – that he actually also acted for Mercantile Bank (in other matters), and was consequently withdrawing from the case. Under these circumstances Carlisle consented to judgment against himself in the suretyship matter, on condition Mercantile would not collect on their judgment until his own, separate case against the bank was finalised.

Turning down the opportunity to settle quietly, and for just a few million, with Carlisle could turn out to have been a serious miscalculation by the men at Mercantile. Until then Carlisle, preoccupied with other pressing issues, had been confident the bank would settle his obvious claims, and was content to leave matters largely in the hands of his less-than-inspiring legal advisers. Now he was angry, and resolved to personally take charge of his case.

One of Carlisle's first steps was to go over the bank records with experienced forensic accountant Frik Botha. Botha had initially, on the instructions of Carlisle's erstwhile attorneys, restricted his investigation to a few suspect withdrawals from the company account by a senior bank official. When he examined the entire record, however, he found that the unauthorised and unexplained debits from the account with Mercantile totalled a staggering R20,962,624.70.

The bank is proving most uncooperative in responding to queries, says Botha. Indeed, at the beginning of the month Carlisle launched a new court application focused on the difficult task of trying to get Mercantile to account for all the withdrawals from the account:

Who authorised them? How? Where did the money go? And the massive bank charges – what were they for?

Not too much to ask one's own bank, one would have thought. But Mercantile's directors appear to be adopting that well-worn – and tacky – ploy: "The lawyers we can afford will keep the lawyers you can afford tied up until you're sick and tired and broke." As for the integrity, professional ethics and accountability ostensibly demanded by the Reserve Bank – Fa'geddaboudit.

## CARLISLE'S BATTLE

with Mercantile had its origins in a great personal success. Carlisle had been head of the Department Economics and Management Sciences at the University of the North, where he taught economics to future SA Reserve Bank governor Tito Mboweni. In the late 1970s he became the head – and majority shareholder – of the Production Management Institute (PMI), a training and education centre based in Johannesburg. Twenty years on Carlisle had built PMI into a R10m-a-year business.

In 1997, Carlisle was introduced to JSE-listed Adcorp Holdings, which expressed a serious interest in buying PMI.

As discussions progressed, Adcorp introduced Carlisle to Mercantile Bank, one of its clients for personnel recruitment. The head of Mercantile's corporate banking division, Robert Lowe, impressed Carlisle as a forceful personality, and appeared to be on very good terms with Tony Worthington, then financial director of Adcorp.

Carlisle's long-time bookkeeper, Francoise Crespin-Hue, owned 20% of PMI, which she was keen to sell. While Carlisle continued negotiations with Adcorp, Mercantile's Lowe introduced Thomas Klein, the chief executive of the Simola Golf and Country Estate in Knysna, as a prospective buyer for Crespin-Hue's shares.

Lowe put together a deal under which Klein signed to purchase Crespin-Hue's shares for R5.5m.

At a dinner to celebrate the deal at a restaurant in Johannesburg, Carlisle was introduced to his new business partner. He was a bit taken aback when, late in the evening, Klein said, "Tell me Frank, what business is PMI

in?" But it was only in retrospect that Carlisle worked out just how telling a slip that had been.

On 10 December 1997 Carlisle signed a deal to sell 80% of PMI's business to Adcorp for an immediate payment of R15m, plus 10 times the company's net earnings in 1998, which, of course, was still to be established. As part of the deal, to protect Adcorp and its new asset PMI from any undiscovered debts, or sureties issued by Carlisle that might still come to light – Adcorp stipulated that Carlisle open an account with Mercantile and that the proceeds of the sale of PMI's business be paid to Mercantile, and used to settle any such amounts. The understanding was that once the deal was concluded the 20% shareholder would be paid his share of the proceeds, the remainder would be paid to Carlisle, and the account and company would then be closed down.

Carlisle immediately opened an account with Mercantile (in the name of Calypso Trading) on which he was the only signatory on the account. Nobody else was authorised to approve payments from the account.

A few days later Adcorp paid the first R15m of the purchase price into the Calypso account with Mercantile.

Meanwhile, on December 12, in an apparently unrelated development, a letter was faxed – ostensibly from Thomas Klein – to Robert Lowe, thanking him for "advising me that the PMI transaction has now been completed", and praising him for his "thoroughly professional manner". The fax also authorised payment to Crespin-Hue "as per our agreement".

The fax and the instructions it contained were curious. For a start, Klein had no money on deposit with Mercantile, so from where were the funds to be released? Also, the signature on the fax was nothing like Klein's – and he appeared to have spelled his own first name incorrectly.

Unbeknown to nearly everybody involved Klein was by this stage totally out of the picture. In fact Klein would later declare under oath that, at about the same time that the suspect faxed letter became part of Mercantile's records he was informed by Lowe that the deal

had fallen through "and that was the last of my involvement." He stated further that he never made or received any payments relating to the deal, nor had any other dealings with PMI, Crespin-Hue, Carlisle, Lowe or Mercantile.

Nevertheless, in January Crespin-Hue received R4.75m she was due in terms of the purported sale of her shares to Klein. Who had paid it? Bank records show that on the day of the payment, and on the instruction of Robert Lowe, an unauthorised transfer of R4.7m was made from the Calypso account to Standard Bank, and from Standard back to Mercantile. From there it was paid to Crespin-Hue. The balance of R50,000 was transferred directly from the Calypso account to Crespin-Hue.

At the same time – in accordance with another purported instruction contained in the December fax – Lowe made another payment out of the Calypso account, this one for R1.25m in favour of a company called African Capital. The owner of African Capital? Why, a certain Robert Lowe.

**The signature on the fax was nothing like Klein's and he appeared to have spelled his own name incorrectly**

These were the first in a series of mysterious debits to the Calypso account. Another was a monthly debit of R500,000 that began to appear on the account in February 1998. This ran for six months until August, to total R3m. Mercantile will not tell Carlisle to whose account these payments were made.

Carlisle was unaware of these transactions because he was not receiving the standard computer-generated bank statements. Instead, from time to time Lowe sent him a detailed reconciliation, typed out by himself on a bank letterhead. These statements, it later became clear, did not reflect all activity on the account. Carlisle was not suspicious. He never imagined that funds could be stolen directly out of his bank account.

Throughout the first half of 1998 Carlisle was working hard to maximise PMI's profits (remember that the PMI selling price was to be based on the profit for the year). He was on the best of terms with Lowe ("He seemed

a very nice man”) and Lowe played an unofficial, but influential, role in the financial management and affairs of PMI. Lowe warned Carlisle about the dangers of a protracted battle with Adcorp over the calculation of the net profit figures.

## IN MAY LOWE CAME

to see Carlisle. Carlisle recalls him punching the air in triumph, saying “I’ve done it!” What he had done, it transpired, was to renegotiate the agreement with Adcorp so that the sales price was to be based on the results for just the first six months of 1998, and not the whole year.

That was great – but there was one strange clause in the new contract. It stipulated that R2.8m of the PMI purchase price was to be paid not to Carlisle, but directly to Lowe and Adcorp’s then financial director, Tony Worthington.

This payment was described in the contract, drawn up by Adcorp’s attorneys, Werksmans and signed by Lowe, Worthington and John Barry, the CEO of Adcorp, as a “restraint of trade” payment – but none of them were in the education and training business. However, Carlisle was keen to finalise the deal and happy with the amount he would receive, even after the R2.8m deduction, so he made no objection.

The audit of PMI for the first six months of 1998 was duly completed by Adcorp’s auditors Charterhouse Auditing, and the price settled at R35m, of which R25m was a cash figure to be

paid to the Mercantile account (less the R15m already paid and the R2.8m “restraint of trade” payment). In July 1998 Adcorp paid another R6m into the Calypso account.

Carlisle continued work at PMI for the rest of 1998. Throughout the year he remained friendly with Lowe. In November, after much insistence, Lowe sent him another typed reconciliation on the Calypso Trading account. The statement was very cleverly done – more of that anon – but this time Carlisle was not convinced. Something just didn’t add up.

Over the next few weeks Lowe was unavailable to take Carlisle’s calls. Nevertheless, in December he, Carlisle and Crespin-Hue enjoyed a congenial Christmas lunch together at Dino’s in Bedfordview. Carlisle did not realise that was the last time he would see Lowe.

After Christmas, while on holiday in Durban, Carlisle phoned Mercantile to ask for funds to be transferred to his credit card account, but was told by the skeleton staff on duty that his account had been blocked.

Immediately he returned from holiday in January, Carlisle wrote directly to Alan Greenstein, the MD of Mercantile, to express his concern, and to ask him to arrange a meeting at which he would have a chance to go through the account with his own auditors present. On January 14 Lowe replied in writing: “The missing R3m you raised yesterday,” wrote Lowe, “relates to the first payment of R3m to Mr Klein.... I would welcome having a meeting with you and your auditor to go through all the trans-

actions on the account. I have instructed our treasury department to produce all the vouchers and instructions and these are being obtained.... I’ll get back to you on January 18 to set up a meeting.” But by January 18 Lowe had disappeared.

For a few days, Carlisle recalls, nobody knew where Lowe had gone, or, for that matter, what had happened to Mercantile’s new 7-series BMW that had disappeared with him. Then, on January 21, Carlisle received by fax a handwritten note from Lowe on the stationery of the Meridien Park hotel in Frankfurt. “Dear Frank,” the fax begins, “After careful reflection I have decided to absent myself ....” He ends: “Should at any time I be attacked by you (Adcorp/Mercantile/Klein/the courts etc) I will retaliate noting the information I have about you and your financial affairs most forcibly.” A revealing threat, says Carlisle, but meaningless. There is nothing Lowe can divulge which would embarrass him.

According to Carlisle Greenstein too received a fax from Lowe a few days later, this one from Thailand, in which Lowe revealed that he had left the car at Johannesburg International Airport.

## CARLISLE WAS NOW,

of course, seriously alarmed. At the end of January Mercantile produced computer printouts of his account. There were pages of entries, all described simply as “payment”, and giving a date, amount and reference number, but no

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description of any kind. When Carlisle tried to discuss the printouts with the bank he got nowhere. He recalls trying to corner Greenstein one day, only for the MD to walk away saying, "Didn't they teach you to add and subtract at your university?" (Greenstein later went to Regal Bank as deputy CEO. See *noses* 46 & 47 for what happened there.) Carlisle could add and subtract all right, that was the problem, and the computer printout did not compare very well with the typed statements Lowe had provided to him. For example, the R1.25m payment to African Capital did not appear on Lowe's version, but it was on the computer version.

Lowe's version shows a charge of R2.8m in July 1998, described Lowe/Worthington. But the "restraint of trade" payment to Lowe and Worthington had been made directly by Adcorp. And there was no such charge reflected on the printout.

The R4.7m payment to Crespin-Hue (supposedly from Klein) is reflected on Calypso's computer-generated statement, as are other amounts paid to Crespin-Hue, but they do not appear in Lowe's typed statements.

In June the computer printout and Lowe's typed version show two payments – for R785,000 and R415,000. Lowe describes these as "Call deposit F Carlisle at Mercantile". So what's happened to those call deposits in Carlisle's name? Mercantile won't say.

In January and July 1998 the computer printout shows two amounts of R825,000 each were paid out of the account. On Lowe's typed reconciliation these payments are described as "fees Mercantile". Why R1.65m in bank fees? Mercantile refuses to explain.

And what about the closing balance on the account? When the account was unilaterally closed by Mercantile – immediately after Lowe disappeared – there was a credit balance of almost R1million. Mercantile has refused to pay that money to Carlisle, or to explain what has happened to it.

There are numerous other – equally blatant – improper and unauthorised debits.

"You must understand that Lowe was a brilliant con-man," says Frank Carlisle's son Phillip. "My father was not particularly concerned with money anyway, and I think Lowe picked up on that and took advantage of it."

Carlisle first issued summons against Mercantile in March 1999, soon after he had seen the computer-generated bank statement. In September this year, with the benefit of all he has learned since then, he applied to court for a new case against the bank. In his application Carlisle seeks an order directing Mercantile to provide full details of all transactions on his account, to debate those transactions that he finds questionable, and to pay any sums that may be found owing, including interest. He estimates that by now Mercantile owes him close on R30m – but he would be happy to listen to the bank's explanations, where they disagree.

Mercantile's response has been to simply deny any wrongdoing, and to stonewall further investigation of the Calypso account. The bank's attorney Anthony Berlowitz wrote to Carlisle on August 12: "Our client is not interested in settling the matter on the terms suggested by you nor on any other terms at all.... Your allegations that any money at all is due to you are denied.... should you continue to address letters to anyone other than ourselves our instructions are to act against you.... You are advised that we do not intend corresponding with you about your alleged

claims.... If you have the belief in your claims that you profess, you are invited to appoint such legal representation as you may deem fit and to proceed with the pending action in terms of the rules of court."

It's not clear whether or not others inside Mercantile were involved in plundering the Calypso account. Or what Mercantile's auditors, PricewaterhouseCoopers, have made of it since. But by all accounts Mercantile's directors appear to be covering up a crime.

And what about the Reserve Bank and the registrar of banks? Carlisle

## It is not clear whether or not others inside Mercantile were involved in the pillaging of the Calypso account

has written to both. In February the registrar of banks replied: "Please note that this office does not have authority to investigate a bank on behalf of its clients. Therefore, this office does not intend to investigate the matter between Mercantile and yourself. We do not intend to enter into any further correspondence in this regard."

It seems the SA Reserve Bank and the registrar do not give a hoot if a South African bank is run by a bunch of hoods. It's probably par for the course. ☐



# DR VENTER AND THE YENTA\*

## LA FALAISE DU CAP

sounds like a rude sexual practice, but is in fact the pony name of the Cape holiday home of defence and electronics magnate Bill Venter. Everything looks perfect at the white-painted villa, set in its small but pristine grounds high on a hill overlooking Clifton beach. Inside, as well as a gym, two steam baths and a Jacuzzi, Venter even has a lift that saves him the bother of climbing the stairs.

But “below stairs” trouble and discontent were simmering as the New Year of 2003 dawned.

**The defence magnate went ballistic when he found his traumatised gardener ‘lolling about’ in the staff quarters after being held up by gunmen during the night at his township home**

Venter, 69, whose main residence is a mansion in Johannesburg’s Westcliff, clawed his way up from humble beginnings as a Post Office technician to executive chairman of Altron, the listed electronics group he founded in 1965. Through his family and related trusts, Venter controls the company, holding 59 million shares worth more than R500m. In fiscal 2003 his chairman’s salary, with allowances and other perks, totalled R5m – up R749,000 on his package the previous year.

---

\*Yenta n. (Yiddish): a meddlesome woman

## ◀ DOCTOR IN DA HOUSE: Furniture being delivered to Falaise du Cap

In the early hours of 31 December, as Venter slumbered at La Falaise in Clifton, things were less tranquil in the conveniently distant township of Nyanga, where his gardener, Happy Ngoma, was sleeping in a shack with his wife and two young children. Thugs broke down the door, held up the family at gunpoint and stole virtually everything they owned.

It was a terrifying experience. "There were nine of them," recalls Happy. "We were all sleeping when they broke in pointing guns at me. They took the TV, video machine, clothes, blankets and shoes Dr Venter had given to me. They said they'd come back for the fridge."

Despite the ordeal, Happy made it to work at 8am as usual. Joan Bruins, Venter's housekeeper – or "household controller" as she is grandly described in her contract – was shocked at Hap-

Falaise only at 5pm.

By the following morning, New Year's Day, Venter had worked himself up into an even greater fury. Bruins greeted the boss with a "Happy New Year" when he emerged for his usual late breakfast. His reply was to inform Bruins that two hours' wages would be deducted from Happy's R1700-a-month pay, for lolling about the previous day.

Happy, who had worked at the villa for about a year at the time, recalls Venter's reaction: "Doctor was not very happy about that," he says, "but I was very shocked. He say he deduct for the hours that I laid down."

Bruins, 58, who had been Venter's housekeeper at La Falaise for more than four years, protested that this was unfair and that Happy should be given compassionate leave. This provoked a high-decibel tirade from Venter on the deplorable state of the house and grounds, in particular his beloved koi pond.

A distraught Bruins, in tears at the savagery of her employer's attack,

and light snacks. You are to personally serve drinks and snacks.... Order flowers from low-cost sources and at best prices and arrange them. Koi and goldfish are to be fed daily (without fail). On full weekends off, at least one visit to check the house and feed the fish."

Clause 22: "No private phone calls should be made or received..."

Clause 23: "Most important. At no time may any other person, including your family and friends, occupy or enter my home without my prior consent in writing..."

Clause 25: "At all times you are requested to buy from suppliers at the lowest negotiated prices."

Clause 29: "Important. No discussion regarding my private affairs may be held with any third party. No contact with the media is permitted. Any break of this clause constitutes dismissal at owner's discretion."

And, should the household controller have a too elevated an opinion of her position, Clause 34 reminds her: "It will be necessary for you physically to

## A distraught Bruins, in tears at the savagery of her employer's attack, offered her resignation. Venter immediately calmed down and urged her to reconsider

py's appearance: shaking, barely able to talk and clearly in a severe state of shock. She instructed him to lie down in the servants' quarters and rest.

The story of what followed is a reconstruction, based on papers filed with the CCMA (the labour dispute resolution body) and the accounts of various people close enough to the events to have collected the fallout. Joan Bruins declines to comment on anything. Why, will emerge in due course.

Two hours after Happy's arrival, Venter descended for his usual 10am breakfast on the terrace and was told by the household controller about the gardener's traumatic experience. Far from being sympathetic, he was furious to learn that Happy was "lolling about" on a bed instead of tending to his duties. These people live like this, they're used to that sort of thing, he declared. Happy must get on with his work, and Bruins should stop mollicoddling people.

Happy was ordered back to work and although he worried all day about the safety of his family back in Nyanga – had the gang returned for the fridge? – the gardener was allowed to leave La

offered her resignation. Venter immediately calmed down, told her how well she worked and urged her to reconsider. Later he called Bruins, saying he had decided to accept her resignation.

Bruins worked her two months' notice and departed on 28 February. Venter promised to give her a good reference. But none materialised.

When she started working for Venter on 1 August 1998, her salary was R2000 a month, with a rent-free flat above the garage. By the time she left, her monthly package, including travel and cellphone allowance, came to R6060. When Venter was in residence she was expected to work from 8am until as late as 10pm. Over a 15-month period she was estimated to have worked more than 400 hours overtime, for which she was not paid.

A four-page list of household controller's duties was presented to her on her appointment. "Draw up menus.... Cater for home entertainment and any possible social and business functions... acting as hostess if required. Drinks to be served on a silver tray every evening with all decanters full, mixers provided

share the household duties insofar as cleaning, maintenance, gardening and polishing is concerned."

A confidentiality agreement covered a further four pages.

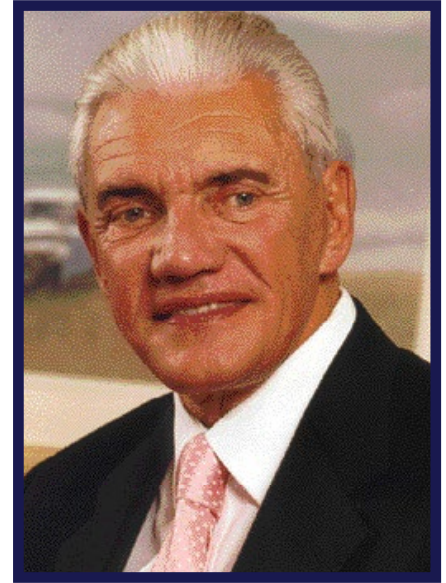
After her departure from La Falaise du Cap, unemployed and living with a daughter in Hout Bay, job-hunting without a reference Bruins found difficult. If Venter was asked for a verbal reference, what would he say? To test the water, Bruins asked a relative to ring Venter, spin him a story about opening a B&B on the coast and requested a verbal reference for Joan Bruins to manage it.

"Joan got a very negative reference from him," says the relative. "He said she wasn't capable of looking after other people's assets because she had no sense of what they were worth. She never tried to economise on anything; didn't pay much attention to detail; couldn't manage staff and spent most of her time watching television."

When this was reported to Bruins, she was livid and phoned Venter to protest. She promptly received a call from Venter's son-in-law, Kevin Schroeder. How dare you speak to Dr Venter like



**WHAT'S UP DOC? The Sunday Times reported last year: 'Top Joburg businessman Bill Venter has discovered the secret of eternal youth. Back in 1993 the Altron founder had grey hair and wrinkles. Eight years later, he looks a whole lot younger with plucked eyebrows, pitch-black hair and fresher skin - not to mention the nose'**



that, ranted Schroeder. Reminding her of the confidentiality agreement she had signed, he threatened that if she said one word to anyone else she would find herself in court.

This decided Bruins to go to the CCMA, the dispute resolution body, seeking six months' salary as compensation, plus a written reference. Her case, filed at the CCMA's Cape Town office on 25 March, alleged constructive dismissal. In the CCMA papers

reference for herself which she sent to Venter for signature. He obliged, with minor changes, so Bruins now has a glowing reference from the multi-millionaire: "I found Joan to be honest and trustworthy, willing and caring," it reads. "She paid attention to detail and I was pleased with her work ethics. She has a pleasant and cooperative demeanor," etc, etc.

Bruins never got her job back, for Venter had already found someone else, the present incumbent of the household controller's post, Mariada Goosen, who tells *noseweek* she's enjoying the work "very much indeed".

Falaise du Cap, Megan de Wit, provides an interesting insight into the Venter psyche. "When I resigned he threw a hell of a screaming tantrum," she says. "He doesn't give a shit what he says. He told me I'm mentally unstable and things like that. But once he's blown off steam he'll come back and try to make up for it. Or he did in my case.

"He went out of his way to persuade me to stay. He sees it as a deception, a divorce, if you leave him. That's why he stops you from going anywhere else.

**'With the kind of man Dr Venter is she [Joan Bruins, the ex-housekeeper] is closing doors all the way. She'll never work in SA because he's got too many connections'**

she stated: "Forced resignation due to untenable working conditions... Employer made life at work intolerable. No written reference."

Venter did not attend the conciliation meeting in Jo'burg on 5 May, when commissioner Shawn Christensen decided that the CCMA had no jurisdiction - Bruins's contract with Venter stipulated that any dispute between them had to go to private arbitration.

On the same day Venter wrote Bruins a brief five-line confirmation of her employment.

Venter's new household controller was a lady named Megan de Wit. She didn't last long. A short while ago, apparently having heard that De Wit had handed in her notice and seeking to bury the hatchet, Bruins faxed Venter asking for her job back!

She is also said to have drafted a

But Venter did suggest to Bruins that she come in for a week to train Goosen. Bruins asked for R500 a day, which the multi-millionaire said he couldn't afford. So that was that. On 10 August Bruins left SA for the UK, to take up a £400-a-week job as a caregiver to the wealthy aged.

Some of the quaint Venter tales that have emerged in the course of the domestic ruckus:

- When he went out for coffee Venter would invariably come home with a pocketful of sugar packets.

- He was an avid collector of airline blankets.

- He has a most innovative shopping technique which, on one occasion at Laughtons hardware store in Sea Point, enabled him to get R500 of plants and seedlings - and pay only R100.

Bruins's immediate successor at La

I didn't tell him that I had a job before I left, because he would have stopped me from getting it, I'm sure. That's just the way he is. He doesn't want you to go to somebody else, because in that way you are leaving him and he can't handle that.

"This is what happened with Joan, but she's farting against thunder. With the kind of man Dr Venter is, she's closing doors all the way. She'll never work anywhere in SA because he's got too many connections. You don't mess with people like that. He's not vengeful, he's powerful. He was never rude to me while I worked for him, he was never unkind. But he's the kind of guy that does things for you in order to get something back. Nothing is for free. It's like a mental game that he plays with you.

"He'll give you a car or whatever you want, then he wants to come down to



Clifton for a week and he expects you to work 24 hours a day because he's done a lot for you. That's just the way he is."

In February 2001 the flamboyant Venter stepped down as chief executive officer of Altron, in favour of his son Robert, now 31. But he hung onto the position of executive chairman and is still a force at the group (2003 fiscal record revenue: R11.4bn).

Altron's corporate code of conduct is dedicated to "fostering a non-racial, non-discriminatory work and business environment in promoting a climate of harmony and tolerance". Black board directors include Jacob Modise (chief operating officer of Johnnic Holdings), TV star Felicia Mabuza-Suttle was a director until recently, a niche that brought her an emolument of R30,000 a year.

Venter's been married three times. When he divorced his second wife Edith in 1993 he paid her R12m, a record divorce settlement at the time. Divorce from wife No 3, Shaileen, followed in 2001.

The new lady in Venter's life is Carla Haldane, who previously worked in the Altron group as customer services director at Altech's Autopage Cellular. Insiders claim the couple have secretly married, but Venter insists "there's no such thing."

Is that a denial? "This is a personal thing and it would not be correct for you and I to talk about it," he says.

Venter says the suggestion that he was angry when Happy took a recovery rest on New Year's Eve is "absolute nonsense". And he certainly never said that he would dock Happy's wages for those two hours: "It's just the most ridiculous damn thing I've ever heard, I must assure you of that. I asked Happy this morning and he's not aware of any deduction whatsoever." OK, so it was just a blustering threat.

After Happy's misfortune, says Venter, he himself bought a four-bedroom brick house in Khayelitsha, which he's renting to Happy for R400 a month - "which is the interest rate which I have to pay".

"It wasn't very expensive, but the fact is he's got a wonderful house. I arranged to purchase furniture for him which he's going to pay off over a period of time, at no interest. He's got a fully equipped bathroom, a lounge set, a dining room table. I put a stove

in. There's not many employers who'll go along and make an investment like that for no return in order to put a roof over somebody's head."

The resignation of Joan Bruins, insists Venter, had nothing to do with Happy's ordeal. "Joan's a super girl, she's got a wonderful personality. But in the last year there were a few things happening. The house faces due west so there are blinds you have to put down to prevent the sun going into the rooms. They need to be retracted when the house is locked up, because if the wind comes during the night they're gone.

"This was not done. The wind came up and pulled the blind away, including the whole framework. That was about R8000-worth, which was a little negligent. I said to Joan over breakfast, 'We really need to be a little more diligent about these things.' She took exception to me commenting on that and said: 'I think it's time I made a change.'

"She'd been talking about going overseas for some months, asking whether I could use some influence with some of our companies over there to put a word in for her for employment. I understand she's now left.

"There was no problem at all with Joan getting a reference. A man did phone saying he wanted to employ Joan Bruins as a housekeeper in a B&B. I said to him, 'I don't give references, but if she's not under supervision - these were the exact words - it's possible she can be forgetful,' bearing in mind the blinds story. Subsequently she called me and asked for a written reference, which I've given her."

Joan Bruins still declines to comment on anything. Why? She's received a threatening letter from Venter's Johannesburg lawyers, Lapin Attorneys, reminding her of the confidentiality agreement she signed.

An investigation to identify the source of "defamatory and highly confidential information" in the possession of *noseweek* is underway, blusters Lapin's Sarah Smith in the letter. If the source is found to be Bruins, "your conduct would constitute a breach of the agreement, in which event our client's rights to take such action against you as he may be advised are fully reserved."

■ Dr Venter is a trustee of the Nelson Mandela Foundation and sits on the advisory board of the Nelson Mandela Children's Fund. ▣

# strategy

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## **“THE SON OF A BITCH**

is a plump man of average height – say five foot ten. He had a beard and always dressed in smart suits. He had one of those large executive desks in his office with lots of files, giving the impression of a hardworking, successful attorney.

“He used to tell me that he spent a lot of time at Anglo American’s Scaw Metals sorting out labour issues. I thought that if he had a client like Anglo he should be kosher. I clearly recall pictures of his kids on his desk. I remember thinking about his kids as I reflected on my loss. He was well groomed, but had long fingernails – something I don’t like. He has a very confident way about him, except, and this with hindsight, before he disappeared he seemed very preoccupied.”

That’s Dani Peer in his new home, Melbourne, Australia, talking of Spyridon (“Spyro”) Akritidis, the 34-year-old Sandton attorney who vanished three years ago along with – some say – more than half a billion rands from his law firm’s trust account. Of that, R2.6m was Peer’s.

“I can only describe it as a form of financial rape,” says Peer from Melbourne. “The shock and dismay is

**Last month  
noseweek reported  
on Jo’burg attorney  
Spyridon Akritidis  
who is on the run  
from Interpol for  
taking South African  
investors for half a  
billion bucks. Now  
we name his trusting  
victims, who include  
socialites and  
millionaires**

building of a 28-ton, 140m helium-filled airship for a passenger service from Cape Town to London. (He’s still got the bug: “Do you know that Zeppelin have regular airship flights over southern Germany these days?”) Peer acquired Hamilton’s assets and patents from the liquidators and set about trying to raise R150m in project funding.

He made contact with two individuals named Thomas Harvey and Frans van der Linde, who operated a now disappeared-without-trace “project financing company” called Hentiq 1872, trading as Zagan. The pair, whose listed address was at the same premises as Akritidis’ law firm – Grayston Building, in Sandton’s Norwich Close – sold him a concept they called “bank credit trading” to raise the R150m.

In subsequent court papers, Peer said he was told that an attorney who had funds placed in his trust account could issue an offshore bank with a certificate of proof of funds to persuade the bank to extend project finance.

Three months after Peer handed over his R2.6m to Akritidis, Peer says, Harvey told him that no project funds would be forthcoming. The businessman then tried to get his money back from Akritidis. “On 20 July [2000] I tel-

**‘I can only describe it as a form of financial rape. The shock and dismay is considerable. I have to put this experience behind me. I do not wish to relive it’**

considerable. You are then faced with a choice: are you a victim or a survivor? I’ve chosen to be a survivor. Money is a commodity; it can be recovered or earned again. I have put this experience behind me; I do not wish to relive it.”

Declaring himself “very much at peace in Melbourne”, Peer says: “I see no benefit in sharing my experience of Akritidis. Some readers will sympathise, but more likely the reaction will be ‘What a sucker’. And you know what? With Nasdaq at 5000 and the most ridiculous deals being done in South Africa and around the world: it was a crazy time. I try not to look back.

“I tried to get my money back for months. Akritidis always had a reason why I couldn’t – he was working on a tough assignment; he was out of town; he had just given notice on a call account. He claimed to have transferred

my funds a few times, then blamed the bank when they didn’t arrive.”

It was in February 2000 that Peer, then managing director of Johannesburg asset management company Goldenbridge, gave Akritidis three cheques totaling R2.6m, with instructions to hold the money in his law firm’s trust account.

The previous year Peer had stepped in to give management of the doomed Hamilton Airship company a five-month reprieve. The company had gone into liquidation after it failed to raise the R200m it needed to build the world’s largest airship.

Peer was a fervent believer in the

ephoned and said I would be coming to his office to collect my funds. Akritidis said he was unavailable to see me,” reads his affidavit. “On 25 July I called his office and was informed that he had abandoned practice.”

Indeed he had. He had also fled SA.

Akritidis’ fame as a master of forex and offshore finance had spread like wildfire. Peer is one of 67 wealthy victims from all over the country who have sought more than R58m from the Attorneys’ Fidelity Fund, the R600m pile that’s supposed to protect clients from theft by attorneys (but read the fine print).

A dozen of the bigger claims are still trundling through the courts. In Cape Town the city’s well-known demolisher R W Ross wants back the R3m he says he asked Akritidis to hold in his trust account “pending transfer to New Zealand”. The fund is defending the case on

the grounds that Ross's brief to Akritidis did not fall within the normal scope of an attorney's practice.

Also in Cape Town, KPMG partner Patrick McGurk sued the fund in his capacity as executor of the estate of his brother Gerald, who died in Johannesburg in March 2000. In mid-2000 he learned that Gerald had transferred R1.8m to Akritidis' trust account only weeks before his death. He immediately called the attorney, who told him the money was "in the process of being transferred" offshore to Finesco International Financial Consultants in the Channel Islands. Patrick was having nothing of it and ordered Akritidis to return the money to the estate forthwith, but the attorney gave him the runaround for two months – and then disappeared with the money.

Recently, apparently on legal advice, the estate withdrew its case and offered to pay the Fidelity Fund's costs.

In Pietermaritzburg Michael Yeats sued the fund to recover R1m he had transferred to Akritidis on behalf of his family trust. The unfortunate Maritzburg builder didn't even get to meet Akritidis – the attorney absconded with his million before the appointment at which he was to have advised Yeats on investment.

## IN MAY JUDGE BELINDA

van Heerden ruled in the Cape High Court that the fund was not liable for the Yeats Trust's loss.

So far the fund has made only one big payout, ordered by the Johannesburg High Court: R531,400 to one Ian Cobb. Akritidis had promised to transfer the money to the UK and open an account for him with Barclays Bank. The half million went walkabouts with Spiro.

In Peer's case, the fund refused to pay on the grounds that it is not liable in respect of any loss suffered if an attorney has been instructed to invest funds. Peer maintained that he had simply instructed Akritidis to hold his R2.6m in a trust account pending an investment. It in fact ended up in a high-yield interest-bearing account.

In any event, "bank credit trading" is apparently a hoax. Banking lawyer Jurgens Bezuidenhout, in support of the Attorneys' Fidelity Fund, filed an affidavit saying he had never heard of bank credit trading or "proof of funds

documentation" being used in project financing. He advised his own clients that such schemes were highly risky.

(And they are. Remember the saga (*nose44*) of retired businessman Philip Smith and the R1m he entrusted to Absa's Sandton City forex manager Tony Goslin?)

Forensic and investigative accountant Carl Venter, previously a superintendent in the police's commercial branch specialising in investment frauds, sided with Peer. Over the last five years he had interviewed thousands of victims of similar schemes. Reading Peer's affidavit, he noted that the interest factor was insignificant compared to the Hamilton Airship project if made viable by the promised bank credit finance.

In Cape Town's High Court, Judge Denis Davis wasn't convinced. On September 3, 2001, he summoned Peer for cross-examination. This decided Peer, settling into a new life in Australia, to withdraw his claim and pay the Fidelity Fund's legal costs.

Other Akritidis victims who are Fidelity Fund claimants include professional golfer Ian Smith. He wanted to buy a property in London so he wouldn't have to put up at hotels while playing on the European circuit. His accountant for some 30 years, Ralph Hellmann, who was impressed with Akritidis' reputation and had dealt with him on behalf of another client, handed over Smith's R828,462 on 18 July 2000, just days before the crooked attorney vanished.

In Johannesburg High Court, Acting Judge Selvan gave judgment in Smith's favour on June 26 this year, ordering the Fidelity fund to reimburse the golfer's R828,462, plus interest and costs. The fund is appealing the judgement, on the grounds that an instruction to invest the funds was given to Akritidis by Hellmann, which Hellmann denies.

"I think they're appealing simply because they don't want there to be a precedent," says the golfer. "I really don't believe they have a basis. I wasn't seeking interest or an investment. It was just a way to get the money transferred. My accountant placed my money in Akritidis' trust account. That was goodbye, money – a week later Akritidis was gone."

Then there was Johannesburg businessman Ronny Tollemache. Akritidis took him for R2.2m. A regular visitor to Australia, he wanted to lend his Down

Under daughter the money to buy a house.

"He was a decent-looking sort of guy," says Tollemache of Akritidis. "He had luxurious offices with certificates on the wall where he was top law student in this subject and that subject. He was obviously a clever guy – maybe too clever."

"I only spent 15 minutes with him. It was a couple of months before he ran away. He said it was going to take two months to get exchange control approval, but it turned out that this was just a sham."

## TOLLEMACHE LOST HIS

case for reimbursement with the Attorneys' Fidelity Fund. "When I lodged the money in Akritidis' trust account I didn't know how long he was going to take to get the approvals, so I asked for interest on it and apparently that was fatal. I just asked for normal call interest, but apparently if you do that you have to give them an instruction that it's in terms of Section something or other of the Attorneys Act [it's Section 47 (5) (a) (b) (c)], which no normal human being would even be aware of.

"Yes, R2.2m is quite a lot to lose," agrees Tollemache. "But it's one of those things: you win some, you lose some. It's one of those things I'd rather forget about, frankly."

Johannesburg broker Elsabe Burns handed just over R3-million of her clients' money to Akritidis. He was going to advise them on how best to invest the money offshore, but never got around to it. In May Judge Claassen ordered the fund to pay her out, but the fund has given notice that it intends applying for leave to appeal.

Among the claimants still anxiously awaiting their day in court are ballpoint pen manufacturer BIC Southern Africa (Pty) Ltd. BIC gave Akritidis R4-million to pay to its foreign creditors. They were never paid. (But he had offered the company such a favourable exchange rate!)

Umhlanga businessman Damarnath Sahaye asked Akritidis for interest on the R750,000 he paid into the attorney's trust account – but his legal representatives intend arguing that he did comply with the legal small print to qualify for Fidelity Fund cover.

Bryanston businessman Robert Magill wished to invest R1m in an offshore

“product” offered by Hansard of the Isle of Man, and Akritidis said he knew how to get the money to them – legally – by means of an “asset swap”. The money went offshore all right – somewhere, but not to the Manx company.

The Attorneys’ Fidelity Fund is liable for up to R100m in claims annually for thefts by attorneys from their clients. Over this figure, up to R300m, the fund is covered by reinsurance. After R300m it has to pick up the tab again.

The fund’s executive director John Moorhouse insists: “We don’t take positions merely to avoid paying claims. We pay where we’re obliged to. If we had money coming out of our ears we might broaden the ambit of the protection. But we’re there for the genuine depositor who suffers a loss, not because he’s been into an investment scheme or something, but because he or she has gone to an attorney in the ordinary course of practice.

“Since the fund was established in



The R1.2m realised so far comes mainly from two Jaguars, for which Akritidis paid cash. Akritidis is an appalling driver and used a taxi to get to and from the office. But he couldn’t resist buying the Jaguars, one a new XJK in British racing green from Bryanston Jaguar for some R800,000. He surprised the showroom staff by dumping R1m in cash on the salesman’s desk.

A far larger sum could be forthcoming for the estate from a contemplated action against Absa bank. Staff in Akritidis’ office would regularly carry yellow municipal waste bags containing millions in cash to dump in Akritidis’ account with Absa’s Southdale branch in Johannesburg. In the nine months before he skipped, R256m was deposited there.

From Southdale most of it was transferred to Absa branches in Cape Town: R118m to Montague Gardens, R75m to Boston Street and R44m to Durbanville. Certain of Absa’s obliging forex ladies

## ‘He had luxurious offices with certificates on the wall where he was top student in this subject and that subject. He was obviously a clever guy – maybe too clever’

1942 we’ve met our obligations to the public and in the few cases that have gone against us we’ve paid. We don’t argue.”

Clearly the fund believes that some of those who channeled their millions into Akritidis’ trust fund did so in the expectation of getting their money offshore by any means – foul as well as fair. Acting Judge Selvan made this point in his judgment in Ian Smith’s case. He said that while there was no suggestion that Smith or his accountant had in mind any underhand or unlawful dealings, “this was otherwise in some of the other actions against the fund arising out of Akritidis’ depredations, where the miasma of illegality may have affected the assessment by the court of the credibility of the claimants.”

This view is confirmed by Stephen Anticevich of Admiral Trust. Anticevich is trustee of Akritidis’s insolvent estate and says that many members of the Greek community gave the attorney “money that came out from under the mattress – grey money that they wanted offshore.

“A lot of the people have come on record, via attorneys, claiming that

they are creditors. But the attorneys haven’t disclosed the name of their client, nor the quantum.”

The police’s commercial branch has received fraud and theft complaints from 67 victims, totalling R69.2m. Nobody doubts that’s just the tip of the iceberg.

### ANTICEVICH SAYS THAT

bank account traces have established that Akritidis moved at least R580m offshore. “How much of that landed in the appropriate recipients’ hands we don’t know. You can imagine the extent of the offshore investigation that’s got to happen to get clarity on that – bearing in mind that I’m still struggling to get co-operation from local banks...”

So far, Anticevich says, he’s been able to realise only about R1.2m from Akritidis’ estate. The attorney’s modest four-bedroom house at 14 De Gelis Place in Johannesburg’s Bruma was in the name of a company named after his daughter (Yiannoulla Properties). It was fully bonded for R600,000. His opulent law practice offices in Sandton, all leather and mahogany, were financed by Investec on the never-never.

then shunted it offshore, fudging the paperwork (*nose48*).

“If you bank with a particular branch, you would expect that branch to handle your affairs,” says Anticevich. “Why transfer these huge amounts of money to Cape Town? That in itself should have raised questions within Absa.”

Just where Akritidis is now has created a whole new industry for SA’s private detectives. Anticevich received a proposal recently from one private eye quoting a fee of \$1.2m (nearly R9m) for supplying the fugitive’s whereabouts and tracing the missing millions.

Another sleuth claims that Akritidis is living under protection in a mountain village named Yanista in northern Greece, hopping over the border into Bulgaria when snoopers get too close.

There’s a view in certain circles that Akritidis is best left wherever he may be. Any number of heads would roll, especially in the Greek community, if he were brought back to SA to spill the beans on where all that grey money went and how, and how easy it was to give the finger to exchange control regulations and the Reserve Bank.

Watch this space.

ARTHUR ANDERSEN

Reverse empowerment

Can you believe that this far on after KPMG “absorbed” the old Arthur Andersen, they’ve sustained a terrible trading year in Cape Town. The damage is such that 18 “support” staff were retrenched last month. (Interesting to note that only six of the 18 were white.) At this stage no professional staff at all. Imagine the difference 18 junior staff salaries make,

the desperate plight of Botswana’s Bushmen – and the role of diamond giant De Beers in the human and ecological outrage.

*The Ecologist* is published on four continents and has for the past 30 years helped set environmental and green political agendas around the world. In a special feature the magazine reveals that since 1997 the government of Botswana has been uprooting thousands of Gana and Gwi Bushmen from their ancestral lands in the Central Kalahari Game Reserve and moving

(De Beers Botswana), which is jointly owned by the Botswana government and De Beers, controls Botswana’s diamond mining industry. There is no doubt that Botswana matters to De Beers, who control over 50% of the world’s gem diamond production.

“The future of the Bushmen is hanging in the balance,” says *The Ecologist’s* editor Zac Goldsmith. “To have any chance of survival, they need to be allowed the freedom to live the way they choose, on their own land. De Beers is the

looking for significant diamond deposits inside the Bushmen’s reserve.”

■ Survival International marked 9 August, UN Day for Indigenous People, by naming the three tribes facing the greatest threat to their existence. Survival considers the Ayoreo-Totobiegosode of Paraguay, the Bushmen of the Central Kalahari, and the Jarawa of the Andaman Islands to be the world’s most vulnerable tribes.

WORLD TRADE

WTO critics dtheCancun

As the World Trade Organisation (WTO) was holding its annual ministerial meeting in Cancun, Mexico, this month, some of its most eminent international critics were gathering down the road at the Teatro de Cancun, making sure the world got to hear their point of view too.

The International Forum on Globalisation (IFG) was once again hosting the “alternative” event, which took the form of an NGO teach-in. The topic was “Alternatives to Globalisation and the World Trade Organisation”.

The IFG, with research associates in over 35 countries, has been called “the most important international organisation working on globalisation issues” by France’s largest newspaper, *Le Monde*. Its Cancun forum aimed to promote useful dialogue about how trade and investment policies affect people and the planet.

Some 5,000 people attended an IFG teach-in on “Economic Globalisation and the Role of the WTO” in Seattle in 1999. Similar teach-ins were held in Washington DC in 2000

Claims that the Bushmen want Cadillacs and that evicting them is ‘like culling elephants’ are absurd

compared to a few heavies who aren’t performing. Gets back to reward of the guilty, punishment of the innocent – plus some empowerment in reverse.

We hear the intention is to “settle” with some of the “identified” professional staff to make them go, so as to avoid having it said that the mighty KPMG is retrenching professional staff. Regrettably the cognoscenti in the market are aware and are acting on the knowledge.

Karen Rosingana, an ex-Andersen tax partner, has resigned and others are known to be exploring alternative options.

them to resettlement camps. Meanwhile there has been a huge increase in diamond concessions in the reserve since the Bushmen evictions. De Beers, the world’s largest diamond company, is one of the major players [see nose42].

*The Ecologist* joins those who believe that the Bushmen’s plight is inextricably linked to Botswana’s diamond trade. Threats and intimidation from the police and government officials are commonplace. Hunting, the Bushmen’s lifeblood, has been banned. Virtually all the Bushmen now live in grim resettlement camps characterised by alcoholism, violence and despair. Only 100 still hold out in the reserve.

Botswana produced 29% of the world’s diamonds by value in 2001, far more than any other country. In that year, diamond sales from Botswana amounted to \$2.3bn. This accounts for 70% of Botswana’s foreign exchange earnings and 50% of government revenue.

One company, Debswana

diamond trade in Botswana, and the diamond trade is killing this ancient culture.

“It’s time for the company to behave responsibly and join us in our call on the Botswana government to change its policy – before it’s too late.”

Welcoming the support of *The Ecologist* for the campaign, Stephen Corry, director of Survival International, described the Botswana government’s persecution of the Bushmen as “one of the greatest crimes against indigenous peoples today.”

“They are kicked off the land they’ve lived on for thousands of years, and their way of life and culture could not be held in more contempt. Claims that the Bushmen ‘want Cadillacs like the rest of us’ and that evicting the Bushmen ‘is like culling elephants’ are the most absurd edicts voiced by government ministers about tribal peoples anywhere. Tellingly, De Beers’ directors have welcomed the evictions, and the company is now

DEBSWANA

Not a Gw’s best friend

In its September edition, the world’s most widely read environmental magazine, *The Ecologist*, has joined the international campaign to highlight

and in Johannesburg last year, prior to the United Nations World Summit on Sustainable Development.

For more information and reports on the proceedings, visit the IFG website at [www.ifg.org](http://www.ifg.org)

**ABSA**  
**Wheeler dealers**

Barry Zeidel is the MD of The Baz Bus, a hop-on, hop-off backpacker bus service in Cape Town. In March 2003 he noticed that his business was paying substantially more than usual in bank charges, so he asked his Absa “relationship manager” if he could negotiate a reduced rate for charges on his account. All the relationship manager did was laugh – and then give Zeidel a sermon about how time-consuming it was for the bank’s tellers to count all the cash he was depositing into his account.

Zeidel was not amused, and immediately wrote to Absa requesting a new “relationship manager”. Brenda Prinsloo, senior manager at ABSA’s regional office, called and set up a meeting at her office. There she informed him that Absa had discovered that in September 2002 someone at Absa had “pressed a key on the computer and altered our cash handling fees without any proper authorisation”. Whoever it was had also not bothered telling Zeidel that the cash handling charges on his account had been increased by 250%.

Prinsloo profusely apologised for these errors and omissions and



**DON'T BANK ON THEM:** Baz Bus' Barry Zeidel (left) says he was taken for a ride by Absa, and he'll steer well clear of them in future

assured him that the error had been rectified: the cash handling fee on his account had been changed back to what it had been in September 2002 – and he would get a full refund of the amounts he had been overcharged as a result of the mistake.

Zeidel happily accepted the apology. Shortly afterwards, on April 2, Prinsloo called at Zeidel's office to introduce him to his new Absa relationship manager, Philip Olivier. She asked him to give Olivier copies of his bank statements from September 2002 (when the error occurred) to March 2003 (when the error was rectified by Absa), so that he could calculate the refund. Zeidel complied.

Two months passed, without any report on progress. Finally, after numerous phone calls and emails to Olivier, Barry received an email from him on 24 June 2003 stating that the difference between what he should have been charged and what he was actually charged amounted to R9301.73. But Absa would refund only R4650. No reasons were given as to why only a 50% refund. In

a telephone conversation Olivier said that the error was “more than Absa had expected”.

“I found it absurd to be told that because they discovered that they had in fact ripped me off more than they thought they had, I could only receive 50% of their rip-off,” says Barry. So he telephoned Prinsloo. She now claimed that the refund would only be 50% because Barry had “taken so long to inform them of the error”. At which stage he reminded her that it was in fact she who had detected the error and who had informed him of it – and she had at once promised him a full refund.

Barry has been an Absa

client for 20 years. “Every single year Bankfin (a division of Absa) finances five Mercedes buses for my business (I buy and sell 5 buses every year), my credit card merchant charges are over R10,000 a month, and staff home loans are done primarily by Absa,” he told *noseweek*.

Cash handling charges are a small fraction of the total charges that he pays his bankers. But the mean line they've taken has prompted him to rephrase their new advertising slogan:

“Absa – *Today* they make promises; *tomorrow* they break them; *together* we won't do any more business.”



# A FLATS SPIN

Interest rates of 10% a month should have sent out a warning signal to hopeful coloured investors in Cape Town who were promised 'opportunities previously reserved for whites'. But then Absa, Standard Bank and Christianity seemed like such reliable brands



## ONE EVENING THREE

years ago 35-year-old Alison Marais, daughter of a good Christian family from the Cape Flats, stood proudly before members of the community in the Christian Centre in Elsies River. She had come, she said, to share with them the fruits of her success. It was clear from her well-groomed and confident look that the once poor girl from Grassy Park had indeed made good.

Until now, she told her audience, the best investment opportunities had been reserved for whites. But she had succeeded in breaking through the barrier.

**ALL GONE: Dolf Visagie confronts Alison Marais, who pocketed his retrenchment package, outside court**

She had become a financial consultant with a major financial institution and was now in a position to offer others in the coloured community access to these great investment opportunities.

In 1996 she had been a secretary and receptionist at Southern Life. The company offered her an opportunity to move up the ladder when it opened a satellite branch in Kenilworth. She was

sent on a financial consultant's training course and was soon doing quite well. In 1997 things really took off for her when she started working the naval dockyard in Simon's Town. It was here that Basil Hendricks first heard about her. He'd been working for the navy for over 20 years. A colleague, Gerard Boriz, had invested money with Alison and was introducing her to the other workers, many of whom were in line to receive severance packages.

In no time Alison was handling the "investments" of 20 navy retirees and 80 teachers, post office workers and police from the Cape Town area who had accepted packages.

In 1999 she arrived highly recommended at Pastor Benjamin Wilson's Elsies River church. Wilson invested R10,000 with her. Who could beat the return – 10% a month?

Okay, so that's all regular *noseweek* readers need to be told to know exactly where this sad story is headed.

All the investors were required to do was deposit their money into an Absa account Alison had opened in her maiden surname, Kiewietz. For a year the pastor received his interest, and by the end of 2000 felt confident enough to arrange for her to meet the congregation.

In that speech to the community she claimed that as a Southern Life employee she received special perks. She could invest monies offshore, which enabled her to offer such an unbelievably good rate. If some had their doubts, they cast them aside. Alison was a good Christian, she was from the community, she was one of them and she understood what it meant to struggle. And besides, the pastor had been receiving interest on his money, as had many others. So out came the retrenchment packages, the life savings, the disability payouts, and the cash in the tea tin. With her little black book and fancy laptop Alison noted it all down. She did not give receipts – they could trust her, she told them.



Back in Simon's Town in January 2001 Hendricks received his navy retrenchment payout of R200,000 and gave it to Alison to invest. For three months he received the promised interest payments – which he promptly reinvested with her. He even managed to raise another R25,000 to invest. One can never have enough of a good thing.

Actually, by February 2001 it wasn't looking so good. Alison found herself in a rather tight spot with Southern Life. There was talk that she took premiums from Southern clients and deposited them into a "third party account" – her own. But Southern was in the throes of its own mental breakdown and moving into the nervous disorders wing of Capital Alliance, so Alison was simply retired.

So she strutted over to the nearby Standard Bank where she had some friends and told them what a nightmare the Southern/Capital merger had been. The men at Standard could easily

from the air force and Angeline's package for 21 years' service at Hillwood Primary School in Lavender Hill.

Dolf remembers clearly Alison saying, "It's for you to trust me and me to trust you." And why should Dolf not trust her, when so clearly Standard Bank did?

Soon after that Alison stopped paying interest to her investors. At a church meeting in October, taped by Pastor Wilson's wife, she claimed she was waiting for a tax clearance before she could pay further interest. But nothing was forthcoming. One victim, Yvonne Jones, arrived at Standard Bank demanding the R390,000 that she had invested with the bank via Alison. The bank had no record of the investment – and finally some questions were asked.

Standard Bank's concern was no doubt also spurred by the fact that the first premiums on those massive annuities, due in November, never arrived.

In her panic Alison sought refuge in

has been satisfactory.

A curiosity of the case: Karin Ford, ex-wife of once well-known former MP Dennis de la Cruz, has been named by victims as someone they believe may have been involved in Alison's plans to move money by means of deals through United Car Hire. But at a meeting with victims in March, Inspector Beukes reported that the police had been ordered to "back off" Ford by her attorney, controversial IFP MP Koos van der Merwe.

Van der Merwe allegedly insisted that if the police wished to interview Ford, they would have to do so in his office at parliament.

Victims have also noted that in recent times many of Alison's relatives and close friends, previously of little wealth and poor addresses, have regularly been taking trips abroad and are now driving luxury vehicles. But as far as victims have been able to establish, none of these relatives and friends has

## **To Alison's bosses at Standard the figures looked phenomenal on their monthly target sheet. So no questions were asked**

imagine it and were sympathetic. In July 2001 they gave her a job. Clearly no reference checks were done. Regional manager Morné Visser helped arrange a post for her at the Tokai Branch – and the rare concession to work mornings only.

Within a month Alison hit the jackpot: she sold two huge retirement annuities – they had premiums of R100,000 and R75,000 a month. It was said she had sold them to "some jewellers in Cavendish Square".

It's strange for anyone to put so much into a retirement annuity. But to Alison's bosses at Standard the figures looked phenomenal on their monthly target sheet – and she boasted at a sales meeting that "there's more where that came from". So no questions were asked. On presentation of the signed annuity application forms Alison was paid R1m commission for the first policy. (Bank prudence did extend to holding back commission on the second.)

At about the same time Dolf and Angeline Visagie had been hearing at church about Alison's success in finance. On 29 August 2001 they met her at the Standard Bank office and handed over R175,000: Dolf's retrenchment package

the casinos of the Cape. Their records show she blew nearly R1.4m there in a month. Finally Standard Bank caught up with her. On 25 January 2002 she was arrested for fraud, money laundering and contraventions of the Banks Act. It was found that in 2000, R9.5m had passed through her Absa account, and in 2001 another R11m. Following her arrest she was held for a month in Pollsmoor prison and then put under house arrest pending her trial, which is set for this month.

Hundreds of people are thought to have fallen victim to her scheme. Transactions recorded in Alison's little black book and on her laptop total R22m. But many gave her cash, and her records show nothing of these amounts. No money has been recovered.

Victims have expressed concern to the authorities about the quality of the investigation that has been conducted by two relatively junior police inspectors, Alrich Edeams and Anthony Beukes of the SAP Syndicate Fraud Unit. Some of the concern arises from the fact that Edeams is a cousin of Alison's husband, Francois Marais. The director of public prosecutions insists their investigation

been interviewed by the police investigators.

The Visagies, as well as Basil Hendricks and Naomi Siljeur, are the driving force behind Motif, the association formed to lobby for effective prosecution and restitution. They claim that because of their campaign they have received warnings to lay off, and even death threats.

And while Alison remains under house arrest in a luxury townhouse where the rent continues to be paid, the bank is threatening to repossess the Visagies' home because they are unable to keep up their bond payments. Victims also have little prospect of finding employment. "Who wants a 54-year-old marine fitter?" asks a despondent Basil Hendricks.

But Alison has work. At 4pm every day she is permitted to leave her accommodation at Beaujolais in West Beach and head off to the city centre offices of property auctioneer Julius Buchinsky, where she is employed to peddle 'JB' discount loyalty cards. In return for an annual fee, the cardholder is promised discounts on purchases from a range of local businesses. This is Buchinsky's sideline. **7**

# THE GREAT MADIBA ART SAGA 2

## IN OUR LAST ISSUE WE

told how “concept marketer” Ross Calder set in motion a scheme involving easily reproducible artworks by Nelson Mandela, to generate many millions of dollars from Madiba’s wealthy admirers.

This would really work well if the sales were associated with the former president’s well-known charitable work for children. Calder first approached the Nelson Mandela Children’s Fund and proposed they run such a project as a joint venture. The fact that Mr Mandela had no known artistic talent was seen as no obstacle: the art director of Calder’s company Concept Marketing, Hugh McCallum, had already done a series of sketches of hands – with sentimental titles – that would fit the bill.

It was a secret deal, however, that was struck, and not with the Children’s Fund but with Magnifique Investment and Holding (Pty) Ltd, a company whose shareholders, the contract stipulated, must remain undisclosed. Magnifique is headed by Mandela’s attorney Ismael Ayob (see *nose48*).

So much profit was anticipated that Concept Marketing immediately paid Magnifique R13m up front as part-payment for the rights to produce and market 5046 copies of five “Mandela” drawings – each one of them to be signed by Mr Mandela. In the contract Ayob warranted that Magnifique held “the sole licence to use the name Nelson Mandela and/or Nelson Rolihlahla Mandela and/or NRM” in respect of the artwork.

The contract between Concept and Magnifique was signed on 30 July 2001. Two days later Mr Ayob registered the



**When the project to market ‘Mandela’ art flopped because the works were too grim, a new set of colourful graphics were produced. But some mysteries remain: what was the miraculous teaching method that turned an amateur into a professional artist in record time and where has all the money gone?**

Nelson Mandela Trust with the Master of the High Court in Pretoria.

Dear reader, please note (to quote the Soviet air hostess: I veel say zis only vunce!): There are at least three separate Nelson Mandela trusts:

■ First there is the Nelson Mandela Charitable Trust, generally known as the Mandela Foundation. It funds all the expenses relating to Mandela’s outreaches in diplomacy and fundraising.

■ Then there’s the still better known Nelson Mandela Children’s Trust (or Fund). The beneficiaries of this fund are all children’s charities.

■ Finally, there’s this much more recent, much less well known Mandela Trust. The only children amongst the beneficiaries are in Mandela’s own family.

The trustees of this third entity are to apply the net income “for the maintenance of, or in payments to” Nelson Mandela himself, or to Mandela’s spouse, a former spouse, descendants, and surviving and former spouses of descendants. The ultimate capital beneficiaries are the children of Nelson Mandela. (In the Deed of Trust the “present child” is named as Zindziswa, “present age 40”).

The first trustees of the Mandela Trust were Ismail Ayob and his wife Zamila. She has however, resigned, and two high-profile lawyers, George Bizos and William Henry Trengrove, were appointed. Ismail Ayob continued as the third trustee and chairman.

After paying R13m to Ayob, Concept had no money left to produce and market the prints. Concept’s desperate MD persuaded SA Breweries to put up R2m, but

this was angrily rejected by Ayob when the Breweries man wanted to pose for a picture handing the cheque to Madiba. Ayob claimed that Mandela never accepts donations from the liquor trade, but there was another, unspoken problem with the cheque: it was made out to the Nelson Mandela Children's Fund.

Concept's men travelled to New York to find a marketer for the pictures, only to be told that McCallum's sketches were "too grim". More cheerful and colourful pictures would sell better, it was suggested. But by now the two-year term of the contract with Magnifique had run out without a single print having been produced.

The deal was a major contributor to the bankruptcy of Concept and its parent company, JSE-listed Union Alliance Media. Concept's liquidators tried to sue Magnifique and Ayob to recover the R13m, but withdrew the case at the last minute. Not only had the two years expired, but, they now discovered, Magnifique no longer owned any rights to the Mandela name. The rights had, in the meantime, been transferred to a new company whose name the lawyers (including Ayob) have declined to disclose to *noseweek*. Magnifique got to keep the R13m.



## A well-known artist claims that the drawings show a 'slickness of appearance and confidence of hand' suggesting the work of a professional



In reply to press inquiries after *nose48* appeared, Ayob has declared that the shareholders of Magnifique are the Nelson Mandela Children's Fund, the Nelson Mandela Foundation and the Mandela Trust. He did not respond when asked what percentage of the shares each held, suggesting that the claim by *noseweek's* original informant that the Mandela Trust has a 60% share, while the other two charitable trusts each have only 20%, is correct.

Ayob said tax is still to be paid on the R13m, after which the balance will be paid to the three shareholders. He himself, he claimed, had only been paid professional fees for services. He added:

"President Mandela has at all times been kept fully informed of each step and no action was taken without his prior approval."

Now some of the same players have launched a *second* Mandela art scheme, this one more flashily presented – but evoking the same vision of hangers-on, operators and opportunists keen to feast on Mandela's reputation for integrity and charity.

Ross Calder, whose brainchild the earlier deal was, is now marketing a set of "Mandela" lithographs of Robben Island. In contrast to the earlier drawings, these are much prettier.

Varenka Paschke (see box left) is a 2001 graduate of UCT's Michaelis art school, a creator of hotel art, and a co-producer of "art happenings". Calder recruited her to "tutor" Mandela in drawing, but the media descriptions of their sessions make one wonder. Mandela is depicted talking to her about his experiences, thoughts and feelings, and expressing his preferences as to colours, for example – but as doing nothing else. A well-known artist claims that the drawings show a "slickness of appearance and confidence of hand" suggesting the work of a professional.

One wonders where the 83-year-old statesman even found the energy and time to sign those thousands of prints that are now up for sale. In the market there is speculation about computer-generated signatures.

Purchasers of the lithographs at the gala Robben Island launch of the fundraising scheme reportedly got letters from Mandela testifying to the authen-

The artist behind the latest Mandela magic, Varenka Paschke, is the granddaughter of former State President P W Botha. Varenka and her sisters Ingeborg and Sigrun (a cabaret artiste) are the daughters of the Groot Krokodil's elder daughter Amelia.

Less is known about their father, Uwe Paschke. But a curious passage appeared in *The Nonproliferation Review* in 2000:

"A document [of August 1988] ... reports on a trip undertaken by SADF and Armscor personnel, accompanied by Uwe Paschke ..., representative of the company Patech, to Israel and West Germany in that year.... [The trip] provided for personal contact with experts in the field of chemical and biological warfare and the establishment of relationships .... Access was gained to industries that were formerly inaccessible ...."

According to official records, Patech (Pty) Ltd was founded in 1985 and based in Stellenbosch. Uwe was its sole director. Patech appears to have been dissolved in 1992 – at about the same time Wouter "Dr Death" Basson's secret chemical and biological warfare



**Uwe and Varenka Paschke**

programme was closed down.

The collaboration, it now seems, could be more profoundly symbolic of the New South Africa than the participants might have intended.

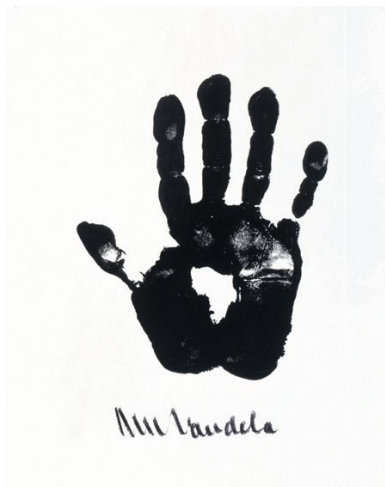
ticity of the works. But buyers would probably not be bitterly unhappy at evidence of the intervention of another hand, as long as their money went for a good cause.

Many thought, bless them, that this cause was the Nelson Mandela Children's Fund. This is not surprising. In January Calder told the *Sunday Times* that the Trust "oversees" the Mandela Children's Fund. (Not true.) In February, just a few weeks into the project, he told American television network CNN that the art had already raised \$700,000 for the Nelson Mandela Children's Fund.

And until a month ago, the official website of the Nelson Mandela Foundation stated, "Mr Mandela does not sign items unless a donation of R10,000 ... has been made to the Nelson Mandela Foundation. Items signed cannot be used for fundraising unless either the Nelson Mandela Foundation or the Nelson Mandela Children's Fund is the sole beneficiary of funds raised."

But when contacted, the Children's Fund's Archie Tsoku refused to reveal how much his organisation had received from the art sales, and in terms of what agreement. Pressed on the oddity of the Children's Fund allowing its name to be used in a fundraising venture without revealing to donors or the general public how or why or with what result, Tsoku called the *noseweek* reporter "aggressive" and "irresponsible".

The reason he could say nothing, he insisted, was that the Children's Fund



**Calder now says the Mandela Trust represents money at Mandela's personal disposal. 'He could spend it on sweets if he wanted to'**

was only a subsidiary of the project. The Mandela Foundation ran it. Absolutely not, said the Foundation's Marieta Slabbert when we spoke to her in August. When we looked again at the Foundation's website, it had changed. The section in question now reads:

"Due to demands on Mr Mandela's time, he no longer autographs any items. Items signed for any reason cannot be used for fundraising unless either the Nelson Mandela Foundation or the Nelson Mandela Children's Fund is the sole beneficiary of funds raised."

That, of course, solves Mr Mandela's time problem – and removes the specific obligation to donate R10,000 to the Foundation for every signature on an artwork.

Still a bit of a problem about the Mandela Trust as a beneficiary, though.

The Foundation referred *noseweek*, in its puzzlement, to Mr Ayob at that very Mandela Trust. Repeatedly contacted for comment, Ayob had not responded at the time of going to press.

Calder now says that the Mandela Trust represents money effectively at Mandela's personal disposal. "He could spend the money on sweets if he wanted to," the marketing director says.

We are not unsympathetic to Mr Mandela's needs: with Winnie and Zindzi on the payroll a couple of million doesn't go very far.

Calder denies ever marketing in the name of the Children's Fund. When presented with the CNN report, he protests that he was misquoted – there and everywhere else the Children's Fund is linked to the lithographs. That's a heck of a lot of misquoting – with no correction until now. Calder has been content to stay silent in the face of the unexplained mass delusion of wealthy benefactors, if that's what it was.

Calder says he gets 10% and the galleries get their cut (normally 40%; in this case apparently whatever they choose to charge), and that everything else goes to the Trust. How much in all, roughly? Calder, despite having quoted figures back in February, now has no idea. Absolutely none? Yes, absolutely none. But he indicated the project was successful and growing. (We believe it: the much lower-key "Touch of Mandela" scheme was set up to make more than R200m in two years.) He would present an account at the end of the year. □

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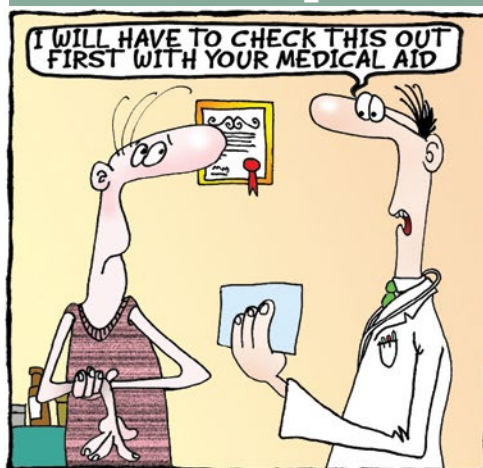
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**What's up doc?****by Ashley Cooper**

# THE GENDER QUESTION

BY HAROLD STRACHAN

## I'LL BET THERE ARE PRECIOUS FEW

of you out there who have ever had need of a gender facilitator. Or even wondered how one works, for that matter.

I had experience of one at the Hilton Hotel, and I don't mean the hotel at Hilton, Pietermaritzburg, I mean the great big glisteny thing by the Conference Centre in Durbs, with columns like the palace of Knossos, only indoors and three floors high, in a great big glitzy cavern where the staff are at least one social class above mine. Would you like to borrow a tie, sir? one of them asks with the uttermost condescension. Well, since I'm not wearing a suit..., say I. A pause, as he superciliously looks me over. Sorry, we don't keep suits, says he.

The occasion, you see, is the accession to governmental appointment of me ole mate of the Peoples' Selfless Struggle, Comrade Sam Steinbein; we're having a selfless peoples' genteel noshup with tasteful liquor alongside, and I feel myself at last ascending that one social class here at Sam's table with assorted notables I've seen on the telly. Last time I saw ole Sam he was in prole threads with a cloth cap.

Over on the sideboard with the fancy booze I espy a bottle of Jack Daniels Tennessee Sour Mash Whiskey. Well, now! Excepting the majestic distillates of the Western Isles and the Spey Valley you can keep Scotch if good Tennessee is around. The Zulu wine attendant with the Khanyile Dlomo-Mkhize Durban Girls' College accent comes with sweet smile and dry white chilled and wrapped in a table napkin. Thank you so much, I say, but grapes give me the hay fevers; I'll just have a little of the whiskey over there, showing a good six centimetres between my fingers. By the time we're into the main course of Lamb Cypriote arranged on the plate like a Fine Art exhibition, and the bottle's down to about 60%, it occurs to me I should try for a bit of conversation.

On my right is a woman in a startling mauve satin ethnic African dress with leg-o'-mutton sleeves and enough loose fabric wrapped all about to make an ethnic African desert tent for President Khaddafi. Nice dress! I observe. She slowly turns. She unsmiles. She views my carefully ironed denim jacket, opens her mouth as if to speak, and shuts it again. Do you know Doctor

On my right is a woman in a startling mauve satin ethnic African dress with leg-o'-mutton sleeves and enough loose fabric wrapped all around to make an ethnic African desert tent for President Khaddafi

Stonebone? I ask. Slowly she declares: We have adjacent offices at the Union Buildings. Oh WOW! say I. Er..., what do you sort of..., you know, do?

I am a gender facilitator, says she.

I blink. I imagine a busty madam in a N'Orleans cathouse called The Rising Sun arranging for gents and suitable ladies to go upstairs. I open my mouth, and shut it again. Do you know what gender MEANS? she asks, with some irritation. Well, ja, say I; it's what Latin nouns have. And German, and I suppose some other European languages. Antenna would be feminine, cactus would be masculine, and scrotum would be neuter. No logic to it.

Her eyes light up momentarily at the image of a neutered scrotum. I'm T.A.L.K.I.N.G about P.E.O.P.L.E, says she. She moves her lips and tongue sarcastically around every vowel and every consonant. Impatiently. No, say I, people have sex. I'm NOT talking about what they DO, she snaps. What they ARE, can't you understand? Victimized because of gender. Previously disadvantaged. Aha! I say. Do you think you could facilitate my son; he's chronically unemployed, and I dutifully disadvantaged him as a lad, giving him only old potato peels and used teabags for his school lunch. She's not allowed to say Pigmentation. Depends on his gender, doesn't it? she grits. Well, last time I caught a glimpse it all looked pretty masculine, but maybe he's gone gay or something. Do you do gays?

Can you never get sex out of your head? she cries. I'm trying to talk sociologically to you and all you can do is cheapen every scientifically researched thing I say! I must try! I cry. I can do better! I remember the sociological difficulties I had with a fellow student at the Camberwell School of Art and Crafts, London SE5, who said he was a lesbian, and the only person he could ever love in this world was another lad who classified himself too as a lesbian, and I used seriously to wonder in a sociological sort of way if he had sex-oops-gender with men or women. Would you have been able to facilitate such an unfortunate one?

The Jack Daniels is down to about 45% It's at about this point that I usually bugger everything up. You don't seem to realise there's been a revolutionary change around here, says the gender facilitator over her leg-o'-mutton shoulder. You mean change of government? say I. ▣



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