

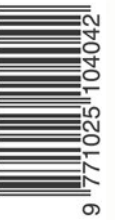
news you're not supposed to know

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noseweek

issue
55
April 2004

BRETT KEBBLE
FAT OF
THE
LAND



VENOMOUS GAY PROMPTS QUESTIONS IN PARLIAMENT
SUNDOWNS BOSSES ARE GANGSTERS, SAYS MAG
WHERE IS HOOSAIN MOHAMED'S BLOOD MONEY?



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Cover illustration: Colin Daniel

FAT OF THE LAND

Brett Kebble, probably the most influential white man in Africa, resembles a bloated spider at the centre of a wide and intricate web of political and economic influence

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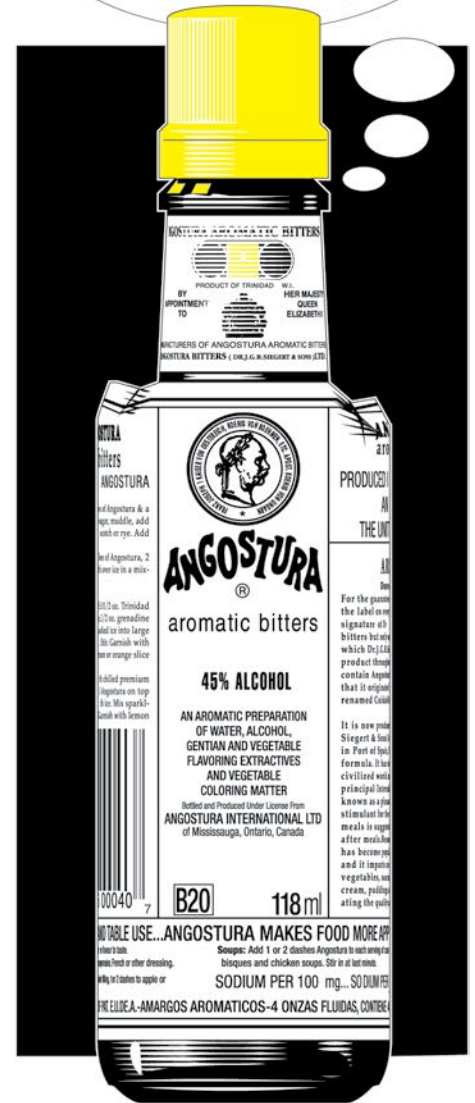
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Competitions Write a limerick and win a R1,200 fountain pen: page 6 ■ Ken Forrester Wine Draw: page 23

Think Pink!



Those who know what's good for them will tell you that a few drops of Angostura Bitters transforms a glass of boring mineral water into an irresistible slimmer's delight. Add a dash of colour to your drink and titillate your tastebuds. After all, you do deserve it, and it does keep you feeling in the pink.

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NW/WM 03

Muck with brass

Your stories about Barry Davison *et al* (nose54 “When Barry Left Sally”) brought Dorothy Parker’s words to mind: “If you want to know what God thinks about money – just look at the people he gave it to”.

Pam Herr
Fish Hoek

outpouring of the broken-hearted one. It’s time to put this stupid story to bed, as long as it is not in Ben’s.

The man in question obviously has a super [sic] ego, and can you blame him? He keeps Cape Town laughing with his wit and off-the-wall humour. Can he help it if women of

– how can syphilis figures be down by 22%, but HIV (also supposedly a sexually transmitted disease) still be on the rise? Unless, of course, HIV, if it does exist, is not sexually transmitted...

Contrary to Dr Bruning’s claims (Letters, nose54), there are *no* well researched facts on HIV; if there were,

that the medical aids now feel they aren’t responsible for covering, and which government hospitals are unable to treat successfully because they are so grossly under-funded.

Unless we accept unreservedly that all chronic diseases and disabilities are equal in status, the status of those suffering from HIV/Aids will be magnified, minimising what millions of others suffer from on a daily basis, impacting on entire families, and their ability to pay for food, school fees and other important factors of life.

Cilla Webster,
Post-Polio Network,
Umkomaas

‘Of course we despise super-rich bastards, but then they must be bastards to get that rich in the first place’

■ The issue of a “fair” share of a tycoon ex-husband’s estate is one thing, and the issue of super-rich bastards treating their ex-spouses in a shameful manner is another. But do you really expect us to be shedding any tears for ageing rich socialites having to eke out the rest of their lives on more money than most of us will see in a lifetime? Of course we despise the super-rich bastards – but then they must be bastards to get that rich in the first place.

So spare us the violins.
Bruce MacDonald
Rondebosch

Virgin on ridiculous

I have not yet found anyone of any intelligence interested in the sordid details of the O’Donoghue/Bristow-Bovey/Ben Trovato/Christian virgin saga (nose54 “Mark of Trovato”).

The last straw was the

limited intelligence throw themselves at him, myself included?

I’d hate to have to cancel my subscription to *noseweek*, but shall do so if you continue with such nonsense.

Jo Maxwell

Rosebank, Cape Town

You sound as if you’re as much into a bit of nonsense as we are. – Ed.

■ I’m surprised that a seasoned campaigner like Ben Trovato didn’t adhere to the old adage “Do right and fear no man; don’t write and fear no woman.”

Michael Rooker-Smith
Mossel Bay

Aids absurdity

Rian Malan is right to note the absurdity of the Medical Research Council’s HIV and Aids stats (nose53). Their stats had to be wrong

surely after 20 years of research and the investment of \$200bn we would have had an Aids vaccine?

Mark B Zuhrbrigghen

SA Association for the Re-appraisal of Aids,
Cape Town

■ As NGOs, activists, the medical profession and others fight for better and free delivery of drugs for HIV/Aids sufferers, the silent majority with other chronic diseases and disabilities are being marginalised.

The new trend amongst medical aids is that only about 25 chronic ailments will be recognised for claims. Not satisfied with having cut annual benefits for all chronic ailments back by several thousands of rands, those who have a disease not on the list will have to pay for their own lifesaving medication.

It is time the government stopped laying the responsibility of HIV/Aids at the door of the private sector, and took up the fight against HIV/Aids as do other responsible governments on the African continent.

To say that only those who have died from HIV/Aids are being buried at an alarming rate is to deflect from the fact that thousands die because they are under-medicated for chronic diseases and disabilities

■ The Cape Times of February 23 summarizes an HIV-AIDS survey published in the SA Medical Journal. It reports that a survey of twenty-six South African companies’ workers reveal an average HIV infection rate of 14%, and up to 18% for mine workers who live without their women.

Alas, this is devastatingly above the one-fifth to one-tenth of current predictions that Riaan Malan hoped for in his article published in nose52 and his further response in nose53.

Keith Gottschalk
Claremont

The SAMJ paper does not identify the companies in which surveys were conducted, but we have reason to believe that Anglo-American and Highveld Steel were among them. – Rian Malan [Now turn to our story on page 20 and see why the situation is not nearly as clear as the authors of the SAMJ article would have it. – Ed].

Sick’n Pay

Your article in nose51 on how Pick’nPay extorts secret kickbacks (“rebates and contributions”) from its suppliers, prompts me to point out that this practice,

Gus



“So what are you doing over Oestrus?”

although polished to a fine art by Pick'nPay, has been perfected by Netcare.

Netcare have got extortion so finely honed that even the largest multinational companies manufacturing and supplying health care products have buckled and are paying rebates of 60% and more in order to retain their "preferred supplier" status with the health care group. (No doubt Afrox Healthcare and the MediClinic Group also enjoy the benefits of this practice.)

Many local distributors of healthcare supplies have felt it expedient to grovel and offer rebates as high as 80% in order to curry favour with these bullies.

The extortion unfortunately does not end with the rebates extracted from suppliers. Members of medical aids, who tolerate annual increases of double (and more) the annual inflation rate, are also the victims of massive profiteering by the hospital groups.

For example, a medical product used on a patient in the theatre might be invoiced to the hospital for, say, R85. The supplier then secretly rebates (or "kicks back") 80%

of the invoiced price (R68) to Netcare, leaving a net cost to Netcare of only R17. But the patient is billed by Netcare for the same article at R127.50 (R85 plus a declared 50% mark-up)!

This represents a mark-up on the actual net cost of 650%, making Pick'nPay look like rank amateurs.

P Turner

Morningside, Sandton

Protection racket

I read with interest your coverage of the activities of attorneys such as Abe Swersky and Brian Kahn. Must we wait for scandals of the magnitude of Enron and the collapse of leading auditing firms like Arthur Andersen before lawyers will be forced to do what the accounting profession was forced to do and clean up the mess in their profession?

Lawyers are, for good reason, the constant butt of derogatory jokes: the Law Societies, which were supposed to protect the public and police the profession, spend most of their time protecting those it should take action against. The societies are often represented by questionable characters. They answer to

nobody. Try and get reasons for decisions out of them and they ignore you.

Ask attorneys in Johannesburg and Pretoria about sharp practice in the area of divorce law and they will rattle off the names of all the usual suspects. There is a reason for this, too.

Those attorneys who are known to abuse the legal process by dragging out cases to cause the maximum emotional blackmail and run up legal costs, do so in the knowledge that their profession will not challenge them.

How many times have such attorneys been reported to the Law Society? Why aren't these records made public? If not for publications like *noseweek*, these immoral activities would be carried on without any prospect of the culprits being exposed. You broke the scandals behind the Road Accident Fund and the role of attorneys in those scams. I'm pleased to see you've moved on to the shenanigans of divorce attorneys. Expect no reaction from the law societies – to them, it's standard practice.

PJ Botha

Waterkloof, Pretoria

Katz among pigeons

I read your account of Frank Carlisle's run-in with Mercantile Bank (*nose49*) with interest. On the evidence presented, there is every likelihood that Carlisle was robbed by his friendly bankers. But Carlisle gets no sympathy from Adcorp shareholders. The sale of his company, PMI, to Adcorp for a hugely inflated price presents yet another example of corporate executives "taking", not "making", money.

However, he is small fry – part of a shoal of much bigger fish that profited during the last economic bubble. They include Professor Michael Katz, architect and champion of the "King2" Code of Corporate Governance, who engineered the sale of his corporate law business, Edward Nathan Friedland, to Nedcor under equally shocking circumstances.

Carlisle and Katz convinced boards of public companies to pay huge premiums for their firms. How can you sensibly value Carlisle's at R40 million when it generates only R10 million in sales and probably R2m or less in profits? Still,

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he was an outsider in pursuit of his personal interests. In stark contrast, Katz was a long-serving member of Nedcor's board when he did his deal.

Comparing the two, you have a farcical situation. On the one hand, Carlisle claims he "wuz robbed" by sleazy bankers – after he had suckered Adcorp. On the other, you have Katz doing

Nine times out of 10, they ultimately destroy value and jobs. Look at Adcorp and Nedcor and others for proof of that.

Ted Black
Johannesburg

Black co-authored a book on the schemes and scams run by the Didata desperadoes – Who Moved My Share Price? – published last year by Jonathan Ball.

kms compared to the 10ha needed for a similar capacity conventional plant. To replace the total US generating capacity of 604,000mW with wind farms would require one third of the entire US land mass.

The vaunted "lower environmental footprint" is thus bogus. It is revealing to note that not a single wind farm exists anywhere without a government subsidy of some sort.

A Todd
Pinelands

Hold on! The actual nuclear power station is only a small part of it: what about the huge spaces defaced by uranium mining, processing, fuel transport and toxic waste dumps? And the cost of regulating this toxic process? Has a nuclear plant ever been erected or insured other than with taxpayers' money? Sun panels and windmills can be installed on roofs, occupying no space. Ocean currents, hydro power and bio fuels produce continuous electricity, i.e. there's still plenty of room for research – and debate.

Now turn to "Khayelitsha's sunrise industry" on page 28. – Ed.

Dompas on steroids

Hanis, the department of Home Affairs' massive new National Identification System, is nothing but the old hated dompas on steroids! First approved by cabinet in 1995, it will initially provide instant computerised cross-referencing of fingerprints and identification information, ostensibly to limit fraud with pension payouts. The system is open-ended, however, and can also provide for cross-referencing of banking transactions, telephone records, travel bookings etc, etc.

The danger that this project holds for the freedom

of all South Africans cannot be over-emphasised.

Hanis has been on hold for a while, but, as part of a major revamp of the department, is to be relaunched: "Hanis Reloaded". If you don't believe me, check the strange associations: why has a spook from the NIA been appointed to run Home Affairs? A source told Sapa last year it was believed the deputy DG of Intelligence, Barry Gilder, was short-listed for the Home Affairs job by the department's own selection panel, "to add some weight to the list", although it was hoped the ANC ministers on the interviewing panel would be sensitive to Minister Buthelezi's complaints that he was surrounded by people with an intelligence background. (e.g. his deputy minister for many years was Lindiwe Sisulu, Walter's daughter and an old ANC spook who has more recently been promoted to minister in charge of intelligence!) All the ANC ministers on the panel are said to have voted for Gilder.

We need to know more about why Buthelezi is complaining. And why did the department's key technology personnel resign?

I am not being paranoid. I understand the technology, I've read the books, I've seen the photos of the dead bodies. Yes, I even went to see *The Matrix!*

Chris Moore
Durban

Andile Ngcaba, while Director-General of Communications, also stood in as DG of Intelligence, and had immediate access to the Presidency. Ngcaba was the main man behind all the new technology at Home Affairs, and accompanied the DG of Home Affairs on all his trips abroad in connection with Hanis – without Minister Buthelezi's knowledge. The plot thickens. – Ed.



Pen a limerick and win a Sonnet

noseweek, with Pen & Art, is giving away a Parker Sonnet fountain pen worth R1,200 each month for the best topical limerick submitted to the magazine.

Email your scurrilous, amusing or insightful scribbles to noseweek@iafrica.com; post to Box 44538, Claremont 7700; or fax to (021) 686 0573. Entries must be received by Friday 9 April and must be headed "April limerick competition"

The winning entry will be published in the May edition of noseweek. The editor's decision is final.

And this month's winner is...

**We're voting quite soon in SA:
The party remembers to pay!
There's sudden delivery –
(It makes me all shivery)
We ought to go vote every day.**

Mike Cope
Muizenberg

the bank heist of the century – to the tune of R400m, rumour has it. Forget the Great Train Robbers or cash-in-transit highwaymen – Katz is the big one.

A story has it that his opening negotiating stance was a cool R500m, but Nedcor chairman Piet Liebenberg, ex-minister of finance, and CEO Richard Laubscher, apparently found that "a bit steep". So much for financial savvy and corporate governance in Nedcor – or at Nedcor's major shareholder, Old Mutual, for that matter.

Value derives from sustainable, year-on-year, productivity improvement of people and assets – not the big deals done at board level. All they do in the short term is pump up EPS, share prices and top executive bonuses.

Koeberg: Mythed point

Earthlife Africa (nose54) perpetuates the myth that "clean, modern forms of energy like wind, solar, wave and tidal energy," offer a viable replacement for conventional fossil and nuclear fuelled units.

However, apart from their inescapable intermittancy, these sources have one insuperable drawback: they are very dilute. For example, average solar radiation measured at Kuils River is a mere 5.25kW hours per sq metre per day. Koeberg's energy capacity is 1,900mW.

To match this output using solar converters at an optimistic 18% efficiency, Koeberg's operational area would have to be stretched to at least 120km. And a 2 000mW wind farm would occupy more than 5,000 sq

FAT OF THE LAND

Brett Kebble, probably the most influential white man in South Africa, resembles a bloated spider at the centre of a wide and intricate web of political and economic influence

Some

of his closest friends say they trust Brett Kebble about as far as they could throw him. If you've seen recent pics of South Africa's gargantuan so-called mining magnate you'll understand why this is not a compliment.

But even this master of deception deserves the benefit of the doubt some of the time. One of those times was when he bestowed his Kebble Art Awards on an adoring nation last year. "There is no altruism in these awards at all", he announced, jowls aquiver.

noseweek is happy to take him at his word.

Indeed, one would have to be extraordinarily naïve to see the awards as anything but a shameless attempt to divert public attention from the serious charges of fraud and share manipulation Kebble and his dad Roger are facing.

And to increase the indebtedness senior ANC politicians already feel towards the Kebble clan.

If this were just about art and artists, why did Kebble wine and dine parliament's portfolio committee on arts and culture until its members could hardly move?

Hymns of praise were lavished by the media on South Africa's Medici, but the truth is that the prize money he shelled out was paltry compared with the obscene sum he blew on the post-awards party at the Cape Town Convention Centre.

The guest list tells you all you need to know about Kebble's real motives. There were some actual artists, but most of the praise-singers gulping champagne were ANC luminaries, including members of the cabinet.

Enough to give anyone a hangover was the sight of Roger Kebble and the disgraced liar Tony "4x4" Yengeni hugging each other like bosom buddies.

So what about the art the Kebble Awards are supposedly designed to showcase? Some of the categories – arts and crafts, for example – were so contrived they could only have been intended to win Kebble brownie points; so politically correct that even some of the (hitherto) respected art professionals who agreed to be judges – in return for first class flights to Cape Town and all-expenses-paid accommodation at the five-star Arabella – blush when questioned about them.

Kebble's frank admission about the awards invites us to see his (or, more likely, his public relations guru, the ubiquitous David Barritt's) timeous discovery of a poor black boy to dress up and seat on a white pony in the same less-than-entirely-altruistic light.

As with the awards, this act of ostensibly selfless philanthropy coincided with unwelcome attentions by the Scorpions. And it was milked for publicity with the same unrestrained avarice.

The most important thing to grasp about Brett Kebble is that he is an exceptionally skilful player. And not just of the piano. (He plays the romantics, like Schumann and Liszt – musicians who, he says, developed beyond the limitations of "vanilla composers" like Mozart. The only mining magnate equally skilled on the instrument was Joseph Milne – and he, oh

so stylishly, ended up playing his Bechstein baby grand in Pretoria central prison.) Kebble is one of those big men who are capable of dancing lightly. Charm is one of his formidable weapons, and he is known for the occasional gallant gesture.

He's played himself into a position of such influence that it evokes the image of a bloated spider poised in the centre of a very wide and intricate web. Situated strategically within his web are people who are themselves extremely well connected. It is said with some authority that he is probably the most influential white man in South Africa, if not the whole of Africa.

You'll remember what happened when Briton Mark Wellesley-Wood arrived in South Africa to restore corporate governance at Durban Roodepoort Deep, where chairman Roger Kebble had been making up his own, allegedly very lucrative, rules. What he found proved distinctly awkward for the Kebbles. Fortunately for them, the then director-general of Home Affairs, Billy Masetlha, wasted no time in declaring Wellesley-Wood a prohibited immigrant, booting him out the country and refusing to allow him back in.



City Press broke the good news to the Briton and then ran a story clearly designed to do him maximum damage. Among other things it quoted Masetlha slagging Wellesley-Wood off as "the kind of executive South Africa could do without".

Odd behaviour for a civil servant, you might think. Home Affairs Minister Mangosuthu Buthelezi certainly did. He overruled Masetlha – who has since departed Home Affairs

The prize money Kebble shelled out to such uncritical acclaim was paltry compared with the obscene sum he blew on the post-awards party

– and Wellesley-Wood was allowed to return.

Why should Masetlha have taken such an extraordinarily personal interest in Wellesley-Wood?

Who knows? What we do know is that Masetlha, a former ANC spook, used to be in the NIA where he was close to another ex ANC spook, Gibson Njenje, the deputy DG. When Njenje was suspended from the NIA for being implicated in fraud, he was brought onto the board of Durban Roodepoort Deep by the Kebbles and was very useful to them.

As for *City Press*, well, its editor was Vusi Mona. As we now know, a friend of Mona's was one Dominic "Dom" Ntsele, another Kebble fixer. Kebble shares him with that other well-known exemplar of good corporate governance, Irvin Khoza.

Dom, who comes from the advertising world, where he specialised in



Picture: Sunday Times

MISSING LINK: Does Tokyo Sexwale's company Mvelaphanda provide the connection between Safety and Security Minister Charles Nqakula and Kebble?

teaching corporates how to lobby people in power, keeps a very low profile. He is extremely well-connected and works the phones incessantly for his clients.

Dom was the man who extracted from Mona details of Scorpions boss Bulelani Ngcuka's confidential briefing of editors, in which he voiced his suspicions about Kebble's grasp of business ethics. Dom's report to Kebble triggered a salvo of hysterical letters to Justice Minister Penuell Maduna.

The letters were highly defamatory of both Maduna and Ngcuka. In the normal course, it would have been dangerously provocative for a businessman in Kebble's tenuous legal position to write such letters, even confidentially. But then he sent the full correspondence to *Business Day* for publication. No other business person in South Africa, black or white, would have dared to confront two of the most powerful institutions in the land so openly and insultingly.

Kebble is many things, but he's no fool. He would not have taken this step unless he was confident of support in very high places.

His confidence might not have been misplaced. After all, he'd got the Minister of Safety and Security, Charles Nqakula, to lunch with him at "his" opulent Johannesburg

FREE LUNCH: Minister of Safety and Security Charles Nqakula (left) and Justice Minister Penuell Maduna were wined and dined



Picture: Sunday Times

pad, Melrose House, and to bring Maduna along with him. You're under investigation by the country's premier police unit and you manage to arrange a private lunch with the two most powerful law enforcement ministers in the country – how's that for influence?

What, then, is the connection between Kebble and Nqakula? Is it spymaster Njenje? Or is it Tokyo Sexwale's black empowerment resources company, Mvelaphanda? Kebble financed Lembede Investments as the ANC Youth League's investment arm.

Lembede has done many deals involving Mvelaphanda. Confidential Mvelaphanda correspondence is copied not only to chairman Tokyo Sexwale and deputy chairman Mikki Xayiya, but also to Safety and Security Minister Nqakula!

Kebble and Mark Willcox, CEO of Mvelaphanda's holding company, worked together at Cape Town lawyers Mallinicks some years ago, when the firm defended a number of political prisoners. (Another colleague was legal secretary Judy Moon – who became Mrs Sexwale after meeting Tokyo during one of her Mallinicks social responsibility missions to Robben Island prison.) Sexwale's first major business deal in the mining sector – purchase of a strategic interest in Gem Diamond Mining Corporation – was acquired from the Brett Kebble-controlled Consolidated African Mining and JCI Gold, held by a subsidiary of multi-mineral resources business Mvelephanda Holdings. The balance of Gem was to be held through New Mining Corporation (another Kebble empowerment-linked company) headed by Nepad worthy Prof. Wiseman Nkuhlu, adviser to President Mbeki.

In 1996 Kebble formed a partnership with Mzi

Khumalo, who had been jailed on the island for 12 years, to create the biggest black empowerment transaction in history, via a majority share in Johannesburg Consolidated Investments, purchased from Anglo American for \$500 million.

This partnership collapsed in 1998 when Kebble accused Khumalo of "dishonesty" and obsession with profits.

(Kebble the Younger, who blustered his way into mining only nine years ago at the age of 30, once cheerfully described the industry as "pigs competing at the trough".)

His public attack on Maduna followed the latter's refusal (at that lunch) to intercede with the Scorpions on his behalf.

Kebble, who blustered his way into mining only nine years ago, once cheerfully described the industry as 'pigs competing at the trough'

It preceded the Hefer Commission, which all but destroyed deputy president Jacob Zuma's chances of succeeding Thabo Mbeki as president.

Had things turned out differently there for Zuma, he might have had a lot to thank Kebble for: it was almost certainly another Kebble man, André Oosthuizen, once a very senior, very centrally-placed, apartheid security policeman, who steered Mo Shaik and Mac Maharaj to the information they relied on to support their claim that Ngcuka was an apartheid spy.

Oosthuizen and one-time ANC intelligence operative Mo go back a long way. Oosthuizen has assisted Kebble with private investigations, not least against Wellesley-Wood. His speciality is digging up dirt.

Others in Kebble's web include former ANC politician and president of the Cape Chamber of Commerce and Industry, Chris Nissen. In December Kebble provided R20m for Nissen's black empowerment consortium to buy a 30% stake in the historic

wine estate Boschendal from Anglo-American. (The foreign investors who funded the remaining 70% remain mum on the point, but rumour has it that Kebble has cleverly contrived to become Boschendal's *de facto* new master.)

And the ANC Youth Leaguers, past and present: Kebble gave them R5m to start Lembede, which he uses as his passport into the charmed world of black empowerment.

Funding Lembede has, of course, also bought him influence with the ANCYL – as seen when they came out vociferously behind Zuma and tried to get Ngcuka to lay off both Zuma and Kebble.

Kebble has spent a small fortune on keeping these youngsters in his camp. He's given them credit cards and the use of his mansions in Bishopscourt and Kirstenbosch to hold wild parties involving plenty of booze and beautiful young women frolicking naked in swimming pools with important business and political contacts.

Their conspicuously expensive lifestyles bear little relation to any productive work they appear to be doing. Some of them, including Lunga Newana, are accommodated on the

WATER SPORTS: Tony '4x4' Yengeni has been an enthusiastic cavorter at Kebble's parties



Picture: Sunday Times



RIDE 'EM COW BOY: Kebble admires a PR setpiece arranged by his ubiquitous publicist David Barritt

boards of Kebble companies. (Lunga Newana was a conduit for the R500,000 donation Kebble – as a “patriot” and “ardent supporter of democracy”, he explained piously – recently gave the cash-strapped ANC in the Western Cape. If Ebrahim Rasool becomes Cape premier, he's bound to remember his pal Kebble.) But even this doesn't explain their conspicuous consumption of food, booze, cars and houses.

One explanation is that Kebble pays retainers to some of his more useful connections, among them Tony Yengeni – an enthusiastic water cavorter at the parties Kebble finances. In spite of pleading poverty at his bribery trial a couple of years ago, Yengeni drives the latest Land Rover and gave his son a spanking new Golf 4 after the young man was circumcised in December last year.

Newana drives a silver Porsche Carrera and a BMW 4x4 – and is reported to have bought himself a comfortable house in Constantia.

The gang were to be seen in all their glory at the spectacular party they threw last year at the five-star-plus Arabella Golf Estate near Kleinmond to celebrate the appointment of their friend Selo Mloko as Old Mutual's new head of asset management. Sello Rasethaba, the official host and sponsor, explained that Kebble had phoned at the last minute to say he could

not make the party; nobody failed to notice Lunga Newana's arrival in the Porsche; and, of course, who doesn't recognise Tony Yengeni when they see him.

Kebble's munificence and funds seem to be limitless: retainers, court cases, private investigations, parties, art sponsorships – the latest being R1m to help start *Business Day's* new art supplement. But it begs the obvious question: where does he find all that money?

It's an intriguing question because Kebble's companies (JCI, which is listed, JCI Gold, Consolidated Mining Corporation and Consolidated Mining Management Services) are to all intents and purposes bankrupt. Over the past five years he and Roger have destroyed shareholder value in these companies on an epic scale.

All that's left of the once proud JCI is a 35% stake in Western Areas. And Western Areas can no longer fund its own capital programme, which is why Kebble has gone to the market to raise R400m. So far there are no signs of the cash being forthcoming.

If he fails, the Kebbles will lose control of Western Areas – and that will be the end of their empire.

With disaster staring him in the face, Kebble blusters about manageable debt and fantastic investments

which will bear fruit in the long term and prove him a genius. But the truth is that just about all these investments are pledged to his financial backers, the major banks.

Why they haven't pulled the plug on him yet remains something of a mystery, but perhaps not entirely so. Kebble has shown great skill and foresight in positioning the Kebble group as a black empowerment company, and a very high profile one at that. There's little doubt that this has afforded him significant protection. Pulling the plug on a black empowerment company as well connected as Kebble's would not be a politically smart thing to do. The banks know it, and Kebble knows it.

Meanwhile the investment community, excepting Allan Gray (which is looking to take over Western Areas from the Kebbles) won't touch anything connected with the Kebbles.

The simple fact is they don't trust Brett any more than his closest friends do.

Kebble might be the CEO of a listed company, JCI, but that listing has become a joke. The only person keeping the share price – a scandalous 45 cents when *noseweek* went to print – from complete collapse is Kebble himself. He has supported the share price to the tune of R5m over the past few weeks. Whenever another long-suffering investor sells, Kebble buys.

Kebble has managed to keep his companies afloat by tortuously compli-



Picture: Sunday Times

In 2000, Matodzi Resources – headed by another beneficiary of Kebble's largesse, Sello Rasethaba (above), former head of the Transnet tender board – acquired a 50% interest in Letseng Investment Holdings SA from JCI Gold. (LIHSA held 76% of a Lesotho diamond company, the rest being held by the Lesotho government.) Matodzi paid R73m for its 50% of LIHSA.

A company in Guernsey, Letseng

Handsome deal

Diamonds Guernsey, previously held the other 50% of LIHSA. In 2002 JCI bought 40% of LIHSA from the Guernsey company – for R166m, or 179% more than Matodzi had paid in 2000!

Of this sum, R99m of the purchase price was paid by the issue of 220 million JCI shares at 45c each.

At that point, LIHSA's balance sheet reflected just R340,000 in equity.

Kebble refuses to identify the shareholders of the Guernsey company, who benefited so handsomely from this deal.

cated inter-company loans and share swaps, employing skills more in keeping with a circus ringmaster than the mining magnate he pretends to be.

The sick irony is that while Kebble has destroyed value for his shareholders, his personal wealth is vast.

He and Roger draw very handsome directors' fees from the boards of their debt-laden companies, and Brett made a fortune when he sold an IT company he owned in the UK a few years ago, at the height of the IT boom.

On top of this they have mastered the art of issuing shares – a staggering 1.75bn shares since 1998 – that are of little value for the unfortunate purchaser (usually a Kebble company) but a source of untold wealth for themselves.

See the box above for example – courtesy of *Finance Week* financial journalist and major Kebble-watcher Deon Basson – of how this “game” works. (Kebble sent his man Dom to have a chat with Basson. Dom told Basson that his negative reporting on Kebble endangered the cause of black

empowerment.)

In spite of his vast personal wealth, much of it presumably secreted in tax havens around the world, Kebble still catches a free ride from his shareholders whenever he can.

Kebble's insolvent company, Consolidated Mining Management Services, bought Melrose House, an enormous Johannesburg mansion once owned by Anglo chief Gavin Relly, for R5m.

Kebble lackey David Barritt will tell you it was bought for use as offices. The guard at the gate, however, will tell you that Brett Kebble stays there when he's in town.

The company bought another grand mansion in Cape Town, Monterey, at auction for R14m. Guess who uses Monterey as private residence.

A mansion in Houghton, Johannesburg, is listed on the company balance sheet. Apparently it provides a comfortable enough squat for old Roger.

Meanwhile Brett continues to parade himself shamelessly as the enlightened face of South African capitalism. ▣



Koeberg Part 3: Eskom lets Lockwood go hang

Former Koeberg radiation worker Ron Lockwood raised the matter of his leukemia diagnosis with the nuclear power station's management for the first time on 2 September 1998.

Two years before, in 1996, he had been pressured into accepting an early retirement "package". [Pressured' is the word: for a year he was left in an office, with no work to do. "Instructions from the bosses," his section head confided.]

Two years after retiring – he was diagnosed as having chronic lymphatic leukaemia. Only then did he discover that Koeberg's medical facility had failed to inform him of his abnormal blood counts, recorded in its pathologists' annual reports for 10 years prior to acceptance of the retirement package.

Had he known of the dread pathology results, he would never have taken early retirement. He would have stayed in secure employment, with medical benefits, for as long as possible. Now, all he could do was confront his ex-employers with the facts, appeal to their conscience and hope for a reasonable settlement.

On 1 December 1998, Prozesky told Lockwood that Eskom was "thinking of" offering him "about R160,000". Prozesky then launched into an elaborate explanation of how the R160,000 offer was "actually worth R250,000" and claimed that "with the R250,000 we gave you for early retirement", Lockwood would "in effect be getting R500,000".

It was all obfuscatory gobbledeygook. For a start, Lockwood had not, in fact, been given R250,000 for early retirement. It was the alleged "actuarial cost" of what Eskom had had to pay its pension fund in order to get rid of him with early retirement.

Lockwood asked to be provided with a written and motivated offer for proper evaluation. He also asked Eskom – as a gesture of goodwill – to pay for the independent professional representation needed to protect his interests in negotiations.

Eskom's senior general manager, Peter O'Connor, now stepped forward as the "executive responsible to ensure

the finalisation of the matter". His bizarre response to Lockwood's second request: "Legal assistance is only available to Eskom employees who are charged with criminal offences arising out of their duties as employees". It took him three more months to come up with a response to Lockwood's request that Eskom make its settlement offer in writing: "Since there was no finalisation of our negotiations, Eskom considers it inappropriate to confirm [its offer] in writing."

Months later, "after due consideration, as an exception to policy", Eskom relented and proposed providing him with "an amount of no more than R3,000 to enable you to obtain legal advice on the matter."

Clearly Eskom meant him to get only a very little legal advice. In May 1999 Lockwood approached his neighbourhood attorneys, Miltons. When they learned of his modest budget, they kindly referred him to a retired consultant of the firm, Ian Murray.

After their first consultation an anxious Lockwood wrote to Murray: "When we met I spoke of my modest means and my refusal to put what little assets I have at risk. Forgive me if I repeat myself, but it is essential that I have an enforceable agreement that Eskom will pay all legal costs up to R3,000.

"If costs are likely to exceed the funds available, I will ask Eskom for more. If they refuse, I will consider a public appeal. If that is not possible I will abandon the matter before incurring personal debt."

When, on 11 August, Miltons informed him that their fees already amounted to "about R4,500", he immediately wrote to O'Connor, asking Eskom to provide an additional R3,000 for his legal fees. O'Connor's reply: "Eskom cannot provide additional amounts but will bear the cost of the next (final) meeting."

For months thereafter Murray corresponded with Eskom, asking for funding to consult medical and actuarial experts – to no avail. By February 2001 the attorneys fees had crept up to R7,500. Murray assured Lockwood that Eskom had agreed to

pay the R7,500 – but when Lockwood asked O'Connor about this, he denied having agreed to Eskom paying more than the original R3,000 – which reinforced Lockwood's belief that Eskom would renege on any offer not made in writing.

On 7 February 2001, attorney Murray reported to Lockwood on an "extensive" consultation he'd had with Eskom on 31 January: Eskom were now prepared to make a "global offer, *ex gratia*, and without any admission of liability" of R400,000 in full and final settlement of all his claims. Eskom would also pay the attorney's R7,500 fee.

Murray suggested he accept, but Lockwood insisted he wanted the offer in writing from Eskom. He was suspicious of the offer, since there were already suggestions that they were going to attach as yet unspecified "terms and conditions" to the settlement once they had obtained his written acceptance.

Eskom never did make their offer in writing. Instead they cynically suggested that Lockwood take them to court.

Lockwood appealed to Eskom chairman Reuel Khoza for help in June 2001. Khoza agreed that the matter was indeed serious, but that "there is no reason for the matter to be tabled at the Electricity Council [Board] at this stage." And so time passed - until Ron Lockwood's claim was prescribed (expired). Now Eskom does not have to pay him a bean.

Mr Khoza's personal website invites questions and comments. Readers can go to www.reuelkhoza.co.za.

Next issue: Three Koeberg workers meet for the first time – in the oncology ward of Constantiaberg Clinic. n

KICK AND TELL



Soccer magazine editor Richard Maguire says he will prove claims by a football fan – that Sundowns is run by a ‘mob of Greek gangsters’ who cheat players and have no consideration for their supporters – are true

Last year we reported that Sundowns boss Anastasia “Natasha” Tsihclas – professional soccer’s Iron Lady – had sued *Kick Off* magazine for publishing a defamatory letter from a disenchanted Sundowns fan. Sundowns is one of South African soccer’s big three, along with Orlando Pirates and Kaizer Chiefs. The reader’s letter to which the Iron Lady took umbrage was from one Lude Rams.

It read: “I no longer see myself supporting an arrogant mob of Greek gangsters who show by their actions that they don’t consider the supporters. I, a die-hard supporter, am ashamed to be associated with a team that cheats players from money promised them ...” and “why is it that when a player does something wrong, he is immediately suspended but when the manager, Peter Koutroulis does the image of the club no favours with childish, selfish, and barbaric antics it is overlooked by the family?”

In conclusion: “The arrogant family, led by the godmother Natasha herself, should realize that Sundowns belongs to the soccer-loving

people of this country. If they think we’ll stand aside and let them ruin our team, they’re mistaken”.

Tsihclas and Sundowns were so aggrieved that they issued summons against *Kick Off* and its editor Richard Maguire for a whopping R8 million.

Tsihclas also attempted to interdict supporter discussions, some admittedly not too pretty, on the magazine’s website (www.kickoff.com). In court papers Tsihclas sets out her responsibilities and accomplishments. These include the management of players and coaches at Sundowns and her appointment to the board of the NSL, which controls soccer and professional players. Her responsibilities, she said, include sponsorship, setting rules, implementing international Fifa rulings, and discipline. She has been appointed to committees of CAF and Fifa and has received a President’s Sports Award. According to Tsihclas, she and Sundowns are also actively involved in assisting the government to improve the living standards of the underprivileged and in fighting the HIV/Aids pandemic.

Jobs-for-pals is the norm in soccer, all the way to its international committees. Tsihclas omitted to tell the court that her NSL

THE IRON LADY: Sundowns boss Natasha Tsihclas



THE ANIMAL: Peter Koutroulis, Tsihclas' brother-in-law

appointment was not by popular election – all premier league club bosses are automatically entitled to a seat on the board. At Sundowns, positions are mostly held by family connections: Natasha is the MD, husband Angelo is deputy chairman, sister Maria is club secretary and, brother-in-law Peter

Tsihclas omitted to tell the court that her appointment to the board of the NSL was not by popular election

Koutroulis is club manager. Son Stavros spends his days at the offices, too.

Also absent is acknowledgment of the rewards club bosses receive from the game. Money pours into the game through gate takings, sponsorship, grants from the private sector and government, and winnings. Most soccer bosses have a fine appreciation that players, supporters and the soccer media are the lifeblood of their game. (The "Iron Duke" of SA soccer, Irvin Khoza of Pirates, has been described in terms that would make even *Kick Off* blush, but he has not

rushed to court.)

Not Tsihclas. She has a love-hate relationship with the media: she loves calling press conferences to show off Sundowns awards, and to receive compliments. (Players may not speak to the media without her consent.) She hates adverse press comment – if the action against *Kick Off* is anything to go by.

Acting Judge Kuny refused the interdict, with costs, saying that "the applicant (Tsihclas) being a public figure and occupying a very important position, both in relation to Sundowns and in the soccer world in South Africa and perhaps internationally, must of course expect that if things are not going well for her club she may be subjected to attack, criticism and possibly even the kind of meaningless abuse which some of the statements seemed to amount to". Tsihclas' remedy, if the abuse went too far, was to sue for damages rather than seek to curtail *Kick Off*'s right to publish and, of course, the public right to know. One-nil to *Kick Off*.

Undeterred, Tsihclas simply upped the damages, to R12-million. The trial, which promises to be a hard-fought affair, has now been postponed to November. What makes the case really interesting is the primary defence of *Kick Off* and Maguire. Not for them the technicalities; they argue that the Rams letter is true and that publication is in the public interest. Really?

But what about President Mbeki's awards? The Fifa committees? The community work...?

Soccer offers opportunity and hope to countless youngsters. Would it be acceptable for a person, or a family, to occupy positions of power and responsibility in the game when (to quote Tsihclas's reading of the Rams letter) they are accused of being gangsters, conducting unlawful and illegal activities, helping to deprive players of monies due to them, treating players unfairly, and ruining and mis-managing Sundowns? What about the



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THE PLAYER: Quinton Fortune who is currently embroiled in a dispute over a feudal-style contract – something pretty common in SA football – that gives 20% of his earnings to soccer personality Colin Gie for 15 years

14-year-olds who, she tells us, are contracted to her club? By suing *Kick Off*, Tschlas seems to appreciate that this would be far from ideal. Interesting!

And what about other soccer bosses – are they as anxious to have soccer's dirty laundry washed in the high court? We shall see.

The Iron Lady has had a series of very acrimonious spats with well-known coaches, with players, (individually and collectively), and even with fellow club bosses. Respected coaches Clement Westerhof, Paul Dolezar and Ted Dimitru left under a barrage of threats and counter-threats. Players have alleged fraud and bullying. Club manager Peter Koutroulis' style has earned him the nickname "The Animal". Angelo Tschlas has shown his pistol to critical journalists. Tschlas, herself has told players that if they want to fight they should remember that she has a gun.

Many supporters believe that the move from Mamelodi happened because Sundowns wanted to escape its fans. Despite all the winning games of the late 1990s, Sundowns no longer attract anything like the support for Pirates or Chiefs, and are not enjoy-

ing much success on the field either. Is this just cause for robust comment by fans? Rams, Maguire and *Kick Off* think so. Tschlas, clearly, does not.

Pirates and Chiefs draw thousands of supporters nationally. The Iron Duke is an immensely influential figure who, by all accounts, deserves his title. Kaizer Motaung of Chiefs is the suave head of a multi-million rand machine, drawing sponsorship from organisations desperate to be associated with the Chiefs brand. Club bosses are public figures in their own right and, with South Africa seeking to host the World Cup, their antics are important.

While the lives of South African soccer players are controlled by the NSL, they cannot stand for election or even vote for representatives on the NSL. The NSL is the "face" of the club bosses. To play professional soccer, players must join clubs affiliated to the NSL. Club bosses on the NSL will fight each other over some issues, but they are pretty united against players. Once a player joins a club – and many are still in their low teens when they do so – he becomes subject to NSL rules. Most are unaware of the strictures of these rules – buried in the

the practice of trawling for youngsters in poor communities a lucrative option for clubs. Quinton Fortune, the Man-U star, was trawled in just this fashion on the Cape Flats. He is currently embroiled in a dispute with Cape Town soccer personality Colin Gie over a contract that entitles Gie to 20% of Fortune's earnings for 15 years. If a club signed a promising youngster, the compensation regime and clearance powers could ensure that a club (or club boss) would control the player's career from then on. Gie, for example, has always been involved with football clubs and is an active "trawler" in the Western Cape. Some of Sundowns 14-year-olds have probably been netted in the same way.

The compensation regime remained in place until challenged in 2000 by young player André Coetzee. Coetzee broke a leg while playing for Cape Town Spurs. After his recovery, Spurs no longer wanted him, but would not clear him unless paid a hefty sum. When nobody offered to pay he was told to shell out for his clearance. Coetzee refused and challenged the compensation regime as a violation of fundamental rights.

Kick Off reported an action brought by a group of players in which they alleged fraud by Tschlas and Peter 'The Animal' Koutroulis

NSL founding documents – until they find themselves in career disputes.

Until quite recently, professional soccer players were treated much like "goods and chattels", to quote court decisions. For example, players could not leave their clubs even after their contracts had expired. Clubs could, and did, refuse to issue clearance certificates (a requirement of the rules) until paid exorbitant sums. Careers were ruined by this "compensation regime" as players sat on the sidelines waiting to be sold. Matthew Booth, captain of the under-23 team which performed so admirably at the Olympic Games in Sydney, was trapped in just this situation shortly before the games, and almost missed taking the field for South Africa.

Tschlas was a member of the governing body of the NSL (and a very influential one) while the compensation regime was in place. This made

The NSL response was that, if he was unhappy, he could go and "kick a ball about in the park". Tschlas did not have any difficulty with this; in fact she took the opportunity to warn Sundowns players that they should not support Coetzee. The NSL had briefed "big lawyers" and Coetzee, with his "small lawyers" stood no chance, she told them.

Cape judges Traverso and Ngwenya disagreed and set the compensation regime aside as a violation of the fundamental rights of soccer players. The decision has come to be known as the "Coetzee ruling". *Kick Off* and another popular soccer publication, *Soccer Laduma*, threw their weight behind Coetzee and other professional players – and this could well have spoiled their relationship with some football bosses there and then. So, two-nil to the media it seems.

The story of Tschlas and Sundowns

began in the 1980s when Natasha Tsihclas joined the club as a secretary. When the then club boss took an enforced sabbatical in prison, Tsihclas quickly rose to be managing director. The Tsihclas/Koutroulis dynasty have been firmly in charge ever since. Forsaking its Mamelodi roots the club moved to its current marble-inlaid palace in Midrand. Tsihclas occupies a grand, enormous office festooned with photographs of Natasha with Ruud Gullit, Natasha with Pele etc. Husband Angelo is ever-present and doubles as deputy chairman (and muscle) when required; sister Maria is a devoted secretary-cum-receptionist while brother-in-law Peter is manager, back-up muscle, general factotum and, as we shall see, “bung” organizer. Son Stavros spends much time on the internet, clearly researching something.

Tsihclas rubs shoulders with the likes of the Iron Duke, Kaizer Motaung, other South African soccer bosses and the executives and politicians who frequent the game. She is a member of the executive committee of the NSL; she sits on a Fifa committee with soccer legends such as Pele, Platini, Beckenbauer and Weah, where she represents South Africa. Her reputation is important to her.

So, apart from the compensation regime, spats with coaches and players, and the Rams letter, is there anything else behind the fight between Tsihclas and the football media? *Kick Off* itself seems to hold the key, having started all the bother with a story printed in September 2001. It reported an action

brought by a group of Sundowns players against the club, in which they alleged, inter alia, fraudulent conduct on the part of Tsihclas and Peter “The Animal” Koutroulis. Players like Alex Bapela, a long-standing servant of the club, accused Tsihclas of inserting a never-ending irrevocable option clause in their contracts, without their knowledge. This clause, if enforceable, allowed Sundowns to renew players’ contracts of employment, effectively forever, on the same terms and conditions. Angelo Tsihclas likened the relationship of club to players to that of parent and child.

Kick Off revealed some interesting affidavits by players: two players, Matthew Booth and Alton Meiring, found their way to Sundowns via Richard Gomes, an ex-player and now manager. When Gomes started negotiations with Koutroulis, he learned (nudge, nudge, wink, wink) that Katroulis would need a fee (known in soccer circles as a “bung”). Not to worry, Gomes was told – it would not actually cost him anything. All he needed to do was quote Sundowns a management fee inflated by the sum required by Koutroulis. Sundowns would sign on the player, pay the inflated management fee to Gomes – who would then ensure that Koutroulis got his backhand.

The scheme was clearly a fraud perpetrated on Sundowns. For Booth, Koutroulis pocketed R20,000 and for Meiring a good few thousand too. Tsihclas said and did nothing about



THE EDITOR: Kick Off magazine's Richard Maguire

the matter. The deposit slips in these two transactions were put to Tsihclas in the course of a later player dispute before the NSL. Tsihclas was then asked whether disciplinary proceedings would be instituted against Koutroulis. She declined to say, bursting into tears at the questioning of one player and becoming abusive to another. We reckon she'll cry again when that sordid little incident gets raised again in court by *Kick Off's* counsel in November.

Is the taking of bungs, thus defrauding the club and its stakeholders, a regular occurrence? Might Tsihclas' position on the executive committee of the NSL have something to do with the fact that no action was taken against Koutroulis? If Natasha is concerned about her reputation she should take the lead in ensuring that players' rights are respected. The show's not over till the Iron Lady sings. **Z**

Wake up and smell the manure

NORTHBRIDGE FARM

Last year, *noseweek* detailed the disastrous failure of a land redistribution project in the Boland town of Ceres (*nose*51). We indicated how eager the Minister of Agriculture, Thoko Didiza, had been in late 2002 to celebrate the success of the farm, when she and ANC MP Neo Masithela visited it with media and MPs in tow. But, only five months later, the minister and Masithela were nowhere to be found when the enterprise collapsed into insolvency. Officials were, however, furiously vocal about a new book which damns such redistribution exercises.

The minister has failed to respond to *noseweek's* repeated requests for her comment on the Ceres debacle. After all, more than R4m of taxpayers' money was sunk into a scheme that was not sustainable. Originally the farm, Northridge, was sold to the workers, with financial assistance from the government. It was immediately evident that they lacked the skills and support necessary to make it work.

Part of the problem was a city-slicker called Kevin Wustefeld-Janssens, who adopted the collective of 153 labourers, and set up shop on the farm as their mentor, their manager and their spokesperson. Formerly a "change consultant" with the Department of Trade and Industry, he constantly talked up

the farm's success, hired his business partner as book-keeper and encouraged them to expand the operation to three farms, testing finances and farming skills to the limit. The liquidator of Northridge Farms is taking legal advice as to whether he should sue Wustefeld-Janssens' company for contributing to the project's financial collapse. (Wustefeld-Janssens and his partner, Gavin Wright, have since moved on – they're now estate agents flogging prime properties on the Cape's Atlantic Seaboard.)

Once more the Utopian dream of a happy collective of labourers, tilling their own soil and reaping their own profits, has evaporated. Instead, Northridge Farms has reverted to private ownership, bought by a local farmer, Basie Geldenhuys. He has kept on 30 of the best workers. The rest have had to seek new lives elsewhere.

He is reluctant to speak to media. Perhaps he is aware of the icy official reaction to *The Great South African Land Scandal*, authored by concerned citizens and published earlier this year.

The Ministry of Agriculture angrily suggested that the book might damage irrevocably the fraught relationship between the farming community and the government.

Officials described the book as "a piece of racist literature that would



Picture: Sunday Times

Agriculture Minister Thoko Didiza

surely anger any black reader." The Chief Land Claims Commissioner, Tozi Gwanya, warned that distribution of the book would provoke a race war. So debate was smothered at birth. Is this official response a measure of government embarrassment and inability to admit failure?

Dr Phillip du Toit wrote in the foreword of the book: "In a covert way, it appears the SA government has realised that handing over a farm to subsistence farmers is a failure, but they do not admit this. Instead, they quietly bring in 'managers' who rectify – if possible – the damage done, and the patched-up project is again given to the same beneficiaries. A further ruse is to bring in 'mentors' who assist black farmers on a daily basis, checking everything and, in effect, running the farm. But this is a pretence. Why bother with mentorship at all? Why not let those who can farm continue to produce the food to feed the millions in Southern Africa?"

Ouch! ☒

JUSTUS VAN DER HOVEN

Fire station is burning issue

More controversy looms for swash-buckling architect Justus van der Hoven. His long-running court defence against allegations of illegally demolishing a protected art deco building (Dudley Court in Johannesburg's Parktown North) is still trundling through the Johannesburg Magistrates' Court (*noses*47 and 51).

Van der Hoven recently acquired the magnificent old Rosebank Fire Station from RMB Properties. He tells *noseweek* that he has already embarked on work to transform the old firemen's quarters into offices. He assures us that the fire engines remain operational from their existing bays and

continue to dowse blazes in the busy Joburg suburb.

"We're fixing it up and renting it out as offices. It's about 90% let before we've taken transfer!" Van der Hoven enthuses.

On 12 March the Provincial Heritage Resource Authority (Gauteng) considered a "rather peremptory letter" from Van der Hoven, requiring authority to start work within three days.

"We've sent him a letter saying he can't do anything until we've given him permission," says Phrag's assistant director, Mphata Ramphele.

Van der Hoven's Dudley Court demolition dispute resumes on May 18. ☒

Chippy Hubbard

Guy "Chippy" Hubbard (*nose*53) died on March 4 – a happy release following his second stroke in seven months. Dr Peter Whitfield, on-call physician at the Kingsbury Hospital, at the time of Hubbard's first stroke in August 2003 was not summoned for the second stroke.

The Kingsbury, which failed to summon another physician when Chippy slipped into a coma and Whitfield failed to appear, the second time around gave Hubbard, and his wife Jeanette, royal treatment. Jeanette was told by the hospital that they were determined to sort out "the problem".

Sounds too good to be true! ☒



Hoosain 'trust me, I'm a lawyer' Mohamed

ROAD ACCIDENT FUND

If the money can't come to Mahomed...

As most *noseweek* readers now know, Hoosain Mohamed and Ahmed Chohan, the attorneys who notoriously defrauded poor and illiterate road accident victims with claims against the Road Accident Fund, are finally behind bars.

noseweek was able to expose their scheme and secure the rights of their victims in a unique court application in February 1999 – thanks to a brave whistleblower, Mark Hess, who had worked at H Mohamed and Associates.

In September last year Chohan pleaded guilty to several charges of fraud and, in return for having four years of his seven-year jail sentence suspended, repaid R1 million-odd to his victims.

In October, Mohamed entered into a plea bargain, pleaded guilty to fraud and was sentenced to 10 years. He confessed to the theft of R8.6m from his clients – all impoverished road accident victims. Four years was suspended in return for his undertaking, *inter alia*, to repay R8.6m.

This outcome was achieved thanks to the painstaking efforts of *noseweek's* attorney, Michael Murphy, Ben Avenant of the Scorpions, and Hermien Cronje of the Asset Forfeiture Unit.

Mohamed's defence team – attorney Raphael Weiner of Ashersons and advocate William King – are, however, clearly adherents of the "Harksen model": their frequently ridiculous (and costly) litigation ensured that the case dragged on for five years, while the lawyers grew fat on the victims' stolen money.


A series of heavy defeats, (or was it the fact that he was running out of

onshore funds?), exhausted Mohamed eventually. Having previously denied under oath *noseweek's* allegations that he had made repeated trips abroad to stash his ill-gotten gains, Mohamed revealed that the money was to be found at the Bank of Baroda in India, at Merrill Lynch in Switzerland and in an account with Globalnet Management LLC in New York. It is recorded that these offshore funds "are presently in the process of being repatriated ... with the assistance of the State, the defendant and the defendant's attorneys (Ashersons)." Sounded okay.

The victims' attorney endorsed Mohamed's plea bargain but expressed concern that victims' monies have now to be recovered from various jurisdictions. "(I) understand that Mr Mohamed's attorneys and the Asset Forfeiture Unit will use their best endeavours to ensure that these monies are recovered as soon as possible so that victims can be paid".

So, now, another five months later, how much has been recovered from abroad for the victims? Nothing.

Maybe Mohamed's attorney, Mr Weiner, had this possibility in mind when he insisted on including a clause in the plea agreement which provides that his latest fees and disbursements (a further mere R950,000) will be paid "as a first charge" (i.e. before victims). Weiner had already been paid a million-odd for his inglorious earlier attempts to thwart victims' claims. And the Swiss propose seizing the money for the benefit of the Swiss treasury!

Stay tuned. 

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More good news

Accustomed as we are to controversy, *noseweek* was taken aback by the reaction to Rian Malan's revelation of good news on the HIV front (see *nose*52). "Highly misleading," declared TAC, the lavishly funded lobby group. "Silly rubbish," said UCT actuary Leigh Johnson. "He associates with denialists," sniffed *ThisDay*.

When Kenya published a study in mid-January confirming that its HIV infections were hugely overestimated, the attacks intensified, and when President Mbeki questioned the statistics in a February TV interview, the calumny grew deafening. Several critics sneered that the president had been reading *noseweek*. Wits journalism professor Anton Harber described Malan as "carbuncular," and Anglo-American's Clem Sunter informed a business audience that the grubby journalist was best ignored as "a wave of Aids deaths" was about to hit South Africa. As if on cue, the MRC reported the very next day that recorded deaths had leapt 68% in just six years. *noseweek* appeared to have been crushed.

Thank god, it is not so. The good news stands. And there is more of it.



by Rian Malan

Aids is a serious problem in Africa, but the extent of infections has been overestimated: that is a reiteration of my basic position.

For proof, one need look no further than the latest Medical Research Council data. According to predictions from UNAIDS, the global authority on such matters, around 470,000 South Africans should have died of

Aids last year. According to the MRC, that's about the same as the total number of deaths recorded. Even the most extreme Aids fanatic would be embarrassed by such a claim, so let's close the subject and move on.

Clem Sunter, as we know, is Anglo's resident futurologist. After his *High Road, Low Road* heyday, Sunter turned his attention to Aids. He co-wrote a book on the subject, lectured, set up a consultancy providing Aids-related advice in six countries. By all accounts, he's made a good living from it. Like your everyday Doomsday prophet, all his work was informed by the fear that estimated infection levels in Anglo's workforce were so high – 30%, according to a paper presented to the World Economic Forum in 2002 – as to jeopardise the company's viability.

Anglo's board found this persuasive and decided to provide staff with free Aids treatment. The company's in-house experts calculated that as many as five or six thousand employees might be HIV-sick and in need of drugs; the absolute minimum was 3,000. But when the triple cocktail was made freely available to Anglo employees in January 2003, there was a baffling lack of uptake. "We've got 1,000 people on triple drug therapy at Anglo," Sunter told *Moneyline* last December. The good news was

Some 17,000 Batswana were on anti-retrovirals as of February 2004 – 93,000 short of the anticipated total

that “90% are back at work, fully fit.” The unspoken bad news – at least from the Aids establishment’s point of view – was that Anglo was missing two out of three (and possibly five out of six) anticipated Aids cases.

A similar enigma has emerged at Highveld Steel and Vanadium, a Wit-bank outfit that saliva-tested most of its 3,938 employees in 2002 and found 22% to be HIV-infected. At this stage of SA’s epidemic, experts say that around 7% of those infected should have full-blown Aids, which implies that at least 60 sick or dying workers should have been forthcoming to take advantage of Highveld Steel’s offer of free anti-retrovirals. According to the company’s latest JSE filing, only four have materialised.

This pales beside the [estimators’] problem in Botswana, where UNAIDS estimates that around 300,000 people are virus-infected. Since the country’s epidemic is more advanced than South Africa’s, a third (110,000, according to UNAIDS) are presumed to be in the final stage of HIV disease. By the end of last year, anti-retrovirals were freely available

at clinics throughout the country but, again, the anticipated flood of Aids patients failed to materialise. According to *The Economist*, only 12,000 have signed up for free drugs from the state, while another 5,000 receive the drugs courtesy of medical aid. This gives us 17,000 Batswana on anti-retrovirals as of February 2004 – 93,000 short of the anticipated total.

“Why is the response so low?” asked *The Economist*. “The answer is that few people know they need treatment.” This makes no sense. It is common cause that HIV-infected humans can remain healthy for years and hence be unaware of their condition, but this does not apply to people in the final stages of Aids. These people are mostly supposed to be bedridden, wasted, suffering from appalling skin diseases, diarrhoea and TB. To suggest that they don’t know they need treatment is very strange.

Isn’t it more likely that many of the “missing” cases are illusions generated by unreliable blood tests and/or totally erroneous assumptions regarding the rate at which Africans proceed from infection to Aids? Official response to this heretical question involves rolling of eyes and invoking the latest data from the MRC, which shows, according to newspaper reports, that “registered adult deaths have risen 68% over the past six years, from 272,000 in 1998 to 457,000 in 2003.” Since the increase is heavily concentrated in sexually active young adults, the MRC interprets it to be largely the work of Aids.

A series of graphs apparently illustrating this appeared in the *Sunday Times* in July 2000, where they were hailed as “irrefutable proof” that SA was in the grip of an HIV crisis (and that Mbeki’s position on the issue was therefore deranged). They

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Is the increase [in deaths] due to disease or due to increasing numbers finding their way onto the population register?

reappeared in July 2001, when the MRC issued a report claiming that Aids was responsible for 40% of adult mortality.

And when Mbeki questioned the Aids estimates in his February TV interview, the MRC retaliated by releasing data showing that the ominous rise in adult mortality continued unabated.

At face value, the MRC's case is unassailable – but there are elephants in the room here. It is important to remember that the deaths studied by the MRC represent only those that occur among citizens recorded on the population register. This prompts the crucial question: Is the observed increase due to the ravages of an infectious disease, or is it, at least in part, due to increasing numbers of citizens finding their way onto the register as a result of improvements in reporting and surveillance?

To address this question properly, we must look back to the early 1990s. Millions of black adults were carrying ID from the “independent” Bantustans and had to be issued with SA documents. At the same time, millions of previously unregistered adults were applying for ID so that they could vote.

The rush seemed to taper off in 1996, but 1997 saw an “unexpected” resurgence. Puzzled Home Affairs officials concluded that registration was nowhere near complete, and launched (in 1998) “an ID campaign and simultaneously an awareness campaign in order to ensure that applicants who were not in possession of bar-coded identity documents could apply for such.” This included the creation of 359 mobile registration units that scoured townships, homelands and squatter settlements seeking unregistered people, offering help with the paperwork and free photographs for those who were too poor to pay.

At the same time, government instituted the “Villages & Townships” campaign, aimed at convincing the poor to register their births and deaths. Oddly, these campaigns are never mentioned by the MRC, which maintains that the biggest improvements in documentation and registration took place before 1998. Death rates are increasing relatively slowly in urbanised provinces such as Gauteng and Western Cape, while soaring in provinces that include former Bantustans – where the scope for improved registration is greatest.

Third elephant: The Child Support Grant was legislated in 1998. Roll-out commenced in earnest in 2001, when the departments of Social Development and Home Affairs sent hundreds of “joint registration task forces” into the field. Their mission was to find eligible mothers and help them process the paperwork, which often entailed simultaneous applications for ID as well as the grant itself.

All told, 2.95 million women are now on the grant – all poor, all young, and many bereft of ID when the registration task forces arrived. Stellenbosch researcher Johan Vorster guesses that 20% of Eastern Cape mothers had to apply for ID before getting the grant. If that holds true for the rest of the country, we're looking at an additional 600,000 women with an average age of 29 piling into the “with ID” population since 1998.

There's a fourth elephant, also ignored by the MRC: Scandals at Home Affairs have become routine. Most involve false ID documents for illegal immigrants, whose estimated numbers range as high as eight million. How many IDs were issued in similar circumstances? Nobody knows. According to DA MP Sakkie Pretorius, the department acknowledges huge problems, including an inexplicable rise in applications for late birth certificates from persons who claim their births were never registered – another easy way of scamming ID. Have millions of sexually active young adult immigrants secretly infiltrated the “with ID” population on which the MRC's death statistics are based? The MRC's publications don't even raise the question. ▣



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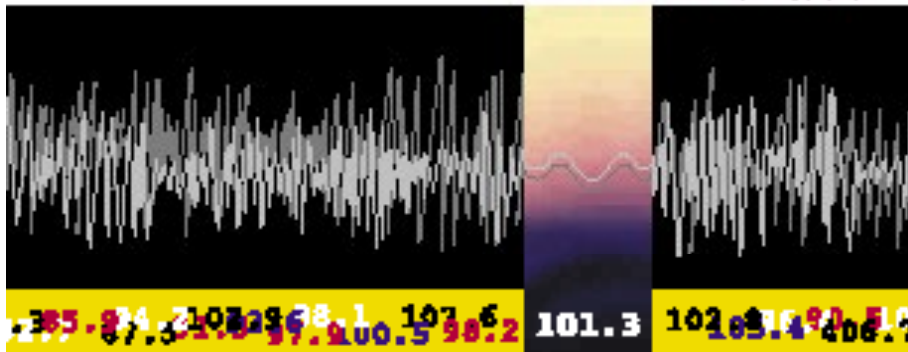
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The old soldier/actor, once the friend of screen legends Burt Lancaster, Richard Harris, Oliver Reed and Richard Burton, lives behind locked doors in a small, dismal, rented flat on crime-ridden Louis Botha Avenue in Johannesburg's Orange Grove. Finding money for 20 Chesterfield cigarettes a day is a problem. But maybe Ian Yule's luck is about to change.

In his 70s, Yule doesn't look anything like the sleek studio photograph on the right. The tough-guy character actor with 98 films under his belt sits unshaven in his bedroom, which is dominated by a video machine. He watches his old movies, surrounded by mementos of a long and distinguished career as actor and soldier.

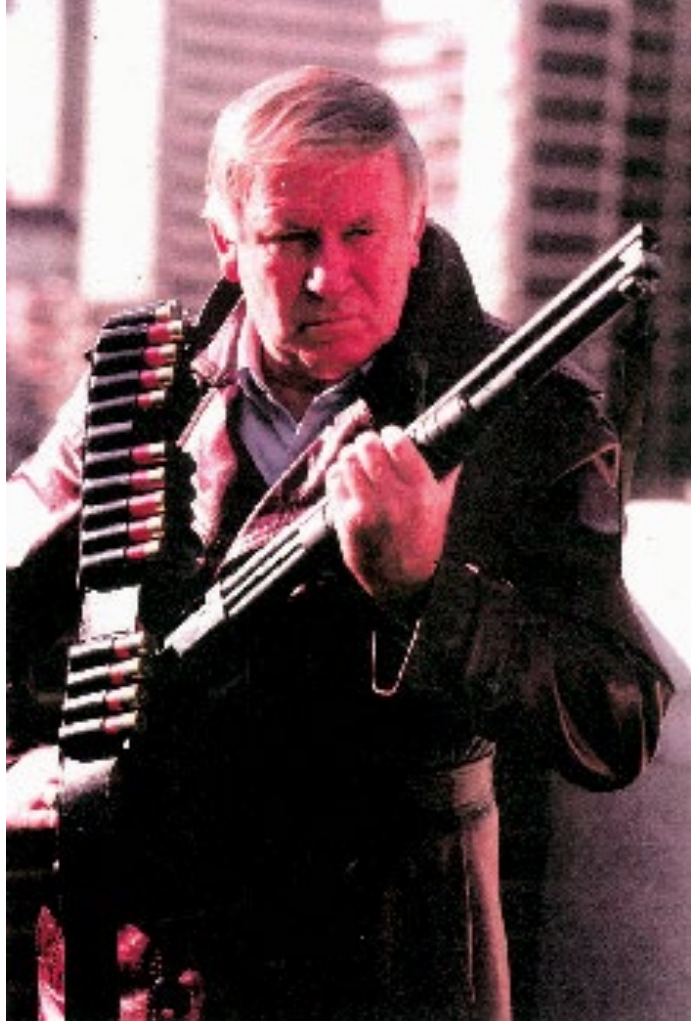
On one wall is his portrait as a youthful subaltern in Britain's crack King's Troop, Royal Horse Artillery. Above it looms a huge blow-up photo of himself in *The Wild Geese*, in which he played Tosh, Richard Burton's sergeant in the famous Congo mercenary movie (1978). The film, shortly to be re-released on DVD, also features Richard Harris, Roger Moore and Hardy Kruger.

Old soldiers never die, they only fade away. But the decline of this cantankerous old Cockney in sleazy Louis Botha Avenue might just have something to do with John Hume, South Africa's multi-millionaire timeshare king.

In January 1980, following the worldwide success of *The Wild Geese*, filming started in the then Rhodesia on an adventure movie called *Shamwari*. The screenplay was written by Yule, who also starred – his co-star was the famous black actor Ken Gampu, who died last year. They played prisoners who hate each other but escape – shackled together – when their prison van lands up in the middle of a battle between terrorists and government troops.

It was not the best time to film in soon-to-be Zimbabwe. The war-torn country was building up to the March 1980 election that swept Robert Mugabe to power. Trigger-happy factions of the long-running bush war were reluctantly confined to camps around the filmmakers. It got quite hairy.

More than half the circa R350,000 that Yule says *Shamwari* cost to make was put up by its "executive producer" John Hume, a well-known Rhodesian businessman who owned the country's two largest taxi companies. Hume disputes this figure, claiming in current court papers that the investors put in three times that amount.



Cheated actor comes out fighting **THE SHOWDOWN MUST GO ON**

Cockney soldier-turned-screen performer Ian Yule was told that *Shamwari* – a movie he wrote in 1980 – had been a dismal flop. In reality its producer John Hume, now a timeshare multi-millionaire, had retitled the film and has been cashing in from global sales ever since

At the time of filming Hume was a colourful character in Rhodesia, involved in a multitude of business deals. He would, for example, travel out of the country wearing belts adorned with solid gold buckles to foil the strict rules against illegal gold exporting.

After Mugabe came to power Hume moved to South Africa. Now 62, he has a game ranch in Mpumalanga near the Kruger National Park and is a multi-millionaire from various timeshare developments – Garden Route Chalets in the Western Cape’s Sedgefield, Crystal Springs near Lydenburg, another timeshare at Plettenburg Bay, and Pine Lake Marina on Swartvlei Lake.

Although Hume now states in court papers that he has no recollection of the identities of his co-backers for *Shamwari*, we can name them: Clive Harding, manager of the South African pop group Four Jacks and a Jill, and a businessman named Cecil Holmes.

The backers formed the Shamwari Syndicate. And the deal was that, as the film sold in South Africa and the rest of the world, they would be the first to get their investments back.

After that, others would receive their agreed percentages of any profits. Ian Yule had two contracts with Hume’s company Everything African. One stipulated that he would receive R6,500 for acting in *Shamwari*. He got that. The second was an author’s contract for the original story and screenplay. This specified that he

would receive a further R8,000, plus 8% of the profits.

Shamwari, released in SA by Ster-Kinekor, premiered in Johannesburg in 1982 and was screened all over the country. To promote the movie, Yule and Gampu walked the 618km from Durban to Johannesburg, over 29 days, chained together as in the film.

John Hume undertook the marketing on behalf of the Shamwari Syndicate. But when Yule, Harding and

Hume would travel out of Rhodesia wearing belts with solid gold buckles to foil the strict rules against illegal gold exporting

Holmes contacted him over the years for their contracted payouts from profits, the answer was always the same: The film was a dismal flop, it hadn’t sold anywhere outside South Africa, there was no money for them. And there it all might have ended. Another box office flop.

But, two years ago, an actor friend of Yule’s offered to update his CV as a Christmas gift. When Yule received the resume he was puzzled by the inclusion of a film called *The Chain Gang Killings* (1985). “I’ve never done such a film,” he said. “Yes you have,” replied the friend. “You starred in it!”

Yule telephoned Clive Harding, *Shamwari*’s producer and director. And Harding confirmed that he too had just discovered that *The Chain Gang Killings* and *Shamwari* were one and the same and, under its new title, it was selling briskly in America as a video, and on TV.

Yule sprang into action. He contends that *Shamwari* was not a dismal failure, as claimed by money man John Hume. Hume had given exclusive rights for worldwide sales to Cine-International, a distribution company in Germany. The deal was struck on 15 June

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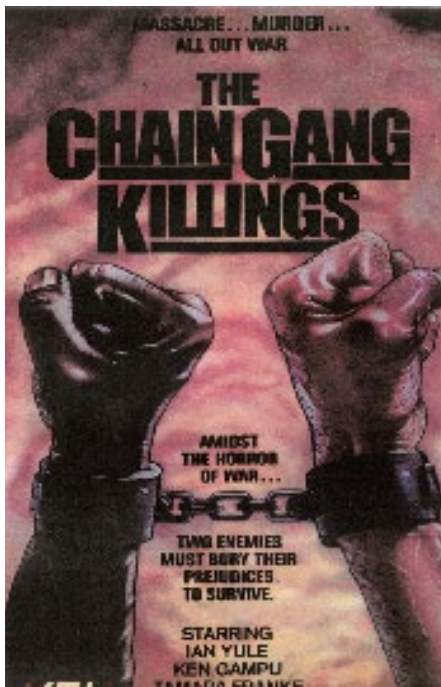
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1981 and, in his contract with Cine-International, Hume assured the distributor that he was “the exclusive holder of any and all copyrights, performing rights and exploitation rights”.

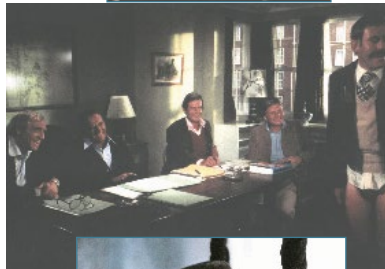
Hume’s contract states that payments from sales would be made to him monthly, via an offshore entity named Tosch Ross, in St Helier, Channel Islands.

In response to a letter from Yule’s pro bono attorney, Cine-International wrote in June 2002: “We do not have any knowledge about any contract with a company called Everything African Ltd concluded with your client Ian Yule”.

The deal that Hume had struck with Cine-International was for worldwide sales rights for *Shamwari*, except in Australia, New Zealand, the UK, USA, South Africa and West Germany.

Also around 1981, Hume concluded a separate licence agreement with a London company named Safir Films for the film’s sales in the UK, Eire, Gibraltar, USA, Canada, Australia and New Zealand. When this contract expired after five years, world rights for *Shamwari* were handled by Cine-International.

“We’ve found out that the film under the titles of *Shamwari* or *The Chain Gang Killings* has been sold in the USA, Russia, Norway, Finland, Sweden, Denmark, Jamaica, Denmark, Cuba and Italy,” says Yule.



“Yet this mongrel Hume denies that the picture made any money. And he denies that he knows about *The Chain Gang Killings*.”

Hume also denied any knowledge of the contract Yule signed with *Shamwari*’s producer Clive Harding on 26 November 1979 – Harding representing Hume’s company Everything African. This is the agreement guaranteeing Yule R8,000 plus 8% of profits.

This is odd, for *noseweek* has a copy of an addendum to the contract, signed by John Hume himself on 24 June 1985, stipulating that Yule’s R8,000 author’s fee should carry compound interest of 20% per annum with effect from October 1982 to the date of final payment. Why sign an addendum if you’re not aware of the original contract?

Yule has now initiated a high court action claiming funds due to him as author of *Shamwari*/*The Chain Gang Killings*. He has filed papers calling on Hume to produce receipts of all sales of the two titles, worldwide.

THE MANY FACES: Ian Yule (top to bottom) in *The Wild Geese*; as a US general; with his pants down in *The Wild Geese* as Richard Harris, Richard Burton, Roger Moore and Harvey Kruger look on; and playing a corrupt landlord in *Platinum* – his latest film

Ian Yule: in his own words

Ian Yule was nine when his parents were killed in a bombing raid on London’s Bermondsey during World War Two. The little Cockney orphan, alone in the world, then ran away with his friend Johnny Noble. The boys made for the seaside, and ended up at Herne Bay, on the Kent coast.

Here they fell in with some soldiers and Yule became the “batman” for a sergeant – “Uncle Bill”. One day he was told: “Uncle Bill’s not coming back”. The soldiers were Royal Marine Commandos and Uncle Bill had been killed on the famous Dieppe Raid of 19 August 1942. Yule’s eyes mist at the telling.

Ian and Johnny then attached themselves to American air crew of the 8th USA Army Air Force, based at nearby Marston. Yule, aged 10 by now, was again a batman, this time to “Colonel Shenk”, who commanded a B17 bomber squadron.

But washing officers’ shirts was not exciting enough for Ian and Johnny. One day they stowed away aboard Colonel Shenk’s B17 – Yule in the First Aid locker, Johnny in the bomb bay.

The squadron set off for a daylight bombing raid on Germany. Over the Dutch coast the planes were attacked by Fokker-Wolf 190s. On Colonel

Shenk’s B17, the starboard waist and top gunner were killed. An enemy shell landed above Yule’s head in the locker, drenching him with disinfectant from smashed medicine bottles.

He banged on the locker door until the astonished surviving crew heard the racket and let him out. Then they rescued Johnny from the bomb bay – he was fast asleep on a 500lb bomb. As Yule tells it, the two boys scrambled over ammunition boxes until they had the height to operate the starboard waist 50mm Browning machine gun. It took their combined strength to cock it and – when it fired – the burst “almost downed” an accompanying B17 bomber.

On their return to base, Colonel Shenk felt obliged to report his stowaways to the authorities. British welfare officials separated the boys, Young Ian ending up living with “a dragon of a woman” who supervised 25 “incare” children on a fruit farm near Faversham.

One Sunday, when everyone else was at church, Yule was working alone on the farm on punishment duty when a Messerschmitt 109 was shot down and landed in the orchard. Ever the rebel, he took its young German pilot into hiding in a

barn and fetched Dettol to clean his wounds.

For several days the boy stole food for the wounded pilot. Then the dragon lady discovered his thefts, shackled Yule to a beam in the barn, and proceeded to thrash him.

The German pilot could not bear to see his young friend treated so cruelly. He flourished his Luger pistol as he emerged from the loft, screamed at the woman, then carried young Yule to the village policeman and gave himself up.

This time the welfare authorities packed Ian off to a boarding school at Bisley. From there he joined the Royal Horse Artillery at 14. Eventually he was commissioned, and joined Britain’s elite special forces to serve in Korea and Malaysia.

Yule’s acting career started when he worked as a stuntman in *Ben-Hur*. He doubled for Stephen Boyd in the famous chariot race with Charlton Heston.

In the 1960s he arrived in Africa and joined mercenary Mike Hoare’s 5 Commando in the Congo where he held the rank of lieutenant. In an acting career interspersed with spells of soldiering, he has appeared in stunt and character roles in 98 films including *The Longest Day* (1962), *Shangani Patrol* (1970), *Zulu Dawn* (1979), *For King and Country* (1984) and *The Lost World* (1992).

“I’m a character actor, not a star,” he says modestly.

"Until we get these figures I can't speculate on what my final claim will be when we go to trial," he says. "It could be well over R1m.

"Why would Hume be so strenuous in protecting any knowledge that he's got of selling the film? Because he's made an awful lot of money with that picture and he doesn't want people to know that he's got offshore accounts."

Says Clive Harding: "It was the discovery of *The Chain Gang Killings* that caused all this

[Hume] has made an awful lot of money with that picture and he doesn't want people to know he's got offshore accounts

Ian Yule

rumpus. The movie is still being sold to this very day. And John Hume tells everybody that the film never ever sold outside South Africa. It should have been the Shamwari Syndicate who licensed it to Cine-International, but it was licensed by John Hume in his own name without telling us about it.

"In 1988/89 I called Hume to say an American company was interested in distributing Shamwari in the USA and would pay \$150,000. Hume pooh-poohed the whole thing, saying he was not interested. He said he already had a distributor in the US. Obviously he'd signed another deal [with Safir Films] and it was selling quite comfortably there."

From Germany, Cine-International now tells Yule: "Regarding the list of sales we have concluded in the name and for the account of Mr John Hume, it will be sent to you upon receipt of his agreement to this procedure."

So far, Hume has refused to agree to the sales list release.

After Shamwari was made, Clive Harding and Hume teamed up again to build the timeshare development

at Sedgefield. Hume held 75% of the venture; Harding, who designed the holiday homes, 25%.

"Hume caused my sequestration," says Harding. "In 1984 my creditors at Sedgefield were quite prepared to give me three months' grace until I received my money from *Shamwari*. Hume was supposed to be my friend and partner and I thought he would give me time, too. But he told a meeting I was lying and had no money due whatsoever from *Shamwari*. Which, as it turns out, was quite true, because he was taking it all. I ended up an insolvent. I lost my home and everything that I owned."

Hume picked up Clive Harding's stake in Garden Route Chalets from his partner's liquidator. Under the timeshare agreements, ownership of the holiday homes reverts to the developer after 20 years. So John Hume is now becoming the proud owner of 50 prime coastal holiday homes worth around R1.5m apiece.

Harding has subsequently made a spectacular comeback. He has re-launched Four Jacks and a Jill and is the owner of a successful

corporate TV production company. Like *Shamwari's* third investor, Cecil Holmes, he is still waiting to recoup his investment in the film. Will he too be launching a court claim against John Hume? "Probably, but I'd rather Ian Yule gets whatever he possibly can out of it first," says Harding.

"I'll help Ian in every possible way. I'm very comfortable now, whereas Ian is not. He's a lonely old man."

As *noseweek* went to press, John Hume was on holiday in Thailand and unavailable for comment. Hume states in the papers: "By virtue of the lapse of time (approximately 23 years) I am not in possession of the historical documentation. Yule has merely sought to embark on a fishing expedition to extort money from me and any claim for a statement and debatement of account would in any event have prescribed, more than three years having lapsed since the date upon which the cause of the action would have arisen."

Come on John! You've got more than enough dosh to help see Ian Yule through his twilight years with some dignity. **■**



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Khayelitsha's sunrise industry

Eskom is defiantly pushing ahead with plans to build the world's first Pebble Bed Modular Reactor (PBMR) at Koeberg – but dramatic new findings may turn the energy debate on its head. The pro- and anti-nuclear row rages on, amid revelations of conflict of interest among Koeberg's top management (plus the discovery of Koeberg's "secret medical files"). All this drama overshadows a major question: what are the alternatives?

In recent weeks *noseweek* has come upon Kuyasa, a renewable energy housing experiment aimed at estab-

lishing the economic benefits to be derived from energy conservation and more efficient use of energy. It has been in operation for little more than a year – and already the results seem set to nuke Eskom's plans for another nuclear power station.

We're facing the prospect of a drastic energy shortage in only 10 years' time. The nuclear club's argument has always been that nuclear power is cheaper than renewable energy sources, and with the paltry amounts allocated to renewable energy research – 80% of Eskom's research and development budget is spent on

nuclear projects, leaving only 20% for development of other potential energy sources - it's been easy for them to push this argument for a long time. Until now, that is.

The Kuyasa pilot project is a collaborative effort by the City of Cape Town and a non-profit organisation called SouthSouthNorth. It involves the fitting of 10 low-income houses in Khayelitsha with solar water heating, thermal insulation and energy-saving devices. The project began in November 2002 and the revolutionary findings prove that, if these methods were applied to 413 000 low-cost houses, 110 Megawatts (MW) of power could be saved and generated, thus offsetting the need for the 110MW PBMR unit. As for expense, the cost would only be R3.4 billion, as opposed to R10 billion for a PBMR unit, and that's not including the R1 billion that's already been spent developing the PBMR technology.

The methodology used to measure these findings is currently under peer review by a specialist panel of the UN Framework Convention on Climate Change. (Eskom's PBMR technology is still the subject of heated controversy among experts around the globe.) Ten houses in Khayelitsha may not be a huge project, but the ramifications could be enormous – this is the first housing project internationally that is focused on generating so-called "carbon credits".

What are carbon credits? When 160 world leaders met in Japan in 1997 to thrash out policies for climate change

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Strategic Solutions

prevention, they produced the Kyoto Protocol. Countries which are party to this agreement have been assigned targets for reducing their greenhouse gas emissions from the year 2008 to 2012. Emission reductions are measured in terms of tonnes of carbon dioxide. To meet these targets, developed countries must reduce their own emission levels. Since the concern is global pollution, they can supplement their "score card" total by undertaking projects to reduce carbon emissions in other countries, or they can buy carbon "credits" from countries which have met their targets and have surplus points to sell. Although South Africa agreed to lower its emission levels, we are not considered an industrialised country and have not been given a set reduction target. SouthSouthNorth has offices in Cape Town, Bangladesh, Brazil and Indonesia. Founded in 2001, their primary objective is to create sustainable climate change projects that produce carbon credits to benefit developing countries. If the Kuyasa project is implemented on a larger scale, South Africa could generate these valuable carbon credits to sell to other countries.

According to informed sources close to the project, the Kuyasa findings just keep getting better. When Agama Energy, the company contracted to conduct technical research, compared the power consumption of the 10 houses against 10 neighbouring houses, they found the "renewable energy houses" used an average 40% less power, translating into real cash savings for consumers. Added to this are the health benefits and increased comfort arising from the fact that the houses have thermal insulation. Temperature fluctuations are not as extreme, with the project houses about 4deg warmer in winter and 5deg cooler in summer. In terms of safety, the use of paraffin stoves and lamps is reduced, lowering the high rate of paraffin-related accidents. South Africa's power supply is burdened by peak overload times in the mornings and evenings. Solar water heating means a more secure

The renewable energy houses used 40% less power than neighbouring houses, translating into real cash savings for consumers

energy supply, because power is accumulated during the day. If one solar heater conks out, a single household is affected; whereas, if chunks of the energy grid are overloaded, masses may be left in the dark.

The trump card of the Kuyasa project is its employment potential. Based on jobs per MW, 5 000 permanent jobs for five years would be created from 110MW and, if the project grows exponentially, will continue providing jobs. This is 25 times more jobs than coal currently provides and 35 times more than the PBMR would provide. "Since 1991 we have been asking the Government and Eskom to fund research into the employment potential of renewable energy, but they have paid little attention", says Derek Elbrecht, spokesperson for the National Mineworkers' Association (also representing nuclear workers). Elbrecht says the Kuyasa findings support their own research and they welcome the findings "with open arms".

The plan now is to expand the project and refit all 2 309 houses in Kuyasa as quickly as possible. Funding hasn't been finalised, but it is estimated that 30% will be generated by carbon credits and the balance will come from core funders and Kuyasa residents. The Development Bank and the National Housing Finance Corporation have been approached for core funding.

Osmand Asmal, environmental officer for the Cape Town City Council, has been actively supporting the project since its inception. "We see this as a crucial project and will continue supporting it," he says. "Not only is it bringing the benefits of an international protocol on carbon emissions to local level in a very practical way, it is also aiding poverty relief and improving the comfort of living." The Cape Town City Council, which is assisting with the funding quest, has also been very vocal in its opposition to the PBMR project. ☐

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WHEN LOVERS FALL OUT...

KISS OF THE COBRA

Management consultant Riaan Oosthuizen gets his kicks from ensnaring gay lovers then - once he's shed them - laying criminal charges

Investigating the feud between smooth-talking consultant Riaan Oosthuizen and equally smooth-talking advocate-consultant Johann la Grange is like entering a snake pit. In fact, within no time at all, we had been introduced to the psychological profile of the “cobra personality”.

One of Oosthuizen's alleged victims was so traumatized that she needed psychological counselling. “It seems that you have encountered the classic Cobra Personality,” observed her shrink.

An expert explains: “Domination and power are the themes of these dangerous individuals. They focus on control. They attack in a coldly calculated way to impose fear and bend people to their will. They never show regret for their actions. They become particularly dangerous when their partners leave them. But only for a limited time, after which they concentrate on finding a new victim.”

So, does Riaan Vincent Oosthuizen, alias Willem Adriaan Oosthuizen, alias Vincent Duvall, fit this chilling profile? Enter the snake pit and decide for yourself.

The list of victims falling prey to Oosthuizen's alleged diabolical revenges goes on and on. In the latest plot – tantalizingly said to involve plans

for the government's as yet unspent R1-billion-plus development and training budget – he attempted to draw *noseweek* into smearing none other than Justice Minister Penuell Maduna.

Johannesburg-based management consultant Oosthuizen is a darkly handsome 41. He has a law degree and says he's a former state prosecutor, so it is not surprising that he uses – or misuses – the law to fuel his vendettas. Oosthuizen is gay, as are the majority of his alleged victims. They claim he employs private detectives to dig up the dirt on them, which he then presents to the police with convincing flair.

As they describe it, his main aim would appear to be the incarceration of his former lovers in South Africa's perilously overcrowded prison cells.

Towards the end of last year Oosthuizen contacted Democratic Alliance MP Tertius Delport, who is the party's Justice spokesman, with an extraordinary story about retiring Justice Minister Maduna. Maduna, he claimed, had used his “ministerial discretion” to secretly award a R1-billion contract to an advocate named Johann la Grange to provide a training programme for Justice Department staff. A bribe, he suggested, could have been paid to secure the award of this enormous contract.

So convincing was Oosthuizen that,

on 6 February this year, Delport tabled a question in parliament for Maduna's written reply. No reply was forthcoming by the time parliament went into recess on 27 February.

Oosthuizen's wrangle with the 50-year-old advocate had its beginnings in July 2002, when Oosthuizen met and became the lover of fresh-faced young Paul Tilly. Tilly joined Oosthuizen in his Duvall Human Capital agency, a specialist recruitment outfit providing SAP (technology for integrating computer systems) consultants to top companies and government.

But in September 2002, a bare two months into their relationship, Tilly started to make some disturbing discoveries about his business partner and lover. Michelle Viret, owner of another SAP recruitment company, OpenSource, wrote to her business clients claiming that Oosthuizen had stolen her client database while working for her for 10 days in 2001. He was using it, she said, to poach her clients, resulting in a loss of business worth R1m.

Oosthuizen, with no real experience in the field, had formed his own SAP recruitment agency named Duvall Human Capital. Its directors and shareholders were himself and Paul



Tilly. They operated the company from the house they jointly owned in Johannesburg's Parktown North.

Last May the police rolled up with a warrant for Oosthuizen's arrest. He evaded the cops by hiding in the garden, and explained the alarming incident to Tilly as "a personal matter".

Tilly, who has described these events in an affidavit, declares in it: "I decided to do my own investigations to establish what else had been secreted and hidden away from me."

He discovered a DAT tape, which he identified as being Viret's stolen database. He found out that the arrest warrant was for non-payment of VAT amounting to R1.6m in relation to a close corporation named PNGA Bay Properties, which Oosthuizen had previously operated in Cape Town.

The warrant was issued on 24 July 2001 but could not be executed at the time, as Oosthuizen had hurriedly left South Africa for Thailand and Amsterdam.

Tilly confronted Oosthuizen over the database. "He admitted to me that it was indeed stolen from Ms Viret – he said it 'served the bitch right'," says Tilly in his affidavit.

In November Tilly wrote to Duvall's clients, bankers, the Revenue Service and the police Commercial Branch, informing them of his discoveries.

Enter Johannesburg advocate Johann La Grange. A body-building fanatic and specialist in labour law, La Grange had become friends with Tilly and Oosthuizen. They all worked out at Old Edwardians gym in Houghton and the lovers had visited the advocate's magnificent Westcliff house for a braai.

On 10 November La Grange bumped into Tilly at Old Eds. "He had a scratched face and looked absolutely terrible," says the advocate. "He said that Oosthuizen had assaulted him and tried to strangle him. He was in fear of his life. I said: 'Don't worry about going to a hotel; come and stay in my spare room.'"

So Tilly moved into La Grange's pad and the 50-year-old gay advocate offered his professional services. They began drafting Tilly's affidavit to present to the high court to liquidate Duvall Human Capital. "I advised Paul that he'd grounds to liquidate because of the prejudicial manner in which

Oosthuizen was conducting the business," says La Grange.

Tilly removed Duvall's computers and company documents from the home/office they had shared, pending a forensic audit of the accounts by KPMG. Tilly says that a trial balance revealed an unaccounted R662,773 utilised by Oosthuizen. VAT on Duvall Human Capital invoices issued by Oosthuizen, but not paid to SARS, amounts to R171,000, says Tilly.

Oosthuizen was not slow to strike back. He claimed that Tilly had tried to murder him with a screwdriver, and laid criminal charges of assault and theft (of Duvall's computers and database). "The police arrived at Westcliff with blaring sirens ... to come and arrest Paul," says La Grange. "I told them I didn't know where he was. I

[the MP], who, after listening to his plausible story, decided to file a question in parliament."

It seems that, in his haste to sink La Grange, Oosthuizen got his wires crossed – certainly about Maduna and the Justice Department. Before *noseweek* plunged into print, we gave the minister a bell: "In my 10 years' experience in government, I've never had anything to do with any award of any tender to anybody," declared an angry Maduna. "As a minister I do not involve myself in the awarding of tenders at all. I don't have any authority in that regard.

"I don't know this Mr La Grange at all. I'm really, really astounded and, may I also say, upset by all this.

"The allegation has been made that a bribe was paid to secure this contract. Let me tell you the best thing for anyone

He admitted [the database] was stolen from Ms Viret – he said it 'served the bitch right' – Paul Tilly

then presented Paul's affidavit to the senior public prosecutor, who had the charges withdrawn."

Perhaps at this point we should report Oosthuizen's approach to *noseweek*. His phone call offered us the "inside story" behind Maduna's decision to step down as Justice Minister. At our meeting in Cape Town on 18 December last year he said: "A couple of months ago I was sitting at a restaurant called Espresso in Parkhurst with La Grange and he received a phone call ostensibly from Penuell Maduna. They were setting up a meeting at the Hyatt hotel for the following Monday.

"La Grange then elaborated on the conversation. He said: 'I've got a contract with the Department of Justice'. He gave a figure, with a value of R1bn, with a promise of turning in a R20bn training budget for various departments.

"He then added: 'It's amazing how many pockets you have to line to get contracts like this. I'm probably the only white Afrikaner South African male that has ever managed to get a contract of this magnitude.'"

Oosthuizen told us that his first "port of call" had been Tertius Delpont

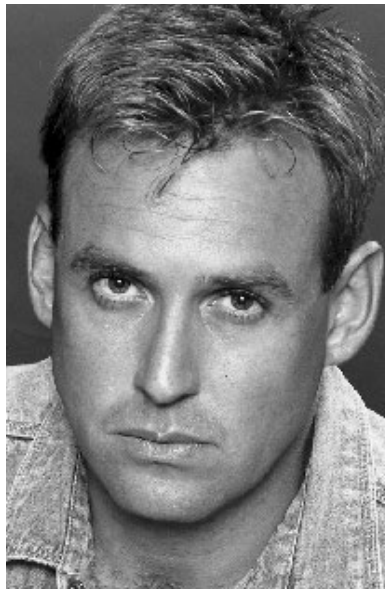
who has any information about this is to go to the nearest police station. Let them investigate this, because it's a serious crime. I'm interested in it myself; I'm interested in finding who the *dramatis personae* are in this matter."

La Grange confirms: "I don't know Penuell Maduna at all. To suggest I had a phone call from him is absolute nonsense.

"Last April an old friend – I'm not at liberty to disclose names – suggested that a training programme should be developed and presented to consultants who have connections in government. I am a registered service provider to local government. I spent more than three months drafting a broad plan.

"I was promised a fee of about R250,000 which never materialised. When I met Oosthuizen at the restaurant the prospects were very good. I told him I was having difficulty, because every time I wanted my cheque, the treasury official wanted a bribe first."

La Grange refuses to be drawn further on the subject. He declines to identify the official or government department that gave him the training brief, the "facilitator-consultant" or the



Riaan Oosthuizen

official who had declined to pay his fee. The question in parliament has clearly upset him as much as it has Maduna. "Oosthuizen has already caused me enough trouble. It's a straight up-and-down contract, but things are at a delicate stage and I don't want you ringing up people," he said.

Why should Oosthuizen have spilt the beans by prompting Delpont's question and *noseweek's* enquiry? "I think this is part and parcel of his vendetta. He seems to think that I've stolen his lover from him," says La Grange. "I'm openly gay – and so is Paul. But I haven't got a relationship with Paul at all, although Oosthuizen thinks I have. I've got absolutely no designs on Paul whatsoever.

"In the gay community we stand together to help one another. It doesn't mean we're all into each other's pants."

Says Tilly: "I don't know what I would have done without Johann. He's been a wonderful friend. He's not charged me a cent for all his legal help."

As a consequence of this kindness, Oosthuizen's pursuit of La Grange has been remorseless. The advocate has been under financial pressure waiting for his R250,000 training proposal fee. His house in Westcliff carried a R3.2m bond from Absa which got into arrears, and at the end of last year Absa took posses-

was his lover. "Oosthuizen used my bank account all the time," says Engelbrecht. "He had around R400,000 fraudulently claimed from the Revenue paid into my account.

"The police arrested me for fraud. They wanted to put me in prison in Johannesburg. I had to go to court every month until they eventually dismissed the case. I'm just happy I got rid of this guy."

As for Michelle Viret of OpenSource, last year Oosthuizen won a high court interdict restraining Viret from publishing "defamatory" statements saying he'd stolen her database. (Tilly only later emerged with the stolen

On 6 March last year, the day before Oosthuizen obtained his injunction, he phoned Viret's attorney, Makhi Nogaga, asking where he should bring his responding affidavit to her counter action. Nogaga gave him the name of the restaurant where he and his wife, plus Viret, were dining that night.

It was Jimmy's Killer Prawns in Randburg. Oosthuizen failed to turn up. Instead, recalls Viret, "a woman in her 20s came over and accused me of being rude to the waiter. She started swearing and carrying on at me."

Recalls Nogaga: "There was a harsh exchange. I went outside to cool off – where this thug, like a streetfighter, was waiting. He tried to strangle me. My face was all swollen in court next day."

A week before this incident, while Viret was driving with her seven-year-old son, they were chased by three men in a BMW. "Of course we can't prove that Oosthuizen set these things up, but it was peculiar that we were attacked at the restaurant the night before we had to go to the high court," says Viret. "Paul's now taken the vendetta mantle from me. But I'm still nervous."

"How does one deal with a menace like this in society?" asks La Grange. "Oosthuizen's whole idea of bringing pressure to bear on me was to force me to relinquish Tilly's brief.

"It's very devious, but masterful in the machination of its evil."

As we went to press, Tilly issued summons – drafted by La Grange – out of the Pretoria High Court against Oosthuizen,

demanding reinstatement as a director of Duvall Human Capital and an accounting for the hundreds of thousands of rands he alleges have disappeared from its accounts. And so the feud continues.

Maduna has still not given a formal answer in parliament to that question about the training contract. So we don't yet know with which government department La Grange was actually dealing. But there may well be much more of this story to come on the parliamentary front – after the elections. **7**

'This thug was waiting. He tried to strangle me. My face was all swollen in court the next day' – Advocate Makhi Nogaga

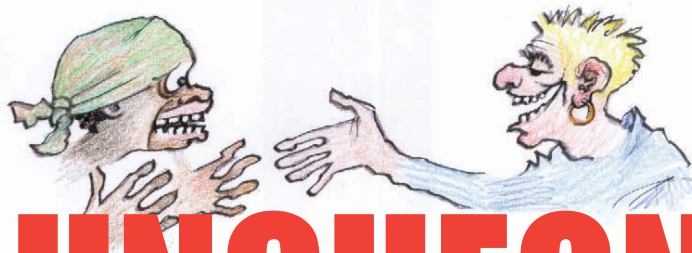
sion, sold the property for R2.75m and is holding La Grange liable for the R450,000 shortfall.

La Grange had moved his art collection and antiques into storage. Oosthuizen hired private detectives to track these valuables down and tipped off Absa's attorney about their whereabouts – the attorney had everything seized by the sheriff.

It emerges that other past lovers of Oosthuizen have also suffered this strange man's rage. When he lived in Cape Town several years ago, architectural designer Riaan Engelbrecht

tape.) Viret initiated a counter application to prevent Oosthuizen intimidating, threatening or harassing her and her family. But she eventually abandoned this action, only partly because of the legal cost.

Scary incidents were happening. A man phoned her children's school, saying that Viret and her husband were abusing their own children, aged seven and 10. A second call to the junior school principal alleged Viret was spreading rumours that a teacher had been molesting her daughter.



BY HAROLD STRACHAN

TRAD LUNCHEON

So young Peter moves into my block of flats. Hell, I don't know why I call him young, he's pushing fifty. But, come to think of it, yes I do, sort of, think of him as youthful: he comes from the Punk Generation of English kids thirty years ago, and the habit of defying stuffy respectability has stayed with him. He still has holes in his ear lobes where sometimes he displays a small piratical golden earring, but where, in the days of green Apache hairdos, he used to wear nappy-sized safety pins. And he still affectionately wears an old black leather weskit.

Nice feller. Irreverent. He's come here to enjoy our developing democracy. None of that dreadful dreamy bullshit that went with Ghana, none of the daft hopes of the *Tanzania* Ground Nut Scheme, and as for Zimbabwe ... but then again, confidently disdainful about the cocky declaration of the high priests of globalised capital that socialism is dead.

Strange thing about the Punk Generation: they didn't come from the British working class, they didn't cultivate that dubious prole talent image of other groups; they came from comfortable families, and insofar as individuals were political at all they were socialist without all the baggage of Marxism/Leninism. They just wanted the poor struggling sods of this earth cared for, so they could get along with their disobedient lives without a great load of guilt. And lo! they asked their parents why they shouldn't cough up for the caring.

The cultured part of what you might call London Socialism.

Well a certain Cilla, whom I haven't seen since old Varsity days, phoned me just recently. Pretty, I remembered. She would spend much time at her looking glass. This is one of my pretty days, she would say. Her lover was Rupert, majoring in English Literature and Philosophy. Rupert had a speech impediment: he couldn't talk, he could only elocute whilst dragging on a Benson and Hedges Gold fag, and never was known to notice people looking at their wrist-watches. They were known at Varsity as Lace Knicks and Old Arse.

Cilla, then, tells me Rupert has departed this life thanks to B & H excesses, but I simply **MUST** come to luncheon at her sugar farm. There's a longish silence. I'm a city lad, I don't even know how to watch sugar cane growing, let alone enjoy it. Christ, think I, why me? I suddenly go cold;

Peter stands up and sticks out his hand. Luckily the Zulu lady has put down the tray. She leaps back as if he's going to get hold of her throat or something

maybe she has me in her sights for matrimony, a ou must beware widow-ladies with sugar farms. Can I bring a friend? I ask. You mean your girlfriend? she asks. No, just a neighbour, say I.

I'm conceited enough to need a chaperone, and Peter is he. We meander endlessly among the sugar plantations of coastal KZN, in the manner of the Fakarwi tribe, those pygmy people of the Congo I learned of at primary school, who wander among the elephant turds, saying Where the Fakarwi? Mainly by chance we come across Cilla's house in a gap in the cane. We kick off with a reprimand: it's Sunday and the customary hot dinner is getting cold and we're late.

But we settle down companionably enough. White starched table cloth, starched serviettes – oops, table napkins – in silver rings. Flowers. Nice. A ceiling fan gently wafts down upon us. Cilla tinkles on a little glass bell and a doubled-up Zulu lady creeps in with a whole lot of dindins on a tray. Peter says "Will you introduce us?" and stands up and sticks out his hand. Luckily the Zulu lady has put down the tray. She leaps back as if he's going to get hold of her throat or something. That was Justina, says Cilla, as the Zulu lady disappears backwards into the kitchen. The Zulus are a very proud people, you must beware of condescension. Says Cilla.

Justiina! she trills in a genteel sort of way, Leta low pumpkin yena corner pagarty low pot larper low back plate ga low stove, s'il vous plait! and Justina takes the long way round the table this time, eyeing Peter the while. But it's a great old traditional Sunday noshup, let's not be ungracious. Nice wine, too. Peter gets up to stack the dishes and help with the washing up. PETER! Cilla exclaims, I TOLD you, these are proud people, you must allow them their dignity. Yeah, but doesn't she want Sunday afternoon off? says he. Yes, it will come, says Cilla, but she has her principles, you know.

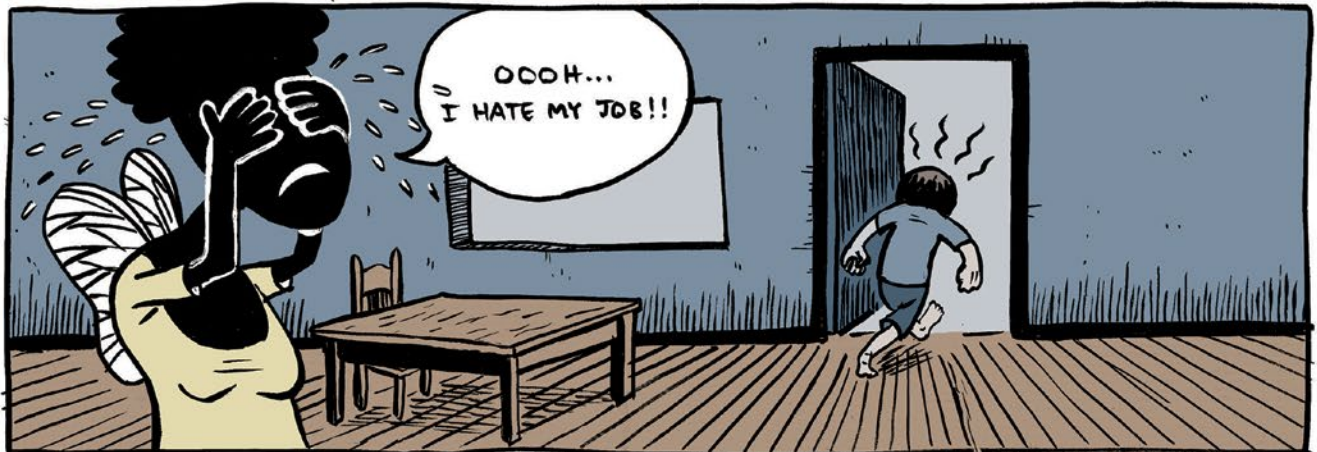
Well, we didn't stick around, but we observed etiquette in our leaving. Bru, said I, as we hit the canefields again, if you want the new order you'd better look elsewhere. Chrissake, said he, don't they know 1994 has happened?

Try 1910, said I.

No, try 1880. This is the Crown Colony of Natal. ☐

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