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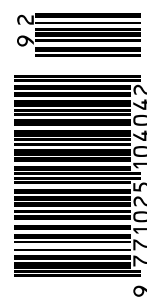
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noseweek

92

JUNE 2007

**Absa and lawyers
robbed me of
R600m, says
Swazi royal**



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Fun and Hilarity

Yes, I have subscribed to *noseweek* for many years. Yes, I do so for the investigative and exposé articles.

But I also enjoy some of the more social humour/chit-chat. I don't know that much about wine, save that it's wet and pleasing, but I still enjoy the column and I usually get a lot of fun from Hilary's column, which apart from light relief, is well and pleasingly written.

Geoff Marock
Milnerton

ment agencies in South Africa. Keep doing what you do!

Mduduzi Njoko

Quality Dept, Feltex Fehrer, Durban

Feeling Blattered by Fifa

In a TV debate with *noseweek* editor Martin Welz ("In the public interest", SATV3, Sunday 13 May), the publicist for the Organizing Committee for the 2010 Soccer World Cup, Tumi Makgabo, claimed that allegations of top-level corruption in Fifa were none of the South African organising committee's concern and, by implication,

taken, or are taking, to ensure that none of the money lands up in Blatter and friends' back pockets.

I am in favour of our country hosting the event, provided the stadia do not turn out to be white elephants for years after the event and provided no money ends up in under-cover deals.

The media is too often used as a convenient scapegoat to avoid dealing with the real issues.

Louise Cook
Pretoria

when he writes that *noseweek* "apparently" has a copy of the manuscript of my forthcoming book, *Fit to Govern: The Native Intelligence of Thabo Mbeki*. Bruce misdescribes it as *Fit to Rule*, a working title from two years ago.

The scale of the hoax that has been pulled on *noseweek* editor Martin Welz will provide light relief around my book's launch in June.

Ronald Suresh Roberts
Cape Town

Light relief? We live in hope. Regrettably, however, that early manuscript with its revealing "working" title was definitely no hoax – except on its funders Absa, maybe. But readers be warned: check out a library copy of Roberts' soon-to-be launched Mbeki book before you rush out and buy a copy – just in case you end up the victim of an expensive hoax. – Ed.

The scale of the hoax pulled on noseweek will provide light relief around my book's launch in June

Ronald Roberts

Can't get enough

I'm 27 and live in Durban. I'm not in business; I'm just an ordinary guy that works a seven to 4.30 job. I was introduced to *noseweek* by my brother about a year ago. Now I cannot get enough of the nosey nose. It saddens me that most of the people I talk to have never heard of it. As a result I'm always a step ahead when it comes to information. When it comes to rooting out corruption, I must applaud you. Your work exceeds that of all law-enforce-

ment agencies in South Africa. Which might be the more convenient approach for her.

But as a tax-paying citizen, the issue of possible corruption within Fifa's executive is very relevant to me. I hope the organising committee can guarantee that not a cent of the money from Finance Minister Trevor Manuel will land up in questionable hands.

Now that I know what I know (thanks to *noseweek*), I want to know what steps the organising committee have

Absolutely NOT Fabulous

Rian Malan's preview of Suresh Roberts' upcoming book on the thoughts of Thabo Mbeki (*nose91*) was an eye-opener.

One wonders whether Roberts' contract with Absa includes a commitment by the latter to "promote" the distribution of the finished product? Having spent R1,4m on it, Absa might be tempted (or persuaded) to use their client database to ensure wide publicity for their investment. The possibility that this might further ingratiate them with the presidency and their government-linked customers will, of course, never have crossed their minds!

Nevertheless, having read Malan's preview of the manuscript (albeit a work-in-progress) in *noseweek*, the Absa powers-that-be will be more cautious about how they proceed from here: by promoting the book, the bank would not necessarily be making the heart grow fonder of either Roberts or Mbeki – or of Absa.

John S Magill
Knysna

Keep out of the Kitchener

Enjoyed your radio chat (on Cape Talk and 702) with Modise following your piece (*nose91*) about Fifa and the 2010 World Cup; loved Rian Malan's piece on the book that hasn't arrived – and dread the day Harold Strachan's too old to write. Not so sure about "Kitchener" on De la Rey, however. Herbert, are you suggesting a connection – by descent or sentiment – to THAT Kitchener? ... cos you rather lay to waste a very well written song, a song that, like those old Boers, will keep resurrecting long after your words are forgotten. What you miss entirely in your musical appreciation class is that the song calls upon a type of hero we sadly lack today.

In his book *Commando*, Denys Reitz gives Koos De la Rey a pretty good review. He was not a professional soldier, but was without doubt a fine leader. Maybe an Afrikaner songwriter has recognised that the time has come for heroes who aren't pop singers, politicians or sports stars.

The irony that Bok Van Blerk is probably now a pop hero himself is not lost on me. His fame will no doubt come back and haunt him as fame tends to do. (Imagine nobody listening to a word you sing until you've sung De la Rey ...or having to sing it when you're 64!) For now,

Gus



"Gosh, I do hope Ronald Suresh Roberts doesn't get cross with Rian Malan"

The Great Ronnie Roberts Hoax

The following letter appeared in *Business Day*. We thought it may be of interest to our readers.

[*Business Day* editor] Peter Bruce, in Thick End of the Wedge (April 23), rather amusingly hedges his bets

though, I would wish him lots of luck. I wouldn't have minded if someone had handed me a song like that when I was young and ambitious!

Nick Taylor

Still in Verlorenvlei

Although he has, in recent times, been known to venture forth to Lambertsbaai, to perform at the Kreeffees, where, we are told, he eventually managed to bring the drunken, rowdy crowd to maudlin silence by singing a couple of verses from ... De la Rey. – Ed.

Putting a sock in it

Your “De la Rey under analysis” (nose91) reminds me of Herman Charles Bosman’s story, *The Rooinek*.

“Then he walked up to where we were standing, Oom Schalk Lourens said. He was dressed just as we were, in shirt and trousers and veldskoens, and he had dust all over him. But when he stepped over a thorn-bush we saw that he had got socks on. Therefore we knew that he was an Englishman.”

Brilliant strategy of yours to employ 2nd Earl Herbert Kitchener of Karton, K-PRT, K-SOEK as de la Rey analyst and musical expert. Only thing is he should have left his socks at home.

Piet Erasmus

Vallyland

Ja-nee, Oom. Signing THAT name may have been K-koek, but his ability to recognize a slampamperliedjie when he sees one suggests he doesn't always praat K – or wear socks. – Ed.

Boer bashing boor

Why doesn't Herbert Kitchener rather listen to Mandoza instead of self-inflicted torture beyond endurance listening to Bok van Blerk? I hope he feels

better after his detox bout of bile retching and Boer bashing.

If “Kitchener” was a *nom de plume*, it was a most unfortunate choice. Unless the author meant to bring us that, when it comes to Boer bashing, British “fair play” is an extremely flexible concept: flexible enough to justify genocide.

AC Schaap

Queenswood

Zuma and De la Rey

So your rookie expert on De la Rey, shares the same De la Rey, shares the much spat-on Kitchener of Anglo Boer War concentration camp notoriety! There is wisdom in Jacob Zuma's words after all: Bring my Umishimi Wami!

J Coetzee

Cape Town

I can think of a couple of despicable Coetzees. Should I be getting you into my gunsights for that? – Ed.

Bend it like Kaya

The presidential broadcast on Kaya FM and YFM you refer to under the headline “Thabo’s Voice” in nose90 NEVER happened. It was pulled from us on Friday 13 April at 1600 [after *noseweek* went to print] when the Government Communications and Information Service informed us that this broadcast should never have been brought to us in the first place, as the Presidency has an agreement with the SABC.

John Perlman was never an issue as we had not hired him at the time anyway. Kaya FM compromised Tim Modise as a legitimate for the brands of Kaya FM and Yfm as we were at odds about who should facilitate the Imbizo.

There was no direct mention of [the withdrawal of government] advertising per se, and I object to

the alleged fact that “Kaya bent over”. After lengthy negotiation we agreed to take part in this broadcast, which would see the President being brought to our screens on 14 April.

Listeners would be able to phone in and ask their questions live (obviously having been screened by our producers to ensure that the questions would add value to the imbizo. This is a standard practice).

Somewhere things fell through the cracks and this issue really does not deserve the attention it is now getting.

We insist on a retraction of this grossly inaccurate and sensationalistic article that borders on pure fiction in its interpretation.

Charlene Deacon, MD,

Kaya FM, Johannesburg

Per se, methinks the lady protesteth too much. – Ed.

Beyond our Kenny

I am appalled by your vicious attacks on Andrew Kenny (nose90&91). These articles could serve as text book examples of dirty debating tactics.

A Todd

Edgemoed

The hole truth

Thanks for your exposés of the Free Market Foundation and the climate change denials. It shows how the PR industry operates to manipulate minds.

I'm particularly pleased you have exposed Andrew Kenny, whom we encountered in trying to save St Lucia from strip and dredge dune mining. Kenny was, it seems, employed by RBM (the strip mining company, owned by Rio Tinto) to purvey the view that mining would be good for

the dunes, and everybody else, and that mine dump revegetation was actually dune rehabilitation.

The St Lucia victory was possible through the work of thousands of fine people, and the historical moment. Nelson Mandela himself signed the petition against the mining, and for the permanent protection of what is now the iSimangaliso Wetland Park.

The PR forces of corporate and more cunning, and governments more corrupted by them, but the struggle goes on. More strength to *noseweek*.

Jim Phelps

Empangeni

It appears Kenny can be relied upon to put his mouth where the money is. – Ed.

Not that Naas

In an article about the Free-market Foundation in nose89 you refer to a Naas Ferreira and speculate whether it might be the same Naas Ferreira that sued you many years ago. It is not.

I am Naas Ferreira that sued you, but I am not on the committee that is the subject of the article.

Because of the degrading connotation, I obviously object. I expect an apology.

Naas Ferreira

Pretoria

You are right. We were wrong. Sorry. – Ed.

Letters

Letters offered for publication in *noseweek* should be sent to The Editor, *noseweek*, PO Box 44538, Claremont 7735 or emailed to editor@noseweek.co.za. Submissions should be no longer than 150 words.



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A red-light bank

WHAT DO YOU find at a red light bank? Answer: merchant wankers. The real question is for FirstRand CEO Laurie Dippenaar: are you running a bank or a brothel? Or is the difference just a question of semantics? In short are you prepared to turn tricks to make a rich client happy?

The reason for our question is the continuing Ansbacher saga. Originally a British owned private bank, operating in various offshore havens, Ansbachers already had a smelly reputation when FNB (now FirstRand's banking division) acquired it in 1993. FNB chairman Basil Hersov didn't seem to mind.

Way back in *nose13* (August 1995!) we reported that the Ansbacher branch on the British Virgin Islands operated several accounts on behalf of Hugo Biermann, son of apartheid-era SADF chief Admiral Boozy Biermann. Dad had set Hugo up in the offshore arms trade, so we could all guess where the millions that flowed through them came from.

A 1995 ad announcing Henry Ansbacher & Co's admission to the London Stock Exchange invited prospective clients to contact either David Crook or Michael Lawless. We laughed and weren't surprised, when, some two years later, the UK Securities and Futures Authority announced that Crook, the bank's senior dealer in South African gilts, had been banned from working in the City of London for "grossly improper" conduct. Ansbacher was fined for "supervisory and procedural failings".

In *nose43* we observed that US investigative journal, Mother Jones had described the reputation of Ansbacher's Caribbean branches – amongst Americans wanting to hide their ill-gotten gains from the police and the taxman – as "a South African financial firm that is a little easier to work with".

It was Ansbacher's criminal adventures in Ireland in 2002 that really made headlines everywhere – except in South Africa. (FirstRand persuaded the local press that the Irish scandal was "largely pre-FNB's ownership" and of no consequence.) Ansbachers had conspired with some of Ireland's top brass (including its then prime minister) to hide their off-the-record fortunes – and defraud the taxman of millions. Irish deputy prime minister Mary Harney was quoted as saying the investigation of Ansbachers had provided a damning insight into "a world of conspiracy, fraud and tax evasion".

Just then, in Johannesburg, FirstRand (which had long since absorbed FNB) was involved in a most inconvenient court action. Back in 2000 Ansbachers (sometimes also known as Origin) had announced the appointment of a world-renowned legal expert on off-shore finance to ensure that all its "products" were "legally compliant" wherever it operated. But by the end of 2001 the compliance expert had gone. In February 2002 he issued summons against FirstRand, claiming the bank owed him a lot of money for

terminating his contract. He also alleged the bank had seriously insulted him.

Had Ansbachers/Origin decided they didn't wish to "upset" their clients with this expert's advice that one of the offshore investment "structures" they had on offer did not comply with the law, and in fact amounted to round tripping? we asked. And what if he was seriously insulted that someone at the bank should have assumed he would be willing to approve a scheme to hide a Pakistani prime minister's corruptly acquired millions in SA?

By January 2003 the heat was clearly on: the court file containing details of the applicant's claims and hundreds of supporting documents, together with FirstRand/Ansbachers' reply, disappeared from the court registrar's office. It emerged that FirstRand's attorneys Deneys Reitz, old hands at collaborating at FNB's frauds – remember Crusader Life? – had taken the unusual step of removing the file "because of the substantial damage the bank would suffer were the file's contents to become public".

The applicant in the case was Professor Barry Spitz, an internationally recognised expert on international banking, tax and currency laws.

In FirstRand's 2002 annual report, under the heading "Financial Highlights" (sic), the directors attribute a decrease of 87% in Ansbachers after tax earnings to "the 11 September attack". (Thank you Mr Bush.)

The more obvious reason why Ansbacher clients were jumping ship in droves was that during the previous year Ansbacher had applied to the Cayman Grand Court for permission to release to the Irish authorities "information relating to the nature of the business Ansbacher did with Irish clients and how it was conducted".

A trust company that had formed part of the Ansbacher "structure", cried treachery, and rushed to oppose the application on behalf of Ansbacher clients. In bringing the application, it claimed, Ansbacher was seeking to obtain a "collateral" advantage for itself.

The Cayman court allowed Ansbachers to release information to the Irish inspectors that incriminated hundreds of its own clients for tax evasion – even though the tax evasion scheme had been devised and implemented by Ansbachers! Did FirstRand do a deal with the Irish authorities to save its own skin? No-one was saying. But no wonder Ansbachers wasn't so popular in the market anymore.

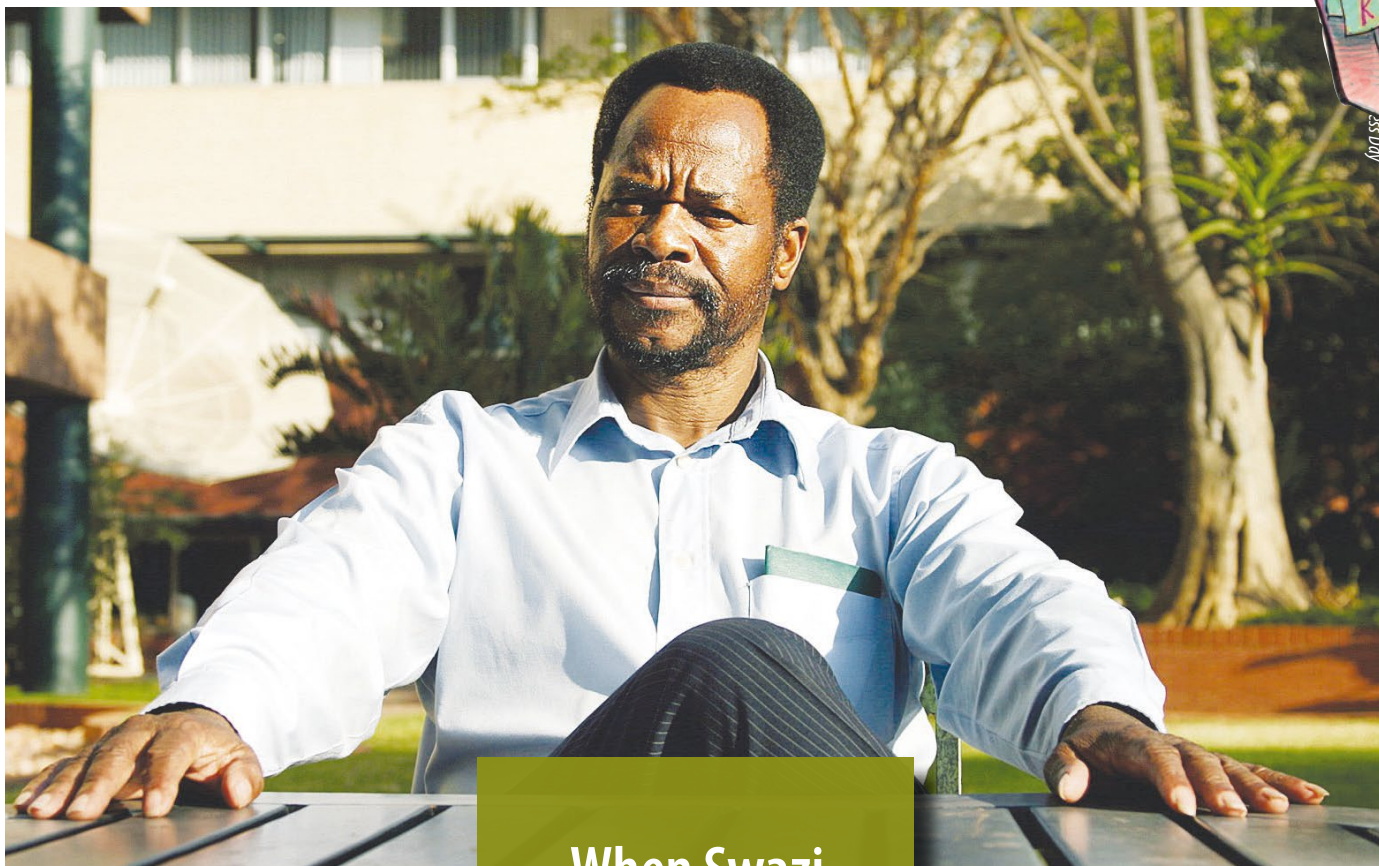
FirstRand soon announced that it planned to drop the Ansbacher name. Or, as they more discreetly put it: "The group will rebrand private banking operations in the new year."

So, the name changed. But did the nature of the business? Turn to page 10 and judge for yourself.

(Should the directors of Absa be tempted to experience a smug moment, they need only turn to page 7.)

The Editor

A prince's ransom



When Swazi royal Dumisa Dlamini rode into Nelspruit with R600m to burn, the local boere *bandaleros* saw an opportunity too good to miss

A FOREIGN BUSINESSMAN is robbed of every cent of hundreds of millions invested in the country – but the story hardly makes news. Despite boasting rip-offs on a grand scale and a cast of truly devoted lawyers, bankers and other villains, highwaymen all. Even a desperate attempt, in April, to attach all the movable property in Absa Towers, Johannesburg hardly makes a ripple.

Maybe “riches to rags” isn’t what the country wants to hear, but the villains, oh the villains... are not to be missed ... *noseweek* whets readers’ appetites this month with a rundown of the whole sorry saga – and promises that the details to be released as we go along do provide rich snacking.

In the early 1990s, with democracy at last on its way to the once forbidden republic, Swazi businessman Dumisa Dlamini looked across the border and liked what he saw. Opportunities for investment abounded in the nearby

Sad: Dumisa Dlamini, who was relieved of R600m by the Mpumalanga business community

province that was soon to become Mpumalanga, and Dlamini had plenty of cash to play with – some R600m by all accounts, said to originate not far from the Swazi royal treasury. Over a four-year period, he acquired a whole portfolio of farms, game ranches and hotels; in the transition to democracy many sellers, negative about the prospects for peaceful development, were desperate to sell, and Dlamini did rather well for himself.

But extravagance attracts attention, the *bandaleros* were thirsty, and the mutterings soon began, the groans of “Yiss, I want a bit of this”. And these fellows are masters at playing the system to suit their purpose. Dlamini trustfully retained the services of attorneys in Malelane to look after his interests, but they paid better attention to their own – and those of the Malelane

branch of Volkskas Bank (now Absa).

The bank manager took one look at the wealthy foreigner his attorney friends had landed and began whistling to himself *nou hier kom 'n ding*. Soon, his assets and business interests growing apace, our Swazi businessman was running large transactions through Volkskas/Absa. And quietly in the shadows the manager diligently applied himself to robbing the nest. First, he created a series of loans in favour of Dlamini, which he paid to parties unknown. Bonds were registered against Dlamini's properties, without his knowledge or signature, as security for these loans, with bond repayments

coming straight from his accounts.

And when that got boring, the honourable manager (or was it his bosses in Pretoria?) began diverting huge sums of money (the amounts really are staggering) that were being paid to Dlamini by the sugar mill buying his sugarcane.

Dlamini finally realised he was being fleeced and sued. Absa Malelane promptly counterclaimed for money owing on his "bonds". It was then that Dlamini first came up against the bank's lead attorney, a senior partner of a major Pretoria law firm, a man with so much influence that he somehow persuaded the Swazi businessman's lawyers to abandon their client at court

(yes they literally left their client, at court, without a word). The senior partner then bullied Dlamini, with threats of liquidation, into signing an agreement authorising the bank to take 50% of his sugar farming revenue – the other 50% would go directly to Dlamini. Needless to say – this disappeared too.

The *manne* then stepped things up a gear. A bogus Nelspruit attorney, with the help of his bookkeeper sister, persuaded a Nelspruit businessman to sue Dlamini for a relatively insignificant amount. There's a dispute as to whether this amount was even owed, but the judgment was granted. The "attorney" then attached Dlamini's interests in his property-owning close corporation and put it into voluntary liquidation, and the liquidators began selling off Dlamini's farms. All without Dlamini's knowledge.

Now, our hero was not totally asleep. He picked up what was going on, and rushed off to court and got an order for his ownership of the cc to be restored and the farms to be returned to him. Which was just a hiccup for the plotters – time for plan B! They applied to liquidate another cc, with, mysteriously, exactly the same name as Dlamini's. And the liquidators of this second cc then contrived, with the help of the deeds office, to sell off the farms owned by Dlamini's cc.

Twelve farms disappeared – most bought by a company linked to the business which had been buying Dlamini's sugarcane, and which now indirectly owned the sugar farms. In the meantime, the liquidators of Dlamini's cc had confirmed in writing that the liquidation had been set aside and that Dlamini's assets had been duly returned!

A job well done indeed. But the bandits wanted more. So they decided to sequester him as well. They went back to the judgment which the bogus attorney had obtained for the Nelspruit businessman against Dlamini, and, without telling their client that they were sequestering Dlamini, forged the client's signature on an affidavit. (The attorney who signed as commissioner of oaths has committed suicide.) With the sequestration granted, the trustees sold off another bunch of farms, despite the fact that none of the creditors submitted any documentary proof of claims. The trustees also made no attempt to recover any of the millions which Dlamini was owed by his creditors. (He had a judgment against Absa for many millions.)

After years of trying to sort the matter out, in desperation, in April Dlamini re-issued writs which were granted against the bank in earlier proceedings (but never executed as a result of some

The dramatis personae

The cast in our grand tale of highway robbery, in order of appearance:

Dumisa Dlamini, one-time wealthy Swazi businessman, reared in the royal household and favourite of the dowager queen. Now bankrupt.

Kleindoornkop Boerdery cc, a close corporation owned by Dlamini. Curiously, it has a *doppelganger*.

Absa Bank (previously Volkskas). The manager of the Malelane branch, HJ MacDonald, saw Dlamini as the goose who lays the golden egg, and fleeced the man for all he could. Now retired to the south coast.

Attorneys Van Rensburg & Meyer, a Malelane law firm retained by Dlamini to look after his interests, but which was more concerned with its own – and those of Absa Bank.

Pretoria attorneys Tim du Toit, expert conveyancers (sic), and the law firm used by Absa. Senior partner WA du Rand (speciality: risk control) wields much influence at the courts in Pretoria, and continues to play a major role in thwarting Dlamini's attempts to secure justice.

Nelspruit attorneys SA Hefferman, whose principal, Steve Hefferman, allowed his brother Peter to pose as an attorney and to represent clients before the High Court – even when they didn't ask him to.

Pretoria attorneys Gross Bloch, whose partner Ernst Serfontein acted as SA Hefferman's Pretoria correspondent attorney.

Sakkie Die Israeliet (Pty) Ltd – if you're an Israeli called Itshak Knafo and you live in Johannesburg no one bats an eyelid, but if you live in Nelspruit you become known as Sakkie Die Israeliet, which is what Knafo then named

his own company. Knafo unwittingly became involved through his company being fraudulently used to get both Dlamini and his cc declared insolvent.

Liz van Niekerk, Peter Hefferman's sister who worked for Sakkie Die Israeliet, and persuaded Knafo to sue Dlamini. Has since committed suicide.

Jan van Niekerk, Nelspruit attorney and wife of Liz – played a small but significant role in the sequestration fraud. Has also committed suicide.

Various liquidators and trustees, who describe themselves as "insolvency practitioners" (and boy, does practice make perfect), whose conduct in the fraudulent liquidation of Kleindoornkop Boerdery cc, and subsequent fraudulent sequestration was extremely suspect. Gentlemen well connected with the bench – like Truter Wouda, Joachim Hendrik Botha, Brian St Clair Cooper and Benedict Langa.

Various high court judges from the Transvaal Provincial Division, including Judges Bertelsmann, Kruger, de Vos and Botha.

Johannes Friederich Helberg, the CIPRO official who had to explain how there could be two Kleindoornkop Boerderys registered. He couldn't.

The Deeds Office, which allowed properties to be sold off from a close corporation which didn't own them.

The Master's Office which, despite having real reservations about the liquidation and sequestration, allowed them to go ahead.

Transvaal Suiker Bpk, the Rupert-controlled company which bought Dlamini's sugar cane and which now apparently indirectly owns his sugar farms.

sick moves by Absa) and tried to use these to attach the bank's property in Johannesburg and Pretoria. Again Absa managed to thwart the execution.

Dlamini is also currently suing Standard Bank, having discovered that up to R11m had vanished from his personal account at the Malelane branch of Standard. Staff were unable, for example, to explain to Dlamini who had authorised a R3m debit from his account. Apart from all the civil litigation, the Swazi businessman has lodged numerous complaints with the authorities, so it's clear that a number of senior government officials have known about the frauds against Dlamini for some time.

Some years back already, the Deputy Director of Public Prosecutions, DJ Bredenkamp, in an apparently undated memo, expressed his irritation with the lack of progress made in the investigation and spoke of the "repeated rumours that a group of influential people and institutions in Nelspruit, for example Absa Bank, certain attorneys and the farming community, appear to be too powerful to be investigated" and that "it would appear that there is a modus operandi of an ongoing acquisition or appropriation of farms from small or disadvantaged farmers by the above-mentioned group of people".

The Department of Land Affairs, in the person of the Chief Registrar of Deeds, is well aware that something is amiss, and set up a meeting with officials from CIPRO, the State Attorney and the Deeds Office, Pretoria. The chief registrar was able to report afterwards that there "was general consensus that serious irregularities appeared to have been committed in all of the transactions that were interrogated".

The Department of Justice and Constitutional Development, in the person of the Assistant Master of the High Court Pretoria, is also aware of the situation, and has declared that Dlamini "has been fraudulently sequestered because the sequestering creditor denies even making the application and has lodged an affidavit to this effect". A year ago he asked the Directorate of Special Operations to investigate the case. Even Gill Marcus, newly appointed chairperson of Absa, has been fully apprised of the situation. And, on top of all this, the Nelspruit businessman in whose name the liquidation proceedings were brought, lodged complaints with the police and the Law Society years ago.

Yet, to date, absolutely nothing has been done. A wealthy foreign investor is savaged by some very heavy locals, most of them legal or financial professionals, and hung out to dry – excellent message to send out to investors. **■**

Sakkie Die Israeliet vs The Highway Lawyers

IMPORTANT PRETORIA law firm Tim Du Toit (major client: Absa Bank, which has consistently thwarted all Dumisa Dlamini's attempts to bring their allegedly thieving Malelane branch manager to book) have a bit of explaining to do – or further conniving, as seems to have been the chief tactic employed in ruining the Swazi businessman.

Months back Dlamini applied to the Pretoria High Court to order a fraudulent sequestration order set aside that had been brought against him in the name of Sakkie Die Israeliet (Pty) Ltd. The Assistant Master of the court had already been apprised of the illegality of this sequestration years previously and ordered an investigation, but nothing had yet come of it.

Come April, Dlamini arrives in court to find advocate Freek Terblanche SC, instructed by attorneys Tim Du Toit and Co, opposing his application – on behalf of "Sak-

kie Die Israeliet"! Terblanche also happens to represent Absa who are desperate to keep Dlamini insolvent – so he can't collect the tens of millions they owe him. The court grants a postponement and Dlamini has an investigator approach Sakkie who is, once again, horrified at the fraudulent use of his name.

This outrageous perpetuation, by advocates and attorneys, of the fraud against Dlamini has prompted Sakkie to draft a new affidavit, in which he declares (once again) that he has never instructed Absa, Tim du Toit, or anyone else, to represent him, as he does "not wish to oppose any litigation instituted by Mr Dlamini to deal with his fraudulent sequestration".

He also declares that he is bringing criminal charges against those who have fraudulently represented him in this matter.

Who will go down, and who will be kicked as they fall?

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Voyages of Discovery

Millions belonging to FirstRand's Discovery Group directors made an "extremely unusual" whistle-stop trip to a friendly "offshore" bank

A MAJOR SOUTH AFRICAN bank has disclosed documents which seem to confirm what the public has suspected for a very long time: that the bookkeeping by their banks is far from precise. The documents also reveal, among other "unusual practices", strong evidence of money laundering by two directors of one of the bank's subsidiaries.

The implications for the image of banking in South Africa – and that of its major auditing firms – could be devastating.

The court case that's about to ignite the tinder arises from a commercial claim lodged against FirstRand Bank by International Law & Tax Institute (Pty) Ltd (ILTI), for commissions it's allegedly owed on the gross turnover of Henry Ansbacher Trust Services – FirstRand's notorious former "offshore" division, since sold to the National Bank of Qatar.

FirstRand was forced to disclose ("discover") hundreds of documents in the Pretoria High Court, to enable ILTI to accurately establish Ansbacher's turnover. Out of some 180 pages of accounting records, 149 were found to contain accounting errors, including errors of arithmetic supposedly impossible in computerised accounting.

These errors, as well as odd and irregular spacing, changes of typeface, and incomplete remnants of sentences found on many of the pages, led Horwath Forensics, called in to evaluate the documents, to suspect deletions, omissions and other "manual interventions" in the documents. "These errors, mistakes and inconsistencies are so numerous ... that they serve to discredit the discovered financial statements," say Horwath.

As serious: the bank's client billings, included among the documents, contain hundreds of VAT and other tax irregularities, and show that, as a re-



Picture: MAGES24.co.za / Beeld / Sidique Dawds

Shady deals: FirstRand CEO Laurie Dippenaar has some explaining to do

sult, Ansbachers had to pay SARS millions of rands in penalties and interest. Furthermore, Horwath note that: "The inclusion of over R1.8m for VAT penalties and interest may be an indication of undisclosed revenue receipts in the financial statements." (Which may be very relevant to ILTI who are claiming commission on revenues.)

The cherry on the top: the Ansbacher documents implicate two directors of the Discovery Group (a FirstRand subsidiary that includes Discovery Health) in transactions bearing all the hallmarks of money laundering. There are some extremely telling line entries in the bank's reconciliation of the Henry Ansbacher Finance Trust account:

In August and September 2000 Discovery CEO Adrian Gore, and Executive Director Barry Swartzberg, passed millions of rands through this long-dormant account, amounts that entered as "deposits" and then left, to the same persons, generally within

hours – as "dividends". ("Extremely unusual," say the forensic auditors, noting that South African "dividends" are, of course, exempt from income tax.) The account reconciliation shows that the two directors paid commissions ("profits") totalling R255 000 to Ansbachers for this small service.

Well-informed sources have told *noseweek* that, confronted with these suspect transactions, FirstRand officials declared themselves unconcerned. They said the issue had already been "dealt with"; suggesting that amnesty had been applied for, and been granted by the tax and monetary authorities. It remains noteworthy that the 2003 amnesty covering tax and exchange control offences, did not extend to companies, and certainly not to money laundering exercises by banks on behalf of their clients. [And while an amnesty might explain why messrs Gore and Swartzberg are not in jail, it does not explain why they are

still executive directors of a major FirstRand subsidiary. – Ed.]

Another document would also seem to enter the infamous world of “round-tripping” by South African residents of their foreign-based funds. Headed “Bank Accounts; Specialised Advisory Services”, the document states that the account called Ansbacher Wealth Advisory Services is “utilised for ... receipts of transfers from Ansbacher Jersey to facilitate the purchase of shares in local companies by offshore trusts”.

The discovery of these seemingly forensic documents did not come easily: it took four years and two court orders to elicit them. FirstRand was first ordered to produce documents by Judge Hartzenberg in April 2003. The order was ignored. It was only when Judge Motata issued a second order in October 2006, giving the bank just 14 days to produce certain documentation – failing which its defence plea would be struck out – that the bulk of documents was filed at court. Horwath’s forensic audit makes it more than apparent why the bank was so reluctant to produce them.

A court date has yet to be set for the final hearing of the case.

PUBLIC CONCERN goes far beyond issues of whose reputations may be tarnished. The case raises a further issue of great concern: where were the bank’s auditors? And what is the possible exposure to liability of the audit firms themselves? The extent of the auditors’ potential liability to shareholders and investors is of worldwide interest – the Big Four audit firms are currently being sued in the

US, Australia and Europe for ever bigger sums in respect of tainted audits of major companies that they have signed off, often without qualification.

It may be no coincidence that it’s currently rumoured in Johannesburg business circles that one of the two Big Four audit firms that signed off FirstRand’s accounts has set up a special-purpose, captive insurance company offshore – to provide US\$10 billion cover for possible liability arising from fall-out in the case.

With three of the Big Four audit firms, heavily exposed to risk in the case, the remaining fourth must be very pleased not to be in the loop, particularly in the light of a recent class action against it by its New York clients for damages of \$3b claimed for giving wrong tax advice.

And finally – hanging over everyone is the spectre that the proceeds of the sale of Ansbachers to Qatar National Bank by FirstRand, may be deemed the proceeds of unlawful activities, as defined in the Prevention of Organised Crime Act (POCA). This is of particular concern to FirstRand’s BEE shareholders, given that the proceeds from the sale of its Ansbacher subsidiaries were used to fund their 2003 BEE deal. Did the auditors who did the due diligence for the BEE group note the irregularities? The POCA act provides for penalties that could extend to professional advisers who have participated in assisting a company to benefit from the proceeds of unlawful activities. Penalties run to fines of up to R100m and imprisonment of up to 30 years.

In fact FirstRand’s general shareholders must be a little concerned too:



Laundryman: Discovery Executive Director Barry Swartzberg

since the dividends have, at least in part, been derived from the profits of organised crime, they could stand to be confiscated in terms of the Act.

In all, the “discovered” documentation would seem to suggest that the activities of Ansbachers in South Africa may have been similar to those reported on by the Irish Supreme Court in 2002. In its 10 000 page report the Irish court established that the profits earned by FNB Holdings from its Ansbacher subsidiaries were the proceeds of crime. Amongst the crimes identified: money laundering, carrying on a banking business without a banking licence, defrauding its own creditors, defrauding creditors of third parties, and laundering of drug trafficking profits.

What might the effect on the FirstRand share price be if the President’s Office were to follow through on Paul Harris’ call to arms on organised crime? Some of those directors of FirstRand who launched, and then withdrew a major press campaign against President Mbeki on the issue of crime, may have additional reason to regret their imprudence.

■ International Law & Tax Institute (Pty) Ltd (ILTI) is a South African consultancy and training company set up by Professor Barry Spitz and a number of investors in 1996. ■



Man with a hospital plan: Discovery CEO Adrian Gore

Protector big nobs stole R50m for Glenrand

GLENRAND MIB constantly brags about its achievements in the cause of black economic empowerment. But can the deeply-troubled consulting group survive the fiasco of the Great Empowerment Deal that Never Was – and the R63.4m high court claim that has followed the fiasco?

Readers will recall the shameful saga of the death of the Protector health care group (*noses68,69&73* – see box). In summary:

- In November 2003, Glenrand, under the leadership of then-chairman Allan Mansfield and then-CEO David Harpur, announced with much ballyhoo that it was selling its 65% stake in Protector to black empowerment company Tradeworx, headed by ANC stalwart Dr Clarence Mini

- The Industrial Development Corporation came up with a R130m loan to finance this great empowerment coup

- A R63.4m tranche of the IDC's dosh, intended to fund the purchase – by a new “clean” company – of the old Protector Group's businesses was secretly diverted, via Namibia, to the coffers of Freefall Trading 65, a company owned by former Protector directors, Marc Seelenbinder and Leon van Rensburg

- Freefall then delivered R50m of its ill-gotten IDC dosh to Glenrand for the 65% shareholding in the “old” Protector company. Why would anyone want to pay Glenrand R50m for shares in Protector, knowing full well that the company no longer had any assets and was, by all accounts, insolvent? (Glenrand had paid R30.1m for the same shares less than three years previously, so it was recovering its capital, and profiting from the sale of shares in a dud company!) For their hard work in engineering the scheme, Seelenbinder and Van Rensburg collected R9m of the dosh for the minority share they had owned in Protector. All in all, no BEE, but lots of WHEE!

- The IDC's due diligence failed



No evil: Glenrand non-executive directors Allan Mansfield (seated) and David Harpur

to discover that Protector's 34 pharmacies (bought in 2003 at the urging of Seelenbinder and Van Rensburg) owed R18m to creditors and had bank overdrafts of R24m

- Protector's medical aid administration contract, which brought in “lifblood” revenue of R5.4m a month, was lost the moment Tradeworx's Clarence Mini, Pat Manana and Kevin Wotshela rolled up to administer their supposed new enterprise

- These new black owners, struggling to pick up the pieces, agreed with the IDC that the “new” Protector group should be placed in provisional liquidation while a rescue plan was worked out – and then had Protector's four hospitals sold under

Honest guy ... We don't know how it got there, say Mansfield and Harpur

their noses for R120m at the urging of a panicking IDC. There was no end to the horror story.

The liquidators of the combined old and new Protector entities are now suing Glenrand MIB (and Allan Mansfield and David Harpur) and Freefall (and Marc Seelenbinder and Leon Van Rensburg), jointly and severally for R63.4m.

In April (unreported in the media) Protector's liquidators brought an application for judgment against Glenrand for return of the R50m it was paid for its Protector shares. The liquidators alleged Glenrand was not due the money, and had been “enriched unjustly”. Justice Willis heard argument on the application and ordered that Glenrand be allowed to enter a defence. The matter will now go to trial.

The court papers make illuminating reading. In his answering affidavit resisting summary judgment, David Harpur said he had known Marc Seelenbinder (36) “for many years” as a chartered accountant previously employed by auditors Arthur Andersen. Seelenbinder had been in charge of Glenrand MIB's audit at the time of the group's acquisition of its 65% of the Protector Group shares and had performed a due diligence on Protector at Glenrand's request.

“Against this background I had no reason to suspect Seelenbinder of any mischief and assumed that the manner

in which he chose to restructure the business of Protector to accommodate the introduction of Tradeworx would be lawful and proper," reads Harpur's affidavit.

In early March 2004 Harpur was informed by Seelenbinder that R70m of IDC funds would be received in "Protector", and that Glenrand could expect payment of R50m for its shares. "My sole concern and focus was on procuring payment," says Harpur.

Glenrand instructed Seelenbinder to pay the R50m into a trust account in the name of Edward Nathan & Friedland, pending approval of the transaction by the Competition authorities. After a week's delay, R50m duly appeared in the trust account. "At that point in time I did not have knowledge of the passage of the funds and from what source they were paid into Edward Nathan's trust account," says Harpur.

After approval from the Competition authorities the R50m was duly paid into Glenrand's bank account.

In their particulars of claim, Protector's liquidators, Theo van den Heever, Christiaan de Wet and Deidre Basson, claim that the IDC agreed to advance R70m to New Protector so it could acquire the business of Old Protector. (In terms of this agreement, the cash was due to the "old" Protector company, who would use it to pay creditors, and only in the unlikely

event of a surplus, might it have been paid as a dividend to shareholders such as Glenrand. But that was not to be.)

On 2 March 2004 the Glenrand contingent of Allan Mansfield, David Harpur and Dudu Kunene, who had been members of the Protector Group Holdings board (with Seelenbinder and Van Rensburg) since 2001, resigned their Protector directorships. The following day Seelenbinder and one De Wet Dippenaar requested the IDC to transfer R70m into New Protector's account with Nedbank. Payment of R69.2m was made on 5 March. Three days later they transferred R63.4m from the New Protector account to an (old) Protector Group account with Standard Bank. (Which might have been in payment for the assets, as agreed with the IDC. All well and good – but then things get more interesting ...)

The same day, Seelenbinder and Van Rensburg instructed Standard Bank to transfer the R63.4m to an account in Namibia's Commercial Bank, under the name of Fehrns Harms & Associates. On 10 March Seelenbinder instructed Fehrns Harms to transfer R9.1m of the R63.4m into the Commercial Bank account of his father, H Seelenbinder, to be held on behalf of Freefall Trading 65 (owned by Seelenbinder and Van Rensburg). Of this money, R4.6m was paid directly to Freefall and R4.5m

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"If we're being honest, it was your decision to follow my recommendations that cost you money."

NOSEWEEK'S FINANCIAL WIZARD, Mr Numbers, has been scrutinising the fiscal 2006 balance sheet of Glenrand MIB and its subsidiaries – and concludes that if the insurance broking group loses the pending R63m high court battle, it could be curtains...

On the face of it, Glenrand MIB is a going concern, but the stability of the company is definitely in jeopardy. Total equity stands at R128m and total current liabilities at R486m. Non-current assets totalling R5.3bn are listed, but some of the items, such as goodwill (R35.4m), intangible assets (R48.7m), deferred taxation (R41.9m), will not be recouped should the company fail to continue with its operations. If you deduct them from the R128m, then Glenrand MIB's assets at balance sheet values will realise less than its stated liabilities. This means it would be technically insolvent.

Testing the cash available to pay its liabilities, we find that cash and cash equivalents stand at R146m. Accounts receivable and prepaid expenses are R182m, accounts receivable from policyholders are R210m, representing the bulk of a R541m current asset situation. But accounts payable and accrued liabilities stand at R344m. They haven't got the cash reserves they should have and there's definitely a liquidity squeeze coming up.

If a look is taken at the group's profitability history and potential to remain in business, the following emerges: In fiscal 2005 they had an increase in cash resources (an increase of cash in the bank) of R35.4m. In fiscal 2006 there was a disastrous decrease of cash, amounting to R249m.

Their dividend policy is a recipe for disaster. In the early years the policy was sound: in 2002 they made a profit of 35.3 cents per ordinary share and declared a dividend of 20c; in 2003 the profit was 36.2c per share and the dividend was 23c. But in 2004, with a profit of just 13.4c per share the dividend increased to 25c! In 2005 there was a loss of 9.4c per share, yet the directors declared a healthy dividend of 15c. In 2006, with a profit of 19.5c per share, the dividend exceeded it, at 20c. The prudent businessman in me says they should have left something in reserves and not squandered it on dividends.

Profitability – what they make as a percentage of sales – has reduced alarmingly, from 16% in 2002 to minus 3.3% in 2006. This gives you an idea of what's happening to the business. Look

at the operating revenue and investment income. In 2003 it was R917m. By 2006 it had decreased, year by year, to R526m. That's a decrease of nearly 50%. Group pre-tax profit has plummeted from a R17.5m profit in 2005 to a R24.9m loss in 2006.

In 2006, the financial year during which David Harpur stepped down as CEO, his total emoluments came to R1.7m and he was the highest-paid executive director. Of this, R596 449 was a pension fund "top-up" for loss of his CEO's job. He received no performance bonus. In his last year as non-executive chairman, Allan Mansfield, or rather his AW Mansfield Family Investments, pulled in a modest R770 859.

But Mansfield and Harpur both hold substantial amounts of Glenrand stock. Mansfield has reduced his previous 5.4% stake in the company to 3.9%, or 11.5 million shares (presently worth around R16m). Harpur's former stake of 2.1% has been reduced to 1.5%, or 4.4m shares (worth around R6m).

Despite the R24.9m pre-tax loss in fiscal 2006, the 20c dividend brought in handsome payouts to the duo – R2.3m for Mansfield and R880 000 for Harpur.

In fiscal 2005, when the group made a post-tax loss of R9.8m, Harpur was given options to buy 380 000 shares, at a benefit to himself of R662 680. I would definitely question the prudence of company policy to issue share options in a year with such dismal results. First show the results and then issue the options!

The accounts show that in fiscal 2006 Glenrand set aside R14.1m for regulatory penalties for undisclosed profits on client funds and for bulking (where intermediaries place a large number of clients' accounts with banks for a higher interest payment).

A fraud perpetrated by a middle management member in Risk Services [*who – and where's he enjoying a golden retirement?* - Ed.], involving the theft of funds concealed by false accounting entries, was also unearthed. There's an anticipated R19.3m insurance recovery.

Notes to the financial statements state: "The directors advise that the group faces actual and threatened litigation, the resolution of which is uncertain. Such litigation involves amounts which could, if awarded, be significant."

The future of Glenrand MIB must be questioned after taking the above trends, and the potential of a further substantial litigation loss, into account.

From page 13

transferred to New Protector's bank account as a "loan" from Freefall.

Also on 10 March, Seelenbinder instructed Fehrsen Harms to pay that R50m to the Edward Nathan trust account, and R4.3m to the Protector Group Management Company, in part payment to the executives – such as himself and Van Rensburg – for their 35% of the old Protector shares.

Here the reason for the curious detour through Namibia becomes clear. In terms of section 38 of the Companies Act, a company is prohibited from financing the purchase of its own shares – because it was a trick once used by shareholders to rescue their capital from a company they knew was about to go bust, thus leaving the company's unfortunate creditors with an empty shell. Had the money gone directly from the "old" Protector Group's account to Glenrand, the share deal would too clearly have fallen foul of Section 38 and have been obviously invalid. Glenrand would have known where the R50m came from, and would have had to return it.

But having made the trip to Namibia and been "mixed" with the funds of an innocent third party there, the sophisticated legal argument could be raised that the R50m was no longer "identifiably" Protector's money. Maybe it's Messrs Fehrsen Harms's money that was lent to Freefall to buy Protector shares... After all you can't tell that every rand was the same rand that came out of Protector's pocket. Lawyers – even judges – take such nonsensical abstract arguments very seriously. It's frightfully intellectual. A bonus: Glenrand could plead ignorance and good faith – and, with a bit of luck, get to keep the R50m.

The liquidators, who refer to these various transfers as "the transaction" claim that Protector, and the defendants, knew that Protector was insolvent, or would be immediately after the R63.4m left its account. Protector had disposed of its business to New Protector as a going concern and had received the R63.4m as part-payment. "The said scheme was conceived and implemented with the intention of defrauding the general body of creditors of Protector Group Holdings," say the liquidators. The amounts of R50m, R9.1m and R4.3m were appropriated "intentionally and unlawfully".

It comes as no surprise that Glenrand's David Harpur swears that he had no knowledge of the round-tripping of the IDC's R63.4m. He admits that R50m was transferred into

the Edward Nathan trust account, but disputes the assertions “particularly to the extent that it is implied that we had knowledge of the alleged circular flow of funds from a particular source, if this indeed occurred”.

Replying to the liquidators’ claim that there was no “valid legal cause” for the transfer of the IDC’s funds to the Commercial Bank in Namibia, Harpur admits: “I have been advised that there does not appear to be any veritable explanation for the transfer. If that be so, the funds were misappropriated by Seelenbinder and transferred to his agent, Fehrser Harms & Associates. I have been advised that any ‘special right, title or interest’ which Protector Group Holdings may have had, (which Glenrand disputes) would have been lost upon the deposit of the funds with the Commercial Bank.”

In their high court action, the liquidators do not concern themselves

Group to New Protector Group’. That’s what the R70m was for.”

Says Tradeworx’s Clarence Mini: “It’s ridiculous for Glenrand even to have thought that R50m of the IDC’s money was to pay for its 65% shares. The R50m was intended for us, the black consortium which was the majority owner of New Protector, to buy the businesses, not the shares, of the old Protector company.”

Mini, a medical doctor and senior ANC health policy activist who was co-organiser of the Durban International Aids Conference, strongly disputes some of the claims made in Harpur’s affidavit to court. “I’m in discussions with our lawyers now, to see how we can join this case,” says Mini.

Allan Mansfield, 63-year-old veteran of the boardroom, and chairman of Glenrand MIB since its formation in 1997, stepped down as non-executive chairman at the end of June 2006, to be replaced by Dudu Kunene.

A bonus: Glenrand could plead ignorance and good faith – and, with a bit of luck, get to keep the R50m

with any wrongs suffered by Tradeworx’s Mini, Manana and Wotshela. Their task is merely to retrieve as much as possible for the combined Protector/New Protector creditors, whose claims total around R250m. Major creditor is the IDC, with a total exposure of R150m (the original R130m plus a further R20m advanced to fund the liquidators). Then there’s First National Bank (R30m) and Absa (R25m), the balance of R50m being relatively small claims. Tradeworx, whose directors stumped up R1m to be a part of Glenrand’s great empowerment deal that never was, has yet to file its claim.

Regarding their R63.4m claim against Glenrand, wasn’t it always the understanding that the IDC was putting up R70m, of which R50m would go to Glenrand for its 65% Protector shares? “No,” says Theo van den Heever, one of the liquidators. “From the IDC’s perspective it was paying R70m for the business residing in Protector Group Holdings – the hospitals, the pharmacies and so on.

“The initial deal was that IDC would fund the acquisition of shares in Protector Group Holdings. But the IDC said: ‘We want a clean company, a NewCo, we don’t want all this history. So sell the business from Protector

David Harpur, 58, a member of the board since 1997, relinquished his position as Glenrand MIB’s chief executive officer in September 2005. His replacement, Steve von Roretz, lasted almost a year before resigning after failing to achieve his target of turning the ailing company around. Both Mansfield and Harpur are now non-executive directors.

Kunene, 57, presently holds the position of chairman and chief executive officer – a dual function strongly disapproved of in King 2.

Despite its spectacular failure to consummate its pledge to empower the black owners of Tradeworx, Glenrand has pursued a vigorous BEE policy in a bid to tender for public sector contracts from which it was previously excluded. More than 27% of Glenrand MIB’s shareholding is now in the hands of the historically disadvantaged.

Kunene Bros Holdings now owns 11.2% of the company. Then there’s Moss Mashishi’s Matemeku Investments with 5.8%, Hixonia Nyasulu’s Ayavuna Women’s Investments, also with 5.8%, and the Matemeku Employee Ownership Scheme with 4.9%. Maybe they’re there with a dual purpose – to help hustle for government business or, if that fails, to help take the knock. **W**

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Murder or framed by a bent cop?

Nine years into a 30-year prison sentence, Jimmy De Lange still insists he is innocent

SHORTLY AFTER MIDNIGHT on Friday 16 August 1996, Jimmy De Lange left the Karos Hotel (now the Johannesburger) in Hillbrow, where he'd been drinking with friends, to make his way home to Eldorado Park, south of Johannesburg. But he'd left it too late. Unable to find a taxi, he headed for nearby Braamfontein, knowing that the security guards at his brother's office in De Korte street would let him spend the night there. It was a walk that would cost De Lange a long jail sentence for a killing he insists was an act of self defence.

Elsewhere in Braamfontein, at Dukes Nightclub, a small group of revellers had spent the evening drinking and dancing: Meloney Kriel (19), Petronella Cornelia Eloff (20), Christo Van Niekerk (21), Tanya Kloke (17) and Victor, Cindy and George Kloke (Tanya's father, sister and brother).

At around 11pm, according to the testimony of her friends, a drug dealer arrived at the club and approached Meloney to collect money she owed him, and at some point an altercation broke out – Meloney allegedly wanted a fix, but wasn't able to pay her debt. In their original witness statements, Meloney's companions identified the man as one Pikes Leonard, a character well-known to Hillbrow and Braamfontein drug users. Petronella Eloff tells *noseweek* that she reported this to the police in the first round of investigations.

But Jimmy De Lange is in jail – because it is his name that appears in witness statements as the drug dealer who had come over to Meloney in the club, and with whom she had allegedly been arguing. The original handwritten statements have disappeared, and De Lange was convicted on the basis of versions typed up a year later – by



Behind bars: Jimmy De Lange (left) at a Restorative Justice Group motivational talk organised at Leeuwkop prison by Correctional Services psychologist Justine Hunt (right)

none other than Captain JJ Prinsloo, a cop who has appeared in these pages (*noses*61&83) for his talents at finding witnesses to bolster a fake case.

Pikes Leonard was, or is, apparently, a West African. "Pikes was a drug runner who controlled the Hillbrow ring," Ayob, a former Pagad leader tells *noseweek*. Meloney, according to friends, regularly bought drugs from Leonard. None of them knew Jimmy or had heard of him before the night in question.

Victor Kloke left the club some time after midnight and headed to his flat

just down the road, above Doves funeral parlour where he worked. It's not clear what the remaining six did after that (their statements differ), but what is known is that at 3:50am, there was a confrontation between Meloney's group and the semi-drunk Jimmy in front of Sable Centre along De Korte Street.

From Leeuwkop maximum security prison, Jimmy tells *noseweek* that he doesn't know how many people there were, or whether they were all women, since the place wasn't well lit. All he can say is that a woman tried to grab him as he walked past the group.



Picture: IMAGES24.co.za / Beeld / Felix Dangamandla

Hiding: Ex-cops J J Prinsloo and Henry Beukes leaving court after an appearance on fraud charges

“I jumped from the pavement onto the street. But as I walked on, I heard a gunshot. I felt some warmth on my belly as I turned to look back while instinctively drawing my gun.”

As Jimmy turned to face his attackers, he fired his first shot, which hit the ground near his foot, as the attacker fired a second shot that went through his right arm. The shooter was Meloney. De Lange’s second shot went sideways and hit the wall of the Sable Centre. Meloney’s third shot hit Jimmy on the right hand, just as Jimmy’s third discharge hit her on the left chest above the breast. The fourth shot hit her just above the ear. Jimmy’s fifth and final shot hit the window of the Sable Centre. In total Meloney fired three shots, which all hit her target while Jimmy fired five, with two hitting Meloney.

Meloney’s companions had by then fled, and the wounded and bleeding Jimmy struggled away to escape from the scene.

Across from the Sable Centre local resident Casper Labuschagne heard the shots. His statement records that he called the police before going to the window to see what was happening. Labuschagne reported that he heard two shots, then another two and finally a single shot.

Hurrying to the scene he found Meloney lying bleeding on the pavement. Michael De Villiers, a security supervisor at the Sable Centre, joined him. De Villiers was later to become the state’s only alleged eyewitness to the shooting incident.

The police picked up the seriously wounded man not far away, close to the M1 highway, and took him to Garden City Clinic where he was attended to

by Dr Anver Mohammed. An ambulance took an unconscious Meloney to Milpark Hospital, where she did not regain consciousness. To save Jimmy’s arm, Dr Mohammed performed a vessel transplant; an artery was surgically

removed from his leg and transplanted to his arm.

Police investigations led by Captain Johnny Joseph Smith of Hillbrow Police commenced immediately. “At that point we were investigating cases of assaults and grievous bodily harm,” an officer close to the investigations told *noseweek* on condition of anonymity. “But when the girl died, we had to investigate a possible case of murder.”

Captain Smith concluded his investigations in October 1996, after taking statements from various witnesses, including Labuschagne and De Villiers. In his first statement, taken barely two hours after the incident, the supposed eyewitness De Villiers claimed: “I was at our offices on the eighth floor, Sable Centre. I saw an unknown white female walking up De Korte Street. I saw a black male calling her and she turned looking back (sic). She then continued to walk in the same direction.

“I saw the black man pulling something from his waist and the white girl began screaming. The woman tried to run, and I saw the black male pointing a firearm and shooting in the direction

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of the white female. He shot many bullets until he came near her, and shoot (sic) two bullets. I saw the white female falling and I took the lift downstairs.” Captain Smith would later not give this statement any credence.

During his investigations, Captain Smith (now with the Johannesburg Organised Crime Division) established that Meloney had been having drinks earlier at Dukes Nightclub with some friends when a certain Pikes had approached her demanding money she allegedly owed for drugs.

The detective further established that Meloney, who was a sex worker operating in the Hillbrow/Braamfontein area, was a drug addict and always carried her mother’s 9mm Luger Pistol. After three months of investigations, Captain Smith and his team ruled the death justifiable homicide and closed the file. The file on assault suffered by Jimmy was left open.

Exit Captain Johnny Smith and enter Captain Hansie Jasper Johannes Prinsloo, of Pretoria’s Murder and Robbery Squad – out to prove, it seems, that de Lange had committed murder. In his statement to court, Prinsloo called Smith’s investigations “sub-standard”, declaring that because of this there had been a need to bring in a “more senior detective”.

In Prinsloo’s hands, the original statements gathered by Smith were retyped – with, it seems, added insertions, declaring among other things that Meloney’s companions had been introduced to a “Jimmy” that night.

Credible witnesses, like Labuschagne, or members of the band playing at Dukes, who had identified the man Meloney had spoken with in the club as “a dark complexioned black man”, were not followed up. And, crucially, Michael de Villiers was convinced to change his statement. A year after the incident, De Villiers was not only able to supply fine details he hadn’t bothered with in the statement he made two hours after the event – he also elaborated an entirely new account of the shooting.

His new statement, used in court, claims that he saw Meloney draw a gun and fire at Jimmy, after he had already fired on her. Strange that he didn’t mention this in his first statement.

In court, Prinsloo explained that De Villiers’ initial statement wasn’t strong enough, but he was not questioned about the discrepancies between the two accounts. He also convinced the court that Jimmy was indeed the “black drug runner” who had been seen exchanging words with Meloney that night at Dukes Nightclub.

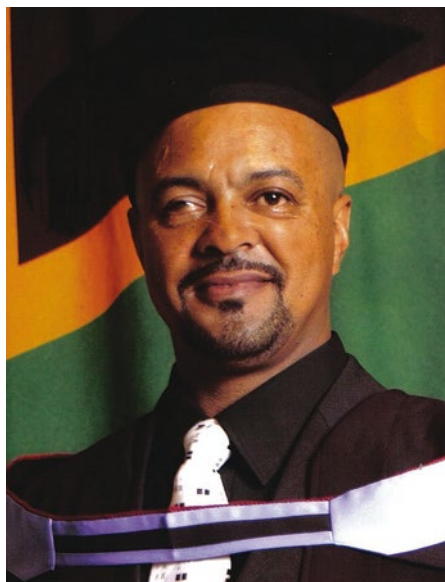
One of Prinsloo’s witnesses claimed in

court that Jimmy had known Meloney, with another claiming that Jimmy had left a voice mail on her phone that night. Jimmy maintains that he had never met Meloney. The shooting was the only exchange they ever had. His advocate, Pieter Steenkamp, subpoenaed Jimmy’s phone records, which indeed showed that they had not had phone contact. And those who had identified Jimmy by name in their statements could not identify him in court. When asked whether the accused was the “Jimmy De Lange” she had seen at the nightclub, Petronella said “No”. At no point had an identification parade been conducted.

For the trial Prinsloo produced photos taken from a police helicopter, that showed the area where the crime took place. When *noseweek* visited the scene it was clear that, from his eighth floor office window, De Villiers could simply not have witnessed the events taking place in the-out-of-view section of the street below.

Conspicuously absent as a court witness was Dr Mohammed who had attended to Jimmy at Garden City Clinic. Instead a Dr Michael Wells was introduced to explain Dr Mohammed’s medical notes. Advocate Steenkamp did not bother to ask where Dr Mohammed was. Nor did he call him as a witness.

The state also brought in pathologist James Blair Mwesigwa, who testified as follows: “Looking at where the bullet was recovered [just above the medulla oblongata], this person would live for a half an hour or an hour,” adding, “there are instances where people have shot themselves through the mouth and



Proud: Jimmy De Lange at his graduation ceremony at Leeuwkop prison

driven themselves to hospital, or even altered their wills before they die.” This was to prove the state’s contention that Meloney shot Jimmy in self defence after he had shot her in the brain through the left earlobe.

Top forensic scientist Dr David Klatzow tells *noseweek* that this claim was text book theory, and highly improbable. A leading neurosurgeon agreed: “A 9mm round to the head from a high velocity handgun would drop you immediately. Even if you don’t die, you wouldn’t have the strength to even lift your arm, let alone squeeze a trigger.” So, Meloney clearly shot Jimmy before he shot her (in defence).

Dr Klatzow says: “The case was badly handled. The evidence was not properly led, while this boy’s defence was below par. There was no real cross-examination of the key state witnesses, including the pathologist and the only alleged eye-witness. He had to have been fired at first and he must have had his back to the girl.”

Captain Smith, as the original investigator, thought the same and that’s why he closed the murder investigation. According to Smith, now Senior Superintendent, the case that should have been investigated was one of assault and attempted murder by Meloney and her accomplices.

If Jimmy had no motive to kill Meloney, what might have motivated Prinsloo to pin a murder rap on Jimmy? Pagad leader Ayob provides one possible answer: “To Prinsloo, the case was not just a matter of protecting their own [it was disclosed in court that Meloney came from a family of cops], he might well have been protecting the real drug dealer, Pikes Leonard. Prinsloo and his partner Henry Beukes were the cops that arrested us as Pagad leaders and framed us with such crazy charges as plotting to assassinate judges and magistrates.”

Ayob tells *noseweek* that while Pagad was busy doing the police’s work of cleaning the streets of drugs, corrupt cops were just as busy – fighting Pagad. “If taking down a non-entity like Jimmy would help protect a kingpin like Pikes, then why not? Jimmy was just an easy target; a white girl being killed by a coloured man can easily pass for robbery and murder regardless of circumstances. Why not use that fear to cover up the protection of drug runners?”

Getting witnesses at that time (1997) wasn’t particularly difficult for Prinsloo. Victor Kloke had to simply choose between his daughters and Jimmy, a complete stranger.

In her statement, Tanya does not say they were with Meloney, but admits



Waiting: Jimmy De Lange's mother Joyce and his daughter Rookshana

that when she heard the shots, she knew it involved Meloney. Steenkamp did not ask under cross-examination how she knew this. She was also not asked why she had to leave for Sasolburg in a hurry the following day.

Was her father trying to hide her away from detectives? Victor Kloke, who now works in Witbank, dismisses the question.

When Steenkamp requested the court to visit the scene of the alleged crime to ascertain whether the only eye-witness, Michael de Villiers, could have seen what he claimed to have seen, presiding Judge WR Kotze pointed out that this would not be necessary because it was clear, from the pictures produced in court, that the witness *couldn't* have seen anything. So it came as a shock to Jimmy when Judge Kotze in his ruling singled out De Villiers as a credible witness, and accepted his account of the "crime". He sentenced Jimmy to serve 30 years in jail.

Jimmy has not given up hope. He has exhausted all normal legal angles, but still hopes that the constitutional court might grant a new trial, without the involvement of Prinsloo.

In the meantime, he hasn't wasted his nine years in jail. When he began serving his sentence in May 1998 he had little formal education, but, believing that he would one day be exonerated and freed to live a normal life, he "hit the books".

After passing matric he went on to study for a bachelor's degree in Accounting Science, graduating from Unisa in 2006. He is now studying for an honours degree. De Lange's fellow inmates, whom he teaches, have taken to calling him "doctor".

Noseweek also met Jimmy's mother, Joyce Murray, who has been paying for his university studies. She told us from her Eldorado Park house: "I struggle each and every day to buy him books and pay for his tuition, but I have to do it. I believe that one day the truth shall be known – my Jimmy shot a woman who tried to kill him with the hope of getting money for drugs, but in our world back then, though we had just been liberated, if a white woman died at your hands, all her sins shall be forgiven and she becomes an instant saint."

His daughter Rookshana was only 13 when Jimmy was sentenced. "I was a small girl then, but look at me now – I am expecting my first child. I know if daddy didn't shoot that girl, he would be dead now. For the sake of my unborn child, I request all those who were involved in framing my father to come clean."

Rookshana's prayers may not be answered. The only thing that may free Jimmy is a new trial by a fair and objective judge.

Prinsloo and his former partner, Beukes, now private investigators, each draw a R10 000 a month pension from the SAPS (both are 47). But the skeletons are rattling – on 16 April they were charged in the Pretoria Commercial Crimes Court with four counts of fraud, allegedly committed during their time with the SAPS, including one of signing sick leave forms for "post traumatic stress syndrome" – it was discovered that at the time they were actually out working for a private contractor, Associated Intelligence Network. **IN**

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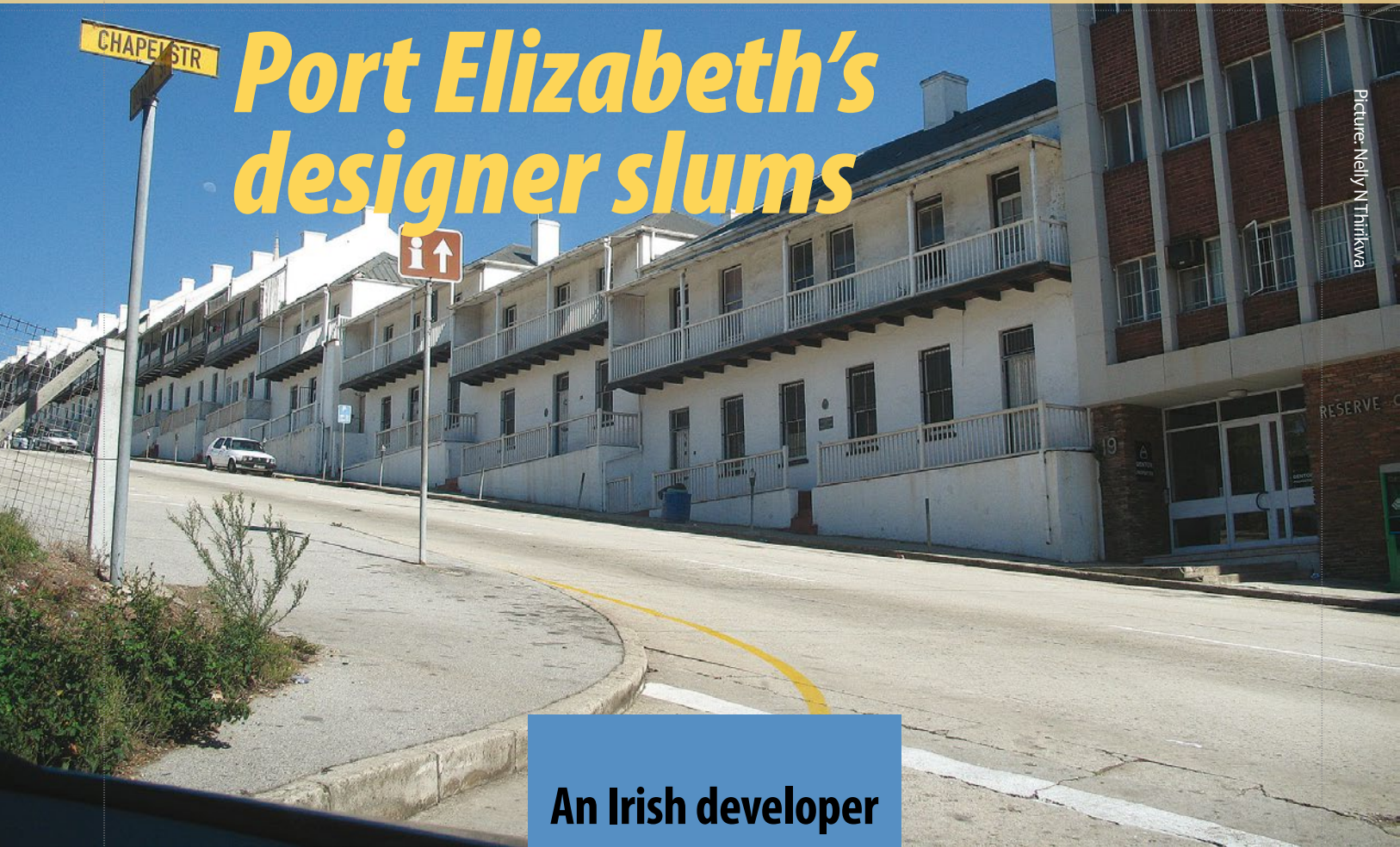


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Port Elizabeth's designer slums

Picture: Nelly N Thrikwa



An Irish developer has discovered that there's money to be made from leaving listed buildings to rot

THE NELSON MANDELA BAY tourism office in Port Elizabeth advertises 25 reasons why people should visit the metro. You are urged, for example, to “explore the 1820 settlers’ history at leisure as you meander along the historic Donkin Heritage Trail” and “view the famous Horse Memorial, dedicated to horses that perished in the Anglo Boer War”.

But these days Donkin street is a heritage trail with a difference: it’s nothing less than the gateway to an appalling city slum, where vagrants prop up grimy walls, and ragged laundry dries on the fence around the memorial.

The trouble began eight years ago when Irish property developer Kenneth Jay Denton waltzed into Port Elizabeth when property values were at rock-bottom, and went on a buying spree all over the city. In those days you could buy any number of slightly dilapidated old properties for a song – and he did: the man residents now refer to as a “slumlord” owns 175 properties in the Port Elizabeth central business district.

Residents, especially those living in Central Hill, welcomed Denton’s promises to repair and spruce up the old houses. Years on, those same buildings are all but fit for demolition. Denton has steadfastly refused to repair them, despite the fact that, as owner, the heritage laws require him to do so.

Denton was apparently quick to spot a chance: he seems to have assumed that if the buildings were allowed to collapse, or deteriorate to the point

Heritage: Port Elizabeth’s historic Donkin Street is collapsing into ruin

where they would be condemned for health or safety reasons, the land would be freed of heritage restrictions – and worth a fortune to developers.

noseweek has established that Denton is an old hand at this mode of operation. Back in Ireland, the Dublin High Court has heard evidence of how, in January 2001, notices were sent by the Derelict Sites Section of Dublin Corporation to Denton and his wife Ann, as a result of complaints about their properties at 57-61 Cowper Road and 1-6 Fortfield Gardens in Rathmines, County Dublin. The properties were described as being “neglected, derelict, and in an unsightly condition”. The City Corporation wanted the Dentons ordered to remove all rubbish, cut back and remove all overgrowth, fence and secure the sites against illegal access and dumping, and to inform the Derelict Sites Section of future proposals for the site.

Nelson Mandela Bay Municipality

is now faced with a similar situation. Municipal officials describe the state of some of Denton's buildings in Port Elizabeth as in "slum condition", but until recently believed they could do nothing about it. Denton's chances of making a killing in Africa with his shabby scheme were looking very good.

Councillor Terry Herbst, who lives in Central Hill, is particularly angry at Denton's failure to renovate the Donkin Row, the 18 terraced houses, all national monuments, which line Donkin Street. "These houses, and others dating back 160 years, have turned into a filthy slum, a no-go war zone and homes to vagrants, drug dealers and prostitutes. He is destroying irreplaceable heritage," Mr Herbst told *noseweek*.

Even an illegal occupier in one of the terraced houses on Donkin Street complains: "It stinks here. People shit anywhere and everywhere. You wait, there is going to be another fire soon," he says, looking pointedly at three rough looking young men lounging on the veranda of the next house. There have been at least six fires on what is now known as Denton Street.

Herbst's crusade to have historical buildings in Denton's portfolio of properties restored began five years ago. He and other stakeholders have now come together to form



Blarney: Irish slumlord Kenneth Denton

the Mandela Bay Heritage Trust to stop Denton and his likes. But their numerous letters to Gawain Visagie of Denton Properties, complaining about the state of the properties, have been ignored.

Why does Denton wantonly ignore warnings from authorities and concerned residents and rate payers? While thumbing his nose at authority,

the slumlord believes no law in South Africa can force him to renovate his private properties.

And the Municipality's Housing and Land Business Unit for a long time agreed with Denton. A letter from its office reads in part: "Neither the Building Standards Act nor municipal by-laws allow legal action to be taken against owners neglecting to maintain their properties."

"That claim is devoid of truth," Herbst states categorically in a recent letter to municipal manager Graham Richards. He could speak with confidence because he had just discovered a world expert on municipal by-laws in his own back yard – Professor Hennie van As, a senior member of the local university's law faculty.

Van As was able to assure the local and provincial authorities that they do indeed have the necessary legal tools to deal with Mr Denton. Had the administration not been ignorant of relevant sections of the National Building Regulations and Building Standards Act 103 of 1977, Herbst says, "the Metro would be free of slums today. But first let's sort out Denton". But as the months tick by and the rains and winds come and go, the weary old mud-brick buildings with their ripped and rusted roofs are exposed to ruin.

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Herbst isn't the only one Denton snubbed or made empty promises to. CEO of the Mandela Bay Development Agency Pierre Voges is very unhappy with Denton's inaction, despite Denton's assurance to the Municipality that his architects are "on top of things".

"It is common cause that the state of your properties encourages activities deemed to be undermining efforts introduced by the Mandela Bay Development Agency to resuscitate the inner city of Port Elizabeth. These include drug trafficking, prostitution and other unsocial and undesirable activities," said Voges, while asking Denton to see to the proper upkeep of his properties.

An inspection conducted in January this year by the Municipality's By-law Enforcement Section on 14 of Denton's properties revealed that complaints received about health, fire and safety risks to residents, were well-founded.

The City fathers, after much plodding finally drew the line: the "slumlord" now risks losing his



Picture: Nelly Nthikwa



Picture: Ivor Markham/Herald

Back to front: The truth behind the pretty facade of Port Elizabeth's Donkin Street is of historic buildings being left to collapse into slums

properties after the municipality sought legal advice on expropriation of the properties, and prosecution of Denton for fire and health law infringements.

The provincial authorities have launched their own high court application in Grahamstown aimed at bringing Denton to order and saving the historical buildings. Early in the year the provincial authorities gave Denton notice that they required access to his properties to do a detailed survey of their condition. This has to be done before a compulsory repair order can be served on him. Denton immediately hired a security company to ensure that no-one, most particularly any heritage official, was allowed to enter his properties – after failing for years to secure the buildings from vagrants and vandals. As *noseweek* went to press, the heritage

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authority was seeking a court order compelling Denton to give them the required access.

Professor van As has pointed out that sections 45 and 46 of the National Heritage Resources Act of 1999 provide grounds for bringing Denton to book. Section 45 provides that when the heritage resources authority considers that a heritage site has been allowed to fall into disrepair for the purpose of enabling its destruction or demolition, or is neglected to such an extent that it will lose its potential for conservation, the owner may be ordered to repair or maintain the site to the authority's satisfaction. If he fails to do so within a specified time, the authority itself can have the repairs done – and bill him for the cost.

If all else fails, the authority can appropriate the property to ensure conservation in the public interest. It's the same law that the City of Johannesburg has used, for example in a 2006 case against Rand Properties (Pty) Ltd, to seize neglected properties.

Questions are now being asked in the windy city. Why did the municipal manager allow matters to slide for so long? Was it simply through ignorance of the law that some of the city's historical gems have been left to rot – or do unnamed city fathers share the financial ambitions of developers greedily eyeing the old town centre?

And what sort of man is Denton? Here's a snippet: according to the *Weekend Post's* Ivor Markman, Denton's Irish wife Ann is incensed that her husband is gallivanting in Port Elizabeth with another woman. He recently got engaged to 36 year-



Picture: Nelly N Thirikwa

Angry: Councillor Terry Herbst

old Nyameka Nolutando Madikizela (Winnie's cousin), without first divorcing his wife of 28 years.

Nyameka, who works from Denton Properties offices on Donkin Street, is the Chief Executive of Port Elizabeth-based Imfihlakalo Asset Management (Pty) Ltd. She is also among the top brass of the SA Institute of Black Property Practitioners. Nyameka Madikizela doesn't only enjoy her cousin's name; she's also a director of no less than nineteen companies and close corporations.

Markman reckons that Denton is unlikely to be in a hurry to divorce his wife; according to Irish law, she would be entitled to 50% of everything he owns, including his derelict properties in South Africa. When we called, Ann Denton declined to talk to us. **W**

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"Miss Dugan, will you send someone in here who can distinguish right from wrong?"

MERLIN THE MAGICIAN LIVE AT THE TEMPLE BEAUTIFUL



I STARTED TO RAIN as I rang the bell outside the Temple Beautiful at Pleasant Place in sleepy, suburban Tokai. I had to wait a while for an answer, although I was expected, so that my hair and skin wore a kind of coat of raindrops (fallen like mercy from heaven) by the time I entered. Bizarre as it may sound, I was hugely glad of those raindrops and the protection I imagined they might give me as I sidled past an algae-grimed pool into the gluey atmosphere of the temple.

I had made an appointment to interview one person (former *Cape Times* medical reporter, now *Odysey* editor, erstwhile channeller, and Temple Beautiful main man, Chris Erasmus) but nine awaited me. Chris and his wife Silke escorted me in; the others were seated in a circle around a single large candle. Some seemed to have their eyes closed. It was gloomy and difficult to see properly. The atmosphere was oppressive and airless. Not even the flame of the lone fat candle stirred at all. As glad as I was of the raindrops, so glad was I also to see a double door leading outside slightly ajar. There was air then, even if it wasn't moving.

The aim of our encounter was to give the temple establishment a chance to answer questions faxed to Erasmus a couple of weeks earlier, questions that flowed from accounts of sexual goings-on at the temple, and from tape recordings I had listened to of Erasmus in channel mode. I wanted to know how the man had come to set up the Temple Beautiful and details on exactly what went on there. How did he keep his own personal agenda in check, given the power he clearly wielded in relation to temple members? What was

A large ego accompanied by a tendency to theatrical speech, and a touch sinister, is **Shawna Westcott's** assessment of Chris Erasmus, the man behind a controversial Cape Town spiritual centre

his response to allegations of misuse of his power?

The tapes I had heard would be hilarious, were they not also a touch sinister. In one, Erasmus “dons the mantle” of Merlin the magician (teacher and protector of the legendary King Arthur for those of you not up on your mythology) to lead his little flock of seekers in a visualisation exercise. He has lent himself to weightier figures, acting as channel Jesus Christ, and, among others, a figure misleadingly called “St Germain” (see box page 26) – no saint, the Comte de Saint-Germain was an 18th century student of the “secret sciences” who wielded great influence in several of Europe’s royal houses.

Erasmus in full channelling cry comes across (to me) as a large ego accompanied by a tendency to theatrical speech, who enjoys lording it over less inflated members of his congregation by displays of esoteric knowledge. One woman’s attempt to stand up for her own view of the meaning of her visualisation experience melted away into apology under the onslaught of what she humbly termed Erasmus’ “command of the English language”.



Close thing: Chris Erasmus with his wife Silke

After the exercise she mentions that her passion is to get back to God, and Erasmus/Merlin tells her: "The primary reason for you being here is not to discover the secret doorway back to where He or She or It may be. Actually if I may let you into a small secret, the only methodology of escape is not escape at all."

"I don't think that I meant you to understand the experience as one of escape..." the woman tries.

"It's not your experience that I'm discussing right now, it's your desire," says Erasmus.

experiences at the temple were "useful and rewarding", and he tells *noseweek* they had nothing to do with why his marriage ended.

Catlin's negative view of the temple is shared by a number of therapists and healers who have tried to help people deeply distressed by their experiences there. One – who has known Chris Erasmus for many years and describes him as "an arrogant [*unprintable*]" – gave the following account of what happened to his former landlady:

"She came back from meetings at the Temple Beautiful very traumatised. She said she was being persecuted by the main person who was posing as Saint-Germain, Jesus Christ or whatever. Basically he'd have her down on her knees crying for forgiveness. He'd tell her what a slut she was, how worthless and evil. I don't know for sure but I think he was then 'cleansing' her. Eventually she left Cape Town to get away from them. It's so behind closed doors, such closet stuff."

Others who have spoken to us about their association with the Temple Beautiful are not willing to be named for fear of repercussions. For example: a woman who came to Erasmus for a reading was told by "St Germain" that she had sexual intimacy problems – and guess what? "St Germain" proceeded to show her how to overcome them.

He'd tell her what a slut she was, how worthless and evil. I don't know for sure but I think he was then 'cleansing' her

– Gail Catlin

I listened to various tapes with well-known Cape Town artist Gail Catlin, whose husband got involved with the Temple Beautiful about three years ago. Catlin concedes that both her husband and her marriage had difficulties pre-dating the contact with Temple Beautiful. However, involvement in the activities of the temple exerted an extremely negative influence, she believes. The end result was the collapse of her marriage. At one point, after a four-day retreat at the temple, he spent the next seven days locked in his study on a mattress, surrounded by candles and listening to tapes of Erasmus channelling. In his own view his

A healer to whom the woman subsequently turned for help gave this account of her client's experience: "She said she had been very vulnerable and had opened up to Chris Erasmus. Before she knew what was happening he was telling her '*this is what you need*'. Sex, that is. She was completely taken aback because he gave the impression to her initially of being such a spiritual, ethical person. She was traumatised. She then talked to others who had been involved with the temple and discovered that this was not the first time Erasmus had behaved in this way."

Controversy is not limited to the female followers of the temple. A young

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The Comte de Saint-Germain

THE COMTE de Saint-Germain died in 1784, but various followers of the occult believe he is still alive, and have adopted him as a model figure or even as a powerful deity. There were rumours of him alive in Paris in 1835, in Milan in 1867, and in Egypt during Napoleon's campaign. Theosophist CW Leadbeater claimed to have met him in Rome in 1926. In recent years several people have claimed to be the Count of St Germain.

Theosophist Guy Ballard claimed that St Germain had introduced him to visitors from Venus, and published a book series about his channelings. Ballard founded "I Am".

In Guy Ballard's *Godfre Ray King and Law of Life* books, it is said that St Germain's previous incarnations included Joseph, foster father



of Jesus, Merlin the magician, Roger Bacon, Christopher Columbus, Francis Bacon and Prince Rakoczy of Transylvania. (These beliefs are also promulgated by the Church Universal and Triumphant, which believes that St Germain's past lives also embraced the Prophet Samuel, Saint Alban and a high priest of white magic in

Atlantis.)

Ballard claimed that his book *The Magic Presence* was channelled to him from St Germain. (The official I Am edition is printed in a violet typeface on lavender paper.)

As an "Ascended Master" of the occult, St Germain is believed to have many magical powers, such as the ability to teleport, levitate, walk through walls, influence people telepathically, etc.

man who was a member of the temple threw himself under a train at a Cape Town station while in a delusional state – amazingly, surviving. He was receiving "counselling" from Erasmus and his wife Silke at the time. Which is cause, and which effect, is debatable.

Erasmus now denies offering any counselling at the temple. "We don't do counselling. We facilitate," he said. "It's not psychological, it's spiritual. I'm not happy with using the word counselling."

Scroll back a couple of years, however, and Erasmus is saying this to Catlin's husband: "This is where you need a skilled counsellor to help you reach the agreement. Will you agree to Silke, my wife? You need a minimum of three sessions and probably more. If she [Gail] wants to come back she has to agree to counselling with Silke. Silke is very skilled. She is excellent and she will not take the lady's part in preference to you."

Silke Erasmus herself seems confused about whether or not she does counselling. "I more than ever don't do that," she said at one stage, later declaring "If you only knew how few I actually do." Another take was: "The only one I have counselled is Gail," and finally she spoke of "matters of the heart" and "listening", saying "we hold

people" and adding that this "doesn't require training, for God's sake".

The temple and *Odyssey* magazine are now Erasmus' life – and his living. Once an unworldly, soulful publication, *Odyssey* under Erasmus has become a glossy purveyor of "personal growth" products packaged in sexualized front covers. The first edition of *Odyssey* appeared in July 1977. Woodcuts, quaint drawings and sentimental landscapes featured on subsequent covers under the editorship of Rose de la Hunt. Erasmus took over in July/August 2001. A naked woman adorns the cover of the next edition, September/October 2001, next to a banner saying "Sacred sex". Five years later the chick on the cover is in bondage, with a rope around her neck and the kind of provocative gaze and stance not usually associated with expanding consciousness.

Erasmus thinks it is unfair to mention *Odyssey* in this article. "I'm not doing channelling for *Odyssey*," he said in our first phone conversation. (In a later conversation, he mentioned a partner from Johannesburg who threatened "certain action" if the *Odyssey* business was damaged by this article.)

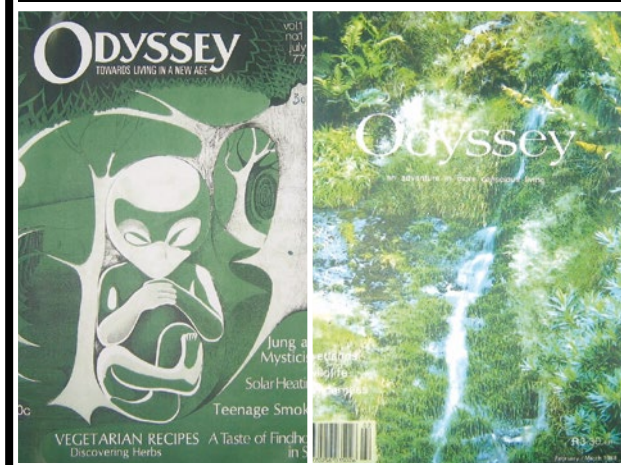
"We've gone out of our way to keep the temple separate and out of *Odyssey*," Erasmus said. "As far as I'm concerned the temple is private spiritual work. Please don't conflate them." Well, so separate are the temple and *Odyssey* that they have the same fax number (a mere "convenience of location" according to Erasmus).

Also present at the interview was Natalia Baker, a member of the temple's management committee. Once a drama teacher, she is a "senior facilitator" in Erasmus's words. An old school friend describes her as "a teacher of metaphysics", while Lifeline director Heloise Solomon praises her warmly as "a Lifeliner for many years, one who has served very well" (Baker was Western Cape chairperson from 1982 to 1985 and also served as national vice-chair). Natalia Baker, however, is also the person who sent out an email describing as "highly recommended" a series of workshops run by one Jonti Searll on such topics as "G-spot massage and orgasm".

Among the delights offered in the circular are a "Tantric Waves weekend in Mozambique: From Popping Your Cork to Becoming a Sexual Super Hero"; and a workshop on "Expanded/Wave Orgasm" enthused about as follows: "This teaches you how to be in an orgasmic state for 20 to 30 minutes or longer, how men can double the time of their orgasm, have orgasms without ejaculating and the G-spot wave orgasm. There may be a live demonstration of the technique. This is open to couples and singles. Please bring cushions."

Cushions are also advised for a

THE EVOLUTION OF ODYSSEY Before Chris...



workshop on "Realsex", described as "everything you ever wanted to ask about sex, but didn't know how, or were too scared. The techniques include kissing, oral sex, penetration, positions, sexual meditation and stimulation, sexual communication, toys, whatever else you'd like to ask, fetishes, bondage etc."

Finally, for R1 000 per couple, Baker highly recommends a workshop described as "Beyond Massage", including basic sensual massage, advanced techniques, Bliss Body and genital massage. "This is a practical workshop that you will float out of," the email says. "The experience has been compared to being on Ecstasy."

Well, some people just "float out of" their marriages. A man I'll call Duncan to hide his identity said his wife started to withdraw from him after attending Baker's workshops. She then informed him that she did not "feel herself" with him and wanted to end the marriage.

"I think Natalia Baker's workshops were a big influence," he said. "They changed my wife's value system, substituting a kind of worship for the power of independence."

A humorous, self-deprecating man, Duncan opined that the people behind the plethora of workshops, courses and sessions currently on offer to questing members of the middle class were "usually charlatans making money out of the personal weakness of others".

"Maybe I'm too judgmental or opinionated," he said, "but these people are presenting illusions. They are feeding on the weak and ignorant, people who feel they are drowning and are looking

for a miracle to pull them through."

Duncan is philosophical about the experience.

"It bruises the ego," says Duncan, "but it was not my first marriage, and I was tougher."

Catlin can't muster this level of detachment. Her outrage is undisguised as she describes a party hosted by a Temple Beautiful member which she attended while she was trying to understand what her husband had got himself into.

"The woman who held it was celebrating changing her name and sending her three children away to live with her ex-husband in England. She said she was celebrating her liberation. We all had to dance around a fire chanting her new name and blessing her newfound freedom! I found the experience extremely disturbing and crazy," Catlin said.

As far as Erasmus is concerned, however, the Temple Beautiful offers "an opportunity for people to reveal themselves to themselves". This is not therapy, he says, it is "self-discovery work". Such work "is not lightly done, it is not for children and it is not without danger". No one should approach the temple as "a spiritual window-shopper", he warns. There is "a clear positive intention", but work at the temple can be perilous, like "extreme sport".

"The vulnerable are protected because we ask questions beforehand," he says. "How many times can you warn people? At what point does personal responsibility kick in?"

Temple elder and/or management committee member Stuart Hope goes

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After Chris...



a little further. A former Fullbright scholar and Lifeline counsellor, Hope says temple members include doctors, lawyers, psychologists, scientists, gardeners, cooks, and a professor of feminist studies. They are “intelligent and discerning”, he says, “not a group of broken fools who will be led by the nose”. Hope adds that there are two types of people who come to the temple: “those who stay and grow and those few who get rattled and bent out of shape”.

In any case, people who join the temple “sign a little form” accepting responsibility, Erasmus says. I ask to see the form but his wife asserts that “all paperwork is going to be decided by a lawyer”.

And is sex part of Temple Beautiful practices?

“Definitely NOT,” says Silke Erasmus, while Natalia Baker explains: “We work holistically. We go as far as each individual is able to. So we can’t separate out sexuality from the way a person is. We work very much with feeling.”

Jill (no surname given), one of the unexpected additional eight (later nine) others attending my interview with Erasmus, protests about “invasive questions” while Silke Erasmus, unusually, fails to silence her husband.

“When work is done,” he says, “nothing ever happens without explicit permission, usually sought several times.”

People with sexual problems will be asked whether they are prepared to deal with them, Erasmus says. There are several ways of doing so. One is to “air their shame”; another is to use a journal as a processing tool; a third is to apply practical ideas about how to move energy in their own bodies in order to dislodge stored trauma.

“The person may be touching themselves over the heart and sacral region,” Chris Erasmus is saying when Silke Erasmus breaks in angrily, saying to me: “I know who you are talking about and you don’t have an affidavit!”

Chris Erasmus soldiers on, looking pained, explaining that this is “a tricky area, very sensitive”.

“They are lying under a blanket,” he says. “If there’s a physiological reaction – I don’t know, I can’t ...”

Natalia Baker comes to the rescue, suggesting that there is “a release”. She says that in such cases there is “generally a huge amount of rage or crying and we hold a person through that”.

“Some people can hit on you,” an elder called Miriam offers.

“Or create a bullshit story,” Silke adds. “I don’t want power over anyone,” Chris says. “I insist you put this into the story. Is there anyone in this room who’s seen me misuse my power?”

Later on he declares: “I am no saint and I make no claim to be. I am a MAN (said with a peculiar growling emphasis) – with a good heart. I am kind and as generous as I can be. You pass a comment or make a joke and it can be taken wrong. On occasion, once or twice, it has been. When I notice, I say, hold on a minute, that’s a misinterpretation. I am aware that there are some people who project their stuff on to me.”

Natalia Baker chimes in helpfully: “I have sat in this temple with a group of first-years and one had on a tiny leather skirt one centimetre below her crotch ... she kept on crossing and uncrossing her legs ... When someone is that wounded they are not able to distinguish their neediness.”

No G-spot wave orgasm workshops for girls in tiny leather skirts then!

Another piece in the temple’s collective response to my questions was a couple, presented with a flourish – Andrew and Michelle (I want to say “Brad and Janet” of Rocky Horror Picture Show fame, not least because “Janet” seems rather shocked to hear that Saint-Germain is not a saint). They are still married despite (because of?) being members of the Temple Beautiful for four and five years respectively, and despite receiving, not counselling (Saint-Germain forbid), but the experience of the Erasmus pair as “sounding-boards on the side”, as Andrew put it.

“That’s precisely how we operate,” Chris says approvingly.

But Silke cannot restrain a final outburst.

“I just need you to know that you are not the first journalist she [*Gail Catlin*] has tried to set on us. And if you challenge me far enough I will take this before the courts and I know, I know who will win!” she says.

I am reporting the Temple Beautiful version of itself at length in hope of answering accusations of bias based on the declared fact of my friendship with Catlin. A point unrecorded as yet is that Chris Erasmus has stopped channelling. Why? “Because it’s exhausting.” Ah!

Alternatively (or also), according to Silke, “because we are past it”.

Nevertheless, the elders agree that Chris is “an outstanding channel”. One, I can’t remember who, refers to “the absolute clarity of what comes through”. Miriam says she has “seen

people’s lives being enhanced”, “witnessed people being assisted”.

Erasmus himself insists that most members and former members of the temple have benefitted from the encounter. *Odyssey* founder Rose de la Hunt is one of them, describing her experience of the Temple Beautiful as “positive”. She is only “sort of” still a member of the temple because she is no longer in Cape Town very much.

Asked whether she knew anything about Erasmus channelling Jesus Christ, Saint-Germain or the biblical high priest Melchizedek, she said: “I don’t think I want to comment because I think things that are sacred are not appropriate to be bandied about in the media.”

But what if the people dealing in “things that are sacred” are actually perpetrating a sham or worse?

“I haven’t experienced anything there that would horrify me,” De la Hunt said.

She asked what the point of inquiries about the Temple Beautiful might be.

To protect the vulnerable, perhaps? “Not necessary,” she said.

She also refused to be drawn on the new-look *Odyssey*, preferring to express gladness that “Chris was around to take it on”. Is De la Hunt among the many well-intentioned people who lack what Jungian analyst James Hillman calls “the dark eye that can see evil”? Is it significant that at the time she handed *Odyssey* over to Erasmus she had suffered a sudden stroke resulting in blindness in her right eye?

In a special letter from the editor printed in the February/March 2001 edition of *Odyssey*, De la Hunt stoically informed readers of what had happened. She also said medical advice was that she risked losing her sight completely if she carried on working so hard.

Erasmus filled the gap, acting as guest editor in April/May 2001 and becoming editor for subsequent issues.

One sign of “evil” is “absolute certainty, utter conviction” says Hillman in his book *The Soul’s Code: In search of character and calling*. “The demonic does not engage,” he says, “rather, it smothers with details and jargon any possibility of depth ... a trivial mind expressing itself in high-sounding phrases ...”

So, to all you fellow broken fools out there I say: treasure your doubts, and beware of those who, in the words of a kosher saint, St John of the Cross, have too much desire to enjoy visions, too much self-assurance, too little humility, and a tendency to a style of language that seems “absolute nonsense”. ■



Don't hold your breath for Virgin Active gym

IN FEBRUARY I received a letter from Virgin Active, telling me about the wonderful and exciting new clubs they were building/opening in Gauteng, then stating that they were increasing monthly membership fees, and generously offering to fix the premiums for two years. "All I had to do" if I wanted to make use of this generous offer was to phone a consultant at my home gym, Cresta. This I duly did. The consultant confirmed that they were indeed willing to fix the premiums for two years and that – again – "all I had to do" was to "come in to the gym and sign the paperwork".

This struck me as strange and I asked what exactly I would be signing for. After a couple of vague side-steps on her part, with me insisting on being told what the catch was, the consultant finally admitted I would in fact not only be fixing my premiums for two years, but would also be signing a two-year contract with Virgin Active (as opposed to the current one-year one I now have). I told the consultant that they should have been more transparent about what they were really trying to do in their original letter and that I expected to see a new and amended letter in the post soon. She agreed and promised to raise the matter with management. I am not holding my breath.

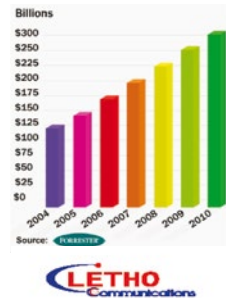
As you know, because of the high "drop-out rate" of club members who sign on for a year, but who then do not go to gym and who certainly do not renew their contracts, gyms make their money out of longer-term contracts. I hope not too many people get caught this way.

Christelle Rheeder

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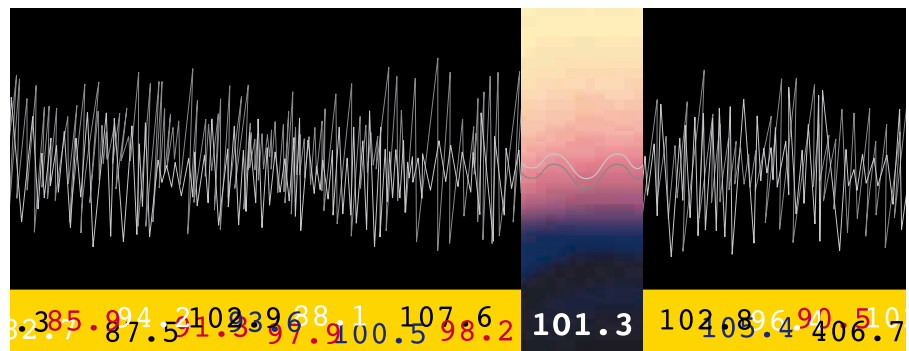
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calm in chaos



When in Cape Town

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PANIC! As we cram ourselves into the tiny wooden lift that used to ferry Standard Bank employees up and down this marble-walled edifice at the top of Adderley Street, I'm gripped by sudden terror. The chap next to me is the size of a sumo wrestler, and this lift is 123 years old. Will we go thundering down into what was once the banking vault, and crash among 10 000 bottles of wine in what is now a cellar...?

Instead we rise. The doors open. Sharon Worrall Evans is there with her signature Absolut martini and her angelic blonde smile. No, we haven't gone to heaven. We've reached our destination – a rather unusual celebration in a rather unusual downtown venue. And it soon becomes apparent that it's the



Moreira Chonguica blows it

sort of celebration not common in Cape Town, where you rarely find among the A-list guests at a party almost as many blacks as whites.

The wild-maned reason for this novel bash is up there on a small platform in the corner, cheeks puffed out like Squirrel Nutkin on a spring forage, blowing away on his magic sax. The jazz sounds emanating from that curvaceous piece of wailing metal are sensational. And judging by the ecstatically jiggling bodies of the crowd, they're evoking almost as much goose flesh as the skinny outfit Michelle McLean has chosen to drape over her gorgeous bones.



If you haven't yet heard of Moreira Chonguica, you've been mixing in the wrong music circles. Blessed with a dynamite mix of talent, doggedness and lung capacity, this 30-year-old Cape-based saxophonist/songwriter from Mozambique got three nominations at this year's South African Music Awards, and won Best Producer for his debut album, *The Moreira Project*.



It was a win to celebrate. So his pals put this launch bash together, and invited an inspired, curious mix of well-heeled, jazz-loving guests.

Some have made a special effort to be here. Everard Read's David Tripp changed the date of his Sasha Hartlief exhibition because it clashed. The Jazz Festival's Rashied Lombard zoomed in from the Mauritius wedding of Sol Kerzner's daughter to make the speech – and to do a bit of networking. He's already discussing free bednights for next year's festival performers with the owner of Mont Rochelle Hotel in Franschoek, Erwin Schnitzler, who's driven in through the rain.

Zwelethu Mthethwa flew in this morning from his art exhibition in Paris, and is boasting in his usual deliciously unabashed way about how much his photos are fetching overseas. No wonder he can afford the services of Cape Town's latest architect darling for his new Durban house – the Turkish-born Ali Kemali (who's here too of course.)

YDE's Paul Simon actually left his adored new baby daughter at home – “my princess” – so he and his wife Tina could have some fun. And though the Searll girls, Kathy Abrahams and Jenny Schneider, are not big on glitzy bashes (just like father), they're here too, schmoozing with advertising hotshots Josie and Mark Fisher. So is their elusive brother Graham.

Though Vaughan Johnson believes it's politic to show his face around town, he usually pleads a cold and leaves early. Tonight he's enjoying the jazz so much he's forgotten he has a cold and is tucking into the blondes and the seared tuna.

Even real estate tycoons Lew and Saul Geffen have pitched, though they weren't on the guest list. Someone at the party phoned them.

One person who couldn't make it is Clayton Howard, GM of the Cellars Hohenort. Meg Ryan is staying at his hotel while filming *The Deal* with William H. Macy, and tonight she decided to

have a dinner party.

Tonight's venue is almost as big a draw as the music. After standing empty for years, this historic building has been restored by a golden couple from Frankfurt. As well as being blessed with film

star looks, Anke Bornemann and Harald Seick have very deep pockets – thanks to a lucrative lifts and elevators business back home – and loads of flair. So they haven't mucked up this little piece of Cape architectural

heritage.

Restoration has taken years, and so far they've spent about R25m. They've turned the pillared banking hall on the ground floor into a 220-seater restaurant complete with palm trees to the ceiling, that's very *grand hotel*. And the restaurateur, the Codfather's George Sinovich, has called it Riboville, after his father's horse that won the Durban July in 1974.

It's anybody's guess what they'll do with the floors above, as this whole



Moreira Chonguica and Sharon Worrall-Evans

corner reinvents itself with the help of international money – the Irish in Mandela Rhodes Place across the way and the Taj Hotel Indians in BOE's old wedding cake headquarters next door.

Tonight, as we leave, Riboville is chockers. Waiters running like scared rabbits. Not a free table, even at the quiet end by the Oriental murals.

But we don't hang around in the cigar lounge waiting for someone to leave. We've already eaten. Moreira's mates didn't stint on the Duck Tartare and Camembert Brule. They certainly did him proud. **W**

and pieces



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Making conservation

THE FUTURE OF the giant Kruger National Park depends on small urban nature reserves in Cape Town, almost 2 000km away. To most conservationists this would be a ridiculous statement (where's the ecological connection?) but it's plain common sense to Dalton Gibbs, a manager in the City of Cape Town's nature conservation department.

Gibbs is in charge of several nature areas in the southern part of the Cape Town Metro. The reserves he oversees are typically tiny and hemmed in on all sides by urban development. The water that flows into them, runoff from the city's streets, is far from clean. "You get to understand how we've abused our environment when you see what flows into Zeekoevlei after rains" says Gibbs. "Everything you can imagine comes in here. Household litter, industrial chemicals, dead animals – we've even found human corpses and a live hand grenade". It's not the pristine wilderness that most game rangers want to work in.

Small reserves like his, because they're isolated fragments of larger ecosystems, are more ecologically fragile than larger ones. Animals can't move around like they naturally would. The border of the reserve is longer than a large reserve relative to the area enclosed, increasing relative fencing and patrolling costs. Populations of any species are confined and likely to be small, increasing the chances of their being wiped out completely by random events (for example, a small fire can burn down the whole of a small reserve, killing all the tortoises within it and making the species locally extinct. A small fire in a large reserve will not kill all the tortoises, allowing the species to survive within the area).

Ecological theory tells us that, over time, area is one of the main determinants of species diversity – the bigger the area available to wild species, the more likely more species will persist for longer.

For this and other reasons, many conservationists think that creating small urban nature reserves is a waste of time because they are "not viable" in the long term.

"Ecologically-speaking, they may have a point," argues Gibbs. "It's far more difficult to ensure the survival of a wide variety of species in a small reserve than in a large

If Earth was
invaded by
aliens that
killed off most
of the humans
I think we'd
be profoundly
grateful if they
kept a few men
and women alive
and gave them
somewhere to live

one. But have they tried? Must I write off the 89-odd species of plants only found on the Cape Flats because we can only conserve them in micro-reserves? Is a plant species here worth any less than a plant species in the Kgalagadi Transfrontier Park? If you're going to give up on small reserves because they're 'not viable' you must tell me what the cut-off size for viability is. I can show you that a pot-plant is viable.

"Tell me which species we're going to conserve and which we're going to let slide into extinction, and how you make those decisions? Tell me where to dig the trenches so we can get ready for the battle. The rate at which the human population is growing means that in a few years there will be cities, factories and farms all around our big rural nature reserves. We simply have to figure out how to make conservation work in a human-dominated landscape. Urban growth in the small town of Worcester means that we've lost plant species in that valley. It's happening everywhere, and what we're learning about conservation here will be vital for many more places in the future."

What many conservationists also don't seem to understand is that in a democracy, nature only gets conserved if the majority of people want it to be. "The large reserves, like Kruger and Addo, are one vote of parliament away from being turned into mines, golf estates and agricultural fields. Their staff only get paid because people in cities decide to budget for them. If the majority of the population and the majority of decision makers don't have a positive attitude to nature conservation, it's bye-bye to our wild species and wild places.

Big national parks and nature reserves are more ecologically stable than small ones. But they are politically and financially dependent on the goodwill of city people who think that nature is something you see on TV – and more and more people are moving to the cities and losing their connection to nature.

"Visits to national parks in the US have been dropping for the last five years," says Gibbs. "Their research indicates two main reasons for this: the petrol price increase has restricted long driving holidays and young adults of today are simply not interested in nature." People have a far greater



Waterwise: Nature conservation manager Dalton Gibbs at Cape Town's Rondevlei reserve

chance of enjoying nature and supporting conservation if they have positive experiences in nature at a young age. Urban people today have less and less opportunity to have these experiences as development gobbles up more and more of nature. Concerns about crime, and the increasing popularity of the Internet and computer games, also keep children indoors. "We are hitting a generation where people really do believe that milk is made in a factory and not in a cow", says Gibbs.

"I would like to see a nature reserve within walking distance of every household in Cape Town so that children can visit any time they want," he says. "Environmental education must happen in people's neighbourhoods; they must see the connection between what they do and nature. When kids come to us for environmental education we take them to the Strandfontein sewage works. We show them their turds floating into the system. They understand that what they throw down the toilet and into the storm drains ends up in rivers and the sea.

"If you put kids on a bus and drive them hundreds of kilometres out to a fantastic big nature reserve for a great weekend of environmental education, what is that telling them? It's telling them that nature is over there somewhere, not connected to us, that what we have around us in cities is 'not nature'. It's a great way to make

environmentally schizophrenic citizens out of them. If you later tell them to save water or reduce their waste to help save nature they don't understand because they don't see the link between their homes and 'nature', which is so far away. Environmental education must start in the urban areas. Kids must graduate up to the big reserves out there."

For years Gibbs has juggled with staff shortages and low budgets, spent unpaid nights pursuing escaped hippos around the streets, battled criminals who keep stealing reserve fences and tried to stop developers from covering the whole of the Cape Flats in concrete. He doesn't call 18-hour workdays long. On the afternoon we visited him at Rondevlei Nature Reserve he was busy co-ordinating the capture of a walkabout baboon that had left Table Mountain National Park and was merrily wreaking havoc in a nearby suburb; diplomatically dealing with irritating phone calls from the public; and finding vets to look at a boxful of mysteriously-diseased Blacksmith Plovers that his staff had been finding around the reserve all day. "You should see it when it gets crazy around here. Today is nothing".

Although his work is undoubtedly interesting, long hours and the ongoing destruction of Cape Town's natural heritage can take their toll of even the most passionate nature-lover. Gibbs' job

is not for the faint hearted. What keeps him going?

"Well", he jokes, "they turned down my application to work in Antarctica. Seriously, there's a feeling that much of what we're doing has an endpoint. Cape Town is developing so fast that within five to ten years all the land within the Metro area will be built on or conserved. We have a small chance to fight for a decent nature reserve network in the city and save several species from extinction. After that it's The End as far as proclaiming new reserves is concerned, so there's urgency in what we do.

"I have the feeling that we're part of something greater than ourselves. These plants and animals that we're saving from extinction were here long before we were. I believe in the God-given right of every species on planet Earth to find its place under the sun. Humans are not the only creatures on the planet, although we like to think we are. If the Earth were invaded by a bunch of aliens that took over the place and killed off most of the humans, I think we'd be profoundly grateful if they kept a few men and women alive and gave them somewhere to live. You know, somewhere to call their own. Profoundly grateful."

Although it's a stretch to ascribe grateful feelings to plants and frogs, even very rare ones, we all understand exactly what he means.



Lifting the lid

IF YOU ASK about the problematical things in a winemaker's worklife, the resulting list would probably include corks, weather, wine writers and Consol Glass. Fair enough: all are frequently defective, untrustworthy or unreliable; the odd one out is wine writers, because only them must producers pretend to like; about the others they can be unreservedly rude – and frequently are.

Corks and Consol Glass (local monopolist of bottle production) are both involved in packaging wine, of course. Problems with cork most of us know about by now: there is a small (probably 1–3%) but unacceptable proportion of wines that get tainted to some degree by faulty corks, with random oxidation a less-publicised issue.

It's not unreasonable, surely, to expect a world sufficiently industrialised to be destroying itself through the noxious exhalations of its industriousness to come up with some way of closing a bottle other than by stuffing a bit of bark down its neck, even if that had been an amazing medieval breakthrough. Whether or not we do have a viable alternative continues to be bickered over. Partly the argument results from the financial and other interests involved, partly from lazy prejudice. It is also fed by ignorance: we do not sufficiently understand such things as how screwcaps (the most touted alternative to cork) are going to care for wine over many years; nor can we be confident that the cork industry is more trustworthy now, after it undoubtedly pulled itself together following the salutary shocks to its image and bottom line in recent years. There's not even scientific agreement on exactly what happens to wine during its much-vaunted maturation process.

Screwcaps are making advances in the timid local market, something which even unreconstructed cork-lovers must welcome, because if nothing else it takes pressure off cork trees (overworking them has been part of the problem), and puts it on the formerly complacent cork industry. There are some mumblings internationally about problems with screwcap technology, but I myself have got over any doubts about the screwcap's desirability for, at least, wines to be drunk within a few years of harvest; I'm confessedly fence-sitting about the rest.

Aesthetically, to my mind, the nicest closure of all is the Vino-Lok – a flanged

glass stopper which fits snugly into the bottle (cushioned by a PVC ring seal), initially held down by an aluminium cap. Like the screwcap it's easy to remove, and to replace on an unemptied bottle. It is now quite common in Germany, where it was developed, but only a few producers use it here: the biggest commitment so far is from Groote Post, the good Darling winery, which now has it for their top wines.

The problem is that the glass stopper and the bottle are imported, so you are paying nearly R10 just for these. That's a lot – a little more, incidentally, than a good quality cork and heavyweight local bottle (but much less than the most expensive of that pairing); over twice as much as a screwcap-plus-bottle; and five times as much as the cheapest bottle and plastic cork combo.

Actually, with all of these you can start directing baleful glances at Consol Glass, either because of what they don't make available locally, requiring expensive imports, or because of their high prices – about a third more than what is paid in Europe. It all hits the consumer of course, but you can add to Consol's inadequacies the fact that, as any winemaker will tell you, "quality is mediocre and service is poor" (and that's a genuine quote from an only averagely irritated producer).

Most importantly, there's decent stuff coming out sealed in all manner of ways. Let's keep open-minded about them all (even about the nasty plastic cork, if you insist). At the fairly modest screwcapped end, Du Toitskloof's Sauvignon Blanc 2007 (panting on the shelves in April, first release of the harvest) is decent at R25. Under Groote Post's glass stopper, I particularly like the Sauvignon 2006 (R63) and the Pinot Noir (R105). Hoping they're untainted by their corks: a treat for the rich in five-plus years would be the fine, elegant Bordeaux blend Morgenster 2003 (R265). At half that price, and very good in quite a classic style, is Vins D'Orrance Cuvée Ameena Syrah 2005.

For those who find it fatiguing to pour, capitalism will always meet or manufacture any desire as long as fools and profits abound. Coming to the UK market are ready-filled wine-glasses (plastic), with chardonnay, shiraz or rosé inside, and a peel-off foil lid. ■

We do not sufficiently understand such things as how screwcaps (the most touted alternative to cork) are going to care for wine over many years

Cartoon: Meg Jordi



We're all addicts

I WAS MY HUSBAND'S birthday when I heard Kurt Vonnegut had died. He was old and he fell down. Not my husband, Vonnegut. Traumatic brain injury. So it goes.

My sister-in-law popped around armed with a German chocolate cake. "Happy birthday," she said. "You'd better unplug the computer, there's a big storm coming."

Outside, nature was declaring war. A black cloud blew in and the wind picked up, reminding me of Cape Town. Then with a groan, a creak and a thunderous crash, the old maple in our garden fell onto our roof and rolled off.

The tree was much older than Kurt Vonnegut. I mourned them both.

The Dwight Shrute bobble-head (www.nbcuniversalstore.com) I'd bought my husband for his birthday nodded on the mantle, confirming the momentousness of the day.

I think Kurt would have liked Dwight. He's a character from *The Office* (www.nbc.com/nbc/The_Office/), the resident Nazi who adheres so firmly to the rules that common sense is never an option. Dwight collects bobble-heads. So did Kurt, after a fashion.

Kurt wrote a lot about people who were only following orders, and he also wrote a lot about war. Wars are always fought by people who are only following orders. Kurt would have appreciated a proper collection of bobble-heads. I think he would have liked the old maple too.

It rained that night, and we awoke to a muddy laundry room floor and a view of the sky where the ceiling should have been. Water dripped from shredded pink insulation like blood from a jagged wound. I called the insurance adjuster and the tree fellas. While they felled and adjusted, I wondered what South Africans thought of Kurt Vonnegut.

I logged onto the internet and posted a message on RSA-Overseas (www.rsa-overseas.com), a site for expats: "The author of my favourite book died. *Slaughterhouse 5* by Kurt Vonnegut... It is a story about man's greed and man's inhumanity to man... Kurt Vonnegut was a friend and contemporary of Joseph Heller, author of *Catch-22*." I rambled. "Anyway, now he's gone, so God bless you Mr. Vonnegut."

Nobody commented. Maybe nobody on the site knew that Vonnegut and Heller were the

The tree was much older than Kurt Vonnegut. I mourned them both



Cartoon: Meg Jorci

authors of two of the best anti-war books ever written. Or maybe they didn't care. After all, we grew up in a country where people were only following orders.

I ate a piece of German chocolate cake and was reminded of 1945 when Vonnegut was a prisoner-of-war. He was locked in an underground slaughterhouse in Dresden while the city was firebombed. His prison saved his life. I Googled "Kurt Vonnegut" and "war".

I wasn't surprised to get over six million hits. Besides his many anti-war-themed books, Vonnegut was a WW II veteran and an outspoken critic of the Iraq war long before it was fashionable to be so. He declared the American debacle in Iraq "nonsense" before it even began.

In a 2003 interview (www.inthesetimes.com/) he said: "We're spreading democracy, are we? Same way European explorers brought Christianity to the Indians, what we now call 'Native Americans'. How ungrateful they were! How ungrateful are the people of Baghdad today. So let's give another big tax cut to the super-rich. That'll teach Bin Laden a lesson he won't soon forget."

A year later, Vonnegut wrote (www.inthesetimes.com/article/cold_turkey/): "Human beings are chimpanzees who get crazy drunk on power. By saying that our leaders are power-drunk chimpanzees, am I in danger of wrecking the morale of our soldiers fighting and dying in the Middle East? Their morale, like so many bodies, is already shot to pieces. They are being treated, as I never was, like toys a rich kid got for Christmas."

But Vonnegut really cut to the nutmeat when he said: "Can I tell you the truth? I mean this isn't like TV news, is it? Here's what I think the truth is: We are all addicts of fossil fuels, in a state of denial, about to face cold turkey. And like so many addicts about to face cold turkey, our leaders are now committing violent crimes to get what little is left of what we're hooked on."

And that's what it's all about. We're running out of our fix. The sky is falling on our heads while the great Poohbahs of this world use the bobble-heads to nod in agreement and follow orders to get the last of that oily oil. And the body-count mounts.

I'll never look at a Dwight Shrute bobble-head in quite the same way again. So it goes.

■ www.vonnegut.com for the official site of Vonnegut's art, books, and sculpture. ■



No longer performing

GM RECENTLY OBTAINED a court order preventing an SA company called Toits from selling Hummers which it had bought in the US and converted to right-hand drives. What's a Hummer? small-town readers ask. Well if a car is indeed a penile extension, the Hummer's the porn star of the motor industry. It looks a bit like a military tank, although not quite as dainty. Or as sophisticated. If brands say things about their users, this one screams "I'm one sad bugger". And for the SA conversion you pay some R1.5 million.

So what's the issue? If trade mark law allows you to parallel import genuine goods, why can't you modify the goods? This goes to the very heart of trade mark law, so let's start right at the beginning.

If you buy something, it's yours. But the intellectual property incorporated in the product isn't. Sounds about right, but what does that actually mean? Well, let's say that, instead of buying a car, you buy a Tata. You can now do as you please with your Tata (except drive fast, of course; or in comfort, come to think of it). You can, of course, sell it, and use the brand name openly, as in "Hey, I'm selling a Tata", rather than something contrived like "I'm selling a vehicle made by the nation whose last contribution to the ever-changing world of land transport was, well... the elephant". You can also modify it. You can do something cosmetic, like paint it pink; or something mechanical, like introduce an engine.

But if you do modify it, you might run into trouble when you sell it. Because what you're now selling is no longer a genuine Tata (no, it doesn't matter if it's an improvement): the car is not the product which the owner of Tata put out under the brand, and the brand is no longer performing its function of indicating origin.

Of course it's a question of degree. If you soup up your Tata and give it some cool GT stripes, it's highly unlikely the company will sue when you sell the vehicle. But if you start a business doing this kind of thing, be very careful!

A RECENT UK decision highlights an issue which faces almost all brand owners – yet few are aware of it. The issue is this – if you put a brand on a website, are you au-



If a car is indeed a penile extension, the Hummer's the porn star of the motor industry

tomatically using that brand worldwide? Because the site can, of course, be accessed anywhere. If you are using it worldwide, the consequences are serious – you could be infringing trade mark rights all over the place.

In the UK case, a company had a website which was hosted in Hong Kong, and on the site it advertised Sony Playstation game thingees. The question, then, was whether

the company was using the brand in the UK. In previous cases the UK courts have adopted a sensible approach, which we'd like to think will be followed here. For starters, they look at the business which has the site. If it is clearly a pipsqueak local business, it's reasonable to assume that it's only using the brand in its own country. In many cases it's not so clear though, in which case the courts then look at the site itself.

In this case, the site was in English, prices were quoted in sterling and there were testimonials from Brit purchasers. Not a very hard decision – the Sony Playstation brand was clearly being used in the UK.

So what to do, if you're not Ventersdorp butcher or SABMiller, but a somewhere-in-between type SA business? If you're quite sure that you don't want to do business outside South Africa, you could have a classy "Get off my site, *uitlanders*" disclaimer. But if you don't want to do this, other factors will pay a role.

Obviously, if your website is in IsiZulu or IsiXhosa, it will be pretty clear that you're using your brand only in South Africa. But if, as is more likely, your website is in IsiEnglish, what then? Depends – does your site have an IsiFrench or IsiMandarin component, do you quote in exotic foreign currencies like the Zimbabwean dollar (assuming you have space for that many characters), do you boast of foreign offices in London, Toronto and Sydney (which everyone knows are just your mates' home addresses!)? You need to give it some serious thought. ■

Bewaarder

H E IS SOMETHING ELSE. Eighteen, stupid. Maybe he got stupid from the boredom, or bored because he's stupid, but he's certainly both now. He perches like a bird on a fire-hydrant in the exercise yard, one of those with a red wheel on top, endlessly dropping the lash of a homemade stockwhip exactly on one stripe on the stone paving-slabs. He gets up now and then and wets the whiplash so he can see exactly where it is falling. Now and then he emits a cry of triumph because he has dropped six lashes exactly on this one thin line.

But it gets a bit much, even for *Bewaarder* Loods; now and then he heaves a great sigh and starts a mindless conversation with some incidental unlucky passer-by. One day he buttonholes me when I've been for a pee and tells me he is about to be married. *Veels geluk, Meneer!* I cry, and I call to Issy and Bram to hear the glad news, though maybe this is teenage fantasy from sitting too long on the fire hydrant. The glad event is to take place in Pienaarsrivier, where his *aster* comes from. Lovely name for a sweetheart. It's a star, I suppose. Or a flower. And how long have you known your *aster*, *Meneer?* I ask. Not long. *Sy't my vreeslik lief.* She loves him terribly.

He goes all dreamy. *Ja*, says he, we are going to have a big *braai* *ivleis*, and I'm going to make her drunk and fuck her. Bram is seriously shattered, I mean he's met some crude persons in his time, but only professionally. *Maar, maar... maar Meneer Loods, dis jou aster, jou liefde! Ja, sê ou Loods, dis lekker!* It's clear in Loods's male culture this is the way a *ou* scores a bit of *poes*.

Well Loods is on his perch one day and I'm squatting at the mailbags again with Issy and Bram, and they're having a good laugh at a story about the world of fine art, when suddenly there is a cry of gut rage from the yard door, I mean a truly animal formless howl of hatred, and there stands Head Warder Kaffer Knotze. Face writhing, small porcine eyes staring, head swollen red above collar and tie, he can scarce speak for fury. *KOM!* he gasps. We all rise. *Nee, HOM!* he hisses. That's me.

He takes me off to the Superintendent, the O.C. I told him he was not allowed to speak to Fischer and he spoke to him, openly, says Knotze. It was an act of defiance. They were laughing about it. It seems he does not enjoy eating, says the Super. Six days no food. But damned if I'm going to argue that we were



Illustration: Harold Strachan

*I strip off
and get under
the shower
furiously
scheming how
to get at this
food*

put to work together, it will only increase their satisfaction and I won't win anyway. Okay, say I. *Oukei wie? sê Kaffer. Oukei Meneer Kolonel die Superintendentgevangenis-beampte, sê ek.*

So I take some mailbags and move away from Bram and Issy and get on with the stitching in silence and when Knotze goes to his office I tell them the bad news and they're quite confused.

But it's unjust! Nu? say I, injustice is what you're here to learn, *ou jollas*. I'll tell you what, says Bram, We'll eat just half our main meal each day and leave the other half outside our cells for the cleaner to collect, and by a long shot you just MAY get a chance to grab a bite as you pass. Where have you been, Bram? Not a chance, man! Well, says he, it may be futile but it's good for morale. A gesture of support.

Next morning my pap doesn't arrive, my six days have started. It is nature's way just to go numb now.

By day five, my body just doesn't feel things, not much, and I'm in a sort of trance and very wobbly, when *Bewaarder* Loods slams open my door and says *Kom, stort, dis Vrydag!* I take my dishcloth-bathtowel and totter off behind Loods for the ablutions, and down the corridor... there they stand... outside Issy's and Bram's cells... two tin dishes half-full on the black-polished floor...

boiled brinjals and fried *stokvis*. It really quite throws me. What to do now? I strip off and get under the shower furiously scheming how to get at this food, though my mind isn't all that sharp just now, until desperately, impulsively I go dripping wet up to Loods loafing at the ablutions door and say to him *Meneer, dis onregverdig dat ek daardie kos kan sien en dit nie mag eet nie. Of vat dit weg of laat ek dit eet. Ou Loods loer slu die gang af. Eet dit, sê hy.* Eat it.

Jeezuz! I scuttle naked and wet down the corridor and grab those dishes and crouch behind the shower screen and scoop this graze in my mouth with the side of my hand and swallow it without chewing, like a street dog, fast... Thirty seconds, it's gone, the dishes are back in the corridor. *Dankie, Meneer*, say I. Loods looks perplexed; what is there to thank anybody for? He operates by only the most primitive logic. There is food over there, there is a hungry animal over here. The animal eats the food. There is no point in not letting the animal eat the food unless you want it for yourself. Loods does not want it for himself. *Eet dit!* Something like that; he is just too uncivilised to understand the Christian function of revenge. Just too cynical to seek punishment, too unprincipled. Or lazy. *Slapgat.*

Well, buggered if I know why he did it. People keep on letting me down like that; no sooner have I put them in a category, stereotyped, than they do something inappropriate and I've got to start all over again. **■**

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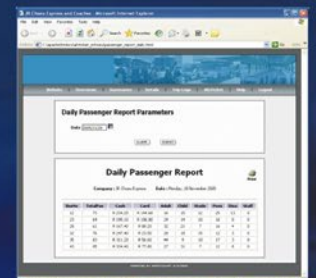
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 - Know if your bus was overloaded or is being under utilised.
- Before the driver switches off his bus at the end of day the system can see the full revenue report and driver infraction breakdown.



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(OR AS IT CAME TO BE KNOWN)

THE SINGLE MALT *that* STARTED *it all.*

When GEORGE SMITH
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distillery in 1824, his SINGLE
MALT WHISKY reflected his



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BEST WOULD DO and was
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GUARANTEE of quality.

SINGLE MALT SCOTCH WHISKY

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The single malt that started it all.™

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