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noseweek

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Letters

The Fifa Famiglia

If you really want to see how far back all the FIFA family activities go, read Pitch Invasion by Barbara Smit, published by Penguin Books in 2006 – it's mind boggling. **Sally Ann Brownhill**

Nothing has changed

If I want to stay sane I'll have to stop reading the papers and listening to radio and TV news.

I've tried to be enthusiastic about the beautiful stadiums, but your reports on FIFA and the corruption at every level in government, World Cup circus.

I shall quietly re-read Shakespeare, who wrote about it all hundreds of years ago: each age, it seems, wrestles with the same human frailties.

> **Janis** Bv email

In love with America

I was breakfasting when I came across the iconic "War of the Wall" in nose125: it interfered with proper digestion, gave me the willies and initiated a TV pitch idea, "Developer vs. Car Dealer: Battle of the Tightwads". A scenario in which we see wallowing in aggrandisement.

Ah, South Africa; are you so in love with America that you would steal her perversions?

aMan Bloom

Grahamstown

Protection racket

The board or executive of Nedbank should ask Brian Kennedy of Nedbank Capital to step down, until the R1.3bn Acc-Ross/Pinnacle Point case is resolved (nose126). It's a shame that he is being protected.

Mano

By email

I am quietly happy that I never expected to make any money out of the World Cup circus

business and legal practice (lawyers/liars – interesting how similar the words sound) exhaust me. If I see another picture of Julius bursting out of his skin, I'll be reaching for another glass of wine and a handful of pills to ease the pain. I am quietly glad that at least I didn't ever think to make money out of the Soccer

the failings of modern economics/culture, viz the role of greed, the hegemony of the individual, haughty arrogance mixed with lies, deceits, even a little conceit, in this less than illustrious battle of wills, which takes up government time, wastes resources and inconveniences scores of others - all for the comfort of two beasts

Nedbank is top of the pops

I hope you did your homework on the Nedbank/Acc-Ross matter. Did you see Nedbank is top of the pops in the new corporate governance rating system of the PIC? (Business Report, 21 April).

Linda Vandeverre

Cowies Hill, KZN

No surprise, considering the PIC's own lousy corporate governance rating in our books. (See our cover story in nose125.) You might like to note that PIC boss Brian Molefe was fired subsequent to the appearance of our report. - Ed.

419 Puzzle

I have always been puzzled by the way 419-scam fraudsters empty a bank account. A recent run-in with Nedbank showed me just how easy this is.

During a routine check, I noticed that an unknown debit order was in place against a little-used money market account. Nedbank's so-called "client care" offered no advice or assistance until I had provided full details about my address, phone numbers, date of birth, account name and number, ID number, when the account was opened, where it was opened and some transaction details. Enough to make any 419-scammer drool. All this over an ordinary telephone line with no security protection whatsoever. It is easy to fabricate a debit order given this information. But it gets

I was then told that the deductions were a debit order, "over which the bank had no control"! Nedbank would not provide me with any details regarding the author of these unauthorised debits - or any other form of assistance. It was left to me to track down the originator of the debits and I am now attempting to have them reversed.

In other words, in the name of "security" Nedbank will not provide you, the account holder, with basic non-financial information about your account unless you provide all your personal information; but it will allow a foreign party unfettered access to your account without any control whatsoever. I have vet to receive a formal response from Nedbank, and trying to discuss the problem with them has the same effect as administering medicine to the dead. Their website does not even contain an email address to which such matters can be directed in writing.

Be warned.

R Silberberg

Try another judge

You may recall that just before the DA took over the provincial government of the Western Cape, Pierre Uys, then Minister of Environmental Affairs and Development, took it upon himself to sign off several highly controversial developments, some of them

Gus



own department.

I happen to be involved in efforts to reverse one of these approvals, so I am highly interested in what is happening with the other ones as well.

Five years ago I tried to get a court interdict to save a historic house in Bloubergstrand from demolition. Presiding judge Deon van Zyl ruled that neither I, a permanent resident of Bloubergstrand, nor the Blouberg Residents' Association (of which I was chairman), had a bona fide interest in the building, and therefore did not have locus standi in the matter.

Now historic buildings and residential developments do not fall under the same law, but the matter of bona fide interest is invariably used by developers, so I presume the principle is the same.

It therefore concerns me that all our efforts in saving those areas signed off by Minister Uys might just be a waste of time and money.

I hence made contact with the Gordons Bay Residents' Association to find out what the situation was with Erf 2, Gordons Bay, which had also been signed off for development by Minister Uvs. The chairman informed me that they were also in the process of trying to reverse the approval.

From him I also found out that Judge Deon van berg Bay, and Dassenberg

against the advice of his . Zyl, who happened to live close to Erf 2, Gordons Bay, was so strongly against the proposed development, that he indicated he would move elsewhere if the development were to proceed. He also apparently gave no indication that the Residents Association did not have a bona fide interest in the proposed development, like one would have expected him to do, given his verdict in the Bloubergstrand case.

> I therefore now have a problem: Do we as citizens have a bona fide right to oppose developments in our neighbourhood, or was Judge Deon van Zvl doing a Not-In-My-Back-Yard in the Gordons Bay case? Or put differently: was Judge Deon van Zyl fair in his Bloubergstrand verdict, and if so, how does he justify his stand in Gordons Bay?

> I can't wait for someone to answer my question.

Louis Raubenheimer,

Cape Town

Pierre Uys served as Western Cape environment minister for a mere 10 months he was brought in during 2008 by Lynne Brown after Rasool saw his arse, and he left office when the DA took the Western Cape in 2009. During that time he approved some controversial developments, including Erf 2 Gordons Bay (a housing development above Gordons Bay, Roodefontein Golf Estate in Pletten-

• in Sun Valley. He also approved the Lagoon Bay golf estate (nose123) and several other, similarly suspect developments on his last day in office.

As for Judge van Zyl: keep in mind that he is the judge who sentenced a man to death after a trial that took, in total, a mere 48 minutes. You might also wish to note that, back in nose16 we reported - with some dismay - how Mrs Valerie Durr of Cape Town had unsuccessfully sued ABSA Bank in the Cape Supreme Court for the R600,000 she and her family lost after investing in the ill-fated company Supreme Holdings – on the advice of one of the bank's "financial advisors".

Judge van Zyl rejected Mrs Durr's claim and supported the bank's outrageous contention that, by law, she was entitled to expect no better advice from ABSA Bank than she would get from most of the 28,000 South Africans who choose, quite arbitrarily, to describe and promote themselves as "financial advisors". The Appeal Court in Bloemfontein subsequently set aside Van Zyl's judgment and found in Mrs Durr's favour, ruling that the skill of a broker or financial advisor must be commensurate with the type of service he or she offers.

In short, I'd take my chances on getting a better judgment from another court. – Ed.

Rand Water cuts off supply to Aurora mine

LAST MONTH'S STORY about the unpaid workers trying to avert an East Rand water pollution nightmare on a mine controlled by Aurora Empowerment Systems (whose directors include Zondwa Mandela, Khulubuse Zuma and Michael Hulley) attracted serious interest.

Latest news as noseweek was going to press was that the men of Shaft 3 at the Grootvlei mine had still not received their salaries. Water treatment chemicals had been delivered following belated legal threats from the Department of Water Affairs. However, the staff of Shaft 3 have been unable to use the chemicals because they need to be diluted in fresh water before being used to treat the contaminated mine water. Rand Water has cut off their supply of fresh water because of an outstanding R4m water bill. The result: each day, more than 100 million litres of contaminated mine water continues to be pumped into the neighbouring wetland.

Many low-paid miners are still waiting for their cash in dreadful circumstances in the hostel - with no running water, intermittent food and the mine clinic closed. Three died in the first two weeks of May.



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Swag is in the bag

ARLY LAST MONTH The Star reported in one of its late editions that the City of Johannesburg has admitted that 33 tracts of council-owned land, including various parks and a nature reserve – all of it prime northern suburbs real estate – were fraudulently sold within a few weeks earlier this year.

They included well-used parks such as Norscott Koppies and the Kingfisher Nature Reserve in Fourways, and Mushroom Farm and part of Ernest Ullman Park in Sandton. All had been sold for well below their market value - assuming they were for sale - and all were sold to four related companies. This astounding revelation appears to have justified only a single follow-up story, also in *The Star*, a week later. There it was reported that the Johannesburg Property Company (JPC) - the entity that deals with city-owned property had obtained interdicts from the Johannesburg High Court to stop the transactions. According to The Star, Verusha Morgan, for the JPC, said in her notice of motion to the high court that the city had been "bombarded" by a series of fraudulent transfers of council land.

The Star reported that the two companies that had bought 25 such tracts of city land for R82m from a mysterious intermediary party were nevertheless contending, court interdicts notwithstanding, that they are now the rightful owners of the properties.

The deals presently under investigation were handled by Irshad Sulliman, director of Zambrotti, and Salim Bobat, director of Zamien Investments (Pty) Ltd. Both men are directors of Zunaid Moti's property group Abalengani. Both companies are, like so many other Moti companies, registered in Cradock, in the Eastern Cape.

ear Reader

Moti, a former director of Zambrotti Investments and one of the financiers, told *The Star* that the interdicts were "too late": the transfers had already been completed by the deeds office. "The fat lady has already sung," he is reported to have declared.

Of course we are not surprised to see Mr Moti starring as the triumphant possessor of a sack of stolen swag. What does surprise us is that the story did not make national news. Things have come to a pretty pass when up to R200m-worth of public land can be stolen from the country's biggest city by fraudsters in a single raid – and not get a mention in the national media.

What makes us think there might be more to this story than meets the eye? Well, for a start, Mr Moti's Abalengani Group is connected by marriage and money to the Midrand Mia family, who are closely associated with the Cachalias – who include a well-known ANC politician. And then there's the mayor of Johannesburg, the honourable Mr Masondo, with whom they are all ever-sowell acquainted.

We gather from his silence that Mr Masondo hasn't even heard about the little problem they're having at the Johannesburg Property Company. Or maybe it's just that he can't see any point in making a fuss, since the fat lady has already sung her chorus line, "The swag is in the bag"?

Farewell Van... and thanks

volumould not be reading this magazine were it not for Frederik van Zyl Slabbert's belief that this small publication had an important role to play in South Africa's evolving democracy. Had he not intervened on noseweek's behalf, and secured the loan capital we needed to become viable (from his friend George Soros's Media Development Loan Fund), we would have sunk into oblivion in 2003.

That let's-do-it youthful optimism remained central to his character right to his final, seventieth year. For many of us, Nelson Mandela and Van Zyl Slabbert were the true pillars on which our new democracy would be based. Both presented extraordinarily charismatic figures: Mandela represented

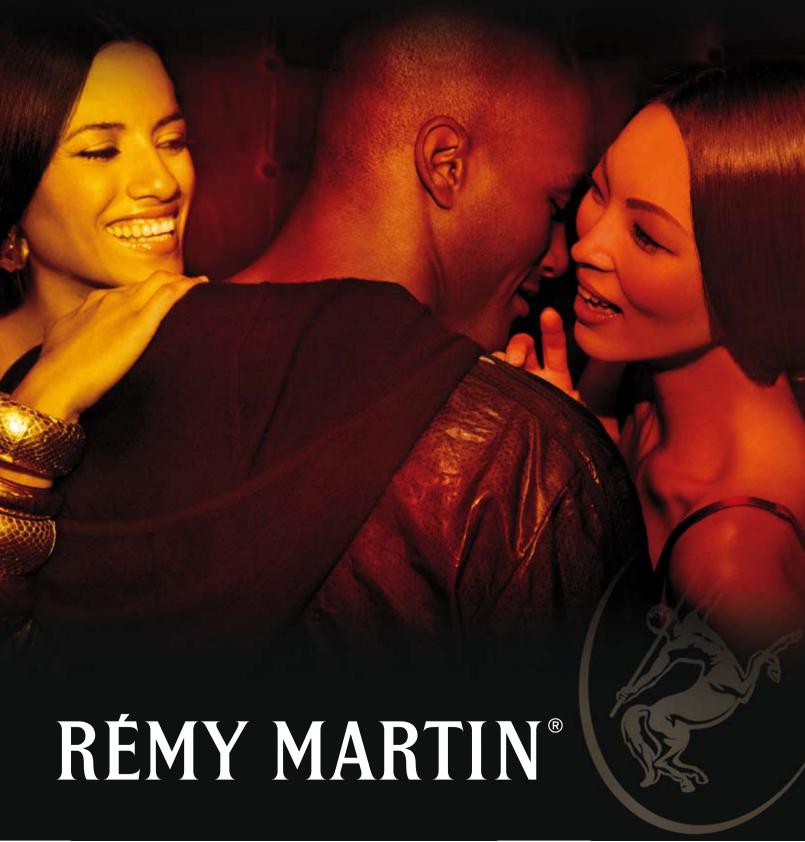
good-humoured fatherly wisdom; Slabbert, equally good-humoured, represented an almost naïve belief in a new, better future. (He inspired us, and many others, to cling to that belief, despite all the disappointments and differences we encountered along the way.) Even in body, he just never seemed to age.

Such big spirits simply can't be racist. How much poorer – and meaner – our world would have been, had Van not been part of it.

To Jane, Tania and Riko: his friends (and there are a multitude of us) share your grief – and a treasure trove of happy, amazing memories.

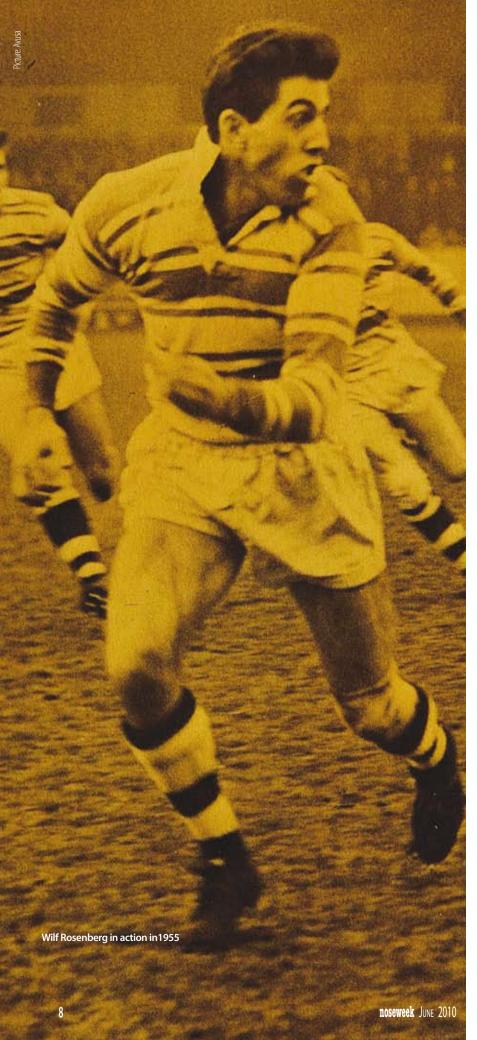
The Editor

THINGS ARE GETTING INTERESTING



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Not for sale to persons under the age of 18.



O MANY, WILF ROSENBERG IS ONE OF THE greatest rugby players of all time. The Springbok star of the 1950s, whose speed and fearlessness dazzled the crowds and propelled him to living legend, is 76 this month and tucked away in an Israeli retirement home. Where he's busy penning an autobiography that will lay bare his unknown, secret life—as a crook and conman extraordinaire.

So, in this exclusive trailer, meet Wilf Rosenberg, one of only three South Africans to be inducted into the International Jewish Sports Hall of Fame. Also now revealed as undercover member of The Syndicate, crucial cog in the illegal diamond racket, and long-time member of the Israeli Mafia.

A decade or so ago, visitors to the Rosenberg home in Johannesburg's Norwood included names like Shai Avissar, Lior Saadt, Amir Moila, Julio Bascelli and Carlo Binne.

"I thought they were just friends," says Rosenberg's second wife Shelly. "I went to their weddings and so on." She confides, however, that she was puzzled why her husband strode around Norwood swinging a metal baseball bat. Others may know this as a little accessory in the dress code of an Israeli Mafioso.

Shai Avissar was of course the Israeli Mafia boss husband of Hazel Crane, Johannesburg's underworld crime queen (nose91). Avissar was bludgeoned to death with a baseball bat in October 1999. His killers, according to underworld sources, were Rosenberg's "friends", also infamous as Mafia hitmen, Amir Moila (alias David Milner) and Lior Saadt.

Hazel Crane died in a hail of bullets in November 2003, supposedly because she squealed to the police about The Syndicate's fake R5 coin scam that had flooded the country with R50m-worth of counterfeit coins. Her killer has been named as the same Amir Moila.

When Lior Saadt was finally arrested for Avissar's murder, potential witnesses against him died like flies. The above-named Julio Bascelli was shot in the face at a deserted petrol station in November 2000. Fellow Mafioso Carlo Binne was gunned down in the driveway of the Gecko Lounge Club in April 2001.

Wilf Rosenberg was fast running out of friends. Crime-fighting sources unofficially confirm Wilf Rosenberg's secret life as a member of the Israeli Mafia, describing him as "a very discreet operator, mostly involved in the diamond side". He had contacts at Diamond House in Johannesburg, using the corrupt system to legalise conflict diamonds.

"They were sourcing them out of Sierre Leone, the DRC and Angola. They bought up uncut diamonds and got them cut in Johannesburg where they also got authentication certificates. That's where Wilf came into the picture. He was the expert.

"Rosenberg used to get the diamonds cut for

SA'S MODSTEF ROSENBERG SA'S MODSTEF BOK

Who would have guessed that the peerless sporting hero was living a hectic criminal double life?

Shai Avissar [Hazel Crane's husband]. Wilf was a member of The Syndicate, absolutely; he was in the inner circle with the big players of the Israeli Mafia. At one stage he had close dealings with Pietro Palazzolo, brother of [Italian] Mafia 'banker' Vito Palazzolo. There was a mutual exchange. Pietro sourced the raw diamonds in Angola and DRC. Wilf was cutting and supplying his own client base, like Shai.

"They were all working it together. It was a close-knit network in the 1990s. I don't think Wilf's wife Shelly was involved. The Israelis usually keep their women out of it. The women just reap the benefit, live off the proceeds."

Rosenberg's rugby career has been well chronicled. He played his first international as a Springbok in 1955, against England — on that British Lions team was Tony O'Reilly, today Sir Anthony O'Reilly, former chief executive of Independent News & Media, who became a friend. Rosenberg toured with the Boks, playing against Australia and New Zealand in 1956 and France in 1958. He then moved to England to turn rugby league professional with Leeds. In 1960-61 he broke the Leeds single-season scoring record with 48 tries.

When his playing career was over, Rosenberg returned to South Africa. For 18 years he was rugby columnist for the *Sunday Times*, and he had his own TV programme with the SABC, *Wilf's Whistle*.

Rosenberg writes: "I studied medicine at Wits University and out of these roots was to become involved in a life encompassing rugby, dental medicine, boxing promotion and sports journalism. It was a life that led me to socialise and do business with the elite of these worlds, including the not-so-elite of the huge underground South African sporting (and otherwise) mafia. Of course, one must include the now almost defunct Israeli-South African connection.

"Highly secret, this mafia society included (and still does) politicians and highly-placed businessmen, even religious leaders."

Rosenberg offers a vignette as a taster: In 1976 he became a boxing promoter with Square Ring Golden Gloves, describing his role as "the bagman", passing bribes "at every level, including to the government".

During the 1980s he worked closely with "Sun King" Sol Kerzner and the American boxing promoter Bob Arum.

"Our famous heavyweight champion Gerry Coetzee was about to challenge 'Big John' Tate for the WBA World Championship," writes Rosenberg. "This was big bucks, but the Reverend Jesse Jackson was against holding the fight in South Africa – we were in the midst of the Apartheid era."

Kerzner invited Jackson to South Africa to discuss the matter. According to Rosenberg, the conversation in Kerzner's boardroom went as follows:

Kerzner: "I believe you are a very charitable man, Reverend, and do great work for the underprivileged black people in America."

Jackson: "That is true. We devote our life's work to the poor and needy of our church."

Kerzner: "What is your favourite charity? I would sincerely like to assist you in your chosen career of doing God's work."

Jackson: "That would be most generous of you Mr Kerzner, and I am sure extremely appreciated by all concerned."

Kerzner: "I wish to donate \$500,000 to your most needy charity. To whom should I address this cheque?"

Jackson: "Oh, make it payable to Reverend Jesse Jackson; I will see it



gets to the right people."

Kerzner (Rosenberg notes the Sun King's "sardonic smile"): "Payable to Reverend Jackson."

The following week, says Rosenberg, all US demonstrations against the Coetzee/ Tate fight had stopped – and Jesse Jackson came out in support of the fight. "On second thoughts, he believed this might strengthen sporting ties between the USA and SA and have a beneficial effect for the deprived people of South Africa."

Some other promised highlights:

- How SARFU (South African Rugby Football Union) deals with its money: "How much money is really spent on the development of the underprivileged communities in sport? What happens to the multi-millions generated by the major sports in South Africa?" Says Rosenberg: "I was intimately involved and so have inside information."
- Revelations on the "blue and white collar crimes" of the last decade. "Mention will be made, and proof provided, of bank complicity. The Israeli Mafia were as closely connected to the bank managers (and even higher officers) as I was closely connected to them.
- "Top government officials will be shown to be involved in boxing 'favours', which I and Mike Segal, as promoters, provided."
- The fraudulent growth of "an insurance company dealing mainly with the poorer of black communities".
- His dealings in the 90s with the Registrar of Insurance Companies, top officials of the Fraud Squad and the head of Volkskas Bank.

Summing up, Rosenberg writes: "This book, in describing the past 50 years of my life, will expose how bribery and corruption is an integral part of the worlds of sport,

Brush with the law

tobiography, 26 A4 pages in the legend's neat handwriting, kicks off with his "first brush with the law". This was when he was just three, and the Rosenberg family were living in Port Elizabeth's Summerstrand. The main tramline passed the family home.

"I placed small stones on the tram lines, then ran to hide in the nearby bushes," runs his account. "The oncoming tram was derailed and the crash resulted in injuries to many people. Police investigations came to a dead end – another case which remained unsolved."

Rosenberg was born in Cape Town on 18 June 1934, but the family moved to Australia when he was five. At primary school there, young Wilf became "besotted with sport". "I never looked at a school book," he writes. He was captain of the school's rugby, cricket and athletic teams.

Later, at Randwick High, lunch breaks were taken up with fist fights between

rival gangs. Rosenberg's mob was led by two boys who subsequently became hardened criminals and were jailed for manslaughter. Later, at Sydney Grammar School, Wilf won his weight division three years running in the Sydney Grammar Boxing Championships.

His father was born Felix Krijkeman in poverty in a Warsaw ghetto, second youngest of ten children. Felix's own father died at 26 in a flu epidemic; his mother and all the other children perished in the gas chambers of Ausch-

gambling, commerce, finance and politics. It will reveal that crime certainly pays — and that the only time politicians and lawyers tell the truth is when they don't move their lips."

The former rugby legend has married twice. His first wife, Elinor, with whom he had three children, died of cancer in 1989. Three years later he married Shelly Liebowitz, who now lives alone in Johannesburg's Parktown North, where she too is battling cancer.

Shelly, who has three children from a previous marriage, plus five granddaughters and two grandsons, was last October served with a notice informing her that her husband was divorcing her under Jewish law. "Wilfred

abandoned me about eight years ago," she says. "He sold off my house and my car and cancelled my medical aid. I only found out when I got cancer and had to pay the medical bills myself. I had to borrow some money from my father."

In the early days of their marriage Wilf and Shelly Rosenberg lived at Shelly's house in Norwood, where she ran her business, Kiddiwinks, sewing baby's nursery items such as quilts and duvet covers in her garage. She had a small shop nearby and "a lot of Israeli guys whom I thought were friends used to congregate there.

"But Wilfred was part of The Syndicate, the Israeli Mafia," she says. "They



had connections in major banks and insurance companies. They used to email money from crime into people's bank accounts and then blackmail these people into removing the money and giving it to them. My account was used. I used to go to the bank and collect cash from my account."

"At the end of last December, Wilfred, who had been living alone in a rented cottage, disappeared. Going through his files I've found that he's a blooming crook! I can't believe a man with a [sporting] reputation like that could have been doing such terrible things behind my back."

For years, says Shelly Rosenberg,

her husband received nearly R10,000 a month from Sir Anthony O'Reilly of Independent News & Media. The payments were described as "salary". "O'Reilly has a charity for rugby players, that's what Wilfred was living on," says Shelly. "But last month I phoned the Independent Group in Johannesburg and told them to stop it. They said they hadn't heard from Wilfred for quite a while, so they would."

Late last year, says Shelly, Wilf Rosenberg told his bank he was off to Australia. In fact he is now installed in a retirement village at Ra'anana, in Israel. Busy scribbling away, one presumes, on his warts-and-all autobiography. **2**

witz. Felix was the apple of his mother's eye and fortunately she had urged him to escape from pre-war anti-semitic Poland for South Africa, where her sister lived. Leaving home at 16, Felix trekked across France, Italy and Spain, finally reaching Cape Town as a stowaway on a cargo ship on his 18th birthday.

Felix, whose Aunty Pearl changed his name to Phillip Rosenberg because Krijkeman was "too Jewish" (Rosenberg's an improvement? – Ed), became a rabbi. Wilf Rosenberg, with a now-revealed double life of his own, relates his father's two-tone existence after the family moved to Australia. Rabbi and leader of the Jewish community at Sydney Synagogue by day, by night Phillip ran

a pub in the "roughest toughest part of Sydney".

His Lithuanian-born wife Sarah ("a woman of dream-like morality" whose credo was "Crime does not pay" and "Honesty is the best policy") never knew of this nocturnal activity. Wilf Rosenberg recalls in his jottings how, as a child of eight, his father took him to the pub as "an alibi" for his absences from home.

"What's a Jew boy rabbi doing here?" taunted a "hardset, tough digger" on the youngster's first visit to the boozer. "My father, only 5ft 3ins tall, but a great and fearless street fighter, let go my hand, removed his rabbinical clothes until he stood in shirt and pants, and

hit this giant Australian with a dynamic overhand right," writes Wilf. "This was a sign for an all-out punch-up between the patrons."

In 1948, when Wilf Rosenberg was 14, the family returned to South Africa – "I hadn't a care in the world and looked forward to the adventure and the future that lay ahead in SA," are the closing words of Chapter One.

In Johannesburg, the teenage Wilf was enrolled at Jeppe High School, where he won colours in rugby, cricket and athletics – and notched up a matric with distinctions in Latin and Maths. In his matric year his family left South Africa for Santa Ana, California, leaving Wilf behind to board with strangers. *n*

Gunning for The Liquidator

OATHSOME LIQUIDATOR Enver Motala (nose126) is in the shit again. Motala is one of five liquidators of Printability (Pty) Ltd, put into voluntary liquidation in 2007. Now some of the company's major creditors, including Coates Brothers (Pty) Ltd, have asked the Master to take Motala off the job.

In a letter dated 30 March, the creditors' attorneys, Fairbridges, seek Motala's removal under that section of the Companies Act which grants that a liquidator may be removed if he is "no longer suitable" (how about "was never suitable"?). The attorneys point out that conflict of interest arises not only where a liquidator has a personal interest, but also where a relationship with a creditor suggests that that creditor's will be preferred – which is why they're gunning for Motala.

Among other things, they claim that long before the Printability's voluntary liquidation began, Motala was already communicating about it with the man in ultimate control – his friend Shaik

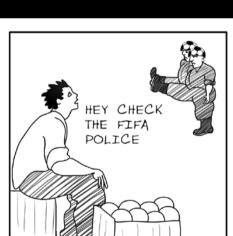
Omar Razaak. In anticipation of the liquidation, Motala arranged to have the company's registered office moved from KZN to Gauteng, to bring the matter onto his patch. It's claimed that the affidavit of non-interest Motala filed was a sham, given his clear lack of impartiality and independence. He apparently insisted on taking on the administration of Printability himself – despite the presence in Durban of another of the liquidators, Graham Perry.

It's also alleged that Motala then allowed post liquidation trading to take place – incurring huge losses in the process – but has failed to produce a post-liquidation trading account.

Furthermore it would seem that Motala quickly began favouring as a creditor another Razaak-controlled company, Formeset Cape (Pty) Ltd – making huge payments to it without the knowledge of the other liquidators. Formeset Cape's claim to be a creditor is highly dubious, based as it is on debts incurred by another company, Formeset Printers (Pty) Ltd, and secured by a dodgy cession and notarial bond.

Razaak appears to have Motala twisted around his little finger. The creditors also say Motala has allowed Razaak's Wellvest – sole shareholder of Printability – to use the assets of the liquidated company, and to trade under a new name, as Nu Print-Ability.

At the time of going to press, Motala had not responded to the application for his removal. He declined to comment to noseweek, on the grounds that he would soon be filing a formal response to the legal application.



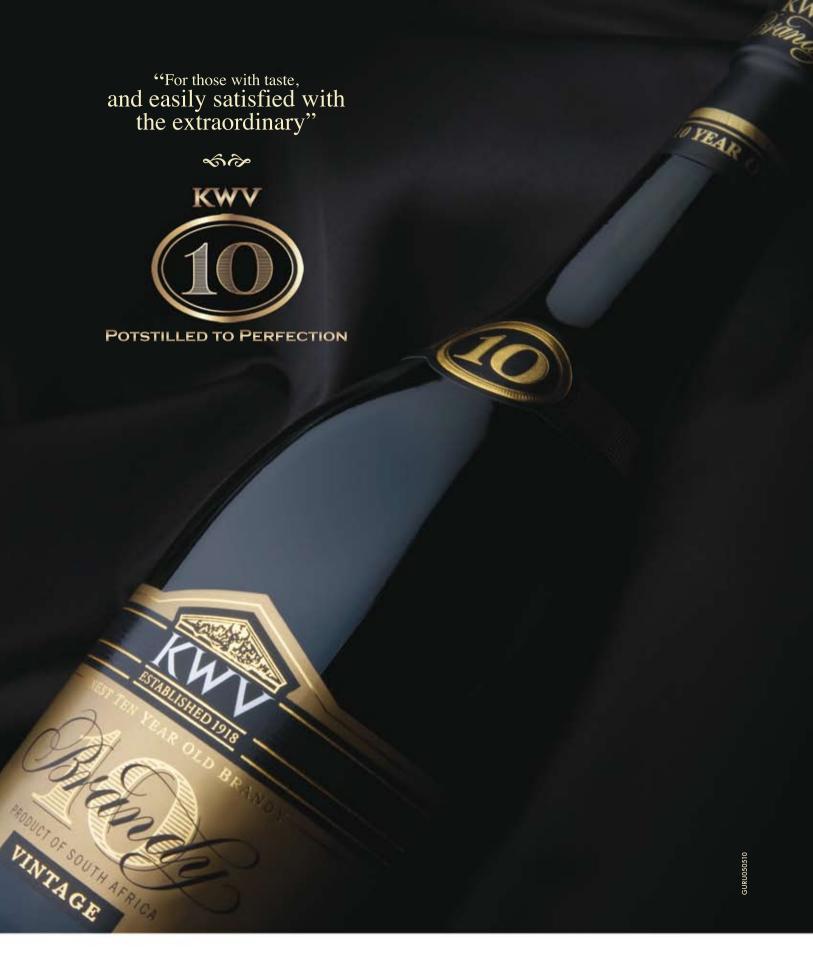












Not for Sale to Persons Under the Age of 18

Fine tuning

AW FIRM VAN DE VENTER Mojapelo Inc (VVM), the debt collector of choice for major corporates and municipalities (nose124), has yet another line of similar business – sending out traffic fine demands for the JMPD (Joburg's cops). Once again, it would appear that the demands are not always legitimate, and once again VVM isn't interested in checking the veracity of their clients' claims.

Much easier to go at the allegedly non-paying customer with a *knobkerrie* – the VVM-issued demands declare, for example, that failure to pay will lead to charges of contempt of court (which of course would require prior summons and failure to attend court).

Noseweek approached the Law Society of the Northern Provinces for comment, after reader Davie Wolpert's complaint to them about being harassed by VVM went the way of most such complaints (nowhere).

According to MJS Grobler, director of the Society, the Law Society has indeed had a look at the issue of "misleading and unacceptable letters of demand used by attorneys to intimidate debtors". Noseweek won't bore you with the details of Grobler's response, but we can assure readers they bored us. The upshot of the Society's view: Letters of demand must give the full picture (saying what actual legal proceeding may follow; pointing out the right to defence; etc) and - make that AND - such letters must be truthful. Yes: believe it or not - even lawyers (at least according to the Law Society), have an obligation to tell the truth.

Grobler added that the Society has discussed the matter with members of

VVM "to make them aware of the rulings adopted by the Council". Wonder which restaurant they "attended" to discuss the matter?

VVM senior partner Karen van Deventer was in Mauritius, so chief operating officer Lior Woznica conducted the full orchestral response to noseweek's request for comment, opening with a few resonant bars of that muchloved favourite "The Big Spin": "VVM is not a dubious organization using dubious 'strongman' tactics. Our company is a professional organization... It only services blue chip corporate organizations, municipalities and parastatal organizations... it has quality assurance and training departments to keep ahead in the game... it has a clean track record... our business operations fall within the bounds of the law."

This was followed by a quick jazzy rendition of that much-admired crooner, "Predictable Denial": VVM doesn't adopt the "prove you don't owe it" approach. (In other words he doesn't actually read the letters his firm sends out.)

Or maybe he does, because a little later, he insisted that "the ultimate onus on proving the claim vests with the client". He adds that VVM's clients "have established processes in place to screen arrear accounts prior to handing them over to VVM". In other words VVM wouldn't dream of questioning the word of its clients that the

demands are legit – despite complaints that show they often aren't.

Which might explain why VVM is doing so well. Apparently the firm processes more than 10 million transactions each month, receives over 150,000 calls, and makes over two million outbound calls. Clearly no time to check facts.

VVM's website provides cues to how such a situation could have come about: In the "tough market" of the 1990s the firm had to "re-invent itself in a new approach to winning business [and] the most significant change of thinking was to view the company less as a firm of attorneys, and more as a business entity [which] meant finding out what the market really needed and how to satisfy those needs more effectively".

VVM obviously realised what the market needed was for someone to collect lots of money (owing or not). But what self-respecting law firm would promote themselves as "debt-collectors"? Add a bit of "social responsibility" to the game, however, and all is well. Says Woznica: "Our country is

being held hostage by a culture of non-payment and if it continues unchecked this could well bring service delivery and business operations to a halt."

Our country is also being held hostage to corrupt practices by banks, law firms and government bodies. While there are policing authorities in place, like the Financial Services Board or the various law societies, backing up their rulings and decisions with threats of legal action is another story. No cash in it, is there?



Court thwarts Mr Arniston's grubby little land grab

T'S A RARE PRIVILEGE to report on a case where the good guys win. So here it is. In *nose*110 we told you how property developer Robert Haarburger – known as "Mr Arniston" by the residents of that sleepy fishing village – got his grubby hands, by rather dubious means, on some valuable municipal land.

The land had been earmarked for development of a modest shopping site for the benefit of the fishing community, but Haarburger decided to go for something that would benefit him instead – a shareblock residential development. When the ratepayers' association began making noises, Haarburger used his economic muscle quite cleverly: he filled the association with his own employees to help him get his way. Some residents nevertheless persisted with their objections, and took Haarburger to court.

On 19 November 2009 the Cape High Court ruled in their favour, holding that, because of collusion between Haarburger and certain municipal officials, the sale of the land was unlawful, and should be set aside (nose123). I'm appealing, said Haarburger. No you're not, decreed the Supreme Court of Appeal. Short of a Constitutional Court challenge, that's the end of Mr Arniston's little land grab. Hooray!

When Netcare did not care

UR PRIVATE HEALTH CARE system has an unsympathetic and mercenary side to it that comes up time and again in noseweek—and a recent article prompted reader Stephanie Duchenne to tell us about a distressing experience her family had with Netcare.

At roughly 4pm on a Sunday, Stephanie's seventy-year old father, Alain Duchenne, suffered a stroke in the bathroom of the family home in Durban North. Stephanie's mother, Moyra,

cradled her husband in her arms, while Stephanie frantically phoned for an ambulance. As the family have a policy with Discovery, Stephanie called Netcare's emergency number.

The Joburg-based operator assured Stephanie that he would immediately despatch an ambulance from the Umhlanga Hospital, ten minutes from the Duchenne home. But ten minutes later what came instead was a call from another Netcare operator – and this one was rude and aggressive.

According to Stephanie, the operator tried to dissuade her from seeking an ambulance, rattling off at her as if she was some sort of prankster. What exactly are your father's symptoms? I hope this isn't a hoax; I hope you realise that if this isn't life threatening the medical aid won't pay. No ambulance will be despatched until this call is over, and please let me have the medical aid number and the ID number of the principal member.

So an utterly distraught Stephanie had to scurry about to get those details, horribly aware that every minute might count.

When Moyra's sister arrived a short while later and, as time ticked away and no ambulance arrived, she called Netcare several times. Each time, a Netcare operator assured her that help was on the way. But it was only a full 45 minutes after the initial call that an ambulance unhurriedly drove

up – without a siren – and Alain had already died in Moyra's arms.

Apparently the paramedics were helpful and compassionate and stayed at the house until an undertaker had been called. They also attended to Stephanie, who suffers from asthma and whose heart rate had shot up alarmingly.

Moyra is philosophical: "We have chosen not to hold Netcare responsible for my husband's death. If we even began to think of them as responsible, it would make his death more unbearable." But Stephanie is less forgiving: "My faith in private healthcare is dissipated forever. I don't know why anyone bothers to pay medical aid if they are going to be treated in this manner."

The answer to that surely lies in the

prevailing fear of what might happen if they decided to rely on the public healthcare system instead.

Netcare operations director Peter Feurstein gave a different version of events (surprise!). He claimed that Netcare phoned the Duchennes back within five minutes of the original call, "to advise that an intermediate life support ambulance and team had been despatched to their home and to

render telephonic assistance".

Feurstein didn't comment on the claim that the person who made the call was aggressive and unsympathetic – he preferred to stress that the paramedics had spent a lot of time consoling the family. Instead of commenting on the fact that it took the ambulance 45 minutes to get to the scene, he emphasised that a full hour and nine minutes elapsed between the original call and the ambulance's departure from the Duchennes. Nice one.

These PR-excited guys are careful with words, if not with actual service – says Feurstein: "The assumption cannot be made that the outcome would have been different... had the ambulance arrived in record time."

Oh – this too: "The staff and management of Netcare 911 wish to convey their deepest sympathy to the family and loved ones of Mr Duchenne... our thoughts are with them during this extremely difficult time." Is that so?







HEELS WITHIN WHEELS. Scandal-prone billionaire founder of Auto & General insurance Douw Steyn has withdrawn extortion charges against leading attorney Ian Levitt – in terms of a peace deal secretly brokered by President Zuma's personal attorney, Michael Hulley.

The extortion case against Levitt (39) was part of the aftermath of the infamous champagne bottle brawl between two of Stevn's mistresses at the tycoon's boutique hotel, The Saxon, in April 2006. As recounted in nose109 Bianca Ferrante was slugged across the face with a champagne bottle and then stabbed with the broken bottle by her older rival for the tycoon's affections, Donné Botha, when the latter found Bianca sleeping naked with Stevn in his luxury suite. Bianca retained Levitt to file a crimi-

nal complaint against Donné, and to

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launch civil claims for damages against Steyn, Donné and The Saxon.

Ian Levitt, an imposing figure with a belly that rivals the Michelin Man's, is one of Joburg's leading, and most expensive, corporate attorneys, working out of a skyscraper in

Sandton City. Last year the Master of South Gauteng High Court appointed Levitt one of the trustees of South African assets seized from alleged ponzi scheme fraudster Barry Tannenbaum.

During 2006, a series of exchanges took place between Levitt and Steyn's attorneys. After one heated exchange, advocate Schalk van der Sandt reported that Levitt was demanding R3m for Bianca, and had said he would "not allow Mr Steyn to walk away".

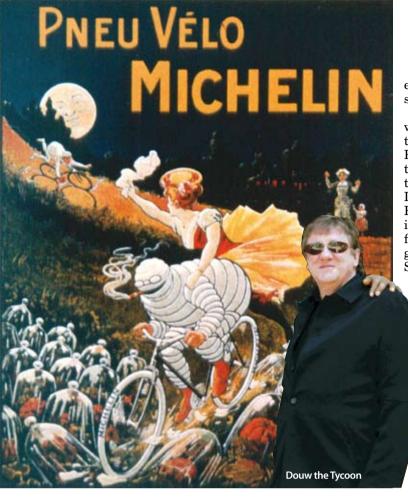
This, claimed Steyn, was extortion. The Director of Public Prosecutions was persuaded to prosecute Levitt.

Since then, Donné's trial has come and gone (she was found guilty of assault with intent to commit grievous bodily harm and given a suspended sentence). Bianca's damages claims have reportedly yet to be settled.

The extortion charge against attorney Levitt was due for trial last month. Attempting to prosecute it some four years later did, indeed, seem a bit bizarre. But what prompted the President's man to intervene barely a week before Levitt's trial was due to commence?

Most likely reason is the R1bn that Douw Steyn last year offered to the ANC government to fight crime. Douw Steyn made his R1bn crime-fighting offer to Zuma in an interview with the *Sunday Independent* in May 2009.





Many regarded Steyn's offer as at best a public relations exercise to establish himself as a serious and concerned citizen – he is based back in Johannesburg after a lengthy "principal residence" sojourn in London.

His "three-point plan" to fight crime involved purchasing satellite equipment, computers and helicopters to be made available to police forces all over the country. All very well, except for one thing: Steyn was scheduled to take the stand to testify against Levitt at the latter's extortion trial, set to commence on 17 May. Horrors. What if there were a repeat of the bizarre spectacle the billionaire lush made of himself when he gave evidence at Donné Botha's attempted-murder trial at Wynberg regional court last year (nose111)?

Even President Zuma has to know the wisdom of the saying "you are known by the company you keep".

On that occasion Steyn, belching alcohol fumes, taunted magistrate Renier Boshoff; addressed prosecutor Adele Barnard as "my darling"; and threw his arms around the two of them in the courtroom corridor crying: "Can I give you some money?" After throwing a couple of punches at attorney Levitt in the courtroom itself, the tycoon shed his shoes and, with a knife borrowed from his bodyguard, slashed his own

expensive black suit to ribbons.

Hence. the wheeling on of at-Michael tornev Hulley to settle the spat and have the charge against Levitt withdrawn. Hulley, Mr Nose is told, was acting for Zuma when he got together with Stevn's attorney, Sharon Wapnick, to initiate peace

talks between the boozefuelled tycoon and the booming-voiced Levitt.

And, say Mr Nose's friends in high places, Steyn and Levitt were persuaded to sign a secret settlement just days before the attorney was

due to enter the dock at Johannesburg magistrate's court on 17 May. Roll on the R1 billion!

■ This is not the first time that Douw Steyn has tried to lavish a dollop of his dosh on the state. President Mbeki refused a similar offer. "Mbeki told me I had got it wrong," recalled Steyn last year. "He said 'We don't have a problem with crime in this country. The problem is we have a perception of crime'."
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A LITANY OF NEGLIGENCE

The Paarl Print fire investigators are hiding something – or they are incompetent, says expert



S THE DEPARTMENT of Labour investigation into the April 2009 Paarl Print fire that killed 13 people wraps up, it is the carelessness of the Naspers/Media24-

owned company that rankles. But don't hold your breath. Paarl Media, who managed the Paarl Print factory, have done their best to displace responsibility onto engineers, architects and local authorities – and the Department of Labour has yet to prosecute for culpable homicide when workers have died in fires.

The security camera footage of people trying to escape the blistering heat, or being overwhelmed by thick, choking smoke, will for a long time haunt anyone who views it. One particularly poignant image shows a man so involved in his work that he failed to notice the thick black smoke that then overwhelmed and killed him.

"The video of people trying to jump up onto palettes to escape the blaze were nightmarish. They didn't stand a chance. It's a miracle that more people weren't killed," says Richard Spoor, the human rights lawyer appointed by Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CE-PPWAWU) to defend worker interests at the Department of Labour's public hearings into the fire. The hearing will wrap up this month, and a Department of Labour report will make recommendations to the Department of Public Prosecutions, which will decide whether to prosecute anyone.

Two villains have emerged at the hearings: Sagex and Paarl Print itself.

Sagex, the local arm of French building materials giant Saint-Gobain, sold Paarl Print the polystyrene insulation solution that markedly accelerated the blaze. It intensified the heat and smoke, instead of retarding it.

Paarl Media obviously flouted building regulations: there were no fire doors between the different sections of the factory, and no fire sprinklers. Nor had management bothered to repair the broken fire alarm after a fire in the factory the previous year – despite requests to do so. Paarl Media did their best to dodge responsibility: they argued at the hearings that the architects, engineeers, and local authorities should have ensured that regulations were obeyed.

The company has also, since day one, refused to co-operate with trade unions on the fire investigation. "A picture emerged of a business operating outside the law," said Spoor. "The bosses at Paarl Print built their factory without approved building plans - in fact the fire department had rejected their plans. They installed a mezzanine floor without permission and they had no certificate of occupation; the fire escape routes were longer than legally prescribed and some fire escapes weren't functional - which led to people being trapped; the alarm system was faulty, and despite warnings had not been fixed. It's a litany of negligence."

Furthermore, the insulation installed at the factory dramatically contributed to the disaster. "The fire spread at 3m a second, which is running speed. On the video you can see the thick pall of smoke created by the roof insulation, which was supposed to drop out, square by square, onto the floor and stop burning. Instead it created a massive pall of smoke and blistering heat that spread through the factory at break-neck speed."

Naspers claims it is removing the insulation from other factories, at a cost of R50m, and their insurers are likely

to sue Sagex for compensation. "The experts came to the conclusion that the fire originated in the canteen and that the only reason for the rapid spread of the fire was the kulite [polystyrene] which was the under-roof insulation material," says Warren Beech, the company's lawyer. "The material caused the fire to spread through the factory in roughly two-and-a-half minutes."

Richard Spoor says the Sagex/Saint-Gobain insulation material was tested and approved by the CSIR, and continued to be sold in SA despite a fire in the 90s that proved it to be hazardous. "It was really this polystyrene insulation that killed the people and did all the damage. Sagex has promoted its product with dishonest, deceitful advertising. The CSIR, too, are implicated. This material is prevalent in factories across SA and it will cost hundreds of millions to remove and replace," says Spoor.

He says Paarl Media refused to cooperate with the unions on the investigation, and dubbed the company "paternal, elite and privileged, but hugely arrogant and incompetent". He adds: "We met with management immediately after the fire, asking for a joint investigation. This was rejected. The company then did their own whitewash investigation, which was laughable because it was so badly done."

A source from the University of Cape Town's Occupational Health Resource Unit, who attended the hearings, also raised the issue of poor communication between management, factory health and safety structures and workers. "Workers were not encouraged to take responsibility for their own safety," the source said. "It's part of a paternalistic culture where management prefers to have complete control, but when there's a problem, they deflect the blame onto

others." He claimed that worker health and safety representatives appointed by Paarl Print management were often not given time off to attend safety briefings. Although Paarl Media now claim that fire drills had been given, many workers in the factory say they had no knowledge of fire procedures. They were completely unprepared when the fire broke out.

Forensic scientist Dr David Klatzow believes that evidence at the fire scene may have been tampered with. "The investigators are hiding something – or are incompetent," he says. "Koos Bekker [of Naspers] instructed me to go and investigate, advising that I would receive a written instruction at the scene. On arrival the police were on the scene, with Anthony Young and Paarl Media's Enmarie Botha."

Anthony Young professes to be a "fire investigator", but Dr Klatzow says he has questionable credentials and has lied under oath in court about his qualifications. The police then closed the fire scene before Klatzow could begin work. Later in the day, while he was waiting for the scene to be re-opened for investigation, he was accosted by Paarl Media

instruct our lawyers to seek compensation," says Blankenberg.

Another anomaly was the huge volume of printing being finalised at the factory, which may have impaired visibility and hampered escape. Paarl Print was finalising a massive print job of books destined for Angola when the fire broke out. Around 246,000 books were loaded onto some 533 palettes, and with each standing 1.5m to 2m high, it would appear that visibility and movement in the factory were seriously impeded.

Paarl Print claimed to have compensated each family according to their loss, after undertaking a proper actuarial assessment. "The SA law is not particularly generous when it comes to compensation," comments Richard Spoor. "The sums awarded in the Paarl Print fire case were not significant. There were no generous payments."

He cites the case of a 58-year-old man killed in the fire, who had a wife and was caring for four grandchildren. In this case the family received R10,000 a month for eight months in lieu of a salary, R10,000 towards the funeral and R125,000 in lieu of dependants' claims.

Around 200 workers were retrenched

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The fire enabled Paarl Print to buy equipment that is more efficient

boss Stephen van der Walt. "Van der Walt stormed up to me and demanded to see my letter of appointment, stating that no-one would be appointed to investigate the scene without his permission."

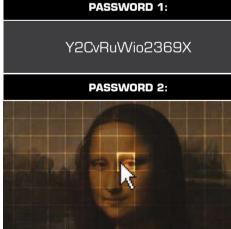
Later, Van der Walt strung unions and employees along, saying they would have access to investigators but soon became intransigent and denied the unions the access he'd promised. CEPPWAWU official Franklin Blankenberg confirmed that the union had requested a joint investigation into the fire but Paarl Print wouldn't co-operate. "We are not at all happy with the way Naspers's own investigation was handled, which is why we requested a Section 32 formal hearing plus an inquest from the Department of Labour." Blankenberg says the union requested interviews with firemen on the scene but were denied access by the fire department's lawyer.

"We don't think management is responsible for the fire, but they are hiding something. If we find out that the company is liable for the fire we will soon after the fire, which completely destroyed the factory. Paarl Print is now operating from another site in Paarl. Spoor says: "I know that Paarl Print was well-insured and the fire enabled the company to buy equipment that is more efficient."

Approached for comment, Department of Labour inspector Edwin Erasmus said he issued a notice against the Paarl Print factory just before the fire, but refused to elaborate. Sources say that, a year or two before the fire, an insurance audit of the factory warned Paarl Media that the chip-fryer in the kitchen was a potential fire hazard and suggested that a fire blanket be installed there. It wasn't – and it's suspected that the blaze did in fact begin as a "fat fire" in that very chip-fryer.

More will probably emerge when the hearings resume, but, says Spoor: "In South Africa we have yet to get a finding of culpable homicide against a company – despite the fact that all it requires is a one percent contribution towards negligence," says Spoor.

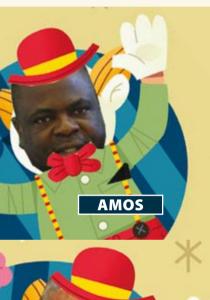
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!!GLOBAL EXCLUSIVE!! Noseweek's pull-out-and-keep guide to the l

THE 2010 WORLD CUP MORE THE 2010 WORLD CUP MORE TO THE SECOND SEC



SHAGGED his way through the female staff (as did something-ofthe-night predecesnonogenarian sor, Joao Havelange), and now abandoned by his Polish girlfriend, Sepp Blatter will be on the make in Joburg, pilled up and looking for doit-my-way partners, hoping Teazers has

reopened under new management, any management, who cares.

Herr Blatter's special contribution to transparency at the world game (don't ask what he trousers in pay, bonuses, allowances and perks – he won't say) is to be the sole voice at FIFA press conferences. That saves time and risk of dissent. The other 23 members of his Executive Committee (ExCo) disperse, leaving him to give his selective version of decisions. The minutes are forever secret, so you have to trust Sepp. And never call him "Herr". He hates it and demands to be addressed as "President Blatter" – so he can reply: "The FIFA President thinks...".

If things are going badly Herr Blatter will summon general secretary **Jerome Valcke** to shoulder blame. How Jerome got the job is a mystery. Formerly marketing chief, he was

By Andrew Jennings

fired in late 2006 after FIFA were denounced as a bunch of liars by a New York judge and had to pony up \$90m to MasterCard for pissing on their contract.

Herr Blatter soon brought Valcke back – and I have to wonder about that private letter in my archive, which Blatter wrote a decade ago, accusing Valcke of blackmail: did that help get him shortlisted for the top job?

Occasionally Herr Blatter brings in finance committee chief, turkey-wobble-chin **Don Julio Grondona**, who entertains Argentine TV audiences with gems like "Jews? They don't like hard work – that's why we have no Jewish referees in our Premier League". Nowadays Julio maintains he doesn't understand English – so why he attends press fests is a mystery.

Keeping football in their family is the tradition of Brazil's ExCo member "Tricky" Ricardo Teixeira, son-in-law of gimlet-eyed Joao Havelange. Sometime, somewhere, the daughter/wife was mislaid – but hey, those guys are tight as ever.

Silver-haired Tricky Ricky ignored the 2003 Brazilian Congressional investigation of his Confederation of Brazilian Football with its verdict: "a den of crime". The next World Cup, in 2014, is his to plunder – if he ever gets round to building the venues.

Further round the ExCo boardroom table



TRICKY RICKY



oig scorers at this month's Fifa extravaganza !!GLOBAL EXCLUSIVE!!



is Amos Adamu, the delegate from Nigeria, who, after two decades controlling his country's sports budgets, can boast of being the richest civil servant in the land. You can't think why? President Yar'Adua figured it: After a letter from his sports minister about Adamu's career, laced with words like "corruption", he sacked the bugger.

But hey, that Prezzie's dead, and Amos in his new career is so beloved by Herr Blatter, that his son Samson, purely on merit, has the Nigeria concession for selling FIFA's corporate hospitality packages to this year's footie extravaganza in South Africa. Samson is a graduate of FIFA's sport management college. Is that where budding FIFA executives learn how to prise open a well-stuffed envelope?

Samson and his poppa share the same address: 61 Amos Adamu Close, Lagos. Really. Maybe after this month's footiefest Amos will make time to complete the overdue accounts for the 2003 All-Africa Games in Abuja.

There'll likely be a tepid welcome for African football supremo and ExCo member Issa Hayatou who, concerned to save the Togo team from further trauma after the Cabinda shooting, thoughtfully banned them from future editions of the Nations Cup.

Indeed Issa is a compassionate fellow. Look on his African Confederation's website and you'll see he's given employment to otherwise unemployable Jean-Marie Weber, aka The Bagman, named in a Swiss court two years ago for laundering around \$100m-worth of kickbacks in return for marketing contracts. Yes; \$100m. Gimlet-eyed Joao got a big bite of that.

Joining Jean-Marie around the table of the Confederation's marketing committee are Amiable Amos and **Leo Mugabe**, who learned how to get rich at

the knee of his uncle. Another Mugabe kinsman is **Phillip "Tsivo" Chiyangwa**, who has the Zimbabwe concession for 2010 hospitality packages. He should make a killing.

MICHEL

An old chum of Herr Weber is FIFA ExCo member Franz Beckenbauer. When he gave up playing, Franz set up Rofa, an obscure little company in the secretive Swiss town of Sarnen. It was used to warehouse the amazing marketing rights being obtained from FIFA, the IOC and international athletics. In time the rights moved elsewhere and Franz became an untouchable hero in Germany.

Herr Beckenbauer is a possible contender to replace Herr Blatter, should the cops or a Zurich tram get him. Hopefully the crown will go to Monsieur Michel Platini, who has woven his wonderful career around the bags of swag available to the less principled. Another acceptable candidate would be Qatar's ExCo man Mohamed Bin Hammam, so astonishingly wealthy that he can't be bribed.

Never a contender is England's FIFA vice-president **Geoff Thompson**, so silent he never comes up on Google News Alerts. Geoff's clean of course, but seems unable to speak to the corruption around him. Nearly as quiet is Russia's **Vitaly Mutko**. He's the one with the worried pallor, and he may yet seek political asylum in South Africa at the close of play. Boss of Bosses Vladimir Putin has told him not to come home unless he has the votes to get Russia World Cup hosting rights in 2018.

Vitaly's problem is that although there will be all the money needed to pay bribes, some of these FIFA buggers will take the money – then vote for a rival. If Russia is

More winners overpage...



snubbed, watch out for some polonium poisonings between the decision in early December and Christmas Day.

Completing this trip around FIFA's boardroom table is the irredeemably corrupt Jack Warner and his two-man backing band. Where to start with Warner? His World Cup ticket rackets? He's been running them since 1989, makes off with millions of dollars, and Herr Blatter, always getting Jack's regional 35 votes in presidential elections, is content.

Those wonderful guys, Trinidad's Soca Warriors, the smallest nation in 2006 ever to qualify for the World Cup, are not. Jack and son Daryll set up a private company to divert the income from TV rights, ticket sales, sponsors and grants from FIFA and Government.

Four years later, the Warners still won't pay it over to the rightful beneficiaries. They owe the team more than £1m. They've lost an arbitration hearing but ignore it. They ignore the booing from fans back home. Let's hope fans at the World Cup up the boo rate every time they see Jack and sons Daryan and Darryl – who is now a FIFA development officer, with power to do what he wants with bucketloads of FIFA cash. Expect light-touch auditing.

Jack presides over the Caribbean, North and Central American confederation. Carrying his bags is **Chuck Blazer**, general secretary and Treasurer. Think about it. Chuck is also on the Exco, as is another silent bag-carrier, **Rafael Salguero** from Guatemala. Jack helps them decide how to vote.

Enjoying vacations in South Africa is a legion of little-known FIFA functionaries and freeloaders. Meet Michal Listkiewicz, formerly boss of Polish football. He introduced Herr Blatter to his former girlfriend, rejects tabloid suggestions they "shared" her, and is busy making sure that FIFA's referees committee is seen to be honest.

That may be a struggle; Listkiewicz was sacked last year and is currently indicted back home for corruption. Meanwhile 300 Polish referees and players are indicted for match fixing. Perhaps Michal will pick up some integrity tips from the man who sits next to him, Tricky Ricky.

Another key member of the FIFA Morality Police is Jamaica's **Horace Burrell**. At a FIFA congress a dozen years ago he slipped his girlfriend in to vote in place of a missing delegate from Haiti. Absolute breach of FIFA rules, but Jack wanted it and Herr Blatter agreed. This may explain why Horace qualifies to be on the disciplinary committee, judging players' behaviour during the World Cup. He has also been gazetted as an "ambassador" for the tournament — and who knows what that means?

Off the pitch there's another tight team at FIFA's internal audit committee. It's headed by **Franco Carraro**, handpicked in 1982 by deeply corrupt former president Juan Antonio Samaranch to join the IOC. Franco used to head up Italian football but resigned at the beginning of the current and seemingly never-ending match-fixing scandals.

Keeping Franco company is Justino José Fernandes, head of Angola's soccer federation, a former governor of Luanda and given to locking up critical reporters. Another fellow at Internal Audit with exhaustive knowledge of football finances is Brazil's José Carlos Salim, who cannot have enjoyed the references to him in the Congressional report examining Tricky Ricky's embedded corruption.

But they are doing it all for South Africa. You knew that, didn't you?

■ Photo credits Leo Mugabe: zimeye. org; Chuck Blazer: Getty Images; Franco Carraro: globoesporte.com; all other pictures: Fifa.org. 121



"I didn't slash his throat; he fell on my bottle"

ORMER ST JOHN'S COLLEGE PUPIL Nick Louw. five years hosted the ago Houghton, Joburg, party at which former Stithian's College pupil Wayde Baker was savagely beaten (noses71,73&75), has been arrested in Cape Town after 27-year-old mechanical engineer Anthony Webb had his throat slashed at an infamous Mother City night spot.

Louw, now 23, is the son of former KPMG director and Saambou Bank curator John Louw. A business science student at the University of Cape Town, Louw has been charged with assault with intent to commit grievous bodily harm.

Wayde Baker had his face shattered in a frenzied attack by at least 15 brick- and stick-wielding schoolboys. The Baker family claimed that Nick Louw had taken part in the attack, but only 18-year-old St John's prefect Brian Dudley and 19-year-old Wesley Wiegand were charged. Dudley walked free; Wiegand was found guilty and fined R10,000, half of it suspended.

The attack on Anthony Webb took place on the Saturday night of 24 April, at Tiger Tiger, a night haunt in Cape Town's Claremont, with a reputation for reckless drinking, bad music and the spiking of drinks. Webb had been drinking with a group of friends all night and by 2am he was having a last dance with his girlfriend Cerie.

There are two versions of what happened. Anthony was on the dance floor with his girlfriend and these two guys just jumped on him, says version one. Anthony says that as he went down he heard glass breaking. Then Cerie saw Anthony being stabbed in the neck with a broken bottle.

Version two: Anthony launched a savage and unprovoked attack on Nick Louw. Nick happened to be carrying a beer bottle and Anthony fell on top of it. As noseweek went to press only Nick Louw had been charged in connection with the attack and the hunt was on for a second man. Tiger Tiger management are assisting with CCTV footage which has yielded a picture of Louw's alleged accomplice, his shirt covered in blood.

> A top defence lawyer was flown down from Johannesburg and secured Louw's release on R500 bail at Wynburg magistrate's court.

Anthony Webb is the son of Cape Town dental technician Martyn Webb, who has retained a former Scorpions ingator and boasts that he's

vestigoing to "nail these guys" - and see that Lynne Baker finally gets compensated for the effects of the attack on her son Wayde.

The 2005 attack on Wayde left him with broken upper and lower jaws, broken cheekbones and chin, nose destroyed and teeth smashed. Against all advice, his (single) mother rejected a R250,000 offer from St John's towards Wayde's medical costs (which were assessed at R320,000) and demanded R500,000. When the college refused, Mrs Baker was forced to sell her home to pay Wayde's medical and dental bills. She is now living in rented accommodation on the Natal KwaZulu coast, working for an estate

Martyn Webb wants to get the charge against Louw upgraded to one of attempted murder. "The attack on Anthony was vicious, absolutely vicious," he says. "It's despicable."

Of her costly legal battles against Wayde's attackers and the medical bills that took her down, Lynne Baker says: "I had to sell everything and it's been a battle." Wayde Baker recently completed the gruelling 2010 Ironman South Africa race with its 3.8km sea swim, 180km bike race and marathon run of 42.2km, in 12:51:52. He's apparently put the attack behind him.

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Hermanus forges ahead



"study" trips to Zimbabwe and Venezuela, there's considerable white angst about land grabs and nationalisation. Many whiteys prefer to forget the fact that the pale ones of this land have a long and inglorious history of grabbing land – and in some more conservative parts this goes on much as it has for centuries.

Contrary to popular belief, the far right that matters today is not the khaki-and-bakkie brigade of Ventersdorp. Nor the simpletons of Orania. No: the right-wingers that wield power today are those schmarmy Merlot-sipping, Merc-driving, Hush Puppies-wearing men who now make the semi-rural Western Cape (and the DA) their home. Many of these lovelies moved south when the place they still call the Transvaal got "a bit too dark", and a considerable number were se-

The developers of a luxury gated community plan to block shack-dwellers' access to the sea

duced by the attractions of Hermanus.

Now the black people of Hermanus mostly find themselves in Zwelihle – which most would call a township, but which the peculiar lingo of Hermanus whiteys calls a "location". Zwelihle is like many a township – corrugated roads, too few brick houses and too many shacks, plenty of crime, grinding poverty, and masses of frustration.

In a letter to the local newspaper, an organisation called the Zwelihle Community Development describes it thus: "Zwelihle has an estimated population of 25,000, with approximately 7,000 on the municipality's waiting list for housing. Some have been on the waiting list for more than 12 years. The majority live in shacks which are flooded yearly, due to a lack of a sufficient storm-water system."

Oddly, Zwelihle does have a new Olympic-sized pool — and at least (up to now) residents have been able to reach

the refreshing airs and waters nearby: the houses and shacks reach down to a small milkwood forest, behind which lies a wild and wonderful strip of coast, called Schulphoek.

Its history is set out nicely in a letter from Deon Malherbe to the local rag: "Schulphoek was a camping site for anderskleuriges under the National Party government. Three tidal pools were built. Water was connected, braai areas established and roads constructed. All went to rack and ruin as these areas do when they're not properly policed. [...] I regularly witness thousands of young people picnicking and hanging out in the area. Zwelihle residents can easily stroll to the sea. That beautiful ragged rocky coastline is not yet developed because there were better pieces to be picked up by the old regime."

But what do you do when there are no "better pieces" left? Well, you take what you can, so Schulphoek – part Zwelihle, part Hermanus – is being sold to a developer who intends blocking it in with yet another gated, and almost certainly white, luxury housing estate.

The buyer and developer is to be noseweek's old friend Rabcav – that curious joint venture between Rabie Property Group and Cavcor Construction (noses98,104&110). An entity that in 1999 persuaded the Overstrand Municipal Council to sign a most extraordinary, some say immoral, even illegal, agreement. It appointed Rabcav as "facilitator" for the disposal of all council land, giving it the power to decide what land would be sold, when, and for how much.

The agreement put Rabcav in the happy position of generating huge profits from such sales: in its largest and most controversial deal Rabcav appears to have made some R83m in fees from developing the Hermanus golf course (nose110). No audited account of this deal and development has been produced.

The other major party to the Schulphoek sale is of course the DA-run Overstrand municipal council. Why is Schulphoek being sold to Rabcav? Presumably because Rabcav decreed that it shall be so, and the council agreed (in a split vote, with the ANC councillors voting against). The council is bullish as always: its newsletter says the deal offers "great value to the community". It also reports that although the land is valued at R28.9m, Rabcav is giving the council only R5.3m.

But don't worry, the council intones – we'll get a business centre worth R5.7m, and bulk services worth R17.5m, and some R1m in "development contribution fees". And we'll build 100 low-cost houses in Zwelihle; and we'll build a clinic. And, look – wow – if we do this deal we can exit the Rabcav facilitation agreement. Meaning: If Rabcav gets this piece of public land no-one has any right to use for their own profit, it will close up shop in Hermanus because there's nothing left to take (how many millions later?).

Which suggests that the spotlight noseweek has shone on Rabcav for a few years might have been making things a little uncomfortable. It also suggests that the council acknowledges that the Rabcav facilitation agreement was a deal from hell.

So, get it straight: the Schulphoek deal is another smoke and mirrors backrooms of brotherhood deal – and anyone asking questions is politely shown the finger (the smelly one of course). *Noseweek* nonetheless asked the obvious – and got the expected response.

How much longer, we asked, did the

facilitation agreement have to run? Why wasn't it simply cancelled? Why the final bonanza to Rabcav? Please explain in detail: how does this deal offer "great value" to Hermanus and Zwelihle, if the bulk of the price consists of providing services that the council would have no obligation to provide if the land stayed as it is? Also: how much is Rabcav set to make? And that paltry R5.3m – will the council use it to build the clinic and 100 houses? If so, where and when (the provincial approval document gives it five years)?

Do you mind telling the world if the development will indeed block the people of Zwelihle's access to the sea? Is this why the council took the otherwise inexplicable step of building an Olympic-sized pool in Zwelihle a few years back (on a rubbish dump site), when the area has far more pressing needs?

Noseweek also enquired whether the council intends going ahead with its plan to effectively privatise another popular bathing spot, the Fick's tidal pool (nose119) – thereby depriving the residents of Zwelihle and other townships of open access.

Money in them low-cost houses

HE OVERSTRAND Municipal Council's record on providing low-cost housing is hardly impressive, nor free of suspicion, as evidenced by the legal shambles reported on in nose119. In sum: In 2007 the council put the construction of 3000 low-cost houses out to tender, and it was finally awarded to a company called M5. Two unsuccessful tenderers filed appeals. Blue Whale's appeal was filed correctly, but Asla's was way out of time and therefore improper. This didn't prevent then acting municipal manager Coenie Groenewald from reversing the M5 award and handing it to Asla.

Unsurprisingly, M5 had this reversal set aside by the Cape High Court. For reasons best known to themselves, Asla, the Overstrand Municipality and Groenewald appealed to the Supreme Court of Appeal.

But on 31 March Appeal Court Judge Leach threw it back at them. He ruled that Groenewald's decision which he described as "surprising to say the least" – was unlawful. He declared that as Asla's appeal was not proper, Groenewald had no grounds for reconsidering their tender.

Current municipal manager, Werner Zybrands has claimed in the local press that the decision has "not led to serious delays in the provision of low cost housing". But he's not talking about what timeline was given to M5 in 2007, and how many of the projected 3000 houses have been built.

Zybrands also claims that the council is not liable for costs relating to the appeal, because it agreed to abide by the Cape High Court's decision. How he came to this conclusion no-one can say: the Bloemfontein appeal was dismissed with costs. Zybrands also declined to tell noseweek how much the council has spent on its legal costs.

The undoubtedy unrepentant Groenewald remains on the council payroll as director of management services.

Municipal manager Werner Zybrands and Executive Mayor Theo Beyleveldt quickly answered with a full and carefully thought-out "No Comment". This "brains trust" appears to be firmly convinced that council matters are of no concern to its ratepayers (many of whom read *noseweek*), nor to the public at large. The two men behind Rabcav, John Rabie of Rabie Property Group and Leslie Viljoen of Cavcor Construction, naturally kept totally *schtumm*.

the Rabcav deal goes through. Those residents will effectively be barred by a walled, gated and electric-fenced security village. Makes one think of JM Coetzee's Waiting for the Barbarians. Is there no end to land-grabbing? This land should be open to all. It should be available for the enjoyment of the people living in the immediate vicinity. I want no part of a council that practises Apartheid in this cynical fashion. Why must the council buy Rabcav off? Rathherbe's English letter - a language more familiar to residents of Zwelihle), Zybrands managed (once again) to hide his ignominy in prattle of no consequence. Of course there would be unrestricted access to the sea (where or how?); and there will be new houses and a clinic (as if these were gifts from the gods and not what should be expected). And: there had been extensive consultation with the people of Zwelihle. Oh ves?

The Zwelihle Community Development rapidly responded. Their letter says: "The availability of land for housing for this community is severely limited. The land should be available for the enjoyment of the people living in the absolute immediate vicinity. Since the original consultative process the community has attempted on several occasions to get Rabcav and the municipality to come back to them to finalise the benefits for the community and reach an agreement. These attempts have been futile."

The Schulphoek deal certainly shows

At least one whitey feels ashamed

As did Helen Zille and various others at the Democratic Appearance.

At least one whitey in Hermanus has enough humanity to feel ashamed about the deal - and the guts to come out with it. In his letter to the local rag, Deon Malherbe writes: "This important means of coastal access for the residents of Zwelihle will be cut off if er take advice from Senior Counsel. I can only plead – do not commit this offence against natural justice."

Zybrands did feel constrained to deal with Malherbe's comments, in the local press - but, sadly, his response only confirms what sane people are saying about the whole deal,

Responding in Afrikaans (to Mal-

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most of the cracks in the system. The provincial government approved the development back in November 2005, and in 2008 it turned down an appeal. Both decisions were taken during ANC administration in the Western Cape (see Letters page for more about Pierre Uys who, as ANC minister of the environment, approved a number of controversial developments, in a hurry). It would also appear that certain members of the coloured community of Mt Pleasant may have received certain inducements for their willing co-operation in the affair. (Mt Pleasant lies just above Zwelihle and this community will also be affected by lack of access to the coast).

Mt Pleasant community leader Bernard Overmeyer claims there is a town planning-driven process in place to keep Hermanus as white as possible. On 19 April 2010 he sent a desperate letter to Mr VT Pillay of the National Treasury, saying: "I understand that certain people in our community signed off this project in favour of per-

sonal gain. You were recommended as a person who leaves no stone unturned. My humble plea is whether you can help our people by blocking this Schulphoek development with a special interdict, until further investigation."

The affair won't end well, say various parties. According to Malherbe: "This mistake will live with us for the next 100 years. Prospective purchasers should not wonder when a massive class action is instituted to restore this land to the people."

Then there's the Zwelihle Community Development's view: "Alienation, disrespect and disregard for Zwelihle are difficult to quantify. The people of Zwelihle believe it is their land."

Community leader Bernard Overmeyer was quoted in the local paper as follows: "Residents of Zwelihle and Mt Pleasant have reached an agreement to make Hermanus ungovernable if any construction starts in Schulphoek."

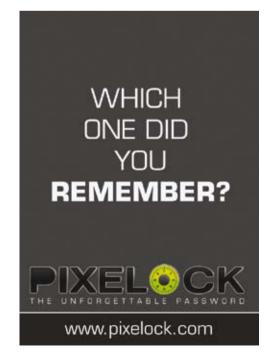
You can be sure that the council cares not one jot. **12**



FINE MUSIC RADIO 101.3









ARIOUS COMPANIES in the Nedbank group, including several of its offshore subsidiaries, have brazenly conspired to commit fraud – and have exploited the shocking negligence of two Durban High Court judges – in order to secure the liquidation of a client who might otherwise have sued them for several millions of rands. And in the process have exposed the banking group's shabby offshore business dealings.

To assist them in their unseemly task, they employed Mr Leonard Katz, a senior partner in one of the country's largest (some would say most notorious) and most expensive law firms, Edward Nathan Sonnenbergs. Katz's reputation for unscrupulous behaviour has led to him being known in the trade as "Lenny the Liquidator". He's the man bankers set onto inconvenient clients to disable them, before they pose any threat - employing mafia-style legal strategies, known as "slamming the [victim's] till drawer shut" or "cutting him off at the knees". The banks and Mr Katz also hope to have their pound of flesh from their disabled client's estate – to the grave disadvantage of his other creditors. No-one, it seems, has the courage to stop them.

Dear reader, if you find all of this shocking, you have not heard the half of it. But to tell the sad and sometimes convoluted story of what happened to Ian Brakspear, a Nedbank Private Bank client in Durban, takes time – so for those in a hurry, here's the moral of it: If you are already a client of Ned-

Thinking of opening one of those clever overseas trust thingies the bank says is so useful? Well, look at how Nedbank does it – and think again

bank's offshore bank, Fairbairn Private Bank or a similarly named trust company, start worrying. If you happen to be considering making use of their services – grab your bag and run.

If you have recently had a visit from Nedbank's Jersey-based offshore salesman, Greg Horton, know that the complicated – and costly – offshore "structure" he proposes to set up for you on various offshore islands, is, in all probability, illegal – and could land you (not him) in serious trouble; it will also cost you plenty and benefit you little or not at all (ask the First Rand clients who were sold similar "structures" – the Ansbacher saga, remember?).

Ask Ian Brakspear, once the multimillion rand beneficiary of a long-established offshore family trust, but today sitting car-less, penniless and alone in his R3m Durban home – which is about to be sold by Nedbank.

Brakspear was a refugee-immigrant from Zimbabwe – luckier than most, since he was one of the beneficiaries of an Isle of Man trust that his father, the heir to a small English brewery fortune, had set up many years before. The final disastrous episode of Brakspear's story begins in 2003 when, already living in Durban, he came across what looked like a great business deal: the 87ha historic Klein Normandie wine estate near Franschhoek was up for sale and possible subdivision. Its neighbour on one side was the Rupert and Rothschild farm L'Ormarins; on the other flank lay Anglo American's historic Boschendal estate (OK, they'd just sold out to Tokyo Sexwale and Brett Kebble, but still); the third neighbour was notorious fellow Zimbabwean Billy Rautenbach.

Brakspear found a local developer willing to go halves with him on the deal, and went along to see his bankers about raising some finance. At Nedbank Private Bank they got to talking about the Brakspear offshore trust as a possible source of cash and, before you knew it, Greg Horton, head of Fairbairn Private Bank, freshly in from Jersey, was on his doorstep, declaring

"Have I got an offshore structure for you!". Or something along those lines. The unique (Horton prefers the terms "bespoke") structure he designed entailed moving funds from the Brakspear Trust, registered on the Isle of Man and managed by Nedbank's trust company in Guernsey, to Fairburn Private Bank in Jersey: the bank would set up a new trust, the Westley Trust, which would invest the money in a specially created company on the British Virgin Islands, which would provide a bank guarantee to a South African holding company, which would borrow the money locally (using the guarantee) to buy the shares in another company, West Dunes Properties, set up to buy the farm.

But take a deep breath and forget all

of Jersey – Manx law allows you to fire us, if that's what you want.

The old trustees were duly fired. But then the gentlemen at Fairbairn Trust said they weren't really happy with taking over the administration of the old trust: they spoke of problems with the "perpetuity clause" (whatever that meant) and of "decanting" the old trust into a new one with a new trust deed. No need to sign anything. Well, if that's what you say - OK, said the beneficiaries. Just let us have a copy of the new trust deed. But a copy never arrived something to do with offshore trust confidentiality, and not having such documents "lying around for other eyes to see".

Brakspear's structure was duly set up, and the £500,000 (about R7m) guar-

and materials that were never bought. When he was finally got rid of, the new farm manager announced that production was less than expected: only 28ha were under vine cultivation, and not 50ha as claimed by the seller. (Ditto for the fruit orchards).

So it came about that West Dunes fell behind with its bond repayments. RMB called up the £500,000 guarantee and, within no time, the £500,000 arrived – sent directly from the Brakspear Trust, who reflected the transaction in their books as a "distribution to beneficiary" – Ian Brakspear. So much for the elaborate structure.

Neither a farmer nor a property developer, Brakspear decided it was time to sell. And quick as a wink, a local estate agent had produced a buyer: who

He simply accepted that the bankers knew what they were doing

that. Brakspear himself couldn't make head or tail of it: he simply accepted that the bankers knew what they were doing. "If I've got a splitting headache and the brain surgeon says I've got a brain tumour and prescribes surgical procedures, I can only hope he knows what he's doing," he says.

What he did know was that the structure was being set up at his behest, to serve his needs – and at his expense. Horton billed him for £8,810 (roughly R100,000) for the service. The £10 was the capital to be settled on the new trust; the £8800 was divided amongst the various Nedbank offshore entities as fees for services and expertise.

Here we need to retrace our steps a little. Ian Brakspear and his relatives had already decided to consolidate control of their financial affairs in South Africa. The original Brakspear Trust was still managed by the two trustees based in Zimbabwe, appointed by his father. The beneficiaries wanted the trust to be managed from South Africa. Easy, said the experts at Nedbank Private Bank. Under Isle of Man law, if all the beneficiaries agree, they can fire the old trustees. And may we suggest that you appoint our Jersey associates at Fairbairn Trust Ltd as the new trustees?

Fine, said an older, wiser beneficiary – but just get Fairbairn Trust to give us an undated letter of resignation as trustee, should we later decide we're not happy with them. No, no, absolutely not necessary, said Fairbairn Trust

antee emerged at the other end of the pipeline. Klein Normandie was bought by West Dunes, with finance provided by Rand Merchant Bank, against the guarantee and a bond.

Then, as is to be expected when city slickers buy wine farms, it all went wrong: Brakspear's partner in the farming business diddled him out of R4m, and was eventually, after costly litigation, persuaded to pull out. Then the farm manager ripped him off, charging him nearly R1m for "spook" labourers,

else, dear *noseweek* reader, but Zunaid Moti. Moti personally paced out the farm and put in an offer for R32m, with an unconditional R1m deposit. Accepted!

The moment of bliss lasted ... but a moment. Then the men at Fairbairn Trust in Jersey went and bungled it through sheer incompetence.

Because the Westley Trust (through its Fairbairn trustees) ostensibly controlled the South African end of the structure, including the farm company,





they had to produce a resolution approving the sale, and agree to the details of the transaction. Brakspear was negotiating with Moti's office and reporting, almost daily, to Justin Thomas, MD of Fairbairn Trust in Jersey. Then, on 30 November 2007 he received an email from Mr Thomas which, curiously, was addressed to "Dear Ian and Zeyn". Who and why Zeyn?

In the email Thomas informed Brakspear that "Fairbairn Private Bank have extended the loan facility ... until 28 February 2008. Interest is being accrued and amalgamated with the principal, and, as at today's date, the balance outstanding is £427,401.86.

"As you are aware, the Trust does not have sufficient liquid assets to repay the loan unless it receives the proceeds from the sale of the farm. It is important, therefore, that the sale is progressed as soon as is reasonably possible, as the Bank will not provide a further extension on the loan and will seek full repayment on 28 February 2008. If the Trust is not put in funds by this date, the terms of the loan are such that the Bank is able to call"

And then the horror dawned: Fairbairn Trust's MD had, for some unaccountable reason, copied this compromising letter to Moti's attorney and business associate Zeyn Bhyat. While Bhyat is a partner at Sandton law firm Routledge Modise, the email was addressed to his email address at Moti's lead company, Abalengani. Moti would now know that Brakspear was a desperate seller being squeezed by his bankers – and would be sure to take advantage of this knowledge.

Brakspear phoned Thomas in a rage, only to learn that not only had Thomas sent the letter to Zeyn; the Fairbairn Trust MD now confessed that he had for several weeks been speaking regularly to Zeyn by telephone – assuming him to be Ian's attorney!

Later that day Thomas sent Brakspear a contrite message: "Once again I can only apologise for our error. Please accept my heartfelt apologies and, as I said, if there is anything I can do to rectify the matter I would be happy to assist. Regards, Justin"

Two weeks later, as anticipated, Moti pulled out of the deal. On 30 January 2008 RMB attached Klein Normandie. In June it was put up for auction. Moti was there to bid, and had it knocked down to him for just R18m.

An easy calculation, therefore: Justin Thomas's careless indiscretion had in all probability cost Ian Brakspear and the Brakspear family trust more than R17m. Was Fairbairn Trust in Jersey, or its parent Nedcor, doing anything to rectify the matter – such as rushing to pay in the lost R17m? Forget it. They called in Lennie the Liquidator to chop Brakspear off at the knees before he could make trouble.

But not immediately. There was no real rush. On Friday 19 December, when everyone had gone on holiday, Edward Nathan Sonnenbergs brought an urgent application before the Durban High Court on behalf of Fairbairn Trust Ltd of Jersey (in their capacity as trustees of the Westley Trust) for the provisional liquidation of West Dunes Properties. The founding affidavit on which the application was based was made by Nico Andre Theo Botha, who is neither a director nor employee of the applicant, and neither power of attorney or any other written authority to act on behalf of the applicant.

Botha in fact identifies himself as a director of BoE Trust Ltd, which he declares "falls within the Nedbank and Old Mutual group of companies".

He goes on to point out that Fairbairn Trust is a subsidiary of Fairbairn Private Bank which, in turn, is a subsidiary of Nedbank Group Ltd. Sounds good, maybe, but as any honest lawyer will tell you, they are all independent legal entities. A director of BoE has no legal capacity to act for another company, whether they be members of the same group or not. Worse, Botha has no personal knowledge of anything which he testified to in his affidavit, even though he claims the contrary. Everything he declares under oath is hearsay. He had no locus standi to bring the application, which, on that ground alone, the judge should have dismissed out of hand when it first came before court on 23 December 2008.

It gets still worse. Botha alleges in paragraph 15 of his affidavit that "in and during June 2008 the Westley Trust lent and advanced the sum of £500,000 (R7m) to West Dunes at the latter's special instance and request"; that the debt is due, but the company was unable to pay the debt. He produces no written contract to evidence the R7m loan agreement. The reason is simple: There was no such agreement.

But there was method in the madness, or should we say sorcery. Botha could purvey a lie, and claim he was merely saying in good faith what he had been told to say. The actual trustees of the trust, by the same token, could claim they had declared nothing under oath.

Most telling: the Jersey Financial Services Commission's Code of Practice for trust company business requires that "any registered person" (such as Fairbairn Trust Ltd) must be able to evidence, in writing, any decision made. Such as a request for a loan of R7m. If Fairbairn Trust Ltd wish to allege they made such a loan payment on the basis of an oral agreement, they would risk losing their licence to operate as a trust company in Jersey. But THEY don't allege it. Mr Botha from BoE somehow gets it into his head to claim such an outrageous thing.

Ian Brakspear raised all these matters in his answering affidavit. But Judge Sharmaine Balton (hearing the provisional liquidation application), then Judge T Gorven, who issued the final liquidation order, were so much under the spell of Lennie the Liquidator's magic that they noticed not a thing of all this skulduggery.

To be continued...

How trade cheats have cost SA \$25bn

Banks can't staunch the outflow

IHE CORRUPTION-RIDDEN 2008 maize procurement deals with the Kenyan National Cereals and Produce Board not only saw large financial losses to the Kenyan people - it also saw our own taxman being cheated. Nose127 reported how a technical blunder by Centurion-based Afgri Trading led to investigations that uncovered acts of fraud and corruption. Ongoing investigations now show that, by under-invoicing its parent Swiss-based company, Stellenbosch-based Noble Resources SA (Pty) Ltd knowingly defrauded SARS of tens of millions in undeclared revenues.

According to Washington-based Global Financial Integrity, since 1970 illicit financial transactions have led to an overall loss to Africa of more than \$850bn – possibly as much as \$1.8 trillion. In that period South Africa lost around \$25bn in revenues. (see box)

Noble Resources' little double-deal shows just how easy it sometimes gets to out-manoeuvre the tax authorities. The structures are out there, the wheels turn day and night (and the internet is endlessly restless).

This particular story starts with the 1999 UK registration of Euroworld Commodities Ltd, by Indian national "tenderpreneur" Rashmikant Prabhudas Kotecha, who discovered that with a bit of palm-greasing he could land huge contracts with Kenyan public officials. Euroworld Commodities, believe it or not, was one of the tender winners in Kenya's quest to buy South African maize, and it's clear that Euroworld had the deal clinched long before the tenders were actually announced, in July 2008.

Still a one-man band, in 2006/2007 Euroworld had two judgments recorded against it in British courts – for a mere £312. How did a corporate nonentity come to feature in a multi-million dollar grain deal between South Africa and Kenya? Think dining in style with the right people, think "official government visits" to London, or other capitals of the money world.

Noseweek's investigations show that Rashmikant Kotecha's first involvement with Kenyan white maize procurement was in 2004, when he landed a contract to supply around 100,000 tonnes. In that deal, Kotecha partnered with Johannesburg-based Louis Dreyfus Africa (Pty) Ltd, and his con-

Out of Africa

REPORT EXPLAINING HOW Africa lost more than \$850bn between 1970 and 2008 in illicit financial flows – mainly through corporate tax evasion, trade mispricing and overpriced supply contracts – suggests that long-standing debates over the merit of foreign aid are wrongly directed. Illicit outflows from Africa, orchestrated by international companies and corrupt officials, have run at well over double the levels of foreign aid sent to Africa from rich countries, according to the report from Washington-based Global Financial Integrity.

The authors, who include former IMF economist Dev Kar, suggest Africa's illicit outflows from 1970 to 2008 could total as much as \$1.8 trillion, if transfer

pricing schemes and mispricing of the trade in services with Africa are taken into account. Africa's biggest economies were worst hit: Nigeria was reckoned to have lost \$89.5bn; Egypt \$70bn; Algeria \$25.7bn; Morocco \$25bn; and South Africa \$24.9bn.

Private businesses arrange most of the outflow but government agencies fail to staunch it. Commercial tax evasion accounts for about 65% of the losses; drug trafficking and counterfeiting for about 30%; and bribery and theft involving state officials about 3%.

The report raises policy questions for the World Bank, which has launched its own detailed study (financed by Norway) into capital flight.

tact person in South Africa was Dutch national Ronald Reinier Jetten – who now heads Noble Resources South Africa.

When a new Kenyan maize procurement deal was in the offing, Kotecha,

apparently openly boastful to competitors that he had inside information, discovered to his delight that his dost (Hindi for friend) Jetten was now heading the Noble Group's South African operations.

The Noble Group

Singapore-Listed Noble Group was founded in 1987 by commodities trader Richard Elman. In 2009 Forbes Magazine profiled the company thus: "Noble has grown from a small-time metals trader to a commodities merchant and supply-chain manager, with revenue last year of \$36bn, up 54% from 2007."

Presently, Noble Group has four divisions: Agriculture (cocoa, coffee, cotton, fertilisers, grains & oilseeds and sugar); Energy (carbon credits, coal & coke and oil & gas); Logistics (chartering and fleet management); and Metal, Minerals & Ores (aluminium & alumina,

ferrous, ferro alloys, iron ore and non-Ferrous).

Noble has six main offices; Hong Kong, Singapore, Lausanne (Switzerland), Stamford (USA), London (UK), Sao Paulo (Brazil). South Africa is a new minor operation.

Noble Resources SA (Pty) Ltd was registered in 2003 and specialises in supplying coal, grains and oilseeds – all controlled and traded from Lausanne. As a limited-liability company, Noble Resources SA is not required to publish its financial statements, while Noble Group's financial statements don't identify its revenues from minor operations.

Whereas SA maize traders, like Afgri Trading, only learned of the Kenyan demand for maize when Kenyan officials (see *nose*127) visited South Africa in June 2008, Noble Resources was already armed with inside information as early as April 2008, when former UN Secretary-General Kofi Annan was brokering peace between the warring Kenyan political elites.

An inside source at Noble Resources told *noseweek* that by April 2008 Noble had already booked all export slots for bulk grain, for the last quarter of 2008, at the ports of Durban and Maputo. This effectively shut out all other South African maize traders: it's alleged, in fact, that to ship their consignments, tender winners Afgri and Senwes had to negotiate with Noble for export slots.

A number of sources at Noble Resources informed *noseweek* that the Noble/Euroworld deal was handled exclusively and secretly by Jetten and Noble Group Grains Division head Diego Luis Barbero (he's also listed as a director of Noble Resources SA) and Kotecha. Other local staff were instructed not to get involved, as the



tender had been "securely fixed in our favour".

The Noble/Euroworld deal didn't work
out quite as smoothly
as expected: When Noble signed to supply 50,000
tonnes of white maize to the
Kenyans, on behalf of Euroworld, Noble's price was around
\$360 per tonne, but when
the spot price fell markedly
Euroworld sought to renegotiate
the price – and Noble flatly refused.

A source says: "We knew the maize spot price had dropped and we knew the tender had been rigged in Kotecha's favour; but above all we had secured exclusive ing, Jetten would simply leave the country: "He would get on a plane and fly to Lausanne or to The Netherlands, leaving us to carry the can – but it is painful to know that our company was part of a scheme that defrauded the Kenyans and South African taxpayers. I know other local

ers. I know other local traders are not amused because we often buy export slots without fixed export contracts in hand."

When noseweek tracked down Jetten, he was shocked that we had discovered so much about

The taxman was cheated of taxable revenue on at least \$9.35m

rights to export slots at the nearest ports, so we were sure he couldn't get an alternative supplier."

Failing to secure an alternative supplier, Kotecha was stuck with Noble.

Once the consignment was on its way, Noble Resources went ahead with the trick that robbed the SA taxman. Noble purported to have sold the maize to Noble Group, its parent company in Lausanne, Switzerland, at the going price in SA, i.e. without profit and so tax-free (sources say it was billed at under \$200 a tonne; Noble Group Switzerland then billed Euroworld Commodities at around \$387 a tonne.

So, on a maize consignment of 50,000 tonnes, the taxman was cheated of taxable revenue on at least \$9.35m (R95m at the time). Nothing compared to what Kenyans lost in the deal: their National Cereals and Produce Board paid Kotecha's Euroworld some \$460 per tonne. Kenya paid between \$5m to \$10m more for the consignment than they would have, had the procurement been conducted legally and fairly.

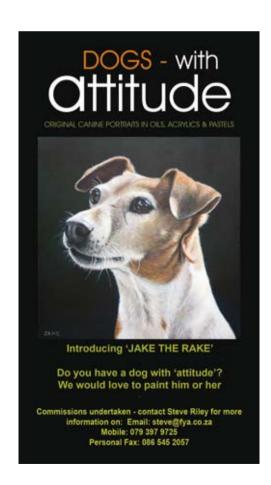
One Noble employee told noseweek that if SARS began investigat-

involvement his the scheme. in He wasn't interested in discussing relationship his with Rashmikant Kotecha or the legal implications in Kenya and South Africa of the way his company had set up the deal with Euroworld Commodities. "It was a business deal," was all Jetten deal," was all Jetten would say – besides declaring that he no longer had any relationship with Kotecha.

Meanwhile, noseweek has discovered that the Kenyans were ready to pay premium prices for the white maize because it allegedly fulfilled their

requirement that it not be genetically modified. But sources at Noble Resources SA claimed that the company had "persuaded" pre-shipment inspection company SGS to provide GMO-free certificates, despite their inspectors finding traces of GMO proteins in the cargo. SGS head office in Johannesburg promised to investigate the claim, but at the time of going to press, noseweek had not received a response. 12





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Turning toxic debt into gold

be a wonderful piece of absurdist fantasy, were it not all so appallingly true. With sardonic humour, novelist and journalist Lanchester sets out on a modern day *Gulliver's Travels* through the global investment and banking landscape. It's a world turned upside down where bankers take theoretical models for reality and investors turn fantasies into piles of cash leading to ... well, you know how it ends.

Instead of relying on old-fashioned assessments of risk, such as whether clients would actually be able to repay their bonds, bankers believed they had discovered a philosopher's stone, which enabled them to turn base investments into gold, thereby defying gravity: what went up no longer had to come down.

They had statistical formulae to back

it all up. The only problem was, there were precedents to show that the maths didn't add up. For example, after the Black Monday crash of 1987, economists calculated that it shouldn't have happened, that "had the life of the universe been repeated one billion times, such a crash would still have been theoretically 'unlikely'." Yet it did happen. These same mathematicians dreamed up the models that were going to protect the banks from

large-scale defaults resulting from the reckless lending they'd been indulging in. We know how well that worked.

It is hard to imagine the sheer scale of the crisis. It will cost the US alone \$7.76 trillion to bail its banks out – greater, says Lanchester, than "the cost of the Marshall Plan, the Louisiana Purchase, the 1980s Savings and Loan crisis, the Korean war, the New Deal, the invasion of Iraq, the Vietnam war and the total cost of Nasa including the moon landings – added together".

How was something this devastating allowed to happen? And did nobody see it coming? Well it turns out they did. In 2002, Warren Buffett had likened the new financial instruments that Tony Pinchuck Reviews

Whoops! Why Everyone Owes Everyone and No One Can Pay

(Allen Lane)

by JOHN LANCHESTER

played a large part in bringing the system down to weapons of mass destruction. He was doubly right, observes Lanchester, "because they are lethal, and because no one knows how to track them down".

Although greed played a role in the disaster, it would be far too glib to lay the responsibility for the whole bang shoot at the feet of bloated bankers. Yes, bankers do deservedly take a

fair amount of flak from Lanchester, but his analysis is way more nuanced than that, which is what makes this book so worth reading. Others in the cast include compliant politicians, half-asleep regulators and over-eager borrowers.

As he picks through the smouldering ruins wreaked by derivatives, searching for the origins of the crisis, Lanchester covers a vast amount of territory, making connec-

tions between intellectual, social and political developments over the last fifty years. This is a book that goes far beyond the dry details of the market. Indeed, one of Lanchester's most telling insights is around the culture that made it all possible – the culture of the City of London and of Wall Street, which could see value only in that which was measurable: money. This culture, he points out, has inappropriately come to permeate everything over the last 30 years, from journalism to education and healthcare. Lanchester is not upbeat about the financial collapse, either: he sees signs that, far from being chastened, the bankers are already stocking up for the next party.



fe

T'S IRONIC THAT one of my favourite sections in the *Sunday Times* is the obituaries, as someone recently gave me the opportunity to emulate *Times*' obituary writer Chris Barron, and provide my own version of my life. I won't drag out the details I went into in the self-portrait I wrote for my own paper, because many of you might think I'm just bragging. After all I've had a fine time: diplomatic upbringing, living in New York, partying in LA... let me stop there.

Apparently I died one recent Sunday night or early Monday morning. What caused my death was suicide by hanging. But hey - I reportedly did it on the farm. Better than hanging myself on some urine-drenched tree in the township. My alleged suicide was a rumour someone SMSed and emailed to as many people as possible in my hamlet of Barberton. Then, just when I thought the rumour was confined to Barberton, it came to my attention that queries about my "death" were coming in from virtually all corners of Mpumalanga, and particularly from the capital, Nelspruit.

Now mind you, being a hard-hitting scribe in a country town is not taken too kindly by many people. That goes for this Mpumalanga backwater too, and I've had my share of people voicing their misgivings about being exposed in my small but powerful version of the



Demise greatly exaggerated

Mail&Guardian. Such as the mayor's driver, who slapped and choked me last year when I tried to take a photo of his boss and other officials.

Chauffeur Boy was taught a hard lesson: I laid criminal charges and he was found guilty and fined. I followed this up by instructing an attorney to sue the municipality, and they've already been served with charges. It's not about the money. It's simply to say: "Respect press freedom, and above all respect me. And remember – the community does not call me Mr No Fear No Favour for nothing." On the other hand, many are now calling me "Dead Man Walking".

The incidents of threats and intimidation have been too many to mention. But spreading a rumour that I had committed suicide — why something so idiotic? The moron responsible only succeeded in worrying my friends and family, and, as it turned out, the lo-

cal community as well. But instead of scaring me, or whatever it was meant to do, it had me laughing.

The really funny part, however, is this: No one came out to the farm to check the story. I would have thought someone would, especially my family - hello!? I was at the farm all day that Monday, cleaning up after Sunday's heavy rains. My phone rang constantly but I was too busy to answer. I mean; they hear I'm dead so they call: I don't answer – but no-one goes to check with the police, or come out to my home. Hello again!?

Of course all a visit to the farm would have

done is verify my reincarnation. Problem is I came back as myself.

In the end I must thank the idiot who pulled this prank, because it made me realise just how many people, throughout the community, care about me. The expressions of joy by many who saw me walking in the streets that Tuesday were overwhelming. I must have received more phone calls that day than I have in my entire life. It was very comforting.

Besides, writing about my own death helped to sell out, in a few hours, roughly a thousand copies of my little hard-hitting gem, the *Guardian – Yase Mpumalanga*.

Then, just when I thought I'd been through the worst, another shocker was in store. When I got back home on Tuesday evening I found two dead owls lying right in front of my door. Now mind you, being an African, the first thing that came to mind was: "For crying out loud - now they want to bewitch me." Mind you again, I'm an American-raised African who does not believe in mumbo jumbo – but, given the death rumour, I couldn't discount the possibility. Dead animals placed in front of your door, or inside your house, are considered signs of the voodoo man's work - and owls are reputedly one of the most powerful and feared harbingers of bad magic.

It turned out the owls had got trapped inside the house, and were killed and taken out by my caretaker, Moses. Yes; he should not have killed them. Maybe if you didn't know better and found a pair of owls going berserk inside your house (they were desperately crashing into the windows), you would do the same.

But I did say to Moses: "Why leave the damn things right at the front door? You scared the living shit out of me." Says the man: "I wanted you to see them." Go figure.

Yeah. My country life.





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Last Word

Strachan

Katkop

EIN A SECTION were a mixed bag of bandiete all right. In Die Rooi Hel, that is; Port Elizabeth Local Prison. All sorts, from Oom Piet Joubert who had got one year for nicking copper from the railway, to Elston Bouwer who had got twenty for killing somebody. Why this didn't count as murder was something ou Elston couldn't quite explain, nor indeed quite understand, and he went about with a puzzled kind of innocent expression on his face even when he damn nigh did another somebody to death with the handle of his porridge spoon in that cell fancifully called the Dining Hall. We would all forty-or-so troop into this dining hall with a tin dish of porridge and a slab of bread and a spoon and stand at long tables with long benches and make a hell of a din when we were supposed to be dead silent, as befits a proper boep. Stilte! Bewaarder Kriel would command. SHURRUP! he would vell. Saunders, say your vokken prayers! Meaning Hasie Saunders, so called on account of being PE's most renowned sodomite. We would all hang our heads and shut the eye nearest to Bew. Kriel and watch our bread with the offside one and Hasie would bow his head too and sort of mumble Dank die Here vir kos en klere, veldskoen en kinders maak ons self. And it was during such grace that Elston tried to plunge the handle of his spoon into the ribs of the ou next to him who thereafter declared before God and the prison superintendent he had no intention whatsohowever of stealing Elston's bread.

Well Elston got lucky, there were five of us long-term ouens in Die Rooi Hel waiting for a sixth, to make a batch for transport to Pretoria Central Prison where the really horrible crims live. Six to fill a railway compartment all chained together, plus two bewaaarders with weaponry strapped to their bums, and this sixth arrived just before the investigation started into Elston's savagery and they just dropped it because he hadn't made much of a hole in this other ou anyway. This sixth was a bandiet name of Hedley Spruce, no shit, who had got four

If you flung your ration of bread at the wall it would stay there, like Prestik for something ghastly he'd done in a bakery where he worked. And Hedley declared he was actually quite eager to get to the Big House, however grim, because the bread, there known as katkop, was quite the most delicious health bread in the whole wide world. Seemed he'd been there before. There was no chance in Central of getting the deadly indigestion you got from eating Rooi Hel bread, said he. In making bread, he explained, you have to let it slowly rise twice, and each time knock it down to get

out bubbles of a certain noxious gas which otherwise make it all glutinous, but his bakery where Rooi Hel bread was made knocked it down only once to save time and expense, and that's how if you flung your ration of bread at the wall it would stay there, like Prestik. At Central the cooks are bandiete, see, so your ration of bread comes as one little loaf of the least ground flour, the wholest of wholewheat, and hot hot with a little brown crust on top, like a cat's skull.

But I digress. I set out to tell you how I met ou Hasie Saunders the other day, just sitting on the grass in Umbilo Park. Yirra ou Hasie, said I, is't jy? Ja it's me orraait, says he, I have been run over by the bulldozer of history but I refuuuse to die, laaik. So why are you in Durbs, man, and where do you live? say I. No I left Die Baai because another outie there tole me how they grow their boom in the park in Durbs, so this is where I live and sleep and I am now on duty in case the municipal lawnmower man comes, then I show him

where our boom is growing and he doesn't cut it down. We fall silent a while. Hasie, say I, how old are you? No, I am pushing seventy, says he. Then why don't you apply for a pension, man? say I. He grins cynically. Well you see, says Hasie, I can't get a pension because I haven't got a ID and I can't get a ID because I haven't got a birth certificate and I can't get one because I don't even know where I was born. I am a rubbish sort of a surplus citizen, laaik.

But come on, man! say I, you can't just live on dagga! No, says Hasie, I go to the Lovely Loaves Bakery over there at closing time, they give me today's katkop nice and fresh still and sometimes they give me a meat par. Jis I smaak a par! And they gave you that overall too, hey, saying Lovely Loaves? Ja, says Hasie, and a ole jersey. So it's Dank die Here vir kos en klere, then? say I. Z

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Fish Hoek 2 bedroom loft unit near beach and transport hub. Call 083 247 4850; greg@barefoot.co.za

Betty's Bay Whale Station House, sleeps 6. Harbour, bay & mountain views. Call Anneke 082 566 4899.

Cape Town City Bowl Up market apartment, furnished, self-catering, serviced, available for short lets;

www.farmdesign.co.za/apartment

Ponta D'Ouro, Mozambique Stunning Beach Villa, 3 bedroom, 2 Bathroom, fully furnished with 24hr security. Magnificent Views. Call Rosa 011 794 5563; beinvest@iburst.co.za

Waenhuiskrans Sea view, self-catering cottage sleeps 6. R800 per night. Call Wessel 076 082 9504.

Great Brak River Holiday home, 4 bedrooms, sea views. Call 082 896 5529 or 083 303 5273.

Franschhoek Three Streams self-catering cottage sleeps 4 on working trout farm. Call 021 876 2692.

OVERSEAS HOLIDAY ACCOMMODATION

Paris Beautiful sunny apartment 5min from Champs Elysees, fully equipped, sleeps 2; anne@pvalery.com; 082 900 1202. **Provence** Cotignac, village house, stunning views, pool, sleeps 4-6; rbsaunders@cwgsy.net

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WOEMA!



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Did your IT Manager forget to talk to us about backing up your company data?

ASK YOURSELF:

Q: Are you risking the continuity of your business by depending on the fact that "someone" has informed you that they back up your critical data every day?

Q: Does your secretary put your back up tape next to her cellphone and take it home with her?

Q: Has your IT manager been too busy to update your back up schedule and ensure that the correct files and folders are backed up correctly?

- Automatic
- Online
- Secure
- Over the internet
- Backup

It is no secret that many of the country's leading organisations have engaged with Integr8 to use its D8tavault and Attix5 platform to automatically back up all the critical data online over secure internet links to its secure Data Vaults at its secure hosting facilities located in the MTN Data centres.

Integr8 will install tools that will automatically compress and encrypt your critical data and send it to these secure facilities so that in the event of fire, theft or misallocation of data, all backed up data can be recalled on demand, anywhere in the world



