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AUGUST 2010

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AUGUST 2010

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# Letters

## Feed them to the Hawks

The Hawks have at last begun proper investigations into the sale of Joburg's parks (*nose128*), and suspension of employees in the deeds office, etc, has commenced.

Perhaps if certain people are offered a deal to turn state witness the real truth will come out.

On the other hand, mindful of Mr Moti's ways of doing things with Abalengani properties (see *noses 118,119,120,124,126&128*), and with the financial backing of his friends at Investec Bank, it will not surprise me if Moti seeks the assistance of friends in really high places to white-wash these illegal property deals. After all, another guy in Durban (with brothers and other high-placed friends) managed to overturn the rule of

law, or at least a legitimate sentence, in his corruption matters. I look forward to reading your latest instalment on Moti and his she-nanigans.

**William Smit,**  
Pretoria

■ I hope you'll keep digging on that Joburg property scandal you wrote

## Sharp design no solution

No matter how clever the design of the new South African passport (*nose129*), at the end of the day, if the people working at Home Affairs are dishonest, fraud will continue – systems are only as strong and secure as the people operating them.

**Wayne van der Merwe**

By email

my eye, I've been a regular reader, and have eagerly absorbed all the dope on Herr Blatter and his scabrous bunch. With their track record, the question is: after all the shouting, the "vu-vus", and the beer and balls, who is going to pick up the tab – and what are we in for? What's your forecast?

And now there's talk of

## No matter how clever the design of the new SA passport, if people at Home Affairs are dishonest, fraud will continue

about in your editorial last month ("Gill gets it done", *nose129*). It occurs to me that, frankly, we can't leave the digging up to *The Star*.

**Murray Hunter**

By email

*Your wish is our command. See page 14.* – Ed

*True – and as our story suggests, there is already something not quite kosher about the new passport contracts.* – Ed.

## Life after Sepp

Ever since the jumbo on the cover (*nose127*) caught

another Olympic bid! If I recall, it took a country the size of Canada years to recover the costs of just the Winter Olympics, and there is no doubt that hosting the Olympics made a significant contribution to Greece's current financial woes.

**Geoff Hamp-Adams**

Port Elizabeth

Gus



THE ALL SOUTH AFRICAN SUITCASE OBEDIENCE TRIALS 2010

## Broeder politics must end

"Hermanus forges ahead" (*nose128*) hit the button big time in this enclave of old *broeder* NP politics. Since then Mayor Byleveldt has gone to centre stage in the local paper, boasting, "Benefits abound", referring to the Overstrand's very secret property dealings with Rabcav (*noses98,104,110&114*). The Hermanus ratepayers have lashed back, challenging the spin and calling on the mayor to release the full financial details and the contractual manoeuvrings between the DA-led Overstrand council and Rabcav – information that has been withheld, unconstitutionally, for years.

Since then Terror Lekota has come to town to tell the local affluent (*broeders*) that if they wish to sleep safely at night, they will have to give more consideration to the less fortunate in our society. He went on to express shock that R30.5m has been

spent by the council on the private Hermanus Golf Club – which was simply disgraceful of the DA.

The DA and their old-time Nat following have been put on notice: Cope has come to town – and municipal elections take place early next year.

**John Williams**

Stanford

See page 7. – Ed

**Our luxury cars are ethical**

Your article about Cape Luxury Cars (“Point of No Return”, nose126) has inadvertently harmed even reputable companies in the luxury car rental business, as many customers apparently find it difficult to distinguish one brand name from another. Our company has been established for many more years and only practises good business ethics. We would appreciate the opportunity to point this out to your readers.

**Antony Ashley**

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Cape Town

Our ad rates can be found on our website at [www.noseweek.co.za](http://www.noseweek.co.za) – Ed.

**Theodosious update**

A quick update on the nefarious Theodosiou brothers (noses93,111,116,119&122).

Final liquidation orders were granted for the other companies that owed Absa the remaining R1bn but the



brothers applied for leave to appeal to the Supreme Court of Appeal – which was rejected by Judge Hartzenburg.

Therefore, as they clearly think it is their constitutional right to steal as much money as possible – they have now appealed to the Constitutional Court.

The kicker is that because they are in liquidation Absa must bear the cost of the appeal.

Don't you just love our legal system?

**Lone Ranger**

Sandton

**Down with cell pirates**

I, too, have had a drama with Vodacom about a flood of smutty smses with pornographic “content”, that kept popping up on my phone. I started at the Vodacom shop and moved on to their customer careline. But it was only after 20 emails and a call to the sleaze operator in London that I got it stopped, and got a refund of the “content charge” that appeared on my account.

The big question: How DARE Vodacom enter into an arrangement with some overseas scam artist, allow-

ing their infrastructure to be used to expose their customers to smut and to rip-off charges that THEY (Vodacom) bill their customer, and then, when you object, say it is your problem and you must sort it out?

When will the minister of communications bring these bastards to book?

**Ian Stewart**

Knysna

*Don't we just wonder. But, then again, the ANC does have a fat wad of shares in Vodacom – and the party has never been shy of sharing in the proceeds of crime.* – Ed.




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## Investec earns its stripes

**O**NCE UPON A TIME prison uniforms had black and white stripes. Dr Freud would have said that Investec's choice of the zebra as their corporate symbol was a dead giveaway clue to their subconscious sense of where they belong. Our cover story tells a shocking tale about actions to which Investec and its agents stooped a dozen years ago – and how the consequences are still felt acutely by some of the victims. Maybe: but that's ancient history, you say? Well, then, let us put you right. Investec's disrespect for the law and the constitutional rights of its employees and clients is not just history; nor is its wont to employ "private" investigator Warren Goldblatt's AIN to cross the legal line on its behalf merely historical: Earlier this year former Investec employee Mrs Glenda Faye Thomas had reason to lodge a complaint against Investec with the Human Rights Commission. This was after she had taken her dispute with the bank to the CCMA, who awarded her damages for constructive dismissal. How had they "constructively" dismissed her? Investec head office in Joburg harrassed and hounded her by, yes, tapping her office phones and emails, pressuring her (and many other employees) into undergoing lie-detector tests (crunch question that was supposed to set her pulse racing: "Did you leak information to *noseweek*?") and illegally obtaining her (and her husband's) personal bank and telephone records (once again with Mr Goldblatt's help) – all because Investec management had somehow got it into their heads (or maybe Mr Goldblatt put it there) that she was the source of the inside stories about the bank that are constantly leaked to *noseweek*.

In her submission to the Human Rights Commission Glenda Thomas states: "I understand that Investec as a company has the right to protect its business interest, but I believe that the Bill of Rights supersedes any authority that seeks to violate a person's individual rights without obtaining proper legal permission or following due process. My complaint pertains to the unlawful accessing of my personal information, including, *inter alia*, confidential banking records,

phone records, and so on.

"Investec did not follow due process in obtaining information pertaining to my spouse and I, information which is constitutionally protected and privileged – in other words, no permission was sought, no high court order or section 205 warrant (in terms of the Criminal Procedure Act) was obtained."

Investec illegally obtained Mr and Mrs Thomas's personal bank records because they thought they would find evidence there of the massive payments they were sure she must be receiving from *noseweek* on a regular basis. Such arseholes.

For the record: *noseweek* had not spoken to Mrs Thomas until this year, and then only about her CCMA case. We have never received information from Mrs Thomas about Investec, or anything else – either directly or through anyone else. We have never paid her anything, either directly or indirectly.

Last year a *noseweek* reporter did speak to her husband, Chad Thomas – a private investigator – by telephone on one or two occasions, about an entirely unrelated matter. He was, regrettably, unable to assist with the information we sought. But no doubt the *noseweek* calls showed up tantalizingly on his private telephone records and justified Mr Goldblatt in charging Investec a fat fee.

Also for the record: *noseweek* has, as fate would have it, received useful information about Investec – indirectly – from a source at Mr Goldblatt's company, AIN. And we did not even have to pay for it. I swear.

**The Editor**



"Why is it that they always go around talking about how they earned their stripes?"

# Terror Lekota takes the gap

**O**N SATURDAY 3 JULY, Mosiuoa “Terror” Lekota addressed a public meeting in Hermanus. At the time, Lekota was the president of COPE – but *noseweek* has no idea what his position might be by the time you read this. Not that many attended – a fair number of township dwellers and a sprinkling of whites – but then again there was the little matter of a World Cup quarter final.

Lekota endorsed the call of the local COPE man that the Overstrand municipal authority stop handing over its precious land to the developers of golf and walled housing estates. The resources of the area should be used for the benefit of all its people, Lekota declared. Besides being fair and just, it would be in the interests of the whites, as a general raising of living standards would lead to a drop in crime. A simple enough message.

So what gives – why would the national leader of a party in turmoil be paying attention to a relatively small regional issue? Well, here you have a party almost on its knees, discredited in the eyes of many by a leadership battle that appears to involve little more than a clash of monumental egos. A party that’s desperately looking for issues to distinguish it from the ANC and the DA, and to take the focus off its internal difficulties.

Then you have this appalling situation: Coastal land adjoining a township, where tens of thousands live check-by-jowl in truly deprived conditions, has been practically given away to white developers. No prizes for guessing what they intend building on the site (see *nose128* and inset Schulphoek story).

The deal was orchestrated by an exceedingly *verkrampte* DA-led local council, apparently with the collusion of ANC provincial politicians – whose motives one can only speculate about.

As a result of a series of property deals like this, that have gone down in Hermanus over recent years, a considerable number of local black and coloured residents have become thoroughly fed up with ANC cronyism and corruption. And you have a number of white people – one-time followers of thoughtful poli-

ticians like Van Zyl Slabbert and Zach De Beer – who are totally appalled by the decidedly less cerebral politics practised by the uncaring, hard-edged and distinctly right-wing characters

who increasingly populate the leadership ranks of the DA.

Lekota has simply done what any player in the game of politics would do – he’s gone for the gap.

## Council shows its colours over Schulphoek

**D**EON MALHERBE, who was so outraged that the Overstrand council was selling coastal land adjoining Hermanus’s Zwelihle township to a property developer, to construct thereon a “secure, up-market” (read “white”) housing estate, that he wrote an impassioned public letter opposing it (*nose128*), has now been accused by the council of “sedition” (undermining legitimate authority, and inciting resistance against the state).

This curious accusation came after Malherbe emailed Hermanus municipal manager Werner Zybrands to further voice his opinions. Besides noting the practical

problems posed by making the site’s milkwood forest function as a buffer zone, Malherbe suggested that selling council land for such a development could well lead to confrontation with the people of Zwelihle, desperately in need as they are for extra land, and whose traditional access routes to the sea will be cut off by the development.

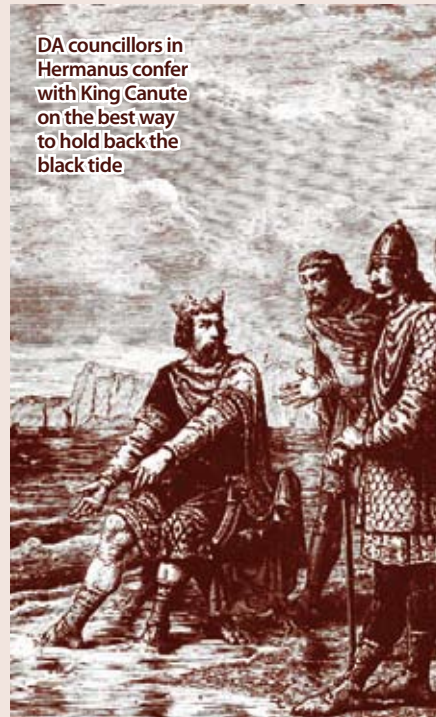
Malherbe ended his email with the statement: “There are alternatives.”

Zybrands, who likes to go by the title of “Advocate”, responded by describing Malherbe’s email as dangerous. “It could even be interpreted as sedition,” he declared.

Naturally, Malherbe rubbished Zybrands’ claim. It was laughable, he said, to accuse him of sedition – and as a lawyer Zybrands should know better. “You’re the one creating confrontation – not me. You are excluding people from the sea – not me. It’s you who have created an untenable situation.”

In the bad days of the apartheid regime, anyone who dared question whether there really was a “Total Onslaught” – as declared by Groot Krokodil PW Botha and his gangsters – or who publically posited that democracy for the country as a whole might actually hold some merit, would find their opinions labelled “seditious” (and “kommunis”).

The ex-followers of John Vorster, PW Botha and the like, having moved as far south as they could in an attempt to escape from Africa, obviously still cling to the anti-democratic vocabulary of their glory days.



DA councillors in Hermanus confer with King Canute on the best way to hold back the black tide

## Baby Michael: parents' trial resumes

**I**T'S BEEN CLOSE on seven years since Michael, then not quite three months old, was admitted to hospital with a bruised and swollen left eye (*noses108&121*). A month later, on 11 November 2003, the four-month-old tot was readmitted to Johannesburg General Hospital. He was now permanently blind, with fresh bruises on his face and irreversible brain damage.

As recounted in *nose108*, Baby Michael's parents, Malinda Marshall and Bradley Connor, both aged only 18 at the time, were the prime suspects. Connor almost escaped trial for attempted murder by some adroit juggling of the legal system. On the advice of his advocate, Norman Leibowitz, Malinda Marshall pleaded guilty to assaulting her baby and while she was on remand awaiting sentence the father pleaded guilty (in a plea-bargain deal) to the slap-on-the-wrist offence of not feeding Michael or taking him to hospital for medical treatment. For this he received a two-year suspended prison sentence. The mother then changed her plea to not guilty and when the state tried to recharge Connor he argued he had already been convicted and couldn't be tried twice.

In September 2008 Acting Judge Makume dismissed Connor's argument in the South Gauteng (Johannesburg) High Court. And last October, after countless postponements, the trial of both parents on a charge of attempted murder finally started in a Johannesburg regional court – only to have the defence once more raise the argument that Connor had already been convicted of an offence relating to the alleged abuse. The magistrate ordered the state to supply a full history of the case.

The trial resumed in March. The proceedings were not reported, but on that occasion two paediatricians testified on Baby Michael's injuries. Dr Mamathiba said that Michael had been a normal developing infant, but when he examined the baby on 4 October 2003 he had retinal bleeds and facial injuries that were not consistent with the parents' story that his injuries were caused by a fall from a futon bed.

Dr Judi Rothberg, who examined Michael the following month, on 11 November, said that the baby had severe permanent brain injuries. Petechiae over the baby's neck area was consist-

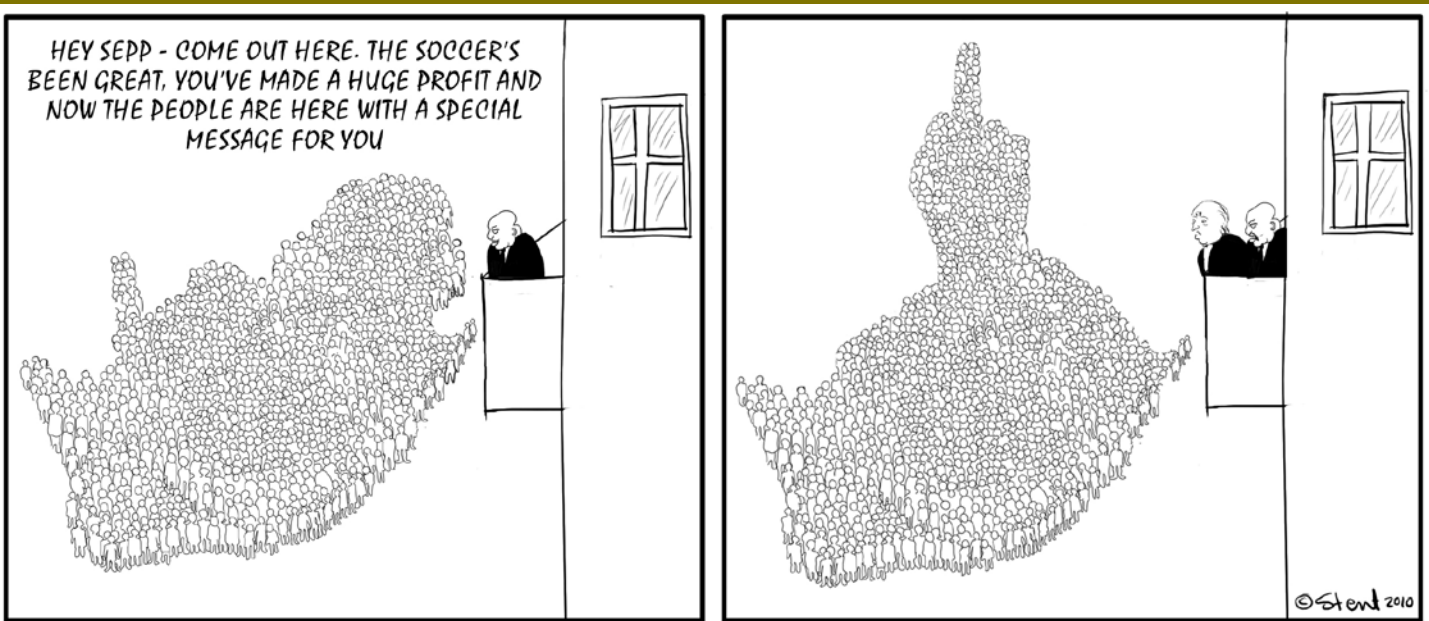
ent with throttling. She saw bleeding behind the eyes, for which the most logical explanation was throttling.

Radiologist Dr S Padayachee testified that as a result of Baby Michael's head injuries brain fluid had increased and pressure on the brain had caused it to shrink – resulting in cerebral palsy.

There was just one more state witness to follow: ophthalmologist Dr Mia. But the court was told that the eye specialist was out of the country until the end of July. Postponed again.

Now the trial of Malinda Marshall and Bradley Connor is set to resume on 8 September. Meanwhile Michael, now seven, continues to be lovingly cared for at Avril Elizabeth, a private residential home for the mentally disabled, in Germiston, where the boy is likely to remain for the rest of his life. His R7,000/month fees are met by the home's fund-raising programme.

Daily physiotherapy has resulted in a slight improvement in body movement, reports *noseweek's* source, and with nine other children of Michael's age now at the home, the place is "very vibey" with a lot of stimulation. "Michael does smile now and again." ▮







# Investec knows what you did last summer

Spies were paid to eavesdrop on clients and employees in a drama involving a R62m insurance claim

**D**OCUMENTS RECENTLY FILED in the Cape High Court claim that Investec Bank and its attorneys, Edward Nathan Sonnenbergs, employed private investigators to illegally tap the telephones of some of the bank's own employees, and to install telephone-bugging equipment at the homes and offices of various clients and their relatives.

They are even alleged to have tapped the telephone lines of lawyers representing clients in legal proceedings against the bank.

Investec is also said to have gained illegal access to the private telephone records of employees and clients, and to have acquired their private banking records from other banks – the latter obtained by fraudulent or corrupt means, since they did not have the warrants required by law.

The scandal also involves the old Scorpions (Special Crime Investigation Unit) and the Western Cape regional prosecuting authority, who, for years, it now transpires, have simply ignored orders from higher up to investigate these serious charges, or have grasped at the feeblest excuses to close their files on the matter – without seeking evidence or interviewing witnesses.

Angry complainants are now openly speculating about corruption in senior police circles. Another possible explanation: police and prosecutors may knowingly have received the tainted evidence produced by Investec's illegal investigations and used it in some newsworthy prosecutions, and now fear prosecution

and massive damages claims should this become public knowledge.

The head of the National Prosecuting Authority (NPA), advocate Menzi Simelane, last month ordered a fresh investigation into the matter, but the continuing reluctance of senior Cape policemen to take on the investigation has become so obvious that the complainants have petitioned the regional police chief to have a senior detective brought in from Gauteng to do the job.

The evidence relating to unlawful telephone tapping was filed at court last month by the defendants in a case already made notorious by the compromising role played in it by Investec's former chairman (and Sonnenbergs senior partner), Hugh Herman. (See *noseweek* 117.) The case was initially launched – for reasons *noseweek* can only speculate about – in the name of Investec's hatchet man, the ghastly Robert Gottlieb. But since his cover was blown in *noseweek* Gottlieb has been replaced as plaintiff in the case by Investec Business Services Ltd.

Investec is seeking to recover R4.5m (plus 10-years'-worth of interest) from five men who signed surety for a well-known Cape Town property development – the Victoria Junction Hotel – that was funded by Metboard (now Investec Property Finance division) more than ten years ago. They are: Ian Geoffrey Chait; his sons Anton and Stuart; Naftali Novick and Ian Fife. All were once Hugh Herman's mates and co-speculators in various property ventures. Which is why, many thought, Investec was being so tardy in pursuing the case. (It was launched

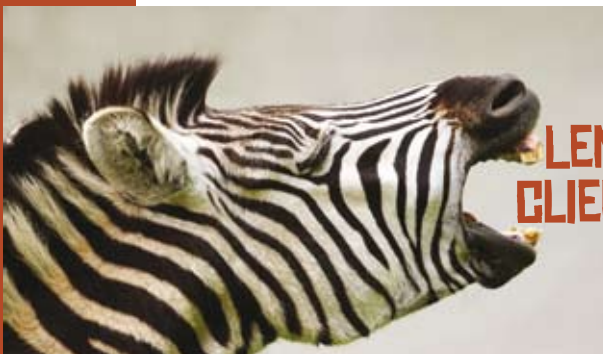
only in 2006 – and even then they were in no rush.)

So tardy, in fact, that when *noseweek* first reported on the case a year ago, we were prompted to ask: What is Investec hiding?

In their recently filed court papers the defendants appear to have discovered an answer to that question – and it's not Hugh Herman's personal business relationship with them; it's something much more serious. They reckon

First step in the scheme: find evidence to support a claim that Metboard's losses were due to fraud and serious mismanagement on the part of their own staff. That way, Investec could claim the losses from their insurers, Lloyds of London. To this end they acquired the services of Warren Goldblatt's already notorious firm of private investigators, Associated Intelligence Network (AIN) – who, for a substantial fee, provided illegal telephone taps and a bent policeman prepared to demand records from banks, under false pretences. (Readers will recall that Goldblatt provided the same services to CorpCapital when he illegally tapped

Step two: Since Investec had recovered its losses from Lloyds, it ran no risk in "winding up" Metboard's business, by freezing the credit line previously afforded its clients and calling up their loans. (That was Robert Gottlieb's job.) Then, finally, when they could not immediately repay the loans, they could be put into liquidation and Investec could sell or buy up their properties for a song. (Enter Lennie "The Liquidator" Katz, all the way from Edward Nathan Sonnenbergs. By October 1998 *noseweek* was able to report that Lennie had managed to put 37 of Metboard's clients into liquidation in just three months.) Whatever Investec



## LENNIE THE LIQUIDATOR PUT 37 OF METBOARD'S CLIENTS INTO LIQUIDATION IN JUST THREE MONTHS

it's all about a ruthless scheme the bank bosses allegedly devised in 1997 to turn one of Investec's many loss-making acquisitions into a massive profit opportunity – at the expense of their insurers and the property developers who had the misfortune to be clients of Investec's then newly-acquired, and vastly over-extended, Metboard property finance division.

Nic Frangos's telephones.)

They succeeded, by hook and by crook, in acquiring sufficient evidence to persuade the director of Investec's property finance division, Alletta "Laetitia" Peyper – after four years of postponed court hearings – to agree to a plea bargain, in terms of which she pleaded guilty to various charges, for which she was fined R300,000 and given a six-year suspended prison sentence. That was enough to persuade Lloyds to pay out some R62m on Investec's claim.

managed to lay its hands on that way would be "pure profit".

Investec seized and sold off the Chait's Victoria Junction development to Protea Hotels for half the cost of construction, while keeping a healthy stake in it for themselves.

Property developer Justin Lewis claims Investec unlawfully liquidated his Keurbooms River Lodge development then bought the hotel itself only to sell it very soon afterwards for an enormous profit. He has been campaigning for police action for the past 11 years. Another client, Le Roux Construction, was liquidated and their property, Cape Town Lodge, was sold for about R3m to an Investec consultant, Raymond Gnesin. The lodge is now worth twenty to thirty times more.

It has taken some of their major property development clients, who were ruined in the process, ten years to discover what hit them – and what it was really all about. And they are definitely not happy: they've gone to court and they've called in the cops.

Now that they've understood Investec's scheme, the Chait's and their partners have decided to fight back: they've lodged a counter-claim against Investec for damages totalling R170m.

How did they find out? In his court papers filed last month, Stuart Chait tells how he first learned, earlier this year, of the damning letter written in March 2004 to Ben Avenant at the Directorate of Special Operations (Serious Economic Offences) by Peyper's attorney, Michael Murphy.

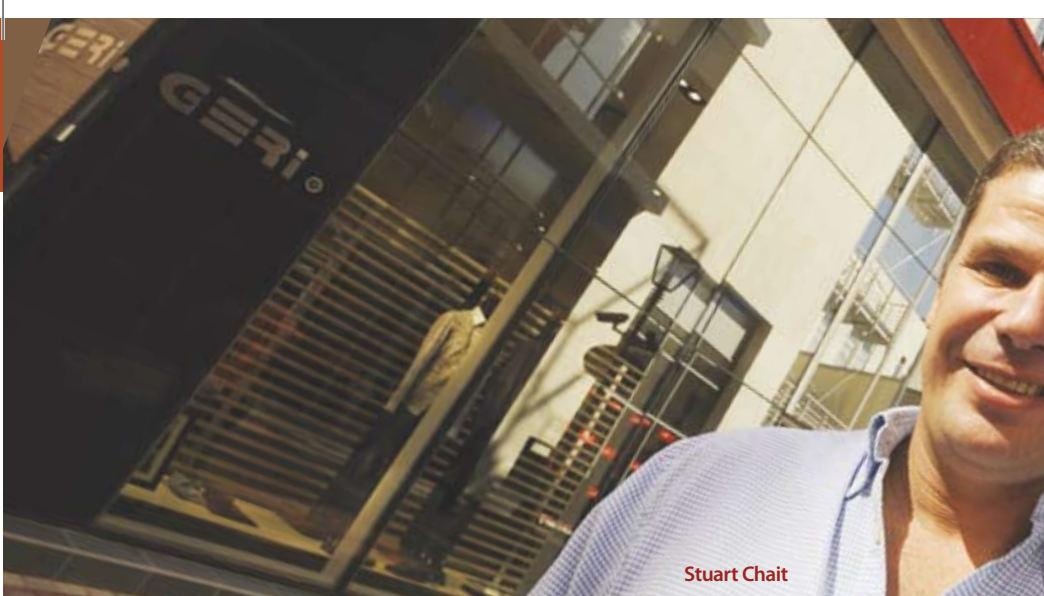
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Stuart Chait

In the letter, now annexed to Chait's court papers, Murphy formally reported to the state investigating authorities what he knew about the telephone tapping, and other illegal interventions, that had been carried out at Investec's behest and on their behalf. (According to the letter, Murphy had already informally informed Avenant about these matters in late 2003.)

Murphy declares: "This is a formal request that the issues herein be taken up at the highest levels of your offices with a view to an investigation being launched into all of this."

Murphy reported that, in an endeavour to find evidence which would be used in his wife's defence, Jan Peyper had contacted Les Haupt, manager of the old Provincial Building Society division of Investec, who has also been fired. Haupt "had at some stage suggested that Investec had engaged in various illegal acts as part of a

stragem to sustain a fraudulent insurance claim". He told Jan Peyper that he had ascertained that Investec's "programme" had included:

- "The tapping of telephone lines at Investec offices, at the offices of lawyers and businessmen and at private homes" and;

- "Accessing private information of persons linked directly to Investec, and also of others, such as the spouses and family [sic] of these persons."

Haupt told Peyper that he had heard tape recordings of Peyper's telephone conversations with members of his family and with business associates and friends. The tapes were listened to by the Investec executives who had commissioned them, and by Investec's lawyers.

Jan Peyper then hired well-known former police officer Leonard Knipe (then an investigator employed by George Fivaz and Associates) to investigate the matter.

Knipe established that Investec had commissioned Associated Intelligence Network (AIN) to do the job in 1997. The AIN team had consisted of Warren Goldblatt (CEO of AIN), Seun Briel (a former Telkom employee who specialised in "telephone monitoring", Gert Olivier (a policeman "on leave from the SAPS"), Johan Rademeyer, an ex-recte who had worked for Investec and for AIN, Peter Ryan of Investec, Leonard Katz (of Sonnenberg Hoffmann and Galombik – now Edward Nathan Sonnenbergs) and "David, an AIN employee".

In summary, Knipe reported that Rademeyer had become involved in "an assignment commissioned by Investec Bank head office, Johannesburg", shortly after taking employment with AIN in early 1997. Goldblatt, who managed the Investec account, explained to Rademeyer that AIN had been commissioned by Ciaran Whelan at



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Investec head office to conduct “investigations at the behest of the bank”.

Rademeyer was told that the investigation would last four to six months, and he would be required to be away from home for that period. When he asked why, Goldblatt told him that Investec head office wanted AIN to tap the telephone lines of all the alleged suspects in Cape Town during that time. Rademeyer was to head a team that would be sent to Cape Town (from Johannesburg) to conduct the telephone monitoring. The team would include Olivier and David.

Gert Olivier had the rank of captain and was a member of the riot squad in Alexandra, Johannesburg. He took leave to accompany the team to Cape Town. (Shortly afterwards he resigned from the police and joined the full-time

Ryan in a boardroom at Investec’s Cape Town offices. Katz opened the meeting by outlining the problem. Goldblatt then informed them what his instructions were from Investec head office in Johannesburg and that they were to:

- obtain bank records and statements of identified persons and their spouses, and

- monitor (“tap”) telephone lines of the identified persons at their homes and offices ... until instructed to stop by Investec head office. This monitoring was done without legal sanction.

The report notes: “At the meeting Katz raised concerns about the manner and methods to be used in the investigation. Goldblatt justified it by saying that Whelan at Investec head office had authorised the above method of investigation.”

At the meeting Goldblatt also informed Katz and Ryan that he had in his employ, on a contract basis, a former Telkom employee, Seun Briel, who spe-



Hugh Herman

devices still in their hiding places. Photographs of the devices in position are annexed to Chait’s latest court papers. They had clearly been added to the list of those Investec wanted monitored.

Seun Briel confirmed in an affidavit, signed in May this year, that he had done the telephone monitoring as described in Knipe and Murphy’s report.

According to Murphy’s letter, the taped conversations included:

- a conversation between Haupt and Lamjopoullis;
- two conversations between attor-



## INSTRUCTIONS FROM INVESTEC HEAD OFFICE INCLUDED MONITORING BANK RECORDS AND TAPPING PHONE LINES

staff of AIN.) It took Olivier his entire three weeks’ leave to obtain the bank statements of the alleged suspects. To quote Murphy’s letter: “He would and did use his official position to obtain banking details and statements of suspected persons. Whenever it was necessary to question people, Olivier would produce his appointment certificate to make it appear that their investigations had official sanction.”

On their arrival in Cape Town, the team were given “a more detailed briefing on the whole matter” by attorney Leonard Katz, at Sonnenbergs, who also told them they could get more details from Ryan at Investec. Katz then gave Rademeyer the following list of names of alleged suspects:

“Les Haupt, Shahied Noor, Faizel Noor, Leonard Fourie, Rashad Khan Attorneys, Mariam Noor and Associates, and Beryl Lamjopoullis.” (More names would be added later.)

A few days after their arrival in Cape Town, Goldblatt and Rademeyer met again with Katz and Investec’s Peter

cialised in telephone monitoring. Katz raised concerns about the possible detection of Briel, but Goldblatt explained that he operated in a van identical to vehicles used by Telkom. Briel would be instructed to travel to Cape Town in this vehicle to join forces with the team. (Briel also wore a Telkom uniform.)

Seun Briel subsequently did all the monitoring installations at the addresses supplied by Investec. He would visit each site daily to collect the cassette tapes and replace them. Knipe found that “installations were done at offices and houses virtually across the Peninsula – Blaauwberg, Hout Bay, Sea Point, Grassy Park, Claremont, Wynberg.” Briel occasionally showed his colleagues where he had concealed the cassette recorders, *inter alia* at Haupt’s house in Blaauwberg and at Lamjopoullis’s flat in Three Anchor Bay.

(Earlier this year, when the defendants in the current matter in the Cape High Court obtained a copy of Murphy’s “report” they went to the old offices that used to be occupied by the 406 Fairweather Trust – the entity they had established to undertake the Victoria Junction development – and found the old phone monitoring

ney Rashad Khan and an advocate regarding a case they were working on;

- various conversations between attorney Mariam Noor and other attorneys, and one between her and an advocate about the case of a mutual client;

- various telephone conversations Jan Peyper had with business associates.

The report states that Rademeyer visited Katz at Sonnenbergs on “not less than three occasions”, when he played cassettes to Katz of monitored conversations that he thought might have a bearing on the investigation. One conversation that Katz specifically wanted to hear was one between Herman Niewoudt (Haupt’s labour attorney) and Haupt – the reason being that there was an upcoming internal hearing with Haupt, and Katz wanted to know what he discussed with his labour attorney.

Seun Briel was also required to install monitoring devices on the telephones of various staff members at Investec itself.

The report notes: “David Schenker, from Investec Cape Town, only became aware of the instruction to monitor

the office telephones in his area after the installation had been completed. He was furious that he had not been consulted and wanted the devices removed immediately. Whelan, from head office, misled Schenker into believing that the devices had been removed, and Rademeyer and his team also were instructed to pretend that this was the case.

While in Cape Town the team first stayed at the Protea Hotel, then moved to the Dolphin Beach Hotel. Their hotel bills were paid by AIN. The investigation lasted from April to July 1997. At the end of it all, Rademeyer held a stash of 180 tapes of illegally recorded telephone conversations.

Apparently quoting Knipe, Murphy adds: "During the course of the Investec investigation it came to Rademeyer's knowledge that Goldblatt had, through AIN, supplied Whelan at his private residence with security guards and security services free of charge."

Murphy concludes: "On the evidence, it seems clear that the investigation, and the manner in which it was conducted, was carried out in accordance with the direct instructions of Investec and in direct contravention of the law and our client's fundamental rights.

"The probabilities seem overwhelming that the investigation was one by Investec and that it was launched to substantiate a significant claim with Lloyds of London.

"I do not believe it would be an exaggeration to say ... that the conduct dealt with above is criminal, that it is conduct that must not be allowed to recur and that those who authorised it must be called to account. The consequences for these persons and entities will be serious, I am sure. The banking licence of Investec could be at risk.

"I would appreciate it if you would ensure that this letter is laid before the NDPP, and that your office give consideration to taking the appropriate steps to verify what is set out above and then bring proceedings against those responsible."

Murphy got no response. Nothing. Six years later there has still been no police investigation. All subsequent complainants have hit a brick wall when they have approached police and prosecutors in Cape Town. Hopefully, in the coming month, Mr Menzi Simelane will establish why – and who in his Western Cape office is so determined to protect Leonard Katz

from prosecution and Ciaran Whelan from being exposed as a person not fit to direct a public company.

■ *Noseweek* called Steve Levetan, the attorney at Edward Nathan Sonnenbergs in Cape Town representing Investec in the case against the Chaits and their partners, to ask for comment on the latest developments and disclosures. "The Chait action? I'm very much aware of it," he says. *Noseweek* mentioned the allegations concerning phone tapping and asked if he could let us have a look at his set of court papers. No: "These papers are kept by the Registrar confidentially, until the matter is called. And it hasn't been called in court because it was postponed.

"It was due to be heard on 3 June, and it's been postponed to 31 January 2011. The Chaits asked for leave to file a counter-claim and that was granted after an application that was made and opposed. Ultimately the judge president postponed it to 31 January. The matter is *sub judice*. The allegation [about phone bugging and the like] is still being looked at and I'm not in a position to comment."

Why was the plaintiff now listed as Investec Business Services when previously it was Robert Gottlieb?

"Gottlieb – it's disgraceful what you said about him in your last article – was acting as trustee for a trust [set up by Investec as a 'lending vehicle']. Now the trustee of the trust is Investec Business Services."

Subsequent to speaking to Levetan *noseweek* gained access to the court record, and to Investec's reply to the charges contained in Chait's papers. Investec's response to the charge that they commissioned and connived at illegal telephone tapping: "The office telephones of Peyper and Leslie Arthur Haupt were tapped during an investigation into irregularities. Investec instructed AIN to perform the above on its behalf. AIN was not authorised, either expressly or otherwise, to tap any telephone outside of its mandate referred to above. Investec have no knowledge of the further allegations in this regard, and put the defendants to the proof thereof."

On the subject of putting the squeeze on Metboard's bond clients, Investec admits only that "a number of Investec's mortgage bond clients were placed in liquidation and/or foreclosed on by Investec. All further allegations in this regard are denied". ■



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# The clerk who

**J**OBURGERS TEND TO BE a hard-bitten bunch, but the story that broke earlier this year shocked many to the core: the City was getting rid of a number of its parks, and, to add insult to injury, they were being sold for peanuts to none other than sleazy businessman Zunaid Moti (see *noses* 118, 119, 120, 124 & 126).

It turned out that in March some 33 pieces of public property, including parks like Norscot Koppies and Kingfisher in Fourways, and Mushroom and Ernest Ullman in Sandton, were indeed transferred to Moti-linked companies Zamien Investments 45 and Zambrotti Investments 31. Transfer of ownership from the City was done via a company called Eildoug Investments, through the office of controversial Pretoria attorney and conveyancer Peet Viljoen.

In July, as the spotlight turned on him – he is apparently being investigated by the Law Society and the Hawks for his role in the matter – Viljoen gave *noseweek* his version of events.

Viljoen says he was approached early this year by “the City’s external property agent, Edwin Maringa”, and asked to find buyers for a list of properties the City had decided to sell. He contacted Moti and in March the deal was sealed, earning him a R5m “finder’s fee”.

Viljoen’s story is sure to keep

Millions  
changed  
hands in the  
illegal sales  
of prime  
city land

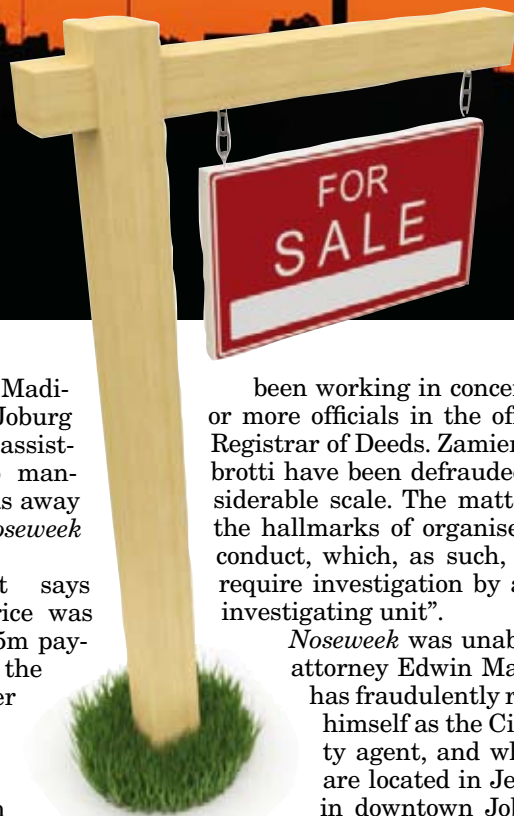
changing as investigations hot up. For starters: Edwin Maringa is certainly not what Viljoen claims he is. Viljoen told *noseweek* that “everyone knows that Maringa is the City’s property agent – all deals go through him”. That

was news to the legal department of the Joburg Property Company, which deals with all land transactions for the City. They claim that Maringa has never been on their panel of attorneys, and has never been mandated to sell City properties. They had of course heard of him – Maringa and Viljoen are listed as respondents in the City’s court application to have the illegal transfers of the properties in question reversed.

*Noseweek* also suspects that, whatever else may be back-to-front about the affairs of the Joburg City Council, their property department is highly unlikely to have asked a Pretoria conveyancer “to find buyers” for prime land – in the middle of land-hungry Fourways *nogal*. Pull the other one, guy.

For their part, Moti and Co are claiming, with a great show of innocence, that they were duped. In May, in response to the City’s court challenge, Moti’s right-hand man, Zambrotti director Irshad Sulliman, claimed in an affidavit that they were approached by Viljoen with a list of City properties, supplied to him by one of his clients, Eildoug Investments. They asked for guarantees that rezoning for redevelopment would be possible and, when Viljoen secured these guarantees from the City, the deal was done. Sulliman claims that City “property portfolio manager Dora Madisa” confirmed in writing that the

# Sold Joburg's parks



deal was above-board. (Madisa is employed by the Joburg Property Company as “assistant property portfolio manager: schools” – and was away on “sick leave” when *noseweek* tried to contact her.)

Sulliman’s affidavit says the total purchase price was pegged at R83.7m, R15m payable on signature, with the balance to be paid after rezoning had taken place. An amount of R20m was paid to Viljoen; the R15m plus a R5m finder’s fee. No money, of course, ever reached the City – but Sulliman and Moti claim that that had nothing to do with them.

Sulliman declared, with suitable anguish, that Zamien and Zambrotti were “the subjects of an elaborate scam involving the City, Eildoug and possibly other parties ... as a result of which [Zamien and Zambrotti] may be deprived of the properties they acquired from Eildoug, with little, if any, prospect of recovering the monies paid by them. There is the probability that the matter involves fraudulent conduct on the part of a number of City officials, potentially including high-ranking officials [who] may have

been working in concert with one or more officials in the offices of the Registrar of Deeds. Zamien and Zambrotti have been defrauded on a considerable scale. The matter displays the hallmarks of organised criminal conduct, which, as such, appears to require investigation by a specialist investigating unit”.

*Noseweek* was unable to reach attorney Edwin Maringa, who has fraudulently represented himself as the City’s property agent, and whose offices are located in Jeppe Street, in downtown Joburg. However, a little sleuthing uncovered that Eildoug Investments, the company through which Maringa transferred the City properties to Moti and Co, had as its sole director, until January, a man employed by Maringa as an assistant – Wayne Africa.

In January a second director was appointed to Eildoug: Charlotte Jonck. Africa’s name as a director of Eildoug was removed from company records a day after *noseweek* ran a credit check on him and also called Maringa’s office – to be told Africa was “out of the office”.

Curiously, the last company to run an internet credit check on Wayne Africa, in March when the deal was being concocted, was Abalengani; in

other words, Zunaid Moti. Moti would have learned that Africa has a set of judgments against him for debt: In September 2007 First Rand Bank took him to court to claim R27,000; in November the same bank was claiming R250,000. In 2008 Woolworths wrote off bad debt against Africa worth R2,800. Nor was 2009 a good year for Maringa’s clerk: Wesbank wrote off bad debt of R23,000 and Nedbank wrote off a credit-card debt of R14,000.

So not someone likely to mind being paid a little extra for his name to be used on company records. If Wayne Africa even knew this had been done – until his name appeared in the Joburg press.

The City of Johannesburg’s court application to have the transfers reversed and the bonds registered on the properties set aside, is supported by an affidavit signed by Helen Botes, MD of the City of Joburg Property Company. Botes says the original title deeds for the properties remain in the possession of the City, and that certified copies were used to effect the transfers. Forged affidavits, purportedly signed by her, and countersigned by various attorneys unknown to Botes, were submitted to the Registrar of Deeds to obtain the certified copies of the deeds in question. The “unknown” attorneys who signed, as Commissioners

of Oaths, are: Masilo Modjadji, Nonhlanhla Hlongwa, Jacob Maribana and Itumeleng Sekgota.

The properties were transferred on the strength of Powers of Attorney, again purportedly signed by Botes. Botes says the forged signatures don't even resemble hers, and that attorney Viljoen should be asked to explain how his signature came to appear on the forged Power of Attorney documents. He should also explain who in the City Property Company mandated him to prepare the transfers, and who provided the "guarantees" of rezoning.

With the spotlight suddenly on Viljoen, he came blabbing to *noseweek*, to protest his innocence. It's not so *lekker*, he said, when everybody in Silver Lakes, Pretoria, looks at you *skeef*. Peo-

was accused of pocketing R500,000 from an incoming deposit (he claimed it was owing to him by a client); and among those who have "threatened to *moer*" him (beat him up) are ex-clients entertainer Steve Hofmeyr and former rugby star James Dalton.

Viljoen told *noseweek* that this was not his first involvement with City of Johannesburg properties, but the earlier deals involved "bridging finance". He explained, by way of example, that a company with "the rights to sell a City property" would sell it for R3m, subject to the proviso that it would repurchase it for R4.5m a few months later. The R1.5m was therefore the interest on a loan of R3m, and Viljoen would get a commission of R500,000. Viljoen calls that a "typical" deal. Giv-

would split the profit 50:50.

Moti paid an initial R15m to Eildoug, but R3.5m of this was Viljoen's, for conveyancing fees. On top of that there was the R5m finder's fee. For each City property Viljoen transferred to Eildoug, and then to Zamien or Zambrotti 31, he received a cheque for commission from Moti's Sandton attorney, Connie Myburgh.

Then Moti did the dirty on Viljoen: he suddenly claimed that he was entitled to a share of Viljoen's finder's fee. Says Viljoen: "Moti said his father was bringing in \$1m per week to fund this deal. 'I found my father for you, so I want my share. And I want it in cash.'"

Each time Viljoen received his money from Connie Myburgh, he had to write a cash cheque for Moti's share

## Moti boasts that his family owns Investec, says Viljoen, and that Moti threatened to kill Maringa

ple used to think he was just a *windgat*, because he drives Porsches and Ferraris. "Now they think I'm the kingpin in some massive fraud. Some even think I'm a bit of a heavy."

(Viljoen seemed to enjoy letting on to *noseweek* that he knows some serious "heavy ous".)

Describing Viljoen as "controversial" would grossly understate the matter. Besides acting as a conveyancer and deal-maker, he apparently makes a fortune from introducing people who need money to people keen to lend it at exorbitant rates of interest. He also attracts trouble: An employee at his bond brokerage business alleged to the Law Society that he had given her kickbacks of R200,000 per month, a Rolex, Carol Boyes goods – and a Porsche as a company car; the Law Society once tried to strike him off the attorneys' roll, though this fizzled out; he

en that this relates to the buying and selling of public property to generate private profit, anyone else would call it "absolutely extraordinary".

All such deals, says

Viljoen, came from "the City of Joburg's property man", Edwin Maringa. Initially the "seller" was Lydia Road Trading, but in due course Eildoug took that role.

Viljoen says he once took such a deal to Moti, but it fell through when Moti got wind that the City was applying for an interdict to stop the sale of the property.

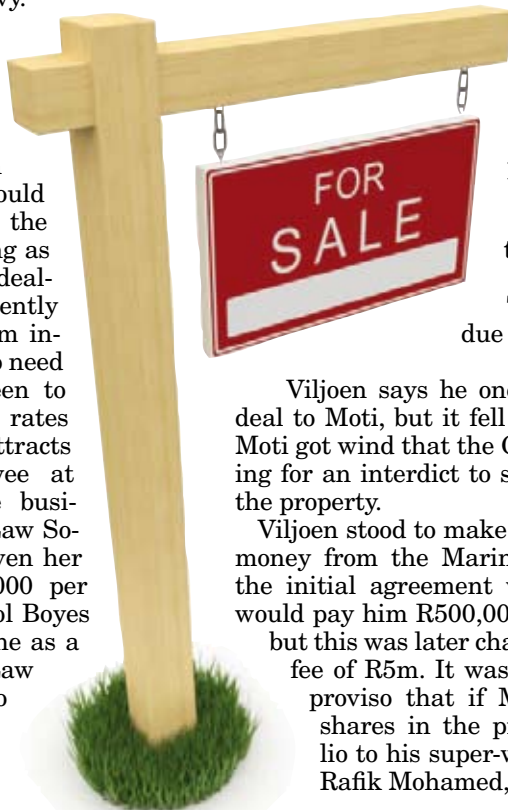
Viljoen stood to make a great deal of money from the Maringa/Moti deals: the initial agreement was that Moti would pay him R500,000 per property, but this was later changed to a fixed fee of R5m. It was subject to the proviso that if Moti could sell shares in the property portfolio to his super-wealthy "uncle" Rafik Mohamed, he and Viljoen

(as much as R400,000), go to the bank with Irshad Sulliman, then hand over the cash. Viljoen claims that he therefore received roughly half of the R5m commission – which made him very angry. He got angrier when Moti persuaded Rafik Mohamed to buy a R40m share in his property portfolio, but didn't share the profit with Viljoen.

In Viljoen's version of events, Moti figures as the real villain: he says Moti told him that he had no intention of paying the R72m balance due on rezoning and development, and described the deal as a "steal".

"Moti's a bright boy," says Viljoen, "but he's bad news – he's a compulsive liar and he has no moral compass. And you know, what really irritates me is that he contributes nothing to the economy. He just screws people."

Talking to *noseweek* Viljoen spent some time slagging off Moti, but we'll spare you the sordid details. Except for this: Viljoen says Moti boasts that his family "owns Investec". Viljoen also says that when the City deals were first exposed, Moti told him he would kill Maringa if he didn't set up a meeting with the City. "He threatened to kill me when I refused to help him in opposing the City's application. It's well known that he has a police





captain in his pocket, Captain Jan Judeel of the Commercial Branch in Johannesburg. Within days of telling Moti that I wouldn't oppose the City's application, Captain Judeel raided my offices, ostensibly looking for Eildoug files, all of which were already with Moti's attorneys, Knowles Hussain. I wrote a letter to Senior Superintendent JM Ramokolo of the Commercial Branch about this, suggesting that a lifestyle audit of Captain Judeel will possibly reveal his extra income."

Viljoen says he believes Helen Botes is involved in the scam, but was unable to produce any evidence to back this up. He claims that he has in his possession an affidavit from one of the attorneys who signed as Commissioner, saying Botes (who says her signature was forged) did sign in his presence – but couldn't produce it. He claims that Botes has failed to take steps against employees who may have been involved in the fraud, but he was unable to name anyone involved.

Viljoen claims that the City's Dora Madisa signed a letter confirming that the deal was legitimate, but the letter he showed *noseweek* to prove this did not bear a name.

■ The day after *noseweek* spoke to Viljoen, *Business Report* reported that various officials at the Deeds Office in Pretoria had been suspended on suspicion of being involved in the fraudulent transfers of City of Johannesburg properties. These include the registrar, Pogiso Mesefo, and acting deputy registrar Edmund Sibisi, who allegedly facilitated the fraudulent transfers.

*Noseweek* went back to Viljoen for comment, as his conveyancing secretary, Annelene van der Berg, had signed an affidavit saying she "approached Mr Sibisi of the Deeds Office to request whether these transactions can be expedited. Mr Sibisi then had to go to Mr Mesefo, being the Chief Registrar, for the necessary permission. The reason for the request that the transactions be expedited is because [Zamien] wanted rezoning of the said properties to be done as soon as possible. The Deeds Office consented to the transactions being expedited and they were indeed transferred".

Viljoen insisted that Annelene's visit to the Deeds Office was innocent, and she had been told by Sibisi that there would be no problem in expediting the transfers because the Office "had a policy of expediting transfer of all City properties". ■



Zunaid Moti



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# The mystery of the Missing Mandela Makarov

**A** **MIDST HIGH SECURITY**, plans are being laid to find the legendary pistol that Nelson Mandela buried 48 years ago on the Rivonia farm that was the secret headquarters and birthplace of the ANC's military wing, Umkhonto we Sizwe.

The 9mm semi-automatic Makarov, say international gun collectors, would be worth as much as \$3m on the open market.

In 1961 the original 28-acre Liliesleaf Farm was acquired by the SA Communist Party, using a front company called Navain (Pty) Ltd, with funds shunted from Moscow via Zurich to the trust account of Joburg attorney James Kantor.

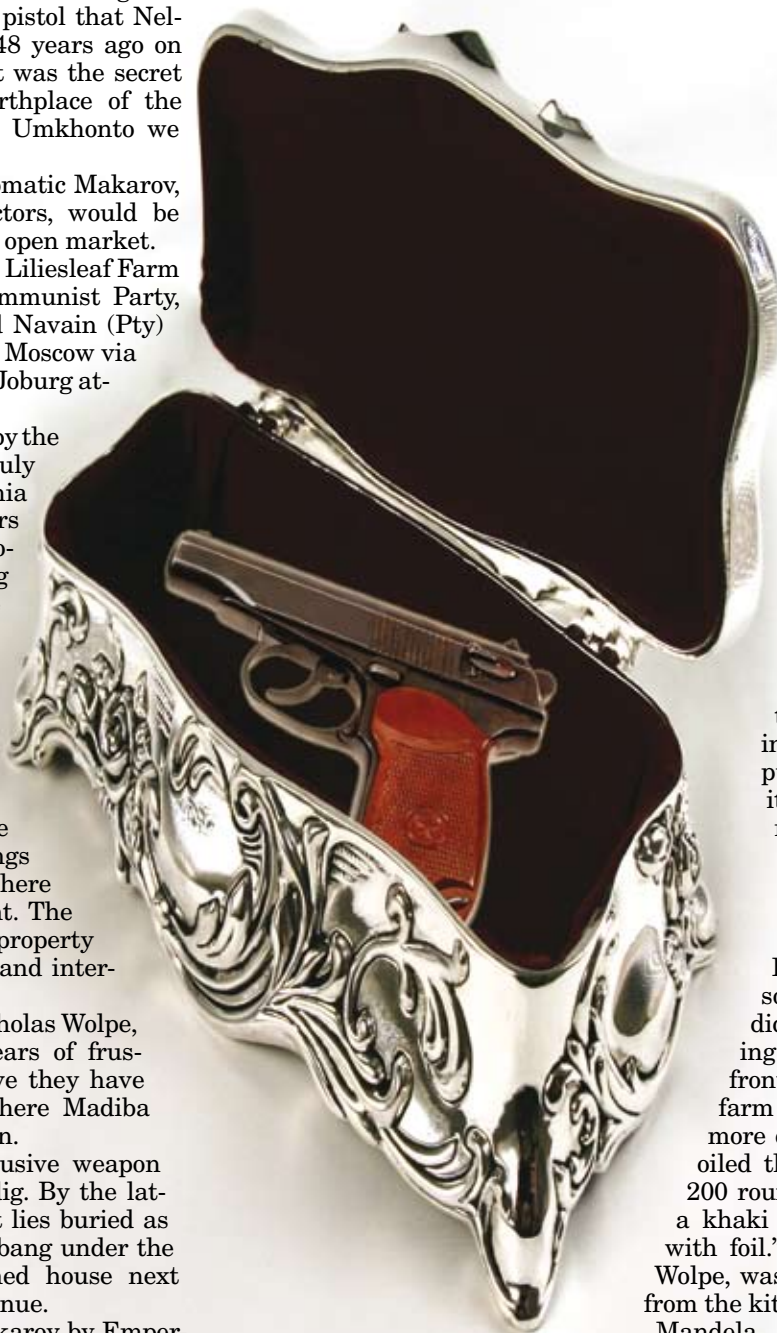
After their cover was blown by the infamous police raid of 11 July 1963 – followed by the Rivonia Trial in which 10 ANC leaders were tried for 221 acts of sabotage aimed at overthrowing the apartheid system – the farm was sold to a property company and divided into plots on which sprawling family homes were built.

Today just over five acres of the farm remain. It is owned by the Liliesleaf Trust which has restored the old farmhouse, the outbuildings and the thatched cottage where the ANC leaders were caught. The Trust has turned the historic property into a national heritage site and interactive museum.

Now its chief executive, Nicholas Wolpe, tells *noseweek* that, after years of frustrated endeavour, they believe they have finally identified the spot where Madiba claimed to have buried his gun.

However, retrieving the elusive weapon is not a matter of a simple dig. By the latest calculation, says Wolpe, it lies buried as much as six feet deep – slap-bang under the middle of the privately-owned house next door at Number 5 George Avenue.

Mandela was given the Makarov by Emperor Haile Selassie when he secretly travelled



to Addis Ababa for military training in 1961. At Liliesleaf he hid out by posing as a "houseboy" named David Motsamayi – the name of one of his former clients. When he was released from prison in 1990, the icon told how he and another ANC member had buried the gun at Liliesleaf in August 1962, just two weeks before he was arrested and charged with incitement and for leaving the country illegally.

"Under cover of darkness we dug a pit, deep enough so that a plough wouldn't uncover it, then wrapped the stuff in tin alloy and plastic, put a layer of gravel over it and a tin plate so the rain wouldn't get in, and covered it with soil."

"I hope you find it," Mandela told Nicholas Wolpe, when he visited Liliesleaf in 2003. Wolpe, son of Harold Wolpe, who did the legal conveyancing work when the Navain front company bought the farm for the ANC, gives some more detail. "Mandela said he oiled the gun, wrapped it and 200 rounds of ammunition with a khaki uniform and covered it with foil." The burial site, added Wolpe, was described as "50 paces from the kitchen".

Mandela subsequently indicated that the spot was where a



Liliesleaf farmhouse, restored to its former state

rambling old Rivonia house then stood, at Number 7 George Avenue, neighbouring the Trust's resource centre. The Trust immediately bought the property. "The reason we bought Number 7 was because Mandela kept pointing to it as the area where he buried the gun," says

To acquire the attractive house built at Number 5 nearly forty years ago, demolish it and "excavate everything", is now the Trust's priority.

"The gun is the target," says Wolpe. "When word leaked out several years ago a collector said that if the pistol

Leenstra. Says Nicholas Wolpe: "We have been in discussions with the owner and we will buy within the year. He said he will sell, but we haven't yet finalised the price. But he has indicated that in principle he will sell to us and we'll take immediate occupation. We'll start proper negotiations with him in about three months."

Wolpe values Number 5 at between R2.75m and R3m. He says that once the house is demolished and the leafy site cleared it will be used to extend the resource centre and

parking area, and build a staff restaurant and storage space.

## Wolpe is convinced that Mandela's directions were just a few yards off and that the gun lies on the other side of the wall

Wolpe. They demolished the house and deep-excavated the whole plot – but found nothing.

Number 7 is now the Liliesleaf parking lot. Wolpe is convinced that Mandela's directions were just a few yards off and that the gun lies on the other side of the wall, under the old white house at Number 5 George Avenue.

In the garden? "No," says Wolpe. "We now have enough information to determine where he buried it: in the vegetable plot, which is where the house at Number 5 now stands. We think it's six feet down, in the middle of the house."

is in perfect working order – which it would be because Madiba wrapped it according to his military training – if it were to be sold on the open market it would fetch between \$2m and \$3m.

But it won't be sold. If and when it's unearthed, says Wolpe, the Makarov "will be an incredible centrepiece for the museum. If you offered me \$100m there would be no way I'd sell that gun. If you give me a billion dollars I wouldn't let go of that gun."

But first the Trust has to buy Number 5 George Avenue, which is owned by a canny 77-year-old named Alle

**WHITE-HAIRED ALLE LEENSTRA** built the lovely tree-shrouded Number 5 some 36 years ago as a family home. He and his wife raised their three children there and only moved out a couple of years ago, to a smaller place in Magaliessig, close to Monte Casino. They now rent out Number 5.

Leenstra confirms its imminent sale to the Liliesleaf Trust. "They say they

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No. 5 George Avenue is to be demolished in search of the gun

want to buy my house because they need it for additional space for parking and so on. So yes, they have an option on the house and we've agreed to sell it to them.

"The whole area was basically a farm and we were the first ones to build there after the guys got caught."

Leenstra knows, of course, the story of Mandela's gun. "Our property is probably the last one that it could be buried on," he says. "They were hoping to find it on some of the other surrounding properties, but they never did."

**D**ID THE FAMILY EVER do any digging? "We didn't, no. About three or four years ago, when they really started searching for that gun, they came with their metal detectors and tried to see if they could find anything. But they couldn't."

"I think Mandela dug very deep, because it was a farm and he was worried that they would plough it up. Nick Wolpe feels there's still a chance that it is on our property, but whether it is or not I don't know. We certainly have never found any sign of it, but then we've never looked for it."

With the gun valued at up to \$3m (nearly R23m), isn't Liliesleaf Trust worried that Alle Leenstra might change his mind and be motivated to excavate Number 5 himself? Or at least demand a hefty premium on the trust's top valuation sale figure of R3m?

Not really. "It's very difficult for him to know where the gun is," says Wolpe. "You can't use a metal detector – it won't pick up anything 6ft under. You would need a sonar machine, which would cost R15,000 to R20,000/day and I don't think he's going to spend that."

There's another potential headache – the tenant who took a 12-month lease on Number 5 from 1 May, at a rental of R17,500/month. He's singer Justin Egling, whose CDs go out under the name JMaxx.

"I love this old house and now, after less than three months here, you tell me it's about to be sold under my nose and demolished," says a furious Egling. "I was planning to extend the lease and told Mr Leenstra I was also interested in buying. He said he planned to sell in a year or two and we would talk closer to the time. Now I'm completely shattered."

As well as a singer (current hit a remake of Brenda Fassie's *Weekend Special*), Egling is also a master trainer and has built a luxury gym for VIP clients in the garden of Number 5. "If Madiba's gun really is here I'm going to make damn sure I dig it up before I'm kicked out!" he declares.

■ Thabo Mbeki announced the establishment of Liliesleaf Trust in December 2001. Its function: to restore, preserve and maintain the historical structures, buildings and legacy of the site. *Noseweek* knows the identity of its new chairman, to be announced on 6 August, but our lips are sealed. Save to say he's an ANC top cheese. Fellow trustees include film editor Riaz Meer; Ben Magubane, director of South African Democracy Education Trust; Derrick Swartz, vice-chancellor of Nelson Mandela University of Port Elizabeth; and Adam Fleming, member of the Fleming banking family and nephew of the late 007 author Ian Fleming. Liliesleaf Trust is dependant on donor funding and since March 2002 has received R86.2m – 48% from government and 52% from the private sector. **W**

# Justice goes down The Big Hole

Which side of  
the law you're  
on in the  
Northern Cape  
comes down to  
whether or not  
you're invited  
to the court  
president's  
Sunday braais

**A** BETTER PICTURE IS emerging of how Northern Cape MEC for Finance, Economic Affairs and Tourism John Block (see *nose126*) manages to evade the clutches of the law – he has friends in all the right places, including Khandilizwe Nqadala, president of the regional court of the Northern Cape. *Nose126* told how property broker Mandy Bakker found herself subjected to a minor reign of terror after she tried to do a deal in Kimberley. Her mistake lay in attempting to buy a piece of land coveted by Block, who is also ANC Northern Cape provincial chairperson. As Bakker discovered, Mr Block wields much influence in those parts, and complaints that she lodged with the police went nowhere.

However, a different order of complaint, lodged with the Magistrates' Commission in Pretoria, by an acting magistrate from Kimberley, has made it a lot clearer how business gets conducted in that hot and dusty



city. Block is only one of a bunch of people who appear to have assigned themselves extraordinary powers. Among these appear to be magistrate, and regional court president, Khandilizwe Nqadala, who apparently hosts regular Sunday braais, which are attended by local dignitaries. Enjoying the “greasing of lips” ceremony are usually Block, the provincial MEC for Health and Provincial Commissioner of Police Zukiswa Mbombo. Playing host has apparently produced

results: Mrs Nqadala, a nurse by training, was appointed a director in the Health Department by the same MEC for Health.

Magistrate Nqadala has also organised other favours for his friends: Police Commissioner Mbombo's husband being something of a no-hoper without a matric, Nqadala kindly offered the man a job as his personal assistant. Apparently this makes him the only magistrate in the land to have such a luxury, and the arrangement has earned for Nqadala the Commissioner's undying gratitude.

The complainant describes the resulting situation as follows: "It takes one call from the magistrate to the commissioner to grant whatever wish the magistrate may have relating to the service of the police. The powers surrendered to the magistrate are exercised through a sycophant in the form of Director Dani, the head of detectives in the province. Dani is most

to the Magistrates' Commission is Phumelele Hole, who was appointed as an acting regional court magistrate in March 2007. It soon became clear that his new boss, magistrate Nqadala, had it in for him. That Hole had previously served as a high court judge probably didn't help: Nqadala is a wannabe high court judge, who has been rejected by the Judicial Services Commission more than once (something about a double relocation claim he once made in the Eastern Cape).

Magistrate Hole first incurred Nqadala's wrath by halting a trial in Upington, as he was concerned that all of the accused were represented by attorneys from the same firm. His view that this presented an ethical problem, was confirmed by two high court judges whom he phoned, Judges Dhlodhlo and Peko. Magistrate Nqadala was furious with Hole's decision to halt the trial, insisting there was nothing wrong with the arrange-

Thenga's boss, Menzi Simelane, as a "stubborn boy" – many may agree.) Regional court president Nqadala told Hole that he was "disappointed with his attitude" and should decide where his loyalties lay.

Another charge is that Nqadala abuses his position. For example, the regional court boss has a few favourite magistrates to whom he allocates all the coveted "away cases". (Trips to Douglas or Hartswater may not sound like the high life, but there are apparently generous travel allowances.) The other person who gets to travel a lot is Nqadala himself. As Hole says: "In any one month Nqadala really mints it by way of travel."

According to Hole, Nqadala's association with John Block makes him all-powerful. Apparently, besides appointing the unqualified Mr Mbombo as his PA, he has also had his own "bit on the side", Ms Bomyana, appointed as a cash hall clerk. And, says Hole,

## The magistrate pissed off his boss by refusing to embrace his alleged campaign against the provincial Director of Public Prosecutions

of the time to be found lurking in the passage to the magistrate's office awaiting instruction presumably to receive instructions [...] Given Dani's position, no one is better positioned to deal with situations that are embarrassing to his principals. It is no wonder therefore that nothing came of the charges that Bakker laid concerning Mr Block. Those cases that get through the first line of defence are then dealt with by the magistrate, as was the case with Mr Block in his corruption case. There is a standing instruction to all regional magistrates of the Northern Cape that 'sensitive cases' are the sole preserve of the regional court president."

So, as the complainant describes it, it's all very simple: If magistrate Nqadala doesn't manage to stifle an investigation into Block's affairs, through his control of the police force (as he seems to have managed with the Bakker complaint), he ensures that he hears the case and Block is acquitted. Neat.

The attorney making the complaint

ment, and reminding him that he was simply an acting magistrate, appointed to finalise cases.

Hole also managed to piss off his boss by refusing to embrace his alleged campaign against provincial Director of Public Prosecutions, advocate Thenga. As regional court president, Nqadala had issued an instruction to his magistrates that Director Thenga be subpoenaed each time a prosecutor failed to appear in court. On one occasion a magistrate called Pieterse admitted to advocate Thenga that he was "only following instructions" when she queried why she, who would clearly have no hand in the matter, had been subpoenaed to explain the non-appearance of a junior prosecutor.

Quite why magistrate Nqadala would have it in for Director Thenga is not clear, but when Hole tried to set up a meeting between them, Nqadala refused to attend, saying: "Who does she think she is? She is nothing to me – I run this province. I am going to destroy that woman." (He also described

one reason why Nqadala puts so much pressure on magistrates to rapidly finalise cases lies in the fact that he himself doesn't pull his weight. Though he insists on having a court allocated to him he seldom attends, leading to all sorts of postponements (paid for by the accused). And because of all the pressure that's applied, magistrates in the Northern Cape do extraordinary things, like phone witnesses, and impose agreements on the prosecution and defence. Hole also claims that Nqadala has even put pressure on him to use assessors, as this looks good to the politicians.

Things came to a head when Hole was humiliated at an internal meeting. He claims he was summoned to a meeting with Nqadala and his favourites, where he was unexpectedly asked to provide very specific information about cases that he was hearing.irate that he hadn't been told in advance what information would be required, Hole walked out. Nqadala then summoned Hole's clerk to question her about his work, and



took possession of Hole's record book. Hole wrote a despairing email to his fellow (unfavoured) magistrates: "My thinking was and still is that it is a concerted effort to find fault with my work."

The final straw was when Hole received a visit from some policemen, who told him that his car had been used in a crime, and mentioned some photos that allegedly provided evidence. Hole immediately suspected a plot to discredit him, and visited Nqadala to get his assurance that he was not involved in such a plot.

After the meeting Nqadala sent Hole an email, purporting to summarise what had been said in the meeting. He wrote: "You contacted your colleagues from Intelligence, who happen to be your former MK colleagues [...] Your intelligence sources have informed you that I was using devious methods to destroy persons that I considered a threat to me, and that Provincial Commissioner Mbombo was involved in my actions and that Director Dani of SAPS was being used to deal with targeted victims. Please confirm the above."

Hole responded a few days later: "I have formed a strong view that you are a reasonably intelligent man and that certainly you are not afflicted by a feeble memory [...] The grotesque mis-statement of facts you spew in your email makes me doubt the veracity of your solemn denial of participation in an evil plot against me [...] The lies you peddle, if you were guilty of involvement in this scheme, transform you from a conspirator to a regional court president under a threat from my imaginary MK associates: quite a clever move. You now wish to clothe yourself in the borrowed clothes of a victim. For good measure you bring up names of persons like Commissioner Mbombo and Director Dani to swell the ranks of co-victims. I never mentioned the names of these people nor your alleged association with them in whatever form. I have

never been an MK member and it is ludicrous of you to suggest that I claimed such membership."

Dealing with the fact that Nqadala seemed to know about the photos that the police had mentioned – but Hole hadn't mentioned to Nqadala: "Did we let something slip here, perhaps?"

In his letters to the Magistrates' Commission (7 March and 12 April), Hole made it clear that he was suffering from stress and feared for his life: "I fear that besides the persecution [...] my life is not safe. If he is in *de facto* control of the police to do his dirty work, who knows how far his assignments will go. What guarantees do I have to my life and limb? The man has threatened to destroy a Director of Public Prosecutions, so what chance do I stand? I appeal to the commission to move me to another province where I will be safe."

With serious allegations and anguished pleas like these, you'd think there would be swift action. But Hole received absolutely no response. On 8 June Hole's attorney wrote to the chairperson of the Magistrates' Commission (marking the letter for the attention of Judge President Ngoepe), asking for urgent intervention. At the time of going to press there had still been no response.

When *noseweek* phoned the Magistrates' Commission in late June, a Mr Schoeman gave the unexpected response that while they had indeed received the attorney's letter (enclosing Hole's letters), they had received no complaints about Nqadala. Schoeman wasn't keen to further elaborate, and would not comment on how the Commission would proceed now that Hole's complaint had been brought to their attention.

On the phone, magistrate Nqadala himself professed to know nothing about any complaint, and did not reply to the written questions he asked *noseweek* to send him. Acting magistrate Hole told *noseweek* that he'd been on sick leave with stress for a few weeks. He added that, according to his colleagues, magistrate Nqadala was boasting that Hole was being investigated by the Magistrates' Commission.

You do have to wonder: where could our justice system go next? **W**

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# Grabouw's dog-fighting, ex-prison warder, pharmacist, neighbour-from-hell

Top cops in the Western Cape's boerewors capital have turned a deaf ear in the battle over Bismarck, the incessantly barking terrier

**'S** MALL TOWN, BARKING DOG' stories don't hit the headlines too often, do they? Yet sometimes it's all there – the big news themes in miniature. Like how having the right friends lets you evade the law; or how it's practically impossible for the ordinary citizen to get the police to investigate their own. Then again; maybe this story is simply a caution against those "country dreams" that percolate through your traffic-clogged city day.

Robert and Charlene Bluett bought their little piece of heaven some 18 years ago, in the Western Cape village of Grabouw, where they built a log cabin in a stunning garden with beautiful views. They then spent 12 years living and working in the Far East (Bangkok, not Brakpan) – luckily, as life in country-village heaven hasn't been quite what they expected.

Their neighbour, you see, is from another world altogether. One where other people are an unfortunate inconvenience until they can be made to cooperate; a dog-eat-dog world, as it turns out. Ex-prison-warder-turned-pharmacist Conrad Snyman has a penchant for fierce dogs, pit bulls in particular – and for leaving them to bark all day at phantoms which sneak around his property while he's out, beavering away in Grabouw's only pharmacy.

Tried living next to a barking pit bull? Tried discussing the outrageous cacophony with the dog's owner? Good luck. Try smiling (screaming doesn't work).

Besides running the pharmacy with the assistance of his young *stukkies*, Carol de Bruin, and his 27-year-old son, Marcel, both of whom live with him, Snyman allegedly has a couple of little sidelines, like cashing cheques, lending money and sell-

A pit-bull terrier not named Bismarck



ing used cars. He's also a landlord, and for 28 years let a building to the detective branch of the Grabouw police. The cops moved out last year to be succeeded as tenants by the talented "Dr Medi", an "Astrologist, Herbalist and Traditional Healer" – a character of extraordinary gifts who offers 100% success with "To Win Lotto & Casino", "To have bigger and stronger penis", and "Bad Luck".

While it's more likely that friendships established with his ex-tenants has been more to his advantage, it would seem that Snyman does have a penchant for magical tricks. According to local sources, he once tried to lay charges against a Nigerian who had offered him a fantastic cash deal on a Pajero. Snyman had handed over the cash, and the Nigerian had asked him if he'd like to learn the secret of multiplying money. When the pharmacist came around from the magic potion he'd been given to drink, Pajero, Nigerian and cash were gone, never to be seen again.

When the Bluetts first arrived Snyman owned two bull terriers, but these weren't fierce enough – or so he told the Bluetts, adding that he intended taking them into the bush to shoot them. Shortly thereafter the bull terriers disappeared. Since then it's been pit bulls, the latest edition going by the fiercely Teutonic name of Bismarck. This creature's training regime includes being made to drag a tyre up

An Iron Chancellor, not entirely unlike Otto von Bismarck

home. As Keshava's paediatrician, Dr Peter White, says: "For Keshava to learn adequately he needs a quiet environment."

When Snyman ignored the Bluetts' repeated requests to control his dog, Charlene finally called the local police. The sole result was that 48 hours later a local supersleuth, Inspector Langenhoven, arrived at Charlene's door demanding that she come to the

getting fobbed off: the complaints weren't recorded, or she was told she couldn't complain about the same issue more than once. When she kicked up a stink, a policeman told her that Grabouw Station Commander Superintendent Colin Hopley had instructed them not to respond to her calls. (Not a good idea: apparently a lady who lives in the same street had all her calls requesting police assistance ignored one weekend because they mistook her for



**Bismarck's training regime includes being forced to drag a tyre up a hill and being thrown into the swimming pool. Not surprisingly, old Bismarck is a bit neurotic**

a hill and being thrown into the swimming pool.

Not surprisingly, Bismarck gets a bit jumpy and soon began barking from the moment his owner drove off in the morning until he returned at the end of the day. Besides the normal irritation this might produce in anyone living right next door, the barking became a serious impediment to the home-schooling conducted in the Bluett household. The Bluett's 17-year-old son Keshava, suffers from cerebral palsy and hyperacusis, so Charlene Bluett, a qualified teacher, oversees his education at

station for fingerprinting, and to answer charges that she had mistreated "Conrad's dog". Yes indeed, Conrad happens to be an old buddy.

Charlene then found herself having to explain an earlier incident where she had sprayed Doom at Bismarck to protect herself when she went to Snyman's house to appeal to him about the barking. Snyman's charge was dropped when Charlene went to Langenhoven's superior officer.

For months, as the barking went on day after day, Charlene made request after request to the police, and kept

Charlene.)

Charlene began filming Snyman's house from the road in order to gather evidence of persistent barking. But when, through her own sheer persistence, Charlene managed, four times, to get the authorities to issue fines against Snyman for noise violations, he refused to pay. A warrant for his arrest finally issued was not served. When Charlene tried to pressurise the police into doing their duty, Snyman retaliated by creating the most incredible racket outside the Bluett's house. Each time he or his cohorts drove

in or out of his property, they would hoot, blow horns, rev their engines, do wheelies, or even throw fire crackers outside the Bluett home. This went on for months, day and night.

On 8 August 2008 Charlene wrote to Western Cape Police Commissioner Mzwandile Petros, to complain about the conduct of Superintendent Hopley, whom she believed to be protecting her neighbour, describing the Grabouw police as “Mr Snyman’s personal army”. Charlene also claimed that a police officer had told her that Snyman had

gust 2008, when a wildly hooting car Charlene didn’t recognise drove into Snyman’s property. The Bluetts went out and filmed the car, leading to an extraordinary tirade being unleashed on them by Snyman, who came out screaming abuse. After a while the couple retreated to the safety of their home, but the man went on and on: “I’ll get rid of you – you’ve just lost your house. Did you hear me arsehole? *Jou fokken poes. Go inside bang poes. Muishond. Ek wag vir jou banggat – gaan vry vir jou vokken liberale tert,*

often depend on local men of influence to explain the law.) After the demonstration, things went on as before.

Charlene, who is a determined sort, did battle on two fronts. Firstly there was that complaint she lodged about Hopley with Commissioner Petros, which had some curious results. For starters, she received a second threat concerning charges of defamation, this time from Hopley’s lawyer, Stefanus Le Roux of attorney Leon Frank’s office. Le Roux wrote: “Let me be very frank ... you have made statements for

## Charlene lodged a complaint about Hopley with Commissioner Petros, for which she received a second defamation threat, this time from Hopley’s lawyer

once been investigated for an offence involving drugs, but the case never reached court.

Things came to a head on 17 Au-

*jou fokken meid. Phone the police. I’m a drug dealer. Contract murder.”*

The Bluetts laid charges of intimidation and *crimen injuria*, and in early September 2008 Charlene also applied for a high court interdict. Snyman responded to the application by alleging that Charlene had defamed him in her letter to Commissioner Petros (it’s unclear how Snyman got hold of this letter). An order was granted by consent. Snyman undertook “not to blow any hooter and/or vuvuzela-blowing instrument” near the Bluett’s house, and “to take all reasonable steps to prevent his pit bull terrier dog from barking to such an extent that it creates an unreasonable noise disturbance”. Charlene withdrew charges against Snyman and undertook “not to enter the premises of [Snyman] for whatever reason, including, but not limited to, any surveillances whatsoever of the premises”.

True to form, Snyman ignored the order, and the dog carried on barking. Then Snyman pulled an interesting stunt: he organised a public demonstration outside his house, with 50-odd “demonstrators” carrying placards saying “No Noise Here”. (Charlene is adamant that Superintendent Hopley was present – but Snyman denies it.) The press arrived and Snyman was quoted in the *Kaap Rapport* making the following claim: “I went to see Hopley and explained to him that a barking dog is not a criminal offence.” (Apparently small-town police chiefs

the sole purpose of defaming the good name of my client, which are void of any truth.... If you do not furnish my client with an unconditional apology ... I am under instructions to issue summons against you.”

Outraged that submitting an internal police complaint could lead to a charge of defamation, Charlene wrote: “I am under the impression that Supt. Hopley is attempting to intimidate me into being too afraid to pursue my requests that he be held accountable for his conduct”. Charlene didn’t apologise and Hopley didn’t sue. She heard that Hopley had been moved to Caledon, but her complaints against him were never taken seriously.

At some stage Director Solomons of the National Inspectorate, Western Cape, interviewed her, and Charlene says he was keen to talk about Snyman – but discussing Hopley was off-limits. When Charlene persisted, Solomons responded with absurd platitudes: “But that was last year – this is another year, a new year”, and “But now he has gone to Caledon”. When Solomons announced that he wouldn’t take action against Hopley, Charlene complained to Petros about Solomons.

The response to this, from Deputy Provincial Commissioner HS Burger, made it clear that size matters to the police: “This file (six centimetres of A4 documents) reflects your dissatisfaction with the way in which a whole range of people have dealt with your initial complaint against your



Charl, Keshie and a rather nice dog

neighbour. Your complaint regarding Supt. Hopley was not substantiated by any evidence and enquiries could not confirm your perception about misconduct by him.”

Charlene took her case one level higher, to Petros’s boss, Western Cape Community Safety Minister Lennit Max – a leading light in the party which boasts that it alone has “the courage to take on corruption in the police and the courts”. Charlene claims that Max was even more dismissive than those under him – on the phone he simply laughed, she says. But for an occasional acknowledgement of receipt, her numerous letters were ignored.

Charlene also sought to have Snyman prosecuted for failing to comply with the high court order. But this, too, went nowhere. On 17 August 2008, Adv De Kock from the Office of the Director of Public Prosecutions in Cape Town wrote a letter which established quite clearly that idiocy is not confined to the countryside. He would not prosecute Snyman, saying: “You yourself are in violation of the high court settlement, where you on various occasions filmed Mr Snyman’s premises and thus invaded his privacy. What is further problematic in your case is that none of the other neighbours seems to have any problem with Mr Snyman’s dog.”

Charlene finally lost it, and delivered her own tirade on the advocate’s inability to understand the terms of the court order. “The court order does not forbid me from making video or sound recordings of Mr Snyman’s barking dogs. I have already submitted a detailed statement explaining that my other neighbours are not disturbed by Mr Snyman’s dog because they are all away at work during the daytime hours when the dog is left to bark incessantly. There are most certainly other witnesses corroborating my version.” She spent many paragraphs sarcastically explaining what the proper use of the term “surveillances”, used in the interdict against her. (Note: employ such tactics only if you’ve hit a brick wall: with some hope left of getting anywhere with officialdom, try brown-nosing.)

Charlene hasn’t given up. She keeps demanding that a warrant be issued against Snyman for failing to pay his fines, but the authorities in Grabouw have come up with a novel response: they say the fines were written out incorrectly, rendering them invalid. Grabouw now has a new head of detec-

tives, Colonel Mfunzana, and he’s apparently shown some interest in the case.

*Noseweek* didn’t get very far in questioning the various officials involved. Hopley didn’t return calls; Lennit Max had a “vague recollection” of a dog case in Grabouw, and denied he would’ve laughed at anyone, no matter how trivial the matter. He emphasised that the prosecutors had declined to prosecute Snyman.

Snyman himself took the “she’s clearly a nutcase” approach. Everyone here hates Charlene, he said: she’s very difficult you know; pit bulls don’t bark, everyone knows that; she should actually be grateful – on one occasion my dog scared away a burglar on her roof; yes I did dabble in cheques once but no longer: I’m an educated man, a pharmacist; Inspector Langenhoven and Superintendent Hopley definitely aren’t friends, just customers (whether for medicines, cars or finance Snyman didn’t disclose).

He repeated that he wouldn’t pay the fines, insisting that “a barking dog isn’t a criminal matter”. He admitted that he had been “a bit naughty that one day” (that of the tirade) because “Robbie [Bluett] needed a *klap*”, but claimed he didn’t say “contract-murder”. (*Noseweek* has viewed the video of the incident, and there he is, shouting “kontrakmoord”.)

To round things off Snyman pointed out that he once reported Charlene Bluett to social services, because “it’s not natural to keep that boy at home – he should be with other children”.

How caring. ▣

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**I**T CERTAINLY GRATES that anyone can make a fortune selling “slimming” tablets to a gullible public. That the fellow can simply replace one scam with another, when things get hot, truly irritates. But that he can openly sell a schedule 5 drug is downright frightening, and a sad indictment of the current state of the regulatory system in South Africa. Yet there it is: ex-used-car salesman Dirk Uys managed to keep his Simply Slim lark going for some nine months.

Until he realised there was more money to be made in selling tablets than used cars in Ermelo, Uys was only paying some R15,000 per year in income tax. But he saw the light. Starting up a partnership with one Marius Venter, Uys began importing slimming tablets from the source of just about everything we now consume; China. The tablets were energetically marketed under the brand name Simply Slim, to what may be called the *Huisgenoot* market – those legions of *poppies* and *tannies* and gentle ladies of all kinds, from Bredasdorp to Witbank, who have been cruelly disabused of the notion that comfortable is cool.

Uys and Venter set up an elaborate system of agents and sub-agents, with eager participants paying hefty agency fees for geographic exclusivity – and watched the money roll in. A bottle of tables costing them R50 was sold to agents for some R350, and sold on to the public for R590. Within no time Uys was boasting a monthly turnover of some R43m. Yes: FORTY-THREE MILLION. (Presumably he now pays a bit more tax.)

At some point Uys and Venter fell out (seemingly over bad publicity surrounding the product), and Uys’s girlfriend Mariesa Troskie stepped into the breach. The pair made the most of the fruits of their labour: an island house in Mozambique, fancy cars, ski boats – the usual trappings.

Now Simply Slim wasn’t successful simply because it was well marketed; the product actually worked. And therein lies the problem: Simply Slim worked because it contained sibutramine. As Dr Roy Jobson, lecturer of pharmacology at Rhodes University, explained in the *Mail & Guardian’s* online “Thought Leader” column: “Sibutramine is a schedule 5 substance, which means it can only be made available on prescription from a medical doctor, who would prescribe sibutramine because it has been proven to promote



# Taking the piss out of consumers

The interesting tale of the slimming pill that was and isn’t and may be...

weight loss. [But] what the medical doctor prescribing sibutramine would know – and your average lay person distributor of Simply Slim would *not* know – is that there are contra-indications to the use of sibutramine.”

Contra-indications like eating disor-

ders, psychotic illness, coronary artery disease, hypertension, epilepsy, drug or alcohol abuse, and porphyria. Sibutramine should also be avoided by children under 18, and should not be used in conjunction with substances likely to increase blood pressure.

Now, in South Africa, where things are usually viewed only in black or white, there is a very grey area when it comes to “complementary” medicines: unlike conventional medicines they don’t need registration. The Medicines Control Council (MCC) gets notified of a complementary medicine under the rubric of a “call-up”, whereby an official number is allocated, but no analysis takes place. So the trick is to market your product as a herbal preparation.

As Simply Slim’s PR spin-guy, Lance Rothschild, puts it, in response to Dr Jobson’s attack: “The MCC has since 1965 consistently treated herbal products which do not contain scheduled substances as complementary medicines.” Jobson replies that the way Simply Slim is marketed, and its intended use, in fact make it a true medicine: “Simply Slim is a medicine because it is used for a purpose which meets the definition of a medicine. Just because a product contains a few herbs does not make it a complementary medicine – all slimming products are classified as medicines. In my understanding of the Medicines Act, this means that any product containing



Simply Slim on sale at N1 City mall in Cape Town last month

can continue to be sold.”

Did the distributors of Simply Slim then submit the product for registration; did they accept they had made a mistake and apologise to their tens of thousands of customers? Yeah, right.

The cowboys went for other tried-and-tested approaches: delay things

ball” riposte to this: “Maybe Dr Jobson can disclose whether his facility at Rhodes University is being sponsored in any way by manufacturers of prescription medicines in the RSA, which have to compete with Simply Slim.”

Jobson’s even angrier response: “Any insinuation about my being motivated to blog about Simply Slim because of possible competitors’ sponsorships received by the Division of Pharmacology in the Faculty of Pharmacy at Rhodes University is insulting and contemptuous.”

When the cowboys and girls finally realised that they weren’t going to win the fight, they decided on a new approach: Why don’t we just take the sibutramine out of the product? That will take the heat off; the product will no longer work, but who needs to know?

So they did a re-launch, presenting the “new” Simply Slim as an improved product. They sent a sample of the new product to the MCC, thereby getting themselves an official number, and rewrote their website info: “It’s back – the slimming product that will change your life. Simply Slim is now manufactured in South Africa with strict quality control processes. Simply Slim is a natural herbal-mix capsule that can help you manage your busy life and assist you with your weight loss journey... all you need to do is take one capsule daily and maintain healthy eating habits.”

## They decided to take the sibutramine out of the product. So, it wouldn’t work any more, but who needed to know?

pharmacological substances claiming to assist with weight loss must be registered with the MCC, and if it has not been, it is in contravention of the Act.”

As the popularity of Simply Slim grew, so did the complaints – heart problems, high blood pressure, one suspected death. These complaints found their way to the MCC, and eventually Dr Richard Botha had the product analysed – and discovered that it contained sibutramine. He submitted a report to Dr Joey Gouws of the MCC on 3 December 2009, and after further analysis of Dr Botha’s sample, the Council decided, on 27 January, that sales of Simply Slim should be suspended and the product be further tested.

The MCC issued a statement: “The Council concluded that the risks associated with the use of weight-loss product Simply Slim are greater than the benefits, and the product needs to be registered as a medicine before it

as long as possible, fudge the issue, attack your detractors, and, above all, bullshit your way through.

For starters, they took the view that the MCC had acted beyond its powers and the ban was therefore unlawful. They lodged an appeal in terms of the Medicine and Related Substances Act – and argued that this legal appeal had the effect of suspending the ban. Justifying this tactic, Simply Slim’s Lance Rothschild argued that the starting point of debate must be the fundamental rights entrenched in the Bill of Rights “which entitles Simply Slim to freely conduct its business, subject only to limitations which are reasonable and justifiable, taking all relevant factors into consideration”.

Jobson’s outraged response: “Since when does administrative justice override public safety? The Constitution states that everyone has the right to bodily and psychological integrity.” Rothschild’s “play the man not the

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And under FAQs: “Is your product sibutramine-free? Yes, our product is tested by reputable independent laboratory Sedek Laboratory. Did Simply Slim receive a registry number from the MCC prior to the re-launch? Yes, Simply Slim obtained registry number 141468 for the new product, on 29 March 2010.”

Jobson puts this claim in context: “On 29 March Simply Slim made a submission to the MCC in accordance with the 2002 Complementary Medicines call-up. The submission was received and stamped with a registry number, as are all communications with the MCC. In all likelihood the person receiving and stamping the submission was a clerk whose job is to sort the voluminous correspondence. Simply Slim seems to have interpreted the allocation of a registry number as permission for their ‘now made in South Africa’ product to be re-launched. This is highly misleading and dishonest.”

Jobson also notes further dishonesty in the website: “The Simply Slim website quotes testimonials from ‘satisfied users’ of the previous product – not the new one. This surely compounds the dishonesty.”

The MCC issued a statement saying that the re-launch was unlawful and “in defiance of the ban” because Simply Slim had not yet been tested. Jobson agreed: “The product must be registered as a medicine (the MCC has obviously decided Simply Slim is not a complementary medicine). [The] imported Simply Slim product was clearly – in the words of the Department of Health – ‘a serious public health risk.’”

Rubbish, replied Rothschild – there’s been no defiance of the ban: “The MCC provided Simply Slim with a letter that the impugned decisions only apply to the so-called ‘old product’ ... and not to the ‘new product’.”

The MCC has yet to take action to enforce its ban on the sale of Simply Slim.

*Noseweek* spoke to Rothschild at some length and it emerged that Uys and Co were acting hard done-by: The MCC didn’t follow correct procedures; the minutes of the meeting of 27 January 2010 were not made public; complaints lodged about Simply Slim were never properly investigated; there’s no proof that what was tested was in fact Simply Slim; etc. Their view is it’s all a conspiracy against them: the complaints were bogus, probably made by competitors; the products tested (maybe counterfeits) weren’t Simply Slim; samples were deliberately contaminated; there were vested interests involved in the ban.

Rothschild admitted that he had no evidence that Dr Jobson’s academic outfit was being financed by competitors, and said he had “simply asked the question”. But legal proceedings are going ahead because Simply Slim’s reputation needs to be restored.

But isn’t it fraudulent to sell a new product – with the effective ingredient missing – under the old name? asked *noseweek*. There’s no fraud, said Rothschild; Simply Slim never contained sibutramine in the first place – we’re selling the same product as before.

Now there’s a thing!



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**101.3**



# Grand Daddy of PR cockups

**T**URNING A PR TRIUMPH into a PR disaster takes some doing. But the Grand Daddy Hotel in Cape Town managed it recently, ably assisted by representatives from two professions that specialise in wrecking things – insurance and legal services.

The Grand Daddy is an interesting little place situated in Long Street. The bar has been described as the “blingest in the land”, and accommodation is provided in vintage Airstream caravans in a “penthouse” trailer park. The hotel’s website tells prospective guests that “luxury shouldn’t exclude playfulness”, and boasts that they will be “pleasantly surprised by the unexpected, the humorous and the interesting”.

Freelance travel writer Rosanne Turner certainly experienced the unexpected when she and her husband stayed at the place – but there wasn’t much humour about it.

The Grand Daddy offers off-site parking, which is handled by valets, so when Rosanne checked in during the afternoon of 17 April, she handed the keys to her cool little Mini Clubman to a valet. But around 11.30pm she got shocking news from hotel manager Sergio Dreyer: I’m terribly sorry, but our night valet took your car for a spin to his home 50km away, and he’s been involved in a head-on collision.

A rather unfortunate event, but initially pretty well handled by the hotel. Not only was Dreyer suitably apologetic, he also issued Rosanne a note on the hotel’s notepaper, reading: “The Grand Daddy Hotel will accept full responsibility for the incident relating to the accident which occurred on 17 April 2010. The involved party was Ntsekelolo Mozi, a staff member of the Grand Daddy Hotel, driver of the vehicle, a red Mini Cooper, which belongs to Mrs R Turner, guest at the hotel at the time.”

The manager on duty the next day, François van Binsbergen, was equally apologetic, and assured Rosanne that the matter would be dealt with swiftly. The hotel arranged a hire car at its

expense and Grand Daddy owner Jody Aufrichtig phoned Rosanne to say how shocked he was, and to assure her that all would be sorted out. Rosanne Turner was set to become the hotel’s next good-will ambassador.

Unfortunately that didn’t happen. As the days went by, Rosanne became increasingly frustrated: the rental car was withdrawn leaving her *sans* wheels, and the hotel’s insurance assessor didn’t call, as had been promised. So Rosanne consulted an attorney, and she and the attorney sent regular reminders to the Grand Daddy – please sort this out.

In due course the hotel stopped returning their calls and emails, and manager Sergio Dreyer told Rosanne he had been instructed by the attorney acting for the hotel’s insurer not to talk to her. After six weeks a desperate Rosanne decided to put in a claim with her own insurer, who promptly wrote the car off and paid her its book value of R100,000, less the excess of R9,500. Rosanne then asked the hotel to compensate her for the excess and her legal costs, roughly R3,500. The reply from the attorney acting for the hotel’s insurer: “Sue us.”

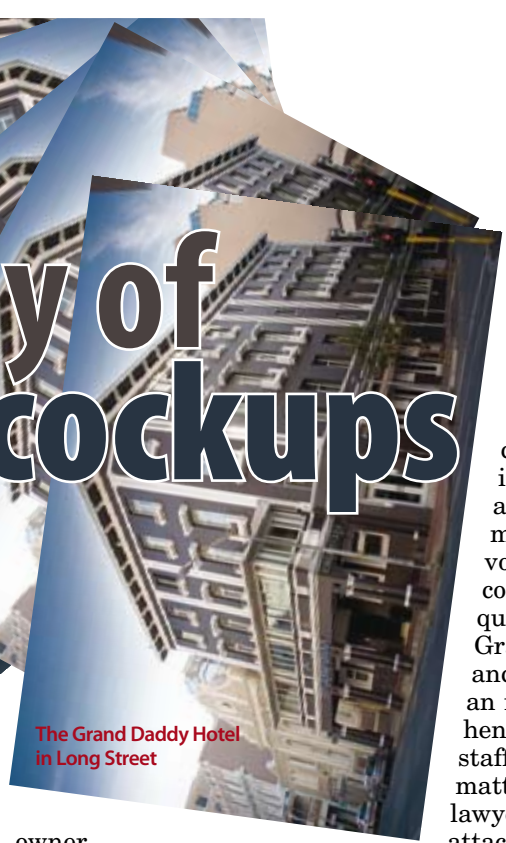
An infuriated Rosanne took her story to the press. When newshounds started phoning for comment, the hotel played the defamation card. The Grand Daddy released the following statement: “We are surprised at the version given by Mrs Turner and are disappointed that she now appears to be involving the media in an endeavour to defame us and harm our reputation. As Mrs Turner has been

compensated by her insurance company already, this matter must be resolved involving her insurance company which is required to claim from Grand Daddy’s insurance company. This is an insurance procedure, hence the Grand Daddy’s staff needing to refer the matter to insurers and lawyers. Mrs Turner’s attack on our reputation in the media is unnecessary, belligerent and without merit.”

There was no defamation, of course, because everything claimed was entirely true. So it became a question of “let’s talk”. On 28 June, more than 10 weeks after the event, Rosanne was told she would be compensated for her excess and for most of her legal costs. At the time of going to press, Rosanne was waiting for confirmation of this in writing.

So there you have it: a relatively straightforward matter gets completely ballsed up, leading to serious damage to reputations. All it needed was a bit of follow-through on promises, but it highlights the weird view some people have of the role of insurance. Somehow, if you, as the victim, were prudent enough to have insurance, the issue of fault goes out the window – you’re expected to claim from your insurer and the perpetrator is somehow excused. Never mind that you have to pay a hefty excess; never mind that you lose your no-claim bonus and end up paying higher premiums. Bizarre.

■ As *noseweek* was going to press, news came that Jody Aufrichtig has sold the Grand Daddy Hotel. Aufrichtig and partner Nick Ferguson figured in a *nose*124 story about another of their properties, The Old Biscuit Mill in Woodstock. Apparently seven tenants of The Mill recently decided to pack their bags and duck, saying they’re not doing enough business to meet the high rentals, and claiming that security arrangements are inadequate. ▣



The Grand Daddy Hotel in Long Street



# The Mandela behind the myth

**I**N A WAY, IN 1990, Nelson Mandela walked out of one prison straight into another, quickly and surely becoming captive to the many myths that have come to surround him. But not for much longer, if British journalist David James Smith can help it – his *Young Mandela* sets out to liberate Mandela from this new form of captivity.

He boldly declares: “My plan was to rescue the sainted Madiba from the dry pages of history, to strip away the myth and create a fresh portrait of a rounded human being.”

To make sure we get the point, Smith reminds us, a little later on: “From the beginning, I was encouraged by those around Mandela to write about him as a human being. Don’t write about the icon, came the plea; he knows he is not a saint – he has flaws and weaknesses like everyone else.”

The first myth to be dismantled is the one concerning Mandela’s father, Henry Mandela, a chief in the Eastern Cape village of Mvezo. The story as told by Mandela himself, in his autobiography, is that Mandela senior was forcibly removed from his position after he rebelled against the authority of a white magistrate, by defying a summons to appear before him.

Smith notes: “The impression is of a prestigious lineage summarily and unjustly terminated; a chief – Mandela’s own father – humiliated; and a family condemned to hardship.”

In fact, according to records from the magistrate’s archives, Mandela’s father was stripped of his position after complaints that he irregularly allocated land to villagers, in exchange for either gifts or money.

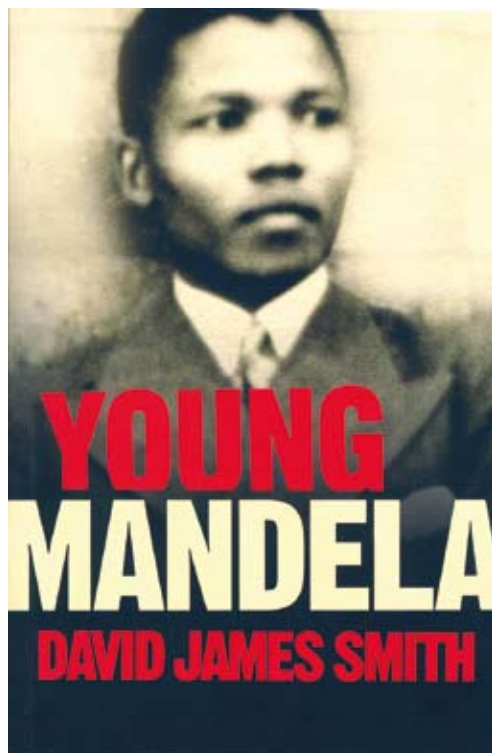
Smith readily acknowledges that there was not necessarily any wrongful intention in Mandela’s own account of events: “In passing on the oral history of his father’s downfall, he was observing an important custom, but also, perhaps inadvertently, exposing

Tyrone August  
Reviews  
**Young Mandela**  
(Weidenfeld & Nicolson)  
by **DAVID JAMES SMITH**

its fundamental weakness as a reliable record.”

He adds, perceptively: “Truth and myth can easily become blurred in the memory, either accidentally or purposefully.”

A pity, then, that Smith proceeds



to disregard his own wisdom. For instance, he revisits rumours of an affair between Mandela and fellow anti-apartheid activist Ruth Mompati, which tells that a child was born of their relationship. The story was based on hearsay (Smith cites “people close to Mandela”), and offers no more than

circumstantial evidence to support the rumour (“apparently he looked like his father”). Nevertheless, Smith confidently concludes that a child was indeed born from the relationship.

Another example concerns a reference to anti-apartheid activist Amina Cachalia. Nowhere does Smith suggest there was ever anything other than friendship between her and Mandela. Yet, almost gratuitously, he includes Cachalia in a list of women who allegedly hoped Mandela would join them on his release from prison.

The danger, then, is that while seeking to destroy some of the myths surrounding Mandela, Smith actually constructs new ones.

There is no doubt that Mandela was involved in relationships with various women (his daughter Zindzi confirmed as much in an interview with Smith). So there is no reason to distort or exaggerate this aspect of Mandela’s life.

Yet, instead of shedding light on such matters, *Young Mandela* comes across as tacky – even mischievous. Note, for instance, the unsubstantiated comment that “... there are suspicions there could be other half-siblings too”. Or the titillating “There were other women, too, some with names that do not appear elsewhere in the record, stories that hinted at, rather than proved, affairs.” Nudge-nudge; hint-hint.

Smith spends quite a bit of time on various sexual shenanigans, even when Mandela is not directly involved. For instance, he recollects often-told tales about the infidelities of anti-apartheid leaders Joe Slovo and Ruth First. According to Smith, First was romantically involved with Ismail Meer before she got married. Years later, they danced together at a party. Smith breathlessly recounts: “Ruth was quivering when she came to Amina [Cachalia]. What should she do about her reawakened feelings for Ismail?”

The sexual escapades of Arthur

Goldreich are also dredged up. Smith quotes a disapproving Denis Goldberg: "Arthur was a womaniser and Hazel [Mrs Goldreich] knew and tolerated it. He used to boast about his revolutionary activities, to get into young women's pants."

Smith lamely tries to justify this kind of prurience: "More than anything, perhaps, it is fascinating to reflect on why there was so much extramural sexual activity and what that tells us about the chief characters and the world and the age they were living through."

Fortunately there is much more to *Young Mandela* than the salacious. Smith unearths fascinating and little-known details about Mandela's trip through Africa in search of political

and military support for the ANC's newly declared war on apartheid, after the Sharpeville killings of 1960.

Mandela's journey took him to Botswana, Tanganyika (now Tanzania), Ghana, Kenya, Nigeria, Ethiopia (via Sudan), Egypt (via Libya), Morocco and Senegal. So thorough was Smith's research that he can include Mandela's own conscientious account of the funds he raised during his journey.

This information is based on a report that Mandela wrote for his comrades on his return. It also provides a sobering account of the widespread support for the ANC's rival, the Pan Africanist Congress, in many (if not most) parts of the continent.

This is a major strength of Smith's book: when documentary evidence is available, it is engaging and authoritative.

Another example is the way he deals with the court papers filed by Evelyn (née Mase), Mandela's first wife, when she filed for divorce in 1956. In these papers, she alleges that Mandela assaulted her several times over a period of 10 months.

Smith deals with her claims dispassionately and with circumspection. He notes that they were never tested in court, and that Mandela categorically denied the allegations in a petition filed by his lawyers (as well as in subsequent interviews).

Yet, in line with Smith's unrelenting quest to demythologise Mandela, he cannot resist returning to these claims a little later. "If it is true that he attacked his wife, the explanation may lie in the unrelieved pressure and instability of his life in those years," he speculates.

"Perhaps sometimes he simply blew a gasket and Evelyn suffered for it. Whilst that does not excuse his behaviour, it may provide some kind of context."

So, at first, Smith diligently questions the veracity of Evelyn's claims. Yet, a few pages later, he resorts to conjecture. A couple of cases like this sometimes make *Young Mandela* a frustrating read: it gives unnecessary prominence to the scandalous, making claims

where sufficient evidence can't be produced to corroborate them.

This is even the case in matters not related directly to Mandela. For instance, there is a snide reference to the political credentials and character of fellow Robben Island prisoner Govan Mbeki, based on unidentified sources.

Where Smith does fair best is in repositioning Evelyn and her three children at the centre of Mandela's life, alongside Winnie Madikizela-Mandela and their two children. He reminds us that his first family were the original occupants of the famous Mandela house in Orlando West (now a museum).

"Among the first family there is a feeling that they have been dispossessed, written out of Mandela's life," observes Smith. His account, written with much empathy, goes some way towards restoring them to their rightful place in Mandela's life story.

Smith also movingly touches on the void left in the lives of both families by Mandela's single-minded devotion to the anti-apartheid cause. His granddaughter, Ndileka, for instance, appears to be most open about the loss. But, notes Smith, she could just as well have been speaking for Zindzi.

Of course Mandela can never make up for that loss. It is too late: he turned 92 in July, and is suffering from the afflictions that typically arrive with advanced age. According to Smith, for Mandela this includes short-term memory loss. As he poignantly comments: "Mandela had given his best years to the struggle for liberation, and this was all that was left now, for his family: the same harmless yarns replayed many times over..."

Smith takes a well-aimed swipe at those who endlessly recount "the triumphant narrative" of Mandela's life, yet never pause to consider the pain and suffering that his heroism imposed on those around him. In part, that is what this welcome account seeks to rectify, even if the end result is not altogether satisfactory. Too many sources stay unnamed, and some come across as rather self-serving, even spiteful.

However, we do now know a bit more about the man behind the myths. For that, we are indebted to Smith. ▣



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Margaret Mashabane, who is accused of trying to have her police inspector husband whacked

# No Country for Married Men

**E**NOUGH OF THIS JABULANI kicking nonsense; while just about everyone else has been thrilled with the football showpiece, I simply had no time for it. Don't accuse me of being un-patriotic – it's just that Barberton has been a journalists' dream over the past weeks. Hard news has flowed like that barrage of seven goals the Portuguese threw at the North Koreans.

First off; two women have been arrested for hiring hitmen to take out their husbands. My *Umjindi Guardian* investigations have thus far discovered that the hits were all about money – what else? But get this: one of the women was bust for allegedly hiring a hitman to take out her police inspector husband. Margaret Mashabane decided it was time to plunder Inspector Mashabane's pension and whatever else she might get from his estate, and ordered a hit on him, last February. Luckily for him, he survived the attack.

Now I don't know much about the Mzansi criminal mentality, but US criminal wisdom has it that you don't go for cops; even the Mob doesn't – the guys in blue too vigorously pursue those who target one of their own. Someone should have told Margaret Mashabane, though she'd probably have brushed the warning aside

anyway: it's said she had a police contact who was to ensure that investigations into the attack on the inspector would be swept under the carpet. Indeed, that investigation was going nowhere – until the victim himself decided to intervene and began investigating his own near demise. Even then, only when Inspector Mashabane managed, after some struggle, to get the docket transferred from Barberton to the province's Special Crime Unit, did the plot finally come into the open.

Margaret Mashabane and her alleged hitman, one Silo Mthetwa, are now making regular appearances at the Barberton magistrate's court. Police sources tell me two more "partners in crime" are yet to be arrested.

Not to be outdone, Sophie Maziya, another woman with similar ambitions of

## Wives hope to make a killing



Bheki Mashile's **Country Life**

feeding on her businessman husband's estate, hired not one, but two hitmen, to do him in: a certain Thembinkosi Masilela and one Jabulane Masheshe.

The poor fellow was supposed to be taken out at his shopping complex in Barberton's Emjindini township, but he, too, survived – despite collecting three bullets at close range. At least Mashabane's hitman might be forgiven for botching the job: he only fired one bullet.

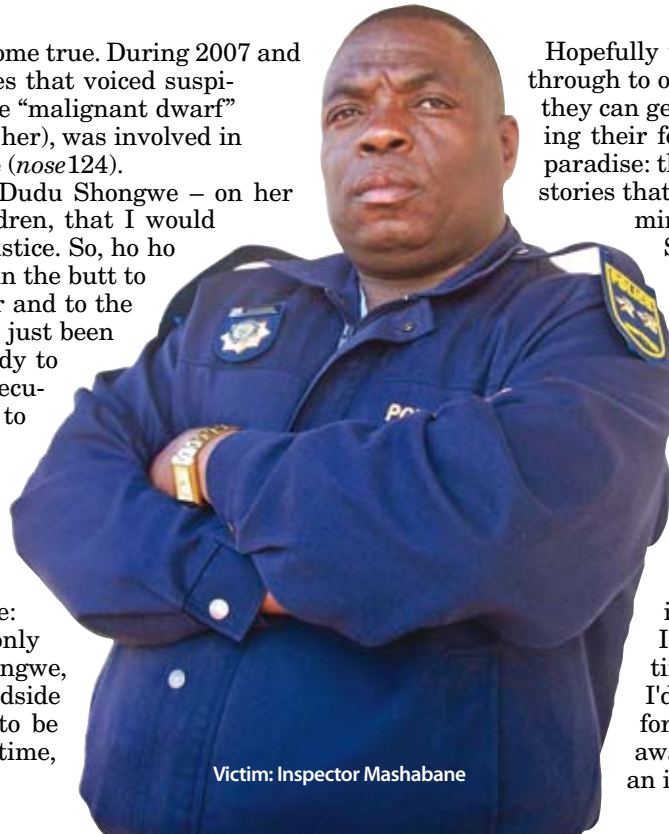
I hate court reporting, but man – with these women and their alleged hitmen currently making regular appearances, I'm regularly to be found in my front row seat in court, all ears.

Then there's the other event that's got me in news heaven. In fact, it's a bit like I'm celebrating an early Christmas. My insistence on being a pain in the ass (yes – I use the American spelling) finally paid off, and it looks like my dream of seeing Barberton's municipal

manager in court is about to come true. During 2007 and 2008 I wrote a series of stories that voiced suspicions that Sibongile Mnisi (the “malignant dwarf” as the municipal workers call her), was involved in defrauding an intestate estate (*nose124*).

I promised the victim, Ms Dudu Shongwe – on her deathbed – and her two children, that I would not rest until they received justice. So, ho ho ho, after being a serious pain in the butt to Barberton’s control prosecutor and to the local police detective unit, I’ve just been informed that a docket is ready to be handed to the control prosecutor, and warrants of arrest are to be issued soon. I can’t wait.

Mnisi hit me with a defamation suit of R1.2m for what I’d had to say about the matter in my *Umjindi Guardian*. I successfully defended myself, but let’s be honest here: I’ve pursued this matter not only to fulfil my promise to Ms Shongwe, who died two days after my bedside interview with her, but also to be able to tell Mnisi: it’s payback time, Baby.



Victim: Inspector Mashabane

Hopefully this might also get the message through to other greedy scumbags who think they can get away with looting and plundering their fellows around this little country paradise: the *Umjindi Guardian* isn’t about stories that quickly fade away – we’re determined to see justice for the victims.

So watch out!

■ *Nose120* carried my account of how Barberton senior prosecutor Kim Myers, and kill-joy magistrate Ms Kruger, were taking on the hordes of illegal miners plaguing Barberton. Well, to date, they have achieved 603 convictions (with most of those convicted being sentenced to two to three years). Around 100 are still awaiting trial. End result: illegal mining in Barberton has been stopped. It’s also wrecked my hopes of getting a piece of the action. Heck, if I’d got busted handing over cash for a knob of gold I could have got away by claiming I was conducting an investigation for *noseweek*. ▮

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## A life changed

**T**HE PROBLEM REMAINS. If you're one of those poor devils fishing for family protein it's okay to know only one species of fish and how to hunt it; but if you want to claim finesse as an angler you just have to know all species in all water, salt and fresh. I gave it deep thought. I would start my freshwater career with carp fishing because my light shad rod would do. All this I explained to my mate Dov who did a cookery programme for a certain magazine, and he said if I could bring him a nice one about one-and-a-half kgs he would demonstrate an ancient Chinese mode of carp cuisine which would change my life.

So I betook myself to the Midmar Dam other side of Maritzburg with another mate who had a small boat, we prepared a crafty bait of minced earthworms mixed up with custard powder and mealie meal phuthu, and sure enough I came back in the evening with a real beaut, a mirror carp, so called because of its big glisteny scales. Good good, said Dov, now you will see why carp are favoured in Poland where my mother comes from, because they stay alive for 24 hours in a wet sack and you always have them fresh for the cooking; whereupon he flung the poor beast in his bath to await its doom on the morrow. A quiet Sunday. Good good, said Dov when I arrived for the great event, all is ready. Here he had one of those towered Chinese bamboo steamer things, with the carp on the ground floor, on the first floor some sort of oyster goeters with bamboo shoots and Chinese-kind Khakibos, then something one storey up made of certain insects and certain grass but I'm not sure; and what was unusual about this recipe was that you didn't have water in the wok underneath all this as for trad steaming, you had boiling oil, and you slowly poured a special thickthick water-based sauce up top of the steamer which slowly dripped down into the seething oil which made small puffs of aromatic supersteam and poached all above al fresco, as it were. He hums a quiet Mozart aria as he whips up such sauce with mussel juice, frog juice, rinkals juice and soya juice and flings it in the top storey of the steamer. But he's made it too watery. The whole



Illustration: Harold Strachan

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says Sonny,  
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R243 road  
to Greytown  
you stupid  
buggers**

bloody lot arrives one shot in the seething oil and there's a moerse vokken steam explosion like in special effects, dogs along the Berea bust out barking, car alarms start squealing, the kitchen is a cumulo-nimbus of roiling vapours as we hurl ourselves from every exit and Blue Security Armed Response arrives with weapons drawn. Oh I'm fine, thanks sergeant, says Dov, though his smart straight beard has gone all Zulu curly and bits of carp like pink popcorn are stuck all over his front.

Well I didn't want my life changed all that much, but thanks all the same. No no-o-o, says Don't-Delay Pillay, my shad pal, when I relate the dread event. No good that way, man, fishing must be peaceful calm for the soul. My brother-in-law Sonny got a nice little farm outside Colenso on the Tugela River, and there we will catch monster barbels. Sonny has a special Mississippi catfish gumbo recipe, Deedee declares, which will change my life for sure. And we're off! Sonny is entirely enthused. His farm is for the whole family, he proclaims, plus friends, and so are his fish. He points to a special barbel spot on the Tugela. But First We DRINK! cries he. The best part of any whisky is at the bottom of the bottle, says he, and when we've got down there Deedee announces he happens to have brought another bottle along, and also as it happens so have I, and I tell you my chinias by sunset we're all ready for these bliksems barbel.

It's a moonless night but we are able to study the river from a steepish bank and I observe that it's a bit muddy. Always is, says Deedee, that's what barbel like, they hunt by touch. So we bait up and settle down for the fish to come feeling with their feelers as barbel do and eat our phuthu. We take another noggin for comrades' sake and another to dispel the mosquitoes. No touches at our bait, but Deedee explains that with this species patience is all. We take another noggin for patience's sake, and round about midnight suddenly Sonny appears. So this is where you are! he cries, I been looking all over. Shhhhh! says Deedee, you will disturb the fish. What fish? says Sonny, that's the R243 road to Greytown you stupid buggers. Oh balls, say I, and Deedee feels his way down the bank and dips his toes. You know, says he, I think he's right. Lights distantly appear. A big bakkie with a load of crates thunders past in a cloud of dust. PEEP PEEP PEEPEEP! the driver hoots. That's ou Frik from next farm, says Sonny, he's taking his tomatoes to market. I think he's laughing at you. ■

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**Stella**, thanks for your continual support and anti-corruption and nepotism outlook. MdeC **Bufs**, you are so special, love FWB.

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