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# noseweek

131

SEPTEMBER 2010

Rabie giveth –  
and taketh away

ANC secretly  
learnt their  
tricks from  
the Nats



Reserve Bank still hiding  
apartheid-era looting

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# noseweek

SEPTEMBER 2010

ISSUE 131



## Reserve Bank's smelly not-so-little secret **page 9**

- 4 **Letters** Noseweek and the hit parade
- 6 **Dear Reader** The heady whiff of bribery
- 7 **Notes & Updates** Disarming robbery at Moti HQ ■ Playing cops and robbers  
■ Sweet and sour cell service
- 14 **Diamonds in the dust** Two communities were supposed to benefit from gems mined from restored land – but one was left out in the cold
- 16 **Smashed!** When a multi-millionaire businessman went on a drunken rampage he wrecked a lot more than just the seven cars he tore into
- 18 **The Hole truth** Favours and favouritism at the diamond dorp courts
- 20 **Lies, damned lies and litigation** The Law Society eyes a tangled web of fat fees and long delays
- 22 **Hot wheels** Bikers beware! You could be taken for an extremely expensive ride
- 24 **'Jake White threatened me with Kebble killer'** Veteran sports writer Dale Granger remembers menacing talk during the 2006 Tri-Nations
- 26 **Dream verdict for bent reverends** Fraudsters pray their way out of hellish prison sentence
- 27 **Rabie Property monkeys around on the 14th floor** With one hand they gaveth luxury facilities and with the other they tooketh away
- 30 **Not quite like the brochure** A retirement development delivered a lot less in reality than was mentioned in their publicity material
- 33 **Books** Sleepwalking in a Surveillance Society
- 35 **Country Life** Where there's smoke ■ Fear and loathing in Mpumalanga
- 37 **Last Word** Naval Foefies

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# Letters

## Making the hit parade

It was good to learn that the Kebble “hit-men” failed to get you.

**Errol Friedmann**

Meridien Group, Cape Town

Noseweek’s editor was on the late tycoon’s hit list. The above letter and the similarly supportive notes below are selected from the many kind notes received. Thank you. – Ed.

■ I suppose one should see being on a Kebble hit list as a compliment, but I’m pleased nothing came of it!

**Martin Plaut**

Africa Editor, BBC, Bush House, London

■ I see you’ve brought new meaning to the phrase “making the list”.

**Mel**

By email

■ Congratulations! By being on Kebble’s hit list, your credibility has just shot up by 300%. This is better than winning the Pulitzer!

**Mousy Mandarin**

Cape Town

■ I’m really really glad that you are safe from the madness around us!

**Pam**

Sun Valley

*The above are just some of the witty and supportive messages received after the news broke that I had been amongst those on the Kebble hit list. Thank you all!* – Ed.

## No escape for Investec

Your editorial about Investec (nose130) was superb. My wife Glenda and I thank you for vindicating us. We’re just getting started: next stop, the Constitutional Court.

No-one is above the law. We will name and shame them.

**Chad Thomas**

Johannesburg

## Van Staden deeply missed

Raymond van Staden (“The spy who went in too deep”, nose129) was a colleague and friend and is sadly missed. The actions of the parties as described in your article in the days after his death are disgusting and horrendous. I sincerely hope that they are all brought to book. As for the sanctity of brotherhood – no comment!

**Mike Irving**

By email

■ Congratulations on a fine piece of investigative journalism on the looting of private investigator Raymond van Staden’s estate immedi-

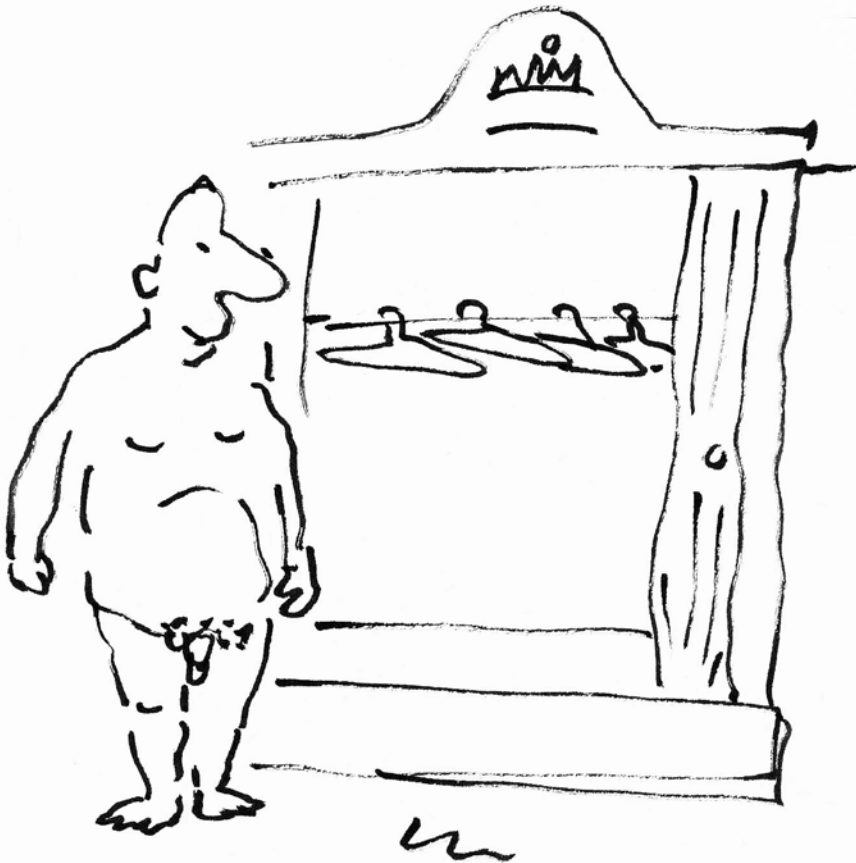
ately after his tragic death.

Your report has caused many ripples in the security industry. I am certain Raymond would loudly applaud your skills in revealing the disgusting behaviour of certain family members, colleagues, employees and a former girlfriend. Particularly distressing is that so many people in the security industry are apparently not to be trusted. Do they loot their clients’ desks as well? One can only hope that the police actually do their job and that justice will prevail. I also hope that SARS has taken note of the large amounts of foreign exchange allegedly looted by a Cape Town financial advisor. (That photograph of her should have been on your cover.)

**Joubert**

Pretoria

## Gus



*The Emperor wonders what to wear*

## Why no ponzi action?

I have been wondering why no further news ever surfaces regarding ponzi masters Tannenbaum and Rees, the perpetrators of one the biggest scams ever to hit this country. I’m truly amazed at the fact that nothing has been heard about what progress, if any, is being made in this case. No meeting of creditors has been held and the investors are simply being kept in the dark whilst T and R appear (on the surface anyway) to be leading “normal” lives – it’s preposterous.

Some investors have been subpoenaed to appear before the Master and a bank of attorneys in Johannesburg is attempting to recover all monies paid to them regardless of whether investors lost or made money. This smacks of desperation as they try and recover whatever they possibly can in order to continue drawing their fees. For doing what exactly?

**Ponzi Pooper**

Cape Town

### No audit on World Cup?

Congratulations on your report on what some of the top Fifa officials are up to (*nose128*) – even if it's cold comfort to know that such goings-on occur throughout the world and not just in SA.

Will we ever be told the truth about how much money the World Cup brought into SA and how much left the country? How much did it – will it – really cost the taxpayer? I believe that

the same problems, which are also reflected in the recent correspondence in the press between Trevor Noah and the CEO of Vodacom.

I started corresponding with Vodaphone about this in late May. After some thirty or more emails and calls to the so-called customer care help line, all I got was an offer to test my signal at home. All attempts to escalate the complaint got nowhere.

Whatever technology Vo-

censed bandwidth and the SA public are paying for this – in my case I estimate about R500/month for at least the last few months. I suggested to Mr Cassim that all I wanted was an admission by Vodacom that their bandwidth was over-subscribed and a refund of the cost to me for the last few months. He stated quite emphatically that that would not be possible.

I'm now escalating this to Icasa, in accordance with

grow new heads as the old are chopped off, and that the *noseweek* team might eventually lose heart. I wonder how you stay "clear" amidst the endless poison that you have to swim in – because even as I thank God for your latest exposé, I literally grow ill. It takes me hours, even days, to recover hope for our "civilization". I am tempted to stop, but have decided to continue reading, in solidarity, and in order to stay alert to the

## It's preposterous that ponzi fraudsters Tannenbaum and Rees appear to be leading normal lives

many in the hospitality industry lost a lot of money, upgrading hotels and guest houses which were fully booked by Fifa and then cancelled shortly before the tournament, when they had no chance of finding other guests.

If this was the USA, might they all have got together and instituted an action for damages?

**John Nugent**  
Uppington

### VodaFraud

I have an account with Vodaphone/Vodacom. For a long time now I have been experiencing ridiculous numbers of dropped calls or inability to get a signal. Many of my colleagues have

dacom is using to measure dropped calls (which I believe is part of their license condition) somehow (and not surprisingly) it measures perhaps 1% of the REAL number of dropped calls I suffer. I have offered to provide an affidavit to this effect, and for somebody from Vodacom to accompany me for a few hours to witness this – again to no avail. I finally got put through to Faizel Cassim, the head of the Vodacom escalation department. All he would say was that Vodacom was Icasa compliant, and my own experience was irrelevant.

I need my cellphone for my work and spend a lot on it a month. I believe Vodacom has oversold their li-

their guidelines, and trust they will do an independent investigation. I believe they will find that wholesale fraud is being perpetrated on South Africans, rich and poor.

**Dr Richard Doyle**  
Greenside, Johannesburg

### Don't lose heart *noseweek*!

Thank you to the *noseweek* team for persisting against impossible odds. Thank you for uncovering the dangerous truth of so much nasty behaviour among our so-called social, political and business "leadership" and their armies of cronies and connections. Thank you for being so strong in the common folk's defence.

My concern is that the clever barbarism seems to

dark side of our political, business and social reality.

But I'm wondering: would it be feasible to devote some pages to hopeful initiatives, or stories of positive change? Surely, *noseweek* could not exist unless there was a powerful and realistic ideal which drives it? It would be absolutely super to have this ideal revealed in examples in each edition.

**Rob Small**  
Harfield Village, Cape Town

■ *I've said it before: there's a nose week in every month – you need the other three to recover. We are seriously considering doing the odd affirming piece, as you suggest. Meanwhile, we will not pretend we haven't noticed what is going on.* – Ed.

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# Dear Reader

## A bribe by any name

**J**USTIFYING THE COMPOSITION of her company's new BEE structure, ArcelorMittal (Amsa) chief executive Nku Nyembezi-Heita last month told the *Mail & Guardian* that "strategic" (as opposed to broad-based) black investors had been included "where the company needs assistance in a particular area".

The *M&G* report continued: "For 'strategic', read 'politically connected'; for 'assistance', read 'lobbying with government'. So what are the lobbying fees, and to whom do they go?"

In summary: President Jacob Zuma's 28-year-old son, Duduzane Zuma, will get shares that he will sell back to the company in four years' time for between R46m and R104m, depending on the performance of the company. (What most middle class people might earn in two lifetimes.) The Gupta family company Oakbay, too, will get shares that will be worth between R46 and R104m. Gugu Mtshali, reportedly Deputy President Kgalema Motlanthe's romantic partner, will get shares that in four years' time will see her pocketing between between R30m and R70m. Plus she'll get an immediate cash payout of R67m. Ayigobi, the investment company headed by Sandile Zungu – a member of President Zuma's broad-based empowerment advisory counsel – will get shares that will realise between R46m and R104m.

The largest single benefit – shares and cash totalling around a R1bn – will go to Jagdish Parekh, chief executive of the Guptas' Oakbay. He is half-owner of Imperial Crown Trading, the upstart company that was in a prime bargaining position after controversially winning a stake in the Sishen iron mine that had belonged to ArcelorMittal.

In another report in the same issue of the *M&G*, mineral rights lawyer Peter Leon is quoted as saying that the Department of Mineral Resources had broken the law by granting the stake in the Sishen mine to Crown Trading. Right or wrong, Imperial Crown shareholders had a gun to Amsa's head, because of their disputed Sishen mine stake. But how did the Guptas get their stake, and how did Duduzane Zuma get a stake as large as theirs?

Nyembezi-Heita told *Moneyweb* radio that the Guptas had been cut in as "major facilitators" of the deal.

Asked why the president's son's company should get a stake as large as the Guptas' and Zungu's combined, the spokesperson was stumped: "I can see what you're saying – was there a greater contribution from [Zuma's] Mabengela Investments to warrant it? Or was

it purely based on the fact that he's the president's son? I don't know. I can't answer you for sure."

Can you believe this!

Next day government spokespeople were desperately describing the deal as "controversial, not corrupt". It looks horribly like a standard bribery procedure to us: the bribing company rarely pays the bribe directly; it pays an agent or "facilitator" a ridiculously high facilitation fee. Ask Siemens and BAE. Ask Mr Shaik. All the facilitator has to do is use part of his remarkably generous "fee" to pay the intended bribe – as an innocent donation to a close friend or relative, naturally. This one goes one step smarter. The bribe contains an ongoing inducement for the beneficiaries to use their influence to advance actively the business prospects of their ultimate benefactor. Which could explain why, if the company does well in the next four years, the beneficiaries can get as much as double what they'll get if it doesn't.

The first test: how will minister Davies regulate the price Amsa pays Kumba for its iron ore – up or down? And how is he going to regulate the price of steel Amsa supplies to the South African market – up or down? Both could radically influence Amsa's profits and share price over the next four years – up or down. Which will radically effect how much young Mr Zuma and not quite so young Ms Mtshali get to spend on presents for their friends and family come Christmas 2014.

Wait a second. Is ArcelorMittal (Amsa) not the previous ISCOR, the Iron and Steel Corporation of South Africa? Indeed, the ArcelorMittal website is still [www.iscor.co.za](http://www.iscor.co.za). Was ISCOR not set up with taxpayers' money and owned by all South Africans?

In June 2002 *Business Day* reported that the IDC had sold Indian billionaire Lakshmi Mittal a sack of Iscor shares at rock bottom prices – just as it emerged in the British press that Mittal had donated £125,000 to the UK Labour party around the time that Labour leader Tony Blair was writing to the Romanian government to support Mittal's bid for a steel mill there. At about the same time a Mittal company in the US paid \$600,000 to a campaign group which was seeking 40% tariffs on imported steel. This was in addition to political donations totalling \$100,000 made there.

A spokesman assured *Business Day* that neither Mittal nor any associated company had made any donation to any political party, politician, or to the government in SA.

The Editor



## Disarming robbery at Moti HQ

**T**HE EASE WITH WHICH 12 heavily-armed men wiped out Zunaid Moti's 20-strong private army in a pre-dawn raid on his Sandhurst home last month hasn't done much for the credibility of the Aba lengani property mogul's minders. In fact, so effortless was the elimination of the Moti force that the question must be asked: was this

an inside job?

*Noseweek* can reveal that Moti, not present at the time, has claimed that around R2m in cash, plus jewellery worth a similar amount, was taken in the heist.

Moti has changed the whole aura of once tranquil Cleveland Road since he moved into the exclusive Joburg en-

clave. There's been a fuss over his razing of the house next door to extend his garden. But most annoying to long-term residents has been the millionaire's rag tag private army, with their guns and scruffy camouflage uniforms.

"Most people here are protected by Core Tactical, who are simply marvellous," says one local. "They have one car with two armed guards on constant patrol in the area. Their people are properly trained – and every month they go off for top-up training. Moti's men are high in number but low in quality. They sit around glowering at passers-by; goodness knows where he gets them from."

Moti, well known to *noseweek* readers for his thuggish ways and cosy relationship with Investec, has been in the news recently after it transpired that two of his companies had been the recipients of 33 tracts of City of Johannesburg-owned park land that were sold without the council's knowledge or approval. Several arrests have since been made in connection with the outrageous fraud.

Last month's raid on Moti's house took place in the early hours of 13 August. Police have only said that "an undisclosed" amount of cash was taken. The gang fled with 14 guns – all taken off Moti's gang of guards – and Moti's white Lexus 4x4. No shots were fired and no one was injured.

As for the allegedly missing cash, Moti is said to gain comfort and reassurance from having large bundles of cash close at hand. Once, at a dinner to celebrate his father's birthday, Zunaid arrived with a tastefully wrapped gift – R1m in crisp new banknotes.

It's not known whether the guards, who by now may well be ex-guards, were required to reimburse their employer for the stolen guns.

## Flying by the seat of their pants

**I**N THE WAKE OF OUR Valor IT revelations, Mr Nose has

been burrowing around Cipro, government's recorder of company statistics, and has come up with his own set of Cipro stats that should scare the pants off every entrepreneur in the country.

Did you know that:

- There are more than 2800 registered enterprises with verbatim duplicate names;
- More than 100,000 enterprises are registered with confusingly similar names;
- Hundreds of enterprises are registered with duplicate SARS tax numbers;
- Of 4.5m entries in the directors' database, 2.2m are either incomplete, faulty or false;



■ Directors are listed who have not been born;

■ Directors are listed after they have been

recorded as deceased on the National Population Register;

■ The auditors' database lists over 200,000 entries, many duplicates/variances of the same member. In some cases there are up to 240 different name variations of the same accountant;

■ Some accountants are the registered auditor for thousands of enterprises, such as:

- M Hlabano (94,000 enterprises);
- MM Masilela (82,000);
- SC Maphotoma (45,000);
- ABD Mekgoe (40,000);
- and many more.

## Cachalias no friends of Zunaid

**I**N OUR EDITORIAL in *nose128* on the fraudulent "sale" of various parks belonging to the Johannesburg city council, we got a bit carried away in generalizing about the connections between the Motis and "the Mias", and in turn the Mias and "the Cachalias who include a well-known Gauteng politician". One of the Cachalias – brand consultant Ghaleb – has quite rightly objected. The Cachalias, he points out, have little or nothing to do with the Mias – and absolutely

nothing to do with the Motis and their property "shenanigans".

"Feroz Cachalia, who is Gauteng MEC for Economic Affairs is rigorous in his anti-corruption drive. Our cousin, who was elected to the Johannesburg city council, has, sadly, been in a coma for the past year and could definitely not have had anything to do with these irregular property deals."

Our source was misguided and I apologise – unreservedly. – The Editor

# Sweet and sour cell service

**H**ERE'S A GOOD NEWS, bad news story. The good news: corporate SA does indeed listen to the customer. The bad news: it only does so when the customer goes to the press.

Cape Town-based branding type, Jenna Schnell, has an MTN 3G card, and her monthly bill is usually in the order of R200. But in December 2009 her bill shot up to R1400, in January 2010 it was over R4000, and in February 2010 it was some R2000. Jenna immediately queried this and MTN's enquiries showed that the card had been used for that most evil of purposes, visits to porn sites. Something Jenna claims she never does, and certainly didn't do at some of the times suggested by the records, when she was in fact

lying on the beach in Plett. So Jenna argued long and hard with MTN. Very long in fact – she claims that she spent close on two hours dealing with what she describes as a very uncooperative and highly inefficient call centre. Naturally she got nowhere, so she came to *noseweek*.

We asked MTN for an explanation – could there have been a mistake in the billing, could Jenna's account have been hacked into? Was there perhaps some other explanation? The result was dramatic – the very next day Jenna emailed us with a “big THANK YOU.” She went on to say that “after chatting to you I received a mail and then a follow-up call from Paul Rozycki at MTN. For the first time in months I actually received good customer service. After

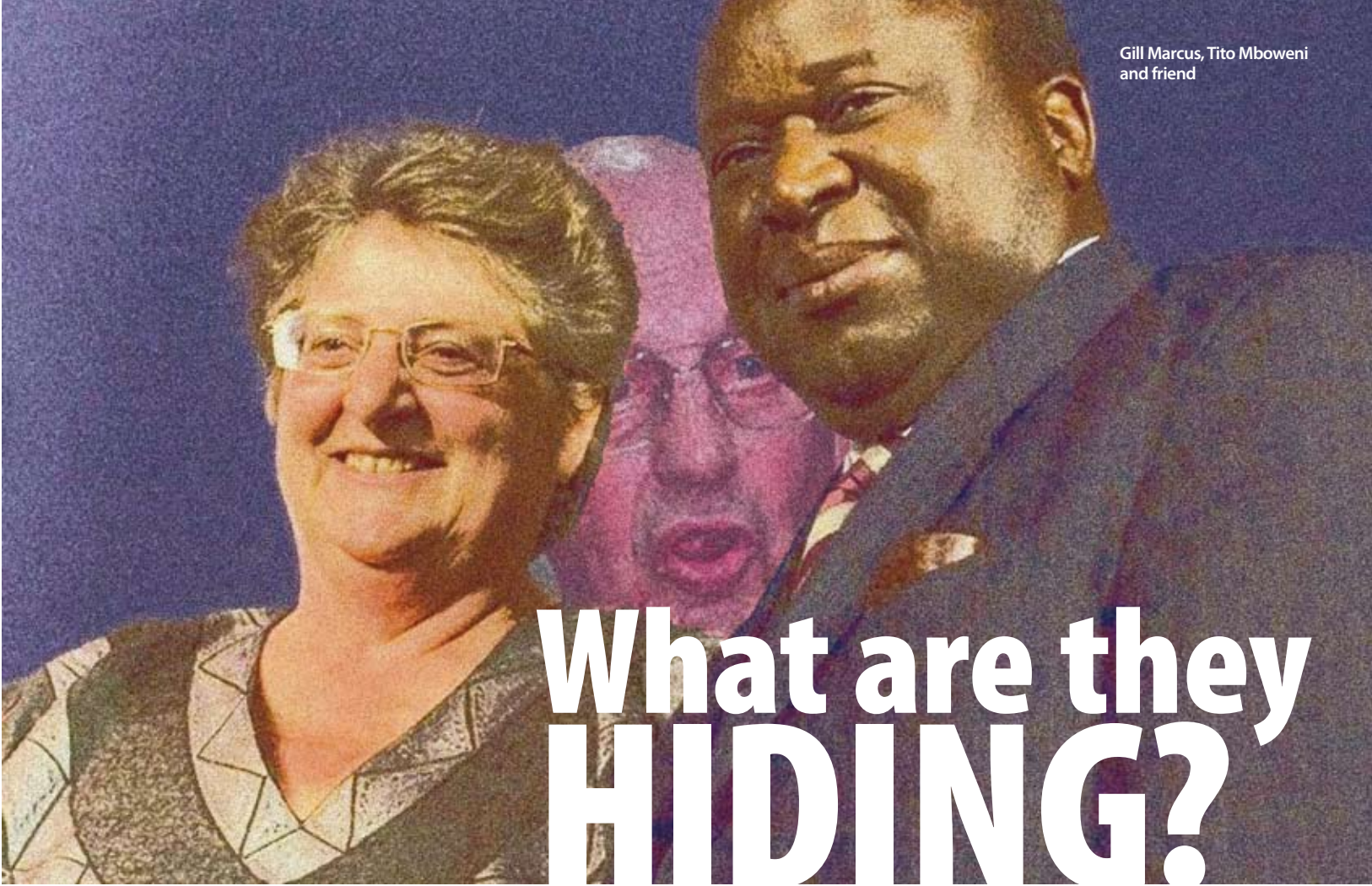
I explained everything, MTN made the decision to give me a full credit for the money that has been debited for the 3G card. My lines have been re-connected and I'm relieved that I can finally lay this matter to rest. I have a suspicion that without your assistance I would have ended up having to suck up the R7,000 costs to get my line back even though they were not generated by me.”

A few days later, MTN wrote to *noseweek*: “Thank you for bringing the matter to our attention [*Always a pleasure* – Ed]. After further investigations, MTN found that the customer's computer was infected with malicious software that resulted in higher data usage.”

Sweet. And a little sour. **■**







# What are they HIDING?

The ANC government was told in a secret report how apartheid-era government operatives aided and abetted the theft of hundreds of billions of rands from the State – and how substantial sums might be recovered from those responsible and from the European bankers who helped them hide the loot. But, mysteriously, the Mbeki cabinet and the Reserve Bank decided to do nothing about it. Why?

**A**FTER A VITRIOLIC disinformation campaign led by Reserve Bank governor Gill Marcus, an amendment to the current Reserve Bank Act, tailor-made to silence the bank's private shareholders, has hurriedly been tabled in parliament.

But, instead of silencing its critics, the proposed Bill has whipped critical Reserve Bank shareholders into furious action – and brought to light an explosive secret document in which the Mbeki government was given a detailed account of the extraordinary extent of frauds on the state perpetrated by the Afrikaner nationalist elite in

the apartheid era – frauds that their ANC successors have until now chosen to cover up for reasons that must still be explained.

Quite apart from its startling contents, the document casts a whole new light on Thabo Mbeki's and Trevor Manuel's roles in setting up the 1999 arms deal as a major source of party funding: we now know that they had just been shown how, for more than a decade, their Afrikaner nationalist predecessors had done many similarly corrupt kick-back deals!

Extracts from the secret document were attached to a submission made on 25 May to Parliament's Standing Committee on Finance by a Reserve

Bank shareholder, management consultant Michael Lang of Germany. Lang, who apparently has ties to European military and intelligence circles, is among the Reserve Bank shareholders who have for some time been demanding a full audit of the Bank's gold reserves and other assets. In his submission, the German investor protests "in the strongest terms" against the Bill, which he calls a "resounding slap in the face of every democracy ... a deception to put sand in the eyes of the South African nation".

To his submission Lang attached just five pages from a much longer report



submitted to the South African Secret Service (SASS) in 1999 by a London-based firm of private investigators called Ciex. The extract from "Operations on behalf of the South African Government 1997-1999" is, however, enough to show that Ciex was commissioned by SASS to investigate how public funds were stolen or otherwise

## On a delicious Swiss role

**JAMES CROSS IS SAID** to have played a critical role in negotiating the terms on which the Swiss came to the rescue of the apartheid government when, at about the time he joined the SA Reserve Bank, the sovereign debt world declined to renew their facilities to the RSA.

Six months or so after standing down as the Reserve Bank deputy governor in 2001, for "serious health reasons", Cross popped up in a number of gold and diamond companies with very strong links to Switzerland. The following potted biography appears on the website of Namakwa Diamonds, one of the companies of which he is currently a director:

"Mr Cross joined the South African Reserve Bank in 1986 and stepped down from his position as senior deputy governor in 2001. He has since chaired the board of directors of the South African Mint Co (Pty) Ltd and the South African Bank Note Company (Pty) Ltd from 2002 to 2006, as well as Highland Gold Mining Limited from 2004 to 2008. James currently chairs the Financial Markets Advisory Board in South Africa, is deputy chair of the Policy Board advising the government on market policy and a member of the board of the Financial Services Board in South Africa. He is chairing the commodities trader Swiss Gold DMCC, based in Dubai, and is a director of MKS Finance Geneva."

Investigators believe Cross has a lot to explain – and a lot to tell.

misappropriated during the apartheid era, with a view to recovering some pretty substantial sums of money, most of it still hidden abroad. The Ciex report contains a strategic plan, "Project Spear" designed to do just that.

The final page of the contract between the South African government and Ciex – amongst the pages submitted to the Select Committee, bears the signature of former spymaster Billy Masethla, chief of SASS at the time. The signatory on behalf of Ciex is Michael Oatley, once an illustrious senior member of Britain's foreign intelligence service, MI6. (Oatley's heroic role in achieving a settlement with the IRA, bringing a semblance of peace to Northern Ireland for the first time in half a century, and his role in the search for Saddam Hussein's gold are well documented.) He was subsequently a Managing Director of US corporate investigators Kroll, and left Kroll to become a founding member of Ciex – which set up offices in a basement across the road from Buckingham Palace.

The contract was signed on Octo-

ber 6, 1997. In it Ciex were instructed to report to the government through the Secret Service, and their first priority was to be the recovery of the illegal gift of R3bn or so that Absa Bank had secretly been given by the SA Reserve Bank.

Within no time Ciex was able to report: "Potential profitability of the operation is illustrated by the following amounts which Ciex has to date identified and provided Government with the opportunity to recover:

■ R3.2bn from Absa

■ R3bn to R6bn from Sanlam and Rembrandt

■ Up to R5.5bn from Aerospatiale/Daimler-Chrysler

Among other culprits identified were state arms procurer Armscor and a former senior apartheid cabinet minister identified only by the code-name "Gnome". [See box.]

A great deal of the money had, it transpires, disappeared with the active but secret assistance of the South African Reserve Bank. Page 3 of Mr Lang's attachment outlines how Ciex was supposed to "develop leverage"

## Despite conclusive evidence of fraud, the bankers escaped prosecution

**CIEX'S SUMMARY** of events relating to its investigation of the Absa lifeboat:

"In reports delivered to SA Security Services (SASS) on 29 November 1997 and 8 January 1998, Ciex produced a full account of the manner in which public money had been misappropriated. It described the nature of the illegalities, including criminal fraud by senior Absa managers and board members, the illicit profit-making by shareholders, and the roles of participating individuals and interests. Expert legal and financial opinion was included indicating that government might safely and legally seek recovery of sums up to R10bn from Absa and its shareholders, and that criminal charges could be brought against the principal individuals concerned for major acts of insider-trading and false accounting.

"All this material was discussed on 13 and 25 January 1998 by the relevant ministers of Justice [Omar], Finance [Manuel], Trade and Industry [Erwin], Labour [Mboweni], In-

telligence [Mufamadi?] with the Ciex team that included Sir Kit McMahon (former Deputy Governor, Bank of England), Pierre du Toit (senior partner of Arthur Andersen SA) and Eberhard Bertelsmann SC, a past president of the Pretoria Bar [now a Pretoria High Court judge].

"Provisional agreement was reached that recovery should be pursued. Ciex predicted that Absa and Sanlam would obstruct the process and develop false suggestions of a danger of systemic risk. Which is precisely what they have since done. To establish a publicly recognisable framework for recovery, the matter was passed to Judge Heath for formal investigation. Ciex assisted his enquiry. Meetings were held with the Bank of England (and other international banking institutions).

"Ciex also reported regularly to SASS on the strategy and activities of Absa management in obstructing Heath and developing a number of spurious defences, while at the same time making actual provision (in their

with the SARB and Absa to “recover funds” such as “Illegal lifeboats/subventions by SARB”.

These are the same “illegal lifeboats” about which various Reserve Bank shareholders, including another German shareholder, banker Michael Duerr (see noses 101, 103, 115, 127 & 129), have for the past year been asking questions – questions which the Bank has simply refused to answer. “What financial assistance packages, lifeboats etc. are responsible for losses to the SARB? Where have those billions gone?” Duerr demanded to know from the new governor, Gill Marcus in April. (His similar questions to her predecessor, Tito Mboweni got no answers – but appear to have precipitated Mboweni’s early retirement.)

Quite logically Duerr reckoned that billions of lost assets would obviously have diminished the bank’s share value, and that, as a shareholder of the bank, he was entitled to demand an explanation from the bank’s management. In May, Marcus, too, refused to answer the questions, while dismissing the “lifeboat notion” as “scurrilous”

balance sheet) to pay R3.2bn over a four year period, should Heath or the government require them to do so.

“In mid-1999 Ciex reported to SASS that Absa director Danie Cronje had told one of the bank’s financial advisers in London: ‘We are getting the South African government pretty much under control in this matter, and might well get away with no more than a warning.’ Ciex also reported to SASS that Reserve Bank deputy governor James Cross, a close associate of both Danie Cronje and Stals, was working actively with Cronje to frustrate any attempt to seek recovery. Cross continued to claim that the subvention of Absa was a ‘normal support operation’, despite overwhelming evidence to the contrary – finally and conclusively accepted by Heath – and the specific advice of the Bank of England.

“It became apparent that the Minister of Finance [Manuel], the new Governor of the Reserve bank [Mboweni] and the Head of South African Revenue Services were inclined, or were accepting advice, not to support Heath. Within the Bank deputy governor Gill Marcus, responsible for supervision, was being invited to take a view of the matter based on deliberately mendacious advice from her colleague James

and “defamatory”.

Noseweek readers have, of course, long known (see nose 18) that the Reserve Bank’s illegal “lifeboats” (massive but secret free handouts to politically well-connected banks) were no mere “notion”. Thanks to Mr Lang, noseweek can now state categorically that Ms Marcus and her predecessor, Mr Mboweni, knew that the illegal gifts which the SARB chose to disguise as “lifeboats” in fact amounted to plain fraud – and that they had cost the general population many billions, while contributing hugely to the personal wealth of just a few members of the Afrikaner elite of the apartheid era. At the time of Project Spear, Gill Marcus was the Deputy Governor of the SARB. She had been given an expert briefing about the purported “lifeboats” and their illegal status. And, most importantly, it had also been explained to her why recovery of the money from Absa – in instalments over four years – posed no risk to the South African banking system. (The bank had, in fact, itself made provision in its annual accounts at the time

Cross, and without having been shown any of the material which described and exposed the fraud and the manner in which recovery could safely be achieved. Ciex arranged to rectify this situation, and to supply Gill Marcus with a more balanced picture, including the advice of distinguished independent experts.

“Heath judged the ‘lifeboat’ to be illegal and due for repayment, but has yielded to pressure not to demand repayment. It is incontrovertible that payment over a period of time would pose no risk to either the bank or the system. Absa had, indeed, earmarked funds for the purpose – but is delighted to be able to keep them. Absa directors and senior managers who have made personal fortunes through fraudulent share deals made possible by the lifeboat are relieved to escape prosecution or censure.”

for such a contingency.)

The real mystery is: why would first Mboweni, then Marcus, both senior, well-informed members of the ANC’s post apartheid government, feel the need not only to plead ignorance of the matter but declare it ‘non-existent’ – and definitely not up for discussion? In effect feel obliged to cover up major misdeeds of the apartheid era?

Had the ANC government – on Thabo Mbeki’s watch – chosen to use Ciex’s evidence of the apartheid elite’s misdeeds as a handy precedent, rather than expose them? Or had they simply used their secret knowledge as a lever to extract a quid pro quo from Absa and its shareholders, in the form of a “comfortable relationship” whereby Absa extended generous credit to the party and its membership elite? A comfortable relationship that has continued since UK banking group, Barclays, took control of Absa. (Barclays also played a leading role in financing the scandalous 1999 arms deals – see below.)

Lang’s five-page extract from the Ciex report submitted to the Standing Committee on Finance is public record; all committee members received them as part of the hearing’s submissions.

The full Ciex report runs to 62 pages, plus some fascinating annexures – and, as luck would have it, noseweek has come into possession of the 57 pages still missing from the parliamentary record. They describe a number of secret schemes that, in the latter apartheid years, accounted for the theft or misappropriation of around R200bn. Yes, TWO HUNDRED BILLION RAND; that is many times what the ANC spent on the 1999 arms deal! More significantly, the secret Ciex

report explained how the post-apartheid South African government might set about recovering the stolen money – a large chunk of it within just six months.

For some reason, however, the ANC government decided to ignore various reports it received from Ciex – or at least not to institute any of the actions they sug-

**South African Reserve Bank, Pretoria**

gested to recover funds from the old Afrikaner Nationalist elite and the foreign banks and corporations that had assisted them in their allegedly fraudulent enterprises.

(In the light of the secret memo that the Sunday Times last month unearthed relating to Thabo and Trevor's plans for ANC fund raising on the back of the arms deals then under negotiation – and at about the time that the deal with Ciex was finally called off – it seems the government may well have been more interested in what Ciex could tell them about how the apartheid elite had managed to channel state funds to advance their own party or personal interests, rather than in recovering the misappropriated billions.)

Ciex's contract was not renewed in 1999 and Ciex was never allowed to earn its agreed 10% commission on recoveries – because the South African

government decided it had no need to recover those billions.

After Gill Marcus' earlier term at the reserve bank (she was Mboweni's deputy for two years), she spent a few years as executive chairperson of one of celebrity fraudster Brett Kebble's goldmining operations. (They were Kebble's dirtiest years, so she will undoubtedly have learnt a thing or two about the "dark side" of business.) From there she moved to Absa, to become her favourite bank's very protective chairperson, succeeding Danie Cronje, the man who had personally pulled off some of the biggest schemes to misappropriate public funds. (Cronje moved up to join the Barclays board in London.)

Last year Marcus returned to the Reserve Bank to succeed Mboweni as governor. "There's no doubt that she is the best-qualified person for the job," Sanlam CEO Kriel declared ecstatically.

(Sanlam had been target number two on Ciex's proposed recovery list.)

It came as no surprise, therefore, when, in May, Marcus asked the Parliamentary Finance Committee to keep the Reserve Bank's response to the private shareholders' submissions – including the half dozen pages extracted from the Ciex report – under wraps. Her request was granted by the committee. A sign of things to come.

In June, after much ado, the committee relented and decided to make the Reserve Bank's two-word response to just Lang's submission public. "Not understood", was the Bank's evasive comment.

Due to a twist of fate the South African government, the Reserve Bank, Absa and, ultimately, Barclays might soon be put in the position of having to explain their side of the story. The contract with Ciex provided for a commission on recoveries made (10% on

## SA officials ignored opportunities for recovery of huge amounts of public money

Extracts from the Ciex report to the South African government:

### Reserve Bank assets

"At a private meeting with senior Bank of England officials on 2 December 1993 the recently appointed secretary of the South African Reserve Bank said he had discovered that the SARB had considerable assets, built up over the years by Dr Stals, which had not been disclosed to the Minister of Finance. He also said that there were two rooms full of documents at the Reserve Bank to which only Dr Stals had access." (SASS took no action to secure the documents.)

### Gold audit

"Evidence of discrepancies over the years between gold mined and gold held by the Bank, and between gold sold by mining companies and gold actually sold through the gold pool in Zurich, is available to be examined.

"The Volcker Committee [in the US] has drawn attention to possible similarities between the irregular behaviour of Swiss Banks in relation to Holocaust gold and the potential for irregular handling of South African gold. Investigation in this area offers potent opportunities for negotiation with the Swiss over the future of South African gold marketing."

### Gnome

"On 11 February 1998 Gnome, who is a former

South African cabinet minister, subsequently identified from photographs, arrived at Dulles Airport, Washington DC from the Bahamas. He was accompanied by a senior partner of the German law firm of Punder Vollhart Weber Axte, of Frankfurt.

"The two men arrived in a private jet leased from a company owned by Charles Oliver, a businessman with strong South African connections. As they had cleared customs and immigration in the Bahamas there was no record of their arrival in the United States. (The aircraft's fuel bill for the Bahamas stop-over confirms the flight). They were picked up on the tarmac by a local limousine company and were driven to the Mayflower Hotel in Washington where a room had been booked in the name of Anke Sessler of Punder Vollhart.

"Also involved in arrangements for the meeting was Klaus Weber, owner and managing director of Seal Bureau of Investigation of Randpark Ridge, Johannesburg.

"Weber is a German national and was formerly a member of the East German Police VIP Protection and Counter Terrorist Unit. Seal offers executive close protection and aviation security services.

"At the Mayflower, Gnome met US lawyers and financial advisers. He told them that he did not wish to identify himself to them, but

that he was South African and had been a minister in the South African government. He said that he was in the US to find help in investing certain funds that he had "secured" in South Africa and which had been exported, mainly via Liechtenstein and Panama, and that he wished to "resurface" them in the US.

"Gnome added that the initial sum involved was \$240m, but that there were very considerable additional funds available if suitable measures for investment could be established. He said that no one would at any stage be allowed to know the true origin of the funds, but that he could undertake that they were "not contraband or narcotic-related". The utmost discretion and confidentiality must be maintained. He would be employing physical protection operatives while in the US as he felt under threat.

"Ciex reported this information to SASS in early 1998. SASS officers first obstructed the enquiry and then, either directly or through indiscretion, alerted the target, Gnome, to the fact that he was being investigated by Ciex. Ciex has not been able to secure any official support in pursuing this enquiry – which could lead to recovery of hundreds of millions of dollars and would be of obvious political significance. Informal discussions with law enforcement agencies in the United States have indicated considerable willing-

the first R100m, 7.5% on the balance) – that being the declared aim of the project.

Now Oatley wants his percentage, even if the Mbeki administration had (and the Reserve Bank still has) their own mysterious reasons for not wanting their 90%.

The aim is apparently still to get Absa or its parent, Barclays to produce the money, in preference to the South African tax-payer having to do so. (Intriguingly, Barclays was the lead bank in compiling the finance package to fund the South African purchase of Gripen fighter planes and Hawk trainers, one of the biggest, most expensive and most suspect components of the 1999 arms deal. The South African government tried desperately to keep that finance contract secret. See nose 43.)

According to reliably informed sources Oatley is now part of an in-

ternational group pursuing massive reparations claims which it may be open to the SA government to pursue against those who benefited illegally during the latter days of apartheid. The claim related to the so-called “Lifeboat” is only one of these.

What puts Ms Marcus and the management of the SARB in a spot, and the SA Government if it does not move quickly to deal with the matter, is that as a result of their maltreatment of the SARB private shareholders they find themselves standing in the path of a very well-established reparations campaign funded by Canadian fisheries and telecommunications gazillionaire John Risley. Risley and a Caribbean business partner bring a joint net worth in excess of \$4bn to the litigation table, so the Reserve Bank can forget about producing its usual parade of lawyers whose main defence strategy is to see their

opponent into bankruptcy before he can get to court.

If Ms Marcus doesn't quickly get her act together on this one, so that she and the government can be seen to be serving the interests of ordinary taxpayers, she could find herself starring in an international farce of monumental proportions, dragging the country's reputation – and that of its bankers – down the drain with her.

Risley appears to be a man of many business talents and one of them is 3rd-party litigation: bankrolling financially worthwhile lawsuits in well-chosen international courts on behalf of others, winning them, taking a share of the profit – and looking for the next suit.

For his sins he also happens to be a mega-benefactor to various, mostly Canadian, charities.

Combined suit value of the Absa crookery, misleadingly described as a “lifeboat”, plus the proceeds of knock-on share dealings and alleged illegal enrichment by Absa directors: £1bn (going on R12bn). According to the Ciex report, most, if not all, Absa directors at the time (including Cronje that Barclay's proceeded to honour with a position on its main board) are also liable to prosecution.

Papers confirming the existence of the lifeboat, that it was a fraud (and did not accord with the accepted central bank practice generally described as a “lifeboat”), and the on-going responsibility of management in Absa and Barclays have been drafted by two South African Senior Counsel and a Queens Counsel in London. (Barclays continues to benefit from the original theft and is considered vulnerable. Absa is currently chaired by Dave Brink who, like Cronje, was a party to the original theft and fraud.)

Risley and Oatley are businessmen. The length of Risley's yacht allegedly exceeds 200 feet – but why not get a bigger one? As things are looking now, we could end up paying for it.

More interesting, however, will be the response of the South African Government to the obvious question: why did Thabo Mbeki, Trevor Manuel and Gill Marcus decide not to recover billions of rands, already set aside by Absa for repayment at the time?

Sooner or later we're going to find the answer. Meanwhile, read the shocking extracts from the Ciex report, read our editorial and then take your guess at what the answer might be. ▮

ness of the US authorities to pursue the matter if officially tasked.

“Note: There is also *prima facie* evidence of Gnome's involvement in unauthorised banknote production. Sources independent of the Gnome enquiry have pointed to the existence of this activity which is known to have been used to generate funds for special operations under the previous government.”

### **Armscor**

At the beginning of 1999 Ciex was encouraged by SASS to support an investigation ordered by the President into Armscor transactions. Ciex has identified:

- The main bank accounts through which commission payments were made by Armscor on arms deals from 1972 onwards.

- Evidence of payments of \$20m per month through bank accounts in Luxembourg and elsewhere, controlled by the Armscor unit in the Paris Embassy. Payments continued at this rate from 1985-1995, reaching a sum far in excess of the cost of equipment ordered.

- Potential undisclosed liabilities to Government through use of the Armscor pension fund to support a US\$200 million credit for arms deals.

- Witnesses offering evidence of major misappropriation of public money by senior Armscor officials.

“Information available to Ciex suggests opportunities for huge cash recoveries and also potential liabilities of which government is unaware.”

### **Trust Bank Frauds 1991-1992**

“From 1986 to 1992 Trust Bank was secretly authorised by the Reserve Bank to export

\$300m per annum to the Cayman Islands to facilitate strategic purchases. The funds were not used for that purpose, but for a disguised [financial] and 'round-tripping' operation'. The sums available were invested from the Cayman Islands into Escom stock and the annual profits from dealing in this stock, averaging between \$50m-\$130m per annum, were not repatriated. Recovery could be pursued.”

### **Procurement frauds in the US**

“Between 1987 and 1993 South African officials and US suppliers collaborated to defraud the government by ordering large items of expensive equipment which were paid for but not delivered. The officials accepted invoices from the supplier for advance payment, failed to note non-delivery, and blocked all subsequent enquiry. The brother and nephew of the then finance minister, [name withheld], were involved in setting up corporate entities in Jersey to hold the proceeds of these operations and in providing billing mechanisms for products and services which were sold to the government, and on which deposits were paid, but which were not delivered.

“(Similar fraudulent schemes were operated by officials and ministers in relation to bond issues and the creation of spurious law suits against SA ministries on behalf of US suppliers).”

### **Bond issues**

“The Reserve Bank is believed to have issued undisclosed tranches of bond issues to Absa, in dollar denominations.

“These unrecorded transactions represent a potentially heavy liability for government.”

# Diamonds aren't a Griqua's best friend

**WHEN DISPOSSESSED** communities were handed back 31,816ha of land along the western bank of the Vaal River outside Kimberley in 2000 there was much jubilation – accompanied by hopes of soon-to-be-discovered riches. The 320sqkm property – six farms collectively called Schmidtsdrift – is known to contain an abundance of diamond-bearing alluvial gravels.

Two communities were the re-inheritors of Schmidtsdrift – one Tswana-speaking and the other descended from Griquas, both having been booted off the land in 1968, in the dark days of apartheid. The restitution has been a delicate operation from the start, given that the dominant Tswanas have for a long time considered themselves superior to the ever-dwindling minority Griquas.

Stirring diamond wealth into this already-volatile cauldron has created an explosive mix, as this cautionary tale relates.

The problems caused by mining companies homing in on diamond-rich terrain in the Northern Cape subject to land-restitution claims have been highlighted by regional land claims commissioner Sugar Ramakarane. In 2005 he singled out Schmidtsdrift as a classic example. “Mining houses or

individuals approach different members of the claimant group, promising heaven and earth if they take them as the community’s strategic partners,” he told the *Mail & Guardian*. “Each business targets a different individual and in the end you have a community at war with itself.”

Back in 2000, a settlement agreement under the Restitution of Land Act saw the establishment of a Communal Property Association, or CPA, to take transfer and ownership of Schmidtsdrift. The CPA was comprised of two equal partners – the Tswana Trust and the Fonteintjie Trust, representing the Griquas.

Hot on the scene that year was the BEE mining company of New Diamond Corporation – chairman Tiego Moseneke (brother of Deputy Chief Justice Dikgang Moseneke) and including such notables as Gopolang

## Two communities were supposed to benefit from gems mined from restored land – but one was left out in the cold

Makokwe and Jurgen Kögl. Two others on the board in those early days were one Dawn Maropfela (aka Dawn Marole, wife of drunken driver Moses; see page 16) and that ghastly upstart and unsuccessful litigant, Ronald Suresh Roberts.

(In July 1999, New Diamond Corporation’s bank account had been boosted by a R408,000 payment of money belonging to global aerospace, defence and energy group Rolls-Royce plc, who had deposited R1.9m into the trust account of Tiego Moseneke’s law firm for a secret payment to private spooks’ firm Kroll (nose78). In 2006 Moseneke was struck off the roll of attorneys for unprofessional conduct, bookkeeping contraventions and alleged trust fund shortages.)

The Schmidtsdrift CPA was given 20% of a New Diamond subsidiary that would operate the mining,

Schmidtsdrift Mining Enterprise, and the association was promised royalties of 5% of the gross value of its diamond sales.

Mining, on a prospecting licence, began in 2001 but was always a stop/start operation. In October 2003 the Department of Minerals and Energy suspended operations after discovering "a serious lack of management on the prospecting area when it comes to general environmental management and rehabilitation". Pollution control facilities at diesel storage tanks, oil storage facilities, workshops, washing bays and hazardous waste sites were "non-existing". The following year New Diamond's application for a full-blown mining licence was rejected after the property association wrote to the minerals minister informing her that no royalty payments had been made.

On top of this, reported the association, livestock had been lost in slimes dams created by New Diamond and there was urgent need for rehabilitation of the environment, which had been trashed by the company's subcontractors. There was also no social and labour plan. The lack of a mining licence didn't deter New Diamond; it simply applied for, and was granted, a "new order prospecting right" – and carried on digging.

At the beginning of 2005 Craig Oliver, new chief executive of New Diamond, told the CPA he wanted to "do things right". The company would pay R5m royalties to the CPA, with an initial downpayment of R1m. He also pledged that both Tswanas and Griquas would be employed once mining was in full flow. (Of the 100-odd locals eventually on the payroll, all were Tswanas.)

In September 2005 a cheque for

R1m arrived at the offices of the CPA. It was paid into the old FNB bank account opened by the Tswana Trust before the association was formed. However, none of this money found its way to the CPA's 50% partner, the Griquas' Fonteintjie Trust. The R4m balance? If it was ever paid, the Griqua half of the CPA saw none of it.

Also in 2005, the CPA received R95,000 for livestock losses to the Tswana faction within the CPA. The Griquas received nothing for their similar livestock losses.

In 2006 New Diamond Corporation's holding company, Nare Diamonds, was listed on the Australian Stock Exchange. And at Schmidtsdrift relations between the Tswana and Griqua factions on the CPA went from bad to worse. In March that year Leonardo Steenkamp, co-trustee of the Fonteintjie Trust, had to be escorted to his car by police after his life was threatened by a Tswana mob at the CPA offices.

This whole sorry saga is due to be unveiled in Kimberley High Court this month when, on 14 September, the Fonteintjie Trust joins Representation Investments in seeking an interdict restraining New Diamond Corporation from applying to the Minister for cession of its prospecting rights at Schmidtsdrift to a Swiss-based company, New Africa Mining.

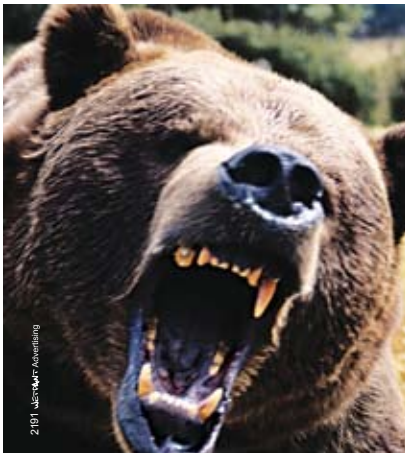
Tiego Moseneke is long gone from New Diamond Corporation, having sold his shares to Nare Diamonds. Nare in turn became Lonrho Mining SA before going into liquidation last year. New Africa Mining came to the rescue, taking Lonrho out of liquidation and by April this year it was New Africa Mining that had taken over mining at Schmidtsdrift, albeit keep-

ing New Diamond Corporation alive in order to utilise its prospecting licence.

Explaining the current court action, Leonardo Steenkamp states in court papers that at 29 February 2008 New Diamond Corporation's liabilities exceeded its assets by R31m, making the company insolvent and unable to pay its debts. "Accordingly, it seeks to divest itself of its most important asset, namely the prospecting rights that it has," he says in his founding affidavit. Steenkamp adds: "It is clear to me that what New Diamond Corporation intends doing is transferring its prospecting rights to New Africa Mining and thereby rendering (itself) hopelessly insolvent so it can seek and obtain a winding up order and thereby divest itself of any contractual obligations that it may owe its creditors, including the Fonteintjie Trust."

Not that New Diamond Corporation has done too badly at Schmidtsdrift. Soon after its Australian listing, holding company Nare was announcing that since April 2006 the farm had yielded a total of 3,849 carats at an average price of \$1.161/carats, raising a total of \$4.5m. This included a rare 235-carat gemstone that was sold for \$2.4m. A more recently discovered gemstone of 66 carats had still to be valued.

An affidavit filed by New Africa Mining director Gideon Kotze states that since April this year diamonds to the value of \$290,000 have been recovered at Schmidtsdrift. Comments the Griquas' trustee Leonardo Steenkamp in court papers: "This is a substantial amount of money and New Diamond Corporation has done nothing to tender the royalties owing and payable to the Fonteintjie Trust." ■



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## When a multi-millionaire businessman went on a drunken rampage he wrecked a lot more than just the seven cars he tore into

**N**EARLY FIVE MONTHS have passed since multi-millionaire businessman Moses Marole ran riot in a Sandton parking lot, his luxury Mercedes S class ploughing into seven cars and severely injuring a woman, following an afternoon spent celebrating his 67th birthday. Although Marole had nearly three times the legal amount of alcohol in his blood at the time, when *noseweek* went to press the tycoon was out on R1000 bail, unencumbered by inconvenient charges such as drunken or reckless and dangerous driving.

Besides being chairman of BVI Consulting Engineers, he holds directorships in as many as 31 companies, including Phungo IT Solutions, Platinum Communications, Uku Engineering and ad agency Vutha. He's in the BEE star-studded True Class Consortium, whose members include Yvonne Chaka Chaka, media mogul Basetsana Kumalo and Lot Ndlovu.

His wife is Dawn Marole, whose directorships have included Kumba Resources, Premier Foods, Tsogo Sun and JP Morgan. Those who feel that the couple's status as leading BEE hotshots seems to have placed them above the law, point to the fact that on 12 May, the day the police announced that charges of reckless and negligent

driving against Marole had been "provisionally withdrawn", President Zuma announced in parliament the inclusion of 50-year-old Dawn Marole in his Presidential State-Owned Enterprises Review Committee.

The event took place in the early evening of 12 April. Christine Botha, an independent HR consultant and single mother of two grown-up daughters, had just had dinner with John Wingrove at Col-Cacchio's pizzeria in the Benmore Shopping Centre in Sandton.

"It was early – about 7.45 in the evening – and I was standing beside my car with the door open, about to step in," says Christine. "I looked up and saw a silver Mercedes reverse out of a parking space into a Mini Cooper that was parked there. The car guard walked up and tried to convince the driver to get out of his car. The next thing I saw this man speed off very fast. He tried to turn but couldn't manage it, and smashed into a row of parked cars.

"The next thing I saw was all these cars being pushed my way. There was no way I could get out of the way, it was so quick. Then I felt this incredible pain running through the bottom part of my body. My initial thought was that my back was broken. I realised I was pinned between my car and the one that was parked next to me."

John Wingrove fought to lift the car trapping Christine, but could not manage the task alone. However, diners who witnessed the whole thing from the balcony of Col-Cacchio's, rushed to help. They included a medical man, ophthalmic surgeon, Dr Rob Daniel.

"Dr Daniel took control of the situation and saved my life," says Christine. "He told me to take little side steps towards him and when I was out from behind the car he said 'just fall back into my arms'. Which I did, and he laid me down. If I had moved forward I could have caused terminal internal injuries."

Dr Daniel sat holding Christine's hand until medics arrived. Another Col-Cacchio diner, audiologist Shabiera Allie, went with Christine in the ambulance to Morningside Clinic and stayed with her until family and friends arrived.

Christine was admitted and doctors told her that her pelvis was fractured – in three places, as it turned out. "I have never experienced pain like that," she says. "I was on very strong painkillers, and had to lie flat on my back for a week before they started training me to take little steps on the walker."

Back home in Fairland, and flat on her back for a further three weeks, two full-time nurses were brought in to



care for her. "I couldn't do anything for myself."

After five weeks she started taking short rides within the estate where she lives, in a wheelchair pushed by one of her daughters. "About six weeks later I was able to move around a bit more freely on the walker and after two and a half months I was able to go on crutches."

At the time of the accident Christine was generating R5,500/day as an HR consultant – and was booked every day. That income came to an abrupt halt and only a couple of weeks ago was she mobile enough to get out and meet clients. Counting the cost, she reckons that Moses Marole's spin in the Benmore parking lot has cost her close to R200,000 in damages and loss of income. That's not counting R40,000 damage to her Audi A3 car. "This man is still walking free and until today he's made no attempt to even find out if I'm still alive!"

So what did the other diners see that night? Joanne McLeod, wife of packaging company boss Justin, was driving her husband's Merc that night. It was one of the seven cars hit by Marole, and the Merc's damages bill alone came to more than R100,000.

"When he was bashing all the cars and he tried to drive off, one guy grabbed him and pulled his cellphone," says Joanne. "And they took his car keys from him. Then the police came and another woman took his cellphone and phoned his wife. She arrived with a very high-powered looking woman. They had class. I thought they were going to sneak him off, but a friend of mine who knows them says that Dawn took Moses to the police to make sure that he was breathalysed."

"Yes, she took him and made sure they breathalysed him. I'm assuming it's because she's sick and tired of his drinking."

"Moses sat down with a policeman and I walked up to see what was happening. Moses was saying: 'Ag, these white people, they're just saying that! How can I have hit seven cars?'"

The next day Joanne phoned Marole from her swish Sandhurst home and informed him that he had inconvenienced her. "I told him that now I've got to pay for car hire and my husband had to pay R5,000 excess on his car insurance. Moses said: 'I'm not going to have this conversation with you, you must speak to my lawyer. None of this happened. White people made the story

up.'"

It so happens that the McLeods' 11-year-old son and the Maroles' boy of 10 both attend St Stithians, a top private school, though they are in different years. "I feel bad for Moses's children," says Joanne McLeod. "Dawn doesn't even know who I am. She came and sat next to me in the school chapel the other day. I'm not fighting with her, she's very nice. I'm sure Moses is too, when he's not drinking. Our mutual friend says Dawn is completely humiliated and so embarrassed about this whole thing. She said that Moses was in hiding, because he was so ashamed about what happened. But he doesn't look that ashamed to me, because every time you see him he's out drinking."

How does Joanne know that? "About five weeks ago my husband and I were having a drink at the Southern Sun hotel in Hyde Park. My husband's in packaging and Marole has contacted him so many times about doing a deal. Moses came up to us, blind drunk again, put his arm around Justin and said: 'Hello Justin, we must do a deal, we must do a deal.'"

"Moses then said: 'There's somebody here I need to meet. Is this your wife?' I said: 'No, we've actually met'. He said 'Really, remind me.' I said: 'On your birthday. You smashed my car and all the other cars.' He said to my husband: 'Is she joking with me? Oh, I'm so humiliated, I'm so embarrassed.'"

Another diner at Col-Cacchio on the fateful night was consulting engineer Frik Steynberg. "Fifteen metres in front of me we saw this fancy Mercedes reversing into a Cooper," he says. "A security guard walked over and that guy put his foot down; he sped away from us at great speed. He couldn't get his turn and he took out three cars. He then reversed at speed. Then he selected forward and tried to make his turn again. He couldn't and took out the next three cars, in the process squashing Christine between two cars. At that stage he reversed quite fast and banged into a jeep."

"I ran forward and all of us were focusing on getting Christine free. I saw there was a doctor, and left it. I ran back to the fancy Mercedes and told its driver to get out. His phone rang and I grabbed it and said: 'You're not speaking to anyone!' He was very slow, speaking slowly, moving slowly. He kept saying: 'I don't know what happened. I can't explain it. I don't know what's going on'. Possibly he was in shock, but to me it looked like drunkenness; he was a bit unsteady on his feet. He wanted to walk into the shopping centre. I said: 'Come back, you're not leaving the scene'."

"At no stage did I see or hear any of the so-called white people being racist to him, heckling him, grabbing him, insulting him. At no stage did I hear anybody being less than completely civil to him. Which he did not deserve."

"I saw his wife arrive and later she drove his car off. The cops took him off in a van. I said to my friend: 'That breathalyser test is going to disappear. That docket's going to get lost. That case is going to go nowhere.'"

In fact, the investigating officer, an Inspector Nkosi, has been extremely diligent and has built up a thick file on the case, vowing privately that he will not give up until he sees Moses Marole stand in court. His investigation was completed weeks ago, but there's been an unexplained hold-up in getting a decision from the senior prosecutor at Randburg magistrates court. The breathalyser test did not, as Frik Steynberg feared, disappear. The result,

*noseweek* can disclose, is that Moses Marole's blood alcohol level at the time was 0.14g/100ml, almost three times the legal limit of 0.05.

Moses Marole declined to discuss the case. "Well, I'm sorry sir, I couldn't really talk to you about something that's *sub judice*, so to speak. I really apologise." (No charge has been laid.) Was he the driver of the Mercedes that hit those cars? "I really apologise, but I cannot speak and I don't really want to hang up on you. It's rude, eh?" ■



Christine Botha

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# The Hole Truth?

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**T**HE NOSE130 STORY about the extraordinary influence that Northern Cape regional court president Khandilizwe Nqadala wields in that neck of the woods has elicited a couple of responses: the Magistrate's Commission, after claiming they've not received complaints against Nqadala, have headed off to Kimberley to take a closer look at what's going on; and Mr Nqadala has lodged complaints with the Kimberley police, against both *noseweek* and magistrate Phumele Hole.

In support of the complaint against *noseweek*, the court president has lodged an affidavit, denying allegations made in the *nose130* story. Well, the document looks like an affidavit, and is titled "Affidavit" – but it isn't one, as it hasn't been sworn in front of a Commissioner of Oaths. Not something a magistrate usually overlooks.

Nqadala was apparently also unwilling to commit himself on oath re-

garding two statements he has lodged concerning magistrate Hole – he didn't bother to get a Commissioner to witness his signing those either.

This doesn't mean Nqadala is reluctant to use his position and contacts: the documents were sent to "The Station Commander, Transvaal Road Police Station, Kimberley", on the official letterhead of the "Regional Court President/Northern Cape". This despite the fact that the complaint, *crimen injuria*, is essentially of a personal rather than official nature.

So here's what Nqadala has to say for himself, with *noseweek's* comments:

■ As regards his relationship with ANC Northern Cape heavyweight John Block: "I am not John Block's friend, nor do I help him evade the clutches of the law, if he is doing so." John Block may be granted a little smile at this: apparently, shortly after *nose130* appeared, Block's spokesman,

in an article in the *Diamond Fields Advertiser*, made no attempt to deny the friendship, adding that Block has the right to have friends.

■ As regards those little social gatherings of key figures in the running of the Northern Cape: "I have not held Sunday braais for local dignitaries and in particular for the MECs mentioned, nor for Commissioner Mbombo."

■ On his wife's elevation to director in the Health Department, despite her rather lowly qualifications: "As far as I know my wife has been temporarily appointed acting deputy director, and not even a director, nor even a full deputy director." Jawellnofine.

■ As regards the claim that he helped out Police Commissioner Mbombo's husband, giving him a job as personal clerk despite his lack of a matric certificate: "Mr Mbombo has been appointed on a temporary basis as a clerk in my office. He was appointed because of his extensive knowledge and experience, especially at management levels, and was the person best suited for the responsibilities which his office required. At the time of his appointment Mr Mbombo was not at all a friend, and neither is Commissioner Mbombo. If anything, Mr Mbombo was severely underpaid for the work he was doing."

So what knowledge and experience does Mr Mbombo have?

■ As regards the claim that Nqadala can, at any time, call the Police Commissioner and get what he wants: "Whilst I applaud the prompt responses my office has in many instances received from the Northern Cape Police, I cannot think of even one instance when I had to phone Commissioner Mbombo for assistance or response. Calls to other police officers in the province have often sufficed."

■ On the claim that he stifles investigations into Block's affairs, including an investigation into the Mandy Bakker matter (*nose126*): "I never stifled any police investigations, nor do I control the police force; I have never stifled any investigation concerning complainant Bakker (in fact I have no clue about Ms Bakker nor of any complaint by her); neither do I ensure that I hear MEC Block's cases."

*Noseweek's* sources are adamant — Nqadala has heard a case involving Block, and there is a written standing instruction that says that all "sensitive" cases (not defined but generally understood) are to be heard by Nqada-

la, or, in his absence, by his favourite subordinates, magistrates Smith and Kgopa (and no one else).

■ As regards the claim that he has been rejected (more than once) by the Judicial Services Commission, apparently for a double relocation claim: "I have never been told or advised by the Judicial Services Commission that it is rejecting me, nor had I ever made a double relocation claim in the Eastern Cape."

■ On the claim that he helped advance a girlfriend's career: "I have no knowledge of how Ms Bomyana was appointed, not did I have her appointed. Ms Bomyana is not my 'bit on the side'."

■ On the claim that he doesn't pull his weight: "I believe that I go an extra mile, and that any absences I may have had in court would be the unavoidable ones."

■ On the claim that he has boasted that magistrate Hole is being investigated by the Magistrate's Commission: "I never boasted to anybody about him being investigated." Did you perhaps just talk about it?

■ As regards the claim that he and his favourites hog the lucrative away trips: "The only outside trips that I made are those absolutely necessary to accomplish my functions and the compensation made, I believe, hardly withstands the concomitant costs involved in both short and long term. I have no favourite magistrates."

*Noseweek's* sources are clear: magistrates Smith and Kgopa are the favourites, and have been granted supervisory powers over the others, despite being of equivalent rank.

Nqadala also claims that *noseweek* didn't verify the story. We certainly tried: *noseweek* phoned Nqadala before running the story, but he didn't want to discuss it on the phone, and asked for written questions. He then didn't respond to a two-page email — apparently believing, as people often do, that if you ignore those people from *noseweek* they'll go away.

It seems that since the story appeared Police Commissioner Mbombo has left her job, apparently moving to the North West province. Her husband, as may be expected, has gone with her, leaving Nqadala without the services of the clerk with "extensive experience and knowledge". *Noseweek* waits with interest to learn what the Law Commission might have to say after their tour of the diamond *dorp*. ■



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# LIES, damned lies and litigation

The Law Society eyes a  
tangled web of fat  
fees and long delays

**A**TTORNEY NICO HUMPHRIES, who represented Iman Dharsey in a long-running road accident case against Glenrand MIB (*nose103*), not only misled his client, but, it now emerges, blatantly lied when he blamed the delay in finalising the matter on Western Cape Judge President, John Hlophe.

In April 2008 Humphries, of Michalowsky, Geldenhuys & Humphries Attorneys, told *noseweek*: "I am just waiting for a court date. But this has not been forthcoming since Judge President Hlophe, who sets trial dates and assigns judges, is always busy with his private businesses." He added that the earliest likely date for a hearing would be "some time in 2010". It turns out that the delays had nothing to do with Judge John Hlophe, and everything to do with Humphries' own lack of follow-through. He simply didn't do what he was being paid for.

Mrs Dharsey was initially represented by Balsillies Inc. (now Balsillies Strauss Daly), who succeeded in securing a settlement of R25,000 from the Road Accident Fund, plus costs. Balsillies handed her only R6,628.

When Mrs Dharsey complained, Balsillies dropped her "for being a troublemaker", and she turned to Nico Humphries – who, for two years, failed to prosecute the matter.

On 16 March 2007 attorney James

Ord of Edward Nathan Sonnenbergs rightly filed a Notice of Motion to have the matter dismissed with costs.

In his affidavit filed at the Cape Town High Court, attorney Ord pointed out Humphries' failure to prosecute "in accordance with the rules governing the conduct of the honourable court".

Ord swore that, on 6 March 2006, Sibanye Bus Services served a notice in terms of Rule 36(4) on Golden Arrow and Iman Dharsey to be included in the suit as a Third Party, which wasn't contested: "Since the aforementioned date in March 2006, no further pleadings or notices have been filed by any party to the proceeding.

"The last formal step taken in this matter by Dharsey [Nico Humphries] was the issue and service of its Summons and Particulars of Claims in March 2005, almost two years ago. Since that date, my client is unaware of any further steps taken in this matter to bring same to finality and/or to prosecute the claim in accordance with the Act and the rules governing the conduct of the above honourable court.

"In fact, the last piece of correspondence received from Mrs Dharsey [Humphries] in this matter was dated in February 2006. Golden Arrow has made enquiries with the Registrar of the above honourable court, and has



Iman Dharsey

confirmed that this matter has not yet been enrolled for trial.

“It is trite law that it is incumbent upon Mrs Dharsey [Humphries] to prosecute her claim properly, timeously and with due diligence. It is the submission of my client that Mrs Dharsey [Humphries] has failed to discharge this duty in this matter.”

So there it is: for two years Humphries simply didn’t bother to seek a court date.

On 20 March 2007, Humphries entered into an agreement with Golden Arrow and Sibanye Bus Services on behalf of Iman Dharsey to have the matter postponed to 3 April 2007 without consulting his client to reach some sort of settlement. He also agreed that Mrs Dharsey would bear the costs occasioned by the postponement.

On 10 May 2007 Humphries, in agreement with the two bus companies (again without consultation with his client) withdrew the matter from the high court. While no costs order was awarded to Golden Arrow, Humphries agreed that his client was to pay the costs of Sibanye Bus Services (which had been incorporated as a Third Party to the matter), including the costs occasioned by the application.

Unbeknown to Mrs Dharsey, while costs of R24,369 were being accepted on her behalf by Nico Humphries, the same “learned fellow” had instituted another court action against Sibanye Bus Services at the Cape High Court.

It would appear from the court file that Humphries was either plain negligent or simply didn’t want the matter to go anywhere. For instance, while some of the papers he filed listed Sibanye Bus Services (Glenrand MIB) as the defendant, a good number of documents listed the Road Accident Fund as the defendant.

Legal opinion sought by *noseweek*

confirms that the errors were enough to have this second matter struck off the roll. A single court case cannot bear different defendants.


But it’s possible that Humphries wasn’t oblivious of his errors. When presenting his costs to his various consultants, when a settlement of R295,000 plus costs was allegedly agreed upon, the attorney billed Iman Dharsey for all experts who had filed their respective findings under the title “Iman Dharsey vs Road Accident Fund” – and deducted these amounts from the capital settlement.

His questionable ways didn’t end there; he billed his client for phone calls to *noseweek* and one with independent forensic scientist Dr David Klatzow. Besides collecting nearly 70% of the award amount, to be shared with the experts he listed, Humphries deposited a bad cheque of R32,421 into his client’s bank account, which incurred bank penalties of R678 to Mrs Dharsey.

After collecting the bigger share of the awards for himself, and for advocate HJG Labuschagne and other listed experts (some of whom never examined his client), as soon as he learnt that Mrs Dharsey had sought recourse from the Law Society, attorney Humphries applied to the Master of the Cape High Court for taxation of his bill (as the settlement had been “plus cost”).

The final taxed bill was granted at R96,802, of which Glenrand MIB attorneys were authorised by Humphries to deduct the R24,369 awarded in the earlier court case). But before he could quietly collect the remaining R72,433, probably for himself, Iman Dharsey’s new attorneys, Rehana Khan Parker & Associates interdicted any further disbursement to Humphries. He is now claiming a further R41,322 from his former client, and will not release her file until he is paid.

When *noseweek* asked Humphries to explain the various anomalies in his handling of Dharsey’s case, and why he had misled *noseweek* as to why the case was taking so long to go to court: “I can’t remember everything as I don’t have the file in front of me. Please send me your queries in an email and I’ll respond to them if I find them appropriate.”

The Law Society is keenly monitoring the ongoing investigations into Humphries’ handling of Mrs Dharsey’s case. 



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# HOT WHEELS

## Bikers beware! You could be taken for an extremely expensive ride

**'O**NCE BITTEN, twice shy' – while most people operate on this principle, Graydon Ilderton's story about his dealings with Time Freight shows that for some it's more like 'twice bitten, shy at last'.

In April 2009 Ilderton, whose hobby is off-road biking, entered for a National Motorcycle Enduro race in Montague, Western Cape. Ilderton, who lives in Kyalami, Gauteng, heard through the grapevine that Time Freight – a division of DPD Laser Express Logistics, and a business that sponsors bike events – was offering good transport deals for bikers going to Montague. He called the company, and they agreed to transport two of his bikes. The deal was done in that typically *slapgat* South African way: what's the price?; that includes bringing them back to Joburg does it? OK cool; what time will you fetch?

Time Freight was scheduled to pick

up the bikes at 10am, but no-one pitched and Ilderton phoned to make sure a truck was still coming. Satisfied that it was, Ilderton left instructions with his gardener and caught his flight to Cape Town. When the Time Freight truck finally arrived at 10pm (12 hours late), Ilderton's gardener helped load the two motorcycles onto the truck. Both bikes had full fuel tanks. The driver said nothing about petrol, and got the gardener to sign a waybill.

You know what's coming next, don't you? The next day, Ilderton heard the truck had caught fire and burnt to cinders on the N1 outside Three Sisters. This saw the end of Ilderton's bikes, plus three others belonging to friends of his, as well as all sorts of odds and sods belonging to over 200 people. Cause of fire: who knows? The police report simply said that the drivers "saw smoke coming from the back side of the trailer... they opened the doors and used the fire extinguisher to stop

the fire ... there's no case docket due to the fact that there were no elements of crime".

Ilderton was obviously distraught at the loss of his bikes, which had a combined value in excess of R200,000, but Time Freight told him not to worry and promised to investigate. Then the company's Johannesburg manager, Dave O'Gorman, started getting stropky, asking whether Ilderton was insured. Ilderton said he'd assumed that Time Freight had insurance: had he been told they hadn't, he would have provided it.

So Ilderton contacted Time Freight's head office in Pietermaritzburg, where Debbie Anderson, PA to CEO Etienne van Ravesteyn, assured him that the matter was in the hands of their insurers, and that he would be getting a substantial payout. Further discussions followed, and Ilderton filled in a claim form.

Then in June 2009 Ilderton entered

one of his older bikes into a ride in Cape Town – and decided to use Time Freight again. This time he did take out insurance, and Time Freight did insist that the bike be drained of fuel. And this time Time Freight dropped the bike, causing damage to the tune of R8,000.

The gobsmacked Ilderton again submitted a claim – which was promptly repudiated by Time Freight, who claimed that Ilderton had been negligent (though they still haven't explained in what way). CEO Etienne van Ravesteyn's letter was a classic example of "We love our customers – but we'll screw them when we have to".

First the pleasant: "Please accept our sincere apologies for any inconvenience due to the delay in finalising this matter and for the damage. Despite our best intentions when handling a client's freight there are occasions when accidents occur, usually because the cargo is insufficiently or not correctly packed for road transportation, as we believe was possibly the case in the above instance ... Under our Standard Trading Conditions liability for goods lost or damaged in transit due to gross negligence on the part of the carrier is limited to a maximum of R2,500 ... these terms and conditions are clearly stated on all our waybills and acceptance thereof is a prerequisite of carriage."

Then the not-so-pleasant: "Whilst the damage... is regretted, the fact that any damage is unsubstantiated by the sending and receiving depots... suggests other factors may have resulted in the damage. We dispute therefore that the damage occurred whilst we were involved in the consignments transportation, and therefore respect-

fully suggest that you refer the matter to your own insurers for compensation."

Ilderton was angry at the flat denial of responsibility, but as he did have other insurance, and was still waiting for his Time Freight payout on the first claim, he decided not to make a fuss.

Eventually, in November 2009, the long-awaited "substantial" payout for the loss of his two bikes in the truck fire came: a cheque for R2,500, in full and final settlement. A shocked Ilderton instructed attorneys to get involved, but so did Time Freight, leading to a stalemate, in which Time Freight's attorneys, Tatham Wilkes, questioned the R211,000 value placed on the bikes, denied that Time Freight had been negligent, and threatened to sue Ilderton if he went to the press.

Ilderton believes that he's been cheated, especially since it was due to Time Freight's own tardiness that he did not get to see the terms and conditions listed on the waybill (signed by his gardener in his absence). For all he knows, says Ilderton, Time Freight have their own insurance, and have pocketed the payout.

*Noseweek* asked Time Freight for comment, but Van Ravesteyn simply sent copies of correspondence already supplied by Ilderton, and commented that "the information given to you contains a number of inaccuracies and I do not intend to debate these issues by correspondence". He also issued a threat: "You are cautioned that you should ensure that whatever you intend to publish is factually correct."

Here's the thing Etienne: if you think *noseweek* has it wrong, and you want us to get it right, try talking to us. **W**

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Up in smoke .... fiery freight van with Graydon Ilderton's bikes aboard

# 'Jake White threatened me with Kebble killer'

Veteran sports writer Dale Granger remembers menacing talk during the 2006 Tri-Nations

**W**ITH NIGEL MCGURK in the news as one of the self-confessed hitmen hired to take out Brett Kebble, I've been reliving the moment I first heard his name. I was accompanying the Boks on their disastrous 2006 Tri-nations tour of Australasia, reporting for the Independent Group.

With South Africa crashing to their second worst defeat in history, going down 49-0 to the Wallabies in Brisbane, a torrent of criticism of coach Jake White had been unleashed back home. Suggestions were being made left, right and centre that he wasn't up to the job. On the flight from Wellington to Sydney, after South Africa had lost the second test to New Zealand, I approached White, sitting next to captain John Smit, to discuss the way things were going, after he had spat the dummy in public a few days earlier, having just escaped the guillotine.

"Have you heard of Nigel McGurk?" said White. I said no.

"Well why don't you check him out?" said White. "He is a KES [King Edward School, Joburg] old boy."

"What are you saying?" I asked.

"I get SMSs all the time [from McGurk] offering to sort you okes [the media] out," he replied.

"Jake", I said, "Don't threaten me." At that point Smit chipped in: "Hey guys. Just calm down."

Waiting at the baggage carousel at Sydney airport, I called *Argus* editor Chris Whitfield to tell him about White's threat of turning McGurk on me – a guy known as a "heavy", and no stranger to putting the fist in. No one wanted to take up the story, but in the end White didn't need the likes of McGurk to silence anyone at Independent.

That was, in fact, accomplished instead with the assistance of English rugby journalist Peter Bills, who set up a meeting between White and the Independent Group's owner, Sir Anthony O'Reilly – who had been an Irish national rugby player and who maintained a keen interest in the fortunes of international rugby. Bills assured White that they would deal with his critics at Independent, and Bills got to be White's point man at Independent in South Africa. This only came to light some time later, when White told the story to an inner circle at a Friday lunch club session.

Bills had written a book about O'Reilly that was never published, but got him close to the media baron – and won him a private account to keep him comfortable on tour. On that four-hour flight across the Tasman, Bills had been sitting in first class: so much for cost-cutting at the "cash-strapped" Independent.

It also turned out that during that tour Bills did his best to have me sent back to South Africa, which would have left him as the Group's sole representative accompanying the Boks. He had a direct line to Independent managing director Tony Howard and *Star* editor Moesien Williams, who were lobbying



with *Star* sports editor David Legge (later fired for falsifying overtime claims) to fly me back to South Africa.

Bills, in one of his calls to South Africa, had described me as “an unexploded car bomb from Baghdad”.

This had come after the proverbial had hit the fan, at a press conference the Monday after the Boks had arrived in New Zealand, to banner headlines proclaiming “How low can they go?” and “Brain dead, error-ridden Boks at their worst”.

The press back home were lobbying hard for Luke Watson to be flown over to replace lock cum flank Danie Rossouw, who was on his way home with an injury. My brief at the press conference was to ask White whether he might now consider picking Watson and flying him over to New Zealand. If not, what did Tyibilika, also a flank, offer ahead of Watson?

“At this stage no,” White replied: “For him to get here this late, after never being a part of the squad, would not serve our immediate needs. But we also need to be honest about sensitivities of the make-up of the team

and show that transformation is happening in our country. We have got a guy like Solly on tour – and then to call for another flanker to start in a Test match. There is a relationship in a team structure and we need to be considerate to that dynamic between the players.”

The following day, all hell broke loose at the Springboks’ hotel, after the *Argus* had expanded on the story, getting a news reporter to call Parliamentary Sports Portfolio chair Butana Komphela for comment. Komphela wasted no time putting the boot into the beleaguered Bok coach, demanding White’s immediate resignation and slamming him for labelling Tyibilika “a transformation player”.

The next day the Boks put out a statement denying White had called Tyibilika a transformation player, saying he had been misquoted. I was furious: he had said it at a press conference and news agencies had run the quote in full, as had the rugby365 website.

It was when I challenged White on the plane about this denial that he

got in a rage and threatened to put McGurk onto me.

When I arrived back in South Africa I checked out McGurk, finding out more about the ex-KES boy bouncer connected to Mafia-style organisations, who was implicated in murder, extortion and intimidation. After fellow bouncer Patrick Caetano was murdered, McGurk was found in possession of his bloodstained clothing. Then another story surfaced linking him to the death of an Edenvale, Johannesburg, art student. Not long after that allegations emerged that he’d been involved in the murder of Brett Kebble.

As for Bills, his relationship with the Springbok coach ended acrimoniously just before the 2007 World Cup, when a South African living abroad shone light on the headless chicken theme Bills was using in his writing about the Boks in overseas papers – in stark contrast to his obsequious copy published in Independent titles in South Africa.

I somehow don’t think there’ll ever be a 2006 Tri-Nations Tour Reunion. ■



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# Dream verdict for bent reverends

**S**OME REVERENDS HAVE their gods in the right places. Or could it be a matter of having friends at the right milking house?

*Nose*114 exposed how, for years, the “reverends” Harris and De Witt, and their sons, had been submitting inflated subsidy claims for The Dream Centre HIV-Aids hospice in Pinetown to the KwaZulu-Natal Department of Health, and each month siphoning hundreds of thousands of rands into their own pockets. The unholy lot were ultimately arrested, and charged with 80 counts of fraud and forgery.

Whoever it was to Whom the reverends directed their supplications, their prayers have been answered.

On 21 July, nearly a year after the publicly-hailed arrest, the office of NPA director Menzi Simelane signed a Plea and Sentence Agreement, freeing the accused – and, it emerges, handing them the means to plot a new robbery of taxpayers.

Not only are the “men of God” off the hook, but the NPA and the KZN Specialised Commercial Crime Court are urging them, as part of the plea agreement, to sell the building which housed The Dream Centre, in order to pay back what they stole.

This is quite astonishing. To establish their hospice, the reverends’ non-profit Mophela Housing Project was granted R4.5m by the KwaZulu-Natal Department of Housing, R3.3m of which they used to buy the building. According to various sources, the money was handed over on the basis of terms established in a memorandum of agreement. One of these was that the building would only be used as a hospice (some parts were used for other purposes), and that it would revert to the housing department when the hospice stopped operating.

In fact, in March 2009, before the reverends were arrested, the Department of Housing obtained an interdict to stop the transfer of the building, after the unholy men, sensing the law closing in on them, had fraudulently sold it at auction in Durban for R26m (*nose*117). With the transfer stopped, the buyer, Wayde Park (Pty) Ltd, took the reverends to court for fraudulently



misrepresenting themselves as the rightful owners. This matter has now fallen away – and the memorandum of agreement on the use and ownership of the building is nowhere to be found.

But there’s the same fraudulent misrepresentation, reflected in the plea bargain: “The Accused has further, in conjunction with others (the other reverends and sons), seen to it that the building, the asset of Mophela Housing Project, has been properly maintained so as to ensure that when it is sold, it is not in a state of disrepair and therefore will raise a reasonable sum on its sale.”

It would appear that the KwaZulu-Natal Department of Housing was not formally consulted by the NPA, who therefore accepted the reverends’ claims of ownership at face value – the building is indeed registered to Mophela Housing Project. It is also possible, even likely, that “negotiations” to lose the memorandum and misrepresent the ownership situation took place between the reverends and officials in the housing department.

The unholy ones have apparently now secured a sale for R19m. Having paid the Department of Health the R9m they stole, plus a fine of R1m, will they get to keep the remaining R9m?

Presumably they will (payoffs and kickbacks aside).

A point repeatedly made in the plea bargain concerns the fact that, by pleading guilty and offering to pay back what they stole, the reverends have saved the state much money and time. Sorry guys: the equation doesn’t quite work out.

*Noseweek* contacted the NPA spokesperson, advocate Mthunzi Mhaga, for clarification on how the NPA had arrived at accepting the reverends’ claims. He asked for questions to be emailed to him – to which he did not reply. (*Noseweek* does get a bit tired of publishing that phrase.)

Plea bargain negotiations kicked off with Reverend Leslie Harris and Mophela Housing Project, trading as The Dream Centre, pleading guilty on two counts of fraud and forgery (they initially faced 80 counts), on condition that charges against Harris’s son, and the De Witts, were dropped. When the NPA accepted this, Harris presented himself as an old man (he’s 63) suffering from an undiagnosed illness, with a sick wife, and a young grandson to look after. This led the NPA to announce that “substantial and compelling circumstances ... justified a deviation from the mandatory minimum sentence of 15 years’ imprisonment.

“The Accused has shown his remorse for his participation in the crime, this is evident from his plea of guilty. It should further be noted that from the outset of the investigation, the accused has assisted the investigation by answering questions, making admission detrimental to himself and providing documents. He has also sat with the forensic investigator, Trevor White, during his investigations”.

So Mophela Housing Project is sentenced to a fine of R1m and to refund R9m to the Department of Health while Harris is sentenced to 10 years’ imprisonment, suspended for five years.

“The fine and the R9m to be paid by the Mophela Housing Project is deferred... and must be paid upon finalisation of the sale agreement involving the asset of the Dream Centre but not later than 15 December 2010.” ■



The developers lured apartment buyers with tales of a luxury entertainment facility, and then took it away

# Rabie Property monkeys around on the 14th floor

**O**N 11 JUNE JUDGE THRING of the Cape High Court handed down a judgment against the Rabie Property Group, in a matter involving the luxury Cape Town apartment block called Manhattan. The judgment, dealing as it does with a decidedly technical issue relat-

ed to changing the names of trustees on a body corporate, makes for dreadfully dull reading – but actually hides a curious tale.

Rabie is half of the infamous Rab-cav consortium that makes fortunes building housing developments on municipal land it buys for a song (see

*nose128* and box on next page on the Schulphoek development).

The 15-storey Manhattan was advertised as introducing “trendy New York-style living to Century City”, and consists of 95 units and a stunning penthouse. Part of the deal offered to prospective buyers was access to “entertainment facilities where residents can meet, sip cocktails ... or have a barbecue while enjoying the spectacular mountain and sea views”.

This meant the 14th floor was held as common property and included there were a sauna and lounge and braai areas. The sectional title scheme was opened in August 2008, and by 23 December 2008 Rabie was left holding around 30 units.

However, on that same 23 December – when business was slack – an odd transaction was recorded at the Deeds Office, which granted Rabie the exclusive use of certain common properties at Manhattan: four parking bays, eight storerooms and, lo and behold, most of the 14th floor, including the lounge and braai area (but not the sauna). Rabie also registered an endorsement in favour of Nedbank, under a R129m mortgage.

Yes folks: Rabie attracted buyers with promises of access to a spectacular lounge in the sky – then took the space for itself, and mortgaged it. Quite how Rabie managed to do this isn’t clear – *noseweek* is reliably informed that it could only have been done by an order of court, or by unanimous resolution of the body corporate. Neither of these took place (a board of trustees was elected only in February 2009; until then all owners were, by law, trustees).

Having registered exclusive use of the lounge and braai area, Rabie converted the space to operate as a breakfast room, which it then ran for its own profit. The refurbishing involved turning two toilets into a kitchen, and converting the shower adjoining the sauna into a toilet. As a sauna without a shower isn't much fun, it was effectively rendered unusable.

Rabie also restricted access to the breakfast room to two categories of people. Firstly: rental pool owners – the handful of people who bought to rent, and who were willing to pay

client's commercial activities when you sought to interrupt a client function being held in the breakfast room located on the 14th floor" – followed by the usual desist-or-you'll-be-vaporised bullshit.

Then there's Koos Stassen, chief legal advisor of a large insurance company and a regular contributor to the attorneys' magazine *De Rebus*, who established that the Sectional Titles Act had been contravened. And wealthy Hermanus-based businessman Hannes Kleynhans (now deceased), who owned a mighty 240sqm 13th floor

ment owners... Since then we have had to accept the use of that space as a daily breakfast area for Platinum Vacations, and it now seems that we may be losing this exclusive area".

The complaints obviously bugged the Rabie directors, who, predictably, denied everything. First, they claimed they hadn't nicked the 14th floor or deprived the owners of access.

In a circular, Rabie managing director Leon Cohen said: "Mr Sperlberg alleges that the lounge area has been 'lost' to the developer. This is blatantly incorrect. All owners are entitled to

## Graziella Whitehead was furious when access was blocked because an Old Mutual Conference was going on

the extra R350,000 or so to have the rentals managed by Rabie through Platinum Vacations. Secondly: hotel guests.

Yes: stuck with 30 unsold units, and a monster R249m bond, Rabie decided to create a hotel. Which wasn't too difficult – lots of rooms, and space on the ground floor (which Rabie controlled) for a lobby and gym. All that was needed was a breakfast facility – i.e the 14th floor lounge. True, hotel rooms need air-conditioning, but that's easy to install – and why not link it to the central power system, so the other owners pay for it?

Rabie also set about taking control of the board of trustees, by stacking it with Rabie employees, which eased making unlawful changes to the management rules: for example, Rabie was relieved of the obligation to pay levies (over R400,000 in dues was avoided this way). Rabie also appointed Faircape as the managing agent, a company that the unhappy apartment owners claimed was not registered with the Estate Agents' Board, and had neither a fidelity certificate nor a trust account.

Unfortunately for Rabie, some feisty and informed owners were members of the rental pool. People like Philip Sperlberg, a retired Lloyds of London agent, who made enough of a fuss when his access to the 14th floor was blocked to receive an admonishment from Rabie's attorneys, Deneys Reitz: "We are instructed that on Friday 6 March 2009 you interfered with our

city base. On 20 April 2009 Kleynhans complained bitterly in a letter, after discovering he couldn't access the 14th floor.

Graziella Whitehead, furious when her access was blocked because an Old Mutual conference was going on, wrote to say: "When advertising the development... a selling point was the 14th floor for the exclusive use of apart-

ment owners... all owners and occupiers at Manhattan are entitled to use the lounge areas and to go for breakfast at the breakfast facility".

In another circular, on 17 April 2009, Cohen claimed "the 14th floor is not registered in the name of the developer" – a claim Rabie legal advisor Kim Pistor would repeat, under oath,

# Firstworld World

**T**HE SCHULPHOEK POINT development in Hermanus, that highly-suspect deal between the Overberg council and its "facilitation" partner Rabca, which has seen a highly valuable piece of coastal property sold for a song (*noses128&129*) has, it turns out, a theme park component.

As reported, the development will cut off the adjacent township's access to the sea: *noseweek* can now reveal that Cape Theme Parks (Pty) Ltd, which will be involved in the project, also plans to cut the development's residents and visitors off from reality.

A plan of the development shows a veritable small forest of trees positioned along the access road, which runs past Zwelihle's "shackline". According to the plan, in order "to secure the viability of Schulphoek Point and

to improve the interface and quality of environment in the transition area between Zwelihle and Sandbaai it is critical that the aesthetic quality of the route experience between Main Road and Schulphoek Point is improved by creating a landscaped boulevard". Unless *noseweek* is very mistaken, this is corporate speak for: "We're going to plant lots of trees along the access road so no-one has to see the darkies living in dire poverty when they drive in."

So there you have it: Schulphoek Point is to be a big theme park, where delusional residents will play at living in a First World utopia, and the game will begin at the main road turn-off.

All that remains is to furnish a decent theme park name: how about Firstworld World? Suggestions are welcomed.

in legal proceedings.

Rabie also denied it was operating a hotel. But, as Koos Stassen pointed out, if you have guests paying to stay overnight you're running a hotel. His opinion was that this was not legal, affected the building's security, and was certainly not what apartment owners had bought into.

Rabie obviously forgot to tell its attorneys to take the view that it wasn't running a hotel – Deneys Reitz's letter to Sperlberg began "We act on the instructions of Platinum Places. Our client operates the Manhattan Suites Hotel".

Eventually Rabie could no longer keep up the pretence, especially after losing the court case. The minutes of a meeting of the Manhattan body corporate, of 18 June, reflect the climb-down: "Rabie's motivation for the registration of the exclusive use area in its favour was in no way to gain control over the recreational areas for its own benefit.

"Rabie realised that if it effectively managed this area for the benefit of all the owners in the scheme an operational manager would have to be appointed... the registration of an exclusive use area in Rabie's name was purely a tool to establish and improve such management... the recreational area will always be available for use

by all members of the scheme and its occupant".

Ja, right: we were doing it for you.

Dealing with issues of legal liability, legal costs, and unlawful management rules, raised by an increasingly belligerent and confident body of owners: "Rabie is aware that... members may suffer damages due to the registration and thereafter cancellation of the exclusive use rights ... in order to uphold its image and reputation as property developer Rabie elected to issue an indemnity to the Body Corporate against damages that it may suffer in this regard ... Rabie is tendering to pay all costs incidental to this process... Rabie is aware that certain management rules dealing with the recreational area may be unenforceable and undertakes to investigate the matter and take the necessary steps to rectify the situation."

So Rabie will transfer the lounge and braai area back to the body corporate, and the Manhattan Suites website, which once spoke of a "luxurious guest lounge and breakfast terrace" and showed a photo of the 14th floor room, now refers to breakfast being available at a bistro on the ground floor.

You do have to wonder what makes so many property developers so unlikeable. ▣



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## Not quite like the brochure (2).

**R**ESIDENTS OF EVERGREEN Retirement Lifestyle Village in Muizenberg are wondering how to get John Wilson, chairman of Amdec property developers, to put his money where his mouth is and ensure that his company provides the leisure and care facilities promised in promotional brochures – and which Wilson has publically declared would be in place “right from the moment the first residents move in”.

The generic brochure for the Evergreen chain is pretty enticing: “Imagine having your own heated swimming pool, your own putting green, bowling green and even a croquet lawn. Each Evergreen Village has a Care Centre

providing 24-hour nursing care, giving you peace of mind that, in the event of an emergency or ill-health, help is always on hand.”

The Evergreen Muizenberg brochure, like its generic counterpart, shows happy, smiley old toppies drinking wine or splashing around in the pool, cuddling grandkids and tripping the light fantastic. Among the Frequently Asked Questions, we find; “Q: What facilities will there be at Evergreen Retirement Lifestyle Village? A: Facilities include a health centre ... with heated indoor pool and gymnasium. Q: What outdoor sports facilities are there? A: There will be a practice bowling lane, putting green and croquet facility.”

If any prospective buyer had their doubts (given the amount of sheer bunkum spewed out by property development PR consultants), they would surely have been reassured by chairman Wilson’s weighty words, as reported in the *Cape Argus* on 6 December 2008: “The concept behind the development was to be completely different from those which promise magnificent facilities, only to provide them after the final home in a phased development is completed – sometimes several years after the first residents move in. We believe in providing the communal, recreational, social and medical facilities right from the moment the first residents move in. This is the quality of product and standard of service that Evergreen residents can expect throughout.”

Not quite the situation at Evergreen Muizenberg, where, two years on, residents are still waiting for the promised indoor pool, putting and bowling greens and croquet facility. Amdec’s story is that the facilities will come “when Phase 2 is built” – but they can’t say when that might be.

Evergreen Muizenberg consists of roughly 50 units, with a near-100% occupancy. It’s one of those schemes where a few million buys the right to live in a “unit” for the rest of your days, and at your death the company pays into your estate the purchase price plus 20% of the increase in value.

Amdec, joint owner of Melrose Arch in Joburg, boasts a property portfolio “in excess of R4.5bn”, and in Cape Town alone has developed, among others, Westlake Lifestyle Centre in Tokai, The Paddocks in Constantia, Normandy Village in Plumstead, Fisherman’s Village in Muizenberg, Kei Apple Lane in Constantia and The

Summit in Higgovale.

A question now trembling on the lips of the retired folk of Evergreen Muizenberg is whether Phase 2 will actually go ahead at all. On 5 March Amdec general manager Arthur Case caused a stir by writing to say: "We are keen to commence with the construction of Phase 2 of Evergreen Muizenberg. Notwithstanding every effort on our part, sales are not happening fast enough and the Amdec Board is therefore considering alternative strategies ... this includes launching a number of satellite villages that comprise single dwelling units." Bad move. On 4 May Case issued something of a retraction: "We are aware that a letter was distributed to residents of Evergreen Muizenberg [yes Arthur, you sent it] ... unfortunately the wording of the letter may have inadvertently caused some confusion. We are currently considering the launching of Evergreen villages in Bergvliet and Noordhoek ... this will not distract us from our commitment to develop Evergreen Muizenberg Phase 2."

Some residents aren't too delighted with what has been provided, either. They say there's little of the promised privacy and spacious living: bedrooms are so poky that cupboards can't be opened properly if you're silly enough to actually have a bed; bedroom windows are only a metre away from the next-door patio, and kitchens are so tiny that washing machine and dishwasher must go into the garage. Neither is the frail care – one sister and three nurse aids working shifts – quite what buyers were led to expect.

The little problem for Evergreen residents who aren't too happy with their lot, is that they allowed sharp advertising and fancy sales talk to lure them into signing contracts that include a clause which says what they're buying may differ from what they've been led to expect. Clause 29 says that where "the agreement" differs from marketing materials, the agreement takes precedent. Amdec and Mr Wilson are legally off the hook. As for ethics and keeping your word – what's that got to do with good business?

Amdec general manager Arthur Case told *noseweek* that, "while the world recession has created challenges for us, we were surprised by the allegations since Evergreen Muizenberg recently won an international award for excellence based on its current facilities". Given that this was apparently a design award relating to the boardwalk at the entrance, Case would seem to be deliberately compounding the confusion, rather than facing the issue. He also sent *noseweek* copies of thank-you notes from occupants, complimenting Amdec on events that it had arranged for them, and solemnly intoned that "we believe the vast majority of our residents are very satisfied with the development".

Case claims that Amdec "have done everything possible to provide the services promised in our marketing material, and which currently include a clubhouse, TV room, bistro and restaurant, leisure centre and library, frail care centre, boule facility and gymnasium". He says he "can confirm categorically that Phase 2 will be built, not just to keep our promise to Phase 1 residents, but because 200 units ensures economy of scale in terms of operating costs and levies".

No explanation, then, of why the "agreement" has differed markedly from "marketing materials"; no indication of when Phase 2 might go ahead – and no promise that it will include the facilities Phase 1 buyers were led to expect.

■ *Weekend Argus* of 14 August carried a full page ad for Evergreen, saying that Phase 2 is now selling; listed among facilities is a "heated indoor pool". No indication that Amdec is selling off plan **W**



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Issue 131



# Sleepwalking into a Surveillance Society

**UK INVESTIGATIVE JOURNALIST** Heather Brooke (a “total nin-ja” says her blurb) was very much involved in uncovering the recent British MPs’ expenses scandal, though she was gallingly pipped at the post by the *Daily Telegraph*, which took great delight in reporting that British taxpayers were paying for their MPs’ nannies, moats and porn films. That MPs could pay family from the public purse, commented Brooke at the time, “struck me as the sort of unaccountable behaviour common to a banana republic and not what I expected from parliament”.

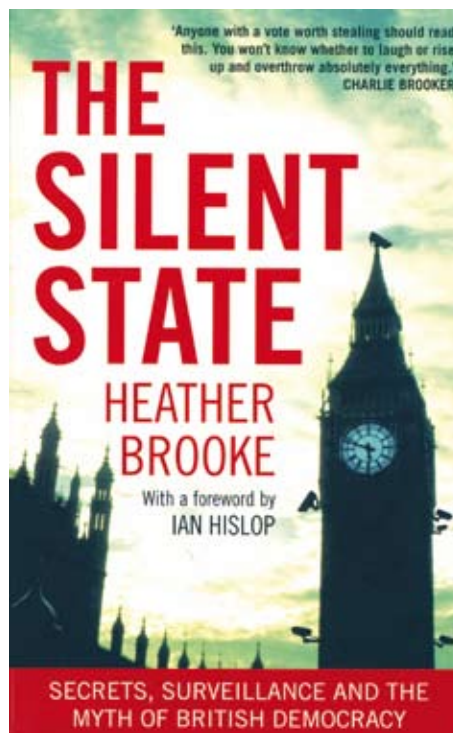
*The Silent State* tells its story around three main points: the UK state knows a great deal about its citizens; the same state has a lot to say about itself, but most of that is spin; it avoids telling its citizens what it is actually up to.

Compared to what the UK state knows about its citizens, South Africans can count themselves lucky: in the UK, the ubiquitous CCTV cameras are on the watch 24/7, and the state also has at its disposal a formidable array of efficient databases: DNA, National Health Service, a National Identity Register. (Surprisingly, it has very little information on immigration.)

As a result, claims Brooke, the good people of Britain are “sleepwalking into a surveillance society”, where each individual citizen will have a “data dopelganger”. What’s at stake here is that citizens who grant the state such powers begin to lose their rights – the right to be treated as innocent until proven guilty, the right to live freely without interference. The absurdity of it all is that the plethora of data doesn’t make citizens safer or deliver better services — it’s all geared towards “Soviet-style targets” rather than meeting the public’s needs.

Furthermore, despite the fact that the state is suffering from information overload, there’s very little real information coming back. First and foremost, Brooke points the finger at the bureaucrat, a species she clearly doesn’t

Hans Muhlberg  
Reviews  
**The Silent State**  
(Heinemann)  
by **HEATHER BROOKE**



much like. She describes bureaucracy as “a sap on the human spirit. It stifles individual creative drive and, worse, it allows those in power to behave unaccountably, and by doing so become corrupted and commit crimes that an individual would find difficult if not impossible”. Brooke directs the reader to Salvador Dali’s painting *The Average Bureaucrat* – a face with mouth and eyes, but no ears – and says that bureaucrats not only hate to listen, but also believe they’re the only ones responsible enough to be entrusted with important information. She makes the point that, because it’s so unbelievably easy to spend other people’s money, the best decisions are those where the decision-maker is known to those affected. Yet, officials love anonymity, and will do anything to avoid publicising the names of decision makers. This reminds Brooke of a scene in the film *Schindler’s List*, where Schindler’s request for the names of the officials who are causing him grief leaves them ashamed and scared.

Of course it’s not just bureaucrats who are to blame, says Brooke, there are policy issues too. She rails at the fact that the UK authorities make access to information difficult by invoking Crown copyright and imposing high fees for court transcripts. Consequently, says Brooke, the justice system is “becoming a closed world, a cloistered sanctum of the legal profession ... a system paid for by the common people, but whose proceedings are available only to the few: the legal profession and the rich, powerful or privileged”. Getting it all off her chest, she gives incredibly detailed examples of where authorities in the UK have relentlessly pursued individuals who dared to challenge their authority, and asks how the state could be so vindictive.

Yet, concedes Brooke, the state does say a lot about itself – mostly nonsense though, because it’s all about putting a positive spin on policy, to give it that air of success. In other words, everything becomes geared toward the retention

of power and jobs, and spin happens at every level of government, with nearly every local authority producing its own "Pravda rag".

As for the British police, managing their own public reputation has become part of their job – the police services spend some £40m per year on spin and news management. Statistics are "massaged"; easy to do when you receive them before general release. Officials give ambiguous answers whenever possible – Brooke gives the wonderful example of a Home Office minister who, in response to a question about a very expensive police operation involving protestors, said "seventy officers were hurt" – failing to mention that the injuries had absolutely nothing to do with protestors, but involved toothache, diarrhoea, cut fingers and "possible bee stings".

Security services also tend to make their claims anonymously: after Brazilian citizen Jean Charles de Menezes was mistakenly shot at Stockwell Station (shortly after the 2005 London underground bombings), "senior police sources" announced that he had been running from the police, had jumped a tube barrier, wore unusually bulky clothes in hot weather, and had ignored

police warnings. All of this was shown to be untrue – but who could be accused of misleading the public?

The takeover of the news is, says Brooke, exacerbated by the fact that papers, especially local papers, are closing down at an alarming rate, and that we live in age of "churnalism", where journalists simply rewrite official releases, and little or no independent verification of facts and figures takes place. Brooke's rather obvious prediction: "The more officials take over the news the more corruption will sweep across government and the more that public money will be wasted. It is scrutiny by the general public that keeps the powerful honest."

The scapegoat for all this is, of course, the spin doctor, the "modern day Iago", according to Brooke (will study guides one day describe Iago as the "olden day Alistair Campbell"?). The spin doctor's goal isn't truth but the promotion of a politician or institution, operating on the principle of never admitting fault.

After years of spin doctor rule, the modern politician operates on the following very simple basis: do whatever you can to stop the press or public getting raw unadulterated data, then manipulate the data; if that fails, simply smear or attack anyone who asks questions.

Brooke's final plea to officialdom: publish lists of bureaucrats, make information generally accessible, treat citizens as adults and drop the spin. "We are not naughty children and the state is not our parent."

Yes, interesting stuff, and it clearly does have resonances in this country. Not so much the data collection stuff (here the data will be lost by the well-connected but clueless company that got the IT contract), and not so much the officious bureaucrats (ours are too busy with industrial action to be really offensive). But these are worrying times, what with our government deciding it's better to shoot the messenger than the offender, and that we'll soon be offered an endless stream of good news, courtesy of the ANC-friendly paper, *The New Age*.

So when you read the dedication in Brooke's book – "To Whistleblowers Past, Present, Future" – you wonder how many of those we'll see if the ANC has its way with the press. It might be useful for Jackson Mthembu, Enver David and other apologists for the Protection of Information Bill, to read this book, but they probably won't.

Interesting as it is, in the end *The Silent State* is a somewhat unsatisfying read, as the thinking is at times a bit muddled: one gets the feeling that Brooke was determined to say everything on her busy mind in one book. It's certainly not another Flat Earth News, but the best bit of writing is, unfortunately, found in the foreword. That's just a little risk you take when you get Ian Hislop – of *Private Eye* and *Have I Got News For You* fame, and who is simply incapable of being dull – to do the honours. His words certainly add to the value of the book. ▣

*The Silent State* is published in paperback by William Heinemann with a published price of R215. It is available from Loot.co.za for R180. We accept payment by Visa, Mastercard, or direct deposit to our ABSA bank account.

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"Oh, *that* three billion dollars."



Fighting fire with fire: Bheki Mashile

# Where there's smoke...



Bheki Mashile's  
**Country Life**

## Who else was on Kebble's hit list?



**F**IRST THEY KILLED me by having me hang myself on my farm, then they bewitched me by placing two dead owls in front of my door. Now they are trying to burn me out. Ah, to be a black *boer*! No wonder my helper Moses quit after the owl job failed.

The first day of August began brilliantly. I attended a meeting in neighboring Badplaas where I was honoured to be offered the position of editor for a newsletter. Not just any newsletter, mind you, but one that will promote a multi-million-rand tourism development, as well as the area's other wonders, such as geological surveys. A very pleasant honour indeed.

After that I had the pleasure of lunching on a lovely deck with absolutely magnificent views of the Badplaas valley. Yeah I'm living a good country life, thank you – or so I thought.

The lunch turned out to be even more pleasant when I happened on a story in the *Sunday Times*, which I was reading while licking burger juice off my fingers. Oh shit, I thought – associating

with this guy and his magazine might get me killed. I'm referring of course to the tale of Brett Kebble's hit list. Yes, the financial backer of the top rusty brass of the ANC Youth Louts had been intent on getting rid of everyone in his way – including two journalists, one being the editor of this very publication.

Hey, think about it: if *noseweek's* editor was on Kebble's hit list, he's surely also on others. And just maybe that means lowly contributors, like myself, could also make easy prey. For a moment I considered submitting a letter of disassociation to the magazine.

After my productive meeting and the delightful country lunch I headed home to my African paradise of a farm. Now, this being winter, many a cattle owner is busily setting fire to every patch of grass to make room for fresh growth, and my beloved neighbours, who set their stock to graze on government land, or "trust land", as they call it, had been doing the same. Except that they don't bother to control the fire once they've set the grass ablaze, so for days I'd been on fire watch, like

a game ranger in some American national park.

All was more or less well, as I'd got my firebreaks done in good time: the first blaze had come in close, but hadn't jumped the break, so I'd told myself; yeah! I'm chillin. Not completely though, as I wasn't totally satisfied with the firewall on one side of the farm. So why didn't I address the problem? you ask. Oh, give me a break: like many, I do sometimes procrastinate.

Well, that happy August day on my way back from Badplaas and feeling very much the in-demand editor and happily fed, I was dropped off on my farm road. Walking gaily home I could see smoke in the distance, but decided it wasn't a threat. Then, of course, there's always the voice of the devil's advocate – and soon enough that voice began its chattering about what things would look like if the blaze jumped over where the firewall wasn't secure. That was the point at which I should

have broken into a hurried run, just to get there and prove the voice wrong. Except that I happened to be suffering the worst bit of gout I've ever experienced, in the right foot. So I simply kept to a steady stride. As soon as I got to the farm gate I saw the damned voice had been right – the fire had jumped the firewall. I've never cursed so much, ever. Stupid m\*\*\*f\*\*\* idiots, incompetent illiterate buffoons – you name it. I'm convinced there is something in the farmhouse that puts these kinds of aggressive thoughts into my head: it was once an AWB hideout, honestly.

So I run (gout forgotten) to the house, grab a 25-litre bucket and begin filling it. Hey, I didn't have anything else, and all I could focus on was the little thread of flame heading my way. Yeah right, says the voice, you think you can play the *Boers'* game: that stupid little bucket won't do a thing.

As I stand there, having extinguishing those tiny flames, very satisfied

with myself, what do I hear but the racing crackle, crackle, crackle, not too far off, of a runaway fire. I didn't have the number of the fire department; I didn't even have a hosepipe. In short: I had jack shit.

I get on the phone frantically, calling friends to raise the fire department for me. Three calls and all I get is voice mail. Once again that AWB ghost comes alive: goddamn black bastards, I exclaim, never there when you need them. Actually, I uttered that bit of sacrilege after calling a white friend who did answer, and then sent in the firefighters.

The fire department arrived very promptly, and we went about extinguishing the blazing grass on all sides. One firefighter drove the vehicle while the other manned the hose, and I was assigned to stomping out smaller flames. So much for my gout – and for my two-month-old Hush Puppies.

Yeah, my country life – I love it.

## Fear and loathing in Mpumalanga

**W**HILE JOURNALISTS around the country were appalled by the arrest last month of *Sunday Times* journalist, Mzilikazi wa Afrika, we small scribes in Mpumalanga were left wondering what might befall us should we dare expose the rot that seems to be prevalent within premier DD Mabuza's administration. Having gotten to know how the current powers tend to deal with their "enemies", I had no doubt that Wa Afrika's arrest was politically motivated. Then came the report of someone accosting *City Press* journalist Sizwe Sama Yende with a pistol, outside his home in Nelspruit. *City Press* is said to have immediately provided Yende with 24-hour security.

Where does this leave an independent publishing editor like myself, who focuses on hard stories? It is a question that has obviously much preoccupied my thoughts in the last while. For a start, I don't have the protection of a large newspaper group, which might provide me with lawyers to secure an urgent interdict for my release, in the middle of the night. My employer (that's me folks) won't step in to provide 24-hour protection in the event that a die-hard reader decides to show appre-



ciation of my work by greeting me with a pistol as I enter my homestead.

So what is a lone ranger like me to do? The answer is simple: continue doing exactly as I have done, and remain true to my commitment to press freedom and writing in the public interest.

Unlike other community newspapers in the province, that focus on generic stuff, my little *Umjindi Guardian* has

carved out its own special niche. I take immense pride in the way my stories and commentary in this little country gem have made a dent in what was widespread corruption and total disrespect of the community by Umjindi (Barberton) municipality officials.

But right now, we're looking at issues like the manipulation by provincial powers of the governance of the municipality, including the manipulation of the appointment of municipal directors. And what about the suspected involvement of the province in allowing construction of a controversial medical waste disposal unit to go ahead after the municipality stopped it?

Am I to avoid investigating because I might be thrown into the slammer? Am I to look in the other direction, out of fear of having some hired assassin put a gun to my head as I unlock my door?

Like any self-respecting journalist I pride myself in writing without fear or favour. But I would hardly be human if I wasn't feeling fear in light of the current goings-on in my country homestead of Mpumalanga. But to be cowardly is simply not an option. I owe it to myself, my community and to freedom of the press, to remain vigilant and stay true to the cause. ▣



## Naval Foefies

**I**'VE HAD A NASTY FEELING this last while, and haven't quite known how to define it; it's an uncomfortable notion that certain persons are laying a bullshit story on me and they're pretty confident I'll fall for it. And last night as I sat pondering this discomfort with the aid of a wee noggin or two, suddenly there before my very eyeballs on the telly is Lyndon B Johnson, in a history programme, looking dismayed as the Vietnam war steadily unravels. He's explaining to some top-senior US Intelligence dude that he's had a nasty feeling the last while that the intelligence agency has been laying a bullshit story on him since before the war began, and they'd been pretty confident he'd fall for it. It is very cynical to lie to the President of the United States, says LBJ, not to mention unwise, but then if you're confident the world will fall for your bullshit why not include the President while you're about it? Straight talk, man, about most crooked behaviour.

And what the Prez is talking about here is of course that monstrous foefie in the Gulf of Tonkin, when the US military was fairly itching to start shooting in Vietnam; they had to have a *casus belli*, you understand, a cause for war. And the *casus* went like this: a jolly decent sort of American warship, a destroyer I think, was going about its benign business patrolling the coastline of North Vietnam, you know, benign like say now a North Vietnam destroyer patrolling off the coast of New Jersey, when suddenly in amongst the normal radio traffic an anxious voice declares that a North Vietnamese warship is menacing this nice US destroyer and, please sir, what should we do? Sir comes back with presidential authority: Stay cool. The North Vietnam navy says there's been some sort of mistake, they don't have any ship there. Stay cool.

But after a bit, Anxious Voice is anxiouser than before. Please please! sir, he cries, now they're shooting across our bow! Stay cool, says Presidential Authority. The N.V. navy too is anxiouser now, Please please! they cry, we really don't have a ship there. Really really stay cool. A tense night ensues, all await an outcome. Then suddenly next morning, desperately: They're shooting at us! Aircraft

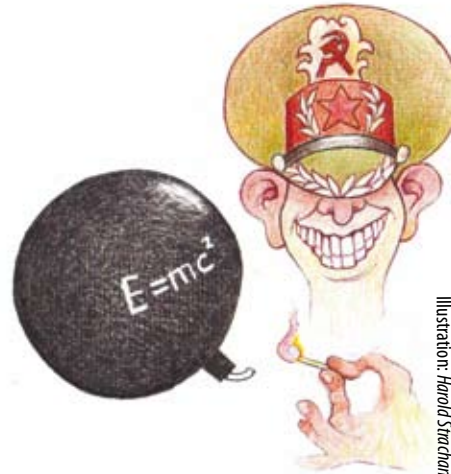


Illustration: Harold Strachan

**Eisenhower's  
only advice  
to the young  
incoming JFK:  
beware the  
military/  
industrial**

are bombing us! We're under attack from the air and the sea! Give us orders! Presidential Authority comes back: Give 'em Hell! Go down fighting, remember the Alamo! I mean the *USS Yorktown* or...or...! Let every man die with "Libdy" on his lips!

And that's what ol' LBJ is talking about with his toptop intelligence dude. I must say he looks like he wouldn't mind being one of those other presidents who can say to their man in the black suit at the door there: Take this bugger outside and shoot him. LBJ has got in amongst classified CIA files, see, and here he reads stuff which tries to diminish, bit by bit, the fraud of his intelligence staff, and he's on the last, the very latest page. He holds it up to the camera. Here it says there was no North Vietnamese ship at all, says LBJ. He is seething. It seems he is not the most powerful man in the US. Nor is any president; nobody knows who is. Eisenhower's only advice to the young incoming JFK: Beware the military/industrial.

Nou ja, oukei then, so it's 2010. Here on the telly is displayed but not for too long a glass case holding a piece of old torpedo, and this torpedo was the one that unlawfully did blow in half a South Korean destroyer, it must be so because a certain fishing vessel hauled it up from the seabed quite close but not exactly how close to where this destroyer sank. Seemed to me in the brief glance allowed

that this piece of torpedo had mature barnacles growing on it, but let's not niggle, an international team has scrutinised it and all agree it is the one used by North Korea to provoke a nuclear war against South Korea and world capitalism. International means more than one nation of right-thinking people, of course, like the US and the UK and er... you know... Puerto Rico and... you know, decent people. Only indecent people like N Koreans would cause 26 young men to die in a sinking ship. Ja? Well try FD Roosevelt who laid the best foefie ever on the Imperial Japanese Navy, a bait they couldn't refuse, a line of yesteryear's battleships at anchor in Pearl Harbor while the new capital ships, the *a/c* carriers, were over the horizon and the Japs had no radar. That cost 2000 American sailorboys their lives, hey, but it brought America into the war, did it not, as schemed by dear ol' FDR and dear old Winnie Churchill.

So here we go round the mulberry bush; an American nuclear carrier with an entire air force on board, South Korean Navy US-provided ships, the tutti, off to do benign exercises off the coast of North Korea. By the time you read this it may well be Korea: Round Two, Seconds Out ! **■**

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