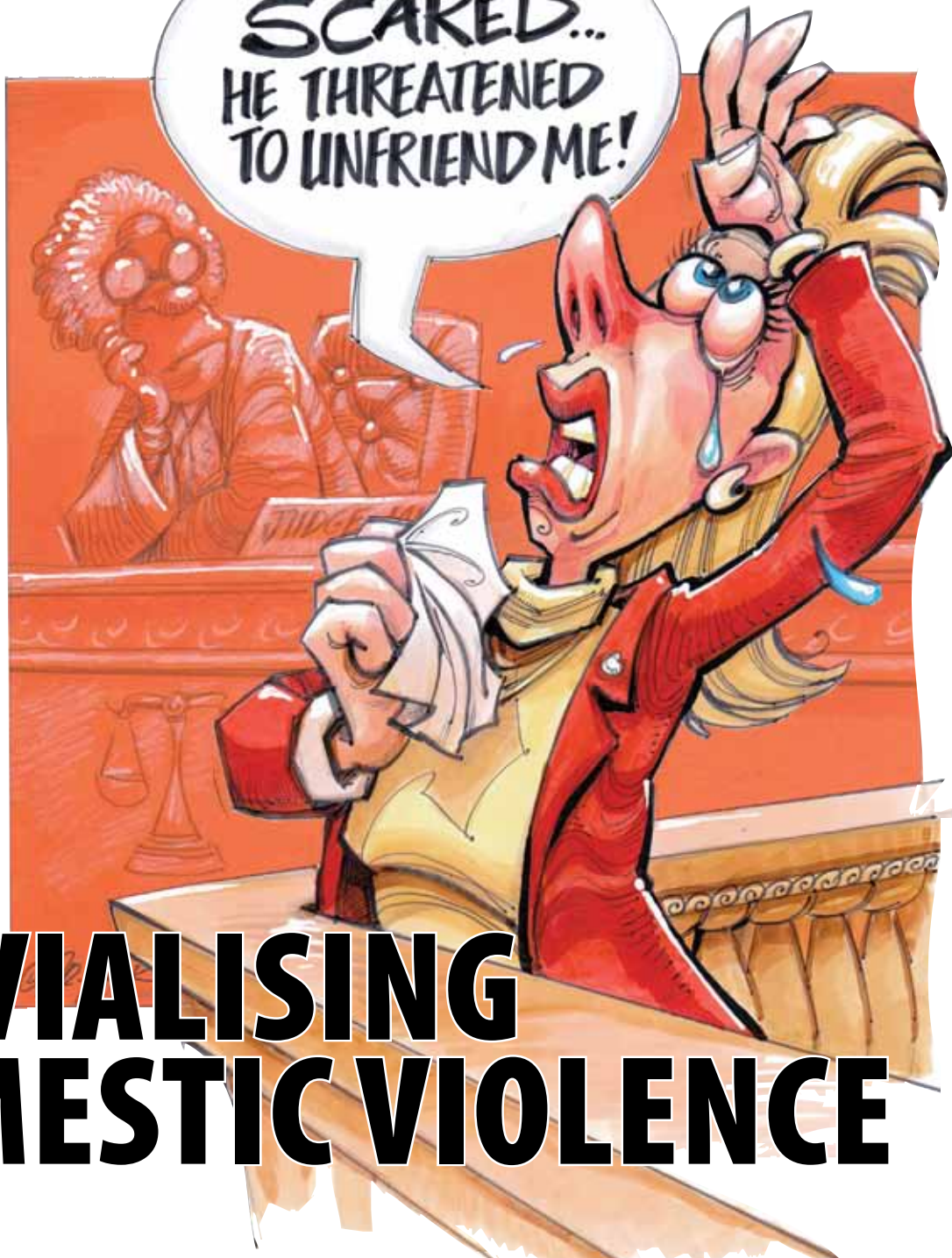


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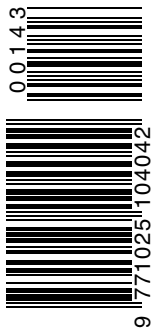
noseweek

I'M SO
SCARED...
HE THREATENED
TO UNFRIEND ME!



143 | SEPTEMBER 2011

TRIVIALISING DOMESTIC VIOLENCE



GIGOLO IN THE HOUSE 18 DISCOVERY AND LIBERTY GO HEAD TO HEAD 24
WHISTLEBLOWER FINGERS INVESTEC 28 THE BIG VOUCHER RIPOFF 22

noseweek

SEPTEMBER 2011 ISSUE 143

FACEBOOK FURY



10

- 4** **LETTERS** St Augustine on organised robbery
- 6** **DEAR READER** Domestic violence and Facebook
- 7** **NOTES & UPDATES** Deloitte settles ■ Firm in Hermanus ■ Mercedes bends
- 18** **CONMAN IN THE HOUSE** She opened her heart and emptied her pockets
- 22** **THE BIG VOUCHER RIPOFF** How to fleece the poor and vulnerable
- 24** **BETTER THE DEVIL YOU DON'T KNOW** Who's the most hellish employer?
- 28** **SPY VS SPY** Whistleblower fingers Investec over dirty tricks
- 30** **PROTECTION RACKET** Why the bank was so keen to nobble its client
- 32** **OUT ON A LIMB** Memories of bad old days in Fleet Street
- 35** **BOOKS** Let the heavy breathing begin
- 36** **COUNTRY LIFE** Umjindi's dumbest
- 37** **LAST WORD** Necessary Ness

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Universal truth

TO ADD to your editorial in nose142: St Augustine, who lived from 344 to 430 AD, must have had Africa in mind when he asked "In the absence of justice, what is sovereignty but organised robbery?"

Dave Crawford
Fourways

Singled out

WHY ARE you always targeting Hermanus? There must be many municipalities where mutual "back-scratching" takes place. This is a well-run town, actually: a "Champagne" place with wonderful weather and people.

And I am pleased to tell you that a lovely, efficient lady, Mary Faure, is now working at the Tourism Bureau so hopefully the nonsense there will end.

Shirley Koster
Hermanus

Why Hermanus? Partly luck of the draw, partly because Noseweek, too, likes the weather there but has found its municipal politics disappointingly tacky for a supposedly respectable town. All the more reason to kick the butts of its councillors if, as you claim, they're typical of Western Cape small town politicians.— Ed.

Thwarting thieves

I HAVE great sympathy for anyone who tries to combat the rampant cable theft. As fast as it gets installed, some sticky-fingered vandal is ripping it out and selling it.

My husband spent six months defending the overhead power cable outside

our front gate. Every time our dogs barked he'd go out and hide in the shrubbery, waiting to catch them at it. On the occasions that he did, it was my job to call in the cavalry. What a joke. No one ever answered the hotline numbers – why would they?

Police? Yeah, right. So for months, while every other stretch of cable was nicked (no electricity for us, too), we fought the good fight to save this bit of

have a brain to work that out, so maybe it was never an option.

My solution? Find a way of recycling plastic to make manhole covers and railings and some of the other vulnerable stuff. That way at least some taxpayers' money can be saved, and it's a green option too!

Christine Kinsman
Benoni

■ I REFER to your article on the theft of steel in Cape



public property. Eventually they won, the cable was stolen and now we have a cable (worthless as scrap) that they don't bother to steal.

Logic says that if the municipality had replaced the valuable cable with the worthless one before it was stolen, they could have recouped some of the expense incurred by recycling the valuable cable themselves, but you have to

Town (nose142) and Andre Hanekom's speculation that it is big business.

Resin-based polycrete is about four times stronger than concrete and can be made to any design or shape, including manhole covers and handrails. It has been used in the building industry for years and, best of all, it has no scrap value!

Peter Lendrum
Uvongo KZN

Slim facts or fiction?

ACCORDING to traditional African use, several species of hoodia are eaten fresh as raw food. For centuries they have been used by shepherds and country folk as appetite and thirst suppressants; this has been verified by numerous researchers of traditional remedies.

Hoodia forms a convenient emergency food and moisture source in harsh arid environments in Africa but has now found its way on to the shelves of health shops and pharmacies as an appetite suppressant, for which it traditionally was never used; it was used for survival in times of scarcity to ward off hunger pangs.

However there is help for an ignorant and gullible public: a self-styled activist called Dr Harris Steinman, whose profile describes him as expert in food allergies, is taking up the role of protector and benefactor of the public whom he considers in dire need of his attention when, with messianic fervour, he launches his vicious attacks against natural remedies.

As he is no expert in natural remedies, nor does he seem to have an understanding of their possible benefits, he can only fire from the hip by using procedure (advertising) or emotional blackmail (pharmacists who care) or bullying tactics to deter from their use.

Maybe it is this kind of person who JW Hodge, MD of Niagara Falls, NY has in mind when he describes the medical profession thus: "The medical monopoly is not merely the meanest monopoly ever organised but the most arrogant

and despotic organisation which ever managed free people in this age. Any and all methods of healing the sick by means of safe, simple and natural remedies are sure to be assailed and denounced by arrogant doctors as fakes, frauds and humbugs.

"Every practitioner of the healing art who does not ally himself with conventional beliefs is denounced as a dangerous quack and imposter. Every sanitarian who attempts to restore the sick to a state of health by natural means without resort to the knife, poisonous drugs, disease-imparting serums, deadly toxins or vaccines, is at once pounced upon by these medical fanatics, bitterly denounced, vilified and persecuted to the fullest extent."

Scary to think that Steinman and I belong to a fraternity described as such! I think I'll stick with hoodia; not only is there safety in numbers (centuries of beneficial use) but maybe I'll shed some excess kilos while sitting on my chair instead of walking, hunger-stricken, in search of food in a barren land!

Dr Barbara Zeisler
Glenferness, Gauteng

Our story had to do with the fact that Dis-Chem continues to sell a hoodia gel that supposedly assists

with weight loss, despite the fact that the distributor of the product is unable to show that it works. Enquiries show that Dr Zeisler specialises in "bio-energetic approaches that activate the body's innate wisdom in balancing and healing itself without the need to resort to medication or drugs".

She is the sole proprietor of Nordman Superior Food Supplements, a firm that, inter alia, sells shark cartilage as a supplement for a variety of complaints including degenerative joint disease and osteoarthritis.

Dr Roy Jobson of Rhodes University has lodged an ASA complaint about this firm because it makes medicinal claims about products that have not been approved by the Medicines Control Council. – Ed.

Self-destruction

"DESTROYED by Deloitte" (nose142) made for some pretty scary reading. But the deal was not "unusual" – it was monumentally and mind numbingly stupid.

What possessed these folks to hand over a million rand without knowing what the value of the business was?

No, Deloitte did not destroy them; yes it probably helped. Their destruction was unfortunately

self inflicted. Whatever happened to "let the buyer beware"?

Petros
Pretoria

Familiar rogue

I READ with great interest your report about the latest exploits of Riaan Botes. ("Ducking and Diving," nose141.) It reminded me of the time I spent at Boland Bank when this thoroughly unpleasant character appeared from nowhere to be appointed as Chief of Sales – the proverbial class bully appointed as Head Prefect!

It was rumoured that Christo Wiese had specially appointed him to ruffle a few feathers. As the saying goes: Every dog will have his day!

Derrick Combrink
Helderberg Insurance Brokers

Out of order

WAS I thrilled to come upon Kelly Picken's letter (nose139) about her experiences with Mercedes Bryanston.

The dealership that has had my Mercedes since 20 May and has given me no fewer than four different stories as to the problem with my car – and changed their minds regularly as to cost/payment/responsibility

etc, then fired my "personal service manager" as I investigated and queried all aspects – is none other than Mercedes Bryanston. Not only that: four emails sent to Steven Crittall of Mercedes Benz SA (the system tells me they were all received and opened) have never even been acknowledged.

Shelley Bennet
Bryanston

Birds of a feather?

I HAVE been interested by the parallel between your articles on the Resilient group (noses136,137 and 138) and the unfolding story of the Leisurenets duo of Rod Mitchell and Peter Gardener.

The similarities between the undisclosed dealings of the directors in the Resilient group and those of the former Health and Racquet executives Mitchell and Gardener, jailed in April, are striking. The only difference is that Leisurenets had a liquidator to go after the errant directors, whereas no one seems to be interested in pursuing Resilient.

Let's hope it doesn't need a liquidation to get the regulators' attention.

Craig
Gauteng



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Domestic violence and Facebook

IN CONSIDERING why a man accused of domestic violence might be stripped of his constitutional right to be presumed innocent until proved guilty at a fair trial, Judge Albie Sachs (in a 1999 Constitutional Court judgment) sought guidance from various authorities on the subject. It is clear from the authorities he quoted that what they all have in mind, when speaking of domestic violence, is ongoing, serious violence – or the threat of it – in the intimate, often hidden context of a “domestic relationship”.

So American authority Donna Wills states that “domestic violence is the leading cause of injury to women, a major factor in female homicide, a contributing factor to female suicide, a major risk for child abuse, and a major precursor for future batterers and violent youth offenders”.

South African author Joanne Fedler talks of “intra-family” offences, that include arson, assault, threats to do bodily injury, obstructing justice, cruelty to children, incest, kidnapping, murder, culpable homicide, rape, forced prostitution, unlawful entry on to property, malicious damage to property, stalking, theft, robbery, unlawful possession of a firearm, involuntary sodomy, extortion, blackmail and sexual assault.

Any magistrate or legal practitioner that rates a man threatening to “unfriend” an interfering ex-girlfriend from his Facebook page on the same scale as the offences listed above is exposing himself and the law to ridicule.

Judge Sachs’s understanding of the nature of domestic violence is fairly mirrored in public perception: when most people hear that a man has been served with a “restraining” or “protection” order in terms of the Domestic Violence Act, they immediately visualise a pathetic woman bruised and beaten to within an inch of her life, surrounded by weeping, traumatised children – and somewhere skulking in the shameful shadows, an out-of-control, violent, probably drunken brute.

The stigma that attaches to such an order is probably only paralleled by a charge of paedophilia.

The law was designed to provide emergency relief to women in imminent danger of life-threatening physical or ongoing emotional abuse by someone with whom they are, or have been in a “domestic” relationship. Police and magistrates are empowered to come to the immediate aid of such

women by issuing interim protection orders without prior notice to the accused person.

Interim orders in terms of the Act are, therefore, issued pretty much on the woman’s say-so. Which is all the more reason why those entrusted with carrying out the law must do so sensibly and with great care. *Inter alia* they must take care to ensure that the reasons advanced by the applicant are not frivolous, and that the problem, if there is one, might not be solved in a way less prejudicial to the accused.

It has been disconcerting to discover that there are a growing number of cases where the legal “short cuts” provided by the Domestic Violence Act, and the stigma that a domestic violence order carries, have been abused by unscrupulous lawyers and vengeful, “scorned” women to punish or blackmail their ex-lovers or, more often, as a cheap and nasty way to gain leverage in a divorce action.

The weakness in the system that unscrupulous lawyers have found and are exploiting is really a failure in the administration of justice: too often the police charged with processing these charges, have so little interest in them that they simply rubber stamp any statement that is handed in by a woman who alleges she is “fearful” because she has been “threatened”, without making any attempt to establish the nature and seriousness of the threat, or to establish just how real and imminent the danger might be.

Too many magistrates are in turn routinely endorsing the applications by issuing “interim” protection orders – the interim nature of the order offering them an “out”: why, a man wrongfully restrained need simply come to court on the return date and have the order set aside! Never mind the scandal and reputational damage he will undoubtedly have suffered in the meantime. And the legal costs involved. And all the postponements in a congested court system, so that, in the real world, it could be months before he gets his day in court.

Even more serious: in the process they are trivialising domestic violence and, ultimately, undermining public confidence in a law that was enacted to deal with a really terrifying and all too pervasive social problem. Our cover story on page 10 is, in my view, as shocking an example of the trivialisation of domestic violence as you’re likely to find – not to speak of the terrors that lurk on Facebook!

The Editor

Deloitte settles: coincidence?

NOSE142 described how Cape Town businessman Russell Burnett had been put through the wringer by Deloitte: a Deloitte partner messed up a valuation of a business Burnett bought in 2002, but instead of admitting the mistake and making right the financial loss incurred by Burnett, the auditing giant forced him to litigate for years, and when the matter came to trial in March

– revealing that Deloitte documents had been destroyed and disks had gone missing – Burnett described the devastating effect Deloitte's intransigence had had on him, both personally and financially, and said how appalled he was that not a single Deloitte partner had even bothered to attend the trial.

The matter was adjourned until August this year. On 25 July Noseweek

subscribers (including Deloitte) received their copies of the magazine. On that very same day we received word that Deloitte had settled with Burnett. We don't know the terms of the deal (there are always confidentiality provisions, but Burnett's claim was just short of R1.2 million), although you wonder why these things always have to come to this.

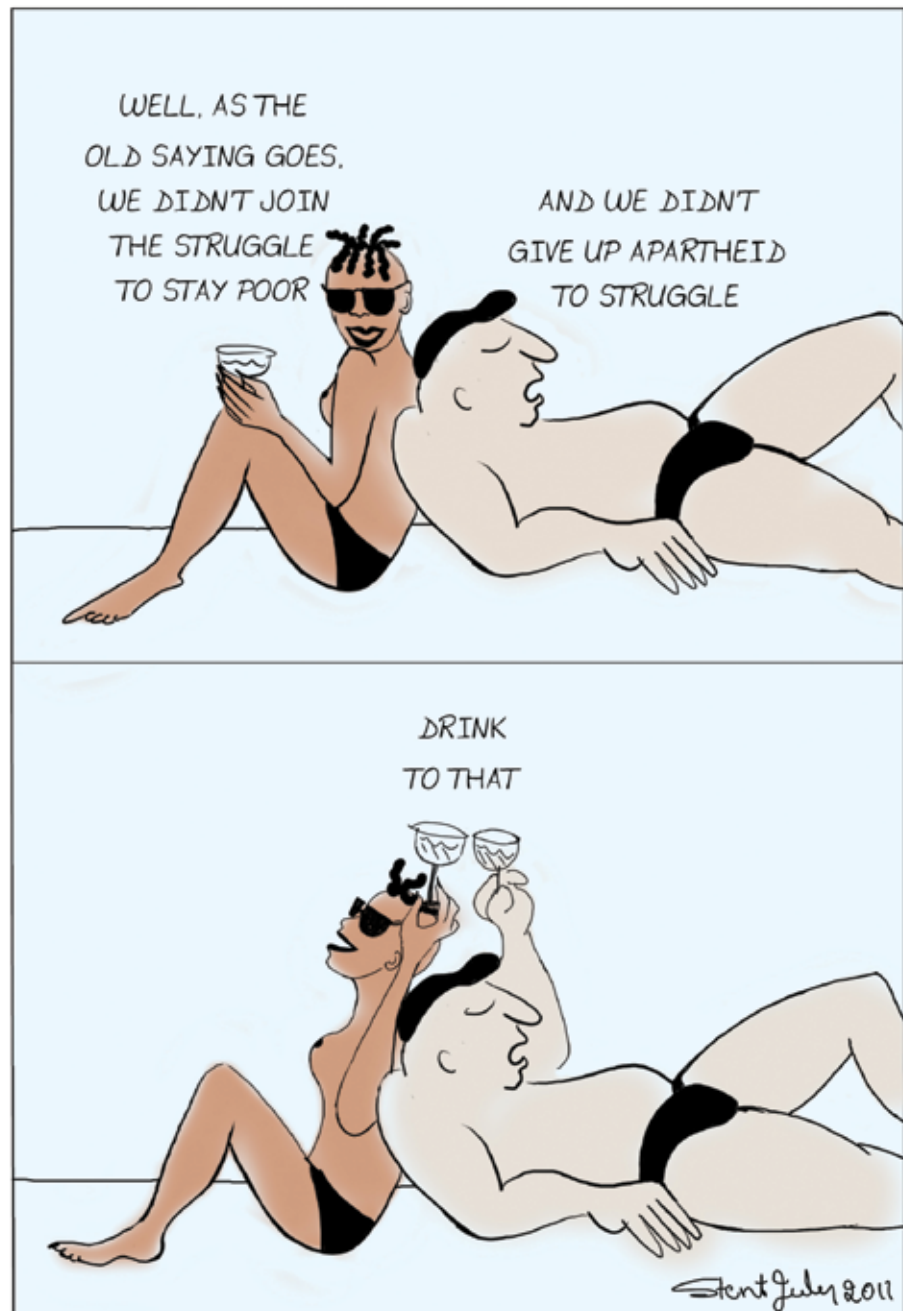
Hermanus promises firm action

NOSE141 recounted the ructions in the two tourist authorities that serve the town of Hermanus: the Hermanus Tourism Bureau and the municipally-funded regional Overstrand Destination Marketing Organisation. Much of the concern was that both organisations were effectively controlled by a family with strong interests in Hermanus tourism, the Lermes – paterfamilias Henri, his wife (and ward councillor) Maxie, and his son, Clinton, who runs the Misty Waves Hotel as well as certain adventure-tourism businesses.

Well, things have moved rather quickly since the story was published. The members of the Hermanus Tourism Bureau called a special general meeting on 18 July to vote on a motion of no confidence in the committee, (the committee saved itself the embarrassment and resigned en masse) which has been replaced by one that is regarded as more representative.

And on 26 July the executive mayor of Overstrand Municipality, Councillor Nicolette Guthrie-Botha, announced that the Overstrand Destination Marketing Organisation would be scrapped immediately and replaced by a dedicated tourism officer. One of the reasons cited was that the law required "a greater degree of direct control by the municipality over the distribution and use of funds allocated".

Don't ever let anyone tell you there's no point in complaining! (And see Noseweek's letters' page for a further update.)



STENT

The knight and the blight

THE SORRY tale of Judy Jurgens was related in nose132. She's the Cape Town teacher whose rates bill for the house she owns in Greymont, Joburg, shot up dramatically in 2008. At first, she thought her property had been rezoned in error, from residential to commercial, but eventually she established that her property had always been zoned commercial, and that until 2008 she had been incorrectly billed in the residential category. This meant she'd have to apply to have the property rezoned as residential if she ever wanted to sell it – an application she could ill afford on her teacher's salary.

First the good news: as a result of the article, a white knight rode to the rescue, in the form of a Johannesburg town-planning firm which did the rezoning application free of charge.

Says Jurgens: "I would like to mention that your magazine conjured up the wonderful and all-too-rare response by the community-minded and generous firm of Raven Town Planners... People such as this should be publicly lauded... and I also want to thank Noseweek for airing this soul-destroying story. Best regards and strength to your pen".

And now the bad news: Jurgens has still been unable to sort out the mess that is her City of Johannesburg account. She needed to get two separate lights and water accounts consolidated because her tenant had opened her own account with the council. The tenant suffered the same fate that has befallen so many in Joburg when they move – she was unable to get her deposit refunded.

The tenant, says Jurgens, left South

Africa "annoyed and disgusted". Judy's daughter and husband have both been to the council to sort things out, with hubby "begging and pleading on his knees (literally)".

Go Joburg, you "World Class City" you!



Mercedes bends

THE recent stories that Noseweek has run about cars have really struck a chord. The latest snippet comes from Capetonian Jerome Lewin, the not-so-proud owner of a 2008 Mercedes 350 Something-or-other, with the low mileage of 26,000km. When the little button that operates the sunroof broke off, Lewin went to Mercedes, expecting the matter to be sorted out quickly and cheaply. Big mistake.

The button wasn't covered by the warranty because it's "part of the trim". And, wouldn't you know it, the button alone could not be replaced, only the entire panel – costing R6,000, excluding VAT and fitting charges.

Stuff that, thought Lewin, a bit of super glue will do the trick. Which it did. A tube of super glue sells for around R14.

The colour of money

LAST August Tony Ball, the owner of Bulwer Park Service Station, lodged a case with the Equality Court in Durban on the grounds that the Ethekewini Municipality is racist in its debt-collecting practices.

He has alleged that the Ethekewini council (*and many others, Mr Nose might add*) write off all sorts of debt incurred by black people but are extremely diligent in chasing debt owed by their white/Indian residents.

In support of his contention, Ball quotes numerous examples including: water debt written off (R160m), hostel debt (R98m), political party debt for not removing posters, taxi fines... etc, etc.

Ball has formally asked the council to produce schedules of their debt write-offs: what amounts and for whom. Now there is a growing suspicion that council officials realise that once they produce these figures, Ball will be able to wipe the floor with them – and that this is why they are endlessly stalling. There have been six appearances at the Equality Court so far and on each occasion the council attorneys fudge the issue, and ask for yet another postponement. At the most recent court hearing on 3 August, they simply didn't pitch.

"In the light of government corruption and wastage of state money I am pursuing this matter vigorously," he told *Noseweek*.

And, of course, Ball has personal reason to be angry. The Joint Services Board and Regional Services Council levies introduced in the 1990s were a form of tax on business, based on turnover and salary bill. All well and good, he says – except for petrol stations.

"In the petrol station industry our mark-up is determined by the government – as is the fuel price. Consequently when the fuel price went up, the JSB levy would also rise, but, as the profit margin did not change, the extra levy money would now have to be financed by the business concerned.

"I had a long dispute with the Ethekewini council on this but the upshot was that they took a judgment of R260,000 against me.

"Unable to find any assets to liquidate for this amount, they did nothing from 2006. But last July they resurrected the case and attempted to liquidate me. I came to an agreement to pay the money over a period."

That was when Ball decided enough is enough and launched his case in the Equality Court.

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TRIVIAL PURSUIT

WHEN mild-mannered Bishops old boy Colin Chaplin told his friends that the surprise domestic-violence order the police had served on him at work was obtained by a woman he'd threatened to unfriend on Facebook, many found it hard to believe – there had to be a more serious reason.

Even more bewildering to the 36-year-old Chaplin is that the purported victim – a woman with whom he'd "shared a kiss or two" in the space of a week, years ago – said she'd been advised to seek the order by his ex-girlfriend, well-known Cape Town attorney Lauren Fine.

The spurned friend is fashion designer Danielle Vermaas, who uses the professional name of Danielle Margaux. Two years after his flirtation with Vermaas, Chaplin hooked up with Fine. Their six-month relationship ended amicably, he thought, in July last year.

“JUST want you to know that I have done a search on you and I'm very anxious because you and my ex-girlfriend have several Facebook friends in common.”

The ease with which strangers can connect through mutual friends on Facebook – and the painful consequences for Colin Chaplin – are what prompt his anxious first words when he meets with *Noseweek* at a restaurant in Newlands, Cape Town.

Although lawyer-talk first alerted *Noseweek* to the story, it took some sleuthing to identify Chaplin, and then numerous emails through an intermediary, to set up this meeting.

Noseweek had been told that two of Chaplin's exes – Lauren Fine, a partner in a top Cape Town law firm, and Danielle Vermaas, a local designer who goes by the name of Danielle Margaux – had purportedly teamed up to have a Domestic Violence protection order slapped on him – on charges that were patently without substance.

A domestic violence order is no trivial thing but lawyers, policemen and even magistrates have all contributed to trivialising it. (See editorial).

Fine and her partners at well-known

law firm Bernadt, Vukic, Potash and Getz have since been briefed about the facts of the case, but have refused to meet the victim of the outrage.

Chaplin finally agreed to see *Noseweek* as a last resort in a system that has failed him. "I've exhausted every avenue to clear my name," he says.

After matriculating at Bishops, Chaplin went to England where he obtained an LLB (Hons) from the University of Buckingham. Back in Cape Town, he has for some years been working in the property development industry.

His story:

"Several years ago I met a girl called Danielle Vermaas at a dinner party. We became friends and kissed once or twice, but nothing serious happened between us. It was a very brief fling. I did not take it seriously from a romantic point of view. Quite simply, she is not my sort of woman.

"After that and during early 2009, we remained friends. She'd sometimes visit me at my parents' home and became very fond of my mother."

Might Vermaas have been under the impression they were in an exclusive relationship? "No. It was just a fun friendship," Chaplin stresses.

During the first half of 2009, Vermaas



started “getting weird”, says Chaplin, sending him “numerous emails, she was phoning regularly, and constantly sending me Facebook messages”.

“[As a fashion designer], she would make me clothes, invite me to functions, cook food and show up at my flat with it, unannounced. I always turned her down.

“In a nutshell, she was in love with me. I kept saying, I’m not interested. Basically, I was just trying to say f-off”.

Towards the middle of 2009, Chaplin says he decided to start putting some “serious distance” between himself and Vermaas. He produces Facebook messages sent to him by Vermaas to demonstrate the point:

On 15 March 2009 at 11.07pm

Hi there! How are you? I am lying in my bed and thinking...I miss you and miss having you in my life and I would love

Perhaps, but it is because I feel like the outsider in your life, the one you keep at a distance...

You’re probably thinking I’m some sort of psycho chick and that I keep contacting you in all sorts of ways, but... I do mean well...Hope to hear from you soon, Danielle x.

Vermaas’s overtures continued, accelerating in November 2009 when Chaplin began a relationship with Fine. When he speaks about her, it’s easy to see that this was a woman who clearly meant something in Chaplin’s life. “We had our first date on 17 November. Lauren is beautiful and intelligent.”

About a week after this first date, Vermaas arrived at a bar where Chaplin was having a drink with friends, and tried to speak to him.

“She followed me home and insisted



Domestic violence is no trivial accusation, yet it is a charge too easily levelled by less reputable lawyers

to have you back in it...I do have a lot of issues, I know, and I suppose I am a difficult woman at times...In the same breath, I could have made the biggest tit out of myself now, because you might have met someone else...Deep down inside I hope you miss me as much as I miss you!...I don’t want you to feel that I am pressurising you...

On 21 April 2009: *Hallo Col, you must think I am crazy...I just read the mail I sent you on Sunday and it was a bit intense...It feels like my life is falling apart ...”*

On 13 July, 2009: *Col, I don’t understand why you don’t answer my emails. Have you thought about what I said? I really think we’d be great together. ”*

Later that day Chaplin replies: *Hi Danielle, I feel we keep going over this. I think you keep misreading my friendship. I like you as a person but am just not interested in going out with you. Please just accept this as you are making things awkward. Colin.”*

On 18 July, 2009, Vermaas writes: *You are obviously very angry with me and have decided not to contact me at all. I, on the other hand, am not a person of a few words, as you very well know and have decided to mail you, because I know you won’t even pick up the phone if I try to call you. I should probably just let you be, but...I have gotten used to spending time with you... You always say I am needy.*

we talk. She asked me whether I was going out with Lauren Fine and then said she knew I was. She knew Lauren was Jewish and told me her father was Solomon Fine. I didn’t know what she was talking about. It turns out that Solomon Fine was Lauren’s grandfather. How Danielle came by this information, I don’t know. Danielle also made some derogatory remarks about Lauren being Jewish. It took quite an effort to get rid of Danielle that evening. I had to repeatedly ask her to leave.”

“She started crying, and told me she loved me, saying she was going to leave the country as there was nothing left for her here. She continued to slag off Lauren, using anti-Semitic comments.”

The next day, a somewhat freaked-out Chaplin removed Vermaas as a friend on Facebook.

On 30 November, Vermaas writes: *Hey Col, I am sorry for the things I said about your new girlfriend the other night. I just think you need to know that this girl is not for you. This relationship will not last. She is a Jew and they will not accept you. They are not like us. Lauren Fine, sy klink soos ’n Jood. I am telling you this because you need to know. Danielle.*

The next day Chaplin responds: *You need to leave me alone and stop saying bad things about my girlfriend – she has done nothing to you.*

After their showdown in November,



ACTION WOMEN: Attorney Lauren Fine (top) and designer Danielle Vermaas (above) appear to have teamed up to get a Domestic Violence order slapped on Colin Chaplin (opposite page)

Vermaas slowed down contact with Chaplin for a while, but a month or two later, she started sending more emails and Facebook messages.

“The tone was friendly – she claimed she wanted to be friends. She sent me a Facebook friend request [again], which I accepted. During December 2009 and January 2010, she made contact again. I did not respond as I was really in love with Lauren and did not think much about Danielle. She contacted me a few times in 2010. It all seemed harmless.”

On 1 January 2010, at 4.28pm, Vermaas writes: *Hi Colin, haven't spoken to you in a while and I thought it well to wish you all the best of luck for 2010...and especially with you starting a new job on Monday...good luck! I know that you will make a great success of it....*

Chaplin and Fine dated from November 2009 until the end of June 2010, when they split up. He stresses that it was an amicable parting: that she had wanted “space”.

“There were no bad feelings between

us. Everything was cool. In fact, she sometimes asked me for my help, which I gave her freely.”

When her mother was diagnosed with a serious illness a few weeks later, Colin was among the first she told, and he was there to support her.

But this is where it gets really weird, he relates.

“In early August 2010, a month-or-so after his relationship with Fine ended, Vermaas started “causing problems again” on Facebook. This included sending friendship requests to female friends on his site. “They would call me, asking who is Danielle Vermaas? Why does she want to be my friend? I sent her an SMS asking her to stop, or I would remove her as a friend from Facebook. I felt she was up to no good.”

It gets weirder, he says, because, within a week, Fine suddenly blocked him on Facebook.

“I sent her an SMS asking why she had done this, but she did not respond.”

Chaplin suspected that, some time between 6 and 12 August, Vermaas

used Facebook to establish that Chaplin and Fine were no longer dating, that she then contacted Fine with the intention of causing trouble and driving a final wedge between them. [*He would be proved correct – but that only comes later – Ed*].

“Whatever Danielle told her, Lauren did not check with me whether what she had been told was true. I was confused and hurt as I couldn't think of anything I had done wrong to her.”

Chaplin, in the meantime, had maintained a friendship with Fine's mother. “I would occasionally call on her – always by prior appointment – to take some flowers or just for a chat. She is a Mills & Boon addict. I started writing a Mills & Boon-type romance and would take bits of the manuscript to her for proofing; really just to entertain her.”

On 27 September 2009 he arranged to visit Fine's mother and took her some fluffy white slippers and some bath salts. He hadn't visited in the previous three weeks, prompting her to ask whether he'd been away.

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"She asked if it was true I'd been dating another girl at the same time I was dating Lauren. She named Danielle Vermaas. I denied it emphatically. I explained that I'd had issues with Danielle before and that I'd always loved Lauren."

Now he knew for certain that Danielle had contacted Lauren. And, within no time, Lauren had rushed to tell Danielle that he knew they'd spoken to each other.

Within an hour of his visit to Mrs Fine, Chaplin received a hostile message from Lauren Fine – the first communication he'd had from her since her birthday three weeks earlier: "It's time to move on now and leave me and my family alone. Please don't contact me and my family again!"

Later that evening, Lauren Fine SMSed him again: "Hi Colin. I apologise for my earlier SMS. I am really not in a good space. I do, however, think it is best for you to move on."

The next day, Vermaas sent Chaplin and his mother an SMS asking to meet. She got a friend to ring his mother. All these messages were ignored – hardly reason to anticipate the shock of what came next.

Three days later Chaplin got a call from the manageress at his office: the police had called, looking for him.

For an outstanding parking ticket?

No, much more serious. In fact, the office manageress told him, the police had warned her that he was to be

considered dangerous. They wished to serve a restraining order on him in terms of the Domestic Violence Act.

Danielle Vermaas had filed for a protection order (a kinder title for the same thing) against him on the 28 September – the day after Mrs Fine had revealed to him that Vermaas had contacted her daughter and had claimed he'd been double-dating them.

"The day before she filed for the order against me, she wanted to meet me. It was the most bizarre thing. When she filed for the restraining order, she told the police that I was to be considered violent. She gave them my work number and my work address. The police then made several phone calls to my office.

"My head just spun."

Chaplin runs through the haze of what ensued over the next few days... "I didn't make a big deal of it. I just quietly left. What was I going to do?"

"I then had to present myself at the Cape Town Police Station with my parents to sign receipt of the order.

"I looked at Danielle's statement – she appears not even to have signed it – and couldn't believe my eyes. I can't describe how I felt. It was all bullshit. The reasons she gave for wanting the restraining order were that I was a dishonest person who did not pay tax to SARS. She then cited an SMS from two months earlier, in which I threatened to remove her as a friend on Facebook if she did not leave me alone."

He continues: "It was insane. There was one other thing: at the bottom of the application, she said the reason she was filing was that she had been advised to do it by my ex-girlfriend, Lauren Fine.

"So now I have no job, somebody has a restraining order against me for no reason, and I hear that my ex-girlfriend is involved.

"It made no sense – an ex-girlfriend, someone I've only ever been kind to, getting involved with something she knows is going to hurt me."

The document, signed and stamped by magistrate Van der Spuy on 29 September, granted Danielle Vermaas an interim protection order, without notice and without Chaplin having been given a hearing – a fact that irks him about the nature of restraining orders and the ease with which they are granted. "It's bizarre. The man is simply presumed guilty. It's a case of "better safe than sorry".

Danielle Vermaas's application for a protection order – *Noseweek* has obtained a copy – is too long to reproduce in this story but excerpts include:

■ *A few weeks ago he sent me a sms saying "stop this facebook crap with La. If I find anyone on her site tmrw who is not meant to be there my reaction will be extreme." ... on the 12th August 2010 one sms read (because I did not respond): "Call me in the next 5 mins or I am removing you permanently."*

■ *I received a call from Lauren*



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Fine...She is a lawyer...She suggested a restraining order.

■ *I am an honest and trustworthy person who does not manipulate people. He is not an honest person as he does not pay taxes to SARS.*

■ *Please grant a restraining order, because he clearly despises me and I am scared.*

Based on this affidavit, Magistrate Van der Spuy granted an interim protection order against Chaplin on 29 September. It reads, in part: "The respondent [Chaplin] is ordered not to commit the following acts of domestic violence: verbal, emotional, psychological abuse; not to harass, intimidate the applicant...not to communicate with the applicant at all, except through the courts or legal representatives".

Blocked off and confused, but determined to get to the bottom of things, Chaplin contacted law firm Abrahams and Gross for advice. The attorneys took one look at the affidavit and told Chaplin he had a serious problem.

"They said there were no grounds for a restraining order, but that it was essential to get it dismissed as soon as possible. They said that Vermaas could try to deliberately manufacture a breach of the order which would mean I could be arrested and go to jail.

"My lawyers filed an opposing affidavit. It was quite simple – address each lie and show that the last contact you had with her was two months before she filed."

Chaplin was able to provide tax records to show that, in fact, he had overpaid tax and had actually received a refund from SARS.

Chaplin's answering affidavit is also in *Noseweek's* possession.

Excerpts include: "The application is... ill-fated and amounts to a mockery of the true objectives of the

Domestic Violence Act...Applicant and I never lived together in a relationship or partnership of any sort. [She] was merely a friend like all the other male and female friends that I have... [If] the scope of the Domestic Violence Act were to extend to an area as in this case...any confrontation in the normal scope of a friendship could be construed as domestic violence, with absurd consequences."

His answering affidavit details how Vermaas sent "friend" requests to Chaplin's friends on Facebook, which prompted him to tell her, in August 2010, that he was "permanently removing" her as a friend on Facebook. He says, "It is astonishing to note how the Applicant is distorting the true facts by using the phrase to mean that I have committed some sort of Domestic Violence against her".

A lawyer from Abrahams and Gross attended the magistrate's court, where he served the opposing affidavit on Vermaas.

Chaplin's attorneys said they wanted to move to a court date. That was when Vermaas said that she wanted none other than Lauren Fine to represent her. Chaplin's attorney reported: "[This] will be a complete disaster simply because Ms Fine will be a witness in the matter and I can see no reason why Ms Fine will want to get involved. Ms Vermaas also indicated that her main concern was that our client [Chaplin] was badmouthing her in and around the Jewish community from which she obtained most of her work."

The next court date was set down, for 3 November last year, which left Chaplin with the interim order hanging over him and the cost of yet another court appearance.

On the return date, Vermaas showed up with an attorney – not Fine – and

changed her tune once again. "Now she was asking for a restraining order requiring me to stop stalking her."

Chaplin laughs bitterly: "I don't even know where she lives or works and hadn't seen her in 11 months. She just wanted me to be found guilty of something".

Chaplin received the following confirmation from family law attorney Bertus Preller on November 3: "I wish to confirm that Ms Vermaas has withdrawn her application. Initially she wanted an apology and an agreement that you won't stalk her in future, which we naturally refused and we demanded that the matter go to trial, however, her attorney backed off and withdrew the application."

When the attorneys phoned him with the good news that the application had been withdrawn, Chaplin heaved a sigh of relief. "I thought, phew, it's all gone away."

Chaplin goes on: "So, the application is dismissed, she walks out. At this stage, one side of me is relieved, as the stalker girl is gone, but another part of me feels aggrieved. Firstly, I had incurred unnecessary legal costs – I had stopped counting at R20,000. Secondly, I was furious that an unsubstantiated order had been brought against me by 'a woman scorned' who lied to the court, and thirdly, I could not understand why Lauren Fine had become involved. I could not think of a single thing I had done against her. The only thing I was guilty of was doing good things for her and her family. In return, she branded me with the stigma of a domestic violence charge which never goes away. People just think that you go around beating up women."

Two weeks ago, Chaplin asked a woman out. "She had heard this story that I threaten women. Cape Town is a small place."

He can't imagine having a normal life and a normal relationship. "To be honest, women scare the shit out of me at the moment. I have no plans to date any women for the foreseeable future."

Asked for comment on how on earth Chaplin had an interim protection order slapped against him on the basis of that application, Magistrate Van der Spuy referred *Noseweek* to Linda Unuvar, Judicial Head of the Family Court in Cape Town. While reluctant to comment on an individual case, Unuvar said:

"This is an affidavit. [In Danielle



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Vermaas's case, it appears to have been an unsigned statement. – Ed.] If a person takes an oath and says I have been threatened, and claims that someone is calling her at all hours and upsetting her emotionally, that is harassment. If she says under oath that any act of domestic violence is committed, the court must grant an interim protection order. That includes harassment, intimidation, unwanted calling or SMSing. Even if such harassment is the only complaint, it still warrants an order.”

Unuvar said that once the order is served on the respondent, “the respondent can come to court and say, ‘this was served on me and it is not true, I want to bring the return date forward within 24 hours’. We give him the earliest available date. If it is urgent, we will hear it”.

Unuvar said there would have been nothing stopping someone in Chaplin's position from asking for a counter

shop near her office, and arrived accompanied by her colleague, Mia Gibson. The answers she gave to *Noseweek's* questions do not always tally with the documentary evidence that *Noseweek* has seen, and were aimed at generally discrediting Chaplin, while minimising the interaction she'd had with Vermaas and her role in the latter's application for the protection order.

The closest Fine had got to giving Chaplin an explanation for her involvement in Vermaas's application came in a letter she wrote to his mother shortly afterwards. Some extracts:

“I am sure you can understand the tension it caused when he would visit my mother and she would not tell me that he'd visited. I would hear from Trayer (my mother's domestic worker) that he had visited and what had been said. I did not make a big deal out of this as I didn't want to upset my mother and I assumed Colin was visiting with only good intentions.

“On 28 September I phoned home only to be told by Trayer that Colin was there again and talking to my mother about me again. This upset me, as my mother had mentioned the day before that having visitors was very tiring. ...When I came home... my mother confirmed...that Colin had made certain derogatory remarks about Danielle, which I do not believe to be true.

“Since I had been advised by Danielle that Colin had threatened her in the past – and I now knew he was aware that she and I had made contact... I did telephone Danielle, and I told her that if Colin were to threaten her with any further legal action, she should contact me to discuss it.

“Danielle advised me that she was scared Colin would harm her and she was thinking of taking out a restraining order... I advised her (as I would with anyone) that if she genuinely felt threatened... then she should

Chaplin asked a girl out. “She had heard this story that I threaten women”

order against his accuser and saying that in fact, he was the one being emotionally abused. “He would have had that right. He should have anticipated the hearing and asked the court for a protection order against her. We would have had a hearing within a few days.”

Unuvar stressed that protection orders are not granted on applications that do not comply with the provisions of the Domestic Violence Act, or if the court is not satisfied that any form of domestic violence has been committed. “If an interim protection order is granted, and, during the hearing on the returning date, the court is not satisfied, it will not confirm the order.”

Abuse of the system is the exception, she added. “We are all trained and experienced magistrates, but we do not know whether somebody is lying under oath.”

Vermaas had this to say to *Noseweek*: “I have spoken to my lawyer and have decided not to comment. I am very busy and am not going to invest any time in this.”

And Lauren Fine? She agreed to meet a reporter from *Noseweek* at a coffee



get a restraining order. She asked me to assist her and I told her that she should ask the police...

"I am certain that the contents of this email...will be upsetting to you. I have not forgotten the beautiful things that Colin has done for my family and me, but I have had equally numerous unpleasant experiences involving Colin..."

"Wishing you and Colin only the best. Lauren."

Now, she told *Noseweek* that he was "weird", that friends had told her he was an alcoholic (she confirmed that he had never consumed alcohol or smoked in her presence throughout their relationship in deference to her wishes, but now believed this to be a sign that he was "obsessive"); she said he was a "stalker" since friends had told her they had seen him "lurking" near her office and she believed she had seen him "lurking" downstairs from her Sea Point apartment; that he kept visiting her mother "day and night" just to irritate her [Lauren]; that she had shown his "Mills and Boon" manuscript to a psychologist and a psychiatrist she knew and they had both described it as "abnormal, verging on psychotic". [She sent us a copy, which I read in lurid anticipation, only to find it pretty

harmless, even good, as Mills and Boon novels go. My diagnosis: that psychologist and psychiatrist must be "verging on the psychotic" – Ed.]

But, she emphasised, what really upset her were Chaplin's "endless" lies. [*i.e. don't believe anything he tells you? – Ed.]*

Did she herself have any reason to believe he might be violent? "Yes." Why? "When he got angry, he would just get up and leave."

Later Fine would add to the list that a "good friend" had recently told her Chaplin had plans to abduct her.

Chaplin's retort: "What am I supposed to do with her, once I've abducted her? "It is becoming increasingly clear that in order to justify what she did last year, she has attacked my character by spreading rumours and lies about me. I have now been accused by Lauren of being a liar, capable of irrational behaviour, an alcoholic, a cheating bastard and most recently an abductor. The last is just ludicrous."

And what about Danielle Vermaas? *Noseweek* asks Fine.

"She contacted me on Facebook and we arranged to meet. We compared notes and worked out that Colin had been cross-dating us. She told me Colin had sent her a "weird" SMS

threatening that if she did not leave me alone, I [Lauren] was going to bring court applications against her. [Vermaas has not produced any evidence to support this allegation. – Ed.]

"I told her, if he threatens you like that, rather phone and ask me what the true position is."

Fine explained her involvement in Vermaas's protection order. "Danielle called me on my cell phone when I was in the car rushing to Rondebosch to attend the HPCSA hearing of Sylvia Ireland's former psychiatrist, Dr Berrard. She told me that Colin had threatened her – I wasn't interested how – and that she was really frightened. She asked if she could get a restraining order. I said yes, if you're scared. She asked if I could help her, but I said no, I don't practise criminal law and I don't want to get involved. I wouldn't know where to start. I suggested she go to the police. It's the advice I would have given to anyone."

That was it? All on the spur of the moment?

"That was it."

Surely the evidence suggests Vermaas had been "stalking" Chaplin, rather than the other way around? "Yes, they're both weird. I want nothing more to do with either of them."

Hold that thought for a moment. Because this is when the local version of WikiLeaks – an anonymous website hacker of sorts – steps in to really stir things up. Immediately after the restraining order was served on him, Chaplin spent many evenings at his favourite pub mulling over the mysteries of the case with his friends. Somebody obviously knew somebody, because three months after the event, says Chaplin, a parcel of web printouts appeared in his postbox. They were of Facebook messages that Vermaas had sent to various friends in a plot to cause trouble between Chaplin and Fine.

It transpires Chaplin was right in suspecting that something fishy was up early in August 2010. The printouts show that on 5 August she sent a note to her friend Rasheda Samuels: "I see you are friends with Miss Fine whahahahaha" and she asks Rasheda: "so tell me - are they still a married couple ??????".

On 9 August she writes to her friend Gustav Louw who has also befriended Fine on Facebook: "My fuck Gustav, I see you are friends with Lauren

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Fine!!!! This calls for an evening of champagne and snooping on her Facebook site!!!!”

The proposed evening of champagne and snooping appears to have paid off. Next day she was writing to Fine:

“I would normally not email someone I don’t know, but I had a very strange email from your boyfriend Colin tonight. He seems upset about mutual people we know on Facebook and implies that I have got something to do with this... [Chaplin found she was approaching Facebook friends he had in common with Fine and told her to lay off, or he’d unfriend her. – Ed.]

“What you do, your relationship and friends have nothing to do with me. I have no issues with you being his girlfriend now.

“I suppose this is as strange for you as it is for me. Good luck! Danielle.”

Every line was a lie, but Lauren took the bait.

Fine’s reply: “Dear Danielle, Colin is not my boyfriend and has not been for a while. If you want to chat, feel free to contact me. Whilst we were together he did tell me that you wanted him back but I never commented. He has been contacting my family and friends too which I don’t appreciate. I would like to meet for a coffee. There is much I would like to discuss.”

Danielle’s happy reply: “I should also like to meet up with you for a chat. I am rather shocked now, but we can discuss everything when we meet.

Lauren’s reply: “Cool, Friday after work.”

That weekend Fine “unfriended” Chaplin on Facebook.

Also amongst the “hacker’s” printouts is the anxious message sent by Fine to Vermaas on 27 September: “Need to chat urgently.”

Two hours later Vermaas writes: “Thanks for calling me...I would like to discuss with you sometime what the procedure is with regards to getting a restraining order. I think it would be better if I get it, before he does something...I had a bad feeling ever since I met him. Let me know when you will be available to discuss the restraining order, as I am very serious about it. Perhaps it would be in your best interests to get one too!”

Fine’s reply: “I have no idea how to get a restraining order, but will find out. Let’s do coffee.”

So, not quite the rushed conversation while driving, then.

Fine told *Noseweek* that Chaplin

had given lawyer Mia Gordon copies of several of these illicitly obtained Facebook printouts. But, she said, she was not at liberty to show them to us as they were the subject of a police investigation. The police, she added ominously, believe they know the address from which the Facebook interloper operated.

Matters get stranger still: between February and May this year, Fine’s Facebook friends started receiving abusive messages about her, all emanating from Vermaas’s Facebook

address. A sample: “How’s your stupid Jewish friend now. She’s a loser.”

She addressed a lawyer’s letter to Vermaas demanding that she immediately stop sending these messages and threatening court action.

Vermaas’s lawyers responded by saying that someone had pirated Vermaas’s Facebook site and that her friends, too, had been receiving abusive messages. And that she had already reported the matter to the police.

So who’s up to no good now? And who’s trying to mislead whom? ■

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GIGGOLO IN THE HOUSE

It was love at first sight, but the handsome stranger had sticky fingers



THEY MET at a Saturday evening dance club for lonely over-40s, and yes, when Brenda Margach set eyes on the tall, dark and handsome man it was love at first sight. Marney van Zyl introduced himself as a retired advocate who was also a wealthy stockbroker and part-owner of the Colony Boutique Hotel in Sandown, Joburg. And although a mischievous twinkle in his eyes might in retrospect have signalled danger, Brenda was swept off her feet.

“One of our first dates was dinner at the Bastion restaurant at The Castle, Kyalami,” says Brenda, now 57. “It was wonderful from then on. I thought this man was going to be the love of my life.”

That was in 2004, and for the next five years “we had the most wonderful, blissful relationship. There was nothing untoward, nothing suspicious”. Brenda, divorced with a son now 23, stayed on at her flat in Illovo; Marney (now 55), with two sons from his former marriage, remained at his cluster home in Sunninghill.

Marney soon won Brenda’s trust and though it depleted her savings, she didn’t think twice when he suggested that she hand over R22,000 so he could buy Sasol shares for her.

There was no reason to doubt him, for Marney was rich, rich, rich! He spoke often of his millions, held in an offshore trust fund in London. It held £2.5m (R27m), and the whole

lot was finally on its way, due any day. A Judge Pickering, he told Brenda, had granted a “*rule nisi*” permitting the money transfer back to South Africa. But the judge “in his wisdom, or dementia” had forgotten to sign the order and was currently out of town, fishing in Knysna.

While they waited, Marney whisked Brenda off to the West coast town of Langebaan, to search for a suitable home they could retire to. They fell in love with a substantial property overlooking the lagoon, asking price R3.2m complete with furniture. Marney put in an offer. At Paradise Beach the locals treated the lofty 1.9-metre-tall advocate with respect, awed by his presence and apparent wealth.

Back in Joburg, Marney SMSed Brenda with joyful news: the money had finally come through! She could resign her office job with a Sandton firm of architects where she had worked for five years. They were off to Langebaan!

While Brenda packed up her possessions for the move, Marney announced that he’d found a tenant for his Sunninghill home and proposed that he move in with her for the short time remaining in Joburg. Brenda agreed and at the end of February 2009 Marney joined Brenda and her personal-trainer son Matthew at Rivermead, a stately block of flats at the end of Sally’s Alley in Illovo.

But Marney’s trust millions were proving infuriatingly elusive. “It’s here, but it’s tied up,” he told Brenda. “You’ll have to keep me ticking over.”

By now Brenda had given up her job and was down to her last R500. To put food on the table and pay the bond

on her flat, she had to cash in her retirement annuities. At the same time, things started to disappear from her flat: rings, necklaces, bracelets (all 24 carat gold with diamonds, topaz and pearls), her Kruger coins, her books, her laptop, camera, electrical appliances. “I’d say to Marney: ‘have you seen my earrings, or my rings?’ And he’d say: ‘you’ve packed them away somewhere. They’ll turn up.’”

After a few weeks, Rivermead’s caretaker arrived at the flat with some disturbing news. A steady stream of garden furniture, gnomes and children’s bicycles had been disappearing from the block – and Marney was accused of being responsible. A charge of theft was made at Norwood police station.

This of course was highly disturbing for Brenda. Had she clasped a monster to her bosom? Could the elusive R27m be a figment of Marney’s imagination? He’d already told her he’d put R250,000 into her bank account, but it didn’t show up on her statement. And he’d never delivered those Sasol share certificates – or the MTN ones for which she’d given him another R3,000.

As her suspicions mounted, Marney began stalking her in the flat, following her from room to room. Finally, on 8 April 2009, Brenda demanded proof. All right, said Marney, he’d go to SARS then and there and collect a 200-page document that proved he had the money.

Brenda dropped him off at Coachman’s Crossing in Sandton. She visited a book store there, and to her astonishment, The Book Place was bulging with her mislaid books. She opened one, being offered for sale at R79.50, to see the familiar inscription from her former husband: “To Brenda, with all my love, Doug. 14/5/89.”

The owner consulted her records. Yes, a man named Marney van Zyl had brought in a bootload of books in March, and she’d given him R240 for them. If he comes in again, let me know, said Brenda. On her way home the book store owner phoned her: Marney, now calling himself Professor Henry van Wyk, from the University of Johannesburg, had just come in with a stack of new books from Exclusive Books that he’d been given to crit and no longer needed.

That was it. Brenda and son Matthew packed Marney’s things in bin bags, put them in his battered red Palio car and pushed it out of Rivermead’s grounds. And Brenda flew off to her mother in Richard’s Bay to get away from the whole mess.

Over the following months Brenda, a

“Marney” van Zyl and Brenda Margach



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police colonel's daughter from Durban, became something of a sleuth – and made some alarming discoveries. Marney did not own his Sunninghill cluster at 65 Santana, as he'd always claimed. He was a tenant – and hadn't paid the rent for seven months. He had an account with Cash Converters, who had been paying him cash for the spoils from her flat, as well as those gnomes and children's bicycles from the Rivermead grounds. Not forgetting the proceeds of his "charitable" work collecting computer games, golf clubs and DVDs from Brenda and her friends on behalf of the "Society of Advocates".

In fact, everything – everything – was a tissue of lies. Marney had never been an advocate or a stockbroker. There was no offshore trust fund. His younger brother Andre, who ran the family transformer business in Benoni South, told Brenda that Marney had only a diploma in accounting.

On 12 April, four days after Brenda evicted him from her flat, Marney emailed her saying he would be leaving for Cape Town soon and wishing her everything of the best. "I am sorry for the hurt I caused, but I am not going to cut myself up about it," he wrote. "For a long time you were and will be the love of my life and a nice future was in the pipeline. But shit happens. I wish to start my life afresh as a new person with a new set of values.

"I am sure in time you can forgive me, as I will be able to forgive you for throwing my stuff in the street without a proper goodbye. May your God bless and keep you and in future protect you from guys like me. Farewell and Godspeed. Marney/Manie/Herman/Harry/Hermanus... whatever."

(The ending was a reference to his now freely-admitted clutch of aliases. He also had two ID books, a fake in the name of Marney van Zyl, born 1965, and a (true) one in the name of Hermanus Johannes van Zyl, born 1956).

Three days after Marney's farewell email, Brenda received a frantic phone call from him saying he had been arrested and was being taken to Sun City (Johannesburg prison) after an incident at a hotel in Melrose Arch. He would be appearing in Hillbrow Magistrate's Court on 23 April. Brenda attended court and much to her son's horror, brought Marney back to the flat for a bath. She then dropped him off at the Colony Hotel, still under the

impression he was a part-owner there.

Later, piecing together Marney's movements, Brenda discovered he had stayed at the Colony until the end of May that year, leaving without paying his bill. Although he certainly wasn't part-owner, Marney used to do the hotel's monthly accounts. One of his victims was Bill Hargreaves, an 82-year-old who was a permanent resident there. Marney took \$25,000 (some R167,000) off the old man, to buy Sasol shares which, of course, never materialised.

Hargreaves never reported the theft. "I never laid a charge because the poor man was dying of cancer," he told Brenda. He'd kept the voicemail from Marney's Indian oncologist ("Marney's having chemotherapy and he's really not well"). Hargreaves played the voicemail for Brenda, who immediately recognised the oncologist's voice as that of Marney, doing a Peter Sellers-type Indian accent.

Marney had also done the books at the Bedfordview firm of VF Compressor Engineering. His victim there was its boss, Fergal McAdam Snr, who tells *Noseweek* that Marney took him for R2.5m. "He was our auditor and said he was on the markets with a business foundation company," says McAdam. "We'd given him the money to invest." Did he lay a charge? "For what? What are you going to accomplish by that?"

Then there were 17 guesthouse owners, taken collectively for more than R100,000 after Marney did that runner from the Colony hotel. This caper came to light after he booked into the Elizabeth Manor guest house in Sandhurst. "He said he was representing Johann Rupert and the Winemakers' Trust," says owner Teresa van der Merwe. "He was also representing the Brenda Marshall Trust, which was setting up a paediatric scheme in Melrose. He was a retired advocate and had just arrived from Ghana and all his luggage had been stolen. He had fraudulent documentation stating that the trusts – which don't exist – would pay for his accommodation.

"I phoned Johann Rupert, who knew nothing about this man. Marney stayed with me for seven days before realising that we were on to him. He packed his bag and jumped over my gate in the middle of the night, and disappeared."

Teresa van der Merwe sent out an alert on the guesthouse network and

similar tales came flooding in from other establishments. One woman phoned from North Riding and said: "He's here with me now! I've just got your message. I'm petrified and don't know what to do!"

Call the police, said Teresa. But when the police arrived they couldn't hold Marney, who denied all – before making a run for it, leaping over a "massive wall" to escape.

Eventually, Marney was arrested and charged over those unpaid guesthouse bills. However, when he appeared in the Randburg Magistrate's Court in May this year he found a sympathetic magistrate, Lalitha Chetty. Guesthouse owner Teresa van der Merwe was in court. "He wound the woman prosecutor around his little finger – ("I'm this poor oke with nothing and could choose either sleeping on the streets or in warm cosy places by defrauding people").

At one of those court appearances Fergal McAdam Snr, the man Marney

heart. His hair had turned grey, his face deeply lined atop a gaunt frame, this pitiful object, of course, again won the sympathy of the court. All of the three women – prosecutor, public defender and magistrate – holding his fate in their hands just loved him. The public defender suggested a suspended sentence. The prosecutor agreed. But the kindest words came from Magistrate Chetty. Relying on a social worker's report she told the court that Marney had no previous convictions; most of the items stolen from Brenda had been gifts from Marney in the first place – and he had returned them to her.

Marney had "played open cards with the court," declared Magistrate Chetty. Although he and Brenda were no longer together "he has amicably resolved issues" between them and "all is well as far as that is concerned". Finally, Marney had somewhere to go: "He lives with his brother who is taking care of his financial commitments".

Marney went white when he saw his victim and raced to the public defender, saying his mother had just died

had taken for R2.5m, arrived to observe proceedings. Marney went white when he saw his victim and raced to the public defender, saying his mother had just died. The trial was immediately adjourned and Marney fled the court building. In fact his mother died on 12 April 1999.

"Everyone felt sorry for him," says Teresa. "Magistrate Chetty eventually threw all the cases out. She said: 'we're not proceeding with this, because this guy's not going to pay anybody. Claim from insurance'."

Noseweek was there when Marney van Zyl appeared for sentence before Magistrate Chetty on 28 July, having pleaded guilty to stealing items valued at R40,000 from Brenda Margach. After three months on remand in Sun City earlier this year on the guesthouse charges, Marney now bore no resemblance to the "tall, dark and handsome" beau who had won Brenda's

With everything so happily resolved, a suspended sentence was in order: fine of R20,000 or 24 months' imprisonment, suspended for three years.

Marney had excelled even himself. For his tale of all-round resolution was a pack of lies. His brother Andre van Zyl: "He's certainly not living with me and I'm not supporting him. I've cut all ties with him."

Brenda Margach: "Nothing has been amicably resolved between us. Of all the things he stole, only the laptop and camera were gifts from him. And nothing's been returned to me."

Now struggling to rebuild her life and become "a woman of value again", Brenda says: "It's heart-breaking. You trusted someone for five years. They hold your hand, you feel safe, they have your soul. And then they've trampled on it. They've lied, betrayed, stolen. Is conning people, taking money, defrauding people, his job?" ■



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THE AMAZING VOUCHER RIP OFF

How to profit from the poor and vulnerable

MANY moons ago, Jaco (Jakes) den Haan earned a living toiling away for Standard Bank as a director of wealth creation. So promising was he, one presumes, that in 1990 the bank paid for his MBA studies at UCT's Graduate School of Business. But considering what he's been involved in of late, – ripping off unsuspecting members of the public through a fraudulent scheme – it's no surprise that the bank felt it best for him to move on.

After losing his directorship and income at the bank, the MBA graduate briefly worked for his brother-in-law who operated a call centre in Cape Town. But Den Haan soon realised he could create wealth for himself, and launched his very own call centre. It was through this that his Amazing Vouchers idea took root.

The scheme, which targets mainly lower-income earners, offers discount coupons that are supposedly redeemable at outlets across the country, including fast-food joints, beauty parlours, motor vehicle accessories shops and holiday cruise agents. But the “vouchers” don't come cheap: once the agents have telephoned their victims, persuaded them to subscribe and tied them into a contract, debit orders are immediately sent to their banks. Exactly what they are subscribing to, and how they earn benefits, escapes most of the Amazing customers with whom *Noseweek* has had contact.

Initially Den Haan conducted his business – probably with the expertise acquired while creating and hiding wealth for the bank's clients – in the name of the Amazing Vouchers Trust, whose trustees were Jaco den Haan, Garth Ernest Venter, Brian Neville Gamsu and Charles Michael Segall. They conned a lot of people between 2006 and last year, when the trust was apparently abandoned and replaced by a company, Amazing Vouchers (Pty) Ltd, whose registered directors are Den Haan and Venter.

This odd hiccup in operations could be explained by a July 2009 *Government Gazette* notice, signed in November 2008 by the trustees, headed: “Undertaking between the Consumer Affairs Committee and Amazing Vouchers in terms of Section 9 (1) of the Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988”.

In it the trustees acknowledge wrongdoing and undertake to make amends to any of their victims and to refrain from repeating such practices as: not recording telephone calls or storing telephonic sale agreements, not making customers aware of the terms and conditions, not advising customers of cooling-off periods or of their right to withdraw from the agreement, and failing to refund customers on cancellation.

Would Amazing Vouchers, the

company, be similarly bound?

The company operates two almost identical websites, both of which announce to prospective clients: “Once you've signed up as a member you will receive your Amazing Vouchers membership pack with your membership card by mail. Present your



**Jaco den Haan toasts his success
at roasting the poor**

Amazing Vouchers card, together with your printed voucher to the respective partner to redeem your freebie. It really is as simple as that.”

But, as it turned out for hundreds of victims, it's not that simple – and there's nothing amazing about their deals, other than a nasty surprise. Sample the experiences recorded on the consumer website helloworld.com (see box) which in the past year alone have numbered more than 200.

Most aggrieved “customers” are met with a standard response from Angela Marr, who signs off as the company's Client Service Manager: “We are investigating your complaint and shall come back to you”.

Despite an announcement to the call centre callers that all phonecalls are recorded, affected victims are not granted access to the recordings, neither are they given reference numbers for their calls.

When *Noseweek* asked Den Haan to explain how his company has managed to circumvent the financial legislation requiring signed consent from account-holders before any such instructions can be honoured by the banks, he simply told us: “We wish to advise that Amazing Vouchers (Pty) Ltd prides itself in being compliant with all applicable legislative requirements and practices relating to its business”.

This is not true. As the company is not a registered financial or credit provider, it should not be involved in peddling services that tie consumers to any form of credit facility. The Consumer Protection Act also stipulates that consumers must be told clearly what they are buying.

Den Haan declined to provide details of how his company obtained the personal details of their prospective clients. He said “all leads for telephone calls are lawfully obtained”.

How lawful is lawful? Our request for the identities of the beneficiaries of the Amazing Vouchers Trust – and the circumstances under which Den Haan left Standard Bank – were met with the quip: “I am not prepared to respond to your further unrelated queries”.

Noseweek suspects there may be more victims who have not been successful in having their debits by Amazing Vouchers reversed. And since the various authorities have failed to protect them, here are the contact details of the company's managing director, Jako (Jakes) den Haan. Cell: 083 307 2977, email: jakesdh@mweb.co.za and Jakes@amazingvouchers.com.

At least he can notch up some personal experience of fielding calls and emails from victims who have been duped by his sales agents for his benefit. The list of companies whose names have been used to market the scam is also available on *Noseweek's* website. ■

The victims' stories

Katlegoo: “One afternoon, two months ago I got a phone call from a woman called Benita who told me my boss had nominated me to receive some vouchers because I had been working so hard... I deserve a break... I remember thinking to myself, what a nice boss... Benita mentioned spa vouchers to the value of R3,000. Then she asked for my details and everything... then my bank details... I then asked if I was signing a contract and she said 'no', but if I wanted all the vouchers my boss nominated me for, I had to give them my bank details or otherwise I will not receive the vouchers... and that I had to do it there and then. I repeatedly asked if I could first ask my boss, but she insisted I provide the information or lose out... had she not mentioned my boss' name I would have hung up... I thought I could trust them because my boss had finally rewarded me for all my hard work. Once I gave her the bank details she started reading terms and conditions... that was the last I heard from her. They have been deducting money from my account ever since. PS: I never got those vouchers. Instead I was referred to their website.”

Feast: “I cancelled this arrangement after one of their 'National Partners' declined to redeem the vouchers. I was told that they didn't know what I was talking about – that they were not a welfare company. But they are still debiting my account. I have to make a trip to my bank every time to reverse the amounts at my expense. The amounts vary from month to month so it's not easy for the bank to block the order once and for all. I believe I'm not the only person. I have been emailing them since 2007 to stop these illegal debits, then they phoned me again this year seeking to know why my debit is getting reversed every time. Whenever money is paid into my account, they just take it off. The amount was initially R150, then R295 and now R305.”

A Very Pissed-Off Woman: “I took up this Amazing Vouchers offer and cancelled it after a few months. I spoke to a team leader from their call centre who said I would be charged

for the cancellation, and after I refused to pay the R500 cancellation fee, which I was not notified about from the outset, she said I could pay R295 only at the end of May and nothing thereafter. I agreed and now they have debited my account again in June. I worked very hard for my money and I won't let you con artists take my money again. You people are pathetic and have no knowledge of standard business ethics! I want my money and if you ever debit a single cent from my account ever again you will regret it!”

Lolwethu: “An amount of R495 was deducted from my account yesterday, it was R200 first, then R295 the same day. I received a call in May to join Amazing Vouchers and was told it would be R195 per month. I told Benita that she cannot debit my account in May as I have not budgeted for the voucher. Benita said she will confirm with her manager and get back to me. Until this day she has never got back to me. I am now shocked to find that R495 was deducted from my account because it was not a done deal. I never received any vouchers within 24 hours as she promised. I do not even have a membership number like someone who is supposedly a member. And I never even signed a contract. I don't believe that a deal like that can be finalised over the phone with no signatures. I am very angry with Amazing Vouchers for stealing my hard-earned money for nothing. Worst of all is a R295 deduction, which I don't know is for what.”

Mauretev: “I received a call from a telemarket agent regarding the Amazing Vouchers. At first it sounded quite cool, but I then changed my mind and contacted the call centre to have the 'contract' cancelled. When I was not billed for two months thereafter, naturally I thought the contract was cancelled, only to find this morning that my account was debited twice with amounts of R400 for products I do not want and cannot use since I never received any log-in details or passwords. I feel I was cheated. I don't want anything to do with Amazing Vouchers, just refund my money. I have bills to pay and a child to feed!” ■

BETTER THE DEVIL YOU DON'T KNOW

IT MUST be hell to work in insurance, but have you ever wondered which is worse: working for Liberty Life or for Discovery?

Liberty Life! says Pawel Jurkiewicz, who was “employed” by Liberty Life as a “tied agent”. Pawel’s contract said he was “appointed an agent” by various companies in the Liberty group, that he “acknowledges that he is an independent contractor for labour law purposes and that no relationship of employer/employee or master and servant is created” and that “any one of the companies or the financial adviser may terminate the agreement for any reason whatsoever, which termination will be with immediate effect”.

The contract also said that Pawel “shall devote his whole time to the services of the companies and shall not become connected with, or do business directly or indirectly for any other company in the financial services sector”. Hence the term “tied agent” – an independent contractor without any independence, an employee without any employment rights.

Jurkiewicz worked on commission, with a guaranteed minimum income of R10,000 a month. But things went pear-shaped in October last year when he was accused of cutting and pasting a client’s signature from one document on to another.

There was a disciplinary hearing and Jurkiewicz was found not guilty because his secretary, who also worked on a commission basis, had carried out the forgery then perjured herself at the hearing.

Jurkiewicz was dismissed in any event. No great loss, as he had already decided to quit. But the disciplinary process went on for about seven months and all the while he

**Liberty Life
and Discovery
compete for
most hellish
insurer
to work for
award**

**Liberty Life today is a far cry
from the company Donny
Gordon (right) created, say
Grant Turnbull**



was unable to work, earning nothing (not even the R10,000 minimum).

Jurkiewicz was assisted at his disciplinary hearing by a colleague, Grant Turnbull, and the two now work together at a company called Hexon Financial Services.

Turnbull has sent a number of forthright emails to Liberty executives Bruce Hemphill and Steven Braudo, complaining that the case was investigated for five months and 10 days before Jurkiewicz was given two working days to defend himself at a hearing...

"The case was brought maliciously, in my opinion, by a manager who simply did not like this guy, and when they realised they actually had no evidence of any wrongdoing, they found him not guilty and then still passed a sentence on him... the evidence they provided was a person

“We did everything to accommodate his concerns that his earnings might go down and he would have to do overtime”

Discovery

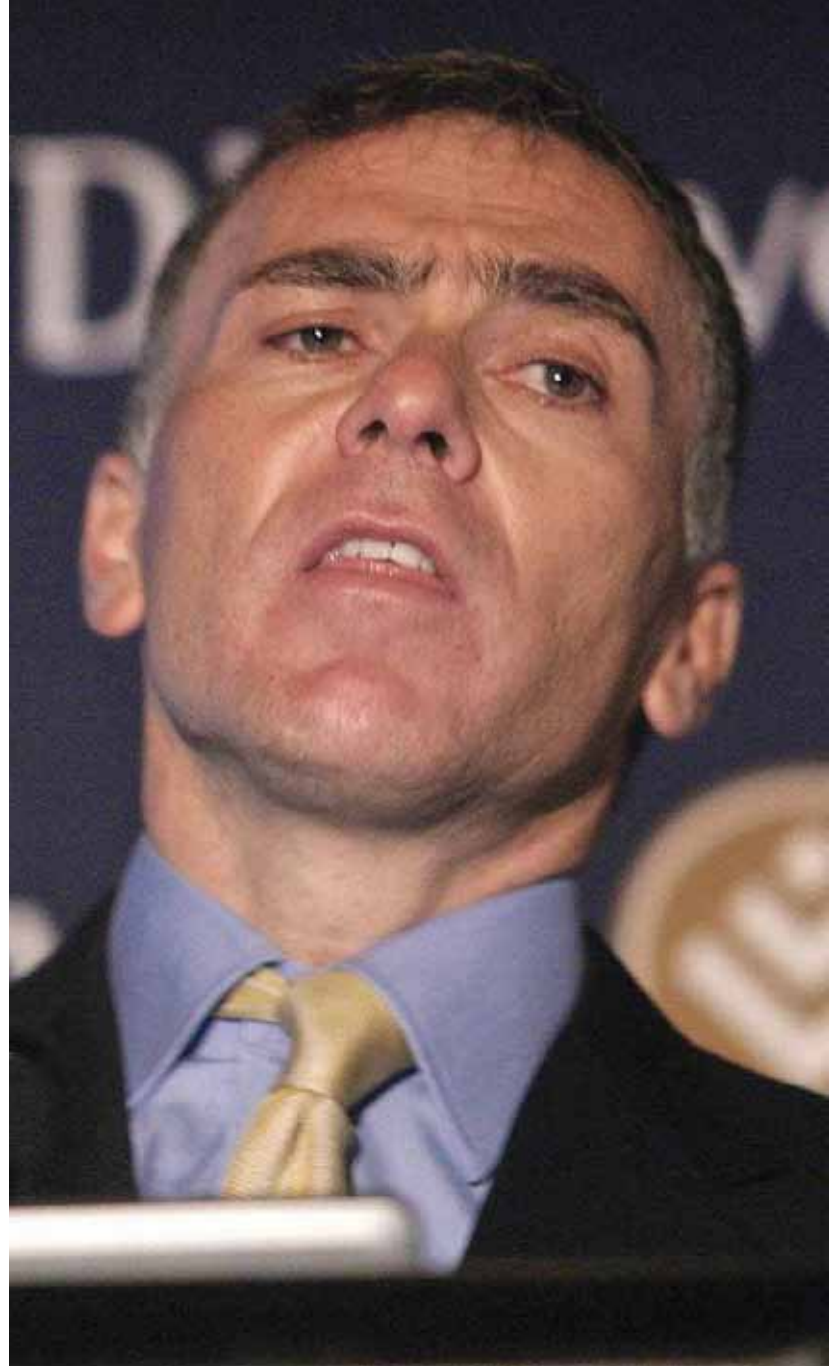
who perjured herself three times – two affidavits and the hearing statement – each time changing her story until she admitted that Jurkiewicz had nothing to do with it. She is still gainfully employed at Liberty... The chairman was clearly taking instructions from outside the hearing – he twice adjourned the meeting to get his instruction from the outside...”

He said Liberty was leaving Jurkiewicz in limbo, unable to earn a living since October, with debts piling up. “That’s human rights abuse – it’s just not fair,” he said.

Turnbull also took issue with “the contract we sign as ‘agents’ of Liberty, whereby both parties can terminate the agreement without reason”. This, he said, the DTI should declare an unfair business practice.

“If you promise a performance-based guaranteed income, he is an employee, and was prevented from performance... This case proves that companies can subject humans to unbelievable hardships without cause...”

Turnbull turned to the bigger picture: “After my 22 years’ involvement with Liberty... I believe I have the right to say that the Liberty Life created by Donald Gordon is very far from what it is today... Standard Bank should in all fairness say ‘What have you done with the company we bought from Donny Gordon?’ ...I have never seen so many agents, whether affected or not, become so disillusioned with their company and even threatening action that will damage the company’s reputation forever... My concern is that the company I have been supporting since 1989 is showing signs of crumbling. I have already seen a company like Discovery



Adrian Gore, CEO of Discovery Holdings

rise from the failures of Liberty management... I am not a Discovery fan but they are showing many companies how it should be done”.

Neither Braudo nor Hemphill deigned to respond to Turnbull, but Trevor Damon, head of Group Forensic Services at Liberty Life, wrote on 25 May this year: “We can confirm that this matter was investigated by Group Forensic Services... a report was issued in early March 2011... the matter was thoroughly investigated and we acted in accordance with relevant laws and procedures and we have accepted the findings of the Chairperson”.

In his letter, Turnbull asked for a copy of the proceedings, but the R9,000 price tag Liberty put on it killed off Jurkiewicz and Turnbull’s interest in examining the transcript.

Noseweek also asked Liberty for a copy of the report – a request that was ignored – and invited them to comment on the matter. In response, this drivel came from Tim Morgan,

managing director of Liberty sales and distribution:

“The provision of financial advice and services to clients requires the highest levels of trust and integrity... Any action which brings into question the integrity of a financial adviser or his/her practices cannot be held to be acceptable. With regards to Mr Jurkiewicz... regulatory processes were not followed by him, and his integrity was further brought into question by an admission of lying to his manager, which is on its own sufficient cause for the termination of his financial adviser agreement (although no cause for termination of the financial adviser agreement was in fact necessary, since either party was able to terminate the agreement for any reason). Furthermore, integrity was further brought into question with Mr Turnbull’s statement that, if we insisted on maintaining our stance on the matter, Mr Jurkiewicz would churn the business to other product providers, who were willing to provide a contract to Mr Jurkiewicz. This too

their constitutional rights to do business with whomever provides the best deal.”

DOES all this mean Discovery’s the place to be? No! says Denzil Jacobs, who was driven to lodging a complaint with the CCMA over Discovery’s “unilateral changes to conditions of employment”.

Discovery employed Jacobs in 2007 as a helpdesk consultant in the IT department (the so-called 529 department) on a fixed salary. However in March last year, the 529 staff were told they would become “Service Desk Administrators” in the Health Systems Division, which required their signing a performance-based contract. This entailed a drop in salary (from R10,000 a month to R9,500) and compulsory overtime.

The change was announced in masterful corporate-speak: “Goals and targets are cascaded from the Discovery Holdings level to the

that were racist and amounted to a threat of violence. On top of that he was charged with inciting unhappiness amongst employees. (The notice was drawn up by one Kirsty Davidson of Discovery’s HR department.) At the hearing on 10 June, Jacobs was summarily dismissed for misconduct.

Where did this all come from? Well, Discovery has an internal messaging (IM) system that employees use. Jacobs says that, because the company does not control the IM system (and has never shown the slightest interest in what is said through it), employees swear like troopers, feel free to say what they want, and even criticise management.

Says Jacobs in papers before the Labour Court: “A precedent had been set that the IM system could be used freely and without restraint for the past three years”.

However, on 20 May, just one day after Jacobs lodged his CCMA complaint and a day before he was suspended, Discovery generated an IM

Jacobs claims Discovery put pressure on its employees not to give evidence on his behalf

is a statement made contrary to best advice principles. We are satisfied that the appropriate process was followed in the termination of the financial adviser agreement between Mr. Jurkiewicz and Liberty, and we believe the outcome to be fair.”

The lie referred to by Morgan was that Jurkiewicz had told his manager he had seen a client, when in fact he was only seeing him that evening. Turnbull scoffs: “If we could fire someone for a lie of that nature, there would be nobody in our offices.”

As for the churning: “This is perfectly legal, provided it is in the best interest of the client. A client has the right to deal with whoever he or she pleases and that means the broker as well as the insurance company. The problem is, the insurance companies think they own the client and should be free to exploit them... They try everything in their power to stop clients exercising

Division and then further into team and individual goals. This approach ensures that individual measures are aligned with divisional goals since overall performance determines the payout. Divisional measures are reviewed and calibrated by Exco... Should you achieve in excess of your target, the percentage will be increased accordingly. Likewise, should you fall short of your targets, the percentage will be decreased accordingly”.

Jacobs claims there was widespread unhappiness with the new arrangement and on 19 May last year he went to the CCMA.

Discovery moved fast. On 21 May Jacobs was suspended on full pay. Five days later the company served notice on him to attend a disciplinary hearing. The charges were serious: gross misconduct by reason of the fact he had made disparaging remarks about management, as well as remarks

report on him. This, claims Denzil, was unprecedented. The report contained 1,400 messages sent or received over a two-month period, and many of them went to or came from Jacobs’s best friend at Discovery, Ridhwaan Kahn. The decision to look at his internal communications, claims Jacobs in the Labour Court papers, was “in direct response to the applicant’s referral of the dispute to the CCMA and to facilitate the applicant’s dismissal”.

What sort of messages were there? Well, this one (about none other than HR’s Kirsty Davidson who formulated the disciplinary notice – someone who, Jacobs claims, wasn’t exactly unbiased) is rather typical.

Denzil Jacobs: *I wish I had some rat poison.*

Ridhwaan Kahn: *lol 4u?*

Denzil Jacobs: *4 biggest rat in this place. Red hair, beeg mouth, irritating voice.*

It was messages like this that led Discovery to conclude that Jacobs was a ringleader, a racist and a dangerous psychopath, and that led to his suspension and dismissal.

Jacobs sees this as unfair: "Discovery picked on me when other employees were equally critical and equally robust. Why, for example, was my mate Ridhwaan not charged for messages like, "Aweh my nigga whats good" or, "By next week you won't c me here I'm telling you the truth or else I'm gonna apply for a suicide bomber"?"

It's all nonsense, says Discovery. The transfer to the new department – which was created to improve service delivery – was voluntary, and Jacobs was entitled to stay in the 529 department.

"We did, in fact, do everything we could to accommodate his concerns, mainly related to the fact that his earnings might go down and that he would have to do overtime.

"Jacobs was the only malcontent – the only other person who refused to move, Simpiwe Mkamba, took a position in a different department.

"As for IM, it was a business tool, it wasn't simply for private use – we do monitor it from time to time,

something the rules make quite clear: 'Personal privacy is not guaranteed...' Discovery maintains the right to view and process all information passing through its systems... all systems are monitored for inappropriate use.

The system has been monitored in the past "to uncover, for example, drug use amongst the employees".

As for Ridhwaan Kahn, he was in fact charged and suspended, and he resigned before his disciplinary hearing came up.

On the advice of his lawyer, Jacobs did not attend the CCMA hearing (the unilateral changes to working conditions claim). He was told it was pointless as he was by then no longer an employee.

As for the dismissal, Jacobs has taken this to the Labour Court where he's claiming his dismissal was substantively and procedurally unfair (one of the claims he makes is that Discovery put pressure on its employees not to give evidence on Jacobs's behalf).

According to Jacobs, most of the people who were employed in the 529 Department have left since the changes were brought in, including the department's former manager. ■



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SPY vs SPY

**“ I could not, in
good conscience,
let the facts
go untold”
– whistleblower**

SENSATIONAL allegations of dirty tricks routinely conducted by Specialised Services Group (SSG), the controversial Gauteng private investigators headed by Warren Goldblatt, have been made by the spooks’ former logistics manager, Debra Smart.

SSG’s favourite client, Investec, features again in the latest revelations.

The claims are being studied by a senior prosecutor in the National Prosecuting Authority’s Specialised Commercial Crimes Unit. And now that Scotland Yard in Britain has launched a top-level probe into the corruption and phone-tapping that killed off the *News of the World*, it appears that Willie Hofmeyr’s SCCU is finally about to take seriously the not-dissimilar antics of SSG here at home.

Debra Smart, 40, joined SSG in August 2006 and worked directly under group managing director Geoff Schapiro. As such, she had detailed knowledge of SSG’s investigation into Andrew Botha and Jonathan Killik, the young Turks who headed the failed construction group MKB. The investigation was conducted on behalf of MKB’s principal funder, Investec, who had pulled the plug and driven

MKB into what many consider unfair and unjust provisional liquidation in December 2008 (see *nose112*).

Smart first met Botha and Killik around June this year, at the chambers of advocate Dawie Joubert. And she told a chilling story: that SSG had corrupt police officers – whom she named – on their payroll, who she would pay in cash on a weekly or fortnightly basis; “dirty” police officers would tip them off when a raid was pending, when it would be her task to remove illegally-obtained documents from the building; that she, personally, held in safekeeping genuine police identification which she would issue to SSG investigators when they posed as police officers to elicit statements from witnesses; these would often be “Section 204” indemnity-from-prosecution statements which would later be inserted into official police files. Some genuine police officers, said Smart, even wore the SSG branded neckties.

Advocate Joubert speedily set up a meeting with representatives of the NPA and Debra Smart repeated her allegations to Advocate Hans Wolfaardt, a senior prosecutor in the NPA’s SCCU. She admitted forging Killik’s signature and was warned



Whistleblower Debra Smart as she appears on her Facebook page

that she might be charged, although she would probably get a suspended sentence if she co-operated fully.

On 13 July Smart attended another meeting, this time with Killik in the chambers of his advocate, Johnny Kaplan. Smart brought along an affidavit she had drafted, and this was formally signed and witnessed before a Commissioner of Oaths. The affidavit contained some more shocks for MKB's Killik and Botha.

The document begins by outlining the illegal copying of the duo's hard drives. In late 2008, declares Smart, after the manager of MKB Tactical, Dave Albert, fell out with Botha and Killik, Albert approached SSG's Mitch Graff and told him he could get hold of 120 licensed firearms and lucrative armed response contracts held by MKB Tactical.

Early the following year, as the battle between Investec and MKB continued to rage, the bank retained SSG to investigate MKB. And one day Albert arrived at SSG's offices with copies of the hard drives of Botha's and Killik's laptops, which he had secured, claims Smart, with the help of MKB's former IT manager Bobby Yates.

Albert, readers will recall, is the shadowy figure who befriended Callie Lane and gave her comfort following the mysterious shooting of her husband, sports marketing guru John Lane last October (*nose137*).

SSG was delighted to receive this hard drive material from 54-year-old Albert, who was taken on board and became head of SSG Africa Risk Management. Bobby Yates was taken on in SSG's forensics department. Both have since left the spooks' employ and as *Noseweek* went to press, were pondering whether to make an affidavit over the hard drives business

and other goings-on at SSG.

The hard drives gave the investigators access to all the MKB bosses' emails, confidential documents and financial records, all of which was used as ammunition against Botha and Killik to withering effect at their 407 inquiry into MKB's collapse and family trust structures later in 2009. "Our entire cross-examination was based on evidence which they stole," says Botha now.

A leading light at SSG is Gert Olivier, who ruled the roost with Warren Goldblatt in the (even badder) old days when they were known as AIN.

In her affidavit, Debra Smart says: "During the course of the investigation SSG, through their contacts and with the assistance of Tessa ("Tersia") Booyens, Gert Olivier's personal assistant, obtained the personal bank statements of Killik and Botha, including those of their wives, brothers and fathers and whoever was in close contact with them.

"SSG obtained the telephone records and itemised billing of Killik and Botha's cell phones, bank transactions and emails, and fed them into the Memex system, which is software for linking people who are being investigated with any other party they contact via SMS or cellular calls. This Memex map and spidergram of banking transactions and telephone calls was handed to Investec as part of this investigation."

Debra Smart recounts how SSG investigators Martin du Toit and Jerome Davis were assigned a room on the third floor of Investec's offices in Sandton. There they scanned and copied all MKB's confidential banking documents held by the bank.

"I was asked by Pauli Simpson (SSG's MD of forensics investigations) to go to Investec daily, or when SSG required me there, to ensure that all was running smoothly," says Smart. "I was told to get an Investec access card at the HR department so that I could come and go without requiring to be signed in each time."

The MKB documents had to be scanned, she says, because Investec initially drew the line at their being physically removed from the premises. Four temporary staff were hired from a recruitment agency to help with the task.

Despite this stricture, Smart says that after three weeks of working at

Investec's offices, she and Martin du Toit received an urgent instruction from Pauli Simpson to remove all MKB's documents to SSG's offices in Kelvin. "There were 101 boxes from Investec and a further six boxes from Barry Farber [Investec's and the joint liquidators' attorney] of Farber Sabelo Edelstein."

Smart states that in February 2009 SSG paid Dave Albert's legal fees in a shares dispute he had with MKB Tactical. Albert lost his claim. "This made the directors of SSG very unhappy. The investigation then became quite personal for the directors."

A couple of days after MKB's documentation arrived at SSG's offices, Smart states that forensics chief Pauli Simpson called her in, showed her a signature, and asked her "to practise and see if I could copy it. Two days after that he gave me a document which had typing on it and told me to sign the signature I had practised signing before."

She now refers to her meeting in July with Jonathan Killik and advocate Johnny Kaplan. "At that meeting I was asked if I knew anything about any signatures being forged on any documents relating to MKB. I then remembered the signature that Pauli asked me to copy. They asked me whose signature it was and I advised that I did not know. Killik then signed his signature in front of me on a piece of paper. I immediately recognised Killik's signature as the signature Pauli asked me to practise and which he later told me to sign on the typed document."

(MKB's Andrew Botha has claimed that his signature was forged on six deeds of surety which formed the basis of Investec's R103-million debt claim against him at the beginning of 2009. Forgery expert Hannes Hattingh, who compared the signatures on the six documents to Botha's, stated in a court report: "The signatures of A Botha on the disputed documents are forgeries". Botha has now filed a recession application in the South Gauteng High Court to have the debt judgment against him revoked).

Debra Smart, who no longer works at SSG, made her affidavit in terms of the Whistleblowers Act because "I could not in good conscience let these facts go untold". ■

See "Investec protection racket", page 30

INVESTEC'S PROTECTION RACKET

WAS LUXURY property construction group MKB driven into liquidation by Investec in order to protect the bank's favourite – if massively-indebted – client Zunaid Moti? Yes, say Andrew Botha and Jonathan Killik, the youthful pair who founded MKB in 2002.

“Investec conspired with Moti (pictured below) to take MKB out of the picture as we were in a position to make things uncomfortable for Moti on deals he had defaulted on,” says Botha. *(If Moti was declared bankrupt, Investec faced the risk of having to make massive write-offs on the billion-plus he owes them – a black hole the bank would rather keep covered up. – Ed.)*

Botha, now 35, says that by the end of 2008 MKB had an R85 million claim against Moti, who was in default on property sales agreements after Investec cut back on further funding for the colourful entrepreneur. (The following August, *nose118* revealed that Moti, fast-living chairman of the family-run Abalengani Group, was in hock to the bank for R1.4 billion and in arrears with his R8.7m monthly repayments to the tune of R81m).

MKB was not in default to Investec. But to create a cash flow crisis for MKB, the bank began to withhold agreed progress loans to MKB for properties under construction (*nose112*). And on 19 December 2008, while Botha was on holiday in Mauritius and Killik was in hospital after a boating accident, they put MKB into provisional liquidation.

One of the supposedly independent joint liquidators appointed was Westrust, until recently 100% owned by Investec! (Westrust has since been removed by court order.)

Explaining Investec's motive, Botha says:

“Investec was forced to choose who they would support: our debt of R132m at cap or Moti's debt of R1.4bn. Which one is easier to write down in the books?”

Botha and Killik's association with Zunaid Moti started in 2006. “Killik and I were always marketing and selling ourselves,” says Botha. “We told Moti we had some offplan developments in Sandton, would he have a look at them? Moti agreed and the relationship was under way.

“I'd go to his office,” says Botha. “He'd take a paper napkin and do a term sheet on it: ‘You do this, I give you that, I'll swap this, you pay that, I'll give you a credit there’. Then he'd give the napkin to his attorney and the attorney would put everything together and we'd have a new re-arrangement agreement.

“We would do a combined R80m transaction swapping properties, buying, selling, up/down, cash flow this, cheques that. And in two hours we'd have the agreement.”

But getting cash out of Moti, who comes from a family of great wealth, was never easy. Botha: “We would say: ‘In terms of the agreement you owe us R8m cash deposits. Where's the money?’ Then he'd deliver a Ferrari to the office and say ‘That's R3m for the Ferrari, now I only owe you R5m.’

We didn't want a Ferrari; we wanted money to pay our staff. He would then say ‘fuck off, I'm not paying you’.

“He insisted that we buy three stands at his (failed) golf club development, Nondela, in the Drakensberg.

We were forced to, failing which he threatened to cancel all the agreements.”

In a restructuring deal, Moti's sprawling property empire – and his massive

debt – have since been transferred into an Investec company, TP Hendrick. But the battle between Investec and MKB continues to this day with Botha and Killik's pending application to court for a fresh 417 inquiry to probe the connections between Investec, Zunaid Moti and private spooks' firm SSG.

At the beginning of this year consulting architect Richard Koseff, 62-year-old elder brother of Investec's CEO Stephen Koseff, was retained by the bank to report on four MKB property developments. Architect Koseff's summary says many of the problems he encountered were due to “absolute negligence and pure misguidedness” on the part of MKB and its town planner Rick Raven. Koseff's conclusion: MKB Construction, as well as town planner Rick Raven had acted “totally negligently and in a fraudulent manner with regard to all the claims that they have made.”

Rick Raven, of Raven Town Planners, is one of South Africa's most respected town planners. This July, his 11-page response concludes: “Mr Koseff can only be described as totally untrustworthy and a disgusting liar when he accused our firm and in particular myself of having acted in any manner other than with the greatest level of integrity.

“Each and every accusation levelled against our firm is totally false and we have the necessary documentation to prove that Mr Koseff never even attempted to establish the true facts in respect of each of the four properties allegedly investigated by himself.”

Noting that neither Koseff nor Investec has lodged a complaint against his firm with the South African Association of Consulting Professional Planners, Rick Raven says: “We can only speculate as to the reasons why neither Mr Koseff nor Investec Bank wants to be subjected to a fair hearing where their allegations can be put to proper scrutiny”. ■



COLOURTONE

FULL PAGE

AD

OUT ON



ALIMB

THE LATEST revelations of dirty tricks at the *News of the World* have brought it all flooding back: Fleet Street as it was, newsrooms clouded in cigarette smoke, pounding typewriters, thundering presses shaking the whole building – and Stuart Kuttner.

Kuttner was managing editor of the now mercifully-defunct *News of the Screws* for more than 20 years, until his abrupt removal in 2009 after a former private detective accepted cash payments from the paper's royal editor for stories harvested by hacking into Prince Harry and Prince William's voicemails.

At the *Screws*, Kuttner was the money man, a coldly-calculating master plotter and manipulator of all that was squalid, unfair and dishonourable. Our paths crossed, and clashed, at the now-also-defunct (London) *Evening News*, shortly before he took his murky talents to the *News of the World*. At the *News* Kuttner held a senior executive role and ran the paper's investigations. It was 1978 and I was knocking out diary stories for the *News's* diary editor, Richard Compton-Miller.

One day Compton-Miller passed me a slip of paper from an anonymous source promising tales of scandal and sex in London's multi-million-pound casino industry. I was instructed to meet the source and pen a few paras, without naming anyone.

I had stumbled on the story of a lifetime – massive corruption within

Ladbroke's casino division, whose executives had been busy plotting to lure high rollers such as Sheikh Yamani (Saudi Arabia's oil minister), rich playboy Gunter Sachs and publisher Robert Maxwell into their own casinos. The illegal scheme involved logging the car numbers of hundreds of punters as they arrived at rival casinos and identifying them by paying a corrupt police officer to run the car numbers through the supposedly ultra-secure police national computer.

I begged to be allowed to drop my diary jottings and work full-time on the story. I was wheeled into the office of Stuart Kuttner, who grudgingly agreed to let me check it out at my humble rate of £27-a-day. A greasy yob who wore handmade Lobb shoes, Kuttner's main aim in life was to expose MPs in their liaisons with rent boys and call girls.

His Pandora's box of bugging devices was legendary. As was his habit of parading in drag as a prostitute on the streets of Mayfair's Shepherd Market, supposedly on undercover missions to spot unwary pillars of society at play. A staff photographer covering a story about prostitution thought he'd found a beauty lurking in a doorway and snapped off a few frames. "It's me you fool!" hissed an enraged Kuttner.

Anyway, my investigation into Ladbroke's Operation Unit Six, as this enterprise came to be known, was speedily completed. Kuttner had his rottweiler – a tough woman-journalist who confided that she just loved these confrontations – accompany me to meet the head of Ladbroke's casino division, Alex Alexander. That worthy gushed:

"I have nothing against this charming young lady but if you (a gimlet eye on me) step out of line with this article, I promise you I'll come down on you like a ton of bricks".

Alexander, who said that he knew Stuart Kuttner, also informed us that his "very good friend" was Vere Harmsworth (Lord Rothermere), chairman of Associated Newspapers, which included the *Evening News*.

A taxi sped us back to the *News*, where I typed Alexander's comment on to my already-completed article and, anticipating that Ladbroke's would go for an injunction, urged Kuttner to publish three days later, on the following Monday. This, he was strangely reluctant to do. "There's no hurry," he pronounced.

Sure enough, on the Tuesday an injunction arrived, and whether orders had come down from Alexander's friend Vere Harmsworth; whether Ladbroke had threatened to withdraw their



Stuart Kuttner, left, former managing editor of *News of the World*

The Great Telephone Hacking scandal rocking the Murdoch media empire jogged vivid memories for Noseweek's **Jack Lundin** (above) in his Fleet Street days

Just desserts

BRITISH detectives investigating allegations of phone hacking and of bribing police officers to leak sensitive information, arrested Stuart Kuttner, former managing editor at the *News of the World*, on August 2 on suspicion of conspiring to intercept communications, contrary to the Criminal Law Act 1977, and on suspicion of corruption, contrary to the Prevention of Corruption Act 1906.

Kuttner, now 71, was the public face of the now-defunct scandal sheet for 22 years until his sudden resignation in 2009, a day before it emerged that the paper's parent, News International, had paid more than £1 million in settlements to phone hacking victims.

For more than 30 years Stuart Kuttner's reluctance to publish a sensational scoop revealing corruption in the London casinos of the Ladbroke group has left a bitter taste in the mouth of investigative journalist Jack Lundin. Here Lundin, for nine years *Noseweek's* Gauteng bureau chief, finally gets it off his chest.

substantial advertising; or whether more sinister manoeuvres had stifled the story, the *News* – with Kuttner handling things – showed no sign of putting up a fight. He later told me counsel had advised against publication, or against contesting the injunction, for lack of evidence. Which was nonsense and led me to wonder: had Kuttner even shown counsel the enormous stack of documents, tapes and notes I had given him – and which he subsequently refused to return.

“Some stories are worth going out on a limb for, but this is not one of them,” he told me. Associated Newspapers put up no resistance at a high court hearing, when a “consent” injunction was granted to run for five months.

Three months later, on 21 July 1978, my suspicions were proved correct when a partner in the *News's* solicitors swore an affidavit stating that at the time Associated Newspapers consented to Ladbroke's injunction, neither he nor counsel had seen several of the documents I had given to Kuttner before his final meeting

with barrister Richard Rampton.

The following month, fuming away in my Highgate flat – always a dangerous state for a thwarted journalist to be in – a madness seized me: I flew to my study and wrote a detailed exposé of Operation Unit Six – and delivered it to the offices of *Private Eye*, Britain's irreverent investigative magazine. Kuttner held most of the damning evidence, but I had kept a copy of my original story and wrote the new one from that.

The *Eye* loved it. So did Scotland Yard's Club Squad and the Gaming Board for Great Britain, both of whom launched immediate investigations, as did the Nottinghamshire Constabulary – my story stated that the corrupt policeman who had leaked crucial

story and tracked down the sergeant responsible. The wretch was duly arrested, charged with corruption and tried at Nottingham Crown Court.

My reward for all this was to end up on trial for my freedom in the High Court, London. The Attorney General, Sir Michael Havers, (represented by Desmond Fennell) was seeking my committal to prison for contempt, after I refused in the Nottingham Crown Court to reveal the identity of my original anonymous source for the story, to whom I had promised confidentiality.

After a lengthy trial, where the only comfort was a supply of chocolates from the motherly woman who was the court's usher, I was found not guilty.

The judgment was hailed at home and abroad as a triumphant precedent

My reward for all this was to end up on trial for my freedom

information from the police national computer hailed from there, although I then had no idea of the officer's identity. After that, I wrote a number of detailed follow-ups for the *Eye*, with fresh revelations about the scam.

Through their expensive solicitors, Ladbroke suggested we come to “an accommodation” – they wouldn't sue if we stopped our jottings. They were referred to the famous case of *Arkell v Pressdram* (ie, fuck off).

Kuttner, of course, was incandescent with fury. And his blood pressure must have soared when, largely on the strength of my Ladbroke stories in the *Eye*, I was offered a staff job at *The Observer*, the UK's oldest Sunday newspaper.

Scotland Yard and the Gaming Board, with a bit of direction from yours truly, pulled the evidence together and the courts eventually closed down Ladbroke's four flagship casinos in London. The six provincial ones in turn folded and Ladbroke lost its casino turnover of some £200 million a year – and half the entire group's pre-tax profits. Ladbroke was listed on the London Stock Exchange, and the scandal forced its legendary founder chairman, Cyril Stein, to resign.

Fed up by the inept search by the Nottinghamshire Constabulary for the police leak, I returned briefly to the

for investigative journalism: a journalist is not automatically guilty of contempt of court for refusing to reveal a source when ordered by a judge to do so. The demand must not only be relevant; it must be necessary.

In my case the judge, Tasker Watkins VC, found that the Crown Court judge's question was relevant, but not necessary. Not guilty, full costs awarded, Attorney General refused leave to appeal. The media went bananas – there was even a paragraph in the *New York Times*.

Anyway, that's the story of my run-in with sleazy, slimy Stuart Kuttner. Will the skelm now pay for his role in subsequent years of dirty tricks at the *News of the World*? I doubt it. He'll worm his way out of it, as his type always do, and leave someone else to carry the can.

■ *Jack Lundin is Noseweek's bureau chief in Gauteng. A fuller description of his exposé of Ladbroke's Operation Unit Six, and how the repercussions threatened the fortunes of Hugh Hefner's Playboy empire in the US, may be found in Bunny, the Real Story of Playboy, by Russell Miller (Michael Joseph, 1984). Judge Tasker Watkins's 27-page judgment in Lundin's contempt trial, essential reading for lawyers, judges, editors and journalism students, may be found on Noseweek's website, noseweek.co.za* ■

Let the heavy breathing begin

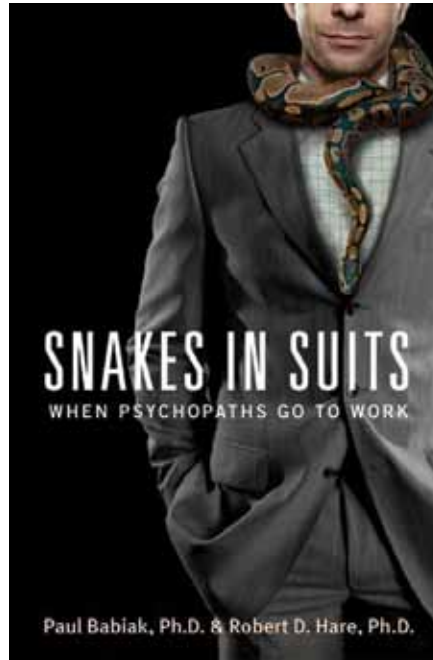
WE SPEAK of power, sexuality, derring-do – and leadership. Mostly clout, actually, but opportunistic mention of raging hormones is more or less obligatory, if there is to be any hope of attracting readers in this era of the short attention span.

Let the modified heavy breathing begin: in a desperate attempt to catch up with a range of time-tied review books (they mostly involve running stories which could well be superseded by latter-day developments) it seemed a good idea to focus on the works of, and/or about, influential individuals figuring in the headlines.

The Steve Jobs Way (Vanguard Press) by Jay Elliot with William L. Simon will, according to knowledgeable techies, be a winner for the hordes of acolytes who worship this original thinker. Co-author Jay Elliot is a former senior vice-president of Apple and worked closely with his hero Jobs, “the man who transformed the way we think, connect, consume and communicate”. The style is reverential, but clubby and approachable. There have been many books about the guru, but *Jobs Way* is considered a rare insider’s view of the individual.

It will take time to assess the long-term significance of WikiLeaks man Julian Assange’s revelations (Oh, and of course there are also the sexual assault legal questions to be resolved: see sexual teaser above). Two recent publications, **WikiLeaks: Inside Julian Assange’s War on Secrecy** by David Leigh and Luke Harding (Guardian Books), and **Inside WikiLeaks** by Daniel Domscheit-Berg with Tina Klopp (Random House Struik), provide contrasting views of their enigmatic subject. Domscheit-Berg does not adore his former boss.

Sample criticism: “...Julian alone wanted to decide which media outlets we cooperated with. By all indications, he also later tried to cut out publications when he didn’t like what they reported. It was an indirect attempt to force journalists to write positive things about WikiLeaks. The conflicts



with journalists have left behind a lot of scorched earth. It shows clearly that this sort of approach doesn’t work.” He contends that the “brilliant” idea of using a state-of-the-art tool to make matters of urgent public concern transparent “went wrong”.

Why? “Our society needs individuals who are able to distinguish good information from bad and to make good decisions based on that knowledge, instead of relinquishing all personal responsibility to messiahs, leaders and alpha wolves.” Let Little Red Riding Hoods take heed.

The Leigh/Harding book is a disciplined, well-researched record of the WikiLeaks phenomenon by two *Guardian* journalists. They quote with approval a pen portrait of Assange by Slate’s media columnist Jack Shafer: “Assange bedevils the journalists who work with him because he refuses to conform to any of the roles they expect him to play.”

Shafer says Mr WikiLeaks behaves like a PR agent, manipulating news organisations to maximise publicity for his “clients”. Or, he “threatens to throw info-bombs like an *agent*

provocateur. He’s a wily shape-shifter who won’t sit still, an unpredictable negotiator who is forever changing the terms of the deal”.

They do not mention alpha wolves but, courageous journos though they be, may well be terrified of invoking the dark forces.

Speaking of dark forces, the cover of **Snakes in Suits**, by Paul Babiak PhD and Robert D Hare PhD (HarperCollins) promises much wickedness. It depicts a businessman with a serpent draped around his neck. The provocative sub-title is “When psychopaths go to work”. Alas, while we will all recognise the manipulators whose machinations are recorded herein, the work turns out to be a series of academic case studies.

Readers who yearn for voyeuristic insights into the motivations of ambitious crooks will be disappointed. Psychopaths are psychopaths, and repetitive tales of individuals without consciences are tedious for the lay reader.

Len Ashton



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Umjindi's dumbest



THAMSAQA Khoza, an officer with the Mpumalanga provincial traffic department, who was arrested on Friday 24 June, truly deserves the honour of Umjindi's dumbest criminal, at least for the month of June.

The story goes like this. Mr Stupid pulled over a taxi driver by the name of Justice Ginindza on General Street in Barberton for a routine vehicle check. Within no time Smart found a fault then demanded a bribe of R700 from Ginindza – nothing unusual there of course. The practice is known to be common among our road guardians.

OK, so poor Ginindza complies with the "requested donation" to the Khoza foundation for better road usage. Unfortunately "poor" Ginindza can only cough up R500 and tells the not-so-smart one that's all he's got. Albert Khoza Einstein then rips off the licence disk and tells poor Ginindza that he will get it back when he comes back with the balance of R200.

In desperate need of R200, Ginindza goes to borrow the money from Barberton police savings and loan, better known as trap and bust. Upon hearing his story, they felt sorry for him and agreed to assist. Ginindza was given marked bills and sent back to pay "nuclear scientist" Khoza the outstanding R200. And of course the genius took the money which, well, got him busted.

The dumb one was charged with bribery and appeared at the Barberton Magistrate's Court where he was granted bail of R5,000, which this journo believes he had no problem raising. A road guard of such intelligence would not be short of cash. He appeared again on July 29 – which is when our provincial government finally did the right thing and suspended the idiot, who collected a fine of R5,000. It would seem that in the province of corruption maybe some things are done correctly.

Far from amusing is the tale of the mother of a young boy, now aged seven, who says she has been devastated by what was done to her son by an incompetent surgeon at Barberton General Hospital.

According to the mother – who asked not to be named, to protect the privacy of her son – she took him to the hospital for circumcision on the 7 July 2008 when he was four. The doctor who performed the procedure was Dr Eva Mere who, we have reason to believe, was doing her internship at the hospital, supposedly under the supervision of a more experienced medical practitioner.

The mother says that after the operation

the doctor just sent them home and told her to bring him back for a check-up in a few weeks, which she did on 18 July, when it emerged that the procedure had gone horribly wrong: the doctor had accidentally cut off the boy's penis.

"I was shocked and confused and didn't know where to go to ask for help to sue the hospital for the damage done to my son.

"I am extremely angry that, to this day, the doctor never said a word and just pretended nothing was wrong," said the young mother.

Documents in the possession of the *Umjindi Guardian* confirm a diagnosis on 3 November 2008 which indicated "amputated penis".

The mother says she went to the Department of Social Development to report the incident on 8 October 2008. They wrote to the hospital manager, Thembeni Mokeona, stating that "according to the client, the child was not well treated as his penis was cut off. Apparently the client wants to take legal action against the hospital".

The mother says that the hospital, after receiving the letter from social development, called her in and offered to send the boy to Pretoria for treatment to "cover-up" what the doctor had done. Hospital manager Mokeona was on leave and could not be reached for comment before going to press.

However, documents show that the boy was sent to Pretoria Academic Hospital where, says his mother, nothing was achieved, since her son came back suffering from the same conditions: difficulty in urinating, a discharge – and still with no penis. Functional disabilities that, in all likelihood, can never be reversed. One could feel his mother's pain as she shed tears and wailed "*umtwanami Nkosi yami*" (my child, oh my Lord).

The mother has tried to get answers from the hospital over the years, to no avail. What makes matters worse, she says, is that the Department of Social Development did not follow up on the matter. And when *Noseweek* asked the department's social worker, Ms Nkuna, why she had not done so, she conceded she'd made a mistake by not following up on the letter she wrote to the hospital, but explained: "there are a lot of cases that we deal with day by day".

The Mpumalanga Department of Health has threatened to sue over this story, demanding to know why I'm now raking up "such an old story".

Meanwhile Dr Eva Mere, who is hopefully now a more experienced doctor, has moved on to practise elsewhere. ■



**Bheki Mashile's
Country Life**



Harold Strachan

Necessary Ness

MY SISTER Lil had a fine old Natal Midlands Colonial Style Gothic house back of the Town Hill Hospital, Maritzburg, of apricot-pink bricks and steeply-pitched gables, very elegant, not so much posh as genteel. Even the verandah furniture was genteel. Nurses would come trooping past her front gate on their way to and from the taxis, chatty, noisy, Zulu people are a noisy lot, eager too for chat with people who live in Gothic houses, but hampered by this gentility. Mere nurses didn't have the right sort of English, see, and they had the wrong sort of accent. Also they were of the wrong class, of course. I mean if you asked one of them what her job was she would say she was a ness.

Lil, now, her job was teaching students about Shakespeare and stuff at the Teachers' Training College. This "ness" business irritated her no end, but she did the right democratic thing and set up a little class for nurses going to and fro, to brush up their use of the lingo a bit.

Say Ö, she would enunciate to a little group of enthusiasts, and all in chorus would say Ö. Fine, fine, she would declare, now say Nörse. Ness, they would reply, in chorus.

Nörse, nörse, nörse! Lil would cry. Ness, ness, ness! cried the chorus.

This Ö, of course, is the flattened Ö pushed to the front of the mouth, as in Hermann Göring.

What the hell does it matter, cried I, so long you know what they mean? Well, said she, everybody else says Nörse, and why be different? You mean everybody else like Queenie Windsor? said I. You're just being facetious, said she, and that's no way to argue.

She knits her brow something horrid and tells my pal Dougie about her frustration, and Dougie being a v. canny fellow from the wrong class of Glasgow, falls into quiet reverie, as is his habit, and I know he's doing some heavy thinking but he's not going to argue about this accent issue, not with the alpha female of the Strachan pack anyway.

Och bollicks, mon, says he on our way home, she should try her Everybody in Scotland. Excepting the toffs of



He never
tried to
speak the
pasteurised
language of
the elite

high society there nobody uses that Ö sound, we still use all the vowels the language had before the bloody Hanoverians arrived and fucked it up; their stupid bloody king couldn't pronounce the whole range, they don't have so many strange vowels in German, so he just flattened what he couldn't pronounce to that ugly Ö.

Try me for Nurse, Earth, World, Service, Girl, says Dougie, and if you give me a minute-or-two, I'll think of some more. And it's true, there's not a single Ö anywhere in Dougie's speech. In England, says he, the entire *gatkruip* court started to speak their own language that weird Hanoverian way, it became the fashion in the 18th century, and to this very day their queen speaks like that, and her *dummkopf* son Charlie too. Empah English, the Americans call it.

Well I suppose it's nice that today's soap sweethearts William and Kate have abandoned Empah English and picked up what they choose to call Estuary English. It goes with wearing denim jeans and pop dancing and

stuff, but a certain scorn remains in Scotland for British royalty, though it's hard exactly to put a finger on it, says Dougie. He tries now. You didn't have to be a Jacobite Catholic to hate the Hanoverians, says he. Sure, James II of Scotland had first claim to the throne of a united kingdom, and was denied of it, but that was only the beginning. The taboo was on all Catholics, as it is e'en in this 21st century United Kingdom: constitutionally no king, queen nor heir to the throne may be, or get married to, a Catholic, and just lucky for Willie and Kate, hey, they're both C of E. Presumably t'would have been okay if Katie-girl were a Jew, a Hindu or an Atheist.

Thus, then, it turned out the only acceptable Protestant was a bloody German called Georg who, according to the weird dynastics of the European aristocracy, had only 52nd claim to the English throne. And all that might have been okay if this Georg's son George hadn't been such an utter bastard in putting down a Scottish rebellion, turning loose his son the Duke of Cumberland, to lay waste whomever or whatever he chose after the Battle of Culloden, behaviour not seen again until Himmler's SS Sonderkommando were turned loose to hunt down Marxist commissars and Jews on the Soviet front in 1942.

It all lives yet in the popular memory, however vaguely, says Dougie, and that's why I never tried to speak that proper homogenised pasteurised language of the English élite. Ness is fine for me. So is Nurrse. Nörse sucks.

Anyway, I rather like the strange mix-up of accents in South Africa, indeed I rather like the mix-up of languages too. It seems to me we've got a new one coming. If slowly. I mean it took a couple of centuries after 1066 for Anglo-Saxon to mix up with the French of the Norman court in England, and *voilà!* Chaucer. By definition his language is Creole, and the English language has remained Creole ever since, that's what gives it its power, it accommodates anything expressive that comes along. A cess on consörvatism. ■

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