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WHAT DID S'BU GET UP TO?

WHY ANC BIGWIGS FACE CORRUPTION CHARGES

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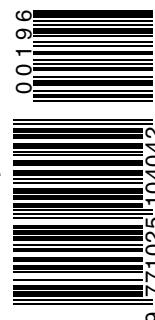
HOW TOP MINING EXECS SECRETLY
SLIPPED FRAUD NOOSE

THREE ANGLES ON ONE DARK TALE

TOP COP DISPUTES BACKGROUND
TO HAZEL CRANE KILLING

196 FEBRUARY 2016

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Letters

Flights of fancy

YOU HAVE TO BE CONGRATULATED ON YOUR brilliant December cover of our illustrious president giggling his empty head off as he receives his new toy replica aircraft. I fear that will become reality – with the R4 billion price tag.

Heh,heh,heh...

E Hammond
Cape Town

'Not guilty – and BEE compliant'

WE ACT ON BEHALF OF MR BRETT LATIMER and the Oxford Freshmarket Group controlled by him.

Your publication of the article "Meat tycoon has a bone to pick" (*nose195*) is defamatory *per se*, and false in material respects. It also constitutes a violation of our client's right to privacy, dignity and psychological integrity. It has substantially diminished the good name and reputation of Mr Latimer and the Oxford Supermarket brand in the estimation of ordinary readers. It has caused incalculable harm to Mr Latimer and his business, including his positive work for advancing black empowerment in South Africa.

The legal proceedings instituted [against Latimer] by the three persons out of the Camperdown Magistrate's Court are *sub judice*. Your report makes no mention that Mr Latimer filed a plea denying all the allegations. Nor was an attempt made to obtain his comments in connection with the false allegation and the circumstances surrounding the incident at the Engen service station on the night of 20 April 2014.

You may interview Mr Latimer to ascertain the true facts for the purpose of publishing a suitable correction in your next edition, together with a sufficient apology.

We await your reply within seven business days, failing which our instructions are to institute legal proceedings claiming very substantial damages of R50m arising from your clearly wrongful invasion of our client's rights.

M S Omar and Associates
Attorneys
Durban

The report in nose195 was based on the pleadings that our reporter found filed at court. Such pleadings are on public record. All the allegations that the writer complains of as being defamatory and "false in material respects" are as stated in the plaintiffs' particulars of claim. We properly reported them as allegations, and also that Mr Latimer had filed notice of his intention to defend the action, from which readers could only deduce that he was not admitting to the allegations.

Noseweek reported only one element of the story that was not contained in the court documents; a third party at the service station pointed us to the video footage of the incident, where it is recorded that, in the course of the altercation, one of the defendants struck Latimer on the head with a credit card machine, causing him to fall to the ground. We included this obvious detail in our story in fairness to Latimer.

Finally, we also noted that Latimer had chosen to settle his dispute with the first plaintiff – the one who struck him with the card machine – by paying him R15,000.

We are happy to record that Latimer subsequently filed a plea in which he formally denies the plaintiffs' allegations but confirms that the first plaintiff struck him with a credit card machine. We also now note his claim to be an enthusiastic proponent of black economic empowerment, although what this has to do with the issues in this case we cannot fathom.

We do not believe we owe Mr Latimer an apology and, as for the threat of a R50m damages claim, we'll take our chances. We leave it to the court to decide the merits of the opposing claims in the case. – Ed.

Dad was no smuggler

I TAKE EXCEPTION TO MY LATE FATHER ERNESTO Bisogno being given the title of "Emerald Smuggler" (*nose195*), in your story "The Sting". There is nothing further from the truth. Yes, he was a colourful person and no doubt, made a few enemies as well as a few too many controversial acquaintances, but smuggler he was not.

I worked with him for seven years in "the Emerald Exchange" so I am well acquainted with the procedures followed for the export of uncut emeralds, as I was head of that department and it was my responsibility to see these were adhered to.

If you are referring to his arrest in Zambia, I would gladly give you the true story, but in short, the parcel of stones confiscated and forfeited (as a fine for contravening the Exchange Control Act of Zambia) was legally exported from South Africa through the then Jan Smuts Airport, with a DA24 and F178 as well as an Export Permit signed by the head of department, a Dr I Goldberg.

If you have any other proof of him having been a "smuggler" please advise me of such, alternatively, I reserve my rights. I believe a public apology is warranted from Noseweek.

Kenneth Bisogno

Kempton Park

For Noseweek's response, see page 32. – Ed.

■ ALTHOUGH THE REFERENCE TO OUR firm in your article "The Sting" (*nose195*) was factual and innocent enough, the issue of publicity is a sensitive one for our profession and we distance ourselves from any possibility that the reference to our firm was in any way initiated by ourselves.

Further, any fee agreement we have is strictly confidential, as between attorney and client. Your allegation that the contingency fee agreement is for 25% of "any payout" is incorrect.

The agreement is in fact for twice the usual attorney and client fee, or a success fee of 25%, whichever is the lesser, and is in accordance with the Contingency Fees Act.

De Jager & Du Plessis Attorneys

Randburg

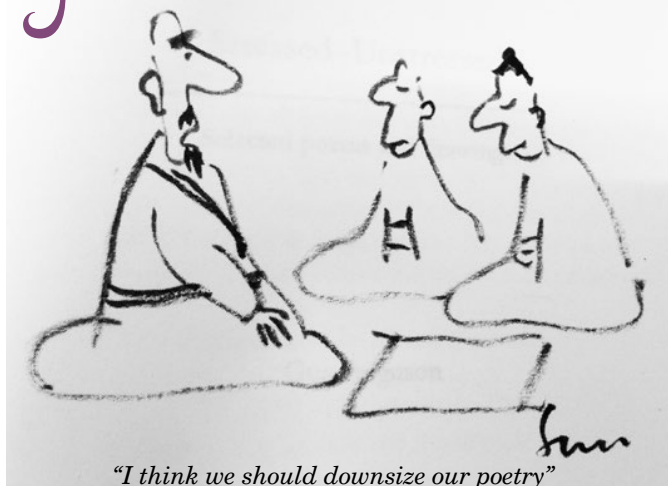
■ WE HAVE EXPERIENCE OF LOUIS STEYN ("The Sting", *nose195*) when he purported to offer R250 million for a property project company in Limpopo, "payable within four weeks".

Obviously no money arrived!

Eckart Haacke

Johannesburg

Gus



"I think we should downsize our poetry"



Casa Rosada, Buenos Aires... Argentina rather like home

Argentina rather like home

IN HUGH OATLEY'S EXCELLENT PIECE ON Argentina (*nose195*), he describes the country's public sector under former president Cristina Kirchner as "interfering, over-blown and cronyist, presided over by ministers of dubious qualification and talent".

Now in which other country, I wonder, would that description of government also fit?

William Bowler
Hout Bay

Sad times

IT'S A SAD DAY. FOR YEARS I COULD NOT WAIT TO get my copy of *Noseweek*, but no more. The quality of your publication has deteriorated. In the past, your issues dealt with individuals: attorneys; doctors, entrepreneurs. Abe Swersky, Ronnie Lipman, Lennie the Liquidator, the doctor's wife who spent R25,000 -a-month on clothes.

I could in many cases identify the people concerned, as I knew them. Even where I did not know the person concerned, the issues made great reading. But now your targets have become corporates and the government. All this can be seen and read in the downgraded *Argus* and *Cape Times*.

I think the time has come for me to discontinue my support of *Noseweek*.

Manfred Shevel
Newlands

We received the above letter a little while back, prompting a period of introspection. Shortly before going to press, I called Mr Shevel to suggest that the number of people he knows who feature in Noseweek are probably sadly diminishing with the passage of time (Abe's long dead, Ronnie no longer answers his phone, Lennie doesn't talk to us); that his characterisation of Noseweek remains spot-on and that it hasn't changed that much. I was gleefully going to point him to page 26 of this issue and remind him that we have always also dealt with corporates and occasionally, when absolutely necessary, with the government, and that I'm absolutely certain none of it can be seen and read in The Argus and Cape Times, downgraded or otherwise.

But Manfred didn't come to the phone. From his charming wife Riva, I received the sad news that he died unexpectedly on 4 January.

This letter stands as a memorial. – Ed.

A costly, shabby pensions schemer

On 9 April 2015 retired Cape Town businessman Jerry Welz wrote the following letter to the Director General of the Department of Labour, Mr Thobile Lamati:

DEAR SIR, IN 1963 I PURCHASED A COMPANY manufacturing small transformers for the electronics industry. I did the correct thing by registering with the Receiver of Revenue and with the Department of Labour.

After one week, a gentleman announcing himself as a designated agent of the Industrial Council for the Iron and Steel Industry, Western Cape, called and insisted that I register with the Industrial Council. I objected and he subsequently had a magistrate's court summons served on me. Against my right of free choice I was forced to join and to pay R25 per month as an administration fee to the Council.

I kept protesting that I was not in their Steel Industry but to no avail.

A Mr D van der Walt from the Labour Department even came from Pretoria to reason with me, said if I refused they would close me down, adding sarcastically that my business should be closed if it could not afford a R25-per-month admin fee.

Then we were informed that we would be forced to join the Industrial Council Pension Fund. I researched the legality and found that the Pension Fund Act of 1956 specifically debarred the Industrial Council from registering a pension fund under the Act (Section 2). When I objected, the Financial Services Board wrote to me stating (wrongly as the Appeal Court would find 42 years later) that they had decided to register it and control it via the Pension Fund Act to give contributors adequate protection, and the Registrar of Pensions had decided to go along with the plan.

Over the years up till 1998 my small company had seven employee contributors to that pension fund. In 1980 one of my employees died tragically. As his employer, I took responsibility to research his death benefit, as his dependants were not capable of handling the paperwork involved.

The Cape Town Regional Industrial Council was unable to assist in any way. I flew to Johannesburg and went to the Seifsa head office. A gentleman there treated me indifferently and told me that, as I was not a member of an employers' organisation, to go to the pension office nearby as he had a lunch appointment and would be out for the afternoon.

I went to the pension collection head office, where I interviewed the chief officer, a Mr Kukard. He agreed that the deceased estate was entitled to R10,000 but that I had to go back to Cape Town, appoint an attorney and make application to the Master of the Supreme Court, who would then instruct the pension fund to pay the R10,000. I did this and appointed a firm of attorneys to act on the matter.

Their advice: between the Supreme Court and Mr Kuckard's office, the R10,000

Classifieds

Goldfish coming to Cape Town seeks bowl in city flat.

Highrise, seafront, apartment block: An eyesore with a perfect view:

*Tired of rejection?
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in our classified section.*

by Gus Ferguson

(From: Stressed-Unstressed by Gus Ferguson)

would be eaten up in costs. My employee's dependants never got one cent.

Subsequently over the years all my employees left my employ and went in different directions. All got their contributions paid back to them in full with only a nominal amount of interest. Most have since died. All that remains is my 5% contribution over all those years. The rule was that every week I had to take 5% of the employee's wage and add another 5% out of my company's funds.

I understand on good authority that the fund was moved out of the pension fund control and is now in the hands of Seifsa and the Trade Unions and that they are paying pensioners (and themselves) a bonus out of an R11bn "surplus". It is obvious that the excess is brought about by the 5% employers' contribution which stayed behind when employees left the fund.

What provision has your department made for non-party employers to get their rightful share back out of the fund excess? (Voluntary member employers have long ago been refunded their contributions.)

Who must I approach to rectify a financial injustice brought about by the reckless and ruthless actions of the then Department of Manpower who abused the rights of simple citizens and labelled them as non-parties and forced them into a very shabby and expensive financial schemer?

Please advise urgently.

J P Welz
Claremont

Mr Welz has yet to receive a written reply. When he recently inquired when he might expect a response, the DG's PA advised him that his letter had been "passed on".

*Now see "Pension Billions Bonanza" (*nose78*) and Editorial in *nose79*. – Ed.*

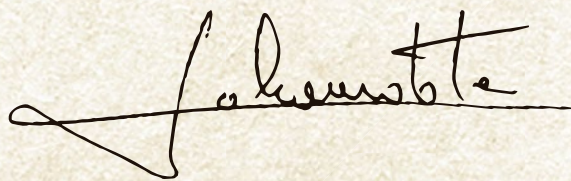


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TIMELESS INHERITANCE I HONOUR TODAY.

DENIS LAHOURATATE, MAÎTRE DE CHAI,
CUSTODIAN OF THE BISQUIT STYLE.



**RICH IN
CHARACTER**
SINCE 1819

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noseweek

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Editorial

Who do you trust?

PUBLIC CONFIDENCE IN SOUTH AFRICA'S law enforcement agencies has been so thoroughly undermined by the constant political interference and manipulation of the police and prosecuting authorities – even, dare we say, the judiciary – that when a senior member of the governing party is arrested and charged with corruption, we do not celebrate this as a victory of good over evil; our trust has too often been betrayed. Instead, we are immediately suspicious: maybe he is corrupt, but why him? What is the political agenda? Which political faction's interests are being served? The well-timed arrest of has-been ANC leader S'bu Ndebele for events that took place several years ago is a case in point. (See page 10)

In parallel – and equally undermining of those institutions – is the cynical greed of major segments of the legal profession, who are now widely perceived as no more than a particularly well-paid branch of organised crime. Barry Sergeant makes the point in his account of recent history of various gold-mining companies that remain listed on the JSE with the protection of some of SA's largest – and richest – law firms. (See page 14)

You need not take our word for it. Three years ago the East Rand Organised Crime Unit began an investigation not unrelated to various *Noseweek* reports about frauds involving two related JSE-listed property funds, Resilient and Fortress, and some of their directors. (See noses136&137.)

An East Rand magistrate had issued sub-

poenas requiring various banks and brokers to make their records available for inspection in order to track the financial dealings of the suspects. But over the past three years the suspects and their bankers have launched several court applications to suspend or set aside the subpoenas, stalling the investigation for all that time. They wanted the subpoenas set aside because the police officer who applied for the subpoenas is known to use such warrants for corrupt purposes. They knew this because their own attorneys, Werksmans, had previously used him for such corrupt purposes, they brazenly stated.

Taking all this into account, Acting Judge Cassim felt called upon to preface his ruling with an assessment of the current state of law enforcement in South Africa. Some extracts: "The judicial system and in particular the administration of criminal law, is in tatters... The leadership within the current NDPP is in turmoil... It is no secret that the government of the day considers it necessary to staff public positions with its supporters under the guise of transformation..." Recently, the Supreme Court of Appeal observed that there may be merit in the perception that wealthy people, armed with the arsenal of lawyers and other forms of assistance that only money can buy, are better placed in dealing with criminal charges and avoiding conviction and... incarceration.

The judge refused to set aside the subpoenas but there is still no sign that the police investigation has resumed. ■

Fishy forfeiture

THE LATE ERIC LIEFELDT, FOR MANY YEARS senior partner at one of Cape Town's more eminent law firms and a former chairman of the Law Society of the Cape of Good Hope and of the Association of Law Societies, was an avid reader of *Noseweek*. He declared to all and sundry, without shame, that he didn't bother reading *De Rebus* (the Law Society's magazine) as he found out all he needed to know about the legal profession in these pages. It is in that spirit that we offer all the lawyers, both professional and amateur among our readers, the following case for consideration and debate:

Two years ago *Noseweek* reported that the Western Cape High Court was to be called upon to establish the constitutionality of a

collaboration between South African and US prosecutors in asset forfeiture proceedings that followed criminal cases launched in both South Africa and the United States in 2001 (nose174).

Defendants in the cases were Arnold Bengis and his company, Hout Bay Fishing Industries (Pty) Ltd, which subsequently went into liquidation. The cases related to over-fishing and sanctions-busting and made world headlines when Bengis entered into a plea and sentence agreement with the South African government.

In 2004 Bengis launched two separate high court applications seeking compensation from the South African government, the ministers of Justice and Fisheries, as well as various of-

ficials, for damages that he says he suffered as a result of the South Africans not sticking to their side of the plea bargain.

He wants his legal costs in the US case reimbursed – US\$11.35 million (about R189m) – as well as the \$22.5m (about R375m) he was ordered by the US court to pay in restitution, based on evidence by South African officials.

He also wants an order declaring that the respondents acted unlawfully, unconstitutionally and in bad faith in their dealings with the US government. In South Africa, in terms of a plea bargain concluded in 2001, Bengis paid fines of R40m and certain of the company's assets were forfeited to the state.

Bengis says a letter from the National Director of Public Prosecutions at the time, Bulelani Ngcuka, led him to believe the agreement would bring finality to all criminal and related proceedings. However, the South Africans did not keep their side of the bargain and proceeded to participate actively in his prosecution in the US.

In 2006, while imprisoned in the US (he served three-and-a-half years of a four-year term), the South African government asked Bengis to give evidence against other fishing companies in South Africa. When he refused, they

upped their efforts in the USA to secure a R260m restitution order, which they got in June 2013, contrary, he argues, to the terms of the settlement reached in South Africa in 2001.

The two applications are finally to be heard in the Western Cape High Court on 2-4 February.

The legal issues are complicated but, in a nutshell, in order to qualify for restitution under US law, South Africa had to show that it had a property right in the over-caught fish. When the South African government's argument that it owned the fishing resources in our stretch of ocean failed (after Bengis's advocate, Gilbert Marcus pointed out that, like all wildlife, fish is *res nullius* (belongs to no-one), South Africa presented an alternative argument, namely, that because HBFI had conducted their fishing operations secretly, the South African government was unaware of the over-fishing and therefore lost the right to "declare forfeited" to the state the over-caught fish. The right to forfeiture is a property right that entitles the state to restitution.

Bengis's legal team's counter-arguments include:

1. The right to "declare forfeited" has to follow a conviction in a South African

court and there had not been – nor could there be – any such conviction;

2. Forfeiture had already been dealt with in terms of the plea bargain agreement; and, more importantly,

3. In terms of the Ngcuka letter, the various parties could not be prosecuted for any further offences related to the 2001 Scorpions' investigation code-named "Titanic".

Strangely, Advocate T Prins SC, who was head of the Scorpions in the Western Cape at the time and is now the head of investigations at Deloitte Forensics in Gauteng, denied in the strongest terms in an affidavit filed in November last year that he had any knowledge of the existence of a Ngcuka letter and that there was nothing prohibiting the further prosecution of Bengis.

It was only once evidence was presented in the form of a covering telefax from Advocate Prins himself to Bengis's attorneys, dated 30 April 2002, to which the Ngcuka letter was attached along with the inscription "Attached please find letter as discussed", that he explained in a subsequent affidavit that he had suffered a cerebral-vascular accident in June 2003 which impaired certain aspects of his memory.

The Editor



Stent

Will the axe fall?

Arrest of ANC grandee could signal serious anti-corruption campaign. By Desiree Erasmus

THE ARREST IN DURBAN IN DECEMBER of one-time political heavy-weight, now diplomat, Sibusiso Ndebele, on a charge of corruption could be an indication that the 68-year-old has reached his sell-by date within the ANC.

If he is found guilty, Ndebele may just be the “big fish” – albeit a spent force – that the ANC needs as proof that it is serious about combating corruption.

Ndebele is accused of being involved in looting the Department of Transport in a case that alleges money laundering, gifts of lavish holidays, bribes and 2010 World Cup tickets, all of which have cost the taxpayer in excess of R2 billion from 2010 to late last year.

And if he ever takes the stand, Ndebele will have to account for why he received more than R10m from a “consultant” who helped one company clinch a billion-rand deal from the transport ministry while he was at the helm.

Ndebele was arrested and appeared before the Durban Commercial Crimes Court a day after four co-accused appeared in a Pretoria court.

The police investigation into allegations of fraud, corruption and money laundering at the transport department was launched three years ago. Some of the charges relate to events that took place before the 2010 World Cup. Ndebele has dismissed the State’s case as “feeble”, asserting that he will be cleared. (*See associated story for a detailed account of the case.*)

Ndebele has served as KwaZulu-Natal MEC of transport, premier of KZN, Minister of Correctional Services, Minister of Transport and is currently High Commissioner to Australia. He is also an ANC NEC member.

His co-accused are two former public servants, a wealthy KZN businessman

with strong political ties and the former chief executive of a company that had millions to gain. All five were released on R10,000 bail and are to appear in court in Pretoria again in June. The timing of the arrests coincides with the approach of local government elections which must take place some time between May and August this year.

“The party needs a sacrificial lamb,” said a highly placed source who requested anonymity. “It needs [someone important] as an example that it is serious about taking corrupt cadres to task.”

Ndebele has wielded just enough power to satisfy – if prosecuted – an increasingly weary voting public who see the party as incapable or uninterested in convicting corrupt cadres.

However, the source speculates that because of a “tainted National Prosecuting Authority” Ndebele will probably breeze through the justice system and come out looking rosy; that he will be left to live out his days in peace and prosperity in his cushy post and be honoured as “a loyal cadre who conspirators tried to railroad”.

The source told *Noseweek* that because Ndebele’s arrest had been “allowed and approved by the powers that be”, this was all that was needed to discourage other officials and politicians who may be itching to feast from the public trough; the thinking being that the public humiliation is punishment enough”. In this scenario, the prosecution process would be drawn out just long enough to reflect well on the ruling party until the forthcoming elections are out of the way.

There is another, less cynical, view of the case; a more optimistic possibility that may see pigs fly first: a second ANC source tells *Noseweek* that Ndebele is “just the first” in an impressive



list of high-ranking or formerly high-ranking politicians who have been under investigation for “quite some time” and are being quietly yet persistently pursued. They are cadres long known within ANC circles to be dirty and are said to include other NEC members who were or are deployed in high-ranking KZN positions.

The ANC – if their rhetoric is to be believed – is working around the clock to rid itself of corrupt members, or at least of members “it knows are corrupt and are expendable enough to be made an example of” according to the source.

A man who answered the phone when *Noseweek* rang a number listed to Ndebele, and who described himself as Sibusiso’s cousin, said the high commissioner was still in Durban but was not taking calls from the media. He said Ndebele would not make any further comment.

At the Department of International Relations and Cooperation (Dirco), the director for media liaison, Nelson Kgwete, told *Noseweek* there had been “no official decision to recall [Ndebele]” as high commissioner. Kgwete was forthcoming on how a diplomat’s arrest would affect protocol, if at all.

The Mercury reported that Ndebele has been allowed to keep his passports – one being a diplomatic passport – as he wasn’t considered a flight risk. ■

Gold at end of World Cup rainbow

Rich pickings for pals in KZN carve-up.
By Susan Puren (with additional reporting by Desiree Erasmus)

IN THE RUN-UP TO THE 2010 WORLD Cup a variety of politically connected groups were conniving to line their pockets. The pot of gold was brimming with government tenders up for grabs if you were prepared to share. It seems they shared big time!

On 15 December, a 30-page provisional indictment was presented to the high courts in Pretoria and Durban. It reads like a list of prizes to be won at a Mafia convention: paid holidays; jobs for girlfriends; tickets to football games; a rent-free palatial home and a multi-million-rand donation for The Don were all on the programme.

The wheels of justice grind slowly and it took five years before the law caught up with some of them. South Africa finally got a glimpse of the plotting and scheming that went on in the months before the 2010 World Cup.

According to the charge sheet, Accused Number One, S'bu Ndebele, received payments of about R10.2 million from Sinosa Energy and Construction (Accused Number Nine), owned by former military security operative Sibusiso Justin Ncube (Accused Five) – who is now a wealthy KZN businessman. The money was paid into his personal bank account between 2010 and 2012 which he did not disclose, as required by the Executive Members' Ethics Act.

At the time Ndebele was national Minister of Transport and was surrounded by a trusted group of confidantes he'd brought along with him from KZN, where he was MEC for transport, and later, premier. One of these confidantes was George Mahlalela who started his career as a private secretary in Ndebele's office in 2004. Previously Mahlalela was named in a forensic report on irregular KZN bus subsidy contracts amounting to R1bn. Nevertheless Ndebele appointed Mahlalela as acting director-general in the Department of Transport in 2009. Soon afterwards, the Pandora's box of tenders was opened to the KZN comrades.

The charge sheet says Mahlalela (Accused Number Two) entered into a R45m contract in early 2010 with a

company owned by the Durban tycoon Ncube, a long-time ally of President Jacob Zuma. Ncube's name appears all over the charge sheet. He is chairman of Enforce Security and has also racked up several multi-million-rand construction contracts throughout the country, some controversially. He is married to Nomusa Dube-Ncube, KZN local government MEC and ANC provincial treasurer.

The Mahlalela-Ncube contract (described as "vague" by the prosecutors) was to create a "war room" and find "transport solutions" for the World Cup. However there was no procurement process and when Ncube and his company insisted on payment before delivery, Mahlalela signed a guarantee for almost R30m – without the legally required signature or authority of the ministers of transport or finance. The nub of the contract was to develop a website called www.findyourway2010.co.za to provide an interactive mapping service for fans and tourists.

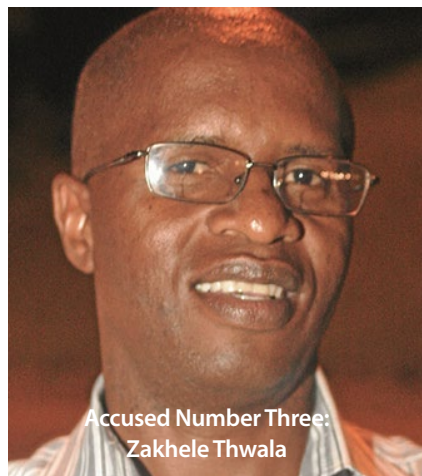
The "war room" contract is small fry compared to what followed. Looking back, it almost seems as though an unseen hand executed a long-term master plan in which billions of rands of taxpayers' money vanished from state coffers. The biggest chunk was for the irregular renewal of the eNaTiS contract.



Allegations are that the payments to Ndebele and his senior officials were in the main made to ensure renewal of the Electronic National Administration Traffic Information System (eNaTiS) contract, worth about R1.8bn – and managed by Dataforce Trading 79 (Pty) Ltd, trading as Tasima (Accused Number Six). This was “renewed” for the next five years despite the fact that the initial contract had expired years earlier, therefore did not qualify for renewal.

A consortium of companies known as the Tasima Consortium had held the contract since 2002 to manage and refine the National Traffic Information System (eNaTiS) project for the national Department of Transport. The consortium originally consisted of three companies, Webcom Consulting, which supplied the hardware, Thuthukani Information Technology Service, the BEE partner, and Face Technologies, an IT systems integrator specialising in card technology and biometrics.

(Face Technologies had also once held shares in Prodiba, the consortium contracted to manufacture the credit-card style driver's licences in 1996. The French companies Thales and Kobitech – both of which featured in the corruption-riddled Arms Deal – were the other shareholders in Prodiba. After Schabir Shaik was convicted of fraud and corruption, both Kobitech and Thales were



Accused Number Three:
Zakhele Thwala

bought out by Face Technologies.)

eNaTiS went live in April 2007 and a month later, Tasima's five-year contract officially ended. The then director-general of transport, Mpumi Mpofu, informed Tasima that the contract would not be renewed and that the department itself would administer the system in future. The State Information Technology Agency (Sita) was appointed to transfer eNaTiS to the state and Tasima continued on a day-to-day basis with no fixed contract in place.

Two years later the then Minister of Transport Jeff Radebe signed over eNaTiS to the Road Traffic Manage-

ment Corporation (RTMC). But within ten days the newly installed President Jacob Zuma replaced Radebe with S'bu Ndebele. A different set of plans emerged almost immediately.

Ndebele appointed another of his friends, Zakhele Gilbert Thwala, as his deputy director-general. Thwala and Mahlalela were chiefly responsible for decision-making regarding eNaTiS, with Thwala as the department's programme manager for the system. With that came the writing on the wall for the Road Traffic Management Corporation.

Tasima was back in the running and barely a month later there was a huge bonus for them. Thwala allegedly approved upgrades worth more than R140m for hardware and networking equipment even though his delegated authority was limited to R500,000 and Tasima was on its way out. However, Thwala's generous contribution was just a taste of the serious money coming Tasima's way.

In early 2010 Tasima's directors personally approached S'bu Ndebele at his office to cut a deal around the extension of the eNaTiS contract. (One version of the meeting is that instead of meeting the minister, they were met by Ndebele's spin doctor who was apparently unabashed about what was needed to persuade his boss. This has been emphatically denied by the spin doctor.)

Whatever the truth, the charge sheet says that then newly appointed Tasima CEO Tebogo Mphuti later wrote to Thwala, motivating for the extension of the contract, which was technically impossible and illegal as it had already expired three years earlier. The acting CEO of the RTMC, Collins Letsoalo, vigorously opposed the extension but Thwala ignored his warnings, instead, sending a letter to Mahlalela motivating for the extension. Mahlalela then approved the extension without following any process. The renewed eNaTiS contract became active in May 2010 and up until 2014 the department made payments of more than R1.8bn to Tasima.

Tasima meanwhile signed a consultancy agreement with friend Ncube's company, Brand Partners, and paid them more than R2m a month between 2010 and 2014.

According to the charge sheet there is no evidence of any management



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The State's submission is that these payments were corrupt gratifications to influence and lobby officials in the department to extend the eNaTiS contract

strategy or of services being rendered by Brand Partners. The State's submission is that these payments were corrupt gratifications to influence and lobby officials in the department to extend the eNaTiS contract. Brand Partners received almost R103m from Tasima, of which around R10m was transferred to another of Ncube's companies, Sinosa Construction. From Sinosa the money was paid into S'bu Ndebele's private account at Investec.

But things did not work out that well for Mphuti. Despite his obvious political connections, he was quietly relieved of his duties as Tasima CEO after a forensic investigation. Or maybe he just over-played his hand. Sources claim he had demanded a 10% share in the consortium after Tasima's contract was extended, displeasing shareholders. Nevertheless they still gave him a R2m golden handshake.

Mahlalela allegedly received the majority of his kickbacks in the form of free housing. He rented Ncube's R3.9m Kyalami property between 1 November 2010 and 31 October 2011. According to the lease, Mahlalela had to put down a deposit of R90,000 and pay rent of R45,000 per month. At the time he was earning R63,377.01 per month.

He allegedly did not pay the deposit and lived rent-free for two years until Ncube gave him a month's notice to vacate the property by November 2012. When Mahlalela failed to leave, Ncube

lodged an eviction notice and called in R1,125,000 in back rental plus interest. Mahlalela's goods were attached in March 2013 but had not yet been sold by March of the following year.

"The lease was therefore a way of disguising a corrupt gratification to [Mahlalela] and thus the benefit accruing to [Mahlalela] under the lease amounts to unlawful proceeds of crime and corruption. [Mahlalela] and [Ncube] are... guilty of money laundering," reads the indictment.

The lower status in the food chain of Accused Number Three, Gilbert Zakhele Thwala (who was the transport department's deputy director general at the time) is evident from the list of benefits and payments he is alleged to have received to secure his collusion in corrupt dealing. He is accused of receiving *Top Gear* tickets, weekends away with his girlfriend at Pinnacle Point Golf Club in Mossel Bay, tickets to a World Cup match and domestic flights and hotel accommodation for himself, his girlfriend and his daughter – all from Tasima.

The state alleges "...these arrangements constitute gratifications in terms of the Corruption Act".

Both Ncube and Mphuti now face charges of corruption, fraud and money laundering. Mahlalela was hit with six charges of contravention of the PFMA and one each of corruption and fraud. Thwala faces similar charges. All are out on bail of R10,000 each and will be back in court in July.

In an affidavit submitted to court Ndebele said the State had an "alarmingly feeble case" against him and made "false assumptions" in determining that he acted in a corrupt manner.

Tasima, too, contends innocence. Company spokesman Trevor James told *Noseweek* in January, "These are mere allegations and Tasima denies any impropriety and unlawful conduct on its part."

● Ndebele is no stranger to controversy. A week after accepting the post of transport minister in 2009, he received a R1.1m Mercedes-Benz S500 from the Vukuzakhe association of "emerging contractors" who had received contracts worth more than R400m from the KZN transport department.

● Thwala was later promoted to interim director of the Civil Aviation Authority (CAA). ■

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Scamming for gold

Top mining executives commit fraud with impunity, confident their highly paid lawyers will make criminal charges 'go away'. By Barry Sergeant

AS ANC VOTERS CONTINUE TO SHOW little concern for the corrupt doings of their party's leadership, so the fund managers that direct the bulk of investments on the JSE apparently choose to ignore the blatant dishonesty and corrupt dealings of the executives of major companies in which they continue to invest pension and other trust funds.

If the terrible saga of Gold Fields and South Deep (*nose192* "Digging into South Deep" and, before that, *noses179,181&183*) is not a sufficiently powerful symbol of South Africa's inexorable loss of innocence – since Nick Holland took the CEO seat in May 2008, Gold Fields' executives have earned more than R700 million in return for shamelessly spinning a plainly impossible future-production profile for South Deep – consider the scandalous goings-on at JSE-listed Sibanye, which was spun out of Gold Fields early in 2013.

At Sibanye, CEO Neal Froneman has taken a different route. He initially promised that Sibanye would pay excellent dividends for many years to come but is now offering explanations why this may no longer be possible. Sibanye, like Gold Fields, is listed both in Johannesburg and on the NYSE. Historically, investors in gold stocks are very impatient and insistent on dividends. They also seem

determined that a gold company should stick to gold – exploration, development and production – and should not dare touch anything else.

In recent months, Sibanye has done exactly the opposite. It has announced a string of non-gold transactions: acquisition of certain (essentially prehistoric) assets from Anglo Platinum, the purchase of a bankrupt coal entity (plenty of those around at the moment), and a bid for all of the cash-strapped Aquarius Platinum (where his friend Jean Nel is CEO).

Had Froneman lost his mind? To find the answer we need to go back to 1997, when Peter Skeat, a mining engineer and entrepreneur, decided to buy Anglo American's Afrikander Lease mine (Aflease) with its low-grade gold deposit near Klerksdorp. The relisting of the Aflease assets was to be handled by Investec, where Skeat dealt with corporate banker Malcolm Dods, resources analyst Dean Cunningham and the latter's then sidekick Jean Nel (the same). It proved to be a very good investment.

The dollar gold price had been in a multi-year bear market, but had shown signs of turning upwards during and after 2001. At this time, Skeat started casting around for other prospects and after a close look at a small but high-grade black reef deposit near Johannesburg, known as East Mod-



Neal Froneman

der, owned by the New Kleinfontein Mining Company (NKMC), he decided it had unexploited potential.

Sadly, after he had confided to Dods his plans to buy the mine at Investec, the latter went behind Skeat's back and hurriedly rounded up a motley crew of "investors" which became known as the Neal Froneman Consortium (NFC). It included Froneman, Marais Steyn, Dods, and Dods's sidekick at Investec, Jean Nel. Their intention was to hijack the New Kleinfontein deal away from Skeat to the NFC – and they did so, in a particularly scandalous manner. ("Given our previous relationship I had not thought it necessary to ask [Dods] for a renewed confidentiality agreement," Skeat said later.)

On 13 September 2002, Aflease (at the consortium's prompting) signed an agreement to buy New Kleinfontein Mining Company (NKMC) from the Neal Froneman Consortium for 54 cents per New Kleinfontein (NKMC) share.

Just days later, on 18 September, the directors of New Kleinfontein, which included Froneman and Marais Steyn,



Nick Holland

sent out a circular to the company's shareholders announcing a rights issue in terms of which they would be offered 105 million new shares in New Kleinfontein at 10 cents a share. Existing shareholders in New Kleinfontein were essentially offered a one-for-one share, known as a "claw-back" offer. As underwriter of the issue, the Froneman consortium would buy (at 10c each) all the shares that were not taken up by existing shareholders.

The circular made no mention of Aflease's undertaking to buy the shares for 54 cents a share. Instead the circular painted a bleak picture for New Kleinfontein, present and future, effectively discouraging shareholders from taking up the offer. It is not known how many shareholders accepted an offer that appeared to have no prospects of improving their positions. It is fairly certain, however, that as underwriter, the Froneman consortium was able to collect a large number of the 105 million shares on offer at 10 cents – for immediate onsale to Aflease at 54 cents-a-share.

Within weeks, a profit of tens of millions was waiting to be made.

Not only did the New Kleinfontein directors "forget" to mention their prior deal with Aflease. At a general meeting of NKMC shareholders held weeks after publication of the proposed offer to shareholders – of 105 million new shares at 10 cents each – Marais Steyn, a director of the company, was directly asked if there were any potential deals in the offing for New Kleinfontein. His reply, according to an affidavit later filed by one of the

shareholders present, was: "No, none that are pertinent, and ongoing discussions are taking place with a number of possible investors."

New Kleinfontein was an unlisted company, and as such, a breakdown of its shareholders was not available. However, when news broke that Aflease had bought all the shares for 54 cents-a-share – from the consortium – a number of NKMC shareholders who had decided against taking up the 10 cents per share offer, were rightly incensed.

There was no denying that Froneman and Steyn, among others, had a legal – never mind moral – obligation to have informed New Kleinfontein shareholders of the super-generous offer that had been tendered by Aflease.

With a view to initiating a criminal case, in due course, a dozen NKMC shareholders, and others, would file affidavits with the National Prosecuting Authority (NPA): Peter Skeat, Dane Cresswell, Roger Hugh Margo, Adrian Pilling, John Pilling, Dirk Mollett, Michelle Mollett, Gordon Cunliffe, Pieter Zagharias Jansen van Vuuren, The Explicio Trust, Tchavdar Nakov, and also Lloyd Birrell, the investigator who compiled a forensic report on behalf of these and other shareholders.

Steyn and Froneman now set about a scheme to frame Skeat as the party responsible for the fraud. In about March 2003 Steyn claimed in an address to the Aflease board that Skeat had defrauded them.

Before the meeting, Froneman and Steyn had primed the Aflease board

members, who then turned on Skeat. Unknown to Skeat, whose focus was to build Aflease, the NFC was implementing a ruthless strategy to oust him and take over the mine, in collaboration with Quinton George and Brett Kebble.

At the meeting, Froneman put it to Skeat: "Sorry, you're either going to resign or you're going to jail. We've done some work in the interim; the police are waiting to pick you up. So resign now, or I'll tell them to come and pick you up".

Skeat, put under immense pressure by Froneman and Steyn who had hijacked the situation, realised that his only recourse would be the courts, and he stepped down.

Within three months of Aflease having been taken over by the NFC – at least at management level – the mine which, under Skeat, had been making a million-or-two a month was financially ruined. Skeat had managed the mine for three years, winning the best performing gold share on the JSE for two of them. By December 2003, The Afrikander Lease Ltd gold mine was, once again in its long history, closed.

Mine closures were to become Froneman's trademark. Under Froneman, the loss in value at Aflease was around R1 billion. He then pressed ahead and opened Aflease's Bonanza prospect, again making sky-high promises. Six months later that, too, was closed, with a loss of value of around R500m.

And then there were Aflease's uranium resources, housed in Dominion. For decades, it had been known that the Aflease properties around Klerksdorp contained significant quantities of low-grade uranium, which occurs in the same deposits as gold.

The question was: how high would the uranium price have to go to justify the enormous investment that would be needed to build a mine on the Dominion property?

An extensive professional assessment of Dominion's potential, published on 13 September 1996 by the Gold and Uranium Division Geology Department of Anglo American Corporation of South Africa, highlighted serious mining and recovery challenges to win the resource.

A far more optimistic assessment of Dominion was provided by Joburg-based SRK Consulting in its

**The consortium
was implementing
a ruthless strategy
to oust Skeat and
take over the mine**

“independent technical report” published in October 2006, which was enthusiastically endorsed by the board of directors at Uranium One, the new name for Afilease. In no time, Froneman was advertising widely that Dominion would be able to produce uranium oxide at a cash cost of as little as US\$18.00/lb.

As it turned out, uranium oxide prices would peak in June 2007, in what turned out to be a famous bubble market which quickly collapsed. The first estimate of production for 2008 at Dominion was a huge 2.8 million pounds, suggesting expected cash-flow profits of about US\$200m over 12 months. Alas, it was not to be. In October 2007, Uranium One cut Dominion’s projected 2008 output to 1.7 million pounds and again in February 2008 to 0.55 million pounds. The very mining challenges anticipated in the Anglo American report could not be resolved.

Froneman stepped down as CEO at that stage. Later that year, Uranium One announced that its erstwhile flagship, the Dominion mine in South Africa, was effectively closed. Uranium One wrote down (reduced the valuation of) its mineral interests, plant and equipment to the tune of US\$1.8bn. This time, Froneman’s handiwork had cost more than a billion dollars.

In South Africa, Froneman blundered on as if nothing had happened – but that’s a story for another day.

On 3 December 2007, a 28-page confidential settlement agreement, under the letterhead of Werksmans Attorneys, was signed between numerous parties, to terminate the various cases, both civil and criminal that had arisen from the New Kleinfontein 54 cent and 10 cent-a-share offers.

Clause three governed the “settlement of the action and the disputes and matters related to the criminal complaint,” and listed two sets of parties. On the accused side, individuals named were Neal Froneman, Marais Steyn, Jean Nel, Jean Nortier, and Malcolm Dods. On the accusing side those named were Peter Skeat and Lloyd Birrell.

Birrell’s 41-page forensic report, dated 20 June 2004, had recommended that Froneman and Steyn, at the very minimum, should be prosecuted for fraudulent misrepresentation.

The settlement agreements provided

that legal representatives of the various parties – in co-operation with each other – would “procure that the NPA closes its investigation into the criminal complaint”. (The prosecutor at the NPA who was to have led the prosecution was Advocate Riegel du Toit, better known today as the prosecutor leading the case against master criminal Radovan Krejcir.)

The settlement agreement made it a condition that unless the same had been confirmed in writing by the NPA by 11 December 2007, any party to the settlement was entitled to regard it as null and void.

But upon receipt of written confirmation to Werksmans by the NPA that the case had been withdrawn, Fluxmans (attorneys) would be authorised to transfer the settlement amount to the trust account of Knowles Husain, another firm of attorneys. The “settlement amount” specified in the agreement was R2.5m.

This amount was in fact paid over so it is fair to assume that the NPA was somehow persuaded to abandon the prosecution. Nothing further was heard about the case against Froneman, Steyn and others – until now.

● It is no secret that a key advisor to Froneman is Dennis Tucker, whose creation, the “Corner House” was initially funded by the late Brett Kebble. Tucker later emerged under the banner of Qinisele, which appears to have earned a substantial stream of fees from Froneman’s latest acquisition binge.

**It seemed almost
anything Froneman
touched would
underperform or
self-destruct**



Jean Nel

There is some context here: Marais Steyn was once Kebble’s personal assistant, brought in by Roger Kebble, along with Froneman, as a “Mr Fix-it” at JCI. Legend has it that on one memorable occasion, Brett Kebble left his office to catch a flight overseas. The flight was cancelled and he returned to the office. Nobody was expecting to see him and he walked into his office to find Froneman and Steyn downloading his personal computer.

Forever after, Kebble had a grudge against Steyn and Froneman, which is why they were fired, around April 2001.

Kebble described Steyn as the “evil-est” person in the world and Froneman as “untrustworthy”.

What is important to note is that both Froneman and Steyn were employed by Kebble for a period sufficiently long for both to become fully familiar with all of Kebble’s corporate fraud that eventually amounted to billions of rand. Despite this, neither Froneman nor Steyn resigned or disclosed these activities. ■

Red alert!

A South African franchise of Liverpool's famed youth academy is conjuring great dreams for young football hopefuls – at a price. By Jack Lundin

THE REDS ARE HERE! “*YOU’LL NEVER Walk Alone*” is the anthem of Liverpool Football Club, home to one of the world’s most popular, charismatic booters of the ball. Now it seems those lonely days are over for South Africa’s neglected emerging talent, for Liverpool’s famed youth academy has opened its doors in South Africa, dangling the chance to young hopefuls of one day joining the likes of Daniel Sturridge and Philippe Coutinho at Anfield. But there’s a catch.

Kids between five and 17 are assured by the Liverpool Football Club International Academy SA that they will receive exactly the same training, learn the same winning techniques, as the elite youngsters at the club’s academy proper in the UK. Training will be conducted by professional coaches from LFC; twice a year 16-strong team groups will fly to the UK to train and play there.

Liverpool’s new South African academy is owned – franchised – to Lyndon Barends, former CEO of Primedia Sports and ex-head of South Africa’s National Olympic Committee. “Most of all,” says Barends, “we’ve got direct access to Liverpool; we are able to recommend kids to go straight into their Academy in the UK.”

Wow! What an opportunity for any soccer-mad youngster!

However, there are a few differences. The Academy in Liverpool, one of the best in the world, takes boys from Under 6 to the U21 squad. Spotted by scouts, they are admitted purely on ability – and without cost – to state-of-the-art premises in Kirkby, with four full-size and seven smaller pitches

in its 56-acre (22-hectare) grounds.

In South Africa, no talent is required, just dosh. Any boy or girl, gifted or completely useless, can join LFC International Academy SA – provided their parents pay R700-a-month for the privilege. And those twice-a-year big opportunity trips to the UK Academy, with a brief visit to Anfield? Parents must chip in for air fares and accommodation.

In South Africa, in lieu of scouts scouring the schools, Barends says his academy will “entice kids to come along and play with us” via social media, radio stations and newspaper stories – no mention of having to pay was made in the lavish spread in *Weekend Argus*.

And the “professional coaches”? It’s a fact that Brit Chris Ochwat has been seconded for two years to be head coach for the South African operation. And much has been made of two additional pro coaches flown out from Liverpool for the recent summer camps in Cape Town, Johannesburg and Durban (cost R1,200 for six hours’ coaching). But ongoing coaching in the soccer schools will be provided by 15 locals, trained by Ochwat in the Liverpool methods, paid by the session.

Ochwat is hardly a veteran of the UK Academy. He was recruited in 2014, after five years as a sports coach in Britain’s north-west primary schools. The two professional coaches out for the summer camps are part of the International paid-for academies, rotating between the 15-or-so franchises around the world.

Traditionally South Africa’s soccer talent has emerged from the dust and poverty of the townships, where the cream of the crop is still to be found. So



Lyndon Barends

it was a more affluent crop of youngsters who attended the first sell-out summer camps before Christmas. In Joburg 75 kids turned up at the Bryanston Primary School venue, where the two-day programme had to be repeated over six days, with 50 more shifted to the academy's rented pitch at a sports club in Bedfordview.

Liverpool Football Club started its paid-for international franchises some years ago. They're a nice little earner, which is welcome, for LFC has endured lean times following its disastrous three-and-a-half years of ownership by Americans Tom Hicks and George Gillett. This ended in 2010 and took the club to the edge of the abyss, with debt that had spiralled out of control to more than £400m.

LFC was heading for administration until Britain's high court allowed its sale to current owners, John W Henry's New England Sports Ventures (now Fenway Sports Group) in a deal worth £300m. For the first time in seven years the accounts for fiscal 2014 showed a modest pre-tax profit of £900,000 (roughly R21m).

Most clubs in England's Premier League have youth academies, and most suffer from perennial cost-cutting. At the Liverpool Academy numbers have been slashed by 15% to fewer than 200 boys. Academy director Alex Inglethorpe said last November that this (unlike the new South African operation) was to focus on quality rather than quantity.

"The definition of 'academy' is that it should be a place of elite," Inglethorpe told the local newspaper. "It should be the case that when you look a player or their parents in the eye, you think there's a genuine chance of them ending up playing for Liverpool. Often it does the parents and the players a dis-

**Barends admits
that the fee, plus
transport costs,
will exclude players
from impoverished
families – and
probably the best
township talent**

service if you are taking boys just to fill up the numbers."

LFC has paid out big money for its academy hopefuls: a reported £5m to sign the 14-year-old Raheem Sterling from QPR; £2m for Sheyi Ojo at the same age from the MK Dons; £1m for Jordon Ibe, then 16, from Wycombe.

With the astronomical sums now paid for first team players, the pressure for generating revenue never abates. But just how successful Liverpool's International Academies are is open to question. While they operate from Texas to Dubai, Scandinavia to Japan and all the rest, there have been 18 closures, including Boston, Nairobi and Manila.

They work better in affluent populations.

Lyndon Barends, owner of the LFC International Academy franchise in South Africa, grew up in a shack in Crossroads and worked his way through college as a cleaner. He won a bursary to do an MBA in the UK and in 2003 set up the DAD Fund for disadvantaged teens.

The former Primedia Sports CEO declines to reveal how much the more profit-focussed LFC franchise cost him. "It's a confidential agreement with Liverpool, an annual fee," he says. Barends reckons the set-up expenses came to close on R1m, plus up to R200,000 monthly running costs ("you recover most of that through your fee structure").

Apart from the summer camps, the main offering is ongoing twice-weekly 45-minute coaching sessions at the soccer schools, for R700/month (already up R100 from last month's initial R600). Barends admits that the fee, plus transport costs, will exclude players from impoverished families – and probably the best township talent. But he says he's working on it. "I'm busy putting a programme together for talented kids who can't afford it. For the four summer camps I issued about 15 bursaries for free entry."

What about the dangled carrot of maybe playing for Liverpool one day – or even making the Liverpool UK academy? "Truth be told, if you have thousands of kids, the likelihood of one or two going to Liverpool is very slim," he admits.

Neil Tovey, former national skipper and Safa's newly-appointed technical director with responsibility for youth development, declares that Liverpool's International Academy, or any other academy, are "certainly not taking over" Safa's job. "There are measures in place with our youth development programmes for the future," he tells *Noseweek*.

"The majority of work we're going to be doing is in the townships and there will be high performance (non fee-charging) centres in each of the nine provinces. We don't mind help in any way, whether it's from Liverpool or any association. But they can't have carte blanche. They've got to be regulated and each will have certain criteria. That's going to come in the near future." ■

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Juniors United Under-13s before a league game in Soweto. Siyabonga 'Napoleon' Maphanga is in the front row, extreme right; Kgotso 'Balotelli' Mahupela is in the back row, third from left.

The price of hope

IN SOWETO, SOCCER-CRAZY KIDS ARE in love with Liverpool Football Club. But when it comes to its International Academy and R700-a-month to learn to play “the Liverpool way” their mothers aren’t so sure.

Siyabonga “Little Napoleon” Maphanga is ten years old and skipper of the Under-11s in Juniors United, which plays in Soweto’s modest Orlando Association League. Although pint-sized, Siyabonga’s pace and ball control make him a dazzling striker and he scored 12 goals last season, most while playing with the big guys in Juniors’ Under-13s.

His home is a spacious eight-room corner house in Orlando West’s Nkungu Street, where the family draws a modest rental income from ten shacks in their large yard.

“I’d love to play for Liverpool! When do we leave?” shouts Siyabonga excitedly when he hears about the soccer schools. His mother, Simangela Maphanga, says: “It sounds exciting and I’d love to see Siyabonga participate, but the fees are too expensive. I didn’t budget for soccer

By Mosa Damane

trials. Why must I spend thousands of rands for my son to make the cut? Isn’t talent on its own enough? Siyabonga has lost his soccer boots

and now I must buy a new pair to make him happy again.”

Kgotso “Balotelli” Mahupela, 12, also plays for Juniors United’s U13s as a goal-scoring forward, with 15 goals netted last season. An intelligent player, he constantly scores crucial goals when the chips are down. Kgotso also lives in Nkungu Street, in a small house decorated with flowers and a manicured lawn with pavement borders of bricks from a demolished hostel down the road. Five shacks in the yard bring in an income of R2,000 a month.

“What did my son do now? Is he in trouble?” asks Kgotso’s mother Tinny Mahupela, who’s puffing a fag outside. We sit down to work out the cost for Kgotso to be coached by LFC International Academy at Bedfordview: R700 a month for training, R350 for new soccer boots, R1,200 for the summer camp, R180 a month for transport, which would be three rides: taxi from Mzimhlophe to JHB Bree taxi rank, another taxi to Bedfordview Mall and a last ride to the Quondam Sports Club. A journey that could take two-and-a-half hours each way.

“Kgotso wants to watch English Premier League soccer on DSTv, and I can’t afford to pay their monthly subscription,” says Tinny. “Now I must pay for him to train with Liverpool? Tjo! Who’s going to buy Christmas clothes for him and his brother? Even if I add R640 from their child grant money, I’d be left with nothing!”

Hlopheho Tebogo Khusa, in his late 30s, is the stylish coach of local club Mzimhlophe Golden Stars, with 32 players registered. “I’d like to see my boys make a cut in the LFC International Academy, he says. “I have a lot of skilful players who are a marvel to watch, but they come from poverty-stricken backgrounds.

“It is very unfortunate that this International Academy is missing out on real talent from Soweto, where the likes of Thuso Phala (SuperSport United midfielder) and Thulane Serero (AFC Ajax) were baked and buttered by someone out there who dedicated his passion to train them as young stars.”

● Mosa Damane, who coaches Juniors United FC in Orlando West, Soweto, is a freelance writer, mentored by Jack Lundin. ■



Siyabonga and Simangela Maphanga

The blame game

Ronald Bobroff and his attorney have met their match in an elaborate legal war of words. Judgment is pending on accusations of fraud and/or perjury. By Tony Beamish

RONALD AND DARREN BOBROFF, the Joburg attorneys who have made a fortune out of Road Accident Fund claims, never fail to simultaneously amuse and enrage *Noseweek* readers (*noses*138,157,159,175,177,179&184). Now the father-and-son attorneys, styled Ronald Bobroff & Partners (RBP), are defending a battery of court actions brought by former clients, who are demanding a full accounting for the fees they were charged and, in many instances, for the recovery of allegedly misappropriated trust monies.

Because of the alleged failure by the Law Society of the Northern Province to act on complaints of unprofessional conduct brought against its apparent favourite son, a privately brought application to have the Bobroffs struck from the Roll of Attorneys will be heard in the North Gauteng High Court in a few months' time. (*Noses* 157 & 159).

In the South Gauteng High Court sitting in Randburg Judge Brian Spilg is hearing a matter in which doubly injured 77-year-old Pretoria pensioner Christine Maree is suing the Bobroffs for an accounting. Her first serious injury, which required a leg amputation, was as a result of medical negligence. The second, allegedly commenced the moment she engaged the services of RBP.

Central to this skirmish is the date on which Maree entered into a second fee agreement with RBP, who have conceded that their first agree-

ment was unenforceable. Maree says she signed it in February 2014 but RBP allege that an agreement dated 28 September 2010 is the real deal. Maree says she was never given the agreement but RBP swear they gave her the original. Judge Spilg was solemnly told that it is RBP policy to give each client the original agreement and that the firm merely keeps a photocopy. This remarkable bit of evidence was led after Maree's attorney called for the original to be examined by *Noseweek's* preferred questioned-document examiner, Cecil Greenfield.

Noseweek will publish its forensically enlightened take on this agreement debacle after Judge Spilg has made his finding. It simultaneously throws light and casts doubt on every RBP fee agreement that *Noseweek* has ever seen. [*They are piled high in a corner of Mr Nose's office. These have kept Mr Nose preoccupied with his magnifying glass scrutinising RBP fee agreements at the expense of editorial deadlines—Ed.*] The matter was being argued in the papers before court but in July, the judge referred the agreement date issue for the hearing of oral evidence to determine whether forgery (by RBP) or perjury (by Maree) had been committed.

Explaining his decision, Judge Spilg noted: "The difficulty I have is that there is documentation which indicates that the first agreement was implemented even after the second agreement was purportedly concluded by RBP in 2010 and similarly the second agreement does not appear to

have been implemented prior to the date when the applicant contends that she signed it. Moreover if it was only signed in 2014, then a fraud would have been perpetrated and Mrs Maree would have to wait a number of years before the matter would be finalised. If not, RBP cannot be prejudiced and it is to RBP's advantage to have its good name vindicated sooner. If the matter is referred to oral evidence, the case can be finalised before the year-end."

One of the witnesses that RBP decided to call was its former candidate-attorney turned whistleblower, Cora van der Merwe. Since parting ways with RBP in March 2015, Van der Merwe set herself up in a legal cost consulting business. Cost consultants draw up attorney-client and party-party bills of cost and also oppose them before a court official known as a taxing master.

Van der Merwe was taken by surprise when, on 30 September, the Sheriff arrived at her home with a subpoena – and a cheque for R150.00 being travel and conduct money. It was sent by attorney Rael Zim[m]erman of Taitz & Skikne Attorneys of Johannesburg. She was to present herself at court on 8 October 2015 to testify for RBP.

The laws of evidence dictate that the party calling someone to testify cannot cross-examine that witness and place their credibility in doubt. One would have thought it was a reckless gamble to subpoena a whistleblower, who might spill more beans – under



Rael Zimerman

oath. Everything that such a witness says which is not put at issue by the opposing party then becomes the unchallenged evidence of the party that called them. But *Noseweek* readers ought not forget Ronald Bobroff has frequently boasted “an encyclopaedic knowledge of the law” and would have attempted to think this through.

Van der Merwe sat in court all day on 8 October and was not called. Knowing court tariffs well, she emailed Zim[m]erman telling him the tariff was R1.30 per kilometre plus e-toll fees. By law, she is entitled to R215.24 and she demanded that the difference of

R65.24 be paid. She also pointed out her entitlement to be reimbursed for lost income. *[The court tariff stipulates that this is capped at R1,500.00 per day. What if witnesses, like medical professionals, are contracted out of the tariff? – Ed.]*

Zim[m]erman ignored several emails from her, so, two weeks after her attendance at court she warned him by email and text message that he would be blacklisted with a credit bureau for R1,715.00 if he did not pay. He didn’t pay.

Zimerman’s name is reflected with the second “m” in brackets because Ronald Bobroff’s long-suffering secretary, Rachelle Stein, in preparing court documents for the Maree matter – in the name of Zim[m]erman’s firm, Taitz & Skikne – always incorrectly types “Zimmerman”. Zimerman confirmed to *Noseweek* that his surname is spelt with one “m”. *[This is a typical error that can occur when one law firm fronts for another. – Ed.]*

Zimerman replied telling Van der Merwe that she had produced no proof of her loss of income.

At face value Rael Zimerman creates the impression that law is an ethical

and honourable profession and that a lawyer’s word is his bond. Zimerman’s conduct demonstrates otherwise. In a letter to Van der Merwe, Zimerman wrote: “On satisfactory proof being received by you [sic] that you have indeed forfeited income, we will pay you such amount forfeited subject to a maximum of R1,500.00 per day.” *[Zimerman omitted to say what constituted satisfactory proof. Van der Merwe has received proof – to her satisfaction – that she has forfeited income exceeding R1,500.00. – Ed.]* The law regards witness fees as a “statutory debt”. Payment is not optional. *Noseweek’s* investigation has revealed that Zimerman simply does not have the money to pay Van der Merwe.

We would have thought that a party calling a witness needs that witness’s evidence. The behaviour of Zimerman and the Bobroffs indicates otherwise. The Bobroffs – and Zimerman’s – lack of probity or knowledge of the law and poor grammar are revealed in the conclusion of Zimerman’s letter to Van der Merwe: “We reserve the right to require you to confirm on oath, whilst you are in the witness box, the amount of income you claim to have forfeited. We will also draw to the Judge’s attention to have us blacklisted on ITC [sic].”

On 19 October Zimerman discovered that Van der Merwe had followed through and had had him blacklisted. He demanded she remove it, alleging “defamation of character”, and threatened an urgent application within three days. Nothing has happened yet, so perhaps he is saving up to pay an advocate. Perhaps another lawyer who shoots blanks? *[Defamation is only actionable if it is not true and not in the public interest. Self-inflicted harm is not. – Ed.]*

In her response to Zimerman, Van der Merwe addressed his concern about being blacklisted: “As an attorney you will appreciate that good credit control is an essential part of any small business and that unmanaged recalcitrant debtors can be the demise of such an enterprise.” He has not disputed this.

Van der Merwe commissioned a letter from independent and respected Centurion chartered accountant Michael van Eeden, to analyse her books. The result was a letter in which he

**One would have
thought it reckless
to subpoena a
whistleblower who
might spill more
beans**

stated that her daily income exceeded R1,500 by quite a bit. It was accompanied by an invoice for R1,000.00 for the work done by him. She sent the letter and invoice to Zimmerman with proof she had paid it.

On 19 October the sheriff arrived with another subpoena – this time, for the hearing on 28 October. In it Zimmerman earnestly required that Van der Merwe bring documentary evidence that had her blushing; a sample:

- All notes as to Mrs Maree's symptoms, neuroses and/or psychoses.
- Copies of any restraining orders against Mrs Maree obtained by any former lover and/or spouse.
- All documentation relating to Mrs Maree's period of study at a Russian University.
- All documentation relating to Mrs Maree submitting herself as a candidate for the DA.

As a candidate attorney at RBP, Van der Merwe found that clients warmed to her but she told *Noseweek* that she would not be so audacious as to inquire of any client – let alone a God-fearing 77-year-old widow of 30 years – regarding her “neuroses and/or psychoses” or “any former lover and/or spouse” or the existence of “restraining orders” and was bewildered why RBP thought that she might have such documents in her possession or what their possible relevance could have been when the second fee agreement was signed.

The DA denies that Maree has ever submitted herself as a candi

date for any position in the party. [The *EFF* declined to comment. – Ed.]

If the Bobroffs are telling the truth and Mrs Maree was a candidate for the party, then he faces a huge damages claim for massively under-settling the claim, as there is no retirement age for politicians.

The next day Van der Merwe wrote to Zimmerman pointing out that he now owed her more money: double the witness fees; double the transport costs; double the loss of income. She graciously cautioned Zimmerman about a second blacklisting. He now owed her R2,460.00 (R2,438.00 balance, not yet blacklisted, plus R22.00 blacklisting fee.) Van der Merwe most delicately explained why the R22 would form part of Zimmerman's debt and blacklisting: “Although it is a piffling amount it



**Having threatened
Van der Merwe for
blacklisting him he
denied that he had
been blacklisted
and then assembled
a new version in
which he castigated
*Noseweek***

must obviously be included by me, and paid by you.”

In her last email to Zimmerman she noted that she had blacklisted him a second time: “Also, as promised, the proof of ITC blacklisting. I trust that the aforementioned documents meet with your approval.”

Zimmerman was sent a draft of *Noseweek's* story and responded in an eight-page letter. He explained the quirky subpoena: “As our clients are attorneys [Bobroffs], much of the legal work is performed by them.” He made reference to a letter of 21 October 2015 which he alleges he sent to Van der Merwe – which she denies receiving – and which he did not copy to *Noseweek*. Having threatened Van der Merwe for blacklisting him, he then denied to *Noseweek* that he'd been blacklisted and assembled a new version in which he castigated *Noseweek* for not verifying whether it was true. The blacklisting exists. In fact, there are two of them from van der Merwe. We checked shortly before going to print. ■

Army of litigants contests huge legal bills

TWENTY-ONE FORMER CLIENTS OF RONALD Bobroff & Partners (RBP) have sued – or are suing – the firm for overreaching, which is considered by legal academics to be theft.

1. Matthew and Jennifer Graham's application to have Ronald and Darren Bobroff suspended from practise pending their names being struck off the Roll of Attorneys will be heard in Pretoria from 14 to 16 March. [*The Bobroffs took 40% of the R1.9 million in damages awarded to the Grahams, allegedly after fabricating file notes and time sheets to justify the rip-off.*]

2. Ms Juanne de la Guerre was charged R868,000.00 fees in terms of an illegal Percentage Fee Agreement (IPFA). Her matter ended up in the Constitutional Court, which ruled in her favour in February 2014. To date she has recovered, R760,000 from RBP. A final assessment for RBP's actual work done in her case has yet to be completed when a further recovery might be made.

3. Quadriplegic Anthony de Pontes was charged R2,101m fees in terms of an illegal fee agreement. An assessment of the work actually done by RBP revealed that it had overcharged de Pontes by R1,7m. With interest on the rip-off plus costs, De Pontes has to date recovered R2,7m from RBP.

4. Glen Vivian is a South African expat living in New Zealand. He was charged R1,254,000.00 in terms of an IPFA and challenged this in the South Gauteng High Court, Johannesburg. RBP wanted Vivian (now a foreigner) to pay security for RBP's legal costs in the sum of R500,000 before it should be obliged to formally assess the value of the work done for him. The court dismissed the application in June 2014 and ordered RBP to present an itemised account. An assessment of fees revealed that RBP had overcharged Vivian by R850,000. To date, Vivian has recovered, with interest and legal costs, R1,3m from RBP.

5. Ursha Yvonne Fourie instituted action against RBP to set aside the IPFA that she had signed with RBP. The day before its answer to her summons had to be filed – and two years after it had last had contact with her – RBP finally delivered a statement of account, together with payment of R245,000 which RBP had retained without explanation. The firm accepted liability for interest and Fourie has to date recovered R290,000. The case continues.

6. Steven Harris was charged R2,013 million in terms of an IPFA. The matter is before a Johannesburg judge. Lawyers anticipate that recovery from RBP, excluding interest, will be around R1,8m.

7. Christine Maree was charged R870,000 in terms of an IPFA. The date of the signature of agreement relied on by RBP has been referred to oral evidence.

RBP has asked Judge Brian Spilg to recuse himself after he asked RBP's witness some common-sense questions, such as wanting to know what the risk was to RBP that justified its charges (since the defendant had already agreed to settle her claim) and how RBP could charge her R6,400 per hour when it was paying the outside attorney it had contracted to do the actual legal work (unknown to Maree) only R500 per hour. It is expected that the recovery which will be made from RBP once the matter has been finalised, excluding interest, will be around R700,000. Legal costs are likely to exceed R500,000.

8. Yasmin Motara was charged R1,872m in terms of an IPFA. The South Gauteng High Court will hand down judgment at the same time it rules in the Maree matter. A recovery of some R1,6m is anticipated.

9. Francisco Alves's case was a Loss of Support claim. RBP refunded Alves R60,000. The overcharge was minimal in comparison to the others as RBP partner Stephen Bezuidenhout was more modest in his charges.

10. Sandy Chetty is the executor of her late husband's estate. RBP had charged him R1,248m for work done on a Road Accident Fund claim. She wants RBP to give her an accounting and debate the account with her. Significant overreaching is suspected. The trial was set to commence on 25 January.

11. Gavin Wong is asking the court to set aside a Common Law Contingency Fee Agreement (CLCFA) in which 34.2% of the

capital was charged to the client. Significant overreaching is suspected. This case, too, was to be heard on 25 January.

12. Ryan van de Swardt and three other clients – Shaun Wilkinson, Adam Hunter and Alexander Nell – are challenging RBP's fee agreement. Significant overreaching is suspected. The matter was argued in the South Gauteng High Court on 16 and 19 October before Judge Lebogang Modiba. Judgment is still awaited.

13. Conrad Biljon has made an application to set aside a CLCFA in circumstances where significant overreaching of as much as R1m is suspected. The interest on this claim is likely to equal the capital amount. No date has yet been allocated for the hearing.

14. Filipe Pombo is asking the South Gauteng High Court to annul a CLCFA. This is the case where the former bookkeeper at RBP uncovered the fact that Darren Bobroff was endorsing RBP cheques made out to clients – on which he had faked his father's signature – and depositing them into his personal bank account. The application has been partially settled on the basis that RBP pay the sum of R300,000 immediately to Pombo without any obligation on him to ever refund it pending the decision of the Supreme Court of Appeal in the case of *Levenson v Fluxmans*. The Levenson case deals with the issue of when a claim by a former client lapses. In that case, Fluxmans tried to allege that Levenson should never have trusted its advice and should have immediately paid another attorney to check whether Fluxmans's fee agreement was legal. Judge Leonie Windell wasn't fooled. Fluxmans now hope to fool five judges in the SCA and, in so doing, save the firm R2m.

15. Andrea Crystal has applied to court to set aside a CLCFA in circumstances where significant overreaching is suspected. RBP are opposing her application.

16. Gideon Hevmans has applied to court to set aside a CLCFA in circumstances where significant overreaching is suspected. RBP are opposing his application.

17. Amina Farouk has applied to court for the taxation of a bill of costs where the fee charged was approximately three times what she had expected it to be. Farouk lost a leg in a motor vehicle accident – and lost her dignity to RBP in yet another rip-off, assessed to be in the region of R500,000. RBP are also opposing this application, delaying justice and running up costs.

18. Sue-Ellen Erasmus has applied to court to set aside a CLCFA in circumstances of an overreach of more than R1m – the interest on this amount will double the eventual sum due by RBP. Her attorneys have received from RBP a Notice of Intention to Oppose. ■

It's called overreaching, but legal academics define it as theft

Three versions of a dark tale

Ex-cop disputes background to killing of Hazel Crane. **By Jack Lundin**

WAS SUPERINTENDENT HANS Kruger, former head of the Counterfeit Unit of the police's Commercial Branch in Pretoria, a good cop? Or did he leave the police service under a cloud, rejected by the generals, when he sought to rejoin?

More than seven years ago *Noseweek* published an article (*nose91*) revealing the identity of the mystery woman friend who was with Hazel Crane when the society diva and Joburg crime queen was assassinated back in 2003. Margaret Turner came out of the shadows to spill the beans on Crane's killer and the infamous counterfeit R5 coin scam run by the Israeli mafia. In the process of the telling, Supt Kruger got a few mentions.

Hans Kruger's wife Lucinda is a 34-year-old attorney more than 20 years his junior, with her own small law firm in Benoni. She describes herself as a "litigation attorney". Hans, who's now a Lieut-Colonel with the police reservists, is 55 and has set himself up as a "labour practitioner". Husband and wife share an office and they give each other work – Lucinda passing over the labour law stuff; Hans, anything that looks tasty in the field of litigation. [*Such as a generous damages settlement from Noseweek?* – Ed.]

The couple claim they only learned about our 2007 article in October (2015) in an evening phone call from a friend still with SAPS. It was 9.37pm when Lucinda ripped off her rant to *Noseweek* (Letters, *nose193*), expressing "utter disgust" at our publication of "a complete fallacy" concerning her husband. The article was "unconstitutional", "slander of a public servant's integrity" etc. The skills and sources of the journalist (me) were "severely questioned". Failure to produce ourselves for interview by close of business the following day "to set the record straight, once and for all" about Supt Kruger would result in a summons



Hans Kruger

"to compensate this violation of my [*sic*] his rights."

We missed Lucinda Kruger's deadline, but let's set the record straight.

Back in 2003, Kruger and his five-strong team in the police's Counterfeit Unit were tasked with cracking the fake R5 coin racket and ending the chaos caused by thousands of dud coins then flooding the country.

Margaret Turner had told *Noseweek* that Hazel Crane did a deal with Kruger: Crane's Polish boyfriend, and R5 coin distributor Voitec would turn state witness and take a Section 204 – and she would not be arrested.

"That's crap," declares Kruger now, setting the record straight. He maintains that he met Hazel only once "when we went to her house to arrest Voitec and search the house. Winnie Mandela was also there. Hazel was not involved in the R5 coins, it was only her boyfriend Voitec."

Setting the record straight again, Kruger adds: "No policeman can give a 204 (indemnity against prosecution in return for true testimony at trial). I compiled a docket which we took to the

Commercial Branch prosecutor. They decide."

Today Margaret Turner, pushing 68, has rebuilt her life and is a recruitment consultant for mining engineers. She recalls: "Hazel told me that she went to meet Kruger another time, at a coffee bar in Grant Avenue, Norwood. She told me the deal they did was that Voitec would get a 204 and she would not be implicated in the R5 scam."

As for Kruger's insistence that Crane was not involved in the scam, Turner says: "Of course she was! She told me she was! It was quick money for her."

A veteran drug squad detective and one-time senior member of the police's Organised Crime Unit finds it unbelievable that Kruger should claim that Hazel Crane was not involved in the R5 coin scam. He says that Hazel and Voitec took counterfeit coins by the sackload to games centres and casinos with coin-operated machines, collecting genuine notes in return. "Hazel was the nucleus of the whole R5 coin operation, one of the kingpins in Joburg recycling the coins."

The source continues: "Hazel was no angel. She had a very dark background in the apartheid years. She was involved in diamonds and Mandrax smuggling on a big scale. She networked with some of the top drug barons in Soweto."

"Hazel had a long history of backing into the right camps for protection. She was great friends with Winnie Mandela and Raymond Lalla (former Vula Boy and the police's crime intelligence head)."

As for Kruger's claim that police were not involved in the issue of Section 204s, the Organised Crime source says: "Police officers regularly make submissions to prosecutors over 204s. It was a negotiating trick with criminals in the old days. If you made a submission as investigating officer, the prosecutor would go on your recommendation and issue a 204."

Noseweek's article stated that on 8



Coining it: Hazel Crane, flanked by Margaret Turner and Winnie Madikizela-Mandela

November 2003 Kruger took Israeli mafia member Zion Malka, then in custody, to Cape Town, where he had promised to show police the location of a second coin-manufacturing machine. Whilst there, *nose* reported, the mafioso escaped through a hotel window.

A lie, declares Hans Kruger, putting the record straight. He agrees that he took Malka to Cape Town, but insists that he “never escaped”.

Comments Margaret Turner: “Absolute nonsense. November 8 is the day before Hazel and I were shot. That evening I was at Hazel’s home when she received a telephone call from Johnny Aylward (Captain Johnny Aylward worked with Inspector Wayne Kukard investigating the 1999 murder of Hazel Crane’s second husband, Israeli mafia boss Shai Avissar).

“Johnny told Hazel that Malka had escaped in Cape Town and warned her to be careful.”

The following day Hazel Crane was killed and Margaret Turner wounded when their car was ambushed as they drove to court, where Hazel was due to give evidence against Avissar’s alleged killer, Lior Saadt. Hazel was the third witness against Saadt to meet a violent death.

Noseweek’s Organised Crime source says: “We found it highly irregular that Kruger had taken a person [*Malka*] out of custody and was allowed to escort

this guy to Cape Town to do point-outs. And this guy just managed to escape from a hotel. He should have been in leg irons, under proper escort.”

(Eight months before Malka’s escape in Cape Town, Israeli mafia member and R5 coin accused Simon Kachlon escaped from the holding cells at Johannesburg Magistrate’s Court).

Then there was Jackie Selebi. Throughout Kruger’s investigation into the R5 coin scam, the then national police commissioner insisted that Kruger report direct to him. “Selebi called me every time while I was busy with the investigation,” says Kruger now. “I had

‘Let me tell you, I was a policeman for 25 years and never ever took a bribe, never ever in my life’

to give feedback to him, give him information and tell him how far I am with the case. So that’s what I did.”

This raised eyebrows at the time. “There’s a chain of command and normally Counterfeit Crime would report to head of Organised Crime,” says *Noseweek’s* Organised Crime source. “It certainly wouldn’t be regular practice for Kruger to have reported direct to Selebi.

“Selebi of course was webbed into a network of high-profile international criminals. And it was Selebi who ordered Raymond Lalla to protect Hazel.”

You can see now how it all starts to make sense.

As a young police officer in the ’80s, Hans Kruger was a member of the “takkie squad”, a plainclothes team that worked undercover in Hillbrow and wore takkies because they had to run a lot. Regular promotions took him to station commander – at Kriel, then Lydenburg in Mpumalanga – when he resigned for the first time in 1998, to start a labour law practice.

Although he studied for his LLB and took articles with the Pretoria law firm Anderson & Kloppers, Kruger never completed his law degree; neither did he complete articles. In 2001 he re-joined the police and was attached to the Commercial Branch.

Then, Kruger resigned again, around the time that the recaptured Zion Malka was sentenced to eight years’ imprisonment in January 2005 for minting and issuing fake R5 coins. When he tried to withdraw this resignation they turned him away, obliging the super to take work in Iraq as a security officer and aboard ships combating piracy off the Somali coast.

Putting the record straight one last time, Kruger insists that his reputation is impeccable. “Let me tell you, I was a policeman for 25 years and never ever took a bribe, never ever in my life.”

Noseweek’s Organised Crime Source comments: “I think Kruger left under a cloud after all his skulduggery and underhand doings.

“The national general staff started getting reports of all types of angles of complicity between Kruger and the perpetrators of the R5 coin scam. Every time they went to arrest them there was either an abscondment or something went wrong. There was a pattern.” ■



PRISCILLA, QUEEN OF HOUT BAY

A tale of passion, deceit and squandered millions

THIS FINE SPECIMEN OF ZIMBABWEAN womanhood operates from a fancy apartment in Hout Bay's prestigious Beach Crescent. Priscilla Dzvore has been living in Cape Town for eight years on a three-month student visa. She claims to be studying interior design, but in reality the 20-something is a hunter of jaded European businessmen, until recently casting her snares on a Lithuanian website called *Travelgirls*.

Travelgirls offers young women for "companionship" to businessmen on their expense account travels around the EU. The site stresses it has no intention to support "immoral interests".

It was with practised ease that Dzvore hooked a prize catch by the name of Matthias Eder, a seemingly respectable company director and middle-aged divorcee from Ohlsdorf, in Austria. (The R11,000-per-month rent on her flat is sponsored by a Swiss admirer called Phillip.)

Secretly, Eder had cruised the web, encountered Dzvore, and was so struck by her bounteous boobs that, after some online chatter, he mobilised his company credit card to jet Dzvore to a secret European rendezvous.

What his employers, a company called Jacquet Metal Service, hadn't realised was that Eder has a Walter

Mitty-type personality and was on serious psychiatric medication to curb him from acting out his delusions. And that he often failed to take his tablets. Had the headhunter who placed him been more diligent, Jacquet Metal Service would also have been aware that Eder had been accused of dishonesty by his two previous employers.

Priscilla Dzvore duly touched down in Milan – and proceeded to enliven an extended business trip for her latest benefactor. Along the road to Verona, Munich and Amsterdam, she developed a taste for the finer things in life such as Gucci handbags, Chanel footwear and the skills of a surgeon to enhance her already formidable bosom.

So memorable was their trip that Matthias Eder ditched his job, abandoned his family and fled to Cape Town to the loving arms of his Zimbabwean temptress. Before leaving Austria, armed with a forged letter supposedly signed by two company directors allowing him to draw cash, he visited the company's bankers, Volksbank, who, apparently without question, handed him €585,000 – worth R7.5 million then and a great deal more today – in bundles of €200 notes.

The runaway executive arrived in Cape Town late in 2013, with a suitcase stuffed with cash. Dzvore's bank

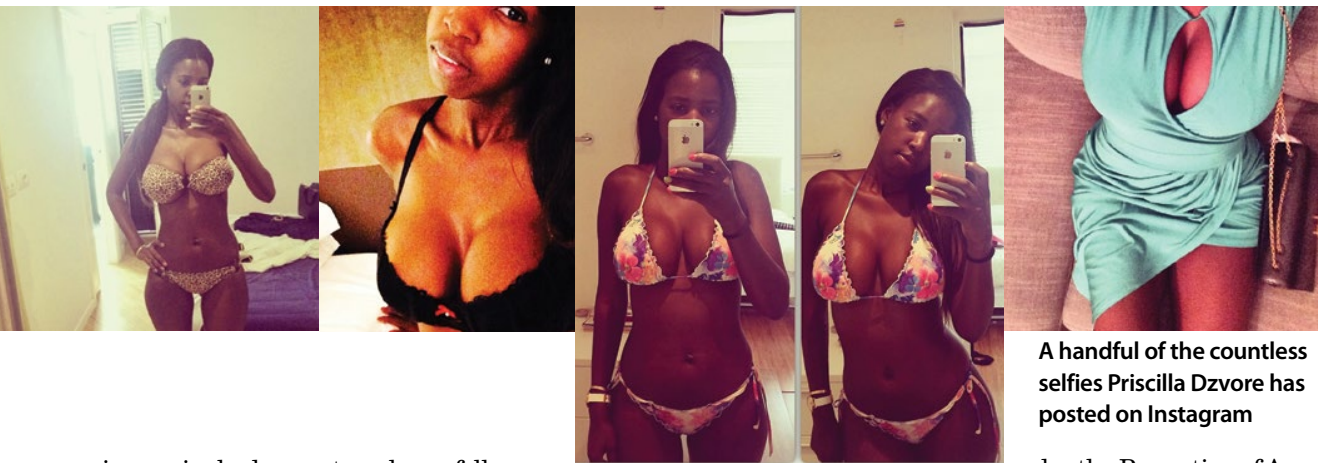
account with Absa, languishing with a balance of just R139, was quickly topped up to a nice round R100,000. Other substantial payments went into other accounts held by the young lady with Standard Bank – R210,000 at the V&A Waterfront branch; R130,000 and then R60,000 at Hout Bay.

Having liberated all that money from his employer, Eder needed to cover his tracks. And how better than with a new identity? Priscilla Dzvore's brother Lazarus, something of a fly-by-night who frequently changes his name and at the time was going by the name Ras, obliged with that old dodge: digging up the birth certificate of a white Zimbabwean who had died soon after birth. Using this, Eder managed to obtain a "legal" ID and a passport in Zimbabwe.

The bulk of the stolen €585,000 was deposited in an Absa safe deposit box in Cape Town. Eder had one key. Fatefully, a duplicate key was held by Dzvore.

Getting her tiresomely ardent lover out of the way, Dzvore dispatched Eder to Zimbabwe, under his new name of Clements Duval. There he soon ran out of cash and was marooned, at the mercy of Priscilla Dzvore's now less-than-friendly brother Ras.

In frantic SMSs Eder pleaded with Dzvore to send her the bulk of his money – keeping some of it for herself. His



A handful of the countless selfies Priscilla Dzvore has posted on Instagram

increasingly-desperate pleas fell on deaf ears.

Back in Austria, Eder's employers were less than amused to discover all those Euros adrift from the corporate kitty. Investigators from Munich-based Paladin Associates pored over Eder's company credit card statements. These led them to Priscilla Dzvore. They urged her to contact the South African Police. Dzvore's response was to close her social media accounts and re-emerge under the name of Mncube.

Aware that the net was closing around her, Dzvore called the Directorate for Priority Crime Investigation – the Hawks – claiming she had just happened to come upon a large sum of money in a safe deposit box rented by Eder. When the Hawks investigators arrived at her Beach Crescent apartment on 14 January 2014 she spun them a tale of how a clearly unhinged Eder had arrived uninvited at her door. Out of charity she had taken him in for a few days, a kindness for which a grateful Eder had given her €12,000 (more than R200,000). She told them she was a political refugee and a student at INTEC.

Dzvore handed Colonel Mike Barkhuizen of the Hawks an envelope containing €200,000 of the stolen money. They photographed receipts showing Dzvore's purchase (for cash) of a new Audi A1 car (which she had not mentioned in their interview) and evidence of a spending spree at trendy Cape Town boutiques.

Shortly thereafter police established that Eder and Dzvore had called at the V&A Audi dealership two days before Christmas 2013, where Eder had known exactly what he wanted: a red Audi A1 sedan. The dealership did not have one in stock, but quickly arranged for one to be shipped in from another dealership in the Eastern Cape. The R289,500 purchase-price was paid in full on the same day – by EFT from Dzvore's Standard Bank account. She encountered none of the usual hassle in getting her driver's licence, passing

Pending the outcome of the litigation, Dzvore has got her wheels back and her bank accounts unblocked

first go at it, on a Saturday – when drivers' testing centres are normally closed. Months later, learner plates were still displayed on the Audi and the condition of the car suggested that it was being operated by a person not especially skilled in the art of parallel parking or cornering.

The Hawks were also shown – and photographed – frantic WhatsApp messages from Eder to Dzvore, in which he pleaded fruitlessly with her to allow another buxom escort agency ladyfriend who was on her way to Zimbabwe, to call on her and collect his cash. Investigators suspected that Dzvore had outwitted and fleeced the hapless Austrian before dispatching him to Zimbabwe to get him out of her hair.

Armed with Dzvore's bank statements, the Hawks prepared a docket. But the National Prosecuting Authority declined to prosecute on the grounds that no offence had taken place in South Africa. *[Could it be that her rare skills in financial management qualify her for indefinite residence in South Africa? – Ed.]*

Eder's employers, Jacquet Metal Service, who have a policy of pursuing "to the ends of the earth" any who loot their coffers, obtained the police docket un-

der the Promotion of Access to Information Act. Represented here by law firm Webber Wentzel, they have launched an ongoing civil action in the Western Cape High Court against the bounteous Dzvore, claiming her Audi and funds identified in her bank accounts.

So far Dzvore, represented by Justin Hamers of Smith Tabata Buchanan Boyes, is winning hands-down. The Hawks had managed to get her bank accounts frozen and her Audi impounded by the Sheriff, but now, pending the outcome of the litigation, Dzvore has got her wheels back and her bank accounts unblocked. However she's had to deposit the disputed cash into her attorney's trust account.

She triumphantly posted a picture of herself with her released Audi, giving a two finger salute.

Explaining her income in court papers, Dzvore says she receives gifts from overseas benefactors, men she travels with but who do not wish to be named due to the "unfortunate stigma" associated with the *Travelgirls* website. She has since closed her own *Travelgirls* account.

As for Eder, some rotter posted a copy of his new Zimbabwe birth certificate and documents outlining his new identity to his home address in Vienna. And when Eder, a broken and penniless man, agreed to return to Europe with only small change in his pocket, the authorities, who had been alerted by the South African Police, were waiting to clap him in handcuffs. Sentenced to 12 months in prison for appropriating those half-million Euros from his employer, Eder is now under house arrest, persona non grata with his family, including his airline-pilot son.

Priscilla Dzvore alias Mncube denies all knowledge of the whereabouts of the bulk of the still missing Euro loot. She has found time, however, to fit in several trips to Europe, bought some classy Gucci outfits and paid for relatives' college study courses. Her sister, formerly a domestic-servant, is now a lady of leisure. ■

LETTERS OF STONE

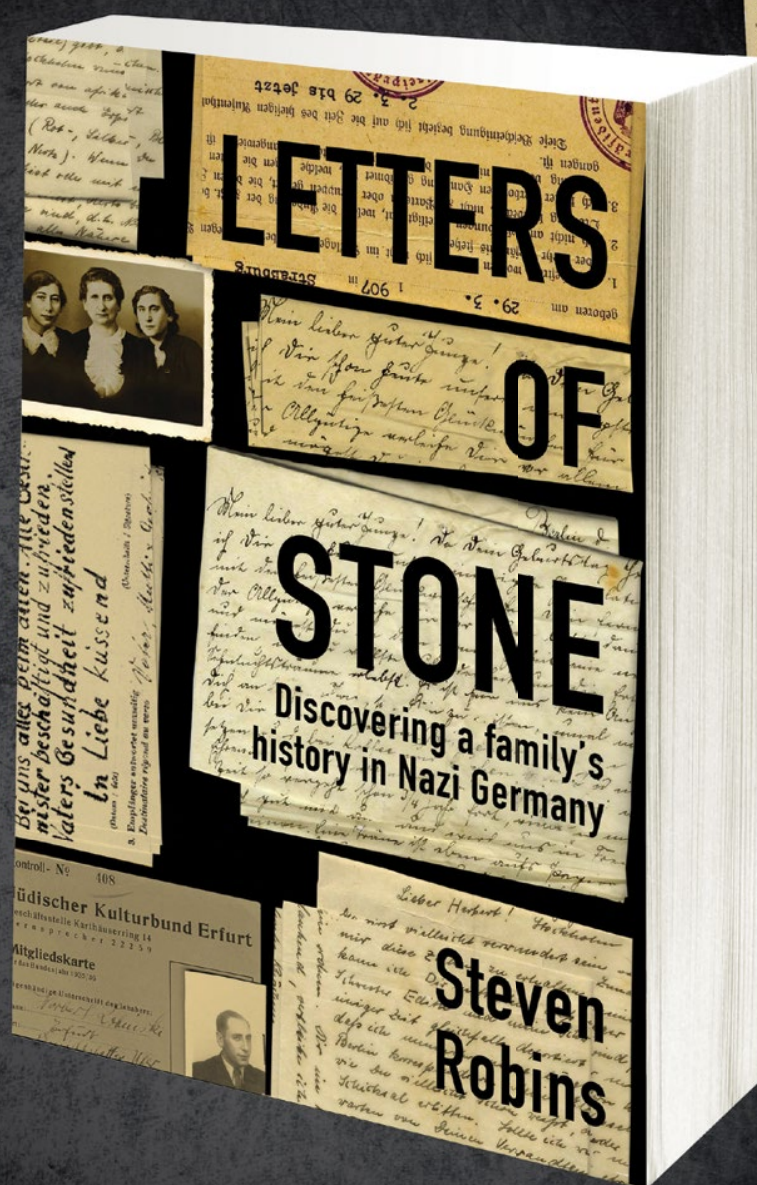
As a young boy growing up in Port Elizabeth in the 1960s and 1970s, Steven Robins was haunted by an old postcard-size photograph of three unknown women on a table in the dining room. Only later did he learn that the women were his father's mother and sisters, photographed in Berlin in 1937, before they were killed in the Holocaust.

Letters of Stone tracks Steven's journey of discovery about the lives and fates of the Robinski family and it is a poignant reconstruction of a family trapped in an increasingly terrifying and deadly Nazi state.

A POWERFUL STORY

'This is a most exceptional and unforgettable book - locating, tracing and coherently presenting the debris of a family's efforts to survive the ultimate devastation. Steven Robins steps into that place of densest silence, where death took place, to say the unsayable. One reads it with one's heart in one's mouth, learning the deepest meanings of the word 'anguish'.'

- ANTIJE KROG



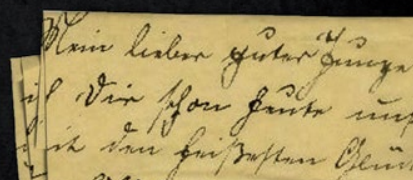
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The Photograph

Excerpts from the newly published *Letters of Stone* by **Steven Robins**



GROWING UP IN PORT ELIZABETH in the 1960s and '70s, I was always aware of a black-and-white postcard-size photograph of three women that stood on a black wooden table in our dining room. I had no idea who these women were other than a vague sense that they were my father's family and that they had lived and died in Germany during the Second World War.

By the time I was in my teens I had a sense that they were killed in the Holocaust, but it was a vague awareness. I did not even know their names or exactly how they were related to me. Yet this portrait was to follow me around for many years, its subjects always watching me, hovering in the shadows, waiting for me to notice them, and to respond. The haunting expression on the face of the woman on the left had a particular hold over me.

They are dressed in old-fashioned, formal clothing, the older woman wearing a white ruff, the younger ones with white lace bows on their collars. Their expressions seem sombre and despairing. The eyes of the young woman on the right appear to squint. The older woman stares straight ahead and looks tired and forlorn. The woman on the left, the one who always attracted my attention, appears

equally melancholy and defeated.

In our home, it felt as if the photograph was never meant to be noticed; as if someone had mistakenly left it on the table in our dining room. Nobody spoke about its subjects, but neither did I ask about them. My brother Michael does not even remember ever seeing it. The picture always stood out to me, though. Every day, those three sad women would stare at us as we ate dinner.

Only when I was an adult did I discover that the women were my grandmother and my aunts. In 1989, as a young anthropology student, I interviewed my father about his life. I learnt then that his mother was named Cecilie, and his two sisters Edith and Hildegard. Edith, the woman on the left of the photograph finally had a name. My father told me that he and his siblings were born in Poland. He had an older brother, Siegfried, and a younger brother, Artur, all born in the 1900s. His sisters Edith and Hildegard were born during the First World War. Erika, the youngest, died in infancy of starvation as a result of the deprivations of the war years.

The family relocated to Berlin during the 1920s, and my father later took a job as a buyer at a big department store in Erfurt. After the Nazis came to power, he escaped to South Africa in 1936 and

settled in Port Elizabeth, where he became a door-to-door salesman selling socks and stockings. His brother Artur managed to get out two years later and ended up in Ndola in Northern Rhodesia (now Zambia).

The interview, while enlightening, had one gaping hole. I asked my father questions about almost every aspect of his life in Poland and Germany, but none of my questions addressed what happened to Edith and the rest of his family. I knew his brother Artur – or Arthur, as we called him – who had visited with his family many times when I was a child. But there seemed to be an unstated agreement that the rest of his family were not to be spoken about.

Nadine Fresco alludes to this tendency of Holocaust survivors to withhold information about their traumatic experiences from their children. The stories of death are never told, and are instead acted out symptomatically between parents and children. This “forbidden memory of death” finds expression in attacks of pain that are often veiled behind “a screen of words [and] an unchanging story, a tale repeated over and over again, made up of selections from the war”. The silence in my father's house was even more profound, as he never said anything to me about the war at all

until I interviewed him in his eighties, and even then he said nothing about the family who had remained behind. For me, the single photograph of Edith, her mother and sister came to stand in as the repository for this forbidden memory of loss, death and destruction, for the black hole of silence that suffocated any mention of them.

When my father died at the age of eighty-four, the year after I interviewed him, it seemed as if the opportunity to discover anything about his family had died with him. But the interview had prised open a window into the Robinski family's past, and I became increasingly determined to uncover the truth about their fates.

I began searching for archival traces and information about a world that no longer existed. At the time, Edith's photograph was the only access I had to this world. It was, as Roland Barthes put it, an umbilical cord of light, providing a glimmer of hope that would salvage and resuscitate a shattered existence. I looked to this photograph to do the impossible: to mend broken family bonds and bridge my separation from Aunt Edith and my late father. I was asking so much of it.



APART FROM HIS THICK GERMAN accent and a smattering of Yiddish in his everyday speech, my father revealed virtually nothing about his European roots during my childhood in Port Elizabeth. He had left everything behind when he immigrated to South Africa, and probably assumed that nobody, especially his sons, needed to know about his past.

After initially struggling to make a living in Port Elizabeth, my father found employment as a salesman for a small retail clothing store. By the time he got married, nearly twenty years later – to Ruth Naomi Rom, a South African-born Jewess – he had established his own retail business and was fairly comfortably off. I grew up with the incongruity of having an English-sounding surname, Robins, and a father with a German accent, but neither my brother nor I asked any questions about this.

The interview with my father in 1989 became my window into his life in Europe. Reading the transcript decades later, I am struck by his disbelief that any-

one, even his son, would be interested in his history.

STEVEN: Okay, Dad, could you begin by telling me a little bit about your early experiences in Strasburg, things that you remember when you were a little child?

HERBERT: That's very difficult, I mean, after all, it takes me back sixty years. Sixty years is a long time, more than sixty years, eighty years now as a small child, and what do I remember? It's not very much. Well I remember my elder brother Siegfried had some fights occasionally and that's it.

But with some prompting, and as the interview proceeded, he gradually began to open up about his youth.

My grandfather David Robinski, was born in 1878 in Rucken, East Prussia. In 1904, David married my grandmother Cecilie Grünberg, who was born in Grindzaw in East Prussia in 1882. The marriage had been arranged by a shadchen, a traditional Jewish matchmaker who sent David to the Grünberg home in Strasburg to choose a wife from one of their four marriageable daughters.

After David chose Cecilie, they lived in Strasburg, where he opened an inn with a bar and grocery shop. Later they moved to Culmsee ("not much of a town") where he owned a shoe shop called Salamander Schuhwaren. It was in this small Prussian town, bordering Russia, that my father and his two brothers, Siegfried and Artur were born.

David fought on the Italian front during the war [WWI], and he must have thought this patriotic act would secure his rights as a German citizen. Instead, his war experiences left him thoroughly disillusioned. One day, he tore off his uniform and threw it into the fireplace in disgust. That, a failing business and rising anti-Semitic and anti-German feelings persuaded David Robinski to move westwards, to Berlin, where he arrived in 1920.



AYEAR AFTER MY INTERVIEW WITH MY father I received news from home that his condition was critical. I arrived at the hospital just in time to say goodbye to him. As his life ebbed away, his eyes stared into mine, and it was as if he was trying to tell me something important. There was so much more that I would have wanted to ask him. There

was so much between us that was left unsaid.



IN 1996, WHILE ATTENDING AN AMERICAN Anthropology Association conference in Washington DC, I took time out from sessions to visit the US Holocaust Memorial Museum. The exhibits, which featured massive piles of shoes, spectacles and suitcases from the death camps, shocked and unsettled me. Other exhibits revealed the complicity of big business and science, and physical anthropology in particular, in the genocide. In one exhibit, prominence was given to German anatomist and physical anthropologist Dr Eugen Fischer, a Nazi scientist whose scientific work led directly to Nazi policy decisions regarding racial classification, and created the conditions for the mass murder of Roma, Sinti and Jews. Another German scientist featured was psychiatrist and physician Robert Ritter, who wrote a report that led the Reich Interior Ministry to issue guidelines in 1936 "On Combatting the Gypsy Plague", thus setting in motion the processes for extermination.

The museum also provided information about the Nazi euthanasia programme, the use of slave labour at the camps by the Bavarian Motor Works (BMW), the role of IBM in Nazi racial-classification systems, and the fact that more than half of the participants at the 1942 Wannsee Conference, which decided on the Final Solution, had doctoral degrees. It was ultimately German scientists and engineers who volunteered their expertise towards the design and construction of the machinery for mass murder, while businessmen from IBM and pharmaceutical and chemicals company IG Farben were the capitalist cogs in this catastrophe.

Adolf Eichmann, Reinhard Heydrich and countless other Nazi officers and foot soldiers set in motion a series of bureaucratic procedures that culminated in the murder of my father's family.

I needed to speak to someone about what I had just experienced, and found a museum staff member, who listened as I told him how disorienting I had found the exhibition. When I mentioned that my father's family had perished in the Holocaust, he looked for their name in a bulky black book called the Berliner Gedenkbuch (its full title is The Memorial Book of the Federal Archives for the

Victims of the Persecution of Jews in Germany (1933-1945), searching among the pages for surnames that began with the letter R: Reich, Rosen, Rubinstein... he stopped at the names of the six Robinski family members: Cecilie, David, Edith, Hildegard, Siegfried and another Edith (Siegfried's wife). Next to their names were their addresses in Berlin, dates and places of birth, and dates and places of deportation. My grandparents were the first to be deported, on the 21st Transport to Riga, on 19 October 1942. Hildegard was deported to Auschwitz on 19 February 1943, and on 1 March 1943, my uncle Siegfried was sent on the 31st Transport. Edith was deported to Auschwitz five months later.

I felt like a detective stumbling across the first hard evidence that ties a murderer to a crime scene.

The discovery, to me, seemed similar to those made by members of the TRC when they unearthed the brutal secrets of the apartheid regime. I remember the confusion on the museum worker's face as he witnessed the satisfaction and relief that passed over me after learning the truth about my family. Perhaps my expression should have revealed shock and sorrow instead. In my mind, however, the terrifyingly mundane, officious details about the Robinski family's deportation and their final destinations gave substance to their existence.

The preface of the Berliner Gedenkbuch, written by then federal president of Germany Horst Köhler, comes close to capturing what I was experiencing: "This Memorial Book gives those murdered their names and dignity back. It is a memorial and at the same time a reminder that every single life has a name and its own truly unique tragic story."

The knowledge the book imparted would forever change my life, but I could never have imagined at that point where it would lead me – [this] information that had been buried for decades in the black hole of silence in my father's house.

I decided I needed to go to Berlin, the quintessential city of ghosts. But did the ghosts even want visitors? Would my father have approved, or would he have implored me to firmly close the lid of this dreaded black box of memories?

The Landesarchiv building has holdings that range from tax files documenting the confiscation of Jews' property to the over 800,000 case files of the Berlin Restitution Offices. An affable librarian, instantly assessing what I wanted, asked for the family name in which I was interested. About 20 minutes later she provided me with photocopies of about 100 pages of official documentation concerning the last days of the Robinski family.

An enormous amount of methodical labour went into the racial classification of Jews and Roma, as well as the documentation of their expropriated property, deportation and extermination.

As I worked my way through my own family's file, I observed the impersonal bureaucratic rationality of the Nazis in their documentation – what the German Jewish political theorist Hannah Arendt referred to as the banality of evil. The exact details of the Robinskis' confiscated property and their value were systematically recorded. From having nothing but a single photograph of Edith, her mother and her sister, I now could begin the process of piecing together the story behind these bare facts.



THE YEAR MY FATHER WAS IMPRISONED, IN 1933, Hitler appointed his favourite racial scientist, Dr Eugen Fischer, as rector of the Friedrich Wilhelm University (now Humboldt University). Fischer was already the director of the Kaiser Wilhelm Institute of Anthropology, Human Heredity and Eugenics (KWI-A) in Berlin, and he was one of the signatories of the "Loyalty Oath of German Professors to Adolf Hitler and the National Socialist State". Fischer became one of the most influential scientists in the Nazis' implementation of eugenics programmes, which included the forced sterilisation and euthanising of mentally and physically disabled people.

The murder of the Reich's Jews, which included my family, was underpinned by the science of anthropology, and by eugenics in particular.

In the words of political philosopher Giorgio Agamben, "For the first time in history, the possibilities of the social sciences are made known, and at once it becomes possible both to protect life and to authorise a holocaust".



A SIGNIFICANT STRAND OF THIS STORY, somewhat surprisingly, begins, not in the heart of metropolitan Europe, but in a remote section of the colonial periphery of southern Africa.

During my 2012 visit to Williston in the Karoo, I learnt about how the mixed-race Basters, despite living under the protection of the Rhenish missionaries at Amandelboom, were dispossessed of their land in the 1860s by trekboer pastoralists and white commercial wool farmers. Losing access to their grazing lands, many had to **To next page**

Here, we speak human



THE LAST WORD
INTIMATE HOTELS

Beyond Boutique

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From previous page

move northwards, eventually settling in Rehoboth in South West Africa, in 1870.

In 1884, South West Africa became a colony of the German Empire, and the Rehoboth Basters were treated thereafter as an intermediary class of colonial subjects, sandwiched between the indigenous population and white German-speaking colonisers. In 1904, the Herero rebellion erupted and was brutally suppressed. In a letter written in 1904, the German General Lothar von Trotha outlined his strategy for dealing with this rebellion:

I believe that the [Herero] nation as such should be annihilated, or, if this is not possible by tactical measures, [they] have to be expelled from the country. The constant movement of our troops will enable us to find the small groups of the nation who have moved backwards and destroy them gradually.

The survivors of this massacre, the majority of whom were women and children, were herded to detention centres, where they worked as slave labourers for the German military and settlers. Prisoners were categorised into groups designating their suitability for work, and they were issued death certificates even before they died, indicating their “death by exhaustion following privation”.

Eugene Fischer arrived in Rehoboth in 1908. In 1913, Fischer’s ethnography, *The Bastards of Rehoboth and the Problem of Miscegenation in Man*, was published to widespread acclaim. Its appendix provides practical recommendations for German colonial policy, including the use of Basters as low-level officials, foremen and native police to reinforce German colonial rule. Fischer also recommends that the ban on mixed marriages and racial miscegenation in the German colonies be upheld, which would later influence Nazi laws to promote “the protection of German blood and honour” through what became the Nuremberg Laws.

By the late 1930s, Fischer was one of Germany’s most influential scientists, laying the foundations for Nazi eugenics that would find their ultimate expression in the Final Solution.

● Extracts from *Letters of Stone*, by Steven Robins, published by Penguin.

Fond memories of a charming rogue

Loyal son protests his father’s innocence.

By Jack Lundin

KENNETH BISOGNO, 50-SOMETHING son of the late adventurer and gems dealer Ernesto Bisogno, whose swashbuckling escapades in the opal business were recounted in *nose195*, is indignant at our description of his father as an “emerald smuggler”. Prove it, challenges Kenneth from his glass house, adding pompously that, alternatively, he reserves his rights.

Ernesto, who died in November aged 85, took delight in entertaining friends with stories of his often less-than-legal high jinks. And Kenneth’s own recent activities in the Seychelles reveal the son to be a true chip off the old block.

Bisogno Jnr suspects that *Noseweek* reached the smuggler conclusion because of a 1970s scam known as the Zambian Emerald Fiasco. We hadn’t been aware of that one, but according to a swift précis from Kenneth, it went like this: “He [Ernesto] was taken off an international Lufthansa flight en route to Frankfurt (transit at Lusaka) and jailed for 28 days under a Presidential Detention Order signed by Kenneth Kaunda himself.”

A parcel of emeralds Bisogno was carrying was “confiscated and forfeited as a fine for contravening the Exchange Control Act of Zambia,” says Bisogno Jnr, who claims his father had exported the emeralds legally from South Africa.

“The same parcel was later interdicted at an auction held on behalf of the Zambian government in Geneva, only to discover the weights were correct but all stones had been replaced by inferior product rendering the parcel worthless.”

Larry Hood, a veteran gems dealer

whose disastrous partnership with Ernesto in the Great Opal Sting was recounted in our last issue, had known Ernesto for 42 years. Both dealers had offices close to Joburg’s Carlton Centre – Ernesto’s little buying-and-selling operation was grandly (and misleadingly) titled the Emerald Exchange, and Hood’s, the equally grand (and misleading) Central Emerald Buying and Selling Organisation. Occasionally they did business together.

Just who ripped off whom in the distant Zambian Emerald Fiasco remains a mystery. Hood’s memory of it: “Ernie, who we called the Emerald King, had left for Zambia to pick up a parcel of emeralds,” he says. “Freddie Allen, an Irishman, was head of serious economic crimes in Zambia and the bane of emerald smugglers. When Ernesto arrived in Lusaka he met an American emerald dealer called Acheson in the airport and spoke openly of his parcel. The next thing, Ernie was pulled off the plane by the secret police just before take-off. They found a substantial parcel of emeralds on him and locked him up for some time.”

Hood provides an insight into how dealers like himself and Ernesto operated in those days. “I can’t say Ernie was smuggling stones. None of us dealers were stupid enough to smuggle, we were too well known to the authorities. So we bought from the Senegalese, who were the smugglers. It took years for Zambia to introduce proper exporting procedures and until that happened 90% of the emeralds were smuggled out.

“All you needed was an invoice for the goods, acceptance they were paid

for, and an export certificate was issued. The Senegalese took the rough gems to Geneva, New York and Hong Kong. Geneva had at least three offices where you could buy rough emeralds from the Senegalese.”

One of Ernesto’s favourite smuggling stories he told against himself was how he arranged for a parcel of his emeralds to be smuggled into the US. He hired a couple of “Rhodies” (Rhodesians) to act as mules and hid the emeralds in cardboard tubes, which the mules carried with them on the plane, successfully eluding discovery. With great glee, Ernesto would relate how, on their arrival, he paid off his mules in US dollars – which they promptly gambled away in Las Vegas. Despite Kenny Bisogno’s protestations of his father’s innocence, “don of the emerald smugglers” might be a more accurate description of his charming old man.

It transpires that, on occasion, Ernesto would carry smuggled booty himself. Such as his much self-trumpeted wheeze described in *nose195* – the video-taping of hours of top US television shows in his suite in the Waldorf Astoria and carrying the counterfeit tapes to Zimbabwe to sell to Zimbabwe Television.

Larry Hood was not thrilled to have his name linked with Ernesto in last issue’s story of the great opal sting. “It hurts to see me associated with stupid actions by Ernesto Bisogno,” he says now. “I sank real money into that cutting venture and have no doubt now the whole flipping bunch of them are very cunning con artists, all in cahoots with each other.”

Of course Hood had long experience of Ernesto’s peccadilloes. He recalls now how they once bumped into each other in London and Ernesto invited him to take a bedroom in his suite at the Hyde Park Hotel. After a week of high living Ernesto departed for Italy, leaving Hood with the suite’s entire bill!

Sometimes Ernesto Bisogno was the loser. In 1978 Hood paid just \$40,000 for a magnificent 103ct yellow-green emerald worth \$2m. Ernesto summoned a buyer from Israel and in the dealing that followed made \$1.3m for himself, which he deposited in a Hong Kong bank. Back in Joburg, his then wife vanished overnight, to reappear in Hong Kong, where she emptied the bank account and divorced him.



“Ernie was less concerned about the money as he was with the loss of his wife,” says Hood. “He really was besotted with her.”

Ernesto Bisogno’s view of life, says Larry Hood, was “to make people forget their problems and enjoy life to the full. Good whisky, good wine, and good women. He loved to party and made the best Italian sausage you could imagine. I don’t believe Ernie was a crook; just damn right stupid! He was probably the best salesman in the world. His larger-than-life character, as a loveable person, far outweighs anything anyone may have to say against him.”

In recent years Ernesto the doting father set up Kenneth Bisogno in a mobile phone dealership in the balmy Seychelles, called SoftCell. An August 2014 judgment in the island’s Court of Appeal tells the sorry story. A company named Vestalene Investments sold and delivered a consignment of mobile phones and handsets to Cable & Wireless (Seychelles), the island’s main service provider of fixed, mobile and broadband services. Cable & Wireless in turn made payment of SRupees 1,37m to Vestalene’s supposed agents Kenneth and his then wife Debra “Debbie” Bisogno.

However, Vestalene maintained they had never appointed the Bisognos/SoftCell as their agents. Kenneth Bisogno

said the pleadings against them should be struck out, as they had never claimed to be Vestalene’s agents and any money they received from Cable & Wireless was a result of “separate contracts”.

A Supreme Court trial judge had earlier found that Kenneth and Debbie Bisogno “shrewdly, cunningly and acting in bad faith, abused the trust of Cable & Wireless and passed themselves off as the authorised representatives of Vestalene Investments for the purpose of receiving SR1,37m from Cable & Wireless.”

There was a unanimous finding of the three Court of Appeal judges in 2014. Their judgment ordered the couple to pay Cable & Wireless (Seychelles) SR1,370,087, with interest at the commercial rate from 30 December 2002.

SR1.37m converts to R1.7m. But add interest at the island’s (varying) commercial rate, compounded over nearly 12 years, and Ernesto’s disgraced son was facing a penalty as high as R8m.

Kenneth Bisogno, who has long departed the Seychelles, will not discuss this enormous penalty demand. A similar silence reigns from Charles Hammond, CEO of Cable & Wireless (Seychelles). “As company policy we do not comment on litigation matters,” said Claudia E Restrepo, Senior Director, Corporate and Digital at Cable & Wireless head office in London.

Back in South Africa with dad, Kenneth converted his property in Gauteng’s Kempton Park into the La-Y-La Lodge, a bed & breakfast establishment, with the (by then) ailing Ernesto and youngest son Amadeo consigned to outbuildings in the garden. Friends say the old man paid Kenneth R350,000 for the privilege of being allowed to stay there for life.

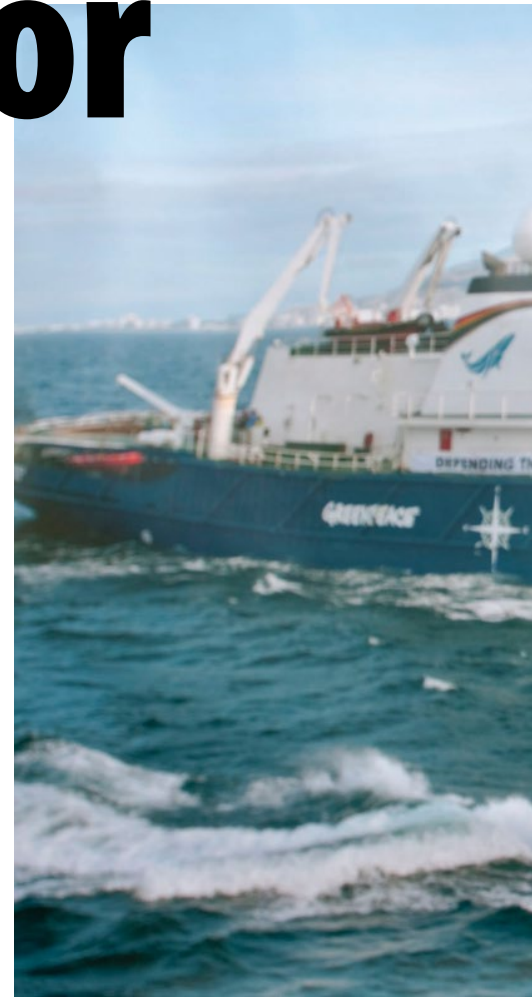
At around 57 years old, Kenneth remains something of a livewire, posting a mischievous mugshot (shown here) on Twitter’s dating site announcing: “I’m here to date girls 18-40.” The Romeo’s listed interests include the Sex Pistols, water-skiing, JRR Tolkien and snorkelling.

Just before his father’s death Kenneth sold the Kempton Park property and at his father’s memorial service told mourners he planned to set off on a biking tour of the US.

Taking a girl along? he was asked. “Naw, just a sign on the back saying ‘The bitch fell off’,” he replied. ■

Nuke warrior

He was an anti-apartheid activist at 15 and a Rhodes Scholar who, as head of Greenpeace, has never been afraid to take on the World Economic Forum, governments, Shell and other multinational companies ... Kumi Naidoo is coming home to fight against South Africa's controversial nuclear deal. By Susan Barkly



SOUTH AFRICA'S PROPOSED DEAL FOR another nuclear power station is nothing more than a costly, dead-end road to nowhere, and clearly the wrong choice for the country. So says Kumi Naidoo, the charismatic South African former head of Greenpeace International. Naidoo recently left the environmental organisation to add his muscle to the struggle for a "just energy future for our country".

"I believe the South African government can still turn back from an expensive, dangerous nuclear nightmare," Naidoo told *Noseweek*. "I'll certainly be working – along with many others – to ensure that new nuclear projects do not go ahead in this country. Nuclear belongs in our past, and renewable energy is clearly our future."

Naidoo will join forces with Earthlife Africa and the Southern African Faith Communities Environmental Initiative (Safcei) who filed papers in October, challenging the legality and constitutionality of the process now under way for new nuclear reactors.

Recruited in 2009 to turn Greenpeace around, Naidoo became the first African to lead the organisation. He joined on a four-year commitment but stayed for six, leaving at the end of 2015.

Back in South Africa, he will be based in the Eastern Free State.

On his departure, Greenpeace Board chair Ana Toni described Naidoo, as "an incredible leader and ambassador for Greenpeace" who had built bridges "to other groups in civil society that have increased Greenpeace's campaigning influence immensely".

Born in Durban, Naidoo's anti-apartheid activities through the Helping Hands Youth Organisation got him expelled from school at the age of 15. As a student at the University of Durban Westville, he was arrested a number of times for civil disobedience – and went to work underground before going into exile in England.

Naidoo was awarded a Rhodes Scholarship and earned a DPhil in Political Sociology at Oxford. He lived in exile throughout the 1980s and returned to South Africa in 1990. He was founding executive director of the South African National NGO Coalition (Sangoco) and, from 1998 to 2008, was secretary-general and chief executive officer of Civicus: World Alliance for Citizen Participation, aimed at strengthening civil society. He joined Greenpeace in 2009 – after being encouraged to do so by his daughter Naomi, "the light of my life".

Naidoo drew criticism from Western environmentalists for his determined focus on the interconnectedness of environmental justice and human rights.

He became internationally known for his acts of civil disobedience in the Arctic Ocean against Shell and Russian natural-gas company Gazprom's plans to drill in the Arctic. In 2011 he was jailed in Greenland for scaling an oil platform owned by Scottish company Cairn Energy, and in 2012 he occupied Gazprom's oil platform in the Pechora Sea along with Greenpeace volunteers.

He is a strong critic of the World Economic Forum and regularly attends UN climate negotiations to advocate for governments to cap emissions and move towards renewable energy. He recently led the Global Call for Climate Action (also known as TckTckTck, a diverse coalition of more than 400 organisations that support immediate and



Kumi Naidoo

effective action on climate change.

Naidoo was also the founding chairperson of the Global Call to Action Against Poverty, a worldwide alliance involving millions of people in more than 85 countries campaigning to end poverty.

He said his international work had kept him away from South Africa for far too long (17 years) and he'd decided it was "time to return home". South Africa, he said "is arguably facing one of the most pressing challenges since the end of apartheid".

"With the government putting as much as a trillion rand on the table for Russian-built nuclear power plants, this would commit us to a dangerous path that will do little to provide clean energy services to roughly one-in-five South Africans who have no electricity."

He would be returning to "two of the most important titles a person can hold:

Naidoo shares the fury of opposition parties at the secrecy of the proposed deal and its cost

that of simply being a South African citizen and a volunteer of Greenpeace and other civil society organisations". These include the Earthrise Trust which is doing creative rural development work in Rustlers Valley in the Eastern Free State.

"I am considering some offers of employment which will enable me to contribute to the campaign for clean, safe, accessible and affordable energy for all South Africans and to work on a global campaign to encourage banks and other lending institutions not to fund socially and environmentally harmful projects, as a strategy to accelerate progress in averting catastrophic climate change, since we are fast running out of time.

"There are very active anti-nuclear campaigns in South Africa, and I will be giving my support to a number of them. Investing in new nuclear reactors is the last thing the South Africa government should be considering. It will expose us to far too much risk. Nuclear is never safe, and is always susceptible to the deadly combination of design and technical failures, natural disasters and human error. Aside from that, the planned nuclear deal will deliver far too little, far too late, and at far too high a price.

"Furthermore, nuclear is the most 'thirsty' of all energy sources and in a context of drought, and with the climate scientists warning of much more to come, we should be choosing energy options that are not so heavily water-dependent. On top of that, the job creation potential in the renewable energy sector is significantly more than in nuclear and, given the jobs crisis in South Africa, it just does not make sense."

Naidoo's return comes not a moment too soon: late last year the Cabinet announced it had given the go-ahead for the procurement process for the contentious nuclear plan to go ahead. No time frame was given but the broader plan to boost nuclear power will stretch over the next 15 years.

Naidoo shares the fury of opposition parties and activists over the steam-rolling of the process and the failure to stick to proper procedures – as well as the continued secrecy relating to the deal and its exorbitant cost.

Should South Africa go along with the deal, the consequences will be catastrophic, he says. "We will lose our energy independence to whichever country wins the bid (Russia is the most likely).



We will waste time that could be going towards developing renewable energy engineers and technicians and driving, for example, a roof-top solar revolution where we turn every roof of almost every building into two things: an electricity generator as well as an income generator for excess electricity that can be fed into the grid in return for cash.

“If this country moves ahead with nuclear investments, any nuclear power stations will probably take more than a decade to deliver. And, going by international experience, are likely to deliver well behind schedule and over budget.

“We need electricity now. Renewable energy projects have much shorter time frames and are already delivering on time and on budget. They will be significantly cheaper than any new nuclear power stations.

“It is completely legitimate to ask who will benefit from the deal. The finances don’t add up. I cannot understand: what is the driver towards nuclear when you look at it in terms of cost to country? If this deal goes ahead, it will make the Arms Deal look like a picnic in terms of corruption.

“A great deal more transparency around the nuclear deal would help remove some of the questions regarding corruption, but at the moment the South African government is neither sufficiently transparent nor accountable about nuclear.

“South Africans have a right to know where the money for the nuclear investments is coming from, how the money would be paid back (most likely through increased electricity tariffs) and what safety assessments have been done.

None of this information is in the public domain, raising the question: ‘What do those in the South African government who are pushing this option have to hide?’

“However, it is important to acknowledge that the ANC NGC Discussion Document (published earlier this year) made it clear that many members and even leaders of the ruling party share our concerns about nuclear, and must now make their opposition public so as to encourage those in our government who are pushing this ill-advised nuclear plan to step back from the brink.

“It is clear that this deal stands directly in the way of any serious commitment to renewable energy uptake – the safest, most sustainable solution to South Africa’s energy challenges.”

What disturbs him most about South Africa today? “South Africa is a hugely unequal society, and there is a failure to see that the major emerging environmental crises – climate change, extreme weather, water, an addiction to coal, nuclear threats – are deeply connected to the social justice that we strive for in this country.

“I also find the levels of corruption, and the impunity with which some in power behave, completely unacceptable – that, after more than 20 years of democracy, so many people do not have access to clean water, electricity, sanitation – which, by the way, is just a polite way to say that people do not have a decent place to shit and piss – and that our education system is not yet delivering accessible quality education to all.”

Does he agree with the political commentator and author Justice Malala

that *We have now begun our descent*, the title of his latest book?

“A big part of me does not want to accept that... but I have sympathy with this view. The reason I am still hopeful is that I know there are many good people in our country – from the ruling party to the opposition parties – who want to do the right thing and address poverty and inequality and to do our part to avert catastrophic climate change.

“More important, I am witnessing that civil society leaders (certain religious, NGO and trade-union leaders) are standing up to address some of the country’s key challenges. The recent student protests in South Africa are a signal that our young people refuse to accept that the poverty and inequality that dominates our society is the best we can do. My optimism comes primarily from what I am hearing from young people and from a broad range of civil society leaders, including some important voices within the ruling party.”

Does he believe the nuclear deal will go ahead? “No, I do not believe it will... because it will take a seriously insane bank, nuclear company or financial institution to choose to fund this in the face of mounting opposition and skyrocketing costs. Many proposed nuclear projects have been placed on ice, since there is a large hesitancy to fund such projects.

“But still, it means that creativity and investment of time and resources will be wasted if our government does not quickly give a clear indication that we are going to harness the tremendous renewable energy potential our continent has, instead of continue with the nuclear misadventure. South Africans must remind themselves of a much smaller nuclear adventure, the Pebble Bed Molecular Reactor, on which Eskom blew almost R10 billion, with not one unit of electricity being created.

“Yes, some individuals and consultants might have got rich in the process but the people of South Africa did not benefit at all.”

The nuclear deal might be his priority focus in the year ahead but Naidoo remains deeply concerned about a range of other environmental issues, not least climate change.

“We have a small window of opportunity left to take the actions necessary to avoid catastrophic climate change... and that window is fast closing.” ■

Letter from Umjindi

BHEKI MASHILE



No joke. What about the little people?

THERE'S NOTHING EVEN REMOTELY funny about Mr Nkaaandla's (as pronounced by his fans) little chess game with the finance ministry – until the world's financial markets said “No, Zulu boy, now your power trip has gone too far”. They smacked the singing president back to his senses, as though he'd been whacked over the head during a Zulu stick fight. Boy! Talk about being woken up to the reality of where real power lies. It's certainly not in Nkaaandla.

But Zuma's chess move has also had serious ramifications for local government. And though I said there's nothing funny about any of this, it was certainly comical to see (Dave Who?) Van Rooyen introduced as the new finance minister. Not only did he appear shell-shocked, he looked liked a scared little boy who'd been told: Just stand there and shut up. Did Zuma wake this poor guy in the middle of the night and say, “You are now finance minister, be ready for press conference tomorrow”?

The man on the ground does not seem very important in Zuma's eyes, despite it being the little people who vote his party into power. Perhaps it's unfair to say the little man is not important to El Pres. After all, he did appoint Pravin Gordhan as Minister of Cooperative Governance and Traditional Affairs (Cogta). Why change the name to this utterly stupid cooperative crap? I'll give them the traditional affairs part. After all, a good portion of our country is still rural – and I'm convinced we should keep it that way, especially after reading a *National Geographic* story on the urbanisation of that state of Colorado in the US. Comrades, read up on urbanisation and you'll be glad we're still part of the “under-developed” world.

When Zuma deployed Gordhan to Cogta it would appear that, at the very least, the Pres had realised that local government needed to be guided by a man who could do the job. Not just oversee the portfolio, but find solutions and resolve the problems therein.



God knows, too many of our municipalities have been in a mess, with violent service delivery protests, mismanagement and so on – and clearly no minister prior to Gordhan had any clue (or none we know of) on how to deal with these overwhelming challenges.

While at the helm of Cogta, Gordhan made it clear that unless political interference was eliminated from the management of local municipalities, this grass-roots tier of government would remain dysfunctional. Moreover, he instructed that municipalities identified as unviable should be merged. Thus my Umjindi has been merged with neighbouring Mbombela, better known by its capital, Nelspruit. Now the merged municipalities are being designated mini metros, paving the way for fully fledged metro status down the line. This means a bigger chunk of moola from the Treasury, a higher rates-and-taxes base and a wider use of resources such as emergency vehicles, fire engines etc which, it is hoped, will improve service delivery.

According to the Municipal Demarcation Board, Mzansi will have roughly 14 new mini metros across the various provinces except for the Western Cape.

There were of course some strong

objections, including legal action by the DA which claimed this municipality merger thingamajig was politically motivated by the ANC in the run-up to the 2016 local elections. Hogwash, said Gordhan, and the courts agreed. The formerly “all white-people party” was smacked with a black eye as it lost nearly every case with costs. Poor DA, with a financially devastating court loss followed by the racist peck of the sparrow, its safe to say that, come the local elections, the mergers will be the least of the party's problems.

Whether the mergers achieve the intended goals remains to be seen. But it must be said that in Pravin Gordhan local government had a minister who applied his mind to the challenges before him and put together some solutions. For now we can only wonder whether or not the Prav's strategies will be carried out and, if they are, will it be as efficiently and successfully as would have been likely under his leadership.

The removal of the Prav from Cogta to Finance because of our Zulu Pavarotti's chess game is a definite blow to local government. Gordhan's track record is unquestionable. He took SARS from mediocre to top-notch – to the dismay of tax dodgers, of course, and did a stellar job in his previous stint as finance minister. This is the kind of performer South Africa's Little Man needs.

At a press conference over the finance fiasco the Prav said, “I will miss COGTA. I was having fun in the local government side. I enjoyed making a difference in the lives of regular people.”

As if we should be surprised, the Pres came out with his defensive guns blazing during the ANC's January birthday celebrations, and said everybody had over-reacted to his reshuffle. Over-reacted? Sorry Mr Pres, we don't think so. Next time try spinning a different tune. We are already singing *Money's too tight to mention*, and with the drought compelling us to import the country's staple, maize, with a weak rand, the last thing we need as is defensive spin that insults everyone's intelligence. ■



Prime time. Praise with faint damn

SOUTH AFRICA'S RULERS HAVE MUCH TO offer Britain by way of governance example. We can toss unsatisfactory ministers after four-day careers, while, if *Call Me Dave* is any thing to go by, poor Brit would-be politicians have to endure endless screenings and then work like fury for long years in power.

Dave, commissioned and co-authored by Lord Ashcroft with journalist Isabel Oakeshott, was originally bruited as a page-turning revenge job, sparked by Cameron's failure to reward Ashcroft with high office after his lordship had laboured mightily for the Conservative Party.

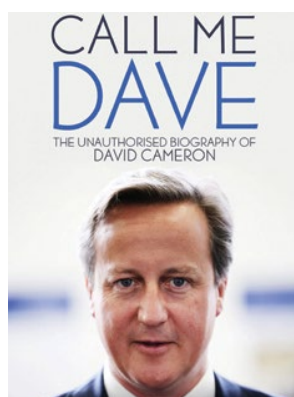
Ashcroft candidly admits to profound disappointment when he did not figure in the new post-election cabinet (after all, he had personally donated 8 million sterling to the party coffers). But, instead of sobbing his eyes out, he proceeded, to his credit, to write a fascinatingly detailed portrait of the British PM, ably abetted by Oakeshott.

Those who assumed that the tome would be a hatchet job will be confounded by the meticulously fair and generous picture that emerges. Essentially, it turns out that Cameron is motivated by old-fashioned family values. He was fortunate in having a privileged childhood (in a bigish country house, not far from the bigger house where Labour leader Jeremy Corbyn grew up), and attended a tiny private primary school where the Queen was present for Prince Andrew's nativity play performance. A then-music teacher confesses that he was unnerved at having to play *God Save the Queen* while the queen in question was seated beside the piano.

Little David grew up in awe of his clever elder brother Alexander (now a QC), and believed he was second best. But he soldiered on, encouraged by his handicapped father (born with malformed legs) and capably charitable mother. Two sisters completed the family, and the children seemingly lived enviable lives, with

CALL ME DAVE: THE UNAUTHORISED BIOGRAPHY OF DAVID CAMERON

By Michael Ashcroft and
Isabel Oakeshott
(Biteback Publishing)



swotting tempered by tennis, swimming and cycling.

Cameron came into his own at Oxford, despite the allurements of sundry female students. To his own astonishment he achieved a First. When he gained willowy wife Samantha, who is not as demure as she's painted, he settled down to family responsibilities with a kind of gusto. Clearly his parents' marital strength rubbed off on young David.

Samantha is reported to sport (shock, horror) a tattoo on one ankle, which is usually concealed by tights on formal occasions. She is a powerful helpmeet, who insists that the Prime Minister interrupt his hectic schedule at least twice weekly to be home for supper and bathtime with the kids. Regular holiday breaks too. The couple supported each other without undue fuss in caring for their seriously handicapped son Ivan, who died in 2009. Cameron said then his "world stopped".

Dave has its envious moments, when secret weekend parties are described as taking place far from paparazzi lenses, with rich and famous gathered to dance in marquees surrounded by sinister-looking 4x4s with tinted windows and lots of security. Samantha apparently loves a good knees-up. Did David take drugs at university? As he famously replied: he led a normal student life.

Hardly juicy gossip – except, of course, when good neighbours Rebekah Brooks and Co got involved in the *News of the World* telephone hacking scandal.

If the book has a consistent gripe about Cameron, it is that he has always had the support of friends and family to manoeuvre him into good jobs. It was noticed at an early stage of his university career that he was able to speak confidently without notes, acted quickly and was impatient of ditherers. Likewise his long-time companion and current Chancellor of the Exchequer, George Osborne. They support each other loyally in the treacherous world of shifting political allegiances, and it is



Happy family: The Camerons

assumed that Cameron would be enthusiastic if dear old George eventually had a go at the premiership.

Cameron's political apprenticeship was thorough. He landed at Tory HQ and, at the age of 24, was advising then Prime Minister Michael Howard. At the outset, his interest was in education (*vide* his announcement in January of a scheme to educate British parents).

A colleague in the Education Department recalls the young Cameron: "I saw somebody who immediately had the facts and figures at his fingertips.

He would turn up at meetings and demand to know how many people worked in the department for education, how many people were doing this or that... it was also clear that once it went into his head, he never lost it... he cared about it."

Perhaps Cameron's focus on education has developed an ethic appropriate to his job. It is, however, properly recorded that, during the MPs' expenses scandal, Cameron was found guilty of having received government assistance in clearing wisteria which had clogged a chimney. Not exactly Nkandla, then.

But he was certainly outraged by the Duck House claim for reimbursement by Sir Peter Viggers, whose Stockholm duck house caused such an outcry that it led to the staging of a West End play of that title. Then old Lord Hogg was attacked for claiming thousands for clearance of his moat. Both were held by the media to be perfect examples of Tory remoteness from reality.

An aide remembers the scene at Conservative HQ when a liaison man arrived, barking: "Would you believe it – it's a fucking moat! Fucking Douglas Hogg and his fucking moat!"

Cameron dealt sharply with these excesses, threatening the 35-year MP Viggers with expulsion from the party.

The British PM is accused by some of Ashcroft's sources as lacking broad vision. But he shows his mettle when decisive, justifying his actions with: "It's the right thing to do."

Ashcroft may not have received his just reward from Cameron, but he has had his say with an intelligent and highly successful biography. Imagine a world in which we could all afford to publish our disillusionments. ■

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Down and Out

ANNE SUSSKIND



It's a mad, mad, mad Oz world

A hammerhead shark, much like the one mentioned below

New Year bloopers

AUSTRALIAN MP JAMIE BRIGGS STOOD down after admitting he behaved inappropriately toward a female diplomat during a night out in Hong Kong. It was embarrassing enough when he seemed to think it somehow mattered or was mitigating that they were in a “very popular and crowded bar”, but this was eclipsed when Immigration Minister Peter Dutton accidentally sent a text describing a journalist who’d covered the story to the journalist herself. Intended for Briggs, it described Samantha Maiden as a “mad fucking witch”. Dutton has apologised and said he and the journalist “had a laugh” over his faux pas.

Christmas cheer

- When the town of Lorne on the Great Ocean Road was evacuated due to raging fires that razed more than 100 houses over the festive season, shopkeeper Alex Ng gave the keys of his supermarket, Foodworks, to firefighters, telling them to take anything they needed while he was away.

- A homeless man, Richard, 60, who sleeps under a bridge in the city, found himself so inundated by visitors bringing him food and drinks at Christmas that he “had to start rejecting”, he reportedly said of his bulging rucksack, just as two children and their parents arrived to offer him fruit, jam sandwiches, watermelon and toiletries.

At last count, in August, people sleeping rough in Sydney numbered 352.

- Australia’s biggest “food rescue” campaign, Ozharvest, started in 2004 by South African migrant Ronni Khan, was visited at Christmas by none other than Camilla, Duchess of Cornwall, in appreciation of its innovative work. To date, the charity has saved more than 14 million kilos of perishable food (collected from film sets to boardrooms to supermarkets and hotels) and delivered more than 40 million meals to people in need across Australia, free of charge, through 800 charities.

Stats and other trivia

- Within two days of being posted, over 24,000 people had signed a petition to stop the imprisonment of two hammerhead sharks in a “very small tank” in an Adelaide nightclub. Along with the 250,000-litre aquarium in the middle of the dance floor, the Atlantis Lounge aims to feature mermaids, a swimming pool, a helipad, a champagne fountain, and gold-plated toilets.

- Hyams Beach, a popular holiday spot on the NSW south coast, was closed for three days after 50 sharks were spotted close to shore. Meanwhile \$30 buys a new shark-repellent spray made of extract of fermented sharks, which hate the smell of their dead.

- A 22-page list of people (many, senior Labor Party figures) was referred to prosecutors for possible charges flowing from the release of the report of the Commission into Trade Union Governance and Corruption. Adjudged clean, were former PM Julia Gillard, who was questioned for giving advice on and

having dealings in a slush fund established 20 years ago by her former boyfriend and union official Bruce Wilson, and by current opposition leader Bill Shorten, who once headed the Australian Workers Union.

- “Mansplain” is a new word in the Macquarie Dictionary: when a man explains a concept to a woman as though she were an idiot.

- An Australian Psychological Society report says Fomo (Fear of Missing Out) is affecting 50% of teenagers, who worry about what they have or have not been invited to, and is significantly driven by social media, which teens report using for 2.7 hours a day (many while they ate their meals), before sleeping, and within minutes of waking.

- Nursing homes are making an average profit per resident of A\$6,278 – up from A\$4,497 in 2014. The average bond is A\$154,116.

- Qantas has announced it will join Cathay Pacific in no longer carry racing greyhounds on flights to Asia. Animal activists say it is a win for the gentle dogs which are cruelly culled or incarcerated when their racing days are up. Up to 800 are being kept in prison-like cells in Macau.

- For A\$140, a hangover sufferer can get hooked up to an intravenous drip by a doctor and served Hartmann’s solution, to replace body fluid and mineral salts, – a treatment inspired by ski patrollers who party hard but are all qualified paramedics. Health experts warn this may encourage inappropriate alcohol consumption. ■



Lip service. Brief encounter

YOU KNOW, IT'S GETTING TO BE A GOOD long time that we've had democracy.

One needs to be a bit cautious these days about a certain type of conversation. You know: how dreadful were the old days; remember how we defied the régime; I wonder what happened to old So-'n-so who was so Important in the Party? That sort of thing. Not that such sentimentalism should be forbidden, heavens no, I mean it's just that we old coelacanths can easily become a shmerz im tochis beating our boneless gums about ancient heroism, triumph, tenacity et cetera.

A Combi-full of sentimental geriatrics suddenly appears in Durbs to celebrate my ninetieth. We drink booze before lunch and get excited and leap back in the Combi and buy a basketful of pies and stuff and set forth on a picnic tour of struggle sites, even old pre-Apartheid ones: the place where passive resistance activists put up their tents way back in '42, even before the Group Areas Act, and man, were they only innocent, even naïve; Jan Smuts had neither fear nor scruple about such piddling menace. He was busy with big menace, Hitler, remember. There's plenty of room in our prisons, said he, and the squatters started losing their jobs because they kept disappearing for a month at a time from their places of employ, and that, as they say, was that. We smile condescendingly.

Let's go to where the really serious stuff started happening after Sharpeville; we stroll over to where Durban Central once stood, it's all gone now bar one guard tower and a prison wall with liberation graffiti as grim monuments, but I pace off the parking lot to where my cell once stood. Quite a nice sort of tronk it was, full of cockroaches but plenty of porridge and a bit of sunlight would actually shine in your cell in winter and the screws were too lazy to bully

you. We all chuckle; fancy saying a prison was quite nice, but it was, compared to die Rooi Hel in Port Elizabeth and Pretoria Central, Bosman's Stone Cold Jug. Here's where the marchers from Cato Manor beat on the big oaken main door with sticks to demand the release of their leaders, here's where a platoon of police arrived with Sten guns ready for what Sten guns do, and just amazing

how it all cooled off in the nick of time. All along the march the Harvards were overhead, circling, the Saracen armoured cars barricading the road, riflemen chasing marchers down side streets, who inexorably rejoined the march down the road. But finally they were just shagged out, drifted off. Catharsis.

And so forth. Son Joe is with us, and he's half my age: forty five. A quiet man. Old toppies turn to him and smile and say, Well what do you remember of all this, hey Joe? Well Joe was ten and eating his sos-and-mash one evening when there was a knock at the door just a couple of metres away, and when his mum opened the door a bullet almost took the spud off his fork and disappeared into the woodwork just five centimetres above my head. There stood a dude entirely starkers excepting his underpants, and oiled all over, Japanese style, so nobody could catch hold of him. Remember all that, eh, Joe? say the old toppies.



I remember catching a train to Port Shepstone when I was seventeen, says Joe, out of school just long enough to grow my hair and plan a bit of life, the plan being to hitch to Port Edward to meet my buddies and hike down the Transkei beach with a nice whippy shad rod and a box of matches and some bottles of fresh water. So I hump my rucksack aboard at the Berea Road station, says

he, and look, I have an entire coach to myself because it's not a rush hour, and at Isipingo an absolutely beautiful Indian girl gets aboard and sits opposite me with a

gentle smile on her lips.

She is able to sit opposite me, you see, because the police are urgently battling street demos and can't be bothered to enforce railway segregation, so it's pretty well fallen away. Well I called her a girl but she's a woman, really, she is Yanum Govender and she's going just a couple of stops along the line to meet her husband in Scottburgh. I find it hard to talk to her because she's so pretty, you know how it goes, but she's very gentle and puts me at ease and she's thrilled at my adventure. So we have a brief spell of companionship, and just as we approach Scottburgh she leans forward and puts her hands on my knees and says Would you like to kiss me?

Well...this is a real kiss, man, I can still feel her lips smiling and her warm breath on my cheek. She gives my hand a squeeze and steps nimbly off the train and turns to wave goodbye, and that's the memory I have of the days of transition to democracy. ■

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