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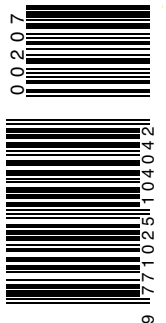
207 JANUARY 2017

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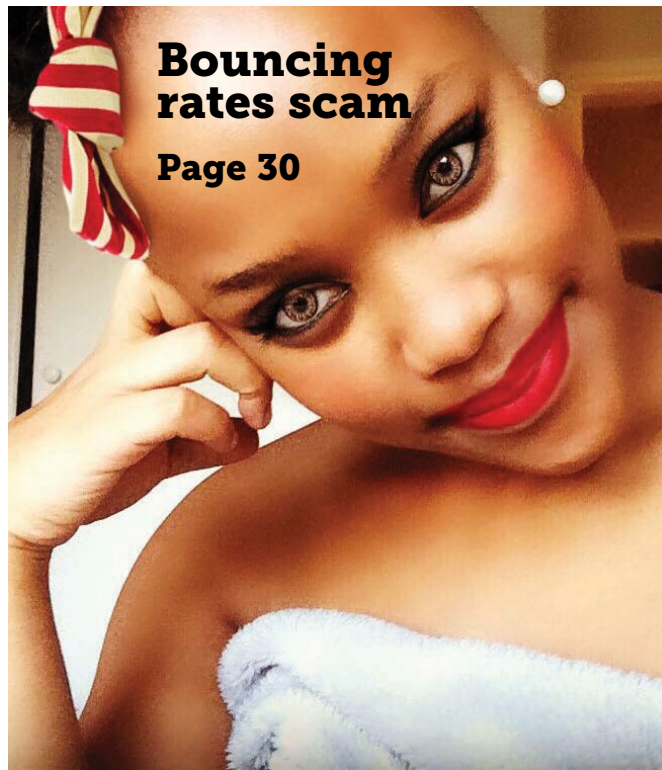
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# Letters

## Sanral trusts this puts the record straight

NOSEWEEK'S OCTOBER 2016 ARTICLE "Environment department diverts Sanral bypass plan" has elicited a 2,600-word letter from Sanral "to set the record straight". As a letter of that length can clearly not be accommodated on a letters' page, only some headline points have been extracted from it for publication here. The full text is on Noseweek's website.

IN NOSE204 IT IS CLAIMED THAT SANRAL has rushed to push through a plan to reroute the N3 highway between Johannesburg and Durban across De Beer's Pass, while having scant regard for the environment.

The *Noseweek* story is based on hearsay and statements that are not factual and lack credibility. Journalistic integrity has been sacrificed to besmirch the SA National Roads Agency SOC Limited (Sanral) at all costs.

In fact the N3 project has a long history and has undergone a very robust planning process as evidenced by a second, very comprehensive Environmental Impact Assessment (EIA) undertaken by Sanral over a five-year period. The road already had environmental authorisation from the Department of Environmental Affairs (DEA) in 1999. Had Sanral been in a rush, it would have commenced construction on the basis of that authorisation.

The planned new route is not merely 14km shorter. The De Beer's Pass will operate at highway speeds, unlike the existing Van Reenen Pass, and will have reduced gradients and

curves, not only reducing travel times, but saving R6 billion over the analysis period for the road user and the economy of South Africa!

Sanral has on numerous occasions stated that the estimated cost of the project is R5.2bn and not R10bn. [*Has any major roads contract ever been concluded at less than double the original cost estimate?* – Ed.]

The project is not a reroute but an alternate road to relieve traffic on the existing route.

Regarding the jobs and income Harrismith stands to lose, a Regional Economic Impact Assessment found the impacts are far below those calculated by the consultant to the Harrismith Business Forum, Mike Schussler.

Schussler has not considered the specialist studies which outline the economic benefits and impact of the De Beer's Pass on nearby towns.

The *Noseweek* report alleged that the DEA has said the highway will permanently destroy wetlands in an important Vaal River catchment area, negatively affecting critical water supplies to Gauteng.

The DEA has made no such claim, but has requested clarification of a number of issues. That Sanral has failed to address the impacts on wetlands is false. The EIA undertaken by Sanral includes three wetland studies and a Resource Economics study, which is a first for road EIAs in South Africa. [*See editorial.*]

The *nose204* article also alleges that "by some estimates" revenue from the

N3 route is R2-R4bn a year, and that the new bypass route "will allow the N3 Toll Concession ...to get a fresh 30-year extension on the business".

Not so. The current programme is for the De Beer's Pass works to be completed by 2022. The Concession contract makes no provision for any time extension and there is no plan to extend the concession beyond the original period.

*Noseweek* reported: "OUTA reckons that stretch of highway (will) cost an average 321% more than similar roads worldwide."

*Noseweek* also referred to the "congeniality" between Sanral, the tolling companies and the big construction companies (who fixed prices for the Gauteng Freeway Improvement Project) as "by now the stuff of legend".

It then went on to quote OUTA describing the R760m that Sanral is claiming from seven construction firms guilty of collusion, as "a pittance", since, by OUTA's reckoning, the contractors had been overpaid by R10.8bn for the Gauteng project.

The facts: Sanral held a press conference in March 2016 where it asked OUTA to produce evidence to substantiate its claims. To date it has not done so.

Sanral believes that glaring errors in the OUTA report were designed to deliberately mislead the public and create sensation.

**Koos Smit, Mpati Makoa, Ron Harmse and Thabiso Malahleha**

Sanral, Pretoria



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## Binary options – buyer beware

THERE IS A “RICHARD BRANSON” ADVERT ON Facebook run along similar lines to the Trevor Noah fake recommendation you mention in your excellent exposé (in *nose206*) of the binary options trading scams that are currently being punted all over the internet.

*Caveat emptor, indeed!*

**Mike Turner**  
Randburg

■ NEVER FORGET: IF SOMETHING IS TOO GOOD to be true, it usually is! Also, why should anyone offer the key to instant fortune, with much marketing effort, when they could enjoy it all for themselves, alone with so little effort? Surely not a charitable venture!

**Old Owl**  
Plettenberg Bay

## Prophets without beards

REPORTS ON THE “PROPHET” WHO SPRAYS Doom insecticide on the faces of his congregants reminded me of the question in Fyodor Dostoyevsky’s novel,



*The Brothers Karamazov*: Did God invent man or did man invent God?

That debate is for another day, but I am concerned about congregants who worship their “prophets” instead of God, and the apparent replacement of the Christian faith’s Father, Son and Holy Spirit devotional promise with money, status and materialism worshipping. Many of these “prophets” seem to be baby-faced, with no trace of facial hair, making philosopher Baruch Spinoza sound spot on when he said: “There has never been a credible prophet who didn’t grow a beard.”

**Luyanda Marlon Kama**  
Kwa-Dwesi, Port Elizabeth

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## A highwayman's view

**O**N THE LETTERS PAGE READERS WILL FIND a brief summary of a much longer letter received from the South African National Roads Agency (Sanral) objecting to the content and drift of a report that appeared in *nose204* about its ongoing plans to redirect the N3 highway between Gauteng and Durban.

It is intended that the highway will cross the escarpment via the De Beer's Pass, rather than its current, more laborious, Van Reenen route. Among the many objections raised against the proposed De Beer's Pass route is that the highway will permanently destroy wetlands in an important Vaal River catchment area, negatively affecting critical water supplies to Gauteng.

In response, Sanral says it did take account of the wetlands, but then raises two important qualifiers: it wants us to note that its environmental impact assessments

also (uniquely) included a resource economics study – which presumably found that the economic advantages of the highway outweighed the environmental disadvantages of driving a highway through a pristine wetland at the source of a major river.

In case the public did not swallow that one, Sanral goes on to point out that "It is also well known that the Vaal River system is under threat from the drought, unlawful irrigation practices and from different pollution sources, such as sewage from inadequate municipal waste water treatment works, industrial effluents, acid mine drainage and other activities taking place within the Vaal River System."

By implication, Sanral considers that the Vaal is in such a mess anyway, that it is not worth bothering about preserving the wetland that filters the river water at source.

If you can swallow that.

## Department of Social Insecurity

**T**HE DEPARTMENT OF SOCIAL SECURITY has been ominously silent about its plans for distributing more than 17 million social grants once its contract with Cash Paymaster Services (CPS) – the company that has performed that service for several years – terminates in less than three months' time.

More than a year ago the government announced that the SA Social Security Agency (Sassa) would no longer call for tenders to manage the system, and would manage it "in house". From time to time it announced the appointment of "work streams" to research and design the system at a cost of millions.

For months, Minister of Social Security Bathabile Dlamini has refused to reveal how the government planned to administer the system itself and what it would cost.

When at a session of Parliament's Select Committee on Public Accounts (Scopa), the DA's Bridget Masango once more posed these questions, Dlamini slipped into Zulu, the better to drive her answer home: *Kukhona abazama ukuthola amanzietsheni, angeke bawathole!* You are trying to draw water from a stone – and you won't get it!

Sassa did reveal that it would take them two years or more to "phase in" their plans. And in the interim? There is only one possible answer.

Despite the Constitutional Court having ordered Sassa to cancel its contract with

CPS because the tender was illegal, Sassa now plans to contract CPS for another two years while it supposedly "phases in" a plan it has yet to decide upon – and CPS can now charge just about anything it wants for the extra two-or-more years.

What the minister won't tell Parliament, the Chairman and CEO of Net 1, CPS's holding company, Serge Belamant told his major shareholders in early November: "More urgently, Sassa has asked us to propose a plan that would allow for all current Sassa cards to continue to operate for a further 24 months after April 1, 2017.

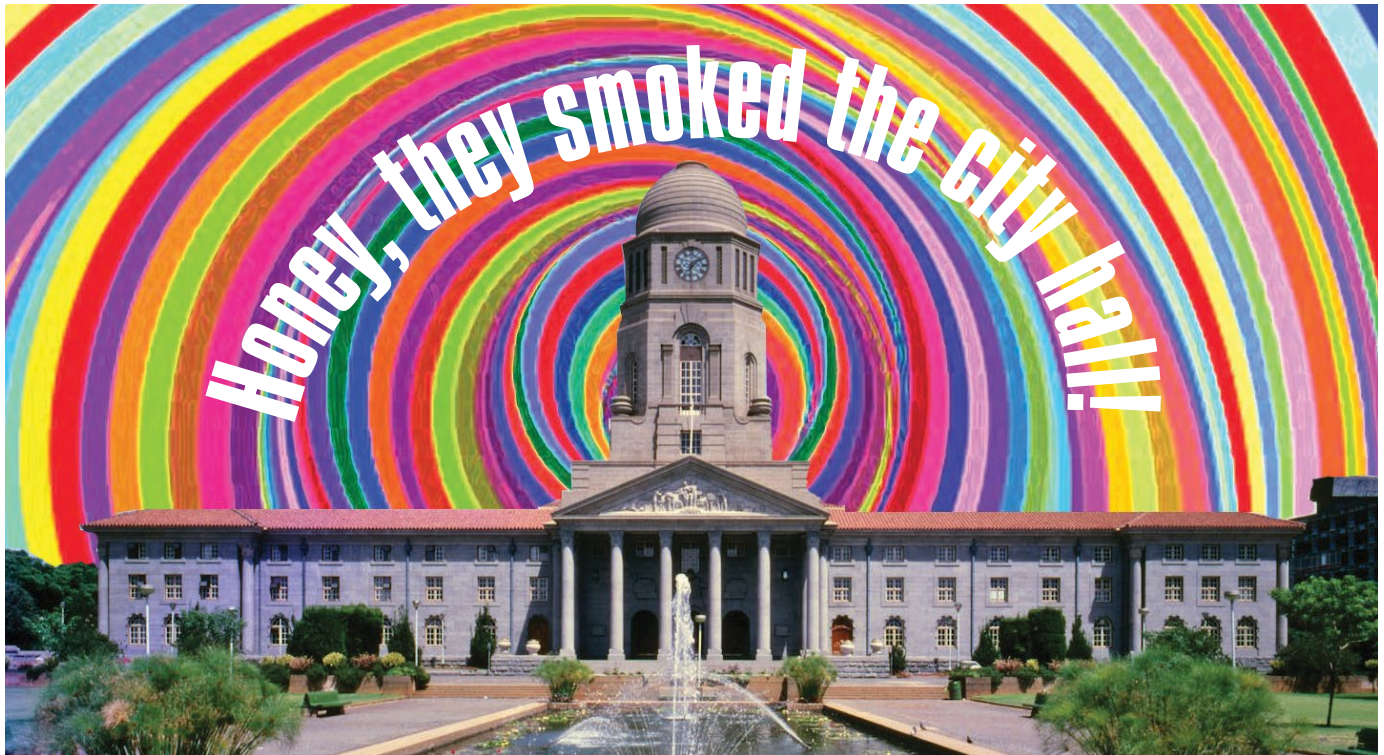
"This required us to update all cards with new MasterCard and Net 1 cryptographic key sets, and [new] expiry date. If these updates are not performed by April 1, 2017, these cards would no longer be operational.

"Net 1 has designed a plan that would allow such updates to take place at Sassa offices... Contingency plans have also been put in place to ensure that grant distribution will not be affected after April 1, 2017. Net 1 continues to work with Sassa...

"Any Sassa business continuity is welcomed by Net 1 *if under favourable terms and conditions.*" [Noseweek's emphasis]," Belamant said. What those terms are, we have yet to be told.

As *Noseweek* warned in August 2016: "If these 'survival' grants are not paid, the national crisis would be on the scale of war."

**The Editor**



## Explosive report exposes corruption, incompetence – and bad taste – in refurbishment of capital’s municipal HQ. By Susan Puren

**A**N EXPLOSIVE REPORT FINGERING former Tshwane mayor Sputla Ramokgopa’s Chief of Staff for fraud and corruption was shelved a year ago by the city’s previous municipal manager, Jason Ngobeni. Ngobeni resigned when the DA took over the administration of the capital after the August local government elections.

The forensic report is one of several that have been retrieved from oblivion by the DA administration. Compiled by Fundudzi Forensic Services, the 247-page document recommended that criminal charges be laid against Ernest Shozi and other high-ranking former officials, as well as the companies they appointed to refurbish the mayor’s official residence and the Pretoria City Hall. The then ANC-controlled council ignored the recommendation.

The City Hall project escalated from R12 million to R138m in less than a year and by the time the contractors were kicked off the site last year, R90m had already been paid out on the ill-conceived project. Left behind is a mess of rubble, and walls covered in psychedelic wallpaper and op-art tiles, “suitable only for a rent-by-the-hour hotel or a dominatrix torture room”.

It was not an upgrade it was a downgrade, says Councillor Randall Williams, the MMC for Economic Develop-

ment and Spatial Planning in Tshwane. “I think it is an absolute national disgrace that something so dear to the city could be destroyed because of greed.”

Pieter de Necker, who has since been tasked to oversee the project, says he was totally shocked when he first walked into the building. Antique furniture was randomly left outside and exposed to the elements, handmade leadglass lampshades ripped from the walls and 70% of the brass fittings were missing, presumed stolen. “There was total disregard just for the awesomeness of this building.”

A year later most of the priceless Rhodesian teak floors are still covered with modern laminated floorboard and high-gloss tiles. Some of the original murals have been painted over or covered with what looks like glitter-infused wallpaper, invoiced at R4,000/m<sup>2</sup>.

The City Hall has protection under Section 30 of the National Heritage Resources Act (25 of 1999) but none of the heritage guidelines were followed and approval for the renovations was never obtained.

Since De Necker took over, the council spent R20m to fix the roof, repair 200 windows and get some of the toilets working. A further R60m will be needed to restore the interior to its former grandeur.

Many of the 6,000 organ pipes – the

80-year old organ is the biggest in the southern hemisphere – were damaged when the contractors dropped scaffolding against them when they painted the ceiling. And while work was done on the roof, water also leaked into the organ chambers, damaging its mechanism. This will cost another R18m to repair because some of the components are no longer available and new ones need to be made.

The forensic report does not beat about the bush, stating that the city’s ANC administration failed to keep tabs on the City Hall project and recklessly paid out money without even checking whether the work had been done. It says some officials may have illegally benefited from the project, as the amounts paid to the contractors could not be justified against the actual services rendered. In addition it recommends that, apart from Ernest Shozi, the Chief of Staff and self-appointed project manager, Tswelopele Maabane, the former Executive Director of Supply Chain Management should also be criminally charged.

The disastrous chain of fraud and corruption started in 2011 when Tshwane embarked on a process to identify suitable office space for the Executive Mayor. The forensic report says that the original plan was to accommodate him at the metro’s new headquarters, once the

R1.2-billion complex was completed.

Temporary accommodation would have been at Isivuno House in the Pretoria CBD but Shozi cancelled the plans, raising security concerns. By then, R6m had already been spent on the refurbishment of the 22nd floor at Isivuno House.

Shozi then instructed De Necker, who is Ramokgopa's former spokesperson, to evaluate the office space at the City Hall. The feedback was positive.

In October 2012 the appointment of a panel of contractors for the Metro's Housing and Human Settlements department was approved. Chairing the meeting was Lindiwe Kwele who was the acting City Manager at the time. Less than a month later Kwele signed Ntshadi Consortium's letter of appointment to the panel.

The consortium, comprising four companies: Bahlaphing, Mogage Mothusi Construction CC, Ntshadi Holdings CC, and TCT Civils and Construction CC, was then asked for a proposal to restore the City Hall and create office space for the mayor. The restoration was labelled an urgent turnkey project, allowing it to bypass National Treasury's tender requirements.

Ntshadi was formally appointed for the City Hall Project on 10 October 2013 but the process was flawed from the start. The report found that two of the companies in the consortium, Bahlaphing and Mogage Mothusi Construction, did not submit their respective Construction Industry Development Board (CIDB) grading as was required and therefore should have been disqualified.

Instead of the city, which was the client, the consortium itself prepared the specifications for the project. Had the city performed the due diligence, it would have found that one of the subcontractors, Silver Horns Consulting and its two directors, Thabo Munyai and Julia Munyai, were under criminal investigation for inflating invoices and failing to complete projects prior to 2010 when they were contracted by Johannesburg City Parks.

The Muniyais had already provided Shozi in August 2013 with the specifications document for the project – before Ntshadi was appointed. Shozi in turn provided project manager Maabane with the document, and the same document was again used to prepare the

proposal. Julia Munyai even prepared the appointment letter and provided it to Maabane – once again, based on the specification document.

Ntshadi Consortium's proposed budget for the project was R138,144,954 but was never approved. The report found that Shozi had merely signed acknowledgement of the budget and confirmed that an amount of R102,700,000 was allocated over three years. But that amount was also never approved.

In fact, Shozi presented various budgets to the then-CFO, Andile Dyakala, who considered them to be inconsistent and baseless.

The budget included provision for a proper heritage study to be performed by the consortium but the CFO said the renovation should not cost more than R70 million, as the CSIR had already compiled a heritage study. Despite the CFO's objections, Shozi bulldozed on.

It is doubtful if a heritage assessment or a study of the building's history was ever done by the consortium. De Necker says they had no experts involved in the process and had bizarre ideas of what colours the walls should be painted.

But less than two months after Ntshadi was appointed, the first invoice, billing the council for R4,980,614, was delivered, prepared by Julia Munyai. It was issued in the name of Bahlaphing and paid without question into the company's bank account, as Ntshadi Consortium was not registered as a vendor on the Tshwane system.

The forensic report says that, taking into account the complexity of the study to be done and the time within which the invoice was issued, it is improbable that the services to which the invoice related had already been performed.

R1.7m of the R4,980,614 was paid to some of the consultants but each of the four member companies in the consortium received R100,000 "profit sharing", although the project had hardly started.

Bahlaphing could not account for what happened to the balance of R2.3m and failed to provide the investigators with documentation as to how the money was utilised.

Subsequent invoices were similarly paid without being verified by Tshwane officials and an amount of R33,875,244 was transferred to Ntshadi Consortium on the strength of the verification done

by a quantity surveyor appointed by Ntshadi Consortium, itself.

So, clearly the contractors pocketed the money and, apart from doing as little as possible, they did as much damage as possible, says Management Committee member Randall Williams.

According to the report, confirmation was received that Maabane and Shozi were paid substantial backhanders by the service providers on the project. One of the subcontractors also gave employment to Shozi's wife, Nokuthula. Another indicated that Shozi had asked him to assess the security needs at his private residence after his company was appointed.

The assessment never took place but he accepted a favour from a company associated with the project to arrange flights and accommodation for him and his associates.

Shozi listed as one of his assets on various loan applications a property to the value of R3.5m that is situated in Ndwedwe Village in KZN. The property was acquired in 2011 and the bond settled in 2014 but the report found that it was not registered in Shozi's name.

Shozi also paid off two short-term loans with Capitec and African Bank in 2014. He processed various financial transactions showing he had access to cash from sources other than his salary. This includes a payment of at least R315,000 for transfer fees and a deposit on a property in Kosmosdal in Gauteng. At the same time R400,000 was invested in Coalgistics and R201,493 with Allan Gray. It was also discovered that Shozi holds various shareholdings and directorships, which were not declared to his employer as required in terms of his employment contract.

The amounts paid to Shozi and Maabane easily exceed R1m. In response to the report, new mayor Solly Msimanga has recently laid charges against the two. The case has been handed over to the office for serious economic offences, within the Hawks.

More charges could follow, says councillor Randall Williams.

"There was total carelessness on the part of the previous administration. They can't claim ignorance because they commissioned the forensic investigation. So the previous mayor should take full responsibility, and I think he should be sued in his personal capacity for the damages caused." ■



## Lindiwe Kwele, twice publicly decried by the DA for serious financial incompetence, is now up for appointment as Tshwane's city manager

**L**INDIWE KWELE, WHO WAS TSHWANE'S acting city manager in 2012 when the controversial contract for the renovation of the Pretoria City Hall was signed, is once again acting City Manager after Jason Ngobeni upped and ran when the DA took control of the city in August 2016.

Kwele is also believed to be the favourite candidate (*Noseweek* sources say she is the only one) for permanent appointment to the position, despite the DA – her new bosses – having accused her as recently as 2014 of gross mismanagement. But then 2014 is a very long time ago in politics.

Two years ago Kwele, with the now-departed Ngobeni and former mayor Sputla Ramokgopa, presided over the city's bungled Dinokeng Tribe One music festival that was cancelled – allegedly because Tshwane had not met the infrastructure deadlines for the open air event. That mess cost the ratepayers a whopping R65 million. (R10m of it went to US singer Nicki Minaj as a [non] appearance fee.)

Marietha Aucamp – at the time, the opposition DA's Chief Whip in council, and now chief of staff for Mayor Solly Msimanga – was quoted in the *Pretoria News* saying: "We hold mayor Ramokgopa and his friends – Ngobeni and Kwele – accountable for all losses incurred on account of the gross mismanagement of the festival. The three should not hold the positions they do."

The DA claimed the trio messed up in Tshwane – as they had done in Johannesburg where they organised the 2008 and 2009 Miss World beauty pageants that cost the city as much as R120m to stage.

As then-chief executive of the Johannesburg Tourism Company (JTC), Kwele entered into a contract to host the pageants but the cash-strapped Johannesburg Metro finally ended up having to foot the bill, as its tourism company was insolvent. Credit rating agency, Moody's had just downgraded Johannesburg's long-term credit rating as a result of its deteriorating liquidity position, forcing the city to cut



Lindiwe Kwele

its budget by more than R1 billion, raising concerns about its ability to deliver essential services.

Despite an investigation by the Johannesburg council having found no evidence of corruption, in 2012 the municipality asked the Public Protector to investigate. It is not clear whether that happened but by then Kwele and Ngobeni had already departed from Johannesburg to Pretoria to fill the two most senior positions in the then ANC-run Tshwane Metro, with Kwele as deputy city manager.

With this history of mismanagement of public funds in mind, the DA opposition brought a PAIA application, asking the (then-still-ANC-controlled) Tshwane administration for all documents that show compliance with the Municipal Finance Management Act, the Municipal Systems Act and the city's by-laws with regards to the Dinokeng Festival. The city refused, claiming the information was sub-judice as court action and arbitration were underway.

The DA's PAIA application also requested details of Kwele's academic qualifications, which the party obvi-

ously had its doubts about. The then ANC controlled municipality said that was private information, not to be disclosed, but *Noseweek* did a bit of scratching and found a few twists and turns that might explain the secrecy.

Kwele's profile on LinkedIn says she holds a Master of Business Administration from the University of Wales, which she claims to have obtained through the former Natal Technikon, now the Durban University of Technology. The University of Wales "validated" many degrees at more than 100 colleges in over 30 countries, making validation a big money-spinner. In 2008 alone more than 20,000 students were registered for validation courses, generating overseas earnings of over £2m.

But the scheme came to a grinding halt after the BBC exposed a number of controversies involving the university's overseas affiliated colleges. The University of Wales was eventually closed in 2011 when the British Quality Assurance Agency found that it had not run the necessary checks and balances at the colleges whose courses it validated.

South African Qualifications Authority CEO Joe Samuels says the University of Wales (Prifysgol Cymru) is listed on the local database of recognised institutions, but no local institution is listed as an affiliate of the university.

A special sitting of the Tshwane Council was convened to announce the appointment of the new city manager. Instead, Mayor Solly Msimanga asked for a 60-day extension of Kwele's appointment as acting city manager.

He requested more time to nominate the best possible candidate, saying that the council was "duty-bound to satisfy ourselves beyond a shadow of a doubt that all candidates, their CVs, interviews, and experience are properly interrogated and considered."

Watch this space. – Susan Puren ■



# Bay of drugs, death and double dealers

Diego Guarte Dougherty Novella

**South Africa's priciest real estate, along Cape Town's Atlantic seaboard, is a magnet for celebrities and foreign holidaymakers – and all manner of crooks, creeps and miscreants**

**T**HE FLASH SUBURBS OF CAPE TOWN'S Atlantic Seaboard – Camps Bay, Clifton and Bantry Bay – are regularly described as the most expensive real estate in South Africa. True or not, they certainly attract the sort of people about whom there is invariably a story to tell.

Who hasn't read news stories about SA's richest man, Pepkor magnate Christo Wiese, celebrity divorce attorney Billy Gundelfinger, or international stars like Annie Lennox and Ruby Wax? They are all respectable people

who have no doubt chosen to live there for the sea views and delightful coffee shops.

But just as often the headlines are about the killers, money launderers, spies and sex fiends (by way of speaking) who find it an agreeable hideout. This is *Noseweek* and those are the ones this story is about – with the focus on one of the less well-known, more recent arrivals (and departures).

In 2015 the headlines announced that police had found Diego Guarte Dougherty Novella, the disowned

scion of Guatemala's spectacularly wealthy Dougherty Novella cement dynasty, wandering on Camps Bay beach, half-naked and in an apparently drug-crazed state. They politely insisted on having a look around his nearby luxury hotel room, where, in addition to half a kilogram of pure cocaine, they came upon evidence of the horrific sexual assault and murder of his handicapped but conveniently wealthy American girlfriend, Gabriela Kabrins Alban. He had come to South Africa to be treated at a local "alterna-

tive” rehab centre (see box).

Dougherty Novella was refused bail – first by a magistrate, then by a judge – and his trial on murder and drug charges is due to start early this year.

Only a month before the Kabrins Alban murder, German businessman Francis Schnetzler had finally managed to sell his Camps Bay mansion Enigma House and moved to the more discreet surrounds of a Spanish island. Enigma House, bought as a love nest for Schnetzler and his “adult movie” actress wife Veronika Zemerova, was decorated with lashings of gilt and marble, the better to offset the nude paintings and murals of Veronika that adorned almost every wall.

And just when one thought that Camps Bay was getting a little boring, with Dougherty Novella behind bars and the Schnetzler family gone to other climes, *Noseweek’s* attention was drawn to a young German businessman and his heavily tattooed wife who had moved into the Lobster House, once a boutique hotel that belonged to the now notorious Louis Group (whose Christian founders, it has been said, always kept the Sabbath sacred – yet felt bound by only eight of the ten commandments).

It transpires that the Lobster House’s new occupants, Oliver and Cathrin Schulz, in addition to facing racketeering charges in the United States, may well hold the key to Germany’s greatest unsolved white-collar crime. Several investigators appear to be convinced, for all sorts of reasons, that the Schulzes can help them in their quest to discover what happened to the vast sums – equal to billions of rands – in bribe money paid a decade-or-two ago to German officials and politicians by the French oil giant Elf.

Because of their close ties to the former head of Germany’s domestic intelligence service – and through him to many influential German politicians – the Schulz couple would be prime targets for closer scrutiny by banks if President Jacob Zuma ever gets around to signing into law the proposed new FICA regulations. These will compel banks to pay greater attention to the accounts of “politically exposed persons (PEPs)”.



Schultz may well have been introduced to Camps Bay as a safe and cosy hideout by one of those politicians: former German Defence Secretary Ludwig-Holger Pfahls, who for a time was number one on that country’s most wanted list. Pfahls himself is rumoured to have hidden out in

Camps Bay for years. He was eventually arrested in Paris in July 2004 and after a trial that lasted nearly six years, was jailed for five years.

At Pfahls’s trial it was established that he and other senior German officials had taken tens of millions of euros in bribes to approve the sale of a former East German refinery to Elf.

Pfahls and his friend Dieter Holzer, once head of Germany’s domestic intelligence agency, were also linked to alleged bribery by Saudi Arabia. German prosecutors believe the Saudis “donated” millions to the then governing Christian Democratic Party of which Pfahls was a senior member. Most of the Saudi donations however allegedly “went astray” finding their way into private bank accounts belonging to senior politicians.

Pfahls’s friend and co-accused, spy-master Holzer got three-and-a-half years in jail for his part in the Elf scandal.

Bringing the story closer to home, in 2011 the *Mail & Guardian* reported that Holzer had used Sandy Evans – a former Director General of South Africa’s Department of Foreign Affairs during the apartheid years – to help conceal the ownership of a palatial villa bought in France with the bribe money paid by Elf. (The fact that the French oil company was one of the apartheid regime’s most prolific



**Madonna on the rocks:  
Veronika Zemerova**



Ludwig-Holger Pfahls after being sentenced

suppliers of embargoed oil might explain the connection.)

Evans signed papers to say he had bought the property for a little under 6 million francs but, in reality, Pfahls had retained ownership, with spy friend Holzer paying the rates and taxes on the property through a Beirut-registered company.

Very little of the bribe money that Pfahls and Holzer are alleged to have swindled and embezzled – to the cost of the German taxpayer – has ever been recovered. Conservative estimates put the total amounts spent by Elf Aquitaine on bribery and corruption at over R2 billion – at 1990's exchange rates. Wherever the looted cash is, by now it has likely generated an equal sum again in interest.

Which brings us back to Camps Bay's most recent "politically exposed" arrival from Germany.

Because investigators believe Holzer, (the one-time German domestic intelligence boss) has "a very good idea" where the Pfahls's bribe money is hidden, they have been studiously researching all his past friends and connections. Following their trail, *Noseweek* has learned that Camps Bay's more recent arrival, Oliver Schulz, had introduced ex-spy-master Holzer as a potential investor to his (Schulz's) former employers – a German investment operation called Berlin Atlantic Capital. It was an introduction they would come to regret.

Schulz introduced Holzer as a family friend whose grandchildren attended the same school as the Schulz kids. Fair enough. He went on to explain to the Berlin Atlantic directors that his "old family friend" was seeking to invest a large amount of money that he would have difficulty

**Investigators believe Holzer, (the one-time German domestic intelligence boss) has a very good idea where the Pfahls bribe is hidden**

explaining away should he deposit it in a bank.

But when the bigwigs of Berlin Atlantic Capital realised who Holzer was, they took fright and turned Holzer away – only to discover that it's not always a good idea to upset the criminally well-connected. According to reports, Schulz immediately warned his employers that turning Holzer away was "stupid, short-sighted... and to be regretted". He was about to make sure that they did regret it.

Muenster-born, former Berlin resident Schulz is not currently on any list of wanted suspects. But he does have business operations on four continents and is facing allegations of fraud, racketeering and general dishonesty in three of them.

Civil litigation against him in Germany has (temporarily) ground to a halt because German law requires

that legal papers be served on Schulz personally. His former business partners have simply not been able to pin him down to any address more specific than "somewhere in Myanmar". (These days his appearances in Camps Bay are rare and erratic.)

In America, where they took refuge for a while, Schulz, his wife and his business partner Dan Ryan are facing both civil litigation and criminal investigation. Next, the Schulzes moved to South Africa, where they set up a vast, highly suspect business empire that appears to exist only on paper – or, rather, on the internet.

Schulz currently owns more than 100 websites registered to addresses in Europe, the US and even one in Medellin, Columbia. Most of the sites advertise his skills and ability as a financial genius – and invite people to contact him about investing in cell-phone towers and other infrastructure projects. One of these websites, Afflatus Capital Managers, offers "possible" rates of return of 17% per year. That is very neatly in the same range of the 15-20% return that infamous US fraudster and a former stockbroker Bernie Madoff promised investors.

Like all his websites, Afflatus Capital Managers does not list any physical addresses or telephone numbers. Instead customers are asked to communicate by email. The website goes on to say: "The investment vehicle is going to own and operate a mobile phone tower portfolio across Africa and Middle East with focus on seven



Dieter Holzer



**Clockwise from above: The Lobster House, Cathrin Schulz and Oliver Schulz**

countries including Nigeria, South Africa, and Namibia.”

Evidence that Schulz has ever actually erected a cell phone tower seems as elusive as his home address. There is no indication that his companies have ever operated in South Africa, Nigeria or Namibia.

At one stage Oliver Schulz was seen frequently in the coffee shops of Tamboerskloof, Gardens and Camps Bay. But while he hasn't been spotted for some time, his family has moved into the Lobster House – a property once called the Lobster House Hotel and which, following liquidation (and/or business rescue, by arrangement with Investec) of the Louis Group, has been on the market for R20 million.

Schulz originally offered to buy the property and was allowed to move in pending his obtaining a bond from a foreign bank. (Who did the due diligence checks, one wonders – and what did they find that pleased them?)

Since moving in nearly a year ago, Schulz has made no move to pay the purchase price; but has been allowed to stay on, paying only occupational rent. The Lobster House is still technically for sale, but it is unlikely another buyer will be found, because the new tenants don't allow potential buy-



ers to view the property.

In the US, litigation that began in 2010 is set to come alive again – with Berlin Atlantic Capital having reinstated the case they suspended when Schulz undertook to return all the company assets he had looted.

He has not done so.

Berlin Atlantic is also seeking a criminal trial on racketeering charges.

Papers filed in the District Court of the Northern District of Georgia, Atlanta Division, reveal that Schulz, his wife and his business partner Ryan – as well as their various shell companies – are being sued by the Berlin Atlantic Capital Group (BAC) which

owns 85% of the Communications Infrastructure Group (CIG).

According to the court papers, Dan Ryan, the alleged accomplice of the Schulzes, was CEO, shareholder and a director of CIG. Schulz himself served as president of CIG – from April Fool's Day 2010 until 6 December 2010 – and also as CEO of holding company BAC during the same period.

It is further stated that on 18 November 2010, barely six months after their appointment, Schulz and Ryan secretly formed a company called Communications Infrastructure Asset Management Group. Nothing if not cheeky, the pair appointed themselves as co-managing directors and then used the business address of CIG, at Five Concourse Parkway, Suite 3100, Atlanta, Georgia, USA as the business address for their new “mirror” company. The use of the CIG business address, and the choice of a very similar company name (Communications Infrastructure Asset Management Group, which is remarkably similar to Communications Infrastructure Group) was almost certainly not accidental. As CIG's lawyers point out, any reasonable person seeing the same business address and a similar name would presume the asset transfers that followed were simple inter-company transfers within the BAC group.

Then, being the sort of fellows who work very quickly, only 12 days after registering their new company – and

in their capacities as CEOs of CIG and Berlin Atlantic Capital respectively – the pair began to sign over real estate from BAC and CIG respectively to their newly created company and other shell companies they had created. They were effectively stealing Berlin Atlantic Capital’s assets.

The plaintiffs go on to allege that the pair “used interstate wire and mail communications to represent to lawyers in New York and Maryland that they had the authority to execute these transactions and to direct these lawyers to prepare the transfer documents”. The use of “interstate wire and mail” makes their offences a possible federal offence. Bring in the FBI!

Over and above the 30-odd properties that the pair transferred into the name of their new company, they proceeded to transfer US\$4.8 million into the business account of their newly created company. Ryan, perhaps the cheekier of the two, also paid himself around US\$100,000 in “performance bonuses” from CIG’s bank accounts.

When BAC and CIG became aware of these transactions, Ryan and Schulz were asked to explain themselves, whereupon Schulz is alleged to have used a novel negotiating tool: he threatened that if his employers went after him he would, in his capacity as CEO of the holding company, file for bankruptcy on behalf of both BAC and CIG, causing immense damage to the company’s reputation.

The ruse did not work and BAC immediately sacked the trio and then began litigation against them.

Adding insult to injury, a check of company credit card records confirmed that, not content with having embezzled millions from his employers, Schulz had also used BAC’s credit cards to book his escape flight to Argentina.

Court papers filed back in 2010 say: “On information and belief, Defendants Oliver and Cathrin Schulz have already fled, or are planning to flee this jurisdiction, possibly destined for Argentina, with their entire family... Defendants Oliver and Cathrin Schulz have airline tickets to Buenos Aires, Argentina, and are planning to leave the United States on Wednesday, December 15, 2010.”

The plaintiffs asked the Georgia courts to freeze the assets of the

**Ryan, perhaps the cheekier of the two, also paid himself around US\$100,000 in ‘performance bonuses’ from CIG’s bank accounts**



Schulz family, Dan Ryan and the various shell companies that the trio had formed in order to steal the assets and capital of their employers.

Much to the surprise of everybody, Schulz and his family returned from Argentina – and went back to his employers. As part of a settlement deal he offered to return all the embezzled money, and even to return company information which he had appropriated – including detailed lists of all BAC’s investors.

The company agreed to withdraw their litigation, provided that Schulz return everything and retract his earlier statements made to the US courts in which he had denied ever having stolen anything. As part of the settlement deal Schulz and his alleged accomplices also signed back the real estate they had transferred to themselves. But before all the cash could be returned, Schulz and family once again took to the skies – this time making for the bright lights of Cape Town. Their offer to return all the stolen BAC assets seems simply to have been a ploy to buy time.

The real estate, and some other assets, were eventually recovered by BAC – but when the Schulzes absconded a second time, they took a load of confidential company information with them – in addition to a not-insignificant amount of cash. BAC immediately revived their litigation, asking the courts to make findings that Schulz, his wife Cathrin, and partner Dan Ryan were all liable to compensate BAC for their losses.

The court case brought by BAC also made criminal complaints against Ryan and Cathrin and Oliver Schulz in terms of US racketeering laws.

Cathrin, the documents allege, “conspired in, conducted and/or participated directly or indirectly in the conduct of the alleged schemes to steal the assets of CIG and BAC through her position as Schulz’s spouse and as the owner or part-owner of shell entities set up to further the scheme”.

Subsequent German media reports suggest Oliver was sacked from his previous job as CEO of a major Berlin-based firm of funeral undertakers due to some less-than-delicate behaviour. First off, he angered the sensibilities of many Germans by allegedly getting old age homes to hand over the corpses of their recently dead to his extremely expensive funeral home’s private mortuary without consulting the next-of-kin. As they say, possession is nine-tenths of the law, and while his funeral parlour may have charged four-times as much as other establishments, the tactic of getting quick possession of granny or granddad’s corpse invariably clinched the deal.

More alarmingly, the German media also reported that Oliver Schulz was plotting a takeover of the funeral par-

lour by a British investment company. His plan was to simply sell off the firm, using his signing powers as CEO, and pocket a nice lump sum. BAC however could not have known of this damning bit of history; embarrassed by the behaviour of their past CEO, the funeral parlour simply sacked Schulz and kept quiet rather than go after him in court.

While he ran the funeral parlour, the Schulz children attended the German International School in Berlin – which is also where the children of Dieter Holzer’s son, Nikolaus Holzer, went to school.

Here it is also worth noting that Nikolaus is married to a Korean-born attorney by the name of Rosa Hong.

There is solid proof in black and white that the Holzer and the Schulz families were/are well acquainted.

Corporate records show that Holzer junior’s wife Hong advanced a considerable sum of money to Schulz in order for him to set up his global business empire. Hong also has shared financial interests with Cathrin Schulz.

After fleeing the US in late 2011, Schulz wasted little time in setting up business in South Africa. In March 2012, he registered a company called Sworn Asset Management South Africa, with a business address of 5a Quarry Hill Drive, Tamboerskloof, an upmarket residence close to the German International School. Schulz was the only director.

*Noseweek* has found no evidence that the company ever traded. By 2014 the company had been placed in provisional deregistration by the Companies and Intellectual Property Commission (CIPC) for having failed to submit annual financial returns.

But in August 2014 Thomas Rautman of the website TowerXchange carried an interview with Dan Ryan – Oliver Schulz’s American right-hand man. Like many internet websites TowerXchange probably gets most things right, but, just as probably, there isn’t a whole lot of fact-checking done. The site describes itself as a “Media platform for the tower industry” – the tower industry being the people who set up and maintain the ubiquitous cell phone communications masts that blight the urban landscape.

The Rautman interview can only be viewed on the TowerXchange web-

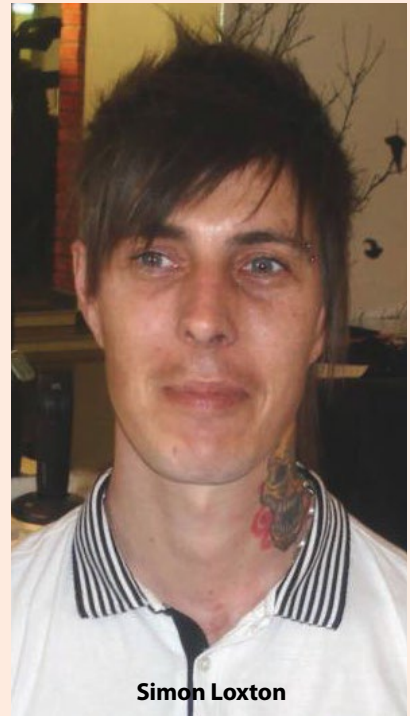
## A suitable case for treatment

**T**HE COCAINE THAT WAS FOUND IN Diego Guarte Dougherty Novella’s hotel room – worth several million rand – was allegedly for his personal consumption.

Dougherty had gone to Cape Town to undergo treatment for his drug addiction. With his family raking in around R5 billion a year from cement sales, he had decided to treat his addictions with an obscure psychedelic substance called Tabernanthe iboga – first recognised for its medicinal properties by pygmy tribes of Central Africa. The root’s principal active compound is Ibogaine or ibogaine hydrochloride.

Iboga is outlawed or restricted in Belgium, Poland, Denmark, Croatia, France, Sweden, and Switzerland. In the United States, iboga is classified by the Controlled Substances Act on the list of schedule I drugs. There are iboga or ibogaine treatment clinics in Mexico, Canada, the Netherlands, South Africa and New Zealand, all operate in what is described as a “legal gray area”.

Simon Loxton, the man who runs Cape Town’s Iboga treatment facility operates using a certificate show-



Simon Loxton

ing that he is duly registered as a traditional healer with the necessary government departments – in Gabon. ■

**Ryan decided to focus on emerging markets – ones often to be found in places with less than First World law-enforcement capabilities**

site by subscribers. Fortunately the free-access Myanmar Infrastructure Group website carries a complete version of the very flattering interview for good reason: the Myanmar Infrastructure Group website is owned by Oliver Schulz.

The TowerXchange interview makes for great entertainment if you know the background. Rather than say he fled the US when litigation commenced, Ryan instead announces that he decided to focus on “emerging markets” – markets generally (and purely coincidentally) often to be found in places with less than First World law-enforcement capabilities, and with banking regulations that (until recently) allowed the Guptas to thrive.

The interview reads:

“TowerXchange: Please introduce yourself Dan. How did you get into the tower business?”

“Dan Ryan, CEO, Square1 Infrastructure: I’m a real estate infrastructure attorney by training and education. I have focused my career on infrastructure development as a developer and attorney since I entered law school in 1992.

“With the 1996 Telecom Act I entered the booming US wireless industry, working initially for a network deployment firm which my partner and I later acquired through an MBO. At our peak, we were rolling out 1,000 sites a year across the Eastern seaboard. I became aware of the low barriers to a service business and decided to enter into asset ownership, and subsequently started a small tower company in the US.

“With tower owners increasingly disposing of assets through brokered auctions, it has become increasingly difficult to acquire a portfolio of any size in the US in competition with the publicly listed towercos, so I started focusing on emerging markets.”

In light of their American adventures it’s also interesting to note that Ryan and Schulz have come to use the name Myanmar Infrastructure Group – a title remarkably similar to the Myanmar Investment Commission (MIC), which is the government body that oversees foreign investments – and the Myanmar Investment Group, a private hedge fund registered in the Cayman Islands.

According to the company website, MIG is 97% owned by Singapore Myanmar Investco Limited, with the remaining 3% owned by Ryan and Schulz through a company called Golden Infrastructure Group. The partnership between Golden Infrastructure Group and Singapore Myanmar Investco was formally signed in May 2014.

How much do the shareholders of Singapore Myanmar Investco know about their minority business partner?

In the circular put out to the Singapore Stock Exchange by Singapore Myanmar Investco, readers are only told that: “GIG is a company incorporated in Seychelles and provides services relating to the overall management of resources, processes, skills and expertise to facilitate the execution of the building of communication towers in Myanmar. The controlling shareholders of GIG are not related

to any of the Directors or Controlling Shareholders of the Company.”

Only a month after the joint venture was announced, the Centre for Public Integrity labelled the Seychelles “a haven for dirty money,” and described it as one of the world’s hotspots for money laundering.

Being (very) minor shareholders in the joint venture company makes it rather odd that Oliver Schulz himself controls the Myanmar Infrastructure Group website using a German registered website [www.mig-infrastructure.de](http://www.mig-infrastructure.de). What makes it even stranger, is that Singapore Myanmar Investco – the majority partner in the joint venture company – registered their own website [www.mig-infrastructure.com](http://www.mig-infrastructure.com) in March 2014.

The website set up by the German majority partners appears to be dormant, so anyone seeking to contact the company would do so via the website controlled by Schulz.

But that is mostly speculation. Where things get serious is when Schulz and Ryan start twisting the truth and making false claims about their business track record.

**Only a month after  
the joint venture  
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dirty money**

The interview goes on:

“TowerXchange: Tell us about your business in South Africa.

“Dan Ryan, CEO, Square1 Infrastructure: Our South African operation has its roots in the co-location management business. We trade as Square1 Infrastructure Ltd in South Africa, where we were formerly known as SWORN South Africa Asset Management.

“We manage rooftops, risers and ground for landlords while also providing audit services. We were fortunate enough to secure [*the services of*] Brian Hosking from JHI, the largest property management company in South Africa. Brian has done a great job securing several hundred rooftop locations, primarily Class A office space in key areas of South Africa’s major cities, and we’re marketing those rooftop sites now.”

*Noseweek* spent weeks calling around those who might know a thing or two about telecommunications towers – and nobody, not a soul, had ever heard of Sworn Asset Managers. Nor, for that matter, had the company ever registered with the South African Revenue Services or the Department of Labour.

A phone call to Brian Hosking landed some interesting news: “Yes, I met with Dan Ryan and Oliver, but the company that Schulz formed in South Africa never traded. Not only was I never a director of the company, it never traded.

“As far as I know, the only thing that happened was that the company was registered at CIPRO [*now CIPC*]. Nothing else. They certainly don’t have bank accounts.”

Shown the TowerXchange interview, Hosking appeared visibly shaken and shocked. “That has to be changed. I don’t know how to get hold of Schulz and Ryan, but that has to be taken down.”

Hosking then spent weeks trying to have the claims removed from the company website without success.

Repeated emails to Schulz by *Noseweek* have been ignored.

If you have a few million to invest in a cell phone company that exists only on paper, give us a call. We won’t pass you on to Schulz, but we do have one or two suggestions where else you could send your cash. ■



# NEW FROM DOUGLAS KRUGER

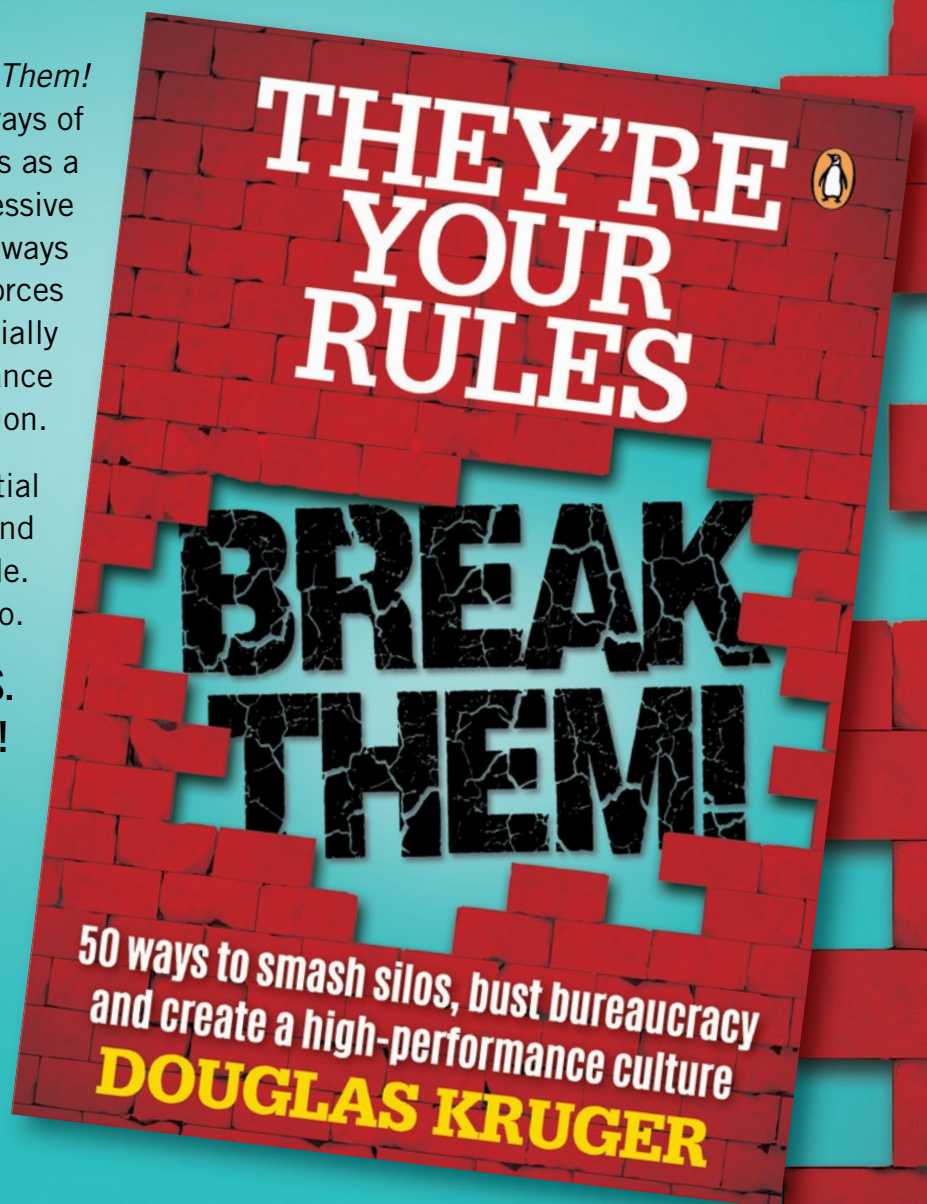
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# This Kandy ain't sweet

Confectionary franchise leaves bad taste. By Jack Lundin

**P**RESIDENT NELSON MANDELA'S name is being invoked to lure investors into producing a sugar sweet known as the Madiba Lolly. This revelation comes as Pravin Gordhan prepares to launch his controversial sugar tax on soft drinks in the April budget, aimed at reducing the nation's sugar intake to combat the soaring incidence of diabetes and obesity among the young.

Each Madiba Lolly contains 17.5g (4.4 teaspoons) of sugar. The recommended maximum daily sugar intake is 15g, though South Africa's children – 20% of whom are now obese or overweight – frequently pack in as much as 50-100g (12.5-25 teaspoons). A can of Coca-Cola, for example, contains 35g (8.75tsp) of the sweet poison.

Pieter van der Watt's ARDT200 Trading CC (trading as Kandyland) and his Candy Factory Franchise shamelessly exploit the name of the world's best-loved icon. "I'm sharing my formula of success with a few selected individuals and you can help meet the enormous demand for my Rainbow Lolly, known to all children as the Madiba Lolly!" goes the franchise maverick's spiel on his website.

For just R490,000, a Kandyland satellite factory could knock out 41,600 Madiba Lollies a day and yield a monthly income of R252,720. "We require a factory in each region to supply the demand and it is my great pleasure to inform you that we are ready to up and roll..."

It's all déjà vu and tediously familiar. Back in January 2007 *nose87* re-



**Still going strong:** Pieter van der Watt (above) and as he was depicted on the cover of *Noseweek* exactly ten years ago

ported that SAPS crime detectives in Cape Town were investigating complaints from 340 of Pieter van der Watt's dissatisfied Kandyland franchise licensees. Back then *Noseweek* confirmed 85 of those complaints and were checking out 115 more who claimed to have lost between R60,000 and R450,000 apiece.



Two of the complainants had separately bought Kandyland Factory franchises – then priced at R450,000 – in Durban and Johannesburg and received assurances from Van der Watt that his licensed distributors would buy their sweets. However, once their factories were up and running they discovered that most of the distributor franchise holders were trying to pull out of their contracts. Both investors were stuck with mounting stocks they could not sell.

In June, Van der Watt's internet sales pitch attracted an enthusiastic response from two investors in Boksburg: Hilton van Deventer and Johann Venter, long-time friends who were looking for "something that would give us an income" to bolster their planned early retirements from international construction.

Van Deventer and Venter were unaware of Kandyland's bleak history. They made contact with Pieter van der Watt, who told them that the price of a factory franchise was no longer R490,000. "He kept bumping the price up, but even at R750,000 it still looked good on the figures he gave us, still a reasonable return on investment," says Van Deventer, an old Middle East hand of 59, whose career closer to home included executive director of construction at the R6 billion Legend Golf and Safari Resort in Limpopo.

"We should have been more awake, but it just sounded so good," says his investment partner Johann Venter, 58. Married with grown-up children, Venter worked with Van Deventer as project manager at the Legend resort and the two globe-trotted for years on major construction projects in Iraq, Dubai and Abu Dhabi.

Venter and Van Deventer handed over R700,000 of the franchise fee, holding back R50,000 until claimed outstanding equipment was delivered. Their newly-formed Candy Mojo company took a one-year lease on a 350m<sup>2</sup> unit at Turf Industrial Park in Boksburg for R20,000/month, hired 18 workers (at R10.50/hour apiece) and in August began production of 16 different flavours of the Madiba Lolly. The process involved boiling 6.25kg of sugar and 3kg of glucose in water to roll out 520 lollies every seven-and-a-half minutes.

The pair say it cost around 30 cents



The Van Deventer and Venter sweet factory

to make each sugar-coated Madiba Lolly. The idea was that they were then bagged and sold to wholesalers at 54 cents apiece, on which Van der Watt would collect royalties of 7.5%. Retail stores would sell the lollies to young consumers at 64-80 cents.

In its five weeks of operational life Candy Mojo produced 378,000 Madiba Lollies. Today more than 340,000

**In its five weeks of operational life Candy Mojo produced 378,000 Madiba Lollies. More than 340,000 of them languish unsold in the Boksburg factory unit**

of them languish unsold in the Boksburg factory unit, now closed, with its 18 workers jobless and the landlord threatening legal action for unpaid rent.

This story echoed events described 10 years ago in *nose87*: "Pieter van der Watt told us we'd get our product moved into the market quickly," says Van Deventer.

"He said there was huge demand. Kandyland would purchase one third of production and there was an existing wholesale/retail network in place for purchasing and distribution of the products. But that never materialised. He took 20,000 lollies, which he never paid for. He just said that sales and marketing was our responsibility."

In vain they appealed to Van der Watt for a list of Kandyland's wholesalers and branches.

"Due to lack of support by Pieter van der Watt in moving the product, Candy Mojo had no option but to shut the factory, due to the lack of sales which impacted cash flow and the ability to operate the franchise," says Van De-

venter in an affidavit.

“He said he had so many wholesalers on his books we wouldn’t even keep up with production,” says Johann Venter. “But we had to do cold selling. One guy took a bit on consignment, the others said ‘No, they knew the product’ and that ‘it wasn’t a good one’. It was too expensive. We had to close the factory.”

In *nose87* our “Sweet Sorrow” cover story and its accompanying profile titled “The baby-faced Candy Man,” revealed how Pieter van der Watt once claimed to be a top anti-fraud police detective (he wasn’t). In the 1990s he registered a company that advertised “designer” clothes and offered franchises for them. This attracted a 1999 exposé in the *Sunday Times*: dozens of disgruntled franchise holders said they had been sent inferior, bottom-of-the range garments instead of a promised exclusive Tibaldi range by Stanza. Van der Watt accused the media of interfering with his income source.

By now, aware of this torrid tale, Venter and Van Deventer confronted Pieter van der Watt with the *nose87* revelations. The Candy Man assured them it was a “false article, a smear campaign that had no merit” and that “the person behind it was proven to be a vindictive liar and we were exolerated (sic)”.

These days Pieter van der Watt runs his Kandyland operation from a town-

## Now aware of the torrid tale, Venter and Van Deventer confronted Van der Watt. The Candy Man assured them it was a ‘false article, a smear campaign that had no merit’

house complex in Rietvalleirand, Pretoria, while down in Cape Town, his son Stanley manages the Candy Factory in Saxenburg Park 1, Blackheath.

Our written questions to the 51-year-old Candy Man include: “Do you consider that all this sugar and glucose in your lollies is good for children’s health?”; “How many factory franchises have you sold?”; “Messrs Venter and Van Deventer say you didn’t fulfil your promise to take one third of production initially and have your distribution network help with sales. Please comment.”

Pieter van der Watt replies: “The information given to you by Johann Venter is not correct. What they fail to mention is that they refused to supply us with any of the orders we placed, nor have they taken the offers we sent them from a wholesaler who was going to clear the lines.

“They are pretending to be victimised, yet it is they who approached me as they wanted to open a factory. I told them that we do not have the need for a second factory. They convinced me that they have all the contacts and that Hilton’s son was in the industry and knew all the wholesalers; that they did their investigation and research; and that they were very confident that they could sell all the products.

“They were to supply me with stock, but apart from the first stock we received they never supplied any of our orders. The reason why we never paid for the initial stock is that it was to be deducted off the R63,000 they still owe us.”

Van der Watt did indeed place a second order – for 150,000 lollies. But the Candy Mojo partners believed this was merely a ruse to obtain the claimed outstanding R63,000. They told Van der Watt in October: “Until such time as all the outstanding equipment is delivered to us and the invoice for the 20,000 lollies already taken is paid for, we unfortunately will not agree to deliver your order.”

As for the claimed R63,000, the partners say that Pieter van der Watt owes them R68,400, for the outstanding factory equipment and additional factory opening costs.

● Kandyland’s Pieter van der Watt may be in hot water for punting his sugar-soaked product as having been “nicknamed by all children as The Madiba Lolly”. Heather Henriques, intellectual property and governance manager at the Nelson Mandela Foundation, comments: “As custodians of Mr Mandela’s names, sobriquets and image, the Nelson Mandela Foundation does not license out these registered trademarks for commercial purposes. The Nelson Mandela Foundation does exercise its legal prerogative against transgressors and, having had this case brought to our attention, we will now seek to address the matter appropriately.” ■



*“I, too, hate being a greedy bastard, but we have a responsibility to our shareholders*

# Chronicle of a death foretold

## Political assassinations (Part 2)

By Wessel Ebersohn

**T**HERE ARE CURIOUS ASPECTS TO ALL THE POLITICAL assassinations recounted in the first part of this story in *nose206*, but none have as many peculiar features as the murder of Moss Phakoe, who was shot and killed in the driveway of his home in Rustenburg Noord in March 2009.

The general election campaign of that year was in progress and Phakoe had spent much of the day putting up ANC posters. The afternoon was hot, as Rustenburg afternoons often are, and he would have been tired and sweaty. It seems likely that he did not notice the killers making their way down his driveway or, if he did, thought nothing of it. What is certain is that he had not moved from his seat behind the steering wheel by the time the first shot was fired. When his family found him, Moss's body was leaning, lifeless, against the steering wheel. He had wounds in his head and chest.

"It all started with service-delivery protests," recalls his lifelong friend and fellow unionist Solly Phetoe. During the election campaign almost every municipality in North West suffered service delivery protests. So serious were the disruptions that the Minister of Cooperative Governance and Traditional Affairs, the late Sicelo Shiceka, had established a task team to investigate the reasons. Many people were interviewed, among them, Phakoe, who was a councillor in Rustenburg municipality at the time.

"Moss had a premonition of approaching death," says Phetoe. "He had compiled a dossier on the corruption in Rustenburg municipality which was affecting service delivery negatively. He presented it to the minister in person. 'I'm giving you this report,' he said. 'It's my last copy. This is my life. I may be killed for this.'"

It was not just talk. Phakoe had received a list of the names of party members, including his own, under an ANC letterhead. It was titled "hit list/anarchists". He handed the minister his report on a Wednesday. Three days later, on Saturday, he was murdered.



Minister Shiceka spoke at the funeral and relayed Phakoe's fears to the mourners. At about the same time, Premier Edna Molewa's cars were fired on while she was travelling on the N4 to Rustenburg. In that incident, the would-be assassins aimed badly and no one was wounded.

Years of investigations and court appearances commenced. The first team appointed to investigate Moss's murder told Phetoe at the funeral that they were 90% ready to make an arrest. That soon shrank to zero. The investigating team never located the list, never arrested anyone and, according to them, never got close to finding the killers.

Phetoe, Phakoe's family, and other friends in the union suspected that the investigating team had been bribed or intimidated or both. "Moss could not have been killed by a ghost," he says.

So they took to the streets, demanding a new investigation, and got it. In the new team was investigating officer Lieutenant-Colonel Tsietsi Mano, who had achieved a degree of fame by arresting Eugène Terre'Blanche's killers.

Before long the new team – like the original one – announced they were making a breakthrough. During the investigation Solly Phetoe took Mano to Moss's mother. "But I am not going to arrest someone to satisfy you and the mother," he said after the meeting.

Again – like the first time – no one was arrested. Then the case took a surreal turn when Mano himself was arrested and suspended for assaulting an unrelated suspect. Not long after that, he died. Minister Shiceka, too, was disgraced for breaching the ministerial ethics code and he, too, died in 2012.

Phetoe, supported by Cosatu and friends, demanded – and was granted – a third investigating team. This time the authorities seemed to be serious. The new team was made up of officers from North West, Free State, Eastern Cape and Northern Cape. Apparently, the thinking was that this team, drawn largely from other provinces, would not be so easily influenced by pressures emanating from corrupt leaders in the North West.

Soon, there was a break in the case. Mayor of Rustenburg Matthew Wolmarans, his bodyguard Enoch Matshaba,

and two others were arrested. In due course, Wolmarans and Matshaba were found guilty in the high court and the others released. Wolmarans was sentenced to 20 years for instigating the murder, and Matshaba to life for executing it. They eventually took the case to the Supreme Court of Appeal where they were released on bail of R100,000.

"While all this was going on I was being treated like a traitor," says Phetoe. "My family, too, was treated very badly. I heard that people were being sent to assassinate me. I was followed, my family was continually harassed, and my life threatened on the phone many times. Cosatu gave me two bodyguards who stayed with me for two years. Their presence may be the reason I am still alive today."

Then the day came when Phetoe

**Friends in the union suspected that the investigating team had been bribed or intimidated, or both**

heard on the radio that Wolmarans and his bodyguard had been acquitted on the basis of serious weaknesses in the state's case. "On that day the ANC branches in Rustenburg threw parties. Were they celebrating the killing of Moss Phakoe? I wondered. Since then, Wolmarans has been treated like a hero in the North West."

Wolmarans and Matshaba had been found guilty largely because of the testimony of an inmate named Emmanuel Masoka who shared a cell with Wolmarans. Masoka claimed Wolmarans had confessed to him. At the appeal, he recanted his testimony, saying the police had bribed him with money and the promise of early parole. The judges found that his testimony at the original trial could not be corroborated and that the state witnesses were not credible.

Still not satisfied, in October 2013 Phetoe and other unionists led a march to the municipality demanding two reports: the one that Phakoe had compiled and the Special Investigating Unit (SIU) report on the case. The memorandum was accepted by former premier Thandi Modise and deputy minister of local government Yunis Carrim. A promise was made that these reports would be made available, but they never were.

Phetoe is angry and disappointed. "I don't know who killed Moss, but I know he is still free. I don't know if Wolmarans is guilty, but I know Moss believed his report implicated him and many of his friends in corruption. And I feel that the police and the National Prosecuting Authority have not done their jobs properly."

Matshaba, the bodyguard, has since been given the job of guarding the Mayor of Rustenburg and Wolmarans is a Provincial Executive of the ANC.

“Justice has not been done,” says Phetoe. “Under apartheid there were police hit squads. They were very cruel, but now we are being killed by our comrades. I will not sleep until I find out who killed Moss. When my mother died in 2011, she said, ‘Solly, take care of yourself. These people are going to kill you too.’”

The Moss Phakoe case is unusually curious for a number of reasons:

- The first two investigating teams fell apart, seemingly either out of fear or because they were bribed.

- According to the findings of the Supreme Court of Appeal, evidence given to the third team must have been perjured, but no one has ever been charged with perjury. If a deal was made that, if he recanted he would not be charged with perjury, then the question of who was paying the deal-maker arises.

- The hit list was never part of the evidence, but Solly Phetoe will testify to having seen it, with Moss Phakoe’s name at the top and his (Phetoe’s) name next.

- The question has to be asked: why was it that those Phetoe considered to be comrades treated him and his family so badly, when all they were doing was trying to uncover the truth.

- As for Wolmarans, if he is truly guiltless, he has suffered terribly. But Moss Phakoe believed that his report provided evidence that Wolmarans had reason to want him silenced.

**P**OLITICAL KILLINGS ARE NOT NEW to South Africa. The current wave of assassinations continues a tradition that reached a peak in the 1980s when activists died in police detention, were killed while being arrested, and were abducted off the streets. Activists themselves killed members of opposing groups.

The job faced by the Missing Persons Task Team, a division of the National Prosecuting Authority, is formidable. In the three years of their existence the remains of 102 people have been uncovered. Madeleine Fullard, head of the Task Team, estimates that they are searching for another 500, but knows that most will never be found. She hopes to find at least 100 more.

Fullard, by profession a historian, worked as a researcher for the Truth and Reconciliation Commission between 1996 and 1998. It was the TRC that, after hearing testimony relating to abductions and disappearances, decided the government should try to trace those who went missing during apartheid’s closing years. Their work commenced in early 2005 and by March that year the remains of the first ten people had been exhumed.

The trail is rarely easy to follow. It is a detective story with clues that are 30 years old. Even if a killer confessed at the TRC, finding the victim’s remains could be difficult. Burials that had taken place late at

night so many years before – often when the perpetrators were drunk, and with the landscape and vegetation changing over the years – remains are not easy to find, even by those who buried the bodies.

Some bodies simply cannot be recovered. Some had been burned, one was even blown up with dynamite. The ashes of three Eastern Cape activists had been thrown into the Fish River after their bodies were burned. In a number of cases, the killers themselves have since died.

A small group of activists from Piet Retief was given a pauper’s burial in wet soil where the flow of water had eroded their remains.

Families, parents especially, need closure. Awful though the truth may be, it is far better than not knowing at all. What seemed to be a good lead for a missing activist named Sizwe Kondile who disappeared from Maseru in 1981, turned out to be useless because fires had swept the area, radically altering the landscape. Nothing was recovered, but his parents were relieved to find the site. They took home his spirit and held a memorial service.

Kondile was being mentored by Chris Hani and his comrades were Vusi Pikoli, Ngoako Ramatlhodi and Tito Mboweni. Yet, today, few know his name or remember his story.

“Our work is not always easy,” says Fullard, “but I can see that we are having an impact on the lives of people and I’m grateful for that.” ■

- Where is Moss Phakoe’s report today?

- Where is the Special Investigating Unit report that was promised by the deputy minister of local government?

- Does either report hold clues that may identify those responsible for Phakoe’s death?

So far, the killer and his principals are still free. Political killings

are about having access to the public purse. And this makes rational sense to the killers, but only because of the high levels of corruption at local government level. Only because it is possible to manipulate the public purse to an extreme degree is it worthwhile to kill someone for access to it. Remove the corruption and the reason for the killings will disappear. ■

# ABZ is not The Way

SA must tread softly to avoid repeating the mistakes of the Mbeki/Zuma presidential succession. **By Sue Barkly**

**T**HE BIGGEST MISTAKE SOUTH AFRICA can make now is to adopt an ABZ – “Anyone But Zuma” – attitude to the ANC succession debate. If we do that, we will make the same mistake the ANC made when they got rid of former president Thabo Mbeki, says Ralph Mathekga, political analyst and author of the recently published book *When Zuma Goes*.

“With Mbeki, there was the feeling we should have ABM – “Anything But Mbeki”. But that kind of thinking does not provide the opportunity to actually evaluate the next leader,” Mathekga said in an interview with *Noseweek*.

“We can’t just focus on getting out of the crisis of the current leader, without asking searching questions about the next one.

“Look at how Cosatu and the SACP are supporting Cyril Ramaphosa as the next leader... when I ask them to elaborate on why, it is more like they just want somebody who is not prone to scandals,” said Mathekga.

“We should not just get a leader because he or she is not scandalous, just because he is not Zuma. The bar is set so low that if we go with ABZ, we’ll not be pulled out of our socio-economic crisis.

“Today, more than ever, we need someone creative, someone who will focus on getting rid of the 30% unemployment, who will make decisions with passion and who will plead for support of those decisions in the public domain.”

Mathekga, who is the head of Political Economy for the Mapungubwe

Institute for Strategic Reflection, has become a familiar voice as an analyst – particularly in the broadcast media. The institute prides itself on taking a “long-term view on the strategic challenges facing South Africa”.

Mathekga, says fellow commentator Justice Malala, is fast becoming one of South Africa’s most respected political analysts, “because, he is obsessed with the future”.

Previously a policy researcher for thenow-defunct Institute for Democracy in South Africa (Idasa) and a senior policy analyst for the Treasury, Mathekga brings a compelling perspective, sometimes tinged with a gentle humour, on South African politics.

The title of the book, *When Zuma Goes*, prompted News24 editor and author of *Zuma Exposed*, Adriaan Basson, to cut right to the chase at a recent launch of the book in Cape Town.

“So, can you give us the date, time and Zuma’s successor’s name,” asked Basson. To which Mathekga replied: “I am sorry... I actually overheard someone close to Thabo Mbeki say he fears JZ might seek a third term in the ANC and can actually win it...”

Mathekga, a man who “loves a crisis”, believes it is only then that real opportunities for realignment can come about.

“The ANC is, as we all know, in crisis... and this is the first time I have seen the organisation so democratic. We have never seen them so open to ideas. I have never seen such a level of tolerance among members of the

party which has 60% of the vote. Compare this with a few years ago when it was a really arrogant party... which would not tolerate dissent, which labelled people.

“Now that this thing is collapsing on them, they are actually tapping outside the ANC. Could you ever have imagined this party actually using the phrase ‘motion of no confidence’ internally? There is a real shift towards compromise... they are trying to bring in a conversation at a higher level and that is so good for the country.

“What we are seeing is a real opening up of the space, an acknowledgement that knowledge does not only reside in the ANC,” said Mathekga.

“My fear is that, if the ANC coheres now, the first thing they might want to do is close up this space. They are not used to accepting criticism, so if they cohere, they might want to close that space.

“South Africans must ensure this debate is controlled not by the ANC but by civil society and critical thinkers.”

In fact, says Mathekga, his fear is that the country’s quest for stability might end up with the hasty installation of a benign dictator – “someone who is less corrupt than the current president but doesn’t provide that open space.

“When Julius Malema becomes the moral basis of leadership in society ... then I am worried about how people reflect on this crisis. Dictatorship emerges after a socio-economic crisis in society where people find themselves displaced. Benign dictators like



(Rwandan leader) Paul Kagame are what I fear most. They are intolerant, they want to control the public narrative and, in essence they don't ensure the survival of democracy. But the democratic commitment is of as much value as delivery of services.

"Our nation should not tolerate any kind of benign dictator."

Mathekga has, in recent times, said South Africa can in fact say a big thank you to Zuma, for "getting us to this crisis earlier than many other African countries did.

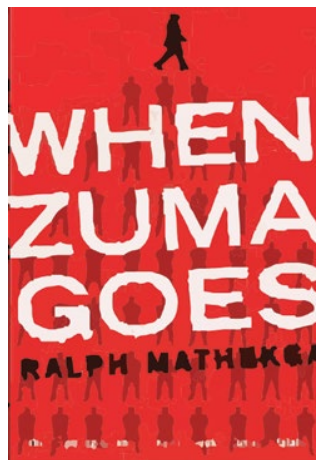
"It usually takes about 30 years for a founding party or liberation movement to start falling out. In Kenya, it took about 50 years. By the time the ruling party lost power in 2012, they had forgotten that government offices are not party offices. In South Africa we have got there quickly. We have already reached a healthy sense of doubt about the intentions of leadership. We have an interesting precedent around the powers of the Public Protector. We have achieved so much in a short space of time – and these developments have come about through conflict, much of which was orchestrated by Jacob Zuma."

In the book, Mathekga aims to avoid simplifying Jacob Zuma. "I want to understand the logic of his methods and how that logic is reflected in the ANC and in society. There's a sense that the ANC would prefer to move away from the Zuma years, to write off its losses and completely extricate itself from the man. But this will not explain how the party produced Zuma and what his impact has been on the party."

Mathekga also takes pains to stress that if Zuma did not exist, the populace would have invented him. "The fact that he took the space doesn't mean he invented it. He is the one who saw the space and took it. People saw Mbeki as inaccessible. Zuma was a man of the people, who was accessible. I also believe that South Africans were finding it difficult to relate to the institutions of democracy. We had democracy from 1994... but some people had genuine concerns that the system was unresponsive."

"Perhaps Zuma is a necessary stage in the development of our country. He represents a particular stage in the development of the system. Whether one is right or wrong, in trying to under-

stand what will happen when Zuma goes, it is important to start from the point of view that he is a product of South African society. One way or another, South Africa has to account for how Zuma emerged from within the ANC and from within our society. This exercise is a necessary step in attempting to understand what will happen when Zuma goes. The problem might not be Zuma himself. The prob-



lem might be the common sense of the nation that trusted him to lead. The question is, can the nation be trusted not to repeat the same mistake?"

Mathekga believes the key to how Zuma made it to the ANC presidency and then became president of the country lies in understanding the legacy of Mbeki and in the ongoing evolution of the ANC as a political party.

"If we look closely at Mbeki's administration style, particularly the way in which the state started to relate to citizens and political parties, it becomes clear that a gap was created between the party and the institutions of government and this gap conveniently accommodated the emerging Jacob Zuma cult. Zuma was packaged as an alternative to Mbeki; however a closer look suggests that Zuma actually represents a particular way in which citizens are trying to relate to the people in power. And it is the antithesis of Mbeki's approach. The idea of Zuma as an alternative was created in an attempt to normalise the frosty relationship between citizens and the formal institutions of government."

In 2006, during Zuma's legal woes,



Ralph Mathekga

following his axing as deputy president, one would have been forgiven for thinking that this was the beginning, not the end of the Zuma problem.

"Many South Africans believed this was the end of Zuma's political career, but his personal troubles distracted everyone's attention from the political circumstances that reigned within the ANC and the country at that time.

"My argument was that the ANC was shifting towards a populist direction and the country, at the time, was willing to embrace such a shift... this was in my view a moment when the party was searching for a political figurehead with whom people could identify, someone who represented a leadership style different from that of the autocratic Mbeki.

"This populist wave was not triggered or created by Jacob Zuma but he would ride the wave to secure the presidency.... and would later aban-

don the populist ticket once he became president, surrounding himself with a few trusted friends.”

“If indeed the ANC were allowed to conveniently turn the page on Zuma,” writes Mathekga, “the nation would be left to ask whether another Zuma might eventually emerge within the ANC”.

“It is only through a searching analysis of how Zuma emerged within the ANC in particular and in South Africa in general that we can come to a full understanding of what might lie ahead.”

Far from rushing to an ABZ solution, the best way for this whole current crisis to play out, says Mathekga, is for communities to continue to put the ANC under pressure. “The ANC is still electorally dominant. We must continue the conversation about what we want from the ANC. We don’t have to rush to change the electoral system. Let’s exhaust what the current system offers. Also I think South Africans must stop complaining on the sidelines. They must join the parties and participate, not only in the electoral processes but strengthening internal democracy in the party and in other parties.”

Mathekga dedicates a whole chapter of the book to Jacob Zuma and culture, in which he relates how he, JZ, regarded corruption as a Western offence.

“Zuma is smart. He realises that, under apartheid, people’s culture was denied in the common space, and now we have opened the space. Yet democracy has its own principles and its institutions do not actually yield to some of those cultural views. Like the system doesn’t understand the culture of ‘receiving gifts’.

“In that chapter, I wanted to show there are genuine concerns about how democracy confronts culture, but this is coming from a man with a sinister motive who is driving his own agenda. “But my view is that, as much as he misused culture, we need to debate how culture confronts the institutions of democracy.

Asked whether South Africa can start looking beyond Zuma – since numerous analysts say he is at his weakest point yet – Mathekga said, “We must look beyond him but we must be realistic about how we look beyond him. We have to disentangle his lega-

cy and avoid another session of Zuma. We know the man himself must go, as he is elderly and tired. But the question is, will he be in a position to continue to influence the ANC even when he has physically gone from power?”

“We need to start cutting the tentacles of his influences in the ANC and society. The best way to do it is to push for a different narrative. Thinking beyond Zuma must be about a deeper narrative than what I see. It must be about how to cut his influence gradually. It might take five years or two elections to cut his influence on the party. But this different narrative must be put on the table. The assessment must be done that we have to do a great deal more work to finally get rid of the Zuma value system.”

The main message of *When Zuma Goes*, says Mathekga is a call for introspection by all South Africans.

“We all share history as South Africans across racial lines. We are all responsible for the leadership we produce.

“As much as people say they’re not responsible for Zuma, the reality is, they live in the space that created him. I say let’s all take responsibility. Then maybe we can turn a corner.”

So, what kind of leader will the South African populace invent next?

**Zuma is smart.  
He realises that,  
under apartheid,  
people’s culture  
was denied in the  
common space, and  
now we have opened  
the space**

“There are different sets of populism emerging in South Africa. We always focus on the crass, street populism that gives us the likes of Zuma. But there’s another populism, private-sector populism. This is the populism that believes if someone has got money and has made it in business, suddenly that person is good to be a leader.

“We are not critically evaluating how they have made it. If you read the mainstream media, there are very few publications – and *Noseweek* is one of those few – who will say to people, ‘Hey wait, that deal stinks,’ and who will outline why. There is no critical evaluation of the business sector. That’s why this populism is emerging in the business sector.

“I interact a lot with the business sector. My advice is that this won’t help. For example, I have people saying to me, ‘Ramaphosa will be great’. I say, ‘How?’ Some say, ‘because he is a billionaire... so no chance of corruption’. I say, ‘Who says?’

“I am interested in a leader who can take business to task and take a moral position, who can say what they think of nuclear and spending state resources.

“I fear purely business people. I also fear people with no business experience. I am expecting a hybrid leader.”

Zuma’s survival, says Mathekga is rooted in the fact that any dissatisfaction with him can be managed as long as he stays in control of the ANC NEC, the real decision-makers in the party.

Mathekga does not believe Ramaphosa will succeed Zuma.

“If he does, it will be at Zuma’s gift. Zuma is likely to continue till 2019 as president. But it’s a good thing. As South Africans, we need to own up and ride the crisis to the end so that we don’t get a false solution.”

Asked about his own road ahead, Mathekga said his next project is a novel about politics.

“I know a lot about politics. There are certain things I want to say, but am uncomfortable saying them in non-fiction.

“I still have a long story to tell on South African politics. So my best shot at it would be to do a novel. I really want to talk more about the post-apartheid value system, like who we are as a nation, the racial issue, how we deal with it.” ■



Vytjie Mentor

# Was Vytjie taped by a spy?

**Audio clips and ‘stolen’ recordings of Thuli Madonsela’s State of Capture interviews are washing up at media houses as party factions fire salvos in PR war. By Jonathan Erasmus and Desiree Erasmus**

**A**UDIO CLIPS LEAKED TO *NOSEWEEK* of former Public Protector Thuli Madonsela interviewing former ANC MP and caucus chair Vytjie Mentor, months before the release of Madonsela’s State of Capture report, suggest there may have been a spy in the Protector’s office.

*Noseweek* was sent the clips in late November from an ANC member with close ties to President Jacob Zuma. *Noseweek* has verified the recordings.

When *Noseweek* asked if the ANC

member had additional audio material, a second clip of a different section of the interview was quickly supplied.

According to the ANC member, the recordings were distributed amongst Zuma’s inner circle, apparently via a confidential ANC WhatsApp group.

The ANC member urged *Noseweek* to focus on the contents of the interview, evidently unaware or indifferent to the fact that the probable presence of a spy or informant during a privileged investigation was a crime.

The ANC member refused to divulge

from whom the clips were received, but reiterated that they were key to proving that Madonsela and Mentor were part of “white monopoly capital” interests – including ANC Chief Whip Jackson Mthembu and Secretary General Gwede Mantashe – who, the person alleged, were “working with foreign forces to topple the president and the ANC”.

It is not clear whether other recordings were made, as the ANC member soon clammed up.

Nevertheless, in December, the new

Public Protector Busisiwe Mkhwebane said she had opened a case at Brooklyn Police Station in Pretoria, “requesting an investigation into the alleged leaks to establish if they amount to a breach of Section 7(2) of the Public Protector Act”.

The investigation would include the audio that Madonsela had given to television station eNCA after her term ended to prove that the president had lied when he said he wasn’t given an opportunity to respond to allegations of so-called state capture.

The investigation into the leaks came to light after Mkhwebane said that the *Sunday Times* had erroneously reported that she had opened a case against Thuli Madonsela for leaking the audio of her interview with the president to eNCA. “It is not true that Advocate Mkhwebane laid charges against her predecessor,” the press release stated. “The decision to open a case was informed by complaints from the Presidency and the Office of the Speaker of the National Assembly.

“In addition to these, Adv Mkhwebane received a media enquiry from *Noseweek* magazine, in which the publication claimed to be in possession of a recording of her predecessor’s meeting with Ms Mentor, also relating to the ‘State Capture’ investigation.

“In the past few weeks, there was another newspaper article based on what purported to be a recording of another meeting between Adv Mkhwebane’s predecessor and Economic Freedom Fighters leader, Mr Julius Malema. This meeting, too, related to the ‘State Capture’ matter.

“Adv Mkhwebane is concerned that these alleged leakages of evidence could compromise the trust the public has in her office. It is this concern that led to her opening a case.

“In order to maintain the credibility of the Public Protector, South Africa, and for the people to trust the institution, we need to safeguard whatever evidence such people, including whistle-blowers, give to us,” she said.

The *Sunday Times* also reported that Mentor had approached the Public Protector with concerns about the leaks. Mentor and Mkhwebane both denied this.

**Adv Mkhwebane is concerned that leakages of evidence could compromise the public’s trust in her office leading her to open a case for investigation**

The two clips cover almost the last hour of a four-hour discussion held on 22 July at the Public Protector’s office in Cape Town. The first runs for 36 minutes and the second, for 19 minutes. The latter clip records the meeting almost to the end. At the start of the second audio clip a female voice can be heard whispering to someone, ‘I didn’t record that’, indicating that more than two people in the room were privy to the recording.

There are also periods where the recording is muffled, as if an object is placed over the recording device. The vibrating tone of another cell phone close-by can also be heard. Both recordings start and end prematurely.

*Noseweek* was told that all phones were turned off during the meeting.

Mentor’s no-nonsense manner when interviewed by the Public Protector makes for interesting, sometimes amusing, listening when, for instance, she says she “unfriended” ANC Secretary General Gwede Mantashe and his deputy, Jessie Duarte on Facebook.

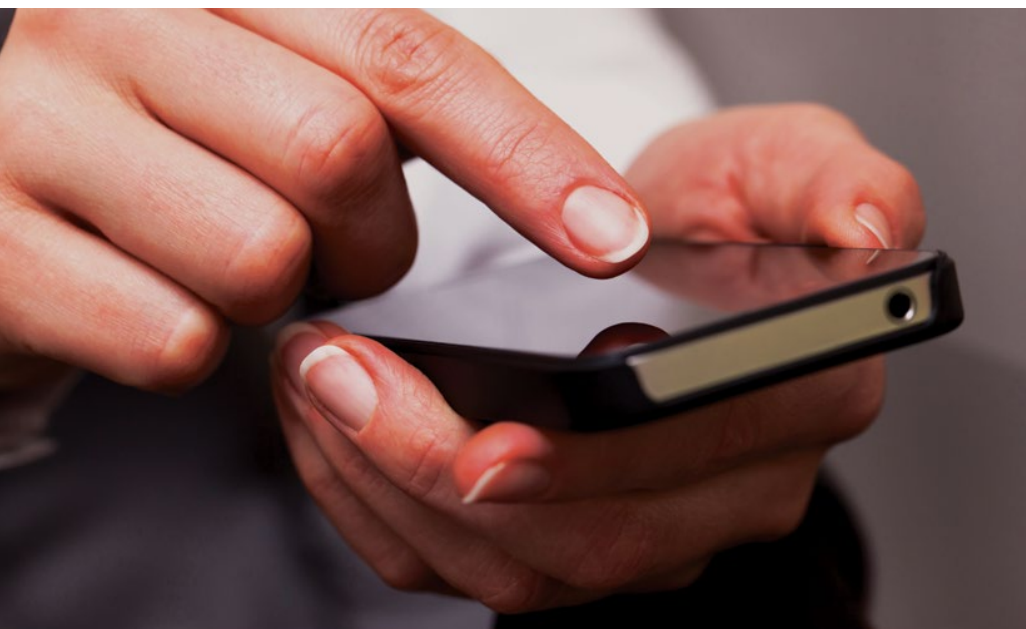
“Gwede was once my friend. Jessie Duarte was once my friend. I blocked them. They would take issue with the things I said, but if I knew, I could stand my ground. I write what I want to write, because I deliberately chose social media as an arena and an avenue of exposing wrong-doing,” Mentor is recorded telling Madonsela.

She also said that Des van Rooyen, current Minister of Cooperative Governance and Traditional Affairs, who was appointed Minister of Finance in December 2015 for three days after Nhlamhla Nene’s controversial sacking, “had no clue of anything”.

Most of what Mentor told Madonsela was not noted in the latter’s State of Capture report, but much has been reported in the media before and after the interview. Mentor claims that most of what she knows is from “open source” – mainly from the investigative news site of amaBhungane.

The State of Capture report documents Mentor’s claim that she was offered the post of Minister of Public Enterprises in 2010 at the Gupta’s Saxonwold compound while Zuma was allegedly in the adjoining room. Mentor says she refused the offer.

Mentor is heard saying in the clip: “The president surprised me because, he turned the whole situation on me.



Like, he said I must not worry and he said I must calm down, like. He did not enter it, he turned me into a mad angry person, he said ‘calm down ntombazana’, like ‘it’s okay’.”

She also informs the Protector that current public enterprise minister Lynne Brown appointed Eskom board members who are close to the Guptas. “There is one main name, Salim Essa, he is a big fish with the Guptas.”

Asked why she only went public with the information recently, Mentor tells Madonsela: “Firstly, from 2013, I had to deal with my removal as Chair, which was unceremonious, which I was not even told about, so I did not want to be seen to be hitting back because of my removal.

“So I decided to allow everything to subside. But in the meantime I started reading and researching – that was my first reason, that you don’t just get removed and then you say, by the way, people will say ‘why were you quiet?’ But also, I got injured and after months in hospital, I recuperated at home for a long, long, long, long, time.

“My priority was to recuperate, but I had an intention that once I become armed with further information... once the opportunity presents itself and I have more ammunition because I was busy researching, I would go public...

“After my research, I became convinced something very, very wrong was going on, but also the incremental nature of brazen corruption and looting that is continuing by the executive and connected people and the Guptas is cause for concern that prompted me, but I decided after the Waterkloof incident that I am going to go public.”

Zuma denied knowing Mentor when she first made public allegations of state capture. She told the Public Protector the President’s denial was a “serious joke”, and blamed one of his underlings for peddling the apparent lie.

“That’s a serious joke. In fact I still defend the President. I still say he cannot have said that. It’s not possible. I think probably somebody that was over-zealous could have issued that statement on behalf of the President,” she said.

Mentor also gave insight into alleged sexual advances Zuma made to her. “The President had wanted me to do certain things with him and for him once I served as chair of caucus

**‘I became convinced that something very, very wrong was going on, but also, the incremental nature of brazen corruption and looting that is continuing by the executive’**

– Vytjie Mentor

and once I served as public enterprises chair, and, I resisted doing those things with and for the President and still I don’t hate him. I hate what he does but I don’t hate him as a person.”

Mentor can be heard signalling to graphics and images to clarify her version of “state capture”.

Besides Madonsela and Mentor, a woman described as the lead investigator, other investigators and some senior management were present at the recorded interview session.

Mentor can be heard telling Madonsela that she worries about who the new Public Protector might be. “We don’t know what kind of animal will be appointed,” she says.

Madonsela replied: “With or without me, [the team] will not let go. We are trying to conclude this investigation before I step down. We are not trying; we are aiming to conclude this investigation,” Madonsela told Mentor.

When contacted by *Noseweek*, Mentor said she was “not surprised”, at the leak, which was “an obvious attempt to discredit the report and have it reviewed” by a court.

She told *Noseweek* that she requested that a meal offered to her during the interview be given as a “take-away” as she feared being poisoned.

Madonsela was contacted by *Noseweek* and referred all comment to

the Public Protector’s office.

Protector spokesman Oupa Segalwe said it was for the lead investigator to ensure the safety of any recording from an interview. He added, “there was never a requirement for phones to be switched off”.

Apart from Madonsela and Mentor, also present were the lead investigator, another investigator and the chief of staff.

Mentor said people were “in and out” of the office during her interview.

Segalwe said the external transcribing service would also have had access to the recording but would have signed a confidentiality agreement.

Madonsela’s “State of Capture” report recommended that Zuma establish a commission of inquiry led a judge nominated by Chief Justice Mogoeng Mogoeng.

In December, Zuma approached the North Gauteng High Court asking for Madonsela’s recommendations to be set aside. He said in his affidavit: “The remedial action of the Public Protector violates Section 3 of the Ethics Act by clothing a judicial commission of inquiry with the necessary jurisdiction to investigate and report on the members of cabinet. The remedial action under review by a judicial commission of inquiry will not have the powers that a Public Protector has under the Public Protector’s Act. A commission of inquiry submits its report to the President for this consideration and possible action. This clearly shows the remedial action to be irregular and unlawful.”

Zuma said that the issue under investigation was complex and may go beyond the 30 days in which it needed to be reported on, making the remedial action “illegal and unlawful”.

He said there was no basis in law that a commission of enquiry had to be presided over by a judge selected by the chief justice. According to the Constitution, the chief justice doesn’t have this power, he said.

“The decision to make the remedial action, that is, to outsource it [to a commission of inquiry] was irrational since the only conceivable deduction to be made was that the Public Protector’s term of office was coming to an end and she was unwilling for the office to continue with the investigation outside her control.” ■

# Ups and downs of bouncing rates

At last – major clean-up looms in Joburg administration. By Jonathan Erasmus

**A**N ELABORATE PROPERTY RATES scam operating out of the City of Johannesburg's rates department has allowed the rich and connected not only to avoid having to pay municipal rates on their high-value properties, but even to milk the system for cash refunds to which they are not entitled. These frauds effectively leave the owners of lower-value properties to carry the city's tax burden.

The discovery could finally result in a major clean-up in the city's administration.

Besides allegedly rigging property valuations and rates assessments, the frauds are alleged to have extended to manipulating bills, illegally transferring properties and an "insider system" whereby ratepayers were allegedly required to pay staff – from low-level messengers to managers – "costs" to accelerate a "billing correction" that would make a rates debt "go away" or, better still, generate a generous refund to the ratepayer.

The gritty facts are detailed in a 52-page forensic report that shows how a sample of 22 high-value Johannesburg properties (together worth R885.26 million) were revalued downwards by an average of 58% of their real value by means of forged signatures and fake documents. All were handled by one city valuer, Mbali Maclare. She has since resigned.

Maclare managed to shave R499.78m off the formal valuation figures, causing the loss of R35.6m to the city's coffers over a four-year period. It

is unclear whether she worked alone but the culture of corruption within the city makes this unlikely.

The forensic report provides confirmation of similar charges made by amateur valuer Dr Robert McLaren in *Noseweek* in August last year (*nose202*). He said the city appears to pander to its wealthy, connected ratepayers, rewarding them with lower rates where a system of patronage, nods and winks seems to have become the previous ANC administration's preferred manner of doing business.

Properties listed in *Noseweek's* earlier report included those of the Oppenheimers, the Guptas and Tokyo Sexwale. The latest report includes the names of several more prominent business people.

The report, titled "Allegations of fraud within the Property Valuation Services Unit", undertaken by SM Xulu Consulting, was hidden from public scrutiny by the city's valuation department until November 2016 when it was leaked to TV programme *Carte Blanche* and made available to *Noseweek*.

*Carte Blanche* reported that only once they brought the report to the attention of the city's new mayor Herman Mashaba were criminal charges laid at the Johannesburg Central Police Station.

The forensic report was commissioned in May 2014, apparently after rumours were heard of officials soliciting bribes from customers in exchange for "unauthorised and possible fraudulent adjustments of the properties

values". Inter alia it was rumoured that Maclare forged the signature of the deputy director of valuations Louis Taderera, to push through her dodgy deals.

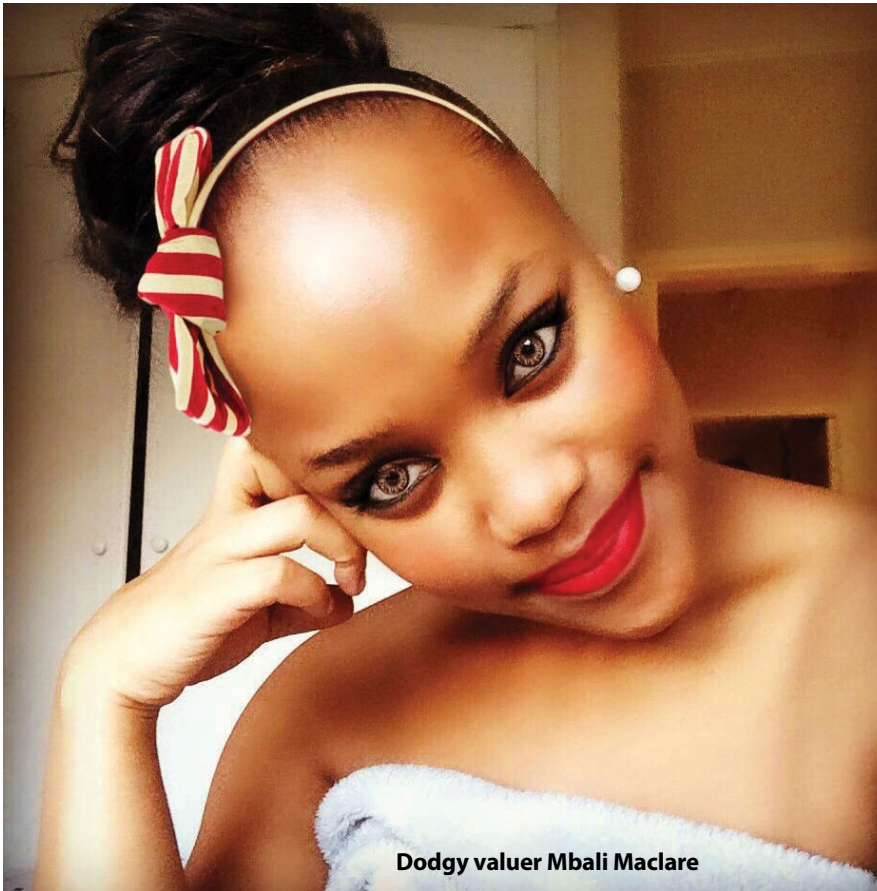
Valuations unit head Sihle More, according to the city, commissioned the initial investigation and passed on the findings in the report to her superiors in the city. The city said rumours that More was involved were false.

By October 2015, SM Xulu's findings were handed to the valuation unit. The report concluded that former candidate valuer Maclare, now operating her own valuation service, tampered with property values. Maclare used the city's resources, its database and city time apparently to run her own (de)valuation business on the side, called KwaZimbali Pty Ltd.

Those responsible for oversight, it found, failed in their task and should face "corrective action".

The city says the report was acted upon. *Noseweek* has ascertained that none of the allegations against staff has yet been pursued but that most of the owners of the 22 properties have had their rates adjusted, piecemeal, within the past year – back to pre-Maclare's changes.

None of the owners, the report states, had lodged an objection on these 22 properties. Instead Maclare created her own objection letters. She then used a legally filed objection from another property and owner entirely, changing the details to suit her client. A second method included simply making the whole thing up from



**Dodgy valuer Mbali Maclare**

scratch. In both instances she would manually load the fake “approved” objection letters onto the city’s computer system – using a back door in the system, which was left open in 2008 when a new computerised billing system was introduced.

It is still unclear how the property owners were linked to Maclare or each other. All those *Noseweek* spoke to denied ever having been contacted by city officials. They also all denied knowing Maclare – or anyone purporting to be a consultant or city official who could help them out for a fee. Some claimed to have no knowledge of any changes of valuation on their properties.

KZN businessman Ahmed Kazi, a self-confessed slumlord, had the rateable value of his Marshalltown property reduced from R25.8m to a paltry R800,000 by Maclare.

“I knew we were getting charged a low rate. But I never enlisted the help of anyone. I went to the valuation department myself and asked for

my rates to be reduced. They gave me a set of things to do which I did and they reduced the rate. When I saw the new rate I thought ‘Lekka man!’ A year later they came back to me and said they didn’t know my property had more than one dwelling. I am now having to pay back about R400,000 in unpaid rates. I was not asked for a bribe. If I was, I would have blown the whistle. Anyway I am not getting any benefit,” said Kazi.

In June 2011 Kazi was arrested by eThekweni Metro enforcement officers for running an “inner city slum”. He was charged and then paid an admission of guilt fine of R5,000. *Noseweek* has since learnt from a Durban city official that he has “cleaned up his act”.

ACY Property Development owns the China Cash and Carry on 64 Renaissance Drive in Crown City, Maclare reduced the value from R46.9m to R12m. Its directors include well-known Chinese/South African businessmen Li Xinzhu and Baojin Chen.

Xinzhu is the chairman of All Africa

Association for Peaceful Reunification of China, proprietor of the Chinese language newspaper *African Times*, and was pivotal in the launch of the Chinese Community Police Forum (CPF), based in Cyrildene, Johannesburg. Xinzhu, who has mining, export and import interests, also has access to the country’s political leadership and in 2014 openly campaigned for the ANC in the national elections. He has also campaigned against the Dalai Lama visiting South Africa.

When Xinzhu was called by *Noseweek*, he said he didn’t know about the investigative magazine and hung-up without answering any questions. He simply muttered “no, no, no”. He was SMSed questions but did not respond.

One of his partners, Baojin Chen, became involved in March 2015 when he bought a property in Bedfordview for R30m. He has since developed the plot, known as *Infinité*, into a 10-storey, 200-unit sectional title apartment building with prices ranging from R890,000 to R4.4m for the penthouse suites. The company Chen used to build the property is called *Fatasy* (not *Fantasy*) Properties. His assistant Annie Lan took down *Noseweek*’s query but failed to revert to us.

The Moola family, owners of CCE Holdings which imports a variety of Chinese cars into South Africa such as the China Motor Corporation vehicles, also had the value of their Linden property reduced by Maclare from R9.4m to R4m. The property is owned by several Moola relatives and family associates. One of the owners, Rehana Akoon, said she is “not too sure why” they featured in the city’s report because as far as she knew, the rates had never been reduced. She said she would have someone phone *Noseweek*. No one did.

At one stage the family was planning to construct a US\$1 billion manufacturing plant to produce CMC vehicles in Harrismith. The project was eventually called off.

In 2012 family patriarch Yacoob Moola, 80, took his three sons, Imran, Mohamed and Nazeer, to court as they had apparently tried to unseat him as the sole owner of CCE Motors Holdings. The matter dragged in the family lawyer, accountant and a nephew. Moola Snr eventually stepped aside,

according to company records.

Essco Foods CC owns a R39.1m property in Industria. Maclare's magic had this property's value reduced to R20m. Essco Foods belongs to Mohamed Essack, owner of African Star Grain and Milling. Essack's state-of-the-art milling facility was commissioned in January 2016 and received a large grant from the Department of Trade and Industry. He was described in 2016 by law firm Norton Rose Fulbright as the "leading commercial black miller in South Africa", a position, the firm noted, that Essack intends to maintain.

But Essack feels he is being dragged unfairly into the alleged rates scandal.

"I bought this property about three years ago for R30m. It was valued at R39.1m. I immediately objected to the rating. After much to-and-fro my property valuation was reduced to R20m.

This took about 12 months. I was happy thinking my objection had been accepted. But then 12 months later it shot up again. I was told I owed the city back-pay in rates of R1m. I then learnt that my original objection had never been dealt with at all. The city wanted to cut my electricity on the property. I have had to work out a payment plan of R36,000 a month over and above the other monthly costs, just to keep the lights on. I don't know why this happened. No one tried to solicit a bribe or purported to be a 'service provider' able to bring down my valuation. Maybe someone thought they could act first then ask but I never received any such call," said Essack.

A downtown property selling sewing machines had its value reduced from R3.01m to R900,000. The owner of the shop and property is Bian deQuian whose company website for Asia Sew-

ing Machines swears he will never "exaggerate the functionality of our products in order to achieve sales". DeQuian, a Chinese national, is also a member of the African Chinese Charity Foundation, the South Africa-China Cooperation Forum and a member of the SA-China People's Friendship Association (SACPFA). He is a promoter of SA-China bilateral exchanges in economics, trade and culture.

Sharon Xu, speaking for DeQuian, said they were aware of the property having been revalued to R900,000 but that this had been done under a "previous manager".

"I am not sure of the details but this property is not worth R3m," she said.

Xu said they had never been contacted by anyone in the city to help with the valuation.

Bloemfontein property developer Nic Georgiou (*nose187*) was the owner of the Bruma Lifestyle Centre until late 2014. The property's value was reduced from R34m to R17m. Maclare did the paperwork.

Georgiou is known for his failed Highveld Syndication property schemes (his company, PickVest, collapsed in 2010/11). He is currently facing multiple lawsuits from some of the 18,000 investors – mainly pensioners – who lost out in the deal.

Georgiou, who lives on Signal Hill in the Free State capital, Bloemfontein, told *Noseweek* he had once owned the property but no longer. "Maybe the new owners run it differently which has devalued the property," he said. He asked for questions to be SMSed to him but did not respond further.

A man linked to one of the biggest transactions in South African history, the purchase of SABMiller by Anheuser-Busch InBev, as well as two of his associates, also made the list of property devaluations handled by Maclare. The two properties are in Hillbrow and Yeoville. The former was devalued from R16.8m to R7.5m and the latter, from R6.6m to R1.8m.

The owners are dealmaker Fradreck Shoko and Charles Adu Boahen and Cameroonian entrepreneur Acha Leke. Leke is only involved in the Hillbrow property.

Shoko said this was the first he had heard about any rates issue when *Noseweek* contacted him. "I didn't even know if our property was deval-



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Chinese-South African business leader Li Xinzhu

ued and then revalued. Our managing agents who handle the property have not informed us about any changes,” said Shoko.

He said he would ask the managing agents to phone *Noseweek* but no call was received.

One of the biggest discounts was for Dunrose Investments 224 (Pty) Ltd – the owners of Oriental City on 15 Ninth Avenue in Rivonia. The company owns five Oriental City plazas in Gauteng.

Dunrose directors Feng Yin and Changhua “Jonathan” Qin bought the site for R115m in 2012. The city valued the property at R202m – until Maclare reduced it to R140m.

Simon Ho, Dunrose’s general manager for the past two-and-a-half years, said that at no point was he personally contacted by anyone at the city to have their property valuation reduced. He said the reduction took place before he started working at Dunrose.

“We were surprised when our valuation shot back up to R202m without any notice. We are currently appealing to the city to have it revalued again, as we are of the opinion that the property is only worth R120m,” said Ho.

The company raised the ire of Bruma Lake residents in 2012 (*nose158*) when they began excavating to build another R400m mall. The topsoil was then being dumped at a nearby

park and waterway. When *Noseweek* brought this to the city’s attention, the excavation was stopped within 24 hours of our questions being sent to them.

The biggest company to find its way into this operation was the JSE-listed Rebosis Property Fund. They had four properties with a combined value of R384.5m, reduced to just R116m. This included a Braamfontein property reduced from R152m to R64m, another from R20.6m to R3m, one from R79m to R19m and finally a Marshallstown property from R132.1m to R30m.

In a statement released via a SENS announcement shortly after the *Carte Blanche* broadcast, the company said they utilise “consultants with good credentials” who are required to “sign an indemnity whereby they undertake and warrant not to bribe nor solicit undue favour from any council officials”.

Rebosis said that in 2013 that, following “significant and unrealistic increases in property valuations from the City of Johannesburg”, the fund had appointed Hirsuflo Trading as an independent valuations consultant.

Rebosis said they would be taking this matter up “with the Mayor of Johannesburg”. They also said they “reserved their rights” after the coverage they were given on *Carte Blanche*.

The city has since enlisted the help of former Gauteng Hawks boss Shadrack Sibiyi to head the city’s Internal Investigations Unit, with his top priority being the investigation into the report’s findings.

“Mr Sibiyi and the SAPS are working closely together on this matter to gather further evidence and ensure that a solid case is built before further criminal charges are laid and implicated individuals are arrested.

“The initial audit covered a very small portion of properties in the city and their investigation is being extended further. The public will be updated on developments in due course and we expect arrests to be made in 2017,” mayoral spokesman Tony Taverna-Turisan told *Noseweek*.

Maclare could not be reached by *Noseweek*, but interviewed on *Carte Blanche*, she denied any impropriety and said she knew nothing about the alleged valuation irregularities. ■

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## Choices. Foreign affairs

**I**T WAS THE BEST OF TIMES, IT WAS THE WORST of times... Two formidable women record vividly contrasting new lives and relationships in foreign lands. One Scot went to Cape Town in the 18th Century, one South African went to London, oh, maybe a year ago.

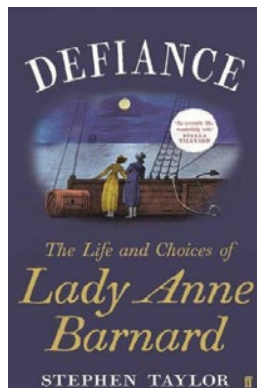
It wouldn't do to read the biography and autobiography in tandem, but there is a certain hectic charm in switching occasionally for cultural shock value. Both blondes led eventful lives, in very different social categories. Anne, previously known to South African history teachers as a "merely" gracious and observant hostess, is now revealed as a fascinating and courageous woman. Six volumes of her diaries, which languished in family archives because she required that they should never be published, now reveal a remarkable adventurous character who seized joy in Africa.

Sam Scarborough is of another species. A successful business executive, in search of the romantic ideal, she records, in painful detail, her furious disillusionment with the man who persuaded her to leave her South African homeland for a difficult new life in London. Her diary lists in angry detail the personal transgressions of the hard-drinking, often generous, but flawed man who promised so much. And failed.

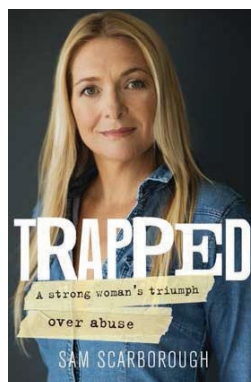
Sam's dream is destroyed by the realities of contemporary London life. And those of the man who tempted her to join him there. Sam and her young daughter discovered that sharing the life of a divorced father of two, put heavy urban pressure on both families. The man is unequal to the situation. Weepy with misery, Sam decides to take her revenge: every single transgression committed by him is recorded in a diary listing the weeping, the spats, the sneak checks on telephone calls, and e-mail, the rows over boisterous pub friends. The facts are the facts, but meticulous listing of peccadilloes does not bespeak divine forgiveness. Suffice it to say that few of us could survive such microscopic observation. What was that about familiarity and contempt?

Meanwhile, back in the 18th Century,

**DEFIANCE: THE LIFE AND CHOICES OF LADY ANNE BARNARD**  
By Stephen Taylor  
(Faber)



**TRAPPED: A STRONG WOMAN'S TRIUMPH OVER ABUSE**  
By Sam Scarborough  
(Human and Rossouw)



the lively Anne has enraged her ambitious Mama, who believed that the daughter of an impecunious Scottish peer owed it to her family to marry well (i.e. profitably). But Anne scarpered to London instead and became something of a social sensation: in no time she was mated with the future George IV, and various leading figures of the day proposed holy matrimony. The advances of a rich banker, and of powerful politician Henry Dundas, were politely declined, in favour of a doomed passion for William Windham, also a politician, who had commitment problems unfortunately, so nothing came of that. But her loss was Africa's gain.

At the age of 42 she startled English society by marrying a poor man who was 12 years her junior. Andrew Barnard was appointed secretary to the governor of the new British colony of the Cape. As readers of previously published fragments of her diaries will know, they lived contented and active lives in Cape Town, with many explorations of the hinterland. One of the most charming memorials of Anne is the Vineyard Hotel gallery in Cape Town, which is given over to a display of framed diary quotations and illustrations. Parts of the beloved original house in which the Barnards lived is the heart of the hotel, with its magnificent mountain views and lush gardens.

Hospitable Anne clearly relished her new life at the Cape, and never regretted the move or the marriage.

Poor Sam clearly suffered mightily for her foreign affair. On the other hand, it would be interesting to hear the man's version of events. ■



Lady Anne Barnard



## Hot stuff. Where there's smoke...

I AM CONVINCED THAT WE IN MZANSI should adopt the slogan “Keep hope alive” – with thanks to the USA’s Jesse Jackson who coined the phrase for his presidential campaign in 19-ahh-something.

In one of my recent columns I expressed my two-cents’ worth in support of the legalisation of marijuana for medicinal purposes – along with its hemp equivalent for the plant’s vast range of commercial and industrial uses.

A good number of people with whom I discussed the piece were adamant that our lawmakers would not pass such a law, reasoning that “our people” have a one-sided view of marijuana, seeing it as an intoxicating herb smoked by juvenile delinquents, tsotsis and Rastas.

However, our lawmakers have a duty to look beyond stereotypes and traditional beliefs and instead to consider the benefits from an informed point of view. After all, the legalisation of marijuana – particularly for medicinal purposes – has become an international trend. Moreover, the naysayers in Parliament need to understand why one of their distinguished members, the late IFP MP Mario Oriani-Ambrosini, presented such a bill to the house. Had they applied their minds to the reasons for his passionate plea, they would surely have to pass the bill. For crying out loud, they would be silly not to do so. And if they don’t, we will end up importing marijuana-based medicines. So, hey! Let us cultivate the stuff ourselves; hemp, too, which has a multitude of commercial uses.

\*\*\*

One *Nosey* reader recently questioned why, as a Swazi, I have been allocated a farm in this-here Mzansi. Well Mr Binns, I happen to be a bona fide

South African citizen of Swazi heritage, and I got my farm through working my black butt off by establishing an agri/agro-processing business which impressed the lads at what was then Land Affairs.

Mr Binns asks what claim to land Swazis have in the RSA. Well, actually, Swaziland has one giant unresolved land claim against South Africa, dating back to the kingdom’s independence from Britain in 1968.

The *Swaziland Times* reported in 2014 that Zulu King Goodwill Zwelithini had signalled his intention to claim the same land that Swaziland has been claiming since way back.

According to Wikipedia’s list of world territorial disputes, the area being claimed by Swaziland covers the former Bantustan of KaNgwane, which now forms the northern parts of Jozini and uMhlabuyalingana local municipalities in KwaZulu-Natal, and the southern part of Nkomazi, the south-eastern part of Umjindi, and the far-eastern part of Albert Luthuli local municipalities in Mpumalanga.

Swaziland placed the matter on the agenda of the UN General Assembly in the 1970s. I should know, my father was part of the Swazi General Assembly delegation.

The UN rejected the Swazi claim, citing local political complications attributed to apartheid and the liberation movement. Furthermore, the UN cited fear of a domino effect in that it could spark a barrage of other disputed land and colonial-era border shifts in Africa.

Now Zwelithini and KZN traditional leaders are planning to lodge the largest land claim for rights to the entire Zulu Kingdom, including Durban, as well as parts of the Eastern Cape, Mpumalanga and Free State. These South African traditionalists are also claiming Mpumalanga province – which the Border Rural Com-

mittee (BRC) is targeting in its land restitution claim already in progress.

Mpumalanga lies in eastern South Africa, north of KwaZulu-Natal and bordering Swaziland and Mozambique. It constitutes 6.5% of South Africa’s land area.

Swaziland has, for years, been advocating for parts of Mpumalanga and KZN as being historically part of that country. The Swazis’ claims extend to a non-contiguous portion of northern Mpumalanga, including a section of Kruger National Park.

Zwelithini is more recently claiming the same territory – a vast tract of urban and rural Mpumalanga land that fell under the control of the Zulus at the time of colonial dispossession.

The claim will be filed under the Land Rights Amendment Bill of 1913.

*City Press* has reported – also in 2014 – that Zwelithini’s claim/counter-claim was being planned and coordinated by the Ingonyama Trust. It reported: “...Zwelithini and the province’s house of traditional leaders representing KZN’s chiefs, met for a workshop on the land claim process, which has been reopened for another five years with the enactment of the new land restitution law, the Land Rights Amendment Bill”.

Judge Jerome Ngwenya, Chairman of the Ingonyama Trust, said; “There will be cases where others claim the same land as us, for example, where a chief was placed in charge of a certain area by the king. The chief’s family may also submit a land claim..., but we are working with our traditional leaders to compile one claim for the land taken from the Zulu nation.”

[*Note, there is no mention made of who the Zulus took the land from way back then. – Ed*]

Do your homework Mr Binns. Perhaps I should change your name to Mr Bean because your uninformed comment made me laugh. ■



## Science and religion. A pragmatic approach

**W**ITH THE INCREASING occurrence of stories about men of God taking selfies in heaven, selling AIDS-curing holy water, and ridding people's faces of cockroaches (with Doom!), it begs the question as to why people still subscribe to religion in South Africa. I understand that there is much more to Christianity and religion than these shiny-suit clad charismatic preachers, but I still wonder why so many people flock to them and still take religion seriously in this day and age.

As an atheist, I am inclined to dismiss all of religion as utter rubbish, and instead propose that science is all we need to be happy and feel fulfilled. I realise that science makes me happy because I am a nerd, so say the kids today on the web, through their mobile computer machines. But after a little reading, and living with normal Christian humans, it seems I have been wrong about these Jesus people and their faithfulness.

With the risk of sounding philosophical – ewe! – I believe that science and religion are both human constructs that have been the cornerstones of human progress and culture for the past few thousand years. Science being the younger of the two, some would argue that it has had a greater impact on humanity and is slated to replace religion as we move closer to a Star-Trek future.

I have realised that there are many, many parallels between how science describes the universe without – from quarks to quasars – and how religion describes the universe within the murky depths of consciousness and feeling.

History shows how ugly religion has been, its role in many wars and the many apartheidisms that we have seen and continue to see. It is convenient to blame the entity that is religion for all these atrocities, when



in fact we must realise that it is humans who did these things, and that the religion they chose to create reflects our humanness. The way I see it, everything we might come to hate about religion, is what we hate about ourselves as humans.

We do not blame astronomy for the asteroid that killed the dinosaurs, nor do we blame biology for the black death – these are sciences we use to understand and mitigate these events. It is the same for religion as well, it is ugly and beautiful; as complex as the humans who birthed it.

Being aware of the universe both without and within, we seek patterns and order to make sense of it all in both these universes. We not only assume that this order exists but we need it to exist if we are to have any comfort living in it.

Science assumed order in the universe from its beginnings in history, as did religion when it organised the ancients into the communities that started agriculture and so set our path to civilisation.

In science, we assumed an order to the way nature works, and in religion, we saw ourselves as being at the mercy of gods who have

it all figured out for us.

So, why does it seem that these, our greatest, yet intangible, creations are said to clash? Well, I propose that this is because the universe, inconceivably large and uncaring, is incompatible with humanity's universe within. Religion shows that people want to be important, we see ourselves as being necessary, but the universe suggests otherwise; we are not important, and our existence is an accident (mistake?) of nature that will eventually clear itself out when all life ends.

We feel that the universe is ours, we own it and instead of being a part of it, we feel we are the reason it exists; we are the ones that make it worthwhile.

The universe, through science, says otherwise. We are but biological machines driven by impulses of reproduction on an insignificant speck gracefully falling into an unremarkable star in the unfathomable vastness of the observable universe.

The universe is out to kill us all, and we can either embrace this reality and wait for our imminent death, or we can ignore it by drinking mock blood. ■



## Show what. Her roots were showing

**A**ULD ACQUAINTANCE! SAID I TO Clarice Gurbles, and all the best in 2017. I recognised you instantly, you haven't changed a bit in forty years. Which was a lie of course. What about a nice cup of tea, then, hey? said I. Here at the Botanic Tea Garden?

We find a corner table 'mongst the exuberant foliage. The botanic gardens were a Durbs municipal adventure some 160 years ago, with bits of Borneo, pieces of Patagonia, of north, south, east and west, it's all here: great majestic trees, small ferns, everything imaginable. At the tea place, had-das poke about with their weird long beaks, monkeys make off with small cakes and saamies from the outdoor tables of German tourists who become enchanted and take iPad pics of it all.

Clarice is up from Cape Town. Nice subtropical atmosphere here, I observe, to get conversation going. A sort of small KZN wilderness, isn't it? Bad move; Clarice slightly lifts her right upper lip to expose the canine tooth on that side and glances about her with deep disdain. Well they'd better get rid of that Umbrella Tree for a start, says she, it's not only exotic and invasive, it is listed unlawful. Argument looms, but I never did know when to hold my tongue.

Jaaaah, I suppose so, say I, though I'm a bit exotic and unlawful myself, me auld faether was transplanted from Dundee Scotland, you know, and I have a criminal record.

You are just being obstructive for the sake of argument, she says, falls silent and purposefully chomps sorrowful health biscuits neither bird nor monkey would bother to steal. Nobody's going to violate the Integrity of Nature while she's around.

I nosh on a few biscuits myself, not for pleasure but to justify the silence, it's rude to talk with your mouth full, see? Um-te-tum, I hum. I cast about for something innocent to say, to knit



up the embarrassing hole in the conversation, and when I'm on about biscuit #6 aha! it occurs to me something about our childhood would be just the thing.

I think I'll stick some matches in an avo pip, say I, and put it on a glass of water as we used to do as kids, remember. Wasn't it fun? Another longish pause follows. What for? she says.

Well it's educational for my great-grandchildren to see new roots dangling down in the water and a little shoot grow up top with a little leaf or two. And then? says she. Well how great for the laities to see a little newborn thing so full of expectation of life become a full-on strong and happy adult; I think I'll plant it in the space behind our clothes lines.

AAAUUUGH!! cries Clarice, and bloody nigh breaks her dentures on the last biscuit. I don't understand you, all you love is invasive foreign

plants which destroy our green heritage! She swallows the biscuit almost whole and coughs a cloud of crumbs all about. I wipe the table with a paper serviette and things fall silent once again. Humm humm titumm, I hum.

After a bit I say Nice plastic furniture, hey, it doesn't rust or rot out of doors and see how easily we could wipe it down with a paper serviette. A good safe subject for calm conversation, that. Plastic is made from the fossil remains of ancient trees, says Clarice, the past was also part of Nature and one should show respect for all species past and present. Like the avo tree? say I.

Why are you so quarrelsome? says she, I respect all species in their own habitats and the avocado I respect in Mexico. Bloody hell, say I, it sounds a bit like old times, dunnit? Avocados are all right but they must know their place. Bantoe op sy plek, 'ksê.

There must be some safe topic somewhere, in Heaven's name. Aha! So are you going to visit Zululand? say I. Well no, she replies, Buthelezi tried to introduce Cosatu to his Zulu people but in their natural wisdom they wouldn't even touch it. Are you sure? say I, it's the first I've ever heard of it, I mean it's not the Great Mango's usual shpiel, is it?

Well it stands to reason, says she; our farmers are growing exotic rubbish and filling the soil with toxins and that's why our rivers are all dirty brown. You must have fresh clean streams for soaking Cosatu to leach all the deadly prussic acid out, see, so it's fine for those places where the forests are pristine and the streams all sparkly, but just think of the Thukela River, how filthy.

That's cassava you're talking about f'chrissakes, say I. Manioc. It comes from South America.

Well there you are, says Clarice, it just goes to show. ■

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