Arundhati Roy on capitalist greed, India, Ghandi and the Guptas

How to deal with Vodacom & MTN's content scams

Moti in Munich jail begs for Cyril's help



The plucky pigeons that helped save Britain



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FEATURES

Letters

28 Books

Editorial

29 Letter from

Umjindi

30 Last Word

31 Smalls

10 Zabalaza Mshengu dies aged 104

Bureaucrats leave tenant farmer landless till death

11 Troubles grow for k-word businessman

Furious Investec chair cuts off his cashflow

12 Is SA's Morandi bridge safe? Just checking

Designer of collapsed Genoa viaduct had a hand in Storms River bridge

13 Moti behind bars in Munich

Our old friend Zunaid faces jail in Russia as 'Putin's man' seeks his extradition

14 KPMG's SARS report makes comeback

In a desperate bid for survival, accountancy giant lied to MPs and accountants' institute

19 Don't mention my conviction

Fraudster Panday doesn't wish to be referred to as such

20 A tragedy worse than a tragedy

Author Arundhati Roy is uncompromising on capitalist greed, India, Ghandi and the Guptas

26 Spies in the sky

During World War 2 the British ran a secret intelligence operation – using carrier pigeons



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Letters

Sue cell companies in Small Claims Court for satisfaction

I had a cellphone contract with MTN and noticed add-on charges on my bill. I went in to MTN Century City and demanded to see a supervisor to explain these "content" charges. I was told I must have subscribed, which I did not.

After not hearing from her when she'd promised to investigate, I simply issued summons out of the Magistrate's Court for the charges plus R4,000 as my costs. MTN did not defend it and I obtained judgment. When the Sheriff went to execute, they paid him.

Then MTN called asking for "the customer's" cell number, I told them I would revert, but [tit-for-tat] never did, and never heard from them again. Needless to say, I had cancelled my contract and have been happy with Cell C ever since.

I recommend everyone sue them out of the Small Claims Court and then see how quickly they stop these unauthorised charges.

> **Max Ahmen** By email

Wow, Max! Great move. We have previously suggested it. Congratulations on your success! Now see pages 6 and 7. - Ed.

Big banks, bunkum!

YOUR ARTICLE "WHY BIG BANKS LOVE paying fines" (nose227) is full of inaccuracies and misleading statements.

To state that for Deutsche Bank a fine of \$158 million is like an average American getting a \$10 parking ticket, because "their assets are pushing \$2 trillion" is inane.

Their total assets are actually \$1.72 trillion, but the asset figure is irrelevant: as against those assets the bank, like any other financial institution, has significant thirdparty liabilities; which for Deutsche Bank last year totalled \$1.64 trillion.

The more important figure is shareholders' equity, as it is the shareholders, not the depositors, who effectively pay these fines, and that figure is \$80 billion, far short of "trillions".

The writer describes the \$2bn fine levied on the bank in 2015 as having the same effect as an individual receiving a speeding ticket. I wonder if that would have been his comment if he received a speeding ticket for one fortieth of his net worth.

The article also states that these large fines have no impact on the bank because it "brings in tens of billions of dollars each year". That is simply gross revenues, against which the bank has huge operating and other expenses. In fact last year Deutsche Bank made a loss of \$0.8bn, in 2016 a loss of \$1.6bn, and in 2015, the year it received the \$2bn fine, a loss of \$7.9bn! Clearly in those circumstances a \$2bn fine has a huge impact on the bank and on its shareholders.

Either the writer of the article is financially illiterate, has not done his research, or chooses to ignore the facts in order to push his own leftwing ideology.

Lawrie Mackintosh

Cape Town

To be critical of a bank's conduct is not inevitably to "push a left-wing ideology". As we indicated, the article first appeared in a Libertarian publication, hardly what one would call a "left-wing ideology". Its focus was the relationship between government and banks. It might be the shareholders who pay the fines, but it is the bank's clients who suffer the impact of the misdeeds for which the bankers were fined. And considering the endless massive losses that you say Deutsche Bank has suffered in the US, year after year, how come they stay in business? For charity? Or are their profit centres perhaps "off balance sheet" or offshore? Just a thought. -

Getting over the rainbow

Strachan (Nose227) is in good form as usual, exhorting us to "get over the rainbow" – presumably not just the blue, white and orange one.

The colours, lest we forget, are now black, yellow and green, at least since Madiba donned the number six jersey, circa 24 years ago.

Since then there's been (genocidal) HIV/Aids denialism, the arms deal multi-billion-rand disgrace, and the unilateral state capture enterprise, to name but a few of the highlights - all of which found the new party rainbow a welcoming archway to a sustaining household.



course; not just what has been undone already. Notably, stamping out the landmines of racism, piecemeal, which exercise can only make for good relations all round. Still, given our fanciful dreams

There is much left undone, of

thus far, I go with Strachan. We could do a lot worse than Judy Garland's ethereal "Somewhere over the rainbow" as an anthem – if only for honesty's sake.

Here's to Garland's iconic blue bird of happiness passing overhead without letting go.

Trevor Ruthenberg Sunningdale, Cape Town

When a 'free' call is not free

I refer to Brian Utterson's gripe about Freecall (Letters, nose227). Perhaps this may help him, and other readers.

First of all, all 08 numbers are Telkom numbers. If a number begins with 0800, and is called from a Telkom phone, it's toll-free. That's because the business with the 0800 number has a deal with Telkom for the entire cost of the call (the "toll") to be reversed.

If a number begins with 0860 or 0861, then it's not quite free. It's a "Sharecall." The business with that number has a contract with Telkom to bill the caller a small amount, and the balance of the call is reversed. But that's if, and only if, the call is made from a Telkom line.

If you are calling any Telkom number from your cellphone, you will pay the standard rates.

Ron McGregor Mowbray, Cape Town

Hats off to Bheki Cele

RE: YOUR breaking news about the Public Protector's reprimand to Bheki Cele for his gross negligence (nose226), just this: I'm no expert in the hat-maker trade and unfortunately have no colleagues suitably qualified to make reliable fashion assessments, but the hats placed on Bheki Cele's head just don't seem to "fit". Be it a police

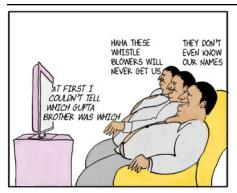
hat or fedora, they just look out of place.

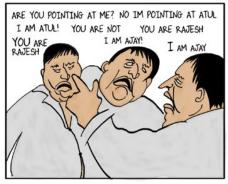
Raymond Murray

Springs

Now we know why he's been so negligent; it's that hat!















Noseweek October 2018

Letters

Vodacom and MTN take a beating

On 8 August, Noseweek Reader (AND well-known former city councillor) Arthur Weinberg of Cape Town wrote to Vodacom's CEO and its customer services department:

"Here we go again.

"In May I wrote you a mail instructing you NEVER to accept that I have agreed to any subscription of whatsoever nature from any of your equally bent partners for any service where you have not obtained my written consent for it. I expect your acknowledgement of this BY RETURN.

"You still have not explained how I could have played games when my cell was switched off. Do so now. Nor did I play games ever as your invoice alleges.

"On 6 June 2018 you wrote: 'We have unsubscribed you from all services.' But on 19 July, 2018 at 16h43, I received an SMS from 082 007005225827 saying: 'Welcome! Unlock TOP played games at http://za.playsocialgames,com! 1st game FREE! Subscribe R5/day 0112185618 for help or stop sms 44524 to cancel.' At 18h58 I sent an SMS: 'Stop'. And at 1h58 a.m. I received an SMS saying: 'OK'

"Do I need to spend my time stopping unsolicited attempts to entrap me by another one of your shark partners?

"You did not answer my point regarding the alleged usage of games when my cell phone is switched off. Do so now.

"Your latest invoice falsely claims I subscribed to and used entertainment services – games – and gives the times and dates of the usage claimed.

"In my previous mail to you, I told you never to include me in on any of your crooked partners' nefarious attempts to solicit business from me.

* I have never subsequently requested you change this instruction.

* My cell phone is switched off every Friday from about 17h00 until Saturday to about 19h00. Some of the alleged dates I am supposed to have used the games on are Saturdays when my cell phone is switched off. How do you account for this?

"I demand you:

* Immediately refund me with all charges debited for games.

* If you allege I subscribed to the games, produce proof by return of my having done so.

* Give me the full name and contact details of your partner who has falsely alleged I subscribed to and played games.

* Produce proof where I have given permission to the games supplier to debit my Vodacom contract with so-called games usage.

* Produce the contract between yourselves and the games supplier that entitles them to solicit business from me and allows you to debit me with whatever they claim I used from them.

* Show me where I have allowed you to do so.

* Show me what checks and balances you have in place to prevent such fraud from taking place.

"All my rights are reserved."
Arthur Weinberg

On 14 August Weinberg received the following reply:

"GOOD DAY MR WEINBURG [sic],

"Thank you for your correspondence to the CEO's office.

"With regards to you [sic] query, please note:

"Vodacom reiterates that it has a zero-tolerance approach to any type of illegal activity that happens on our network and we take a hard-line in the event that a third-party contravenes any agreement they may have with Vodacom or WASPA's code of conduct. We have and continue to suspend and terminate the services of WASPs and their affiliate content aggregators and will continue to investigate reported transgressions and then ensure that we take appropriate action.

"We have checked and can confirm that you are currently not subscribed to any content services. Entertainment services can relate to either your subscriptions to applications such as Netflix or Showmax etc, however this is not certain, which is why a request to have the services cancelled on your account has been processed.

"In April this year, Vodacom put measures in place to curtail new activations by all WASPs until they provided us auditable validation regarding their security processes and tools. Additionally WASPs were required to implement a more robust network-initiated USSD mechanism whereby Vodacom directly receives confirmation of a subscription to a service from customers. Once a WASP is fully compliant with these measures, only then can they operate on our network. Previously, WASPs were required to prove that they had received a double opt-in from subscribers. We changed the system as criminal hackers found ways to make users unknowingly perform certain actions by clicking on buttons or links. This is better known as clickjacking.

"Please be advised that a credit of R391.47 has been processed to your Vodacom account for the content services/Vodafone Live/Entertainment services and the credit will reflect on your account within 2-3 working days.

"We sincerely apologize for the inconvenience that has been caused and I trust that you find the above in order.

"Kind Regards, Kagiso Mokou Executive Client Liaison Office Vodacom Commercial ParkMidrand"

Arthur Weinberg's reply:
"Vodacom has a propensity for embarrassing itself. First you contradict yourself: on one hand you say:
'We have checked and can confirm that you are currently not subscribed to any content services', then you say: 'a request to have the services cancelled on your account has been processed'.

"If I am not subscribed:

* How did your crooked partner manage to claim it rendered services

to me at all?

* How was my phone used to play games, especially when switched off?

* What steps did you take before billing me for games to ensure I was subscribed to the service and used it?

"Your conjecture as to a possible use of Netflix and Showmax services is immaterial as I was billed for playing games.

"Once again, I now demand you answer the following questions that you consistently try to ignore:

* Give me the full name and contact details of your partner who has falsely alleged I subscribed to and played games. I intend to lay criminal charges against them.

* Produce proof where I have given permission to the games supplier to debit my Vodacom contact with so-called games usage.

* Produce the contract between yourselves and the games supplier which entitles them to solicit business from me and allows you to debit me with whatever they claim I used from them without giving you proof of this.

* Show me what checks and balances you have in place to prevent such fraud from taking place.

"If you do not supply me with this information within seven days, I will request the SAHA to obtain the information from you under the Promotion of Access to Information Act. Are you ashamed to give me the information to which I am entitled? What do you have to hide?

"Why is it that there are an overwhelming number of people complaining about the very things I am writing about? Are you not a bunch of ruthless crooks, cheats and liars? Have you no shame? I want this matter dealt with in writing. Do not attempt to phone me in this regard."

J Arthur Weinberg

■ At more or less the same time, Noseweek received this from Kate Farina:

"I do think that the moral high ground to be taken in any coordinated approach is that the cellphone companies are also defrauding the most vulnerable of their customers – payas-you go customers or those who can't afford to pay for an itemised bill. "Although I received a credit, facilitated by the Cyber Intelligence Centre, to date I have not received any formal feedback on my complaint, nor details of which WASPs were involved. The lady from CIC who helped facilitate my 'no questions asked' credit – admitting telephonically in the process that the double opt-in/out procedure was not working. [It was never implemented or enforced, because it's bad for business. – Ed.]

"She said that a statement had been issued from Vodacom that: 'Customers can request to block WASP services through call centres/customer care. As part of our digital transformation, we are currently working on additional ways in which customers can

complete this request.' But then she also referred me to an article in *My Broadband* on the 6 May 2018 to be found at this link:https://mybroadband.co.za/news/cellular/258621-vodacoms-wasp-blocking-option-that-doesnt-exist.html.

"Yet another layer to the Vodacom fraud: the alleged 'block all WASP services', like the double opt-in/opt-out procedure, simply does not exist.

"I was certainly unable to do this, either via the call centre or through a Vodacom shop. This statement in any event begs the question why is it not being rolled out more proactively to customers?"

Kate Farina Johannesburg

Please, Mr Postman, look and see is there a letter in your bag for me?

I was told — and Noseweek has since confirmed — that there is a go-slow at the South African Post Office, which would explain why I haven't been receiving regular mail, in particular overseas magazines, since the last few weeks of May.

When we received the June issue of *Noseweek* via courier, I should have guessed there was a postal problem, as your publication knows things long before anyone else does.

On 20th June I emailed Mark Barnes but the email didn't go through. Then I tried to email mthoko.mncwabe@postoffice.co.za who is their Chief Information Officer. This was also returned.

Really wanting my overseas magazines and never one to give up, on 29th June I emailed mail. delivery@postoffice.co.za . That too was returned. In desperation, on 2nd July I tried to send yet another email to: mark.barnes@postoffice.co.za and received this message as soon as I pressed send: "An error occurred while sending mail. The mail server responded: Upstream host returned user unknown for mark.barnes@postoffice.co.za. Please check the message recipient. Yet it is listed in my sent

folder. I find this rather confusing.

Next I tried this email address which is listed on their web page: customer.services@postoffice.co.za – and received a similar message. Perhaps they haven't paid their domain fees?

Last-minute update: Things haven't improved at Northcliff Post Office. I received a letter on 1st September that was dated 30th April. It would seem that the main sorting hub [Witspos] has no vehicles and so the individual suburban post offices are having to collect their own mail for distribution.

Emails to Mark Barnes still do not go through. How nice to be the person at the head of an organisation and yet remain "unavailable". Perhaps Mr Barnes should have made sure his main business was in order before he spread his wings and took on paying out social grants?

I pay an annual fee for two post boxes both of which have been relatively empty since the end of May. Would Mr Barnes like to pay for a service that he does not receive? I am sure he wouldn't.

Trisha Smith Weltevreden Park, Johannesburg

Noseweek October 2018

Alberton Bedfordview Cape Town Kempton Park



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Editorial

Hound that heads the pack

N JANUARY THIS YEAR THE SHARE MARKET finally woke up to what Noseweek had first exposed in February 2011 (yes, seven-and-a half years ago!): Resilient, the largest real estate group listed on the JSE is a criminal enterprise run by master crooks.

That tells you that Noseweek deserves its reputation for being ahead of the pack, sometimes by years, but what does that tell you about the state of regulation and law-enforcement in South Africa? Not to speak of the ethics of the major fund management companies who continued to invest their clients' money in this obviously dicey property group?

Since January Resilient and its three major associated companies Fortress, Greenbay Properties and Nepi Rockcastle have been at the centre of a share manipulation scandal that caused a mass sell-off of their shares and saw their share prices drop by between 41%-62%. SA investors lost almost R120bn in share value.

The Financial Sector Conduct Authority (FSCA) – new name for the old Financial Services Board – has still to conclude the investigation it began in March into alleged insider trading and market manipulation, as well as potential false and misleading reporting by the Resilient group.

"We have faced numerous allegations, which we showed had no basis," Resilient flag bearer Des de Beer cheekily claimed when interviewed by Business Day.

"They need to come back to us with something in the next few months, or we will have to take legal action."

One of those allegations concernes a newly identified surrogate trader/ramper and churner of Resilient group shares, a certain Hendrik Johannes Oberholzer, a close friend and associate, it transpires, of the original ghostly inspirer of the entire Resilient scheme: Roque Hafner. Neither has ever gone on record as a director.

Only now, in August, did a group of the major investors – the PIC, Allan Gray, Coronation, Old Mutual, Investec, Stanlib, Sanlam and Prudential – issue a joint statement (safety in numbers?) calling for an independent share price investigation at Resilient and its associated companies.

Some of the Resilient group directors have not been slow in taking some interesting action of their own. In December De Beer and his co-directors Andries de Lange and Nick Hanekom transferred their shareholdings — worth a total of R8.2 billion — to companies registered in

Namibia, each of them in turn owned by a trust in which one or other of these directors have a "beneficial interest".

Way back in 2011 the East Rand Special investigation unit opened a criminal investigation into Resilient and Fortress as well as a number of the directors of those companies. A magistrate granted the investigating officer a subpoena to seize relevant records from a number of banks and stock brokers. These directors and banks delayed proceedings with high court applications challenging the subpoena. They were ultimately unsuccessful: in February 2015 Judge Cassim ruled that the subpoena was valid and the investigation should proceed (nose191). But nothing further has been heard of the case.

The whole Resilient saga and Noseweek's role in it, is equalled only by our coverage of the JCI/Randgold saga and our exposure of Investec's dirty role in it. Noseweek already pointed where all that was going as early as November 2006 – close on 12 years ago! (see nose85) and has done so at regular intervals ever since.

But only now, on 4 September this year, has the Inspectorate of the Companies and Intellectual Property Commission (CIPC) issued a compliance notice to the directors of JCI (Peter Gray and Peter Thomas, both Investec appointees, and Denis Daly, son in law of old Kebble associate, Monty Koppel) to submit to the CIPC fully compliant Annual Financial Statements for 2011 to 2018 within 60 days.

For the past decade KPMG has assisted Investec in ensuring that JCI never produces legally compliant Annual Reports. This ensured that JCI was never called upon to return the full amount Kebble stole from Randgold – because the proceeds of that crime have in the meantime to a significant degree ended up in Investec's pocket.

In her compliance notice dated 4 September, the inspector poses the question: "Why would a review of historical data place JCI Ltd in an undesirable position [as alleged by its directors and auditors, should they have to appoint new auditors]?" Her speculative reply: "Is it that it can possibly reveal, as alleged, [JCI's] insolvency as far back as 2013?" Which could trigger the unraveling of the fraud – and the directors can be held liable for the company's debts. Claims against JCI arising from the theft could total in excess of R11 billion.

The Editor



Zabalaza Mshengu dies at 104 – landless

at 104 years old. As a labour tenant claimant in KwaZulu-Natal, his pursuit of his title deeds was text-book and should have been completed over a decade ago. But the fact that he died penniless and landless can be placed firmly at the feet of the ANC-controlled KZN Department of Rural Development and Agriculture.

Despite an explicit 2017 court order over and above two previous orders in 2011 and 2016 demanding that the matter be expedited, the department failed to finalise the matter. The reason put forward for the nearly 12 years of delays was that more families had laid claim to the land. However the department deliberately conflated the two issues; Mshengu's claim was quite separate – and there is a clear record of this.

Mshengu lodged his claim for the 5 ha plot where had lived his entire life, before 31 March 2001, the cut-off date in line with the Land Reform (Land Tenants) Act. Only 22,000 such claims were lodged countrywide. A labour tenant is a farm worker who exchanged his labour on a commercial farm for the right to farm a portion of land for himself. In 2006 his claim was recognised, properly recorded and should have been a slam-dunk.

He was born on the same piece of land on 11 January 1914. His family has graves on the plot. Until 2006 the farm had been owned by at least two generations of the Hardman family for whom both Mshengu and his father worked until it was bought by Shockproof Investments 71 (Pty) Ltd, who in turn recognised and agreed to the claim.

But with no action by May 2011, Mshengu, with the help of the Pietermaritzburg-based Association for Rural Advancement, dragged the department to the Land Claims Court in an attempt to speed up the process. An order was made by Acting Judge C Sardiwalla to do just that, to no avail.

Again in May 2016 Mshengu brought a new application to the local high court. On 31 July the High Court in Pietermaritzburg ordered Shockproof Investments 71 and the Department of Rural Development and Land Reform to have the land valued within 60 days (nose215).

But one year later, with still no action by 31 July 2017, in Judge Thami Makhanya, sitting in the Pietermaritzburg Land Claims Court, ordered both Shockproof and the Department of Rural Development and Land Reform to submit affidavits within 30 days and prove what they had done "regarding attempts made by them in respect of settling this matter".

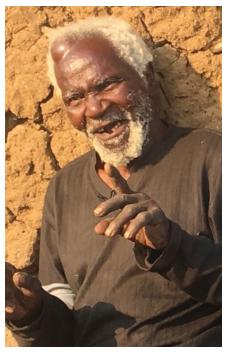
The court orders were ignored. Instead, earlier this year the department suspended the mandate of the lawyer they had assigned to Mshengu to help finalise his claim. Musi Mzila confirmed that his mandate had been suspended. He told *Noseweek* the department wanted to "take the matter in-house".

"The 2017 court order still stands but I cannot execute it as my mandate is suspended," said Mzila.

Mzila said the old man had left a will and the family would be substituted for Mshengu in the final transfer of land – if or when it ever happens.

Spokesman for the department, Sbonelo Hlongwane, attributed the delay to the fact that the department had since found more families on the farm. "The solution or the final settlement will be for all occupiers needing tenure security on this farm, and the title will go to all," he said.

Hlongwane added that they would be in contact with the family. "As a department we are also deeply touched by his passing away. It is unfortunate that he had to pass on while still waiting, but the processes towards the final settle-



Zabalaza Mshengu (1914-2018)

ment are running. It is not a deliberate act and we are trying by all means to ensure this matter is finally settled... We [are not purposely delaying] and will continue to provide services to the rural communities." he said.

He forwarded *Noseweek* correspondence which intimates that Mzila's mandate was not suspended but that Mzila withdrew.

Shockproof Investments 71 (Pty) Ltd, is owned by Roshan Morar and Dr Nomsa Dlamini – both of whom have friends in high places (nose213). Both were adamant that the fault lay with the department.

"I consented via my attorney. We sorted out my bit last year. You can confirm that with my attorney. I consented to everything that needed to be done to that gentleman and took the initiative to go and see him some time ago," said Morar.

Dlamini called the matter "sad", adding she would be "following up". "It's bad when people die at 104 owning nothing when they've been living there for years. It's so sad. I agreed in 2012 that this matter must be speedily resolved, "said Dlamini.

As the official opposition in KZN,

the DA spokesman for rural development and agriculture in the province, Sizwe Mchunu, said there was a lack of effective oversight of the Land Claims Commission in KZN.

"Officials are sitting on the claims in the administration and not doing anything. Ultimately we find people get nothing out of it. They're very selective in who they recognise as beneficiaries. There are a substantial number of claimants who don't even know they were claimants or were even successful," said Mchunu.

Noseweek will keep you up to date on this matter. ■

Hole gets ever deeper for slanderous businessman

E MAY SOON BE THE FIRST BLACK man to be convicted for calling a fellow black man a "k****r", but businessman Peter-Paul Ngwenya has bigger issues to contend with. Since his fallout with former business partner and current chairman of Investec Bank Fani Titi, Ngwenya has seen a massive source of income dry up — with Titi, by proxy, being the one turning off the taps.

Ngwenya believes he is owed at least R3,7 million by a company controlled by Titi called Tsiya Radio (Pty) Ltd. Tsiya owns FM radio assets such as Heart FM in the Western Cape and Gagasi FM in KwaZulu-Natal.

The slandering kerfuffle now playing out at the Randburg Magistrate's Court is the result of a long-running dispute over who the shareholders are of Columbia Media (Pty) Ltd, which eventually led to Ngwenya's making that "Qwaqwa" remark in an SMS to Titi. (nose224)

Ngwenya claims he owns Columbia outright while Titi, his business partner Aqueel Patel and Videovision Entertainment Consortium (Pty) Ltd – owned by famous South African producer Anant Singh – claim they own 49% of the company and that they have signed documents to prove it.

But Columbia Media only has one source of income which is an 8.3% shareholding in Tsiya Radio. Titi has the biggest shareholding in Tsiya Radio, effectively controlling 40%, with the remainder spread between Videovision (22.30%), Patel's family (9.2%) and Titi's lawyer Zoe Banchetti of Tugendhaft Wapnick Banchetti and Partners (8.5%).

While Titi has maintained he had no say in Tsiya Radio's decision to withhold

the dividend payments to Columbia – claiming he and Patel had "recused ourselves from participating in any board meeting in which any decision would be made by Tsiya" – it is clear he influenced the remaining board to withhold dividends. And this has been the case since November 2016 when the last payment of R589,770 was made to Ngwenya – but only after he stormed Titi's Sandhurst office and allegedly threatened to "kill these dogs".

Titi's issue was that not only was Ngwenya not acknowledging his shareholding of the company, he was also running Columbia without complying with any fiduciary duties and held no company bank account, with all dividends being paid directly into Ngwenya's personal bank account.

Ngwenya has maintained that at no stage did he hide the fact that the money went into his bank account ever since his first dividend payment in December 2013, along with several other ad hoc payments up until 2016, totalling about R3.5m.

According to documents seen by *Noseweek* the dividends for Columbia Media are being paid into an interest-bearing account controlled by Webber Wentzel.

But now Ngwenya's legal team is is labelling the move to withhold Columbia dividends "illegal", stating there is no court order giving them the authority to do so.

In a letter addressed to "The Directors" at Tsiya Radio, dated 11 July, Nkulunga Mthembu of Ramushu Mashile Twala Inc said "Titi and Patel... are not entitled to withhold dividend distributions due to Columbia" because their claim has not been confirmed before any court of law.

"The dispute between Titi, Patel and Columbia does not entitle Titi and Patel to make decisions at Tsiya which affect Columbia based on a claim that is unsupported by a court order".

She said the withholding of the dividends was unlawful as Columbia was opposing an application by Patel and Titi to force the company to pay them dividends.

Mthembu had said payment should be made by "no later than Friday 13 July 2018" into an account Ngwenya set up in the name of Columbia.

Titi maintains that he, Patel and Videovision launched an application to force payment in August 2017 at the South Gauteng High Court. So far, no court date has been set.

Ngwenya told *Noseweek* that the civil matter was "on ice". He did not know whether his lawyers had lodged an application but conceded they were "soft" on the matter. He said he would only be back in court for the criminal case, on 29 October.

Titi has placed Barry Roux SC on a watching brief for the proceedings in the Randburg Magistrate's Court.

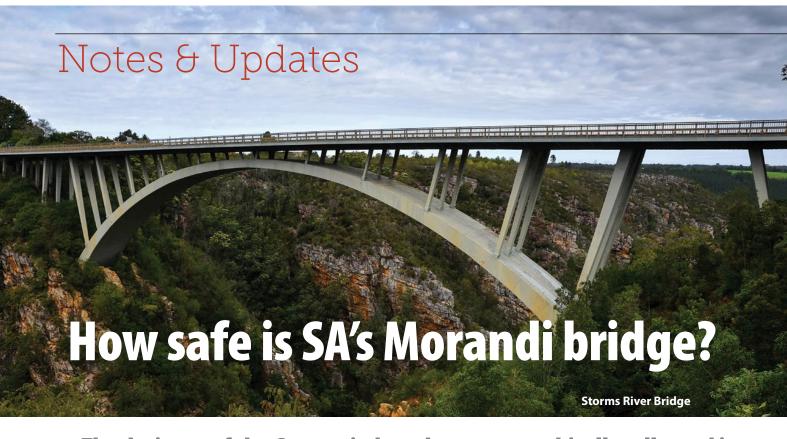
"Two weeks ago I was approached by another person sent by Titi to try to settle the matter but this guy didn't know all the facts.

"About three weeks ago I received a summons from Gagasi FM stating I owed them some money. They said they had bought me Durban July tickets and that I owed them R13,000. I've never been to the Durban July.

"They also said I had a loan from the radio station of R500,000 but they can't provide details. It's all nonsense," said Ngwenya.

Previous attempts to get comment from Titi have been unsuccessful. ■

Noseweek October 2018



The designer of the Genoa viaduct that catastrophically collapsed in August also had a hand in several South African bridges, including the one that spans the Storms River

FTER THE RECENT CATASTROPHIC collapse of Genoa's Ponte Morandi, killing more than 60 people, Noseweek has discovered that the bridge's reknowned designer, civil engineer Professor Riccardo Morandi, also designed South Africa's most famous bridge that spans Storms River on the Garden Route.

Although distinctly different in design from the Genoa bridge, known as the trademark Morandi design, the South African Roads Agency Ltd (Sanral's) bridge Network Manager, civil engineer Edwin Kruger said they were "fully aware" of Morandi's design involvement in the Paul Sauer Bridge, now better known as the Storms River Bridge.

But, he said, drawing a like-forlike comparison with Genoa's Ponte Morandi would be wrong: "They are entirely different types of bridges."

"The Genoa bridge was a cable-stayed bridge, one of a series built across the globe that were characterised by the use of pre-stressed concrete in pylons and decks. The Paul Sauer Bridge is an arch bridge, made in two parts and

then fitted together covering a distance of 100 metres, 123 metres above the river. In any event, as in most cases, there isn't a single designer to a bridge, so making face- value comparisons is too simple," said Kruger.

There was no need for concern, Kruger said, as all South African bridges under the jurisdiction of Sanral were on regular maintenance schedules, checked every five years, and that the Paul Sauer Bridge had already twice undergone expansion and rehabilitation programmes in the late eighties and mid 2000s.

The bridge, completed in 1956, was built by Concor Construction. There had been a bit of drama: the bridge was built with a half-arch on each side of the ravine. When completed, the two halves were then to be lowered, hopefully to meet and lock exactly in the middle. According to a website, www. artifacts.co.za the onsite engineer, Bruno Desirello quipped that he would



Ponte Morandi, which collapsed in August

"commit suicide" if they didn't.

On the day the two half-arches were lowered from either side of the canyon, they did not fit. Desirello, in a panic, made a hurried phone call to Morandi in Rome, who told him to try again later in the day to allow for expansion and shrinkage. That afternoon they tried again and the two halves slotted perfectly together, to a loud cheer and to Desirello's great relief.

Moti behind bars in Munich

African BUSINESSMAN Zunaid Moti is languishing in a Munich jail and could soon find himself in Moscow, facing serious fraud charges and the threat of imprisonment.

Although the matter has already widely reported, Noseweek thought it important to note the arrest as a matter of record, as we were the first publication in South Africa to start reporting on Moti's business shenanigans nine years ago(noses118,119,120, 126,128,130,131,139&143).

Moti's family, who have engaged a bevy of lawyers, both in South Africa and abroad, are tight-lipped on exactly why he is incarcerated, except for claiming it has everything to do with a vendetta being driven by Russian businessman Alibek Issaev, who they claim is part of the Russian mafia. Gossip has it that he is "Vladimir Putin's man in the Middle East". He is fairly young and fabulously wealthy with diverse business interests. His success has been broadcast on Russian news media, including the Kremlin-funded English news channel RT.

authorities have German told Noseweek the extradition case should likely be resolved by October. Florian Gliwitzky, head of the press office at the Higher Regional Court in Munich, confirmed that court has issued a 'preliminary order for extradition".

"The court will have to decide if the extradition to the authorities of the Russian Federation is permissible,' said Gliwitzky.

One of the aspects under review, he said, was whether the charges that Moti faced in Russia were also a punishable crime in Germany. It appears he is facing charges of fraud, but details of the charges are not known.

Intriguingly, Issaev is not the official complainant. Interpol would not give any details, and suggested Noseweek direct inquiries to Russian authorities.

Numerous attempts to raise Issaev, first via a company he owns and then through direct phone-calls to the Burj Al Arab Hotel where we were told he was staying, were unsuccessful. We were informed that Issaev met Moti family representatives in Dubai to try to have the arrest warrant lifted, however details of that are sketchy.

Moti was placed under provisional arrest when he tried to leave Germany through Munich Airport on 19 August after a Diffusion Notice was issued by Russian authorities on 24 January.

Moti previously faced an Interpol "Red Notice" against him issued by the Lebanese police in June 2017 along with one against his dad, Abbas, as well as senior associates Ashruf Kaka and Salim Bobat. They were accused of defrauding Issaev out of R6.6m in an allegedly bogus mining deal struck in Lebanon in 2013. The men all claimed the arrest warrants were obtained on falsified information. The Sunday Times reported that Moti denied ever having been to Lebanon and instead, claimed Issaev stole a R500m pink diamond and other property from him.

Moti's lawyer Ulrich Roux says the Lebanese-issued red notices were quashed by Interpol on 15 December 2017.

Noseweek has since learnt that Moti has also been accused of playing the "red notice game". It is alleged he got Zimbabwean officials to issue a notice against Issaev between 2014 and 2017. Roux refused to comment.

It is clear is Moti is in big trouble. He was refused bail and his next hearing will be in October.

His family has been trying to call in every favour possible, including calls to President Cyril Ramaphosa. As one insider put it: "Germany is not South Africa, you can't swing someone R50,000 to make it go away"

We'll keep readers updated. ■



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Noseweek October 2018 13

KPMG uses dodgy news report to lie in rogue unit rumpus

In a desperate bid for survival, the auditing giant lied to MPs and Saica, falsely blaming its former head of forensics for having to withdraw part of its SARS rogue unit report

ORMER FORENSIC ACCOUNTANT AT KPMG, Johan van der Walt, did not copy-and-paste findings drafted by SARS attorneys into his report on the existence of a rogue spy unit within the South African Revenue Service.

The allegation that SARS's attorneys had dictated the findings and recommendations that appeared at the end of KPMG's supposed-to-be independent report and that KPMG had simply copied-and-pasted them from a memorandum compiled by the attorneys - was first made two years ago by the Daily Maverick, misguidedly it now transpires. Recently the charge has been resurrected by KPMG itself, against some of its former senior employees, prompting critics to ask: might the reborn charge against auditor Van der Walt, be a reckless ploy by the fallen-from-grace auditing giant to find a scapegoat and stem the flow of multi-million-rand clients who are deserting the sinking ship?

In March this year KPMG's new forensic head, Roy Waligora, told Parliament's standing committee on finance that KPMG had lost its objectivity and independence when Van der Walt went "off the grid" and inserted findings by attorneys Mashiane Moodley Monama (MMM) into the final draft of his report three years ago.

But *Noseweek* can reveal that it was — mostly — the other way round: attorneys MMM had copied Van der Walt's findings and conclusions scattered about an earlier draft of the auditor's report, and "pasted" them into their subsequently compiled summary, to be placed at the

end of the report.

In his report Van der Walt concluded that an illegal rogue unit *had* operated within SARS and set out the evidence for this finding. That evidence has not been challenged.

But now, it seems, skullduggery and lies are the order of the day to obfuscate, pass blame and muddy the waters.

There has been considerable confusion over just which parts of the SARS report were withdrawn by KPMG International last September. As a result the entire 139-page report is now widely discredited, much to the relief of those who were part of the controversial rogue spy unit and its masters.

Waligora's evidence to the parliamentary committee insisted that "the conclusions and recommendations" had been withdrawn "because they were repeated verbatim from a memo sent by SARS's attorneys, and KPMG could not stand by them".

In June Waligora repeated the copyand-paste charge against Van der Walt when he gave evidence to the commission of inquiry in June by the South African Institute for Chartered Accounts (Saica) chaired by advocate Dumisa Ntsebeza SC.

Through this copy-and-paste process – and without qualifying these views as being views from the law firm – KPMG had lost its objectivity and independence, ran Waligora's testimony. And by not having the conclusions and recommendations of the final draft reviewed by the second partner, Van der Walt had gone "off the grid".

His conduct was "unprofessional, lazy and completely unacceptable," said

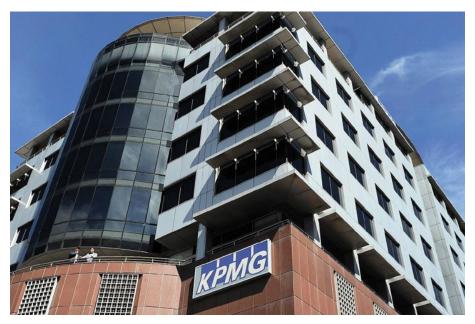
Waligora.

However, KPMG's new forensic head did confirm that KPMG stood by the main body of Van der Walt's report. "We think it is a reflection of the facts found in the investigation of the documents obtained," he told Saica.

In his responding submission to Saica in August, Van der Walt insisted that the report's findings were his and had already been fully documented in his earlier draft reports of 30 June and 31 July 2015 – the latter completed three weeks before MMM sent its memorandum.

"The purpose of the MMM memorandum was not to 'redo' or 'reinvestigate' any of the allegations and then for them to come to their own findings or recommendations, or to instruct KPMG what the findings should be," reads Van der Walt's submission. "Indeed, the findings made and contained in the draft report dated 31 July 2015 remain unchanged and confirmed by the MMM memorandum."

The copy-and-paste allegation first surfaced two years ago as a sensational scoop in the *Daily Maverick*. Written by the online newspaper's assistant editor Marianne Thamm, the report of 13 March 2016 said that "large chunks" – at least 16 points – of the findings and conclusions in the leaked KPMG draft report of 3 September 2015 had come from an also-leaked memorandum authored by SARS attorneys Mashiane Moodley Monama. The journalist, clearly unaware that there had been two earlier drafts of the KPMG report that pre-dated the attorneys' memo compared the two documents that had



been leaked to her and concluded that the legal firm essentially tells KPMG what findings to make.

Thamm's report reproduced pages from the leaked KPMG September draft report, with sections apparently taken from the August MMM memorandum highlighted in blue. "This certainly calls into question the independence of an outside auditing firm tasked with the investigation, as well as the legality of the entire process," she mistakenly concluded.

This unintentional but nonetheless catastrophic mistake, has contributed not insignificantly to KPMG's present survival crisis in South Africa. When she made her copy-and-paste charge, Marianne Thamm was unaware that the "large chunks" of findings had in fact been copied by Mashiane Moodley Monama from an earlier draft of Van der Walt's report.

After the Daily Maverick's "revelations" KPMG International stepped in and, following what it described as a comprehensive investigation, announced last September that it

KPMG International stepped in and, following what it described as a comprehensive investigation, announced last September that it was withdrawing part of the SARS report, as it 'could no longer be relied upon'

was withdrawing part of the SARS report, as it "could no longer be relied upon". Quality controls had not been performed to the expected standard, said KPMG International. There had been no "second partner review"; legal opinions and conclusions had been expressed which were outside the mandate and professional expertise of those working on the assignment; sections of the report were unclear and open to more than one interpretation. There was, at that stage, no mention of Maverick's cut-and-paste allegation.

As part of its corporate clean-up, KPMG International had also delved into the work done by KPMG SA on behalf of the Gupta family. As a result of this and the rogue unit affair, KPMG International announced a massive shake-up in the local firm. Seven senior partners agreed to resign in exchange for 12 months' salary. The immediate departures included CEO Trevor Hoole, chairman Ahmed Jaffer and head of forensic Herman de Beer.

The R23m received from SARS for the report was returned, and for "facilitating tax evasion and corruption by the Guptas," the R40m received from Gupta enterprises was donated to educational and anti-corruption causes.

"The partner responsible for the report is no longer with the firm," said KPMG International.

Johan van der Walt, leader of KPMG's 23-strong forensic team that investigated the SARS rogue unit story, had in fact been long gone: for several years he had been unhappy with his status at KPMG, in particular the size of his salary, and after more than announcement.



Noseweek October 2018 15

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T WAS AT THE END OF 2014 THAT KPMG was appointed by SARS to investigate allegations made to the Sikhakhane Committee that a covert intelligence unit had existed within SARS.

A multi-skilled team of 26 KPMG accountants, lawyers, investigators, forensic experts and data analysts embarked on the top-secret assignment, dubbed Project Bessie. Headed by Johan van der Walt as "engagement partner", the team's primary task was to obtain documentary evidence supporting (or refuting) the rogue unit

allegations, analyse it and present it in an "evidence matrix" to be used in disciplinary proceedings against four staff members that had been suspended or placed on special leave.

Van der Walt, now 54, was a founding member of KPMG Forensic and had played a leading role in the establishment of the firm's worldwide forensics practice. Over the six months of the SARS rogue unit investigation his sleuths trolled through 1.2 million documents obtained from the hard drives of seized desk-top computers, laptops, tablets and cell phones.

Search words and phrases entered into a Clearwell search platform produced anything of possible relevance.

Parallel to KPMG's efforts a legal team was appointed by SARS, headed by three advocates: Michael van As SC, Nadine Fourie and Gishatha Singh, supported by the law firm of Mashiane Moodley Monama. The advocates' job was to interview the witnesses, draw up the charge sheets and manage the disciplinary hearings. (In the event, the four named officials resigned before those hearings could take place.)

When the SARS board received the

How SARS lawyers copied from KPMG

from the memorandum of 21 August 2015 by SARS attorneys Mashiane Moodley Monama (MMM), illustrating how they were copied from Johan van der Walt's earlier draft of 31 July, plus some extracts from Van der Walt's report which provide supporting evidence or relevant context [here edited by Noseweek].

• MMM memorandum: "Members of the unit were recruited outside the normal SARS process. Members were recruited from intelligence structures such as SAPS, NIA (National Intelligence Agency), DSO (Directorate of Special Operations) and SANDE."

Earlier KPMG draft: "Members of the Unit were recruited outside the normal SARS processes. Members employed were previously employed in other agencies such as SAPS, NIA, SANDF and DSO."

Background: SARS attempted to work with the NIA in the period leading up to 2007. The intended cooperation between SARS and the NIA never materialised. The intended relationship was driven by the recognition by SARS that it requires access to information not available through conventional investigation methodologies and the realisation that it would be illegal for SARS to engage in certain surveillance activities.

The intention was to employ the members and second them to the NIA. Subsequently allegations of misconduct and corruption were levelled against SARS officials and vice versa. The parties started working against each other as opposed to utilising the struc-

tures provided by law.

SARS continued to pursue the concept of an intelligence capability on its own. The recruitment process was completed by the end of March 2007. Unit manager Janse van Rensburg's remuneration was R950,000. Among 18 employees listed the lowest-paid is Siobhan Wilson (grade 5B) at R210,000. Four members on grade 8 including Johan de Waal received R600,000; four on grade 7 got R400,000-plus. Total remuneration for the lot: R8,760,000.

It was not generally known that the members of the unit were employed by SARS as they were recruited outside of SARS's acknowledged systems and processes. This knowledge was even limited within SARS, also at the SARS executive level.

After the "disbandment" of the National Research Ggroup (NRG) in 2009, De Waal – in consultation with Johann Van Loggerenberg – identified seven members to continue with the work of the NRG under a different name, namely the HRIU (High Risk Investigation Unit). Other members were integrated into SARS in different units and others resigned.

• MMM memorandum: "SARS established and administered a covert and rogue intelligence unit in contravention of the rule of law."

Earlier KPMG draft: "During all the relevant times in the period under review SARS had a covert unit. It would be fair to conclude it operated outside the normal controls, protocols and oversight structures. The unit was rogue."

Background: The unit took shape in different forms – the SPU (Special

Projects Unit), NRG (National Research Group) and HRIU (High Risk Investigation Unit). Some of the activities were funded in hard cash, the origin of such could not be determined. When the NRG was "disbanded" it seemed that there was an effort to "surface" the members. Indications are that the intended surfacing did not occur, at least for the members who remained in the unit, then referred to as the HRIU. Reference was made to those who remained as "ghost busters".

• MMM memorandum: "Mr Pillay (SARS Deputy Commissioner Ivan Pillay) was at all times aware of the existence of the unit and its capability, regardless of whether Mr Janse van Rensburg ('Skollie') or Mr Van Loggerenberg directly reported to him." Earlier KPMG draft: "Pillay was at

Earlier KPMG draft: "Pillay was at all times aware of the existence of the unit and its capability regardless of whether it was Janse van Rensburg or Van Loggerenberg reporting to him."

• MMM memorandum: "The unit did not have dedicated offices and members of the unit were required to work from their respective homes and held meetings at guest houses, coffee shops and members' homes."

Earlier KPMG draft: "The Unit did not have its own office space and members were required to work from their respective homes and meet at guest houses and coffee shops."

Background: Unit members mostly operated off site as it was a requirement and not, as Van Loggerenberg explained, due to the non-availability of suitable space. Most were not allocated SARS laptops and were required

31 July 2015 KPMG draft report, they considered that the summary boxes scattered through its pages lacked impact and instructed Van der Walt to send it to MMM for the lawyers' feedback. Their feedback came in the notorious also-leaked memorandum, dated 21 August 2015, recommending – as a substitute for scattered boxes in the text – "the following as Findings and Recommendations which may be incorporated at the end of the report".

Significantly, the next sentence in MMM's memo confirmed: "The suggested findings and recommenda-

tions are already in the report."

Noseweek asked KPMG if it was standing by the main body of the SARS report. "We have informed SARS that they should no longer rely on that part of the report which refers to conclusions, recommendations and legal opinions," says Chief of Staff Sifiso Millo. "This comprises Section 12 (Findings and Conclusions) and Section 13 (Recommendations)." So the main body of the report, Sections 1-11, remains unchanged, Noseweek asked.

"Yes," confirmed Mlilo, adding: "We would like to make it clear that the

only person or entity who can rely on the SARS report is SARS itself." (In other words, the rogue report was never intended for public consumption.)

Helena Potgieter, KPMG project manager on the SARS report, with responsibility for managing the risks, is an admitted attorney and holder of an accounting degree. In her operational role, Potgieter conducted a detailed review of each draft, checking the accuracy of findings against available evidence.

Potgieter confirms for *Noseweek* that the main body of the July draft and that

to use their own electronic equipment, hence the limited existence, availability and visibility of output created by the members in the SARS domain.

Minutes of a meeting on 11 April 2008 at Brooklyn Guest House: Unit manager Johann van Loggerenberg told members: "Legally speaking SARS is not allowed to have a covert unit. SARS has the choice not to declare everything." Loggerenberg warned members to be careful. "Some of you are known in SARS. Don't rock the boat. Some of you are not known in SARS. That boat must also not be rocked. Covert can be that the rule of thumb is where you present yourself as something you are not, eg front companies, false identities etc."

May 2008 meeting: Unit member Charl Fourie asked: "How are we going to do the work?" Van Loggerenberg: "If you misrepresent yourself then it is a transgression. You will not openly disclose your activities in order to protect the security of the Unit and the staff members. Unless you really have to reveal your identity. It still does not mean that you have to advertise everything you do."

Fourie: "Are we not duplicating what other units do?" Van Loggerenberg: "It is not a bad thing. They do it as SARS and you will not do it as SARS. They will get what people will give because it is SARS who is asking for the information. Whatever the Unit and the other units generate must go into the same pot. It is this pot where analysis must take place."

When Janse van Rensburg departed and Johann van Loggerenberg took over the management of the unit there was extreme unhappiness in the unit and the morale amongst the members was low. Contributing to this were issues such as the late payment of members' salaries; some members had to wait for a substantial amount of time for receipt of their 2008 bonuses; members had to use their own equipment as the acquisition thereof was complicated due to the covert nature of the unit. Members were continuously concerned about their safety and requested firearms for protection.

• MMM memorandum: "The unit engaged in unlawful interception of communications."

Earlier KPMG draft: "SARS and its officials participated in the unlawful interception of communications."

Background: Operation Sunday Evenings. Prosecutor Gerrie Nel and investigator Andrew Leask from the NPA requested Janse van Rensburg to instal surveillance equipment in certain offices of the NPA as they were concerned about security. They suspected the SAPS. Pillay was informed of the request and approved it. Janse van Rensburg requested Helgard Lombard in 2007 to instal the covert video recording equipment. According to Lombard this occurred during May 2007.

Equipment was described by unit member Johan de Waal. It indicated that the DSO (Directorate of Special Operations) accepted his quotation and paid approximately R900,000 cash to him. He also confirmed that a second payment of R250,000 was paid to him for the installation of follow-up equipment. The origin of the funding was accepted to be from either the NPA or the DSO.

The installation provided offsite access to the recordings for Nel and Leask and also Lombard, who claims to have been responsible for the maintenance thereof. De Waal indicated that the equipment and maintenance was conducted on Sunday evenings under the supervision of Nel and/or Leask.

Pillay requested Janse van Rensburg to provide him with records and reports on the discussions that took place. It is claimed that Nel and Leask were not aware of the request. Pillay allegedly indicated the request was authorised at higher levels and Janse van Rensburg claims he believed the information was needed for the then president Thabo Mbeki.

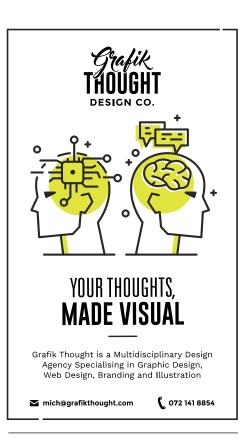
De Waal had to view the recordings, listen to the voice material and summarise the same in reports, which were handed over to Pillay.

The recordings consisted primarily of discussions about the Jackie Selebi and Glenn Agliotti investigations. De Waal gave further indication that some of the recordings may have contained information relating to the Zuma matter and claims that this information was never handed over to Janse van Rensburg and was kept by Lombard. Lombard's version was that, as far as he remembers, he only monitored information regarding the case of Selebi.

Indications are that neither Nel nor Leask knew that Janse van Rensburg or De Waal were employed by SARS. The alleged approval by Pillay to continue with the operation, knowing that SARS's resources were used in an illegal operation, resulted in SARS's resources being deployed outside of the SARS mandate provided by its own legislation.

Janse van Rensburg left the employ of SARS shortly after the end of Operation Sunday Evenings. SARS was concerned about potential reputational damage posed by him and a settlement agreement was entered into, whereby Janse van Rensburg received R3,063,937). When Janse van Rensburg left, it was argued that the unit was "disbanded" and the members of the unit should "surface". This did not occur, despite what was presented to the then Commissioner and other person(s) forming part of the SARS executive. ■

Noseweek October 2018







of the later September draft, Sections 1-11, were identical except for "formatting, spelling errors, things like that".

"Nothing else was changed, nothing in the facts," she says, with emphasis.

Potgieter also says that KPMG's charge that Johan van der Walt went "off the grid" and failed to have the September draft reviewed by a second partner, is untrue. "The September draft was signed off by Herman de Beer (then head of forensic at KPMG), whose role as second partner on the project had been combined with that of EQCR (Engagement Quality Control Review partner). Herman signed it off in front of me."

As for the withdrawn Section 13 of the report (Recommendations) and KPMG International's statement that Van der Walt's report expressed "legal opinions and conclusions outside the mandate and professional expertise of those working on the assignment", Potgieter comments: "The recommendations by Mashiane Moodley Monama, although they are attorneys, were not strictly 'legal' recommendations — they were based on the findings in the main body of the 31 July 2015 draft report."

Whether or not those recommendations were "legal recommendations ... expressed legal opinions and conclusions outside the mandate and professional expertise of those working on the assignment" remains debatable, but Potgieter insists: "MMM's memo was discussed in a meeting with them before anything was used in our September draft. Not all of MMM's recommendations were accepted or used by us and it (the final report) was reviewed and agreed with Herman de Beer."

And then there is also a paragraph on page 7 of the approved main body of the report to be taken into account: "This report will not constitute a basis for SARS' assessment or evaluation of internal control over financial reporting and disclosure procedures, or SARS's compliance with legislation. The mere fact that we mention findings in this regard should not be construed that it was an objective of our investigation, nor our intention to provide legal advice."

Helena Potgieter and Johan van der Walt are now both employed by KPMG's global rivals FTI Consulting, where Van der Walt is a senior managing director heading the forensic and litigation unit (preparing the State's forensic case for the pending Jacob Zuma corruption trial). Herman de Beer, one of the senior partners who agreed to resign from KPMG last September in exchange for 12 months' salary, refuses to confirm that he signed off on the final draft. "I can't get involved in this," he says. "It's quite complex."

John Mashiane, the attorney who heads the SARS-appointed Sandton law firm of Mashiane Moodley Monama, declines to discuss his firm's role in the preparation of the SARS report, or its leaked memorandum of suggestions that has caused such a fuss.

No comment either from Johan van der Walt. The embattled auditor has said that he signed an Oath of Secrecy with SARS before he undertook the rogue unit investigation and claims he could be jailed for 15 years if he talks to the media. Van der Walt is also under investigation by his professional body, the Independent Regulatory Board for Auditors and could even face a life ban from the auditing profession if found guilty of any serious breach of its code of conduct.

Responding, back in October 2014, to a Sunday Times rogue unit story, SARS's then spokesperson Andrew Lackay stated: "SARS has never had a covert intelligence unit and has never bugged any telephones. SARS does not have and never had the capacity to intercept communications."

That same month Johann van Loggerenberg told $_{\mathrm{then}}$ Deputy Commissioner Ivan Pillay and his adviser Yolisa Pikie in an email: "The unit was never a secret but always managed and intended to be a way to attempt to protect the unit members and their families from harm based on the nature of their investigations into the tax and customs affairs of high risk organised crime figures. No surveillance equipment of any kind was ever purchased for the NRG."

Last year Van Loggerenberg, a onetime deep-cover spy – Agent RS536 – in the police's Organised Crime Intelligence Unit, told *Daily Maverick* through his attorney that Van der Walt's SARS report was "tardy, nonsensical and replete with errors, falsities, obfuscations and material misrepresentations". He alleged further that it presented comments as fact and reflected statements that were contradictory, and accepted unsubstantiated allegations made by third parties.

Johann van Loggerenberg, Ivan Pillay and Janse van Rensburg are currently facing trial charged with the illegal interception of communications and corruption relating to Operation Sunday Evenings. ■

Don't mention my conviction, says fraudster Panday

dealer, convicted fraudster and brother to the more infamous Thoshan Panday, has demanded that Pietermaritzburg magistrate Ashin Singh make good on his threat to have him charged with defeating the ends of justice. So he told Noseweek when he called to demand a right of reply after getting a mention in a Nose227 story titled 'Foul-mouthed magistrate threatened me'.

As it happens, the alleged threat mentioned in the headline was not directed at Panday, but at *The Witness* newspaper's court reporter, Sharika Regchand.

Magistrate Singh had accused the paper and reporter Regchand of allowing themselves to be used by the likes of Visham Panday to tarnish his name in their reporting of court proceedings. In the course of the row that followed, magistrate Singh is said to have called *The Witness* reporter "a bitch" and accused her of "sleeping with her sources".

Those sources, magistrate Singh believed, included Visham Panday (whom Noseweek, always well-informed, recalled was a convicted fraudster and brother to better-known, politically well-connected profiteer Thoshan Panday, whom Noseweek gently described as "dodgy").

After the story appeared, Panday called to complain: as reported in *Noseweek*, magistrate Singh's claim that he was guilty of "defeating the ends of justice" was affecting his business, he said. He also took issue with "*Noseweek's* reference to his fraud conviction and to his brother Thoshan as being "dodgy".

"I sell diesel, diamonds and gold. The customers are very upmarket and high-end society. It brought me down to a level from making R5 million-amonth to R1m-a-month. My customers started asking me funny questions about what is going on and I had to explain to them. It's had a negative impact on me," said Panday.

The Witness reported in July that Panday had claimed in an urgent application filed at the High Court in Pietermaritzburg that a local hospital owner, Dr Navind Dayanand, had paid R1m for a "hit" on Visham's life. Panday also implicated Singh, among others, in the plot.

This was simply a ploy, it was later argued, to get the scandalous story published without risk of a defamation suit. It was a legitimate court report.

Singh called Panday's application a deliberate attempt to be smirch his name using the courts to do so. He said Panday would be prosecuted for "defeating the ends of justice" due to the "fabricated" claims he made in the urgent application.

Regchand has laid a criminal charge against magistrate Singh with the SAPS because of his alleged abuse and threats against her; while the matter has also been reported to the Magistrate's Commission.

Singh maintains that a complaint about him to the Magistrate's Commission by his colleague, magistrate Divesh Mootheram, along with Panday's urgent application as well as Regchand's articles and complaints are all part of a conspiracy against him.

The Magistrate's Commission would neither confirm or deny his claim, only saying they had open matters in which Singh was implicated.

● Visham Panday was sent to jail for an effective three years in March 2013 for fraud. Using an alias "Dr Calvin Naidoo" he had convinced a woman to hand him R485,000 to help her emigrate to the USA but nothing ever materialised. According to *The Mercury* newspaper, in 2003 he once fled to India after he was charged with 45 counts of fraud. He only returned in 2010 after his lawyer negotiated a plea-bargain agreement for a noncustodial sentence. In 2011, he was given a suspended sentence and was ordered to pay a fine of R500,000.

In 2016 he published a book telling about his life in Westville Prison, how he was a "General" of the 26 Gang and his "life-changing spiritual journey to the Himalayan mountains".

"I've paid my dues to society. I can't be called a fraud all my life. The fraudster who is bringing corruption down?



'He can shine my shoes on a bad day' – Visham Panday referring to magistrate Ashin Singh

That doesn't make sense," he told *Noseweek*.

Panday also claims his brother is innocent of wrongdoing and should "have his day in court" to clear his name.

And what about Singh? Panday rates the magistrate so low that he could "shine my shoes on a bad day".

Panday concedes that the title "fraudster" will never completely disappear and, he agreed, if he were to demand that *Noseweek* retract calling his brother "dodgy", he would be required to take up the argument with every single South African publication—all of which have called Thoshan dodgy—or worse.

(See noses149,150,154,165,181,184, 204,221&226).

Noseweek October 2018

A tragedy worse than a tragedy

Best-selling author Arundhati Roy takes an uncompromising position on capitalist greed, the dark path India has taken, Mohandas Gandhi and the Guptas. By Susan Segar

OR TWENTY YEARS AFTER RELEASING her best-selling debut novel, The God of Small Things, Indian author Arundhati Roy put all thoughts of fiction aside and focused on writing about Indian politics, environmental issues and the effects of capitalist greed on her country and the world.

During that time, she wrote about the rise of Hindu nationalism in India and slammed its champion, the country's prime minister Narendra Modi; she's condemned India's military occupation of Kashmir; she's travelled to India's "valleys and forests" to try to make sense of huge, sudden changes that have been taking place post-globalisation; she's been present during police raids at universities and endless student arrests; and she's listened closely to the struggles of her fellow citizens in a country where the caste system is alive and well, where Muslims are persecuted and Dalits (so-called untouchables) are lynched.

It is also a country in which 300 million people live on less than half a dollar a day and where hundreds of thousands of debt-ridden small-scale farmers have committed suicide, often through drinking pesticide.

Her conclusion, Roy told *Noseweek* during a recent interview in Cape Town, is that India is a country that's heading towards "very serious trouble". The country's economy is inextricably linked to the massive rise of Hindu nationalism, to the detriment of many ordinary Indians.

Roy described the government as "a democratically elected government gone rogue". The prime ministership of Modi, she added, has been "a tragedy much worse than a tragedy. Today we are living in a world in India where people (Muslims and Dalits) are being lynched every day on the streets, where videos are being put up on the lynchings. Our whole society is having vitriol and poison dripped into its veins...

"You have demonetisation: a yearand-a-half ago, Modi just appeared on television and said 80% of our currency will no longer be legal tender. It is like a form of micro-fascism, where the prime minister can just say something like that and break the spine of every single person with a cricket bat. It's like an experiment, to see what you can get away with. And he did get away with it. Small businesses are suffering, joblessness has increased and a lot of anger is channelled into this idea of Hindu nationalism.

"But in truth," Roy said, "the most powerful organisation in India is called the RSS." (She is referring to the Rashtriya Swayamsevak Sangh, translated as the National Patriotic Organisation, a right-wing Indian Hindu Nationalist volunteer group, founded in 1925, which is considered widely as the parent body of India's ruling party, the Bharatiya Janata Party (BJP).

Roy has described the RSS as the "ideological holding company of Hindu nationalism and of the BJP which has set itself the task of making myriad castes, communities, tribes, religions and ethnic groups submerge their identities and line up behind the

banner of the Hindu Rashtra".

"All the institutions of this democracy have been penetrated by this way of thinking. History is being rewritten... and once you start a politics of hatred, based on religious identity, or any kind of identity, then the fires won't be easy to control in a country that is divided by caste and ethnicity and language and religion. The fires may not go out for a 1,000 years," she told *Noseweek*.

The publishing of *The God of Small Things*, which won the Booker Prize in 1997, coincided with what Roy describes as a "very sharp turn to the right" in Indian politics. "A rightwing Hindu government came to power and one of the first things the government did was conduct nuclear tests. This was at a time when I was on the cover of many magazines as an item of national pride. The nuclear tests marked a turning point in the national public discourse in India and things that were unsayable in public began to be said.

"During this time, I wrote an essay called *The End of Imagination* which was all about this orgy of nationalism that soon became Hindu nationalism, which saw Muslims as second-class citizens and which celebrated mob violence. In this essay, I said if it is anti-national and anti-Hindu to speak out against having nuclear weapons, then I secede... which was the point at which the nationalists turned against me, feeling betrayed, because at that point I was the poster child for India.

"Subsequently, for the last 20 years I have actually interrogated this idea



Author and essayist Arundhati Roy

of nationalism because when you have nationalism it soon becomes a form of a manifesto of hatred, a manifesto of declaring who is the rightful citizen and who is not; who can have the water and who can't, and every form of violence against the poor – displacement, privatisation and 'stuctural adjustments' is done in the name of nationalism, to empower a middle class and disempower a vast mass of people."

So, since publishing *The God of Small Things*, Roy has spent most of her time prolifically writing nonfiction, including collections of essays on social issues, not least of which is the effect of globalisation. She's opposed India's policies on nuclear weapons, industrialisation and economic development, which she said in *Listening to Grasshoppers: Field*

Notes on Democracy, is encrypted with "genocidal potential".

In 2008, following large-scale demonstrations, she voiced her support for the independence of Kashmir from India, which drew strong criticism from the government of India.

She has campaigned against the so-called Narmada Dam project — the construction of the huge Sardar Sarovar Dam near Navagam in Gujarat — because of its displacement of more than half a million small farmers and peasants; and she also voiced strong support for the formerly self-sufficient communities who are taking on the corporate might of the mining company Vedanta Resources in the Niyamgiri mountain, 600km from Bhubaneswar in the state of Odisha (formerly Orissa), which has started mining for bauxite.

She wrote in 2009: "Vedanta hopes the refinery will produce at least one million tonnes of alumina a year. But the Kondh people – the Dongria, Kutia and Jharania who have lived in the region for centuries – need the bauxite too. It holds water remarkably well and helps feed the perennial streams on which they and the animals that live on the mountain rely. Once the bauxite is gone, they fear, the streams will run dry. And that will be the end of the Kondh."

She has also sharply condemned US foreign policy: "The bombing of Afghanistan is not revenge for New York and Washington. It is yet another act of terror against the people of the world," she said in an opinion piece entitled *The Algebra of Infinite Justice*.

American-style capitalism is also an enemy, including the US arms, oil and media industries which she describes as "all controlled by the same business combines". In 2015, she met with Edward Snowden in Moscow, accompanied by John Cusack and Daniel Ellsberg.

The flip side of Roy's massive international fan club has seen her charged with sedition and accused of being anti-Indian. Attacks on her Facebook page include comments like "throw ur Indian passport away... I am ashamed that ur Indian... please leave India" and "I want to slap her".

"Every few years... starting from after *The God of Small Things* came out, five male lawyers get together and file a criminal case against me. In *God of Small Things* it was for corrupting public morality," she said. The case was dropped about ten years later.

When her second novel, The Ministry of Utmost Happiness was released, there was, understandably great excitement. That book, although fiction, features many of the real-life issues close to Roy's heart. She "felt 50 kilos lighter" after writing the book, "because everything that was inside me for ten years is now next to me, not inside..." The book has already been translated into about 49 languages and Roy is still involved with the translations being done in India, which has 35 official languages. "There are 43 more waiting to be called official and 780 recognised languages.'

Roy, who originally qualified as an architect and worked for a while in cinema, said the structure of a novel

Noseweek October 2018 21

is "an endlessly fascinating thing". "When I wrote *Ministry* after these 20 years of writing overtly political essays, I felt that what I needed to write now couldn't be contained in non-fiction but the traditional idea of a novel was also somewhat constraining.

"I thought, can I write a story that is like a city, a big metropole like Delhi – huge, bewildering confusing, ancient, modern, planned, unplanned, always inscribing itself in form against the contours of nature, however I felt a story in which you have highways and narrow streets and alleyways where you don't walk past anybody without stopping to say hello – complicated for a reader but very satisfying for a writer – where you break out of this idea that a novel is just about a few people set against a particular context or background...

"The idea of how cities came to be how they are has always fascinated me. *The Ministry* begins in the ancient part of Delhi and swirls out and you have these layers of modernity and tradition... superimposed on each other."

During our interview at the Heritage Hotel in Cape Town, where Roy was staying while promoting her book, we discussed her concerns about Hindu Nationalism and the new economy ("they are joined at the hip"), her interest in South Africa (she knows all about the Guptas), world trends that concern her, and what delights her.

"Fiction and the writing of a beautiful sentence delights me, animals delight me, poetry delights me. So many things delight me."

In her book of essays, An Ordinary Person's Guide To Empire, Roy urges her followers "to read Chomsky".

Who does she think we should be reading at this time in history and whose voices should we be listening to? "There are many people we should be listening to, some old, some new, but we should be reading fiction too."

At the time we met, Roy was re-reading *The Unbearable Lightness of Being*, as well as a new biography on Malcolm X and Pablo Neruda's poetry.

"If I was to say who we should read...
we should be reading Naomi Klein
and the Dalit leader (Dr Bhimrao
Ambedkar), Ghandi's great enemy
(Roy is no fan of Ghandi).

"But I also think we should listen to our own voices of love. A big problem today is that there's a great effort to trivialise, isolate, divide, preclude any form of solidarity, but I feel the only way we can get over the crisis the world faces today is if we understand

Artist, actor, architect, author

RUNDHATI ROY WAS BORN IN 1960 in Shillong in north east India. Her parents were Mary Roy, from Kerala, a Christian of Syrian descent and a women's rights activist, and Rajib Roy, a Bengali Hindu tea plantation manager from Calcutta. Her parents divorced when Arundhati was two years old and she moved to Kerala with her mother and older brother Lalith.

Her mother started a school in Kerala and is still involved in education in India. Her mother became known in India for challenging India's inheritance laws and successfully suing for the rights of Christian women to receive an equal share of their fathers' estates.

After school, Roy studied architecture at the Delhi School of Architecture where she met architect Gerhard da Cunha. The two lived together in Delhi and then in Goa before separating. Despite her training as an architect, Roy was more interested in a career in writing.

Before starting her novel, she worked as an artist, actress, aerobics instructor and production designer and wrote scripts and screenplays.

In the mid-eighties she met independent filmmaker Pradip Krishen, with whom she collaborated in a number of films. They later married. The God of Small Things, Roy's first novel, won the Booker Prize for Fiction in 1997 and became the biggest-selling book by a non-expatriate Indian author. It was an instant bestseller, published in 16 languages and 19 countries. Set in Ayemenem in Kerala, a rural province in southern India, the novel tells the story of the childhood of twins, Estha and Rahel, their reunion after spending 23 years apart, and the effects that India's "love laws" had on their lives. It has sold over six million copies worldwide.

The book was controversial in India for the description of a love affair between a Syrian Christian and a Hindu "untouchable".

While the book became an overnight international hit – being named among others as one of *The New York Times*' Notable Books for 1997 – the book was slammed in some quarters of India for its descriptions of sexuality and Roy was charged with obscenity in her home state of Kerala.

After *The God of Small Things*, Roy's focus shifted to writing political non-fiction aimed largely at the problems in India as a result of global capitalism. Her non-fiction writings include *The Cost of Living* (1999), an attack on the Indian government

for its handling of the contentious Narmada Valley Dam project and other issues; Power Politics (2001), The Algebra of Infinite Justice, Listening to Grasshoppers, Broken Republic, and Capitalism: A Ghost Story. Most recently she co-wrote with John Cusack, Things That Can and Cannot Be Said.

Her championing of numerous human rights and environmental causes has brought Roy many awards, including the Lannan Prize for Cultural Freedom (2002), the Sydney Peace Prize (2004) and the Sahitya Akademi Award (2006) and the Norman Mailer Prize for Distinguished Writing (2011). She was listed in the 2014 list of *Time* magazine's 100 most influential people in the world.

Last year Roy published her second novel and the first in 20 years, The *Ministry of Utmost Happiness* (2017). It has been longlisted for the Man Booker Prize and, in the US, was a finalist for the National Book Critics Circle Award.

The work, with its diverse mix of characters, including a transgender woman who has set up home in a graveyard, blends personal stories with issues facing India today.

Arundhati Roy lives alone in New Delhi. ■

how capitalism is not just destroying our imagination, it is destroying the planet – and the idea of profit can't be the only idea in the world."

Roy has written at length about places in crisis which "need a writer". 'There are many such places obviously... they are the places where battles are being fought. The reason I put so much store by the battles in the Narmada Valley, and in the forests where people are resisting big corporations, is because these are battles for ideas which are so important right now. They are not just about human beings, capitalism, corporates and profit, they are about the survival of the earth. They are about questioning what we mean by civilisation, progress and happiness.

"Civilisation today has to mean a recalibration of what we think of as progress and what we think of as

happiness.

"We are all brainwashed into believing that the European and US way of life is the epitome of civilisation but that way of life is encrypted with doom now. There has to be a moment when you look at the mountain and you don't just say, 'oh it has bauxite... I can get this much on the market...' We have to start understanding something much bigger..."

Roy cites the example of the bauxite mountains, which are flat on the top. "The first idea of mining companies is to go and excavate the bauxite, whereas we know a bauxite mountain is a kind of water tank, its porousness contains water that can irrigate the plains for miles around it. You cannot do the simple equation about 'there's this much bauxite, you can get this much money' because it destroys something you haven't even begun to understand and cultures you think of as backward have understood it much more deeply and for so much longer."

Roy voiced deep concern for the way the media currently reflects society: "In India it's structured economically so that 99% of its revenue comes from advertisements. It is therefore invested in a particular way of seeing, and now, with the coalition between Hindu nationalism and corporate globalisation, the mass media is silent about a lot of things that are happening. So almost no such stories come out except on the internet. There is a kind of overtly fascist agenda which is being disseminated openly by the media."

Turning to the subject of South

Roy has written a small book about Ghandi's time in South Africa and how 'it's not really what people made it out to be'

Africa, Roy says: "I am very inter ested in this country and the parallels between what happens here and in India... in that the dispossession and these levels of privatisation keep a form of racism in place."

Roy has written a small book published in the US and in India, called *The Doctor and the Saint* about Ghandi's time in South Africa and how "it's not really what people made it out to be".

"He came to South Africa with the legacy of his own understanding of caste and he returned to India with a legacy of a very dubious attitude towards race. He consistently referred to blacks as 'savages and kaffirs', he campaigned for separate prisons for Indians.

"It is a very troubling story that has not been written up in the way it should have been because Gandhi, even in India, is not someone you can easily write honestly about because there is an industry that supports a particular version of the man."

Roy has argued in an essay that the world needs "to change our heroes". Who are her modern-day heroes?

"In India there are so many people who are unknown but who are fighting the most profound battles, who are understanding of so much. They are not people you necessarily know by name. I've written about them a lot."

Voicing deep wariness about artificial intelligence (AI), Roy says: "I feel we are heading towards a time when human beings as labourers or the working class will not be required anymore, in which case you will have large populations which are not part of economic activity and it won't be long before the elite think that maybe we don't need these populations.

"Colonialism needed to move huge populations of people from one place to another, like Indians to South Africa, Africans to America etc in the service of profit and capital. That was then. Now they need to keep them in their countries; they need capital to move and people to stay to drive down wages. With the advent of artificial intelligence, they just do not need people at all. It is terrifying.

"Of course, you see it all around you. You don't need miners, you don't need workers, and you have robots that can do things, so when huge populations become surplus to the cause of profit, then what needs to be done with them? It's a question one must ask because the Left has so constructed itself around the idea of the working class... what if there is no room for the working class?"

Roy said there are three things which contain within themselves the prospect of annihilation: nuclear weapons, climate change, and chemical weapons and germ warfare.

"The idea of positing climate change as some problem with the human race and not a problem related to the economic structures of corporate capital must change. But in India, if you question corporate profits, it's almost like asking someone to worship another god. The idea of profit has reached religious proportions."

At the beginning of *The Ministry of Utmost Happiness* Roy quotes Turkish writer Nazim Hikmet: "I mean it's all a matter of your heart."

Why that quote?

"Because eventually it is, you know."
The book is dedicated to "the unconsoled".

Who are the unconsoled?

"Everyone who pretends they are happy on Facebook," she quipped; then more seriously: "The unconsoled are almost the whole world now, in so many ways, including those who pretend they're not − but there's something very alienating and very lonely in the world." ■

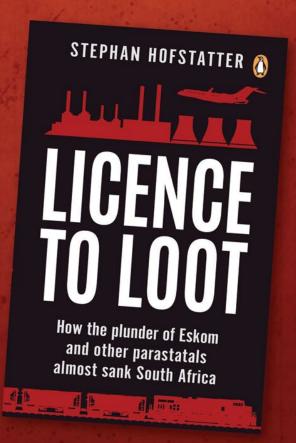
Noseweek October 2018 23

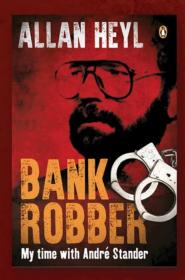
NEW ON THE SHELVES

The latest non-fiction must-reads

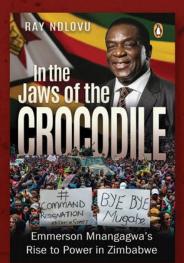
Licence to Loot delves into the secrets of the fixers, deal makers and bribe masters behind this epic pillaging of the public purse, and maps out the intricate network of executives, board members and cabinet ministers who facilitated it.

Lifts the lid on parastatal looting and its effect on the South African economy

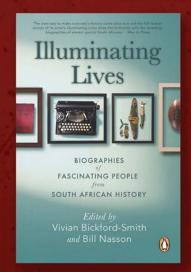




The last surviving member of the so-called Stander Gang exposes what transpired behind the scenes during one of South Africa's most memorable and legendary criminal sprees. This book takes you into the heart of a bank robber.



Drawing on interviews with Emmerson Mnangagwa, his family, allies and opponents, and key political figures, this book gives unprecedented insights into the momentous events that changed the fate of a nation.



In this fresh and highly readable collection of South African biographical essays, a distinguished group of authors illuminate the lives of eleven fascinating people from South African history.



Talking Rhino to Vietnamese kids

of illegal rhino horn from South Africa. To reduce rhino horn consumption and therefore demand, Wilderness Foundation Africa is working with school-going Vietnamese youngsters to create a generation who will grow up to influence their peers, parents and families to reduce and ultimately stop the demand for rhino horn.

Building on the story and campaign developed by brand-promotions company Boomtown in 2015, Rhino Ranger returns to Vietnam this month with a second instalment of the *Rhino Ranger* comic book.

Rhino Ranger is a superhero character that was conceptualised and created to spread the message of the "Wild Rhino Vietnam, Be My Hero" campaign to the target audience in that country.

The story of Rhino Ranger continues as he travels to Vietnam to discover why his mother was killed in South Africa.

"Our first edition was incredibly popular, and our competition to become a Wild Rhino Youth Ambassador has been a huge success," says Cheryl Reynolds, Relationship and Communications Manager of Wilderness Foundation Africa. "To target a younger audience, we are adding an activity book for those under 12. It's incredibly exciting to see the campaign grow and reach more young Vietnamese children and mould future generations."

Using cultural insights, and the personal experience of the Wilderness Foundation Africa team who have been to Vietnam on various occasions throughout the campaign, Boomtown was able to create a comic that was truly believable to its readership.

"The appearance of streets and the depiction of the culture need to be a true reflection of Vietnam," remarks Boomtown MD Andrew MacKenzie, who visited Vietnam with the Wilderness Foundation when it first launched Rhino Ranger.

"We need the youth to buy into the campaign and become ambassadors for change. We cannot do that if they cannot connect with our content."

The story for each edition is left openended to feed a hunger to know more and create word of mouth between children in the playground, in the classroom and at home.











Published alternate years, the comic is complemented by a competition to become a Wild Rhino Youth Ambassador and visit South Africa to see rhino in their natural habitat. Junior children are chosen through a competition to draw a picture and write a poem, and senior children must write an essay on reducing the demand for rhino horn.

The *Rhino Ranger* campaign is extending to international schools in Hanoi, the idea being to try to engage the children of wealthy locals who are

seen as likely customers of rhino horn. "We have already had a great reception from the international schools we are working with in Ho Chi Minh City. We plan to launch in Hanoi this September," adds Reynolds.

At the same time the Foundation will launch the third round of the Wild Rhino competition, and distribute the *Rhino Ranger* comic book and activity book, along with other marketing collateral to the participating schools in Ho Chi Minh City and Hanoi.

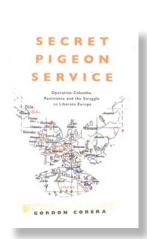
Noseweek October 2018 25

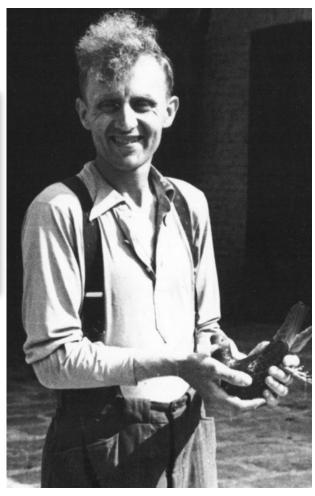
Spies in the sky

During the Second World War the British initiated a secret operation to bring back intelligence from those living under Nazi occupation in Europe – using messages folded into tiny canisters tied to the legs of homing pigeons. The following is an extract from Secret Pigeon Service: Operation Columba, Resistance and the Struggle to Liberate Europe by Gordon Corera and published by William Collins, 2018

HE BELGIAN FARMER COULD SEE there was something odd in his field, something that did not belong there. It was early on a July morning in 1941, just over a year after Nazi tanks had swept through the country. As he stepped closer the farmer could make out that the unfamiliar object was a small container with a length of white material attached. Picking it up, he realised the material was a parachute - but one too small for a man. Inside the box he could see something moving and a pair of eyes that peeped out at him through a small opening. Next came the unmistakable sound of a pigeon cooing. Attached to the side of the container was a message - a request for help. The farmer decided this was something that he needed to consult his wife about.

It was a moment of peril — one that many a British pigeon did not survive. The message made clear that this was no innocent pigeon but a very dangerous bird. It was a spy pigeon that could get the farmer and his wife killed. Many faced with the same discovery across north-western Europe would decide it was better that the pigeon died than they did. Often villagers would make the choice more palatable by roasting and eating the bird. Others went straight to the local police station or to their Nazi occupiers and took the reward on offer





Michel Debaillie with a pigeon destined for Britain

for surrendering one of these pigeons. That July morning, half a dozen other birds dropped in nearby Belgian fields would be handed over to the authorities out of fear or greed.

But this farmer and his wife were not like the others. And so the first in a series of small choices was made. The wife set off by bicycle, hiding the container in a sack of potatoes. She had an idea where to go. The small local town of Lichtervelde was, like Belgium as a whole, divided by Nazi occupation. The split was delineated by alcohol. Those who frequented a local pub called De Keizer were known as whites — they thought of themselves as "patriots" — meaning they were against the occupation.

Meanwhile those who frequented De Zwaan were blacks – nationalists who often wore black shirts and sympathised with the Nazis. Everyone knew who was who and what side they were on.

The farmer's wife parked her cycle by a grocery shop on a corner a few streets from the centre of town. She carried in the sack of potatoes nothing suspicious, since it was part of the regular drop-off of supplies for the shop's owners. But she also handed over the spy pigeon to the family who ran the store. Why them? For two reasons. Everyone knew that the Debaillie family were patriots – three brothers and two sisters, plus assorted relatives sent to them for safety during the war. But there was another reason. One of the brothers, Michel, was a pigeon fancier.

The brothers and sisters gathered round as Michel – gangly, with a mop of unruly curly hair – carefully took the bird out. Like any pigeon fancier, he knew how to hold it tenderly but firmly. With the bird were a small sack of feed, two sheets of fine rice paper, a pencil, a resistance newspaper and a questionnaire. The questionnaire, like the pigeon, was from England. It asked for help: specific and dangerous help.

It was time for another decision, one that would shape the course of the lives of this family and others. To help or not to help? To spy or not to spy? To resist or not to resist?

Not all were sure. Michel's younger brother wanted to act. The elder thought it was dangerous. But collectively, they made their choice. If they were patriots, they were patriots.

What did they know about spying?

Nothing, really. But they had some friends who might be able to help. One was a former soldier from the First World War who had a fascination with military maps. The other, more surprisingly, was a priest. By the next day, these two had arrived in the corner shop and were inducted into the secret of the pigeon. An amateur spy network, consisting of a band of friends, had been born, driven by a desire to do something about the Nazi occupation that blighted their homeland.

For the first friend, the former soldier, the bird was a thing of beauty that he marvelled at, reminding him of the pheasants he kept at home. For the priest, the rice paper was what lured him in. It was like the type of paper on which he had learnt to write characters in China a decade-and-a-half earlier. Like the paper he had used to draw maps of German positions in the last war. And so, he knew, the paper and the pigeon were drawing him into the world of espionage – to make him once again priest, patriot and spy.

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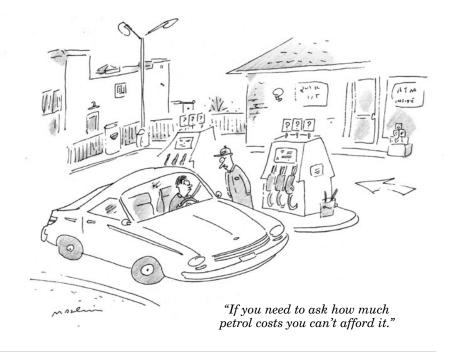
Columba by chance when, a few years ago I was covering a quirky news story about a dead pigeon's leg found in a chimney in Surrey. Attached to the bony leg was a message – a series of seemingly

random letters – which had stumped GCHQ's top code-breakers. Everyone seemed quite surprised to learn that pigeons had been used in the Second World War.

Perhaps there was some clue in the national Archives at Kew which could unlock this pigeon's secrets? I spent a morning there pulling up every file that looked as if it might relate to pigeon messages in the Second World War. One file that landed on my desk immediately stood out. The front cover bore only two words: 'Secret" and, in elegant handwriting, "Columba".

Loosening the ribbon that bound the file, I uncovered riches: riches that came in the form of tiny pink slips of paper. These were messages from ordinary people living under Nazi rule in occupied Europe that had been brought back by pigeon. But message number 37 was unlike everything else.

The original message had been included in the archive, clearly because it was something special. Rolled up tightly into the size of a postage stamp so it could fit into a cylinder attached to a pigeon's leg, was an astonishing 12 pages of raw intelligence in tiny, beautiful inky writing too small to read with the naked eye, and detailed colourful maps that clearly had had a profound impact... it was passed around the highest levels of government, many referring to it in almost reverential terms. Who had written it? And what had happened to them?



Noseweek October 2018 27

Books

MICHIEL **HEYNS**



Provocative. Fifty shades of gay

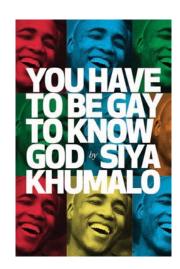
title, and it's a provocative book – though it would be unfair to suggest that Siya Khumalo's sole aim is to provoke. Like many memoirs, this one is also a taking stock of The Life So Far, in this instance (mainly) the author's struggle to reconcile his somewhat unconventional religious instincts with his unruly sexual instincts.

Like many young men uncertain of their sexual identity, the young Khumalo decides that God's not on his side of the problem: "God and the homophobes had different ways of inflicting their violence, but they belonged to the same WhatsApp group and he was the administration." In short, since he believes he loves God, how is he to reconcile this love with his love of men?

To over-simplify a complex process, Khumalo engineers this accommodation by redefining God in his own image, through the surprising feat of incorporating, in a very literal sense, God into his more ecstatic encounters with a young man called Daniel: "The first time he was inside me, Daniel gritted his teeth, his lips a rectangle of flesh and perfectly symmetrical teeth. He was so sorely beautiful I was emboldened to cross the chasm between heaven and earth to kiss the face of God."

God, in this form, is perhaps indeed knowable only if you are gay, and may not be everybody's idea of a respectably deity. I must report that the sexual scenes, of which the above is a mild example, are probably the most graphic I've read anywhere, and I have read widely. They are, though, prevented from being merely prurient in that they form part of Khumalo's stringent attempt to redefine God through a concept of love that embraces all aspects of being.

But these over-the-top scenes are not Khumalo at his best, nor are the long and rather abstruse disquisitions on



YOU HAVE TO BE GAY TO KNOW GOD by Siya Khumalo (Kwela)

the nature of God: he is much more accessible in his more usual sardonic-humorous mode, as when he surveys South African society, from the townships to the seats of power, from impoverished streets through a spell in the army, to glitzy gay pageants.

The young Khumalo's progress was facilitated by an uncommonly accommodating mother, who supported him in every aspect of his growing up, including his sexuality: "But, a gay son! God must have really taken a shining to me. Why else would I be so blessed?" She also bequeathed him some uncommonly good genes, enabling him to become Mr Gay Durban 2014 and runner-up to Mr Gay South Africa. This section of the book reflects Khumalo's more freewheeling, less introspective aspect, and, as such, makes for easier reading.

Part Three, by contrast, is, by and large, densely argued, formidably documented, and not always easy to follow, probably because even here Khumalo is playing games with his reader. I found it difficult, for instance, to gauge his misgivings about the Constitution, which, he argues, "is not the one the majority thinks is worth fighting for. It's never entitled them to full restitution or redress for loss suffered during apartheid." Of course, it's true that the Constitution has not delivered these things; what it entitles is a question for a constitutional scholar. But the real difficulty is deciding where Khumalo stands on this question; for the Constitution, as he well knows, guarantees his right not to be discriminated against as a gay man: a right, as he also knows, relatively rare in the populist regimes of Africa.

But that guarantee is part of what he goes on to call "Do-It-Yourself-Freedom for the well-heeled individual set over and against the expectations of the collective." Khumalo draws the moral: "When the liberation which is to come can only be achieved by undermining the gospel of non-discrimination [as ordained by the Constitution], gays and whites will be seen as the bourgeois who need to lose a thing or two."

Khumalo is presumably as reluctant as the rest of us to lose a thing or two, such as the right to non-discrimination. This is, of course, a dilemma, rather than a confusion. It's just that it's difficult to plumb Khumalo's tone: is its irony directed at the shortcomings of the Constitution, or at the (implicitly false) dream of true liberation? Or is it part of his slippery rhetoric, which refuses to declare its allegiance up-front? It's with something like relief that the puzzled reader comes across this, late in the book: "Do I believe what I've written here? That's neither here nor there: what matters is rhetoric is a bracing literary method of establishing rapport with half your audience and scandalising the other half before fucking its collective mind over."

Well, you've been warned. It can be a rough ride. But it can also be a bracing experience: read the book. ■

Letter from Umjindi



No Mickey D's. I'm not loving it

PRIDE MYSELF ON HAVING DEVELOPED, nay mastered, a habit of reading and watching television at the same time, without missing anything. This killing of two birds with one stone came in handy recently while I was simultaneously paging through an issue of *Time* magazine and watching *Forensic Files* on eTV.

While reading a profile of a Dr Cristin Kearns, "a former dentist turned investigative researcher who is exposing how the sugar industry got us hooked," I learned a thing or two about McDonald's and the Big Mac. Says Kearns: "I don't think we realise how much we've been marketed to."

Just as I am absorbing this information in the article, McDonald's new Big Mac commercial comes on the screen, boasting of superheroes and the introduction of the new super (grand) Big Mac. Infuriating! I felt like pulling an Elvis at my screen – The King reportedly had a habit of shooting his television sets – but, thank God, I do not have a gun.

What is my beef (yes, ha) with McDonald's? Well, a few weeks ago I stopped at the McDonald's in Nelspruit, across the road from the SARS offices. I was actually stopping for a cup of coffee but decided to buy a Big Mac for my nephew's kid. Then, having been running around Nelspruit the whole day without taking a break for sustenance, I succumbed to temptation and tucked into the Big Mac while driving back to Barberton, fearing my demise from hunger before I reached home. But what I found myself eating was far from a Big Mac.

As one who not only grew up in the US eating the likes of the Big Mac – I still remember their slogan, "Two all beef patties, special sauce, lettuce, cheese, pickles on a sesame bun" and that we called the joint Mickey D's.

But what I bought in Nelspruit was no relation to the Big Mac described in the advertisement. Certainly not the Big Mac I had been accustomed to. First, the so-called "all beef" patties better resembled two flat, circular pieces of biltong. As for the lettuce, it was like crumpled wet paper and the cheese was negligible. Moreover, verifying that this was not anything close to the "real deal" was the lack of the "special sauce". This special sauce matter is key. You see one of the joys of eating a "real" Big Mac was that the sauce, along with the pickles, would drip on to your fingers. In those days, eating a real Big Mac with one hand while driving would have been impossible, or at the least, very messy.

I am kicking myself for having finished this strange object dubbed a Big Mac because if I had saved at least half of it, I could have sent it for forensic testing. Now I simply have to take Mickey D's marketing word that what I bought was a Big Mac.

Kearns was so right about how much we are being marketed to. I describe it as being lied to, like an apple a day will

I'm self-sufficient
in matters of
housekeeping (having
lived alone for many
years or with women
whose favourite song
is 'I am woman hear
me roar')

keep the doctor away. Yeah right!

Strange, that Mickey D's new commercial markets this new grand Big Mac. If you have a proper Big Mac, you do not need one that is super, grand or whatever. The original – or better said – real deal is super, grand enough. Ronald McDonald is not a happy clown, at least not here in the RSA.

So Mickey D's RSA, stop taking us for a ride! A Big Mac is a Big Mac!

Now, in closing my consumer protection piece I must once again mention my friends at Mr Price. Some issues back I wrote about the belts I had bought at the store – belts which soon tore and had me walking around, gathering stories and trying to shoot pictures – all while trying to hold up my trousers.

Kudos to Mr Price they not only responded, explaining that they also carried better-quality belts at their stores, they sent me two complimentary belts just to prove it.

Okay guys, no, I am not looking for another freebie, but I think you need to know that last year I bought several pairs of the Oakridge brand chinos, with one being black. And a few weeks ago, desperate for a clean pair of trousers to wear to a farmers' day (I had not done laundry in a while), I remembered the chinos and pulled out the black pair. And when, soon afterwards, I caught up with the laundry, they joined the pile. I am a self-sufficient man in matters of housekeeping (having lived alone for many years or with women whose favourite song seems to be, "I am woman hear me roar").

Of course I washed the black chinos separately but when they dried, what I got was a pair of trousers that had turned into camouflage gear, with black and brown shades that would have better suited US Special Forces.

There was a warning attached — which had I noted when I bought them — that said something like the dark colour will fade with washing. Thanks for the warning, guys but fading and camouflage are very different. ■

Noseweek October 2018 29

Last Word



Spiritual. Hell is about rocks

don't have to be religious. You don't have to believe that way back then before the Universe started there was a sort of Moral Force composed of nothing but morality, when there was neither space nor time nor anybody to be moral. Space is the distance between things and there were no things, and time is an ingredient of space.

But Moral Force decreed an atomic table with assorted atoms which would sort of snuggle with each other to make molecules and molecules would sort of split up and replicate and then they started doing it sexually for mutations and the next step was evolution so as to bring about... about... voila! Us! Youman Beans! Vehicles of morality! Also MF decreed a place called Hell for those who were not moral, and appointed as supervisor of Hell an immoral no-good sonofabitch name of Satan who roasted everybody evermore like a piece of boerewors if they abandoned the Moral Force.

Well, sucks, I am spiritual all right and I know about Hell all right because I've seen it, and its not about boeries it's about rocks. Shattered rocks the size of a battle tank, rocks as big as your head, your fingernail, all finely balanced in a 45° chute down the 2,000 metre face of the of the Drakensberg escarpment. It's called the Ship's Prow; in the middle is this great pointed basalt thing like a piece of marine wreckage, ugly, frightening. You don't even want to look down there never mind go, the whole lot will hammer down to Hell and bury you forever.

If it's the best English ever you're looking for go to Shakespeare or the King James Bible. Yea though I walk through the valley of the



shadow of death... That's Ship's Prow. But my laaitie Joe hits 16 and he

thinks rugby is a bloody stupid way to behave but he's heard me talking of Lorna Pierson who has first-ever climbed a certain sheer face in the berg, the face now named after her, and he wants some such triumph in the mountains. Nothing dainty, as for a beginner. He's a big strong boy... so? So we're off up Gray's Pass, itself a steep bliksem of a climb, and yomp along the escarpment top to Ship's Prow and looking down there is like looking down the barrel of a gun.

Joe falls silent awhile... he shudders... but rallies. Okay let's go, says he. Tomorrow, say I, you can't camp anywhere down there, there's no flat place at all, and a flash flood is quite likely to pound you to death among the rocks.

But he is as youngsters are, he can't wait, so we're off against all common sense. And we're not halfway down when I realise we might be in

deepish kak if we don't find a sleeping place soon. It's getting dark, we can scramble neither up nor down, and at this time of the year even local baboons die of hypothermia.

We unbundle the wee two-place tent without the poles and bundle our sleeping bags in there and curl up together for a bit of warmth in this makeshift nest between the boulders.

First light and we stumble forth with frozen feet. An hour or two down the chute we've got a bit of circulation going and they warm up a bit and wow! a flattish little ledge and of all things, a small spindly bush growing there. We outspan for a cup of soup and warm our boots over the little gas cooker, and behold! the sun appears over the frozen cliff-sides of the gorge. We smile and look triumphantly about us.

See, says Joe, there are many of these spindly bushes down here and we've conquered Ship's Prow. And what's that blueish sort of thing dangling in that spindly bush over there?

We stumble over there and there it is: a piece of ripped-up anorak. Triumph fades. Bits of clothing festoon other spindly bushes and down among the rocks a little further on we spy half buried a sleeping bag, neatly rolled up but its outside scuffed and shredded to bits. We stand silent. I say we should take it to the Mountain Club people for investigation, certain students from Stellenbosch disappeared somewhere hereabouts last year and this may help an investigation.

No no, says Joe, we should cover it neatly with rocks and leave it here, this is a sacred place.

No no, say I, sacred places are for priests, this is a spiritual place. We collect the anorak shreds and fold them up neatly and place them with the sleeping bag.

Requiescat in Pace says Joe. ■

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