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noseweek

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64

FEBRUARY 2005

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Three witnesses. Three corpses. Coincidence?



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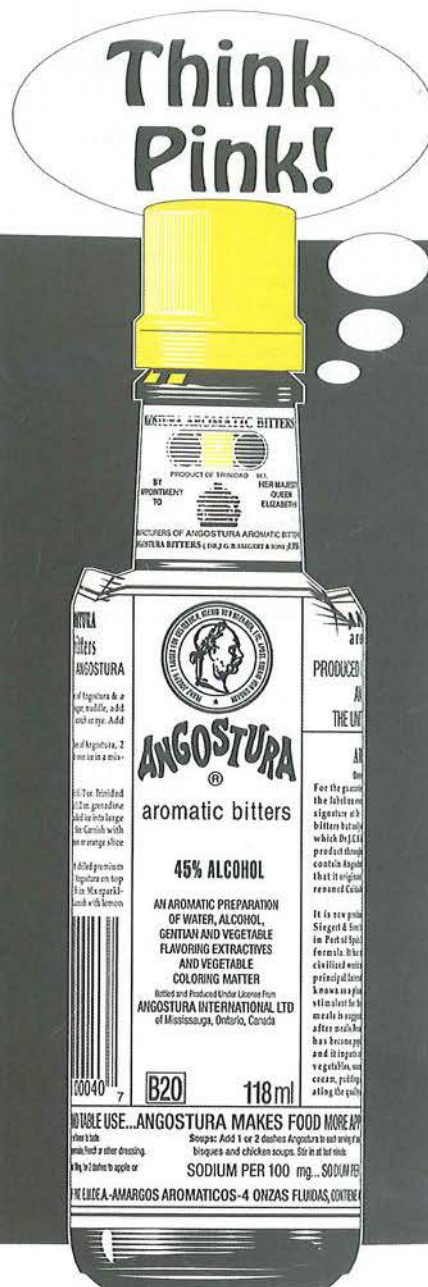


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Three witnesses about to testify in a case involving a Durban businessman all meet their untimely deaths. Coincidence?

- 4 Letters** Kebble: wait a minute, Mr Taxman ■ Harold Fridjohn ■ Rose Banda ■ Carry on publishing ■ Taco was no tacky ou ■ Baroness voz barrel of Von
- 7 Dear Reader** The Davison divorce ■ The Taxman protesteth much
- 8 Continuing saga of Kebble Taxes** The revenue office threatens noseweek, but the beat goes on...
- 14 Crude** How did mummy's boy Scratcher expect to overthrow a dictator who is backed by powerful US interests?
- 17 Notes & Updates** The Von Bullshits' NY unpaid blues ■ Capricorn Beach ■ Noose tightens around Groves
- 18 Shark Tales** Hout Bay fishwife Shantaal Meter exacts her terrible revenge ■ Scaley lawyers take fishermen for a ride
- 20 Smoke gets in your eyes** Tobacco companies in South Africa face unprecedented restrictions, so they break the law to hook teenagers
- 22 Totalled** When Eric Hammond signed a contract to open a filling station, he believed Total's lawyers when they assured him a troubling bit of fine print was "standard". A big mistake
- 24 Eggheads** Highly paid lawyers, who argue at length with pyrotechnic erudition over the minutiae of the law, recall Peter Carl Fabergé, who crafted exquisite, but rather useless, decorative eggs for Europe's idle rich
- 26 Goodbye Mr Drum** Obituary for writer and Journalist Anthony Sampson
- 29 When the chips are down** Tim James on turning wood into wine
- 30 Digging in at Durban Roodepoort Deep** what exactly was going on below the surface?
- 31 Birders get twitchy** Nest and eggs mysteriously go missing after the birdwatchers have left
- 33 Last Word** Harold Strachan takes on writer R W Johnson, self-appointed commentator on South Africa



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Wait a minute, Mr Taxman

An open letter to: Ivan Pillay
Dear Mr Receiver

The nose63 report Mr Brett Kebble's tax affairs reminded me that it's that time of year again, and I thought I'd drop you a line to let you know that I haven't forgotten you - I've just been so-o-o busy with my offshore commitments and cultural engagements that I just haven't got round to doing my tax return.

So much to do and so little time to do it in. I was

that I spent my last few lire on the most darling little Maserati, it's too cute! (My husband's put one of those little nodding dogs on the back window. Do you think he's trying to tell me, or you, something?). Anyway, let me know if you or Trev fancy taking it for a spin - you are most welcome, any time - I'll just use the Ferrari to go to the café.

I've just had the most brilliant idea! If you allow me to donate what I might

lots to choose from.

Well, that's all for now. And thanks for being such a darling.

Cheers.

Bobsie
Parkwood

Curiouser and curiouser

One has to wonder what the illustrious Mr Kebble will next pull from his ever resourceful hat to evade the big black tax hole he has apparently fallen into?

Patrons of the arts have

was there for less than two years, by which time he realised that he could never be comfortable with the company he was keeping (in addition to David Abrahamson - known now for his role in Infogate - there was also Daryl Phillips). He didn't go back to the *Rand Daily Mail* on his departure. Instead he passed his stockbroking exams and became a member of the JSE, working first in association with Leslie Frankel, then on his own - just in time for the 1969 crash which put paid to his stockbroking career.

He was then appointed assistant editor of *The Star* with special responsibilities for the business section of the paper. Only after he retired from the Argus group (in the second half of the 1970s) did he go back to SAAN / TML.

In short, your facts (Editorial, nose62) are entirely incorrect.

Henry Kuiper did not bail Harold - who left NGF voluntarily - nor did he offer him the so-called swingdoor solution. On the contrary, after his stint in stockbroking he landed up at the opposition group. Harold may have been loveable and naïve but his career in the 1960s certainly does not fit the description in your editorial.

Once you realise that you can't rely on your memory, it's a good idea to check the facts before publishing.

Michael Fridjhon,
Johannesburg

Sorry, sorry. What more can we say? Other than it was Steve Mulholland's memory - that we had been led to believe was more reliable - that got us into this one. Say sorry, Steve! - Ed.

Rose Banda

Thanks for a magazine that manages to be both factual and most entertaining. Your investigative skills are amazing! I was pleased to read that Rose Banda (nose62) has not been left to be "forgotten". Perhaps with yours and readers' support justice will be done and she will be compensated that much sooner.

Jules Katz
Kimberley

Be brave

Thank you for your brave and informative magazine - there

I keep getting mixed up with money in and money out, silly me

thinking of doing one of those courses on filling in tax returns but you know you make it so easy these days with your newspaper pullouts that even my 10-year-old can do it. (Actually, I have a little secret to tell you - last year she did! I don't know if you noticed... she may have missed a few bits out but it wasn't really her fault, my filing system is not the best - I keep getting mixed up with money in and money out, silly me, and as for those complicated broker notes, well all I can say is "Aaaagghh!".)

On a far more pleasant note, I just have to tell you

normally pay to you to my favourite charity (by the way this year it's the SPCA, the Society for the Prevention of Cruelty to Architects), I thought how efficient it would be if you allowed everybody to do that! Isn't that clever? Imagine all the advantages! Cut out the middleman. And imagine all the time and money you'd save - not forgetting the personal advantage of at last having the time to take that well-deserved break that has been on the back burner for so long. And remember, when you do decide to go, "*mi casa est su casa*" - and there are

historically been a corrupt and deprived lot, driven to their calling by a need to convince the rabble that their hard-earned lucre was fuelling some greater cause. Once the crusades were over in Europe, there was little else for the nobility to dabble in, and the arts offered the added advantage that they could indulge in Bacchanalian romps with fat naked women for the express purpose of serving the greater good.

Even extreme PR tactics will have a hard time convincing a friendly revenue service inspector on magic mushrooms that Mr K could miraculously have increased his assets from R240,000 to R88 million in a decade - while earning no taxable income.

Perhaps a tea party for the tireless SARS employees and some of whatever he's bin smokin' would add neatly to his list of altruistic gestures?

Alice
Wonderland

■ In the spirit of giving, *noseweek* should donate the Dec/Jan cover to "the cause": to be auctioned off to defray expenses at Mr Kebble's next art awards.

SP
Steenberg

Harold Fridjhon

My father, Harold Fridjhon left the *Rand Daily Mail* in about 1966 to become development manager at National Growth Fund. He

Gus

Mergers and Acquisitions



"Now we can keep you sober and your car on the road."

is so much crap churned out by the puppydog (lapdog?) media that I look forward to reading your paper for some "home truths" about our politicians and business elite. All the best for the new year!

Selim Cool
Gardens

Catch Katz if you can

So *Business Day* has reported the "sale" of Edward Nathan & Friedland by Nedcor back to the ENF partners for R50m – after buying the firm from them in 1999 for R400m. No goods, no stock, no products, no patents or customer brand loyalty. Where were Ernst and Young in 1999?

The same auditors who have now conducted an evaluation of the firm's value on behalf of Nedcor and find the R50m price tag to be "at the lower end of their fair value range"! Is this because, as we are told by *Business Day* that "the restraint of trade on many of the firm's top lawyers was set to expire.." – ie this was a fire sale of note?!

The bland comments from Nedcor truly amaze me, as they no doubt do you. How does "Mr Clean", Michael Katz – he of good corporate governance – feature in this debacle? [He was a senior partner at ENF and also on the board of Nedcor at the time of the purchase – and, shockingly, still is. – Ed.] To me this is another example of how the "lords" of the large financial institutions pay scant regard to the basic principles of business, as would an owner of his own business. Nedcor seems to lead the pack (but it is a tight race for sure). In my company I do not get anything out unless in fact I am actually showing a profit. But then maybe I am just a piddling little nobody who has to "give", in the form of

personal suretyship, lock stock and barrel to my bankers, Nedbank, in order to be able to trade. No facility based on balance sheet for me; they want hard assets. Having a look at the Nedcor website I see this pearl of wisdom from Tom Boardman: "There is no miracle moment. Incremental wins in a common direction will restore Nedcor to a highly rated and respected financial institution." Is this one of the "incremental wins"? We now regularly read in financial press how the large financial institutions are yielding less and less for investors and / or policyholders and how the man in the street is being severely prejudiced. Deals like this typify to me how this is happening.

Gavin Cooper
Cape Town

■ In the ongoing saga of Edward Nathan and Friedland I see that, not satisfied with burning down Katz House in Maud Street, they are trying to kill everyone else with the crane that threatened to collapse a couple of days ago! I always knew that attorneys were a perilous lot, but isn't this going a bit too far?

Henry Tours
Morningside

Taco: not such a tacky ou

I am one of the 92 people who signed the service attendance register at the now famous R1 million funeral of the late Taco Kuiper (*noses62 & 63*).

In common with many others who attended the wake after the service, I was initially very surprised by the R1 million announcement – but later realised that this gesture was totally in keeping with his well-documented record of daring to be different.

Speakers at the funeral service (including his former boss and his stepfather) made

ample reference to the fact that much of Taco's success in life had stemmed from his willingness to think differently and to do things differently – sometimes with spectacular results. Taco dared to set trends. His funeral was merely a continuation of what he once described as "an exceptionally stimulating life".

According to my grapevine, the few high-minded mourners who decried Taco's final gesture – of leaving R1m for distribution among all those who signed the funeral register – are greatly outnumbered by the people who regret NOT having paid their last respects to him.

His illness forced him to make quick decisions. Now give Taco a break and let him rest in peace!

Jo Prince
Rosebank, Joburg

Baroness voz Barrel of Von

Congrats again for proving fact stranger than fiction. Your cover article on one of our clients, the Baroness von Maltzahn (*nose62*),



was spot on. After five very entertaining years as her florist, I hasten to add that, compared to some of the other boorish characters featured in *noseweek*, the Baroness at least had a most charming way of making you part with your flowers – I'm writing off the money owed (and my *noseweek* subscription) as an entertainment expense!

Nicci Scholtz
Aspen Flowers, Cape Town

Write a limerick and win a Sonnet

Each month noseweek, with Pen & Art, is giving away a Parker Sonnet fountain pen worth about R1000! for the best topical limerick submitted to the magazine.

Send your sanctimonious, scurrilous, rude, amusing or insightful scribbles by email to noseweek@iafrica.com; by post to Box 44538, Claremont 7700; or by fax to (021) 686 0573. Entries must be received by Friday 11 February and must be headed 'March Limerick Competition'

The winning entry will be published in the following month's edition of noseweek. The editor's decision is final.

And this month's winner is (da-da!)...

When it comes to paying his tax Brett Kebble is more than just lax; a quick call to Pillay may just help to delay his serving some time in C-max

Gavin Kennedy
Bryanston

Plus a priceless one from Gus:

There was a sweet person called Pat Who would talk to the flowers in her flat Said Pansy to Rose; "She's sweet, I suppose, But I'd much prefer compost to chat."



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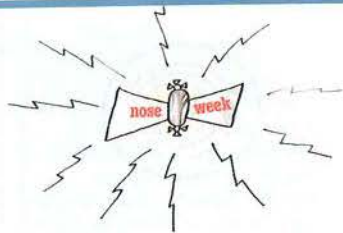
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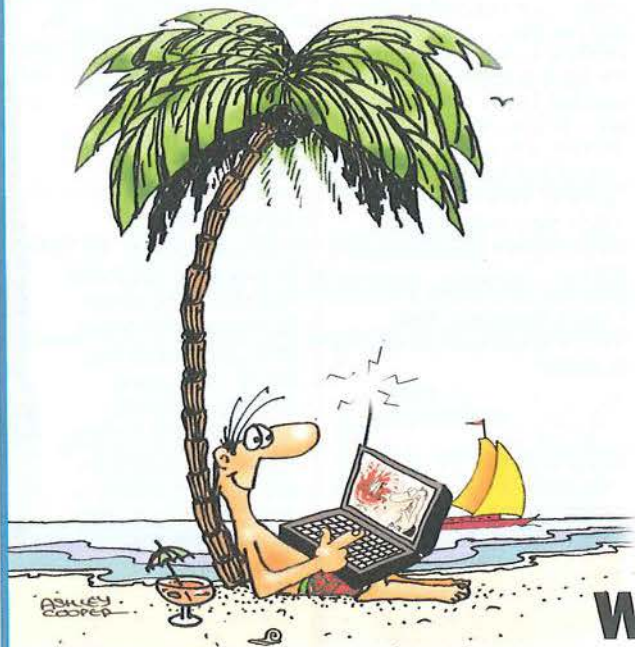
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The Davison divorce

After 36 trial days, spread over a year, the Pretoria High Court has finally given judgment in the Davison divorce case. Judge Chris Botha clearly was minded to give Sally Davison a round 20% of their combined estates (she gets R15-million of R75-million), but in order to comply with the Supreme Court of Appeal's recent judgment in *Bezuidenhout v. Bezuidenhout*, he laboriously picked through every detail of the evidence about Sally Davison's household expenditure to justify his decision – with the result that his judgment fills 113 pages. That prompted

us to have a closer, very critical look at just where the Appeal Court has taken the law on divorce in recent years. (See page 24 for the result.)

The Davisons go back to court at the end of March for another day – to decide the now critical question: who gets to pay the costs of that legal extravaganza?

The central issue for *noseweek* in the Davison case has become the privacy of our telephone records. We will return to it once we have Judge Botha's written judgment on that matter. We expect to receive it shortly.

The Taxman protesteth...

As we were going to press a certain C Smit, Manager: Law Administration for SARS, wrote to caution whoever at *noseweek* was responsible for writing or publishing the Kebble tax exposé in our last issue that he or she was exposing him/herself, *prima facie*, to a contravention of section 4(2A) of the Income Tax Act.

He anticipated that his letter would be cast as an attempt to suppress freedom of the press, and therefore wished to point out that the secrecy provisions in the Act were intended to encourage candour on the part of taxpayers in their dealings with SARS relating to their tax affairs. "The tax collection system is based largely on self-reporting," Smit tells us. "It presupposes that taxpayers are honest in submitting their returns. In order to promote such honesty taxpayers are given a statutory guarantee that the information they provide to SARS will be treated in confidence and that their tax affairs will not be disclosed to any third parties, least of all to the press."

According to Smit, SARS therefore regards the provisions of Section 4(2A) as a justifiable limitation of freedom of the press "and is duty bound to enforce them".

Under normal circumstances, Smit could be right. But, as anyone who has read the Kebble story will agree, these are anything but normal circumstances. Two extremely wealthy and politically influential citizens – Roger and Brett Kebble – failed for years to render income tax returns, without penalty, and then they managed by means of their contemptuous behaviour and a most extraordinary intervention by former judge Willem Heath, to avoid having income tax assessments issued against them for 13 years or more. The (quaint?) belief that secrecy encourages candour, it seems, is a legal myth based on an urban legend. It is just as likely

that, in reality, the opposite applies: The secrecy provisions of the Income Tax Act have become a cloak behind which the very rich hide while outrageously evading tax. Ask the Kebbles. Ask SA Breweries. (See *noses*51&52.)

In this case the overriding public interest demands that the Kebbles, their "consultant" Mr Heath and the responsible senior officials of SARS should be made to account to the public for their actions. All the more so because, as we gather from another letter from SARS (see page 8), the Commissioner for Inland Revenue, Pravin Gordhan himself can see nothing wrong with his friend and sometimes deputy Ivan Pillay's handling of the Kebble affair.

We might, as a last resort, have referred the matter to the Auditor General for his urgent attention, were it not for the evidence we now have that gives us good reason to doubt his political independence.

And we haven't even got around to asking some of the burning questions that remain in the Addinall affair, such as: who is it, or how many people are there called "Pillay", in the chain of command at SARS who was/were able to grant an extension to Addinall – in return for a substantial bribe (see *nose*56)? Addinall, who owed millions in tax, used the extension to flee the country. We only so brazenly ask the question now because, two years after Addinall confessed all and gave this juicy detail to SARS investigators, they have still not bothered to investigate it or to offer an explanation. Why?

Meanwhile Commissioner Gordhan is touring the country, going walkabout among the poor in informal markets, in an attempt to encourage those who earn their living in the so-called "second economy" to pay tax. 'Struesbob.

The Editor

THE CONTINUING SAGA OF KEBBLE TAXES

Dear Mr Welz

Responsible journalism in a democratic society demands fairness and accuracy – and the right of reply when allegations are levelled at an individual or organisation.

Neither the South African Revenue Service nor any of its officials was given any opportunity to comment on or refute the allegations made against SARS in the cover story in *nose63* (How come Mr Kebble never pays tax?).

SARS places on record the following:

In terms of s4 of the Income Tax Act no person who obtains information pertaining to a taxpayer by virtue of his employment at SARS may divulge this to any third party and this applies equally to those who wish to publish such information.

SARS will fulfil its obligations in terms of s4.

There has been no “collapse” of the inquiry. You have clearly been misinformed – understandably, since your informant is not fully

knowledgeable on this matter. In terms of s4, we cannot and will not comment further on the substance of this matter.

Neither Mr Pillay nor any other official will “jump” at anyone’s behest as far as our responsibilities in terms of the legislation are concerned.

The Minister of Finance and the Commissioner of SARS have the fullest confidence in Mr Pillay’s integrity, commitment to the law and dedication to the SARS’ mandate.

Any mischief generated by ex-employees of SARS with doubtful motives will be considered with the disdain it deserves.

SARS has established a track record for openness and integrity in dealing with all sections of the community. The public is assured of the highest levels of professionalism and integrity in the conduct of SARS.

Tasneem Carrim

AGM Communications,
South African Revenue Service



Tasneem Carrim

Above is the letter *noseweek* received from the SA Revenue Service in response to our report on the Kebble tax saga (*nose63*). All it tells us is: we’ve hit the target!

Our analysis of Ms Carrim’s letter, paragraph by paragraph:

SARS believes one of its ex-employees has divulged information obtained in the course of his or her employment about the Kebbles’ tax affairs to *noseweek*; i.e. our information was correct.

SARS is threatening to come after us and their suspected ex-employee with a criminal prosecution.

SARS still hasn’t sorted out the Kebbles’ tax affairs and, technically at least, the investigation is ongoing. In passing, the revenue service concedes there would have been no point in our approaching them for comment on the story as, in terms of Section 4 of the Income Tax Act, they “cannot and will not” comment on the substance of the matters raised.

Mr Pillay will not “jump” at *noseweek*’s behest. (But he did jump when Mr Kebble and Mr Heath called. We have the evidence.)

Now back to our story:

An investigation of the Kebbles’ tax

affairs was formally launched by the SA Revenue Service in January 2002, when tax investigators discovered that, despite their extravagant lifestyles, neither Roger Kebble nor his son Brett had submitted income tax returns, or paid a cent in tax, for more than a decade.

This high-level investigation was, however, brought to a screeching halt nine months later – in September – when the Kebbles sent former judge Willem Heath to Pretoria to intervene with the Revenue bosses on their behalf.

The Kebbles had appointed Heath within days of discovering that SARS had served formal notices on various companies, compelling those companies to provide SARS with information and documents relating to all their financial dealings with the Kebbles.

On 28 September 2002 various senior SARS officials involved in the Kebble investigations received notice of a meeting to be held at 11.30am on 10 October in the office of SARS’s General Manager Compliance, Ivan Pillay.

After meeting privately with Heath – the investigators were excluded from the meeting – Pillay announced that he was cancelling all those nasty notices his investigators had served on the com-

panies. And they were to refrain from requesting any further information from third parties. Pillay assured the incredulous investigators that these procedures were “no longer necessary” as Willem Heath had undertaken to provide them with any documents they wanted.

And then, to make sure that his investigators did nothing else to upset the Kebbles and Mr Heath, Pillay announced that, from then on, the investigators were to submit a written report to him, personally, once a week on their activities.

Until then, both Kebbles had maintained that full disclosure of their income and assets had been made to SARS. Heath was now shown how the investigators knew that figures in the returns, hurriedly submitted by the Kebbles earlier that year, were incomplete or incorrect. Rather than prosecute or penalise them for these deficiencies, Head Office [i.e. Mr Pillay and/or his deputy, Mr Kingon] agreed to allow the Kebbles to have another go at providing all the information required by law.

At this meeting (attended by Heath, the Kebbles’ auditor, Mr. G. Vine, Pillay’s deputy Mark Kingon, and the three SARS investigators, Fred Eksteen, August Beckmann and Andre Vermaak), it became

apparent that Vine was not prepared to concede anything. After the meeting, Heath privately undertook to propose to his clients that they obtain the services of a more credible tax consultant, and that fresh tax returns be re-submitted after all the information pertaining to the Kebbles' tax affairs had been properly collated.

On 6 January 2003, Heath advised the taxmen that a new auditor had been appointed – Vine's son, Richard! – to draft the tax returns from scratch, without relying on the figures as collated by Vine snr. All the re-drafted returns would be submitted by April 2003.

By then the Kebbles were number one on the Revenue Service's top ten list of special interest cases.

As April approached, Heath raised a new complication: the Kebbles now wanted a different auditor, John Cook, to do their returns. He would obviously need more time to complete the required documentation. Pieter Engelbrecht at SARS head office met with Heath and Cook, and granted an extension to May 31 for the submission of Brett Kebble's tax returns.

Roger Kebble's returns remained a serious problem. Richard Vine had redone his tax returns for 1995 and 1996 – but they appeared little different from the returns previously submitted by Vine senior. For the following two years only financial statements had been submitted – without any tax returns. "Advocate Heath just shrugs his shoulders when we query him, but nothing is done," the investigators note in a report to Mr Pillay.

Cook was to have accompanied Heath to a meeting with SARS on 14 May, but on arrival, Heath announced that Cook was not in a position to deliver the first two income tax returns, as agreed. So he'd brought Hennie Buitendag, an executive director of JCI Ltd, along instead. Buitendag informed SARS that two more audit firms had been appointed as it was felt that Cook did not have the capacity to cover the whole spectrum of Brett Kebble's affairs. The new auditors would need a further six months in which to complete the task.

Heath expressed his dismay when informed that Vine snr. was once again negotiating on Roger Kebble's behalf – with the SARS office in Randburg – in an obvious attempt to get past the investigators. "Heath informed us that he would put a stop to this immediately," a SARS report in May notes.

Asked about Roger's tax returns – seven years remained outstanding – Heath "shrugged his shoulders and said he did not know." When the inspectors told Heath they perceived delaying tactics, all they got from the ex-judge was "a wry smile."

Asked about Roger's tax returns – seven years in arrears – Heath 'shrugged'

The investigators noted the considerable passage of time since Roger Kebble had appointed Heath – when Heath had given his word that, if the Kebbles did not co-operate, "he would walk away from this matter".

"The Kebble family are purely using Adv. Heath, due to his reputation and influence. It is obvious that Adv. Heath is on their payroll and due to economic reasons is playing us along, contrary to his agreement in the beginning," the investigators told head office. "They are in all probability divesting themselves of their assets and, when push comes to shove, eventually, we will not recover all our taxes due."

The crunch line: "The team would like to put forward a recommendation that we issue assessments in terms of Section 81 whereby both Kebbles and one of their companies are assessed for R50-million each, payable immediately. On receipt of the money we then grant an extension for six months in which to comply to all the outstanding returns and queries. We then at least have something to fall back on.

"We can easily substantiate the amount of R50 million each by using information and documentation in our possession," they said.

Instead, in June 2003 there was talk of "a temporary hold" on the investigation. And "head office" granted Heath a further six-month extension.

A clearly despairing Fred Eksteen declares in a note to head office: "I find it very strange that August Beckmann [formerly Receiver of Revenue in Pretoria] has been 'removed'

from the investigation - and that, after being assured by Ivan [Pillay] that it will not happen! His knowledge and experience is vital in an investigation of this magnitude. We are not dealing with small fry here."

On Monday, 23 June 2003 Eksteen sent the following note to Mark Kingon at head office (copies went to various other officials): "I would like to refer you to a newspaper article last week in which it was reported that certain documents were stolen from Durban Roodepoort Deep during a burglary. I don't think you need to be a rocket scientist to guess ...

"Please, we need your help here!"

We pause in our tale, dear reader, to point out that happened 18 months ago. Investigators Eksteen and Vermaak – both senior accountants – have since resigned from the Revenue Service. At the time of going to press, still no income tax assessment had been issued to either Kebble.

And Mr Pillay – one of the Shaik brothers' pals from the days of operation Vula, remember? – is really annoyed that we have dared publish our story. His spokesperson insinuates that he intends prosecuting us. How very interesting that will be!

■ According to well-informed SARS sources, since publication of the first *noseweek* story, SARS has frantically been trying to persuade the Kebbles to enter "settlement" talks, so they can both "bury" the fiasco under a "completely legal" tax settlement agreement.

No figure has been mentioned, but we reckon Pillay is so desperate that R50 in payment of all taxes outstanding should do it, Mr Kebble! ☒

See page 30:
Digging in at DRD





Murdered insurance broker Bill Sabido

KILL BILL

Before insurance broker Bill Sabido could give evidence in court against a Durban businessman, he turned up strangled on a beach with three bullets in his head. He was the second witness to die; a third was to follow...

The violent deaths of three key witnesses who stood poised to give evidence – in two different cases – against wealthy Durban businessman Osman (“Ossie”) Aboo was a mystery, or a coincidence, declares his attorney (and son-in-law), Ahmed Amod.

We wouldn’t dare to suggest otherwise. But mysteries are always puzzling – and some coincidences are terrifying.

Insurance broker Bill Sabido was 78 when hired hitmen savagely beat and strangled him – and then for good measure fired bullets into his head when they dumped his body at Durban’s Bluff.

Sabido was lured to his death, plucked from the portal of Durban’s High Court on 24 April 2002 as he waited to give evidence against Aboo. In *nose62* we chronicled the story of 64-year-old Aboo’s courtroom battle with insurance giant SA Eagle, which to this day is refusing to pay out on a R6m fire insurance claim following a blaze at Aboo’s Durban import-export business in August 1998.

Our article told how false witnesses had been paid by investigators hired by Eagle to finger Aboo for the blaze. We stand by that story and repeat what a senior detective involved in the fire probe told us: “I will not have anybody constructing facts against anybody – not even if he’s a hardened criminal.”

SA Eagle’s grounds for repudiating Aboo’s claim in the still-continuing insurance case are that, when taking out insurance with them, he had failed to disclose that he was facing criminal fraud charges involving some R68m. According to a reliable source Sabido, who was Aboo’s insurance broker, was under pressure to say that Aboo’s past had been fully disclosed to him. But if there had been no such disclosure Sabido would not have been prepared to lie under oath to get Aboo off the hook.

Says the source: “Bill had been called to give evidence on behalf of SA Eagle. He was going to be asked in the witness box: ‘Did you know anything untoward about Osman’s background?’ And Bill’s reply was going to be: ‘No, I didn’t.’”

Police arrested three men who allegedly carried out Sabido’s murder in a professional “hit”-style operation. One of them, a 31-year-old debt collector named Claud Samuel, turned state witness and in a statement made in terms of Sec-

tion 204 of the Criminal Procedure Act – which guarantees immunity from prosecution to a truthful witness – gave a detailed account of how they were hired.

In his statement, which runs to more than a dozen pages, Samuel said that he worked regularly for attorney Ahmed Amod, doing “debt collecting, VIP protection and investigations”. The day before Sabido’s murder he met with Amod and Osman Aboo. “Ossie spoke directly to Amod, informing him that he wanted an assassination to be carried out. At this stage they wanted Lloyd [Hill] to do the job, for he is well known in this field. Ossie then suggested that Martin [Rivits] could also do the same job.”

The person to be assassinated was “giving evidence in a huge insurance claim... The person that was giving evidence in this trial was the person who was to be assassinated.”

Later, said Samuel, Amod told Hill “that he wanted a white guy who was a key witness in his father-in-law’s

(Ossie's) case to be taught a lesson or to be killed. The case involved millions.

"Lloyd then said to Amod that he wanted R300,000 for the job and Amod said that he wanted this person/key witness to be killed. Amod said that his father-in-law would pay the money when the job was done."

Samuel describes how Amod identified "Bill" to him at the High Court the following morning. He waited outside the court until Amod phoned "and told me that the case had been remanded and that his father-in-law (Ossie) wanted Lloyd to kill Bill today, and that he was on his way out of court."

Samuel says he followed Sabido from the court, introduced himself and said he required his services for vehicle and property insurance. "Bill told me he was on his way to his motor vehicle which was at the Royal Hotel parking. I

cash. "He [Lloyd] also said that Ossie said that he was not prepared to pay R300,000 any more and would only pay R100,000. Lloyd said that he agreed to the R100,000 because he has an obligation to the Muslim community."

Samuel subsequently retracted this statement, saying it had been beaten out of him by police. He was then charged with Sabido's murder and joined Hill and Rivits, who had been remanded in custody to Westville Prison. Around the end of September that year, a fortnight before he was due to appear in court, Samuel was found strangled to death in a cell crammed with some 70 other prisoners.

Osman Aboo and his attorney son-in-law Ahmed Amod had also been

A fortnight before he was due to appear in court, Samuel was found strangled to death in a cell crammed with some 70 other prisoners

offered him a lift."

In harrowing detail the statement describes how Sabido was driven to a house at the Bluff and throttled to death. When the body was dumped they also shot it. Samuel says Lloyd later told him he had received R3000 in

Durban businessman Osman Aboo



charged with Sabido's murder, but after appearing in court for a bail hearing, in a wheelchair and on a stretcher respectively, both were given bail – R250,000 in the case of Aboo and R150,000 for Amod. Samuel's confession statement was tendered to court as part of the state's opposition to bail.

Why the stretcher and wheelchair? Both said they were seriously ill and needed specialized medical care. Amod, who sat on a pillow in the dock, told magistrate Eric Nzimande he had a problem with his spine and had to be hospitalized after three hours on a rubber mat in a police cell. Aboo said he was a diabetic and needed medication every half-hour. A day after being granted bail Amod checked out of hospital. His father-in-law followed a day later.

In court Aboo said he was shocked about Sabido's death, describing him as "one of my best friends."

After the prison murder of Claud Samuel, state advocate Dave Demerell withdrew the Sabido murder charges against all the men. But the police murder and robbery squad's investigation into the insurance broker's death continues.

So does Aboo's R6m courtroom claim against SA Eagle. He's led his evidence-in-chief and now faces cross-examination when the trial resumes in Durban High Court in May.



Osman's attorney son-in-law Ahmed Amod

The long-running R68m fraud case against Aboo is due to continue in Durban regional court in June. In this the state's case has been considerably weakened by the sudden unnatural death of yet another key witness – Swaziland businessman Ebrahim Latif.

The case involves alleged fictitious exports and false claims under the old General Export Incentive Scheme (Geis). Latif, who owned a clothing store in Manzini, fled to Europe but later agreed to meet investigators working for Oseo (the old Office for Serious Economic Offences) in Berne, Switzerland and gave them a sworn statement. In his evidence Latif would have testified that he conspired with Aboo and another man to devise a scheme whereby they manufactured false documents in order to claim Geis payments.

Latif, the brother of a former finance minister in the Mozambican government, returned to South Africa to give evidence against Aboo, but around October 1996, two months before the

trial was due to begin, he was killed when he was run down in a Durban street by a waste truck. A witness is said to have seen the driver run from the scene, but the latter was never traced and no one was ever prosecuted in connection with Latif's death.

When Aboo's fraud trial finally resumed in Durban last December, Aboo's advocate applied for his client's discharge at the close of the state case. This was refused and the defence case will now be heard in June.

Asked to comment on these three sudden deaths, Aboo's son-in-law and attorney Ahmed Amod says: "Bill Sabido and Ossie parted so well, because Bill promised us that he would get the matter sorted out. We were saddened, but I can't say much more than that. You must also remember that Samuel made about five different statements, creating new stories all the time. It wasn't a straightforward matter."

Claud Samuel's murder in prison? "I cannot comment. I'm unable to say who did that."

Ebrahim Latif's death by a waste truck? "That was coincidental. If there's any insinuation about Ossie having anything to do with that it's ridiculous."

But let's not close without a tribute to the remarkable man who was Wil-

liam J Sabido. He was born in British Honduras and grew up in Louisiana, part of a large family. At the age of 17 he joined the Canadian Royal Air Force, was transferred to Britain's RAF and flew Spitfires in the Second World War, rubbing shoulders with the legendary legless ace Douglas Bader.

Sabido went on to pilot Liberators. After the war, still only 21, he joined the London Assurance Group, being transferred to Johannesburg in 1960, where he met and married his wife Phyl (there are two children and five grandchildren).

In 1966 Sabido moved to Durban to manage the Pearl Assurance office there. Recalls a colleague and old friend: "In working for Bill I was soon to learn that nobody could keep up with his dynamo-type working energy. He was a real leader, very quick to compliment and slow to criticize. He accumulated more friends and business associates than any person I have known."

"He had massive enthusiasm and always created an atmosphere which would make one feel at ease. He had no enemies and it is profoundly ironic that in the last moment hitmen, who did not even know him, could snuff out such a giant personality. Nearly three years after his murder, I find I am sim-

ply unable to cope with sitting with his family members to lament Bill's death."

When Sabido died he was at 78 still putting in a full working day as an insurance broker with the Durban brokerage firm Peter Christie, where he held the position of an associate with his own book of business. He still piloted a plane – our picture, taken just weeks before his murder, shows him about to take off on his last flight, in a friend's Cessna.

This same friend and his wife had dinner with Bill and Phyl Sabido the night before the murder. "Bill did not enter into conversation about the court case which he was attending as a witness on the following day, other than mentioning that he had had to put off people who had been rather insistent on meeting with him that evening."

"The issue which rests uncomfortably with me, as one of Bill's many friends, is that this horrendous crime should go unaccounted for. For this wonderful bloke, one in a million, to be taken out by scum like that makes you feel ill. They don't deserve to breathe the same air that that man breathed."

■ Not one member of the Sabido family would assist *noseweek* in the preparation of this article. They are all too terrified. ■

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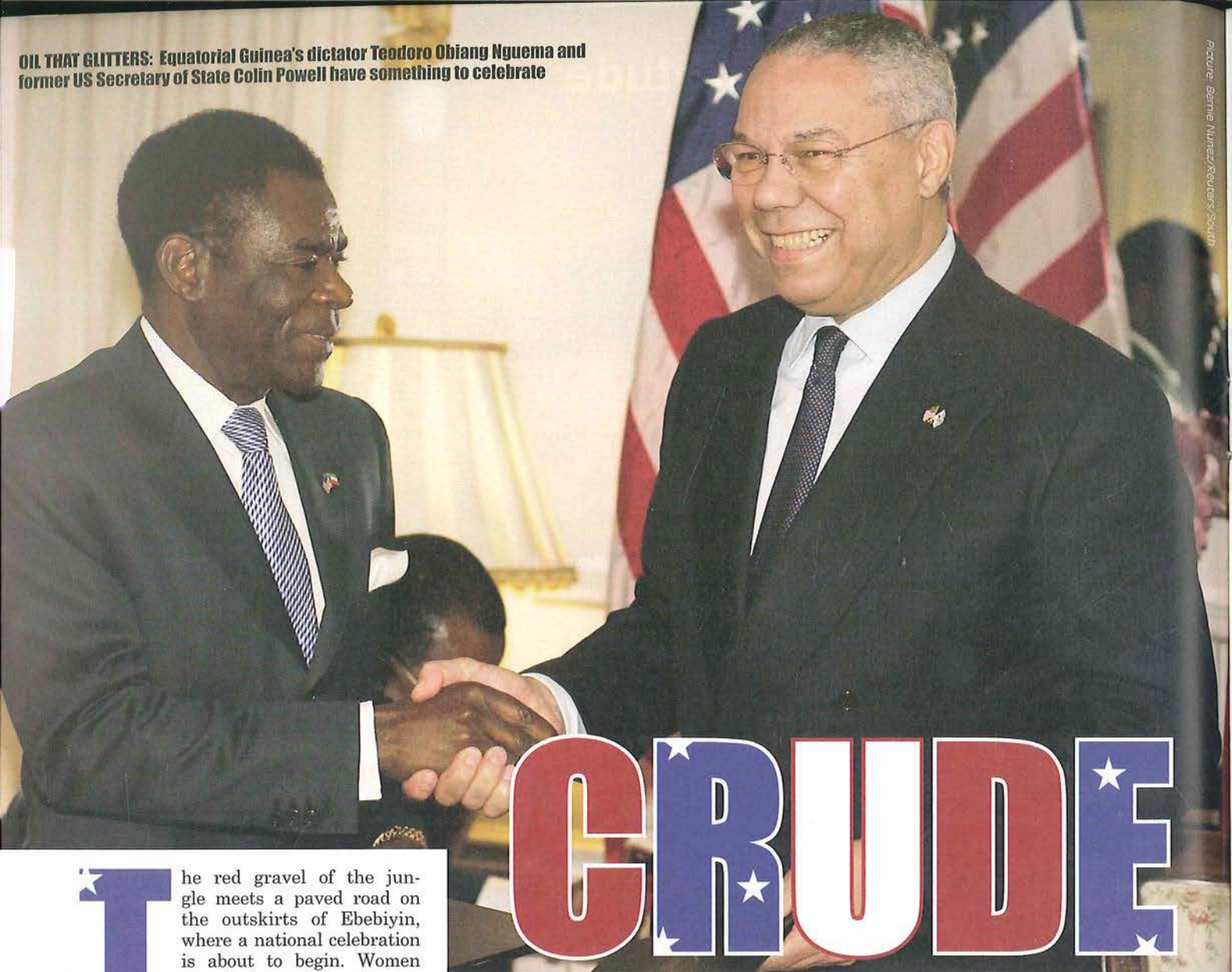
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OIL THAT GLITTERS: Equatorial Guinea's dictator Teodoro Obiang Nguema and former US Secretary of State Colin Powell have something to celebrate



Picture: Bernie Nunez/Reuters/South

The red gravel of the jungle meets a paved road on the outskirts of Ebebiyin, where a national celebration is about to begin. Women are singing and swaying to a rhythm that is hard to resist, even though their

lyrics are not of a can't-stop-dancing variety: "We await you, Mr. President," they sing in Fang, the main language in Equatorial Guinea. "We are happy to see you; you are the people's president." In the distance, a cloud of dust heralds the arrival of President Teodoro Obiang Nguema Mbasogo.

The president is accompanied by 40 vehicles and enough firepower to start a small war. In the lead are army-green trucks, with soldiers clad in black ninja outfits. Because the president doesn't entirely trust his military, the jeeps in front of his Lexus SUV bear his Moroccan security guards, many of them perched on the running boards, clutching Heckler & Koch assault rifles as they scan the horizon.



The plot involving Mark Thatcher, to topple despot Teodoro Obiang Nguema, was doomed from the start. **Peter Maass** reports on the powerful US interests propping up Equatorial Guinea's dictator

The motorcade halts at the edge of the town. Obiang strolls up the street, shaking hands with people who line the uneven sidewalks, many clad in T-shirts and dresses sporting his image. His bearing is regal. If he has any anxiety because of a recent coup attempt, which involved a gang of couldn't-shoot-straight mercenaries from South Africa and Britain

(allegedly partly financed by former British Prime Minister Margaret Thatcher's boy, Mark), he doesn't betray it. And if his mind is troubled by a recent US Senate investigation detailing how he siphoned millions from his country's treasury with the help of Riggs Bank in Washington and how he and members of his inner circle extracted large and unorthodox payments from American

PART ONE

oil companies, that, too, does not show.

Obiang has travelled to Equatorial Guinea's mainland from his palace on the island capital of Malabo to celebrate the 36th anniversary of independence from Spain. The three-day gala is replete with references to the 1979 overthrow of Francisco Macias Nguema, the nation's first dictator. Macias, who tortured and killed political opponents in a soccer stadium, drowning out their screams by playing "Those Were the Days" on the loudspeakers, was ousted and executed in a coup led by a senior military aide who was also his nephew - Teodoro Obiang Nguema.

For "El Libertador," as Obiang allows himself to be called, the highlight of the October celebration is a parade down Ebebiyin's finest stretch of asphalt. The

Oil companies, meanwhile, made payments to his regime that the Securities and Exchange Commission (SEC) is now scrutinizing under the Foreign Corrupt Practices Act.

If America's interest in foreign countries was predicated on human rights, Equatorial Guinea would have seized its attention long before the small African country's 1995 oil boom. Francisco Macias Nguema, whose self-bestowed titles included "The Sole Miracle of Equatorial Guinea," and "President for Life," was a morph of Idi Amin and Pol Pot. He killed or forced into exile nearly a third of the population, decimating in particular the small educated class. Teodoro's coup was a welcome event, and his rule has not been nearly as ruthless as his uncle's. But that's not much of an achievement.

Equatorial Guinea is the third-largest oil exporter in sub-Saharan Africa

heat, the soldiers, the jungle, the out-of-tune band - I was starting to feel I had fallen into a tin-pot time warp. Then I noticed the American flags. These were carried by a delegation from Mobil Equatorial Guinea, Inc., a subsidiary of ExxonMobil. They also carried white Exxon flags and placards bearing ExxonMobil's name. Behind them came delegations with signs announcing Halliburton, ChevronTexaco, Marathon Oil.

In the past few years, Equatorial Guinea, population 500,000, has become the third-largest oil exporter in sub-Saharan Africa, after Nigeria and Angola. Per capita, it is one of the richest countries on the continent; rated by how much money ends up in the pockets of people not related to the president, it remains one of the poorest. Oil is the reason the desperate-looking cafés and shops in Ebebiyin use ExxonMobil signs as decorations. It is why, although his regime once sent death threats to the US ambassador, Obiang now gets to meet with senior administration officials and even with President Bush. And it's why no one speaks out when Obiang treats his nation's treasury as his own private bank account.

Equatorial Guinea sometimes seems a parody of an oil kleptocracy. Yet it has emerged as an all-too-real example of how a dictator, awash in petrodollars, enriches himself and his family while starving his people. His conduct has been aided by American companies: as detailed in Senate and Treasury Department documents, Riggs Bank has helped Obiang shuttle millions into offshore accounts.

Recent State Department reports define Equatorial Guinea as a nominal democracy but note: "in practice power is exercised by President Teodoro Obiang Nguema." And under his regime, human rights abuses continue unchecked. Even foreign officials are not excluded from the thuggery. In 1995 a US envoy who was particularly outspoken about torture and abuse received a death threat at the Embassy - which was closed shortly thereafter - because of concerns over corruption and human rights.

The country might have disappeared from the US's geopolitical radar had Mobil not struck oil in the waters off Malabo later that year. It quickly became clear that the Zafiro oil field was world-class. After a decade of development, oil production in Equatorial Guinea stands at more than 300,000 barrels a day, which at current prices translates to nearly \$5.5 billion a year. A gas field owned by Marathon Oil has also become a major producer, and the ocean beds off Equatorial Guinea are being combed for additional deposits. Energy companies have invested several billion dollars in Equatorial Guinea, and Marathon is building a major liquefied natural gas facility. It is now possible to fly non-stop from Malabo to Texas on a weekly flight known as the "Houston Express."

Equatorial Guinea is not the only country in the region to have emerged as a major oil supplier for the US. West Africa is central to America's effort to reduce

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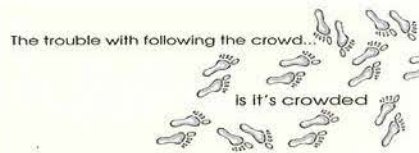
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dependency on Middle East oil. The region currently supplies 15 percent of America's energy, and that figure is expected to rise to 25 percent within a few years.

US corporations are now investing more in Equatorial Guinea than in any other African country except for Nigeria and South Africa. In 2003, the Bush administration reopened the embassy, a move sharply criticized by human rights groups, as a favour to the oil companies and to Obiang. Frank Ruddy, US ambassador to Equatorial Guinea in the mid-1980s, decries current US policy, saying that Bush administration officials are "big cheerleaders for the government – and it's an awful government."

Obiang has few friends. He has alienated the Spanish – and through them the entire European Union – by accusing Madrid of involvement in the March 2004 coup attempt. Aside from the Chinese, only the Bush administration seems to like Obiang. No senior administration official has issued a public word of criticism against his regime. Instead, in June 2004, Secretary of State Colin Powell and Energy Secretary Spencer Abraham each met privately with Obiang in Washing-

ton. On my way to Ebebiyin, I was stopped several times by rarely paid soldiers who demanded bribes – in their parlance *cerveza*, or beer money. In the town, the main hospital is a place for dying, not healing. The wards have soiled mattresses and no medical equipment except for a couple of IV drips. By contrast, the town's sparkling conference hall is air-conditioned and had, during a reception for Obiang's cabinet the evening before the parade, a 25-foot table stocked with bottles of Johnnie Walker, Smirnoff, and Spanish wine.

Yet to Western oil companies, Equatorial Guinea is an ideal partner. Nearly all its oil and gas reserves are offshore, which means securing the fields is relatively easy. ExxonMobil and Marathon workers live in gated compounds with their own electrical, water, and communication systems. Unlike in Nigeria or Saudi Arabia, foreign workers do not face major security threats.

Most important for oil companies, Equatorial Guinea is a profitable place to do business. According to a 1999 report by the International Monetary Fund, oil

companies received "by far the most generous tax and profit-sharing provisions in the region." The state received only 15 to 40 percent of the revenues from its oil fields, while the norm in sub-Saharan Africa was 45 to 90 percent. Even so, the government is expected to reap \$1.5 billion in oil revenues this year, or about \$3,000 per capita. But that figure is deeply misleading; for the average Equatoguinean, scraping by on roughly \$2 a day, \$3,000 is an unimaginable fortune. So where does the money go?

A basement-level warren in the Russell office building in Washington, D.C., houses the minority staff of the Senate Permanent Subcommittee on Investigations, which focuses on terrorism and money laundering. In March 2003, responding in part to an exposé by the *Los Angeles Times*, the subcommittee began investigating Riggs Bank's compliance with anti-money-laundering laws. It soon uncovered a range of improper activity involving accounts opened by Equatorial Guinea. The Senate inquiry wasn't the only government probe of Riggs' dealings: in a parallel investigation begun in 2003, the US Treasury's Comptroller of the Currency started looking into the bank's Equatoguinean and Saudi accounts. In May 2004, the Treasury Department fined Riggs \$25 million for "systemic" violations of anti-money-laundering laws – the largest fine ever imposed under the Bank Secrecy Act of 1970. While offering scant details, Treasury documents refer to "hundreds of thousands of dollars transferred from an account of the country of Equatorial Guinea to the personal account of a government official," and to "millions of dollars deposited into a private investment company owned by an official of the country of Equatorial Guinea."

The Senate investigation proved to be much more revealing. Using their subpoena power, investigators obtained records showing that as much as \$700 million had been deposited in Equatoguinean accounts at Riggs. The committee also discovered that US energy companies, including ExxonMobil, Amerada Hess, Marathon Oil, and Chevron/Texaco, made questionable payments directly to Riggs Bank accounts held by members of Obiang's regime and his family. What emerges from the committee's final report, released in July 2004, is an intricate exposé of how Obiang enriched himself and his family, and how oil companies helped him do so. Although Riggs is only a medium-sized bank, it has been a D.C. institution for more than a century. Riggs has always been well connected – 21 presidents have used its services – and Jonathan Bush, the president's uncle, is CEO of its investment arm. Riggs has also long been the banker to Embassy Row, and in recent years, embassy banking accounted for 20 percent of its revenue. Its client list, Senate investigators wrote, included many countries "with high risks of money laundering and foreign corruption." The committee report notes, "Riggs has repeatedly been cited for having weak anti-money-laundering controls." This certainly held true in Riggs' treatment of Obiang's money: "Riggs was fully aware of the corruption risks associated with the E.G. accounts," Senate investigators reported, yet the bank "failed to exercise enhanced scrutiny of the account activity, even for transactions involving large cash deposits or international wire transfers."

Continued next month

■ Peter Maass' book, *Love Thy Neighbor: A Story of War*, describes conflict in the former Yugoslavia. He is currently working on a book about oil.

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Aside from the Chinese, only the Bush administration seems to like Obiang

ton. When I interviewed Gabriel Nguema Lima, Obiang's son, he warmly saluted the Bush administration: "The United States, like China, is careful not to get into internal issues."

Equatorial Guinea exemplifies what is known as the "resource curse," the paradox by which countries rich in oil, gas, or minerals tend to suffer rather than benefit, because the abundance of "easy money" undermines healthy economic and political development.

In Equatorial Guinea, nearly half of all children under five are malnourished. Even major cities lack clean water and basic sanitation. A health consultant who recently visited Equatorial Guinea for the first time since 1993 wrote with dismay in the *International Herald Tribune*: "Despite the oil boom, I was unable to see any improvements in the living standards of ordinary people." (Obiang is not among the ordinary: in 1999 he paid \$2.6 million – cash – for a mansion outside Washington, D.C. One of his wives had a \$10,000 daily limit on her Riggs Bank debit card.)

companies received "by far the most generous tax and profit-sharing provisions in the region." The state received only 15 to 40 percent of the revenues from its oil fields, while the norm in sub-Saharan Africa was 45 to 90 percent. Even so, the government is expected to reap \$1.5 billion in oil revenues this year, or about \$3,000 per capita. But that figure is deeply misleading; for the average Equatoguinean, scraping by on roughly \$2 a day, \$3,000 is an unimaginable fortune. So where does the money go?

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The Senate inquiry wasn't the only gov-

The Von Bullshits' NY unpaid blues

The Baron and Baroness Victor von Maltzahn – a.k.a the “Von Bullshits” (noses 62&63), remain true to form. As previously revealed in *noseweek*, they left the UK in 1999 with over £1 million of “borrowed” antiques and £700 000 in their pocket that wasn't theirs, to take high-flying Cape Town by storm – and for another couple of hundreds of thousands of rands.

It now transpires their South African creditors need not feel alone: the Von Bullshits were just as happy to con a top class hotel in New York as they were all those smart Cape Town establishments that helped maintain them in royal style.

The baron and baroness stayed at The Warwick Hotel in New York for two months in 2003, enjoying its facilities, from the 24-hour room service, mini-bar

and marble bathrooms to the business centre and gym – and then left without paying the \$40,000 (R250,000) bill.

While we gather the Warwick does not take kindly to being bilked, they will manage. But the Von Maltzahns' private bodyguard, George Watton, finds himself in a less fortunate position. Watton has, we are told, not received his salary in over six months. The Baroness has also failed to pay the rent on his Milnerton house, a perk of the job.

Now Watton and his family face eviction. The best the baroness could do for him in this crisis was to accuse Watton's landlord, Tony Heath, of being “malicious” for threatening to evict her bodyguard and his family. The lease on the house occupied by Watton is in Baroness Alexandra von Maltzahn's name.

Capricorn Beach

Prospective homeowner Kathy Schultz is not the only person to have received her marching orders from Phil Flockton (nose62), developer of Muizenberg's Capricorn Beach housing development. In May last year – having had the benefit of her R32,000 deposit for six months – Flockton's Shearwater Homes and its joint venture partner Bellandia sent Schultz a letter cancelling their agreement to sell her a house in their Capricorn Beach development. The cancellation was based on spurious grounds – all, it transpires, allowed for in their contract. The real reason was obvious: the property market had in the meantime improved and they were by now able to sell the unit to another buyer for a higher price.

Since *noseweek's* story appeared, we've had calls from 12 other “off plan” buyers who've had similar run-ins with Flockton. (One had received the cancellation letter as recently as mid-November.) To some Flockton admitted he was cancelling so he could resell the properties at “market value” – an intention he'd denied when we spoke to him.

He's also admitted to having a particular dislike for people who had bought at Capricorn Beach “for investment purposes”. (His reasons for constructing the development – and raising the price from time to time – remain obscure but are undoubtedly purely altruistic.)

The sign outside the development was recently changed to show a price increase from R298,000 to R380,000. The unit configuration remains the same.

Meantime Mr and Mrs X, who featured in our first article, had by mid-January still not been given transfer of their property – having already had to pay occupational rent for six months. Flockton had promised transfer “in the New Year”. The question now is: did he mean early January ... or sometime in 2005?

Noose tightens on Groves

In early 2003, Paul Groves, London-based financial broker (and, at the time, chairman of the SA Business Club there) was supposed to have invested £70,000 in a London property for South African doctors Susan Vosloo and Anton Ferreira. But when, after a year, neither property nor cash could be found, the couple, with four other investors, launched an inquiry (nose54). This led to Groves's sequestration and arrest by Scotland Yard for misappropriation of clients' funds (noses56&59). He pleaded guilty and was released on bail in August last year.

Since *noseweek* first told the sorry tale, more victims have come forward and now the Crown Prosecution Service are considering sending a team to SA to speak to victims. Meanwhile another police unit has discovered a financial trail leading to the Channel Islands. The prosecuting authorities have yet to decide whether to proceed with a full investigation into all these issues, or simply to prosecute Groves for the crimes to which he has confessed.

By year-end, Groves was divorced from his wife, Belinda, the daughter of Mala Mala mogul Mike Rattray.

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Shark Tales

Hout Bay fishwife Shantaal exacts terrible revenge

Last Guy Fawkes was a fateful day for the opponents of the Godmother of Hout Bay, Shantaal Meter, well-known ANC activist and managing director of empowerment fishing company, Bluefin Holdings. It was the day that her plans to build a controversial fish-factory at Hout Bay harbour were finally passed by the Cape Town City Council. And it was the day she unleashed her revenge on Joy Grey, the woman who had tried to stand in her way.

Over the past year, *noseweek* has given a blow by blow account of the skirmishes down at Hout Bay harbour between Mrs Meter and a vocal group who opposed her proposed mega-fish factory and restaurant complex.

To recap, Mrs Meter has been preparing to build a three-storey fish processing plant and restaurant on Lot 86, an undeveloped stretch of land on the quayside, currently used for parking. There is much to suggest that Mrs Meter used her political influence – on the quiet – to get the leasehold in the harbour from the Minister of Public Works, Stella Sigcau (see *noses*57&58), and had been using similar tactics to bulldoze her building plans through the city council, despite initial objections from her prospective neighbours, coun-



Shantaal Meter

cil officials and the fact that she had no real environmental assessment.

Mrs Meter vehemently denies this, but, one way or another, the pressure on the officials in the city planning department normally responsible for approving such plans became so great that they decided to duck the issue by referring the matter to their political masters for a decision. One of the leading objectors to Bluefin's factory was Joy Grey, managing director of the fish-processing plant, Grey's Marine, next to Lot 86. Mrs Grey initially took Mrs Meter to court to stop construction of the factory before her building plans were passed. Mrs Grey argues that the proposed Bluefin fish factory will in effect close down Grey's Marine, as it will cut her factory off from the sea. She is involved in legal action in a bid to get the state to review its leasehold of Lot 86. (The case is to be heard by the Appeal Court in Bloemfontein on March 22.) But Joy Grey was only able to hold Mrs Meter at bay for so long. On November the 5th,

Mrs Meter led her entourage of aging female shareholders, lawyers and business partners to attend a special meeting of the city council, held to consider her controversial building plans.

Dressed in sky blue, Shantaal Meter was smiling before the meeting even started. For such a complicated and controversial issue, it was over relatively quickly – the ANC representatives in the council supported their comrade's building plans, outvoting the minority Democratic Alliance. The plans were passed. The hall erupted into jubilation – the 13 pensioner shareholders of Bluefin Holdings hugged and wept on each other's shoulders. Mrs Meter pressed her lawyer to her ample breast. Her friend Hassen Adams (*noses*57&58), sporting a pale pink tie, looked elated and shook hands with other elated men in suits.

Then they went off to celebrate – by revving taxis and cars outside Grey's Marine and shouting obscenities at Joy Grey and her staff. From early that week, Shantaal and her gang were handing out brown manila envelopes to passing journalists and others in their path. They were stuffed with documents, which contained, she promised, a juicy story – about Joy Grey.

In the documents, some of Joy Grey's former staff members allege in an open letter that she and her husband had used the names of staff members as a front to get rock lobster quotas in the late nineties and then not shared the profits with them.

To support this allegation, a group of the so-called "former employees" of Grey's Marine, some of whom Joy Grey claims not to recognize, demonstrated outside Grey's Marine, demanding

money and documents. They also barged into the offices of the Department of Marine and Coastal Management and called for Joy Grey to be investigated.

On the face of it, many questions do remain to be answered about Arniston Fish Processors (Pty) Ltd, a company in which the Greys and others had an interest and which is the subject of more than one dispute.

Joy Grey, who is a director, but only a minority shareholder in Arniston Fish Processors, told us she "prefers not to comment at this stage". She referred us to the company's lawyer, Storm Riley, who, sent us a statement which included the following: "The Grey's group has yet to declare a dividend and has used all its profits to develop its factory at Hout Bay, and to invest in a fishing vessel. Shareholders in Arniston Fish Processors – including the Arniston Fishing Trust which has a 30% shareholding – have only received two dividends totalling about R120 000 since the company was granted any fishing rights.

"None of the persons who signed an open letter alleging that their names had been used to get rock lobster quotas and

that profits had not been shared with them were ever employed by Arniston".

The department is presently investigating the allegations, and will make its findings known in due course.

But, in the mean time, for all those nervous harbour tenants watching from the sidelines, the message is clear: don't mess with Mrs Meter, because her bite can be quite as bad as her bark. The senior city official, William Carter, who had initially rejected Mrs Meter's plans on the grounds that the mega-factory would block the traffic from the quay has also found himself in hot water.

On 5 November, he was charged with misconduct, allegedly for insulting a member of his staff in front of a member of the public. The incident is said to have happened in late April – it had taken six months for an anonymous member of the public to tip off the powers-that-be to institute proceedings against him.

To complicate this twisted tale, a letter defaming William Carter has been sent

to *noseweek*, accusing him of a range of misdemeanours and calling for him to be fired. The letter, little more than a crude character assassination, purports to be signed by Shantaal Meter on behalf of Blufin Holding (sic). Mrs Meter denies

Don't mess with Mrs Meter, because her bite can be quite as bad as her bark

that she wrote it, and the clearly suspect signature and misspelling of her company's name does indeed suggest that it is a fake.

Bluefin's attorney, Jonathan Cohen has subsequently written to challenge *noseweek*: "We suggest that, as investigative journalists you establish the identity of the author of such letter who has fraudulently purported to represent themselves as our client." Hmm... **W**.

Scaley lawyers take co-op members for a ride

Two unscrupulous lawyers, employed by Western Cape fishermen to help them run their fishing business, have instead edged the fishermen out and siphoned off most of the profit from R100-million-worth of fishing quotas since 1997.

The situation has become critical because, this year, long-term fishing rights will be awarded for the first time. If the fishermen can't solve the problem, they stand to lose even more substantial sums over the next 10 or 15 years.

The South African Commercial Fishermans' Corporation (SACF) was led to the brink of ruin by its previous lawyer, Thys Mocke (see *nose57*). In June 2003, SACF appointed lawyer Davout Wolhuter to take Mocke's place.

But within weeks of his appointment as their new man, Wolhuter, like his predecessor, had taken over complete control of the company. He, his secretary/bookkeeper Kathy Martufi and his father Charles Wolhuter had been made directors of the holding company, voting themselves salaries totalling R80,000 a month – in addition to huge "legal fees".

The co-op members discovered too late that Wolhuter had used the same *modus operandi* to gain control of the Holland Moorehouse group of timeshare investment companies some years pre-

viously, contributing ultimately to its insolvency.

There have been several court cases (which Wolhuter vigorously defended, using more of the fish profits that should have gone to co-op members), annual general meetings have not been held, financial statements have not been prepared for the 30 share-holding fishermen's co-ops, the company's books have not been audited and dividends have not been declared.

From time to time, Wolhuter hands out risibly small amounts, which he describes as "dividends", to the fishermen who others have mobilised to attend co-op meetings. The fishermen are so poor and ignorant that it takes only small amounts to shut them up and make them go away. Last August members of the Hout Bay Co-op (a shareholder in SACF) were given R180 apiece as their share of the profit from SACF's 17-ton rock lobster quota.

Meanwhile large sums of money have mysteriously found their way into Wolhuter's trust account.

Marine and Coastal Management, a division of the Department of Environmental Affairs, maintains that it is legally powerless to help the fishermen. MCM head Horst Kleinschmidt has pointed out that MCM "cannot

interfere in the way a company runs its business." It was up to the shareholders, he said. One of the department's legal advisers said everybody knew that SACF was "a mess", but there was "nothing MCM could do about it." However the Department of Agriculture investigated the running of SACF after the parliamentary portfolio committee on environmental affairs became involved: all co-ops, even fishing co-ops, fall under DoA regulations. The investigating officer recommended that SACF should be liquidated: his report has not been made public.

The information was passed on to Minister of Environmental Affairs Martinus van Schalkwyk, who wrote to the Hout Bay Co-op's lawyer, Cyril Prisman, recommending that SACF should be liquidated and that members should apply for their own quotas through closed corporations or small companies: there is special provision for them in the Marine Living Resources Act.

Mark Agulhas, a director of the Hout Bay Co-Op, told *noseweek* that the co-op was preparing notices of an extraordinary meeting of shareholders at which the liquidation of SACF would be proposed. "We're looking desperately for financial support," he said. "We know we've got a fight on our hands." **W**.

Fag companies dance around the law

The tobacco industry – on the run due to growingly restrictive laws – is turning to ever more creative, and illegal, means to hook teenagers

South African anti-smoking legislation that prohibits cigarette advertising has simply sent the tobacco industry “underground”. Like hookers, they’ve been chased out of one establishment after another for plying their trade. Now they’ve created their own red light district: “private” parties to which only the coolest and hippest of young South Africans are invited.

British American Tobacco South Africa (BATSA, with 90% market share and owners of brands like Lucky Strike, Peter Stuyvesant and Dunhill) and Japan International (JTI), distributors of Camel and Winston, lure just-over-18s to wild parties at secret locations, where the adventure of getting to the party is part of the fun.

The companies employ sexy twentysomethings with the look and body image they want associated with their cigarettes and send them with a carload of free cigarettes on a tour of the country’s pubs, universities and colleges, where they encourage youngsters to sign up to the party scene of a lifetime. Names and contact details are taken down on PDAs (hand-held mini computers). Details such as age, smoking habits, sports and hobbies, taste in music are also carefully recorded. Then an SMS is sent to a select group of invitees giving them the first clue as to where the next party will be and how to collect their designer invitations.



Every detail of the elaborate scheme of seduction is designed by one or other of SA’s major advertising agencies, anxious not to lose the tobacco industry’s famously massive adspend.

The invitations are cleverly designed to throw anti-tobacco legislators off the scent. Nowhere is brand mentioned – but the designs subtly echo or mimic brand design characteristics. From there our excited youth follow the trail of clues for weeks, leading them to their final destination: the grand, almighty free party, often featuring international DJ’s, live bands, loads of food – and free cigarettes. (Occasionally they are smaller parties at smart venues. Last year Camel sponsored a Mardi Gras for 50 at a Constantia mansion. Peter Stuyvesant had a select 30 to a swinging evening at a popular Long Street bar.)

The idea is to create a “buzz” or a trend.

To anti-tobacco lobbyists, it’s a devious method used by JTI and their ilk to advertise their products to an easily influenced market. But most importantly it’s a place for them to hand out free cigarettes, something BATSA and JTI have denied they do. JTI corporate affairs director, Noma Faku, claims they “swop pack for pack”; guests, she says, bring the pack they’re smoking and swop it for a box of Camel.

noseweek interviewed several Camel partygoers: they all denied ever having had to swop packs; the cigarettes are as free as the booze, food and music that comes with the whole affair. At a Camel party in Cape Town in November (see box) a *noseweek* reporter was given as many free fags as she wanted. When later asked if cigarettes were being



COINCIDENCE: The trendy party invitation (left) doesn’t mention Camel cigarettes, but uses Camel’s typeface and faithfully reproduces the pyramid that is an integral part of the product’s brand

handed out for free, the Camel representative at the event, Andrew Kalis, said “yes they are, and we’re allowed to”. Partygoers to BATSA parties, too, have said they’ve received free cigarettes. Yet BATSA director of corporate regulatory affairs Simon Millson denies this happens. He says employees of the company cannot hand out tobacco products, although “under normal rules of courtesy I would hand someone a cigarette”.

Perhaps, then, it was out of “courtesy” that BATSA staff were caught on camera handing out free Lucky Strike cigarettes at Wits University in May last year. Present at the handing out ceremony was Peter Ucko from the National Council Against Smoking. The Council has laid a criminal charge against BATSA, but it seems the prosecuting authorities are not in a hurry to bring the case to court.

It is illegal for tobacco companies to hand out free cigarettes. Section 4(a) of the 2001 amendment to the 1999 Tobacco Controls Act (brought in two years before the UK had any such legislation) states: “No manufacturer, distributor, or retailer of tobacco products shall, for free or at a reduced price, other than a normal trade discount (a) distribute any

product and (b) supply any product to any person for subsequent use.”

With this in mind, we wonder, is a “swop”, as Faku put it, considered a sale and therefore permitted? The admission of guilt fine for handing out free cigarettes is R200,000. Cheap, considering there’s nowhere else for BATSA and JTI to spend their marketing money.

The problem is an international one. In November *The Times* of London revealed memos from the heart of BAT international headquarters in London showing how the company secretly schemed to increase smoking among young people, especially under-age youth, yet publicly supported campaigns to raise Britain’s minimum smoking age to 18.

In 2002 the Global Youth Tobacco Survey, a World Health Organisation (WHO) initiative conducted research among 8935 South African teenagers in Grades 8–11. (Similar surveys have been done in 50 countries.) The results showed 22% of those surveyed had been offered free cigarettes by tobacco representatives. Granted, the statistic was down from 29% when the same survey was first conducted in 1999, but there is clear evidence that tobacco companies are actively targeting youngsters to get them hooked on the potentially lethal habit.

In 2000 the WHO reported that 4.9 million people die annually from tobacco-related diseases, at the time, more than the number of Aids-related deaths. In another report the National Cancer Registry (December 2004) published its latest statistics: 8% of all deaths in South Africa are tobacco related, that’s 21,500 people a year. For Remgro (previously Rembrandt and Rothmans) that’s good news. Not only do they own 10% of BATSA they also own 52% of Medi-Clinic (which has over 40 private hospitals in the country).

For the tobacco industry these small local skirmishes and arbitrary statistics pale in comparison to the current battle it is fighting in the US. Under the Racketeer Influenced and Corrupt Organisations Act of 1970, the US Justice Department alleges the industry (together with its research institutions) operated in mafia style for 50 years, consciously defrauding the public in a criminal manner. The US government seeks \$280 billion in industry profit – the proceeds of alleged crime. The trial began late last year and is expected to run well into 2005. ■



Camel gives Cape village the hump

On a quiet Wednesday evening in November, Cape Town’s historic Wynberg village was shaken out of its slumber by the thunder and roar of techno music. At Maynardville Open Air Theatre, often host to Shakespeare productions, “events” company Echo PR & Experience were hosting an Indian Cultural Evening with Indian food, dance, music, yoga and head massage, all enjoyed in low-slung tents of brightly coloured satins with soft cushions.

Outraged neighbours who said they wanted to speak to organiser Lee-Anne Ferrow were blocked by burly security guards with threatening attitudes who said: ‘We have a permit. If you have a problem [with the noise level], go lay a charge.’

The organisers did have a permit – and one for a repeat event the following evening. But Echo PR, it transpires, failed to reveal to municipal officials the true extent of what they’d planned for the two evenings. They did, however, tell them that they would be ‘very

respectful of the surrounding community’. The company’s trump card was Fred Abrahamse, director of the recent *Much Ado About Nothing* Shakespeare offering at the same venue. He knew how to work the system and managed to extract just the right permits required to please his clients. And, with a plea of poverty, he’d managed to rent the venue for a mere R4500!

Faced with the threat of having the permit for the second evening withdrawn as a result of complaints from neighbours, a frantic Ferrow did what PR companies do best: she schmoozed, agreeing to have neighbours and Council officials come in and ‘see for themselves’ – and join the party. Anything to keep the show on the road; it was, after all, in aid of ... a very lucrative client! Japan Tobacco Industries (JTI) had paid R200,000 for the privilege of “hosting” these two exclusive parties where 400 twentysomething-year-olds were invited to enjoy free booze and Camel cigarettes in a hip, hedonistic, smoke-filled environment. ■

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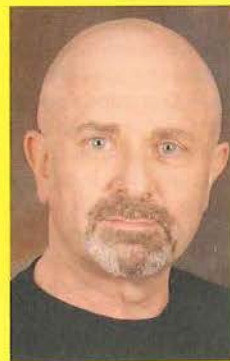
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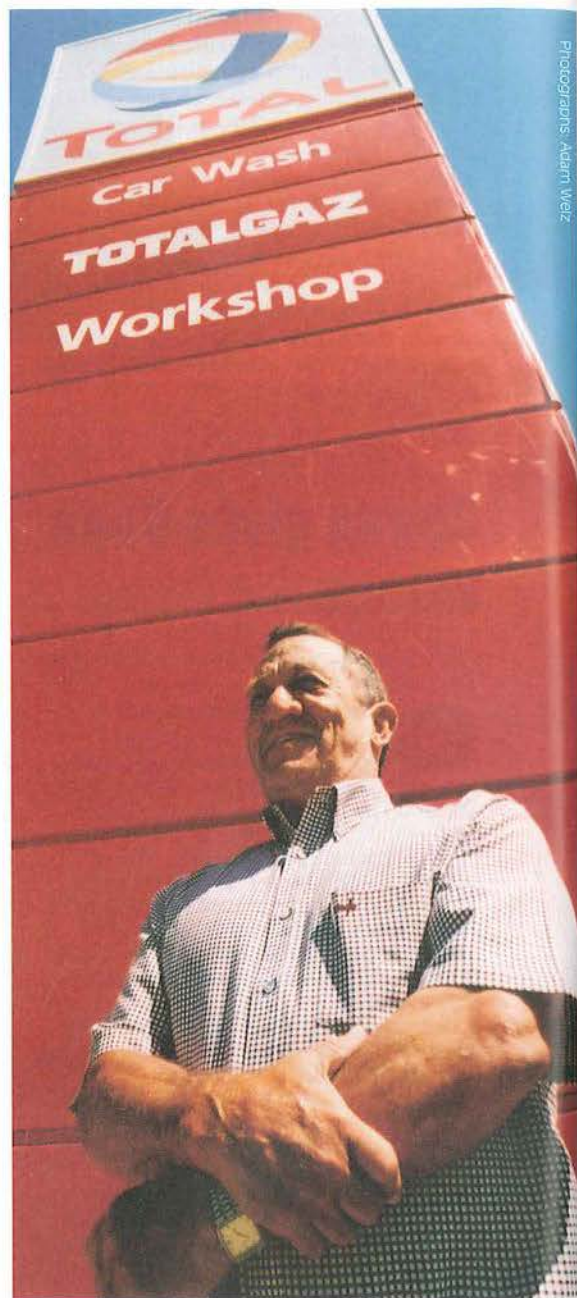
Eric Hammond knew the petrol business backwards. He started off with a small station in Harare, turned it into a huge success. Around 1975, he moved to South Africa, where he opened a station in Pinetown.

By 1991, business was booming, but Eric was worried about KwaZulu's political stability, so he started looking for opportunities around Cape Town. In the seaside town of The Strand, he found the perfect site – a 4,000 sq.m corner plot over the road from a proposed shopping centre. The area was growing rapidly. There was plenty of passing trade, and no competition close by.

Eric drew up a proposal and took it to Total, who agreed absolutely – this was an excellent spot for a petrol station. It cost R1.2 million to buy the land and erect the necessary buildings. Eric put R400,000 into the deal. Total loaned him the balance.

The structure of the deal was fairly simple – or so it seemed. The business

Totalled



Photographer: Adam Weitz

FUEL CRISIS: Eddie Hammond, Eric's brother

When businessman Eric Hammond queried a peculiar little clause in a contract he was about to sign with a petrol multinational to open a garage, the company's lawyers told him reassuringly that it was 'standard'. Now Eric is struggling to make ends meet in Australia and the fuel giant's profits are just gushing

was owned by Eric Hammond's close corporation, Strand 8867. Total registered a bond over the land to secure repayment of its R800,000 in loans. Eric undertook to sell nothing but Total products, and to repay Total at the rate of R5,900 a month. All straight-forward save for an odd clause in the Sales Agreement stipulating that Eric's cc would lease the land (for R500 a month) to Total, which would in turn sublease it back to the cc, also for R500 a month. Any breach of the agreed terms would entitle Total to cancel the sublease and take control of the business. Eric couldn't quite see the point of this peculiar little monkey, but he was dealing with a respectable international corporation and the papers had been drawn up by Jan S de Villiers and Son, one of Cape Town's most respectable law firms. These respectable gentle-

men assured him that the clause was standard, so he signed. The Strand Service Station opened for business in 1993, and was an immediate hit.

All went well until 1997, when Eric decided to join his children and grandchildren in Australia. This meant selling his business. Lawyers advised that the best way to do this was to sell his interest in the cc, so he cut a deal with Pieter and Johan Bester, who agreed to buy him out – the purchase price to be paid in monthly instalments over several years. They also agreed to assume responsibility for the cc's obligations to Total. Eric took off for Aussie, expecting to live comfortably on his monthly payments from the Besters.

It didn't work out that way. The Besters almost immediately ran into trouble, and Eric was not paid. Worse yet, the Besters also stopped making

payments to Total, which responded by cancelling its deal with Eric's cc and taking control of the service station. Which is when the curious fine print in the contract emerged like the evil genie from its bottle. Total was going to get Eric's entire business for a mere R500 a month – while he remained stuck with the bond repayments and a monthly rate bill that, on its own, far exceeded this amount!

An understandably distressed Eric called his brother Eddie, a Cape Town tobacco trader, to help. Eddie says he paid a visit to Total's Sandton HQ, where he briefly met with retail and investment strategy manager Colin Drumgoole. "I told him I wanted to save my brother's investment," says Eddie, "and that I was willing to settle all monies unpaid by the Besters, in cash and in full." Drumgoole says he has no recollection of this meeting and denies that any such offer was made. Whatever the truth, Eric Hammond was now in deep trouble.

Back in Cape Town, the Hammonds sought legal opinion, and were told that

And so, on 12th June, 2003, with the cc in liquidation, the land and service station were put up for auction. There were numerous interested buyers – but their interest evaporated when they were told that the property was encumbered by a lease entitling the sitting tenant to stay on until 2011 virtually rent-free. In the end, there were only two bidders – Total and Eddie Hammond.

In truth, Eddie shouldn't have been there. He knew there was no way to get rid of Total, and that he would continue to receive only R500 per month while paying rates and holding costs. But the Hammond brothers were beginning to strip their proverbial moer. As Eddie says, "They knew my brother was in Australia and didn't have the resources to fight them. They thought that if they just stuck it out, the plum would fall into their hands. It was totally amoral and indefensible."

So Eddie joined in the bidding, and the property was knocked down to him for R1,15 million -- almost all of which

Eddie claims this is R3.5 million, but Total is offering only R1.4 million, inter alia on the grounds – you guessed it – that the property is encumbered by a lease entitling the present tenant to stay on almost rent-free. "In other words," snorts Eddie, "Total is its own encumbrance. What can I do?" Total won't even let him use the 75 percent of the land that is presently vacant. "I thought I could get the zoning changed and use the empty portion to alleviate my position," says Eddie, "but Total has rights over it, and they say no."

Eddie calculates that the oil giant stands to make profits of around R10 million over the remaining six years of



The problem emerged like the evil genie from its bottle

Total was within its rights. Thanks to the Besters' behaviour, the sales agreement had been breached and cancelled. There was no recourse; rape was inevitable.

Alas, poor Eric. Total was leasing his property for R500 a month, but he was obliged to pay the municipal rates (R1200 a month) and to continue repaying his initial loan (R5900 a month), even though he'd lost the service station. What made this even more galling was that Total had found another operator to run Eric's petrol pumps, and was pocketing R17,000 a month in rent.

Eric hoped that Total would do the gentlemanly thing and deduct his bond payments from that R17,000. No such luck. Total continued to debit the cc at R5900 a month. Facing ruin, Eric appealed to Total to buy him out, but the price offered was unacceptable. After years of negotiation, Total raised its bid to R1 million, this in 2002. Eric accepted, but changed his mind when he realized that the sum owed to Total was now so great that he'd walk away with nothing. At that stage the sole alternative was to put Strand cc into liquidation, nullifying the sale to Total.

was immediately grabbed by Total, which claimed it was owed R1.08 million by the cc.

So, for R1.15-million Eddie is now the owner of Erf 8867, with a sitting tenant who pays just R500 a month. More galling yet, the service station is booming, exactly as Eric predicted. Sales rose to 280,000 litres a month in the course of 2004, and are expected to hit 300,000 this year.

According to Eddie, this means profits in the region of R120,000 a month for Total (based on the assumption that their margin is about 40c a litre). On top of this, they are charging the new operator, Owen Brits, R24,000 a month in rent. In short, the oil giant is netting around R1.7 million a year off a prime property leased for almost nothing.

And there is nothing the Hammonds can do about it. Their attorney likens the experience to "being bent over and having a broomstick rammed up your bum."

Total's Drumgoole says his company is willing to help Eddie out of his predicament, "but we are not willing to pay more for the property than its open market value."

the lease, not taking into account rent escalations. The future looks less rosy for his brother Eric, now 66 and living in Bulli, on Australia's south coast.

The stress of dealing with Total has landed him with heart problems, and he is struggling financially. "He has been absolutely shattered by Total's big bully tactics," says Eddie.

As for Eddie, he is hanging on for the distant day when the lease expires and he can evict the parasites. If he's lucky, 2011 property prices will have escalated to a level where he can then sell or develop at a profit. If not, it promises to be a very expensive pleasure. For the record, Total insists that it has "at all times negotiated fairly" with the Hammonds. ("Absolute nonsense," says Eddie, "just read the correspondence!")

■ "Fuel contracts are among the most one-sided in this country, if not the bloody world," says Peter Morgan of the Fuel Retailers Association. He says the forthcoming Petroleum Products Amendment Act will enable the Minister of Energy to appoint an arbitrator to examine "unfair and unreasonable contractual practices" of the sort to which the Hammonds have fallen prey. ■

Eggheads

The cut-and-thrust of argument by m'learned friends in South Africa's divorce courts has been turned into a display of legal craft as elaborate, costly and useless as a Fabergé egg, argues noseweek editor **Martin Welz**

Throughout last year, we were more than a little preoccupied with the extravagant divorces of the rich and famous. While the huge cost of these cases – not only to the participants but to the taxpayer as well – is perhaps their most obvious feature, the fact that they occupy courtrooms and judges for weeks and months on end means that other citizens are kept waiting that much longer for access to justice.

noseweek has reported on most of the country's celebrity divorce lawyers and their billing methods. It has reported on the multi-million divorces of Solid Doors mogul Ian Senior, one-time divorce king Ivor Lazerson and, most recently and most controversially, on the divorce of Anglo Platinum boss Barry Davison.

This has prompted some of our more puritan readers to ask: why, for goodness sake, why? Isn't it all just a bit tacky?

Quite.

While each one was newsworthy, together, in a remarkable way, those cases told us something about the state of the nation in 2004. While millions of citizens remain uneducated, unemployed and drowning in a sea of crime, a few expensively educated and supposedly sophisticated men and women, senior advocates and judges, are devoting all their best efforts to elevating the legal enterprise called divorce to an extremely intricate art form, each specimen taking years and costing millions to perfect. As with most "high" art, it is way beyond the means of 99% of citizens and, as significantly, beyond the abilities of most legal practitioners.

Meanwhile the queues waiting for justice grow ever longer.

Maybe that explains why the Supreme Court of Appeal's recently reported judgment in the matter of *Bezuidenhout vs Bezuidenhout* reminded me so much of a Fabergé egg, that ultimate symbol



Russian goldsmith Peter Carl Fabergé (1846–1920) was educated all over Europe. His studio in St Petersburg was world famous for its exquisitely crafted fantasy pieces – including those Imperial Easter eggs, which in the 1890s became the delight of the Tsarina and of royalty everywhere.

The famous Coronation egg (left) was presented to the tsarina by Tsar Nicholas II. It contains a perfect replica of Catherine the Great's golden carriage – in which the tsarina was driven to their coronation.

The *Encyclopaedia Britannica* notes that "the revolution of 1917 ended the world of Fabergé". Maybe not quite: last month the heirs of US business publisher Malcolm Forbes sold his collection of nine Fabergé eggs – including the Coronation egg – to newly "empowered" Russian oil mogul Viktor Vekselberg for close on \$100 million.

of unspeakably expensive and useless refinement. Some might call it decadence (see inset above).

For 25 years Mr and Mrs Bezuidenhout were, by all accounts, both happy marriage and business partners. Working "shoulder to shoulder", they built up estates that were eventually together worth over R32 million.

In 2001 this fortunate state of affairs came to an end and, at the beginning of 2002, Mrs B left the common home and instituted divorce proceedings in the Cape High Court. She also asked the court for a redistribution of their assets on the basis that the combined value of their estates should be divided equally between them. At the time of their divorce, the assets in Mr B's name were valued at R24 million, whereas those in her name were worth only R8 million.

Mr B filed a counterclaim in which he also sought a redistribution but, ("of course," an appeal judge would later note) on a basis which was materially

different.

Acting Judge Pincus granted the divorce and directed Mr B to pay his ex wife an amount of R7.8m, plus costs, essentially endorsing her contention that their combined estates should be divided equally.

Judge Pincus devoted a substantial part of his judgment to a relatively new approach by the English courts, which accepts that as a general guide the assets of (a wealthy) husband and wife should be divided equally and that this principle should be departed from only if there is good reason for doing so. In the course of this assessment, English courts often pose the question: what more could the wife have done to justify an award of 50%? If she had done her utmost, it is accepted that there is no justification to deviate from the equality principle.

This, thought Judge Pincus, accorded nicely with the spirit of our new constitution, which recognises the equality of the sexes.

Mr B took Acting Judge Pincus's ruling on appeal to Bloemfontein, where the case was re-considered by a five-man bench consisting of Judges Louis Harms, Doug Scott, Ian Farlam, Fritz Brand and Jonathan Heher. All are eminent white male lawyers of the old, pre-constitutional order.

Superficially, you might expect that the appeal would be an open-and-shut case: Judge Pincus' ruling was straightforward, transparent and it accorded with common sense.

But as it turned out, and as we learn again and again, m'learned friends don't come to court for a quick outcome; they like a bit of fun and to display their expertise as intellectual contortionists, especially when someone else is footing the bill.

The arguments that followed would have taxed the nitpicking abilities of a roomful of Talmudic scholars (see box: "The beautiful game").

After much hair-splitting and abstruse legal gymnastics, their lordships eventually concluded that Judge Pincus' ruling could be overturned and that all the relevant facts should once again be considered.

Which is, of course, the real difficulty. Old-style lawyers like their lordships probably honed their lawyering skills and earned their fortunes running the sort of divorce cases in which "all" the "relevant" facts were "looked at" and "all" the "relevant" considerations were artfully "worked through". I recently witnessed it happening in the Davison case. The trial went on for 10 weeks. The fact that only the extremely wealthy can afford this sort of indulgence and that many – even moderately wealthy – clients are emotionally and financially ruined in the process, is all the evidence one needs to demonstrate the insensitivity of those "old" times.

But I also watched, in the tea breaks at the Davison divorce trial in the Pretoria High Court, how awaiting-trial prisoners in leg irons were led down the passages on their way back to the remand cells where they will be held for more weeks and months – because courts are not available to hear their trials. It does not take much imagination to conceive of the agony of their victims, returning home yet again with their pain unresolved.

"Though [some?] practitioners may, understandably, prefer guidelines or formulae which may assist in settlement," declared Appeal Judge Brand in the Bezuidenhout matter, "the problem is

The beautiful game

In the appeal case of *Bezuidenhout v. Bezuidenhout*, **Mrs B's lawyers** contended that since the redistribution order granted in her divorce by Judge Pincus of the Cape High Court involved the exercise of a discretion conferred on him by the Divorce Act, the Appeal Court could not interfere with it. The appeal judges could not substitute their own discretion for that of the trial court simply because they would have preferred a different result. That's the general rule.

In reply, **Mr B's lawyers** contended that that might long have been the rule concerning judicial discretion, but more recently Appeal Judge Ernst Grosskopf had found a fine distinction could be made between two kinds of discretion: Firstly you get a judicial discretion in the 'strict' sense. That, Judge Grosskopf had explained, allows a judge a choice between two or more different, but easily comparable and equally acceptable, alternatives.

Secondly, declared Judge Grosskopf, you get a judicial discretion in the 'broad' sense – which is a mandate to the judge to consider a number of factors that are neither measurable nor comparable ('disparate and incommensurable') in arriving at a conclusion.

A fine intellectual analysis that does credit to Judge Grosskopf's formidable intellect, you say – even though both 'strict' and 'broad' circumstances appear to offer a good argument for allowing a judge a discretion – and for making his decision final: in the first case, the one choice is clearly as good as the other; in the second case the factors to be taken into account are so various and complex that every judge is likely to come to a different decision – so you might as well stick with the first judge's decision.

But, Judge Grosskopf reckoned differently: the rule against interfering with a

divorce judge's discretion applied only to the first type, he declared. There is no reason (or rather, he could see none) why an appeal court should not interfere when a judge had exercised a discretion in the 'broad' sense.

And, he declared, the discretion conferred on a divorce court judge to divide the assets of a marriage is a 'broad' one – consequently appeal judges have an 'unfettered' discretion to change the divorce court's order.

As all admirers of fine art would, **Judge Fritz Brand** (writing the Appeal Court's judgment in the *Bezuidenhout* matter) noted: "I find this argument attractive in its logical progression."

Dear Reader, are you, too, admiring the ghost of Fabergé's latest meticulously crafted egg?

Apart from his admiration for fine and artful distinctions, Judge Brand, good Afrikaner that he is, was in any case not enamoured of the British trend to set guidelines for the distribution of the loot in a divorce.

Such guidelines undoubtedly cut the time that lawyers will otherwise spend nitpicking through the debris of a long marriage to achieve an accurate assessment of each party's 'contribution' – a claim to accuracy that is largely a conceit, anyway.

But, on this point, Judge Brand had occasion to quote with approval another appeal judge of the older order, Andre Botha:

'I do not see any real difficulty in starting with a clean slate (i.e. free of guidelines), then filling in the void by looking at all the relevant facts and working through all the relevant considerations, and finally exercising a discretion as to what would be just, completely unfettered by any starting point.'

that there is such an infinite variety of circumstances [that might need to be considered] that we cannot afford to trade the wide discretion ... for 'guidelines' or 'starting points.'

(Do we hear applause from all the skilled lawyers totting up the fees to be earned for all the days and weeks it can take to consider the "infinite variety" of circumstances to be found in a long marriage?)

So, two-and-a-half years after Mrs B launched her divorce action, the appeal judges set about doing their own assessment of what would be a just redistribution – and ruled that Mr Bezuidenhout need only pay Mrs Bezuidenhout R4.5m

instead of the R7.8m ordered by Judge Pincus. This will result in a division of their joint assets in the ratio of about 60% to him, 40% to her.

Because she lost the appeal, she will also have to pay all the costs of the appeal, which could see her losing another million or so. Pity about that.

South Africa cannot afford Fabergé-style divorce cases with their displays of wealth and legal sophistry. *noseweek* will continue to expose these cases, regardless of the provision in the Divorce Act that purports to prohibit such reporting. We have no doubt exposure is in the public interest – and long overdue. ▣



Goodbye Mr Drum

Anthony Sampson, who became editor of *Drum* in 1951, was quickly to get the beat Photograph Jurgen Schadeberg

Anthony Sampson died in London on 18th December 2004. He was 78. For more than 50 years he had been visiting and writing about South Africa.

I worked with Anthony for the last eight years of his life, through the authorised biography of Mandela and the update of his famous *Who Runs This Place? The Anatomy of Britain in the 21st Century*. To the very end, he retained a hunger for news, ideas and gossip (always, gossip). He was passionately opposed to the war in

Iraq, even going so far as attending the massive anti-war march in London in February 2003.

Despite his role as chief anatomiser of Britain and his fascination with the oil industry and big business, the dominant intellectual engagement of his life was with South Africa. It was like an enjoyable itch that he could not stop scratching. The next piece of work we were scheduled to do was an update of the Mandela biography. Anthony was hardly a radical or an experienced journalist when Jim Bailey invited him

to work on *Drum* in 1951. He was a scion of Westminster school, a naval officer at the end of the Second World War and something of a vague "High Tory" at Oxford. He told me that he only knew one black person before he went to South Africa, a fellow student, who he knew by sight. Embracing the "live fast, die young" vibe of the Sophiatown renaissance was like going back in time to an Elizabethan world of political and cultural intrigue, Anthony reported. Even the spoken English of black South Africans had a

Shakespearean quality.

He transformed the magazine by encouraging the writers to concentrate on township life: jazz, girls, sport, crime, American movies and showbiz. Previously, *Drum* had been called *The African Drum* and had offered a white version of African life; Sampson let the genuine urban African experience resonate. He later observed: "The *Drum* writers all told stories with a narrative vigour and mastery of English ... invigorated by the slang of the townships and the daily dramas of dangerous lives ... Their writing, it seemed to me, had a power and optimism that could not belong to a defeated race." The magazine took off and, for a few short years, *Drum* symbolised a form of cultural resistance to apartheid in much the same way that the ANC defiance campaign captured nascent political resistance. Sampson embraced township life, drinking in shebeens, buzzing around on his motorcycle, watching and listening. As Arthur Maimane recently commented: "In

memoir that appeared in *The Guardian*, Sampson acknowledged the effect that the four years at *Drum* had had on him: "My view of the world and of Britain had been turned upside down by my Johannesburg experiences, and would never turn round again."

He would always remain, in geographical preference, a Jo'burg rather than a Cape Town man. Returning to Britain, he took up a job on David Astor's *Observer*. In 1956, he published his first book: *Drum: An African Adventure*, followed by *The Treason Cage* (1958), an examination of the historic Treason Trial. He travelled widely in Africa for *The Observer* and played a role in encouraging the Macmillan government to stop appeasing Verwoerd's South Africa: a development that culminated in the "Winds of Change" speech which Sampson witnessed in Cape Town. He also raised gossip to a higher

In those prime days of apartheid, he was the only white man apart from the police who knew those slum streets [of the townships]

those prime days of apartheid, he was the only white man apart from the police who knew those slum streets."

Following his death, a number of obituarists noted Anthony's amazing gift for sustained listening. At times, it could be quite unnerving: the interviewee would either ramble on into incoherence or give away something significant. I can remember during the first year that I worked with him giving a self-confident post-doctoral assessment of gang culture in the townships during the 1950s before it suddenly struck me that not only had Anthony been there at the time but he was also the person who had provided the space for the story to emerge. I will always be grateful for the fact that he didn't spell that out to me. Second to the listening, his greatest gift was as a facilitator. He became the channel through which connections could be made, cultures could be bridged or relationships struck.

In an extract from his unpublished

level in his role as *The Observer's* diarist, Pendennis. (Occasionally, he would receive letters addressed to Lord Pendennis!) And then he struck upon a brilliant idea: writing about Britain as if he was a foreigner; in essence, replicating his experience in South Africa. *The Anatomy of Britain* (1962) was a publishing sensation. It examined the political, professional and financial institutions of Britain and revealed a strange country dominated by its Victorian history. He always took care to emphasise that there was no single "establishment", merely multiple competing loci of power. *The Anatomy* worked because it merged an encyclopaedic discipline with delicious gobbets of insight. The open-eyed but relentlessly curious, Candide-like style, adopted by Sampson married generosity to (slight) indiscretion. As a structure for examining Britain, the *Anatomy* was unbeatable and it rapidly became

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During the *Drum* days, Mr Drum had regularly launched investigations into aspects of African life, most famously the Bethal farm story which revealed that labourers were being flogged and imprisoned; later confirmed by an official inquiry. Of course, all journalism should be "investigative" but in reality very little is. In the 1970s Anthony Sampson produced a trilogy of books that stand alongside the great investigative journalism of that decade; think "Woodstein" or Seymour Hersh. *The Sovereign State: The Secret History of ITT* (1973), *The Seven Sisters: The Great Oil Companies and the World They Made* (1975) and *The Arms Bazaar* (1977) examined respectively a giant multi-national conglomerate, the oil companies and the arms trade. Using documents unearthed for American Congressional and Senatorial Committees, historical context, extensive interviews and a readable, accessible style, Sampson opened secret worlds and created a form of journalism that continues to influence investigative writers to the present day. He had always believed that journalism should apply the same rigorous questioning to business that it does to politics; with the 1970s trilogy he demonstrated what that could achieve.

But South Africa continued to itch. In 1964, he had read over Mandela's Rivonia speech and made a few stylistic comments, most of which were ignored, he would say later. He returned in 1970 to find that the social and political networks of the 1950s and early 1960s had been comprehensively destroyed: BOSS spies were everywhere. I believe South Africa haunted him during the darkest days of apartheid. In a strange way, I think his relentless examination of international capitalism was an attempt to understand how and why capital colluded with the apartheid government in South Africa.

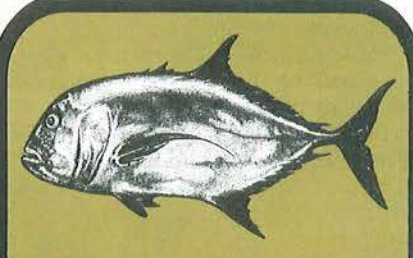
I first met him because of a three-part investigative feature he had written for *The Observer* on the Information scandal in 1979. When I visited his house in Ladbroke Grove in 1995, he still had the list of Department of Information secret projects which I was then able to publish in my thesis on the subject. In 1987, Sampson published *Black and Gold: Tycoons, Revolutionaries and Apartheid* which recorded the

economic meltdown of the apartheid regime and the complex manoeuvrings of both international capital and South African business. Back in London, he played a key facilitating role introducing ANC leaders to Western businessmen, often at parties at his house in Ladbroke Grove. Whenever I asked him about this period, he would say "Oh, it was nothing, I just provided some introductions". But it was much more important than that. Once again, Anthony was playing the bridging role that he had developed at *Drum* in the 1950s. It may well transpire that this was his greatest contribution to the birth of the new South Africa.

He was banned until 1990 when he returned to South Africa following the release of Nelson Mandela. The authorised biography of Mandela was one of his favourite projects. It was not easy, Mandela's autobiography, *Long Walk to Freedom*, had been a bestseller and was more than 700 pages long. What more could be said? Our job was to squeeze blood out of a stone, Anthony told me. He interviewed almost everybody, including all those who normally refuse to be interviewed like PW Botha. We unearthed documents in the British Public Record Office, the National Security Archive in Washington DC and in South Africa. We found a prison psychological profile of Mandela dated 1980. We discovered Mandela's prison files. Anthony loved writing the book: he enjoyed the scope of Mandela's life: from the 19th century-like rural world of the Transkei in 1918 to the 21st century world of global communication; he relished the prison years as a "play within a play" and he skilfully dissected Mandela's iconography. Thankfully, the biography was well received.

Nelson Mandela said in a statement following Anthony Sampson's death: "Anthony was in many ways so English and in many ways so African." That certainly captures Sampson's bi-cultural life. In contrast, I prefer to imagine him up there now, listening, looking for documents, trying to establish how the networks of power operate, checking to see who is at the bottom and who is on top and wondering whether there is an efficient short-cut to expose the contradictions. In what way is St. Peter accountable? As he always used to say to me with regard to research: "Don't waste time with the rocks – just find the diamonds." Goodbye, Mr Sampson.

James Sanders



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When the chips are down

Harvest time in the Cape. If you're wandering about the winelands and get accosted at traffic lights by well-dressed people with worry in their eyes, be kind: they're just trying to sell you a few tonnes of cabernet or chardonnay grapes. There is something of a glut, you see, and even some surprisingly fancy properties are having trouble getting a halfway decent price for surplus grapes. Unless you want to make wine, or a lot of grape jam, refuse gently and resolutely – they'll soon desist, roll up the windows of their BMWs and drive off.

The slack market has at least one benefit to the patriotic cheapskate, however: Tassenberg – as close to an icon as South African wine gets, I'm afraid – is no longer largely sourced from Argentina as it lately has been: home-grown grapes (mostly cinsaut, judging by the taste) are now cheap enough to allow for a retail price of around R14. Although it shouldn't fool anyone if you put it into your cut-glass decanter and pretend it's fine wine, it genuinely is good value and, with its light and flavourful unpretentiousness, I would rather drink it than a number of over-ripe, over-extracted, over-wooded wines selling at ten or even twenty times its price.

Talking of wood, here's a question: which is the odd one out among dimethyldicarbonate, green pepper, sodium metabisulphite and woodchips? If you followed the flurry of scandal late last year, when the mighty KWV admitted that two of its winemakers had been making illegal additions to some sauvignon blanc wines, you'll know the answer to be green pepper. The others, together with some 50 more or less alarmingly named substances, are on the list of permitted wine additives.

Few wines harbour more than a couple of these additives, for most of which wine-drinkers should probably be grateful. Wine is, happily, one of the most closely regulated foodstuffs.

The questions can be fairly asked, however: if something as awful-sounding (though actually innocent) as potassium ferrocyanide may be blithely added to wine, what is scandalous

Tim James hits the bottle



about pulverising a green pepper or two into a tank of sauvignon blanc to give it some extra green zing? More than a few winemakers were probably doing this until rumours became damaging public accusations a year or so back, prompting the official investigations which turned up some murky truths continuing at KWV's and Laborie's cellars. (Who knows how many winemakers are adding blackcurrant essence to their cabernets?)

I imagine that most people don't much mind what goes into their wine, if it makes the stuff taste better for less money and won't turn their teeth green or lead to their spleens exploding. Should they mind? If they're interested in wine, yes; just as sports lovers want clear and reasonable limits as to what performance-enhancing drugs and frills sportspeople may use. Even if the very list of permitted additives suggests that wine is a rather less "natural"

product than its PR officers pretend, the lofty aim for ambitious and honest wines (not necessarily only expensive ones) is to express something about soil, vine and sunshine, landscape and loving care – rather than the ingenuity of white-coated technicians in some appalling agro-chemical company.

There is an implicit contract between producer and consumer of such wines that the line has been ruled pretty high up in the catalogue of human intervention. It is the resulting infinite, and only partially controllable, variety that captures the imagination even more than the tastebuds of wine lovers. For those who, perfectly legitimately, want a merely satisfying beverage, perhaps anything should be allowed to go – as long as the result is not called wine, and all the ingredients are noted on the label for the potential buyer to read.

As to the legal additives: after the KWV scandal emerged, someone wrote to a local website asking (maybe satirically, certainly not unreasonably): "Do Diemersfontein and Waterford add coffee extract to their Pinotage and Shiraz respectively? It sure tastes that way." The answer is that this fashionable flavour, which has unfortunately come to denote fine wine for many people, does come from an additive, but a permitted one: wood – the new, toasted oak barrels in which expensive wines like Diemersfontein's and Waterford's have been kept, or the wood fragments which may be used directly as a flavourant, in a (permitted) cynical parody of the original purpose of wood-maturation.

Recently I tasted all the vintages from 1980 to 2001 of a very different wine: Welgemeend Estate Reserve. It's vastly finer than Tassies, my other recommendation this month, and a bit more expensive – though at least as good value at R55 ex-farm for the current 2000 vintage. If show-winning big alcohols and coffee extract are not to your taste, but the old-fashioned virtues of elegance and drinkability are, Welgemeend is well worth a try. I'm assured it contains neither illegal additives nor potassium ferrocyanide. **W**

Digging in at DRD

The extraordinary role played by Kebble associate John Stratton in massive losses at the gold-mining company

In the last *noseweek* we reported on some hair-raising financial schlenbers at Durban Roodepoort Deep gold mining company (DRD) in 1999 and early 2000, when Roger Kebble was chairman.

One of the things we noted was that Ian Murray, appointed chief executive of DRD in December 2003, purportedly as part of a cleanup operation, had been a director in the schlenber days, and that, along with the other directors, he had been one of the (minor) beneficiaries of some highly questionable, disguised payments into overseas bank accounts. How could new chairman Mark Wellesley-Wood square Murray's promotion with his claim to have cleaned up corporate governance at DRD?

In fact, Murray tells us, in Kebble's day he was not actually a DRD director, but head of corporate finance with responsibility for new acquisitions and growth. He joined the board only in June 2000, shortly after Wellesley-Wood took over and initiated the investigations that would lead to such elevated blood-pressure in the Kebble family and their social circles.

As far as the suspicious-looking payments are concerned, Murray says that he was owed money by DRD in terms of a restraint of trade agreement. "I'd been working in Perth and asked [then finance director] Charles Mostert to pay me in Perth. It was only after the investigations started that I checked the amount, and found that it was more than I was owed, and repaid the difference".

Ja, well – no fine.

But if Murray was in charge of acquisitions, then what about the two 1999 acquisitions – the Rawas gold mine in Indonesia from Laverton Gold, and purchase of shares in Continental Goldfields Ltd – that occurred on his watch, and that are now the basis of massive legal claims by DRD?

"I raised objections in executive committee meetings [presided over by Kebble snr] from the beginning about the Rawas transaction" Murray tells *noseweek*. "I said we needed a proper due diligence process. I only found out about

Continental Goldfields when I was confronted with the news in July 2000. I was completely shocked.

"What was happening was that DRD was issuing shares for cash, and the proceeds were going to Perth where [financial director] Charles Mostert and John Stratton were operating totally outside the normal structures and procedures of a properly run business."

The role that John Stratton – in particular – played in these controversial events is strange and intriguing.

Stratton, an Australian, was never an employee of DRD – or ever formally employed as a DRD consultant. But he is said to be particularly close to both Brett and Roger Kebble, operating as a Kebble *consigliere* and fixer.

Perhaps that explains how he managed to attain enormous influence at DRD, without any official role at the company. In the late 1990s Stratton worked out of the same offices in Perth as DRD's financial director Mostert, who was also chief executive of DRD Australasia. He was so closely involved in the affairs of DRD in the late 1990s that, in the judgment in a case in Australia – in which DRD was sued for consultancy fees – Stratton is referred to as the "Australian agent for DRD".

According to Murray, when he asked Stratton to sign a consultancy contract with DRD, Stratton simply refused. When Murray raised the issue with Roger Kebble, he says, Kebble just laughed and said "That's fine".

When it came to DRD's illicit payments programme, Stratton had his snout firmly in the trough. For example, when, in November 1999, DRD paid on the basis of phoney invoices issued by a Guernsey-based investment company called Dayspring Holdings (see previous issue), Stratton's cut was a cool A\$600,000 (R2.4m). The following month DRD paid A\$2.5m for the (totally fictitious) purchase of a bauxite mine in Venezuela. That time Stratton pocketed A\$426,226.32 (R1.7m). (Roger Kebble was amongst those who also received offshore payments on both occasions.) Stratton's role and influence at DRD



Ian Murray

is all the more remarkable when one considers that, while he was not a director of DRD, he was and continues to be a director of JCI and of Continental Goldfields and of Laverton Gold – all beneficiaries of DRD's most imprudent transactions!

Readers will recall that DRD's purchase of Rawas from Laverton Gold for R120m conveniently enabled Laverton to pay off a massive debt to JCI. A scant three years after the R120m purchase, DRD was forced to write off the entire amount. Not surprisingly many see the purchase of Rawas as a scheme devised by Kebble's friendly adviser, Stratton to "milk" DRD and channel the money to JCI, where it was used to make loans to the Kebbles and to fund various of their schemes.

Likewise the Continental Goldfields transaction – in which DRD bought 11,150,000 shares in Continental Goldfields for A\$1,115,000 (the then market price) but then also paid a mysterious fee to the vendor (effectively JCI) of more than five times that amount for "facilitating the acquisition"!

■ In October 2002 DRD was served with a formal notice to provide the SA Revenue Service with details and explanations of all payments made by the company to Roger Kebble and/or companies in which he had an interest in the previous 10 years. But the SARS demand was cancelled when Kebble's representative, former judge Willem Heath, called the SARS investigators' boss, Ivan Pillay, to complain that such demands were "embarrassing" to his client. Pillay promptly withdrew the notice to DRD – and a number of other companies known to have had substantial financial dealings with Roger Kebble and his son, Brett. ■

Dodgy birders haven't an egg to stand on

Deep in the forests of Zimbabwe's Eastern Highlands lies Seldomseen, one of the hallowed shrines of African birdwatching. Thousands of birders from all over the world have made the pilgrimage to this small establishment to "tick" such elusive species as the Red-faced Crimsonwing, Orange Ground-Thrush and Yellow-streaked Greenbul. Expert guides show visitors not only rare birds, but their nests. Few come away unimpressed.



Recently, however, Seldomseen was visited by nest-robbers.

On 15 November last year the staff found that the nests and eggs of five species were missing. As it happened, these nests had been shown to a group of four South Africans on a guided walk the previous morning. After that walk the four had gone into the forest unaccompanied by guides, and then left the next morning before the loss was discovered. The guides suspected that they had stolen the nests. As the South Africans had come in "off the street", little was known about them. The only clue to their identities was an accommodation receipt signed Duncan MacFadyen, address given as Pretoria.

The birding community was alerted to the loss by an email posted to several birders' email groups on 5 December by Jim Eva of Durbanville, Cape Town, who had just returned from Zimbabwe. After describing the thievery as told to him by Seldomseen staff, he ended the email with a dramatic plea to birders to help unmask the perpetrators.

For a whole day the email lists were quiet on the matter. BirdLife South Africa (the former SA Ornithological Society) only responded on 8 December, after an open email from birder Lukas Botha, who asked why there was "not a single response on the Internet to this cry for help, or is it a sensitive issue involving an employee of the Oppenheimers/De Beers Grouping...?" Who all knew to be major sponsors of BirdLife SA.

Indeed, the September/October 2004 issue of *Africa Birds and Birding* features a photo of a Duncan



MacFadyen of E Oppenheimer and Son (EO&Son) at the annual BirdLife Owl Awards ceremony (see picture). Strilli Oppenheimer had received an award on behalf of EO&Son for a conservation project set up with BirdLife on Oppenheimer and De Beers land.



BirdLife's email of the 8th, from business manager Karen Marx, told birder Botha where to get off.

"The Duncan MacFadyen involved with the Oppenheimer programme is Johannesburg based, and may I suggest it is unfair and irresponsible to make these allegations when there is absolutely no proof at this stage that he was involved."

This set the email lists buzzing. For days birders called for BirdLife to investigate and for MacFadyen to explain himself. MacFadyen finally surfaced on 13 December, showing himself to be the Manager: Research and Conservation for EO&Son – and confirming that he was indeed the MacFadyen who visited Seldomseen on the fateful day.



In a series of three increasingly breathless and incoherent emails he pleaded innocence ("...I am not doubting ... that eggs were collected from Seldomseen BUT PLEASE PLEASE PLEASE believe me when I say I did not take any eggs"), while revealing that, in the past, "I did collect eggs.yes [sic], due to me moving into conservation – I stopped collecting years ago. In fact, our ex-cat walked on my egg collection about five years ago."

Birders also learned that one of MacFadyen's three birding companions at Seldomseen was his father. However, when questioned, he wouldn't say who the other two were. "...to give names out ... is ludicrous



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... and a legal nightmare," he claimed, and "certainly can be seen as defamation and slander."

BirdLife's response was a bland press release saying that "No individuals can ... be implicated in the disappearance of the eggs at Seldomseen, despite allegations being made in public" and that the organization "will not engage in allegations that have no substantial proof. It is the task of the law enforcement authorities to investigate alleged wildlife crimes and to effect justice in such cases."

In Zimbabwe?

BirdLife's "hands-off" approach to the Seldomseen issue was odd, given that the same press release notes that BirdLife had proactively offered a reward via a radio station in the Free State for information which led to the prosecution of locals in a bird poisoning case. The release also piously contained a copy of BirdLife's Code of Ethics, which says that "Birders in groups should assume special responsibilities" including that birding group leaders [e.g. MacFadyen?]

should "Assume responsibility for the conduct of the group".

A BirdLife email of 16 December implies that they know who MacFadyen's companions were, but refuse to name them. Thereafter, from BirdLife, silence. But for a month now the Internet row has raged on, with more and more birders demanding to be told the truth.

Who could possibly be worth this level of protection? And, if they are innocent, surely they can defend themselves?

Watch this space **W**.

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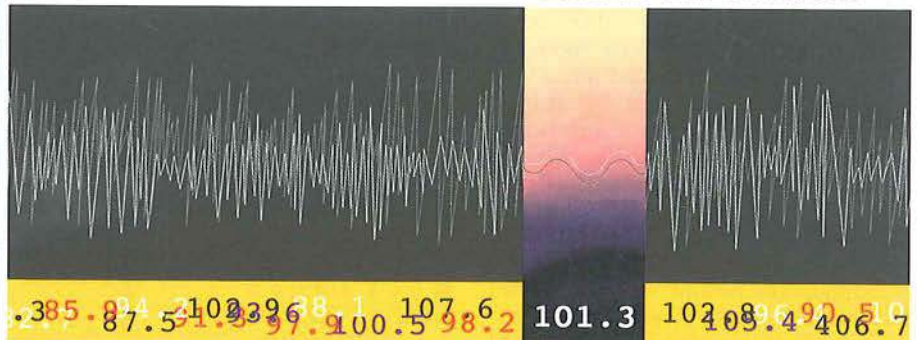


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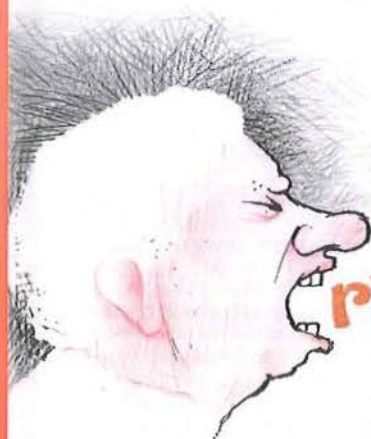
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RECOLONISE!

BY HAROLD STRACHAN

Harold

The politically correct will always hold their goodwill hostage, it's at the root of their petty power, but I've been kicked around sufficiently in the political scrum not to give a stuff for their will, good or ill, and nobody was going to tell me I shouldn't mix with the likes of R W Johnson because he didn't like the ANC.

Come to think of it, I didn't like the ANC too much myself. Still don't. I'd watched them slowly slide the armed struggle (mine) into terrorism when it failed. They filled the air with Marxist declamation when in exile and abandoned the poor when they got home. Failed to come clean at the TRC, to tell about Quatro, the punishment camps. And the rest....

So he was around, I was around, and over the years, 10 I suppose, I came also to know pretty well Johnson's own techniques of holding petty power, abroad and at home. Let anyone publicly disagree with his aloof judgments and sullen irrational scorn follows, bitterness, maudlin self-pity. On the telly, always the elegant scholarly presence. But afterwards, back home, with every perceived insult, seething hatred. Forever.

Let friends drift away from his control of conversation, and our Bill humphs off to a remote corner to read the telephone directory. The Phone Book is the final phase, my boy, if your attention wanders. Initially comes the Olympian Condescension phase; it's what the august intelligentsia do: let everybody yap away until they're depleted, then in relaxed imperious measure with much sage nodding define it all, simply, finish and klaar.

But take away the Elevated Overview bit, and the studied body language, and the majesty, and lo, half the definition is simple bullshit, finish and klaar. I mean dreary's the time I've sat listening to the Johnson rabbitage about

R W Johnson
is an entirely
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like God

the need for re-colonisation in Africa, many the moment I've thought to myself Jesus, God and Mary, I hope Robert Mugabe doesn't ever hear this stuff, reactionary by definition. The daftest of all Mugabe's daft ideas has seemed to me the notion that Britain is out to recolonise Zim. But see now, it turns out there's a whole new school of thought in the New Imperialism itching to do a new Cecil John. Says RWJ. Rhodes said it was expected of his scholars, and never forget RWJ IS ONE.

Maybe I'd better drop a postcard to ol' Bob requesting further explanation.

But how is the new colonisation to work, what's it to be? The answer comes to me with cold-sweat realisation. I sit mournfully, once

again, as seems to be my fate, hearing our RWJ relentlessly grinding on about the inimitable virtues of Ronald Reagan and Dubya Bush, along with other right-wing hallelujah-mongers from the diseducated wasteland of mid-US, and suddenly he gets to the boundless-blessings-to-the-common-Iraqi bit in his eulogy on the invasion of their homeland, and I realize....hang on....arf a mo!

Oh, shit! When Iran is done, and Syria, and maybe N Korea, which heaven forbid, that'll earn them a nuke or two, when all those are done (also Cuba, which is a weekend job) then it will be our time for re-liberation. I've always thought the daftest of all Thabo's puff'd-up ideas is to purchase R60bn worth of prestige weaponry when other puff'd-up scoundrels have already flown off so much of the wealth we could have used to succour the poor, but hang on....arf a mo!

Maybe another post card.

But how to warrant all this repossession talk? Easy. Just tell the world that, along with North Korea and Cuba, South Africa is the most Stalinist country in the world. Nobody in a restaurant would be surprised if you walked in carrying an AK47. This regime is as racist and nationalist as the last. Mbeki collaborates with Mugabe in genocide. RWJ's heart was broken to see his black friends robbed of the democracy they (pl) had struggled for with such courage when he was but 18, robbed by fraudulent elections in which he had seen a multitude of people voting on one photocopied ID. All that. Plenty more. Read the London *Sunday Times*, if you can.

But everybody hates me, RWJ, because I tell the truth, fearlessly. Even

To next page



From previous page the Rhodes Scholarship Committee is so psychofantastic (sic) towards Mbeki they exclude me from their deliberations.

Well, I've never seen RWJ in the presence of any black person, friend or foe. Neither in his house nor at his birthday bashes nor at his wedding. Nor any Indian nor coloured nor working-class person. I suppose that doesn't mean he wasn't somestrangehow associated with the Communist Party in the armed struggle, as his heavy innuendo suggests, nor that he didn't "see the Ku Klux Klan off with a brief burst of gunfire" when he was but 19, nor that he wasn't forced to flee the country skinofhisteeth in 1964 and the Security Branch were furious because they wanted to torture him badly (maybe).

But it does suggest bullshit when he says he came back 14 years later when family life permitted, to take up the struggle once more. Fourteen years brings us to 1978, the most tense, dangerous of times, two years after the Soweto uprising; so the Security Branch must have let him in so they could nab him and badly torture him (maybe) and why didn't they?

He moved here in 95, all was safe, and he'd done no anti-Apartheid work overseas. Struggle veterans there and here had never heard of him. Maybe the SB there and here had never heard of him. He is an entirely self-created being, like God. Like Laurens van der Post. The more he gets away with self-embellishing his self-image the more he embellishes it. His godly purpose is doggedly to vilify government, everything left, the functioning of the country. It's heavy propaganda, man, in the Goebbels mode: tell a lie often enough and it becomes true. I'm unable to understand the purpose of this rabid stuff, except to soften us up for the Great Recolonisation. Try for a Failed State (maybe).

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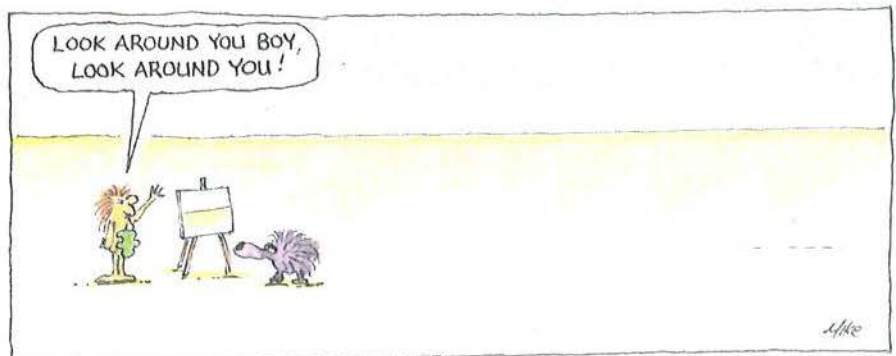
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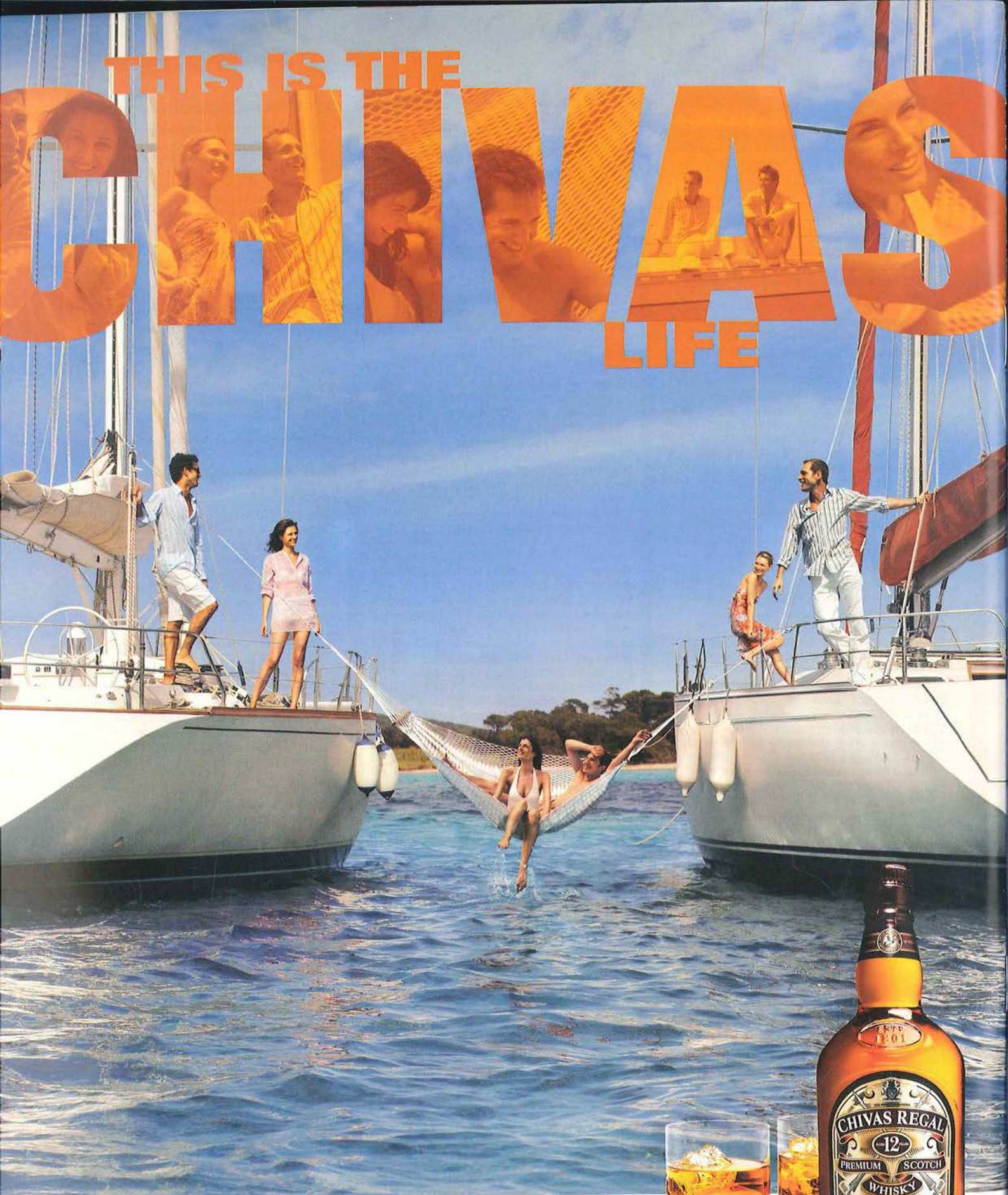
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