

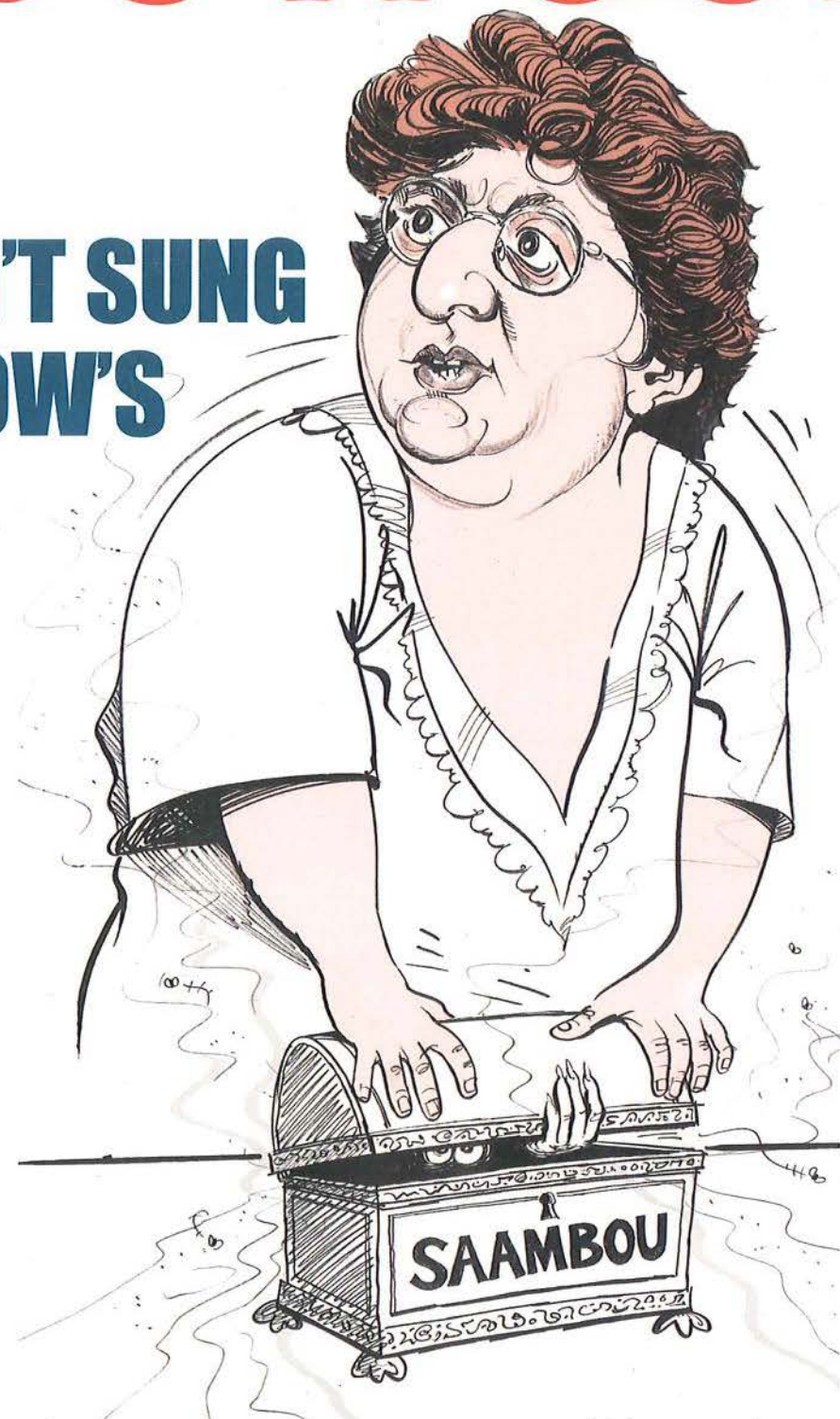
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noseweek

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65
MARCH 2005

**GILL HASN'T SUNG
& THE SHOW'S
NOT OVER**



**SURGEON & SAFARI GETS ALL CUT UP IN BRYANSTON WHO'S IN THATCHER'S
SECRET STATEMENT? ST STITHIANS COVER-UP INTRODUCING MR NOSE**



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SAAMBOU: The leaks continue



A secret report by government spooks alleges official collusion and connivance after bank collapse

PAGE 8

- 4 Letters** SARS holes ■ Keble is not alone ■ Kill Bill ■ Let dead men tell tales ■ No smoke without Brand ■ Stick to investigating ■ Not totally Totalled ■ Fag end ■ Oops, Harold did it again
- 6 Dear Reader** A brief sabbatical ■ An open letter to R W Johnson
- 7 Mr Nose puts it about** The Mac & Mo show ■ Books that never arrive ■ Blast from the past ■ And the heads go up ■ Sex education
- 10 All cut up in Bryanston** Neighbours in the suburbs fall out as foreign patients pay through their reconstructed noses for surgery packages
- 13 What did squealer Thatcher tune the Scorpis?** When the boy Mark struck a deal with the SA authorities he sang like a canary
- 14 A plague on horrid Porritt** Freak ailments slow down the enquiry into the investments of conman Gary Porritt
- 16 A school divided** Head apologises over expulsions at a top Joburg school
- 18 Davison and noseweek's cellphone** Martin Welz discovers that your phone records are safe as long as you're rich
- 21 Note & Updates** Van der Post deceives from the grave
- 22 Should he stay or should he go?** Is the big chief heading towards a third term at the top? And does it matter?
- 24 Rough justice: a big giggle for the SABC** Jane Rothman faces Peter Matlare's full artillery
- 26 Uncle Bobsie loves you** Could Mugabe's pillow talk have anything to do with the fact that he feels an election coming on?
- 30 Crude: part two** How America is greasing palms to maintain its oil interests in Equatorial Guinea
- 33 Immortal longings** Why do so many celebrities have the urge to name the fruit of their vines after the fruit of their loins?
- 34 Last Word** Harold Strachan thinks on the beach

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SARS holes

Section 4 of the Income Tax Act, which prohibits anybody at SARS from divulging anything about tax payers to outsiders (*nose64*), is conveniently used by SARS whenever skulduggery is likely to be exposed.

I was once told by SARS that they pay rewards for information that leads to the recovery of taxes, provided the information given could not be discovered in the normal

me immediately about my own tax affairs, which were completely up to date and had resulted in a refund in the previous year.

After I phoned the top brass they had the dogs called off my trail and the call I received from the investigator was explained away as "pure coincidence".

I don't know whether that particular dirty case was ever resolved in favour of us tax payers.

to my assistance and I quote a statement made by one of their legal managers: "We have no interest in these cases.";

■ Assist SARS in compiling their claims;

■ Incur travel costs and R565 in expenses for copies of documents SARS refused to pay for.

SARS have done nothing to prosecute the alleged perpetrators.

I investigated other cases

Any statement made to the police by a witness who is subsequently murdered or who dies in suspicious circumstances should be allowed in court as evidence even though the witness cannot be cross-examined.

Too many thugs and murderers are allowed to get off scot free through the intimidation and murder of witnesses.

LJJ

Northern Cape

In future, if I uncover tax evasion, I won't tell SARS because it's a waste of time

course of the Receiver's activities (this covers just about every eventuality, you would think).

I told them about unpaid taxes that, much like the Kebble case, had been going on for years without anything being done. Then, when it came to the question of my reward, I was repeatedly told they could not tell me how much tax had been recovered, if any, because the information was protected by Section 4 of the Income Tax Act.

When I persisted, my only reward was to have a call from a tax investigator to say they wanted to see

My guess is the person concerned got away without paying anything like the tax he should have done although there was said to be "millions involved."

Jon Abbott
Ballito

Kebble is not alone

Kebble's tax situation (*noses63&64*) isn't isolated. I have been involved in a number of high-profile cases that SARS compelled me to hand over to them. To add insult to injury I had to endure the following:

- Defend my allegations in open court;
- SARS refused to come

where alleged tax evasion amounted to several millions of rands. In future, if I uncover tax evasion or fraud, I will not inform SARS because it's a waste of time and ultimately the whistleblower carries the can.

Anon
Johannesburg

Kill Bill

You say in your article "Kill Bill" that you stand by your earlier story about SA Eagle (*noses61&62*).

Am I to believe that SA Eagle fabricated evidence against a man who, by your account, himself thought it necessary to have at least one potential SA Eagle witness assassinated? [Yes]

Surely that is stretching the imagination a bit? [Why?] Isn't it as obvious to you as it is to me that you were tricked by a fraudster? I think you owe it to your readers and, dare I say it, to SA Eagle, to admit that this is at least probable. [No]

John Mullins
Brooklyn

Let dead men tell tales

After reading "Kill Bill" (*nose64*) and bearing in mind other cases where witnesses have been murdered (including a big case in the Northern Cape involving police who allegedly murdered witnesses), I wonder whether the time isn't ripe for the law relating to evidence to be changed.

No smoke without Brand

I must express my disappointment in your characterisation of Judge Brand in "Eggheads" (*nose64*) as the "good Afrikaner that he is, was not enamoured of the British trend to set guidelines for the distribution of the loot in a divorce".

Why would the fact that he is an Afrikaner have anything to do with his decision? It is not fitting for *noseweek's* usually well reasoned criticism of the trash in our society to attribute the reasons for your criticisms on the ground of the person being a member of a specific demographic group.

If you want reasons to investigate or criticise, please don't imitate our government by attacking the person rather than his or her actions.

I did notice that none of your other subjects were branded simply for their ethnic origin, so why single out Judge Brand just for being Afrikaans?

Why not also attribute Shantaal Meter's actions to the fact that she is coloured, or blame Osman Aboo and Ahmed Amod for what they did because they are Muslim?

Emile Myburgh
Johannesburg

I think you might be over-reacting to a relatively gentle characterisation of the Judge. Your general point about the futility of ethnic stereotyping is sound and shows how far we have travelled over the last few years. - Ed

Stick to investigating

As long as you stick to what you do best - investigative journalism you are without

Gus



peer in South Africa. It is when you occasionally venture into the realm of political opinion that you suddenly start to look a kid who's just walked into the cinema half-way through the movie.

Not that you were alone – there were plenty of other English-speaking whiteys who also thought that Comrade Patricia was the solution to their problem (avoiding voting ANC while simultaneously dodging the “racist-reactionary” label that comes with voting DA).

Like you, they wanted Comrade Patricia's future so much that they were only too happy to forget her past (apologies to the Spice Girls) – a past that included, among others, inciting poor homeless people to invade land for the sake of a headline for herself; encouraging white people to emigrate (“One settler, one air ticket”); and calling on PAC supporters to disrupt the campaign activities of other parties before the 1994 elections.

Rather than acknowledging and explaining these past actions, she has chosen the simpler and cruder expedient of denying them and accusing anyone who asks her difficult questions (myself included) of lying. Her outraged denials of the recent allegations that she took drug and perlemoen money from a well-known racketeer, and that she personally pocketed money intended for ID coffers, as well as her heavy-handed approach to “disciplining” Lennit Max, therefore come as no surprise to me.

And although I love to say “I told you so”, I don't think enough people heard me

criticising Comrade Patricia back then to make it a satisfying exercise in this case. I only hope that you will be a lot more circumspect before bandying about expressions like “one honest politician” in the future.

Pierre Burger
Wynberg

Noseweek doesn't support single politicians or political parties. We support the right to ask questions and get answers. Its called freedom – Ed.

Not totally Totalled

I am not at all happy with the article “Totalled” (nose64) referring to me as struggling to make ends meet in Australia.

While Total's action made a huge difference to my plans, I have a small, lucrative business, which I enjoy doing. I have many friends and acquaintances who have up to now believed that I came to Australia, took the bull by the horns and made a new life. Which is the truth.

Another point I wish to correct: I did not find the property, it was shown to me by Total.

I hope you understand: one's dignity comes before all the money in the world.

Eric Hammond
Australia

It was never our intention to suggest that selling doughnuts from a stall on an Aussie beach was anything but a dignified way to earn a living. – Ed

Fag end

This is an old “Dear Abby” but quite appropriate to the issue.

Dear Abby
I have two brothers and two sisters: one brother is in the

tobacco business, the other was just sentenced to death for murder. My mother died from insanity when I was young. My two sisters are prostitutes and my father sells narcotics to feed the family.

Recently I met a girl who was released from the reformatory, where she served time for smothering her illegitimate child, and I very much want to marry her. My problem is : if I marry this girl, should I tell her about my brother who is in the tobacco business....

To my shame I worked in the Industry for a number of years so nothing surprises me.

Thanks for the excellent reading. My wife hates it when I get *noseweek* because it is cover to cover in one sitting.

By the way, I've been told that Camel is the only cigarette to advertise its factory on the box.

Puffing Billy
Merrivale, KZN

Oops, Harold did it again

noseweek is indeed unique in its fresh, honest and bold approach to news reporting – it would be wonderful if more publications displayed this kind of courage in the pursuit of the truth (wishful thinking?).

However, although the regular contribution by Harold Strachan is mildly amusing (sometimes), it disqualifies itself by on-going blasphemy. There is absolutely no reason why he should use the name of the Christian God, Jesus in these pieces.

Jan Venter
By email

It's not our problem, it's Harold's. We've told him time and time again but he just won't listen. – Ed

Write a limerick and win a Ken Forrester wine pack

Each month *noseweek* is giving away a Ken Forrester wine pack 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 March and must be headed 'April 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!)...

Our denialist president Thabo Must surely have known late Makgatho. Will he now say: “Aids kills! Let's roll out the pills!” And send back the beetroot to Manto?

Steve Driver
Gardens



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A brief sabbatical

The prospect of sitting in Martin Welz's chair for three months is a daunting experience. The boxes of documents that glare down at me serve as a reminder that Martin has been at the cutting edge of investigative journalism since I was 14 years old and more preoccupied with electric guitars and association football than international politics. The two different books on graphology remind me that I must always avoid communicating with him

by scribbled note. And *noseweek's* latest circulation figures – 15,000 copies a month, more than 7,000 by subscription – remind me that I'd better not change the Welzian formula too much.

Martin has departed for a brief sabbatical to write a book: he refuses to supply details of the subject matter, he's determined to keep his sources secret. But readers should not worry, Martin remains in constant contact with us from an undisclosed location.

An open letter to R W Johnson

Why have you refused to respond to Harold Strachan's profile in *nose64*? You are traditionally an inveterate and intemperate letter writer - no review or correspondence is permitted to pass without a stab from your legendary quill. For days after *nose64* appeared, I rushed to our local post office eager to receive your considered and constructive prose but to no avail. I checked my e-mails over and over again, hungry to fire the starting pistol on a furious debate in our letter pages. I waited, lonely as a cloud by the telephone, expecting a lecture of imperial proportions. But nothing: not a howl, not a scream, not a word. Just a silence that hurts more than you can imagine.

Perhaps you view *noseweek* as being beneath the standards of a Rhodes scholar; perhaps the rhythms of Strachan's delicious neo-Bosman style are impenetrable to the High Table ruminations of a former Magdalen don; or perhaps you are too busy studying the latest edition of the telephone directory? Whatever the reason for your silence, and I pray that your eloquent missive is not a victim of the South African postal service, *noseweek* looks forward to your swift return from self-imposed purdah. We miss your hilarious science-fiction tales from the edge of civilisation. And we could not bear it if you had finally been silenced by Harold's pen.

The Editor



"Damn it, Persky! I ask you for a fiercely choreographed rite of destruction and rebirth, and you give me a febrile study of dehumanized angst."

Mr Nose puts it about...



Mac & Mo show

An enjoyable afternoon at Johannesburg police headquarters (the old John Vorster Square) for the book launch of Imtiaz Cajee's fascinating investigation into the murder, at the hands of the apartheid police, of his uncle, Ahmed Timol (*Timol: A Quest for Justice*). Mr Nose was amused to see Mac Maharaj, accompanied by his lovely wife, Zarina, stand to take a bow. Also in the crowd was the Tony Montana-ish Mo Shaik. Mac's wife was wearing a very fetching t-shirt emblazoned with the cover of a Beatles' record. Does this signify that she is an old hippy – the LP was

released 35 years ago? Or was it some ironic commentary on Mac and Mo's post-Hefer Commission situation: the LP in question was *Let It Be*.

Blast from the past (1)

In the early 1990s, two British figures of some note, one a leading BBC reporter, the other the (declared) MI6 station chief joined forces to provide a musical accompaniment to the transitional process in South Africa. The SIS fellow played a rip-roaring electric guitar and the "man from Auntie" screeched in the style of an overweight Mick Jagger.

The band was called Total Onslaught. No recordings are known to exist although it is suspected that the CIA may have retained photographs for possible use as "leverage".

Books that never arrive (1)

What has happened to Mark Gevisser's biography of our esteemed President? Mr Gevisser heralded his project as far back as 1999 when he published five or six extracts in the *Sunday Times*. (I can't quite remember how many chunks of what seemed to be an extended love letter appeared – I kept falling asleep). Then the years began to pass and the "great helmsman's" public image began to shift: from technocrat to Aids denialist to African peacemaker to machine politician. Poor old Mark, has he rewritten his magnum opus at every stage? By now, the research must be so devastatingly incisive that when eventually published, small groups of *New Yorker* fact-checkers will worship the tome as a holy relic. Mr Nose understands that the biography was submitted to the presidency more than a year ago. Why the delay in publication? Just bite the bullet, Mark, and let us all share your explosive revelations about the big chief.

Can he fix it? Yes, he could

To the Anthony Sampson memorial service at the Nelson Mandela Foundation in Johannesburg. Shaun Johnson, former managing director of Independent Newspapers in South Africa in his new guise as executive director of the Mandela Rhodes Foundation, delivered a strange speech which noted and reiterated Sampson's disappointment with the achievements of the South African press in the years following 1994. The exquisite irony was that unlike many of the normal workaday South Africans, Johnson actually had the opportunity to do something about it. During his mountain climb of an editorial career, Johnson edited the *Sunday Star*, *The Argus* and he founded *The Sunday Independent*. Under his leadership, the papers gathered under the Independent banner have accelerated in their decline. The *Sunday Independent* which once showed such promise is now so thin it would barely cover a tramp resting in the shade of a tree. Amazingly, not one newspaper covering the Sampson memorial found

the space to quote from Johnson's speech. Perhaps, the contradictions were just too immense. Mr Nose feels that Johnson should have ended his speech with the immortal lines of Walt Whitman: "Do I contradict myself – I contain multitudes."

And the heads go up ...

A second gobbit from the Sampson fest. Paul Sampson told the gathering that in 1986, while enjoying a World Cup game on television, there was a knock on the door - and an ANC delegation arrived for talks with his father. Normally, the ANC men would descend to Anthony's basement library where they would smoke cigars and talk liberation politics but on this occasion, to Paul's horror, the meeting was to be held upstairs. Anthony, who had never enjoyed sport of any type, signalled that the television should be extinguished. In stepped a man with a pipe, who suggested that he would like to watch the end of the match. The sport-loving samaritan: our own Thabo Mbeki!

Sex education

Our friends at the Cape Town Press Club played host recently to that master of last minute brinkmanship, Chief Mangosuthu Buthelezi. The crowd of aged hacks were shaken out of their post-prandial slumber by an extraordinary litany of *Sex and the City* style suggestions from the former minister of Home Affairs. Like the Emperor of Iraq, George W Bush, Buthelezi urges abstinence on the young and active. But if tying a knot in it doesn't work, the leader of the IFP recommends that women who are found to be deflowered before marriage could pay penance with the offering of a cow to symbolise the (lost) hymen. Lots of work ahead for cattlemen then ...

SAAAMBOU

THE LEAKS CONTINUE

In *nose40&41* we reported on how the Reserve Bank and the National Treasury had drawn a veil of secrecy over a special report by auditors KPMG dealing with the collapse and subsequent curatorship of Saambou Bank. We also speculated on why they should have been so anxious to prevent the public from discovering what had actually transpired at Saambou.

In October 2002 we reported the panic amongst KPMG's directors after *noseweek* first raised the subject of the secret report – and KPMG's determination to find the whistleblower in their ranks. We promised readers that we would return to the mystery surrounding the 520-page KPMG report said to contain – amongst other interesting matters – evidence of massive wrongdoing by executives at the bank.

Better late than never, we keep our word.

A secret intelligence document, compiled in early 2003, has fallen into our hands which sheds new light on the KPMG report and on the financial finagling that took place – not only before Saambou's collapse but, more significantly, when the bank was already under the curatorship of KPMG partner, John Louw. It tells of an amazing cover-up – allegedly initiated by Investec and its auditors, KPMG at was ultimately presided over,

Government spooks allege official collusion and connivance after bank collapse

signed and sealed by then Reserve Bank deputy governor Gill Marcus.

Ms. Marcus left the Reserve Bank just a year later, giving no reason other than that her contract had not been renewed. Parties to the secret arrangement included Investec – who, the intelligence report suggests, made some potentially questionable moves to cover its R2-billion exposure to Saambou. FirstRand Bank (that stood to profit by a billion or two); the National Treasury (that needed to hide its losses and incompetence from the public), and KPMG, who were both Investec's co-auditors and, effectively – and conveniently, for Investec, the intelligence report suggests – Saambou's curators.

Another major beneficiary of the cover up is PricewaterhouseCoopers (PWC): according to the intelligence document, the KPMG report "indicates the potential substantial recoverability of losses incurred [by the Reserve Bank as guarantor of the deal] from the appointed auditors, PricewaterhouseCoopers." The intelligence report prophetically declares: "... the potential of this document [the KPMG report] may never be fully presented, utilised or declared by the SARB, National Treasury or the Curator."

As predicted, PricewaterhouseCoopers has never been called to account for signing

off Saambou's fraudulent annual accounts. Clearly the needs of other players, such as Investec and the Registrar of Banks, to cover their own tracks was great enough, and the pay-off to others, such as FirstRand, substantial enough to ensure their connivance in letting the auditors off the hook. A further problem: to succeed in a legal action against PWC, the Reserve Bank would need to prove that the deals struck in the course of winding up Saambou were commercially justified, rather than merely politically expedient.

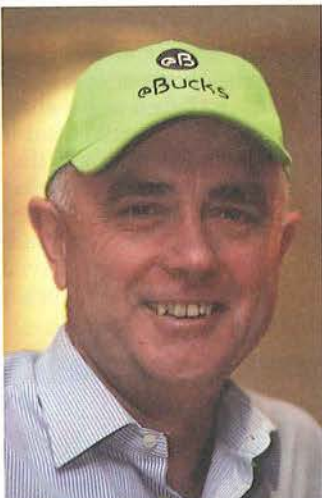
The intelligence document also reveals that the Reserve Bank and the Treasury "with the key assistance of the Curator [John Louw of KPMG], FirstRand Bank, Investec Bank, PWC and KPMG structured a 'Takeover' or 'Lifeboat' transaction. Estimated value R2.5bn." The report continues by noting that the "lifeboat" transaction may be said to have been "completed in the national interest of the banking sector." It notes that the actions of "certain specific parties, [determined] to realise investments in their own interest", may have "initiated or even planned this event" - the "event" being the supposed "run" on Saambou that precipitated the collapse.

The report emphasises that the allegations "... are extremely sensitive and should be dealt with in this manner." In providing an overview of Investec's role in the collapse of Saambou, it notes that on 28 February 2002, a transaction took place "whereby a Compulsory Convertible Loan (CCL) of R816m, was permitted to be converted into a shareholding of Saambou Bank."

Effectively, with Investec's connivance, Saambou and its auditors were taking last minute measures to hide the bank's desperate financial situation and balance its books at year-end by transforming a major debt into share capital.

There are other allegations surrounding the behaviour of Investec that are of particular interest (see our next issue) in a section that concludes: "Investec were in the position

Keeping it under his hat: FNB's Paul Harris



to ensure, manipulate and effect the realisation of their [own] investment [in Saambou].”

The examination of FirstRand Bank's role in the Saambou collapse is equally interesting. The report reveals that in March 2002, FirstRand purchased BoE's NBS operations which included the securitised portion of Saambou Bank's mortgages. This meant that FirstRand Bank controlled R2.44bn of Saambou Bank's mortgage loans.

Two months later, FirstRand Bank engaged in “a unique transaction ... a synthetic securitisation by the name of 'Fresco'. This transaction was alleged to be valued at R12.5bn. It involved the transfer of FRB loans to 'Fresco', the subsequent issue of R12.5bn of bonds and the intention to provide FRB with working capital. Securities utilised in the transaction include the purchase of R11bn, in Government Bonds. The allegation is made that only R1bn of funding was actually raised, for utilisation by FRB. Further allegations indicate that this transaction, through extremely complex mechanisms and risk utilisations, enabled FRB to reduce their actual Capital Requirements with SARB, by an amount of approximately R4.6bn. This effectively would free up cash to this value for FRB.”

The intelligence analysis concludes by alleging



collusion between the Reserve Bank, the Treasury and John Louw, the Curator, in FirstRand Bank's complex transactions: “... to give effect to the transaction – their direct participation, intimate knowledge, and direct mandates would have been required.” The report estimates that “Future 'tax losses' utilised by FRB ... [will] approximate R3bn. The after tax cash advantage is estimated at R1bn to FRB.”

We understand that following the completion of the KPMG report into the collapse of Saambou Bank, the Scorpions launched at least two investigations into the debacle. The outcome of which is not known.

It is also clear that the only two groups of people who were protected during the collapse were the major shareholders and the depositors



Something to smile about?:

KPMG's John Louw

(mortgage holders and savers). The small shareholders were essentially thrown to the wolves. Of course, the protection of the giant institutional shareholders could be equally portrayed as reintroducing stability to the banking system at a time of great uncertainty. Nevertheless, it would appear that FirstRand Bank were more than handsomely rewarded for taking over Saambou's home loans – a reward that came with no risk. Was FRB paid a premium for its silence?

There is no doubt that Saambou was poorly managed and that the Reserve Bank and the Treasury had to engineer a rescue plan under intense pressure and with no time to spare. Sources more sympathetic to the secret deals say that, regardless of how much – or little – money was realised in the process, Saambou's business had to be handed to banks with the capacity to take immediate control of the situation. As a result the buyers were in a position to insist that most of the real risk remained with the government: “All the bad debts that will roll out over the next three or four years above a certain level will kick back to the government. That's the way the FNB thing was structured. These guys got a bargain. You can argue that the transactions could have been done differently - but there was no time. It was a fire sale of a bank,” explained a source close to the events.

All the decisions were taken “at the top”. The Treasury task group was led by then deputy, now DG of Finance, Lesetja Kganyago. The Reserve Bank team was led by Gill Marcus. All the executive directors of FirstRand Bank, led by Paul Harris, were involved in the negotiations. Investec's executive directors attended many critical meetings. Four Investec directors who served on the board of Saambou also attended meetings of the so-called “deal forum”. It would seem that it took literally hundreds of pairs of hands to contain the monstrous beast that Saambou had become.

But now it's time for the Reserve Bank to acknowledge our democratic right to judge the extent of the rot in the financial sector for ourselves. Release the KPMG report – and spell out how bank supervision structures have been beefed up to prevent a recurrence. Or is it once again simply a case of public money being used to paper over mismanagement and corruption in the banking sector? **■**

Countdown to destruction

April 2001 Investec buys Fedsure, which owns 40% of Saambou bank.

July 20, 2001 Investec drops its plans to sell the 40% stake in Saambou.

7 January 2002 Rating agency Fitch places Saambou on rating watch negative.

7 Feb 2002 Saambou's share price drops precipitously.

9 Feb 2002 Saambou placed in curatorship.

15 March 2002 Finance Minister Trevor Manuel and Reserve Bank governor Tito Mboweni jointly undertake to guarantee BoE's almost R50bn of deposits.

22 March 2002 Saambou's curator John Louw receives no offers for Saambou after the deadline for offers expires, and suggests a “public private partnership” instead.

19 May 2002 FirstRand announces it will take over Saambou's R12.8-billion retail deposit book and R4.9-billion home loan portfolio for R1.

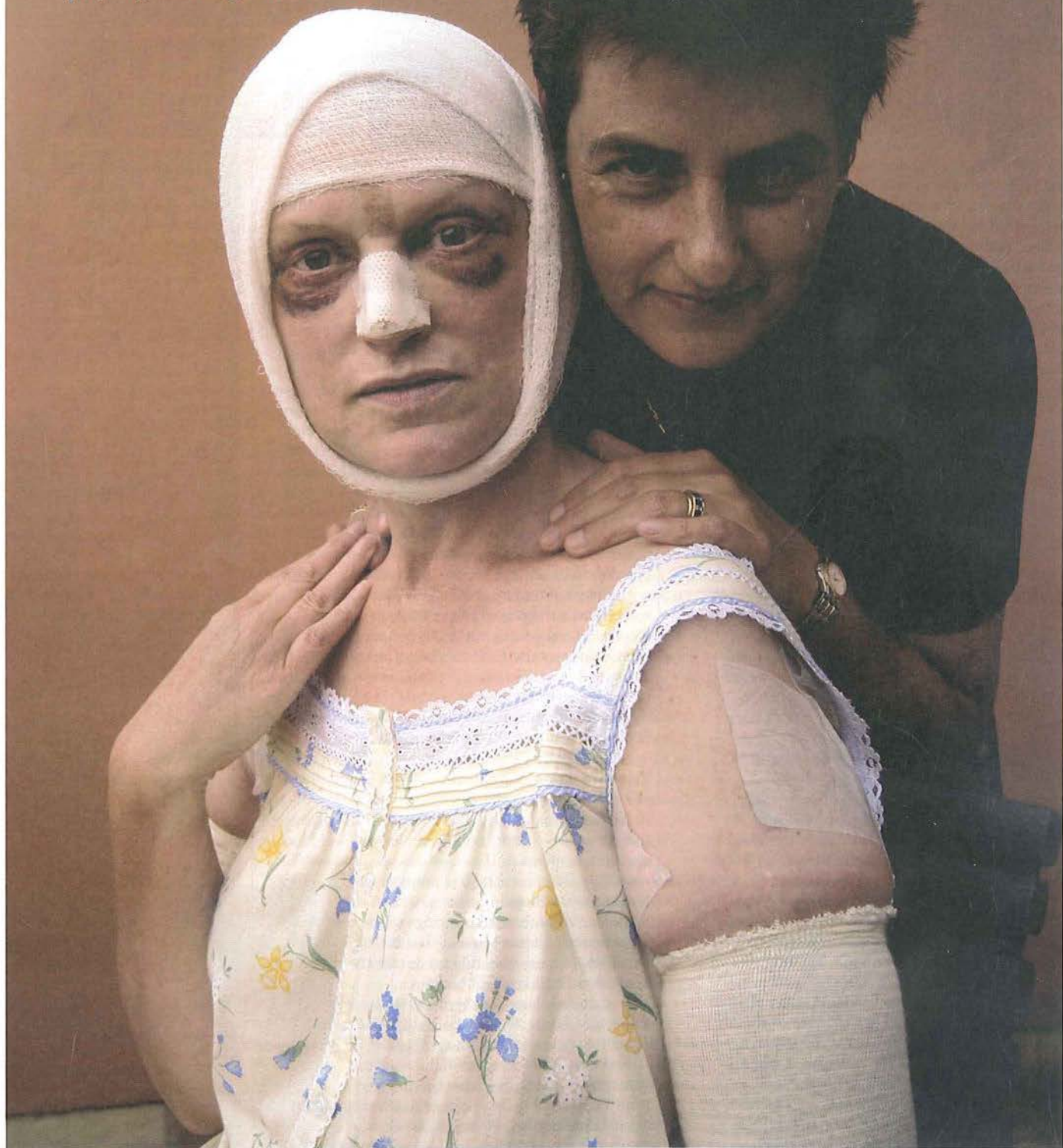
13 January 2003 Justice Minister Penuell Maduna confirms that a 520 page report by KPMG into the Saambou fiasco included allegations of criminal conduct by top executives. He says he referred the matter to the Scorpions.

14 March 2003 The Budget review includes a R4bn contingent liability for Saambou's losses. Commentary suggests the figure is about R2bn too little.

26 March 2003 The Reserve Bank rejects a bid by Business Day newspaper under the Promotion of Access to Information Act for the publication of the KPMG report on the basis that its disclosure “would be likely to materially jeopardise the economic interest or financial welfare of the republic or the ability of the government to manage the economy effectively”.

When secretary Lorraine Melvill (right) of Bryanston devised the ingenious Surgeon and Safari travel package, she took advantage of the cheap rand and South Africa's excellent medical practitioners to set up an innovative business for which she has been widely praised. But when she invited surgery patients to recover in her 'private guest cottage', she failed to tell them this was, in fact, her absent neighbour's luxurious home that she had been forbidden to use, and that they would be paying through their reconstructed noses to trespass ...

Picture: Louise Gubb / Corbis / Great Stock



All cut up in Bryanston

American businessman Gerald Mahoney loves to spend time each year in South Africa. So, when he announced at a dinner party that he was returning to a freezing US to have plastic surgery done to his drooping eyelids and a guest asked why – when it could be done as well in sunny SA – he jumped at the idea.

Not only was the operation done in Joburg a great success, it set his friend Lorraine Melvill on an innovative business course that has made her both famous (she was a Businesswoman of the Year nominee) and prosperous. And, observes Mahoney today, maybe it's also made her just a bit greedy.

Mahoney and Melvill, you will gather, are no longer friends.

Mahoney is a man of considerable means. When, after his hospital stay, he chose to recuperate in a luxury inn, he also arranged to have his own chef in attendance.

This was Melvill's "Aha!" moment. She devised Surgeon & Safari, which tempts wealthy visitors from the USA and Britain to have their plastic, dental or orthopaedic procedures done here, and then to spend time in the bush – in a luxury game lodge or five-star hotel, more likely – while the swelling goes down.

Mahoney encouraged Melvill, lending her money to start the business and spending yet more money on renovating her dilapidated house.

Mahoney himself owns no less than seven homes in various parts of the world. He prefers his own home to hotel rooms, even when he travels.

By contrast, Melvill, then a part-time secretary, was financially pressed, raising two sons on minimal support from her polo-playing and conveniently bankrupt ex-husband, Rick – he of Blue Moon Promotions. Her (only) home was, admittedly, on a large corner stand in Bryanston – but then it had a nightmare monthly rates bill to match.

Mahoney analysed the situation and came up with a plan to help out. He persuaded her to cede a life-right to the unused half of her plot to him. He would then build a double story house on "his" half, landscape the garden – and pay the rates pro rata. The use of the land, house and all, will revert to Melvill on Mahoney's death.

The service Surgeon & Safari offers includes booking the doctor, being taken to medical appointments and to and from hospital, followed by "Privacy in Paradise" to recover. Lorraine offered her clients a selection of "restful" five-star hotels – the Westcliff in Johannesburg and the Mount Nelson and Cellars in Cape Town – for their post-operative pampering. (The game tour comes a week or two later.)

Lorraine's service captured the world media's attention with advertisements that pictured a beautiful woman with plaster across her nose, against the background of the bush. What a good idea! said ... CBS, BBC, GMTV, ABC News, CNN Travel and CNN World, *Marie Claire*, *Essential*, *US News.com*, *Sunday Mail*, *Elle*, *Financial Times*, *Evening Standard*, *Telegraph*, *Guardian*, *Five*, *Forbes*, *MetroCafe*, *Fine Living*, *Company*, *Longevity*, *Seattle Times*, *Washington Post*, *Harpers*, *Business Doctor*, *Sunday Independent*, *Wall Street Journal*,

Media Toolbox, *Irish Independent*, *Forbes*, *Newsday*, *Star*, *Glamour*, *The Age*, *SA Millionaire*, *Ananova*, *London Life*, *The Scotsman*, *LA Times*, *Newsweek*, *Health Matters* and everyone else that mattered.

In fact, it was the visit by a BBC television crew that caused the first upset between Mahoney and Melvill. While abroad, Mahoney invited friends who were attending a medical conference in Johannesburg to stay in his Bryanston house. But on arrival they were refused entry by Melvill – she already had the BBC television crew staying there. An angry and embarrassed Mahoney called Melvill and told her she was forbidden to use or enter his house in his absence. (He is still trying to recover the cost of international calls the BBC crowd made.)

He didn't know the half of it. In addition to her usual list of five-star hotels, Melvill was offering recuperating clients the option of home care in her "private guest cottage" – her friendly neighbour Mahoney's luxuriously appointed house, actually.

Since doctors are forbidden to pay for referrals, Melvill was dependent for her income on commission on hotel bookings made for her clients and a service fee she charged her clients. Replacing hotel hospitality with her own therefore made good business sense.

Using Mahoney's house for the purpose made even better business sense – the unsuspecting guests were paying through their reconstructed noses to trespass!

The temptation was great: Melvill was pocketing R20,500 per person for

each twelve night stay, from each of up to three visiting patients, if bills found in the house are to be believed.

On his next visit to Bryanston in November of 2003, Mahoney found his house 'turned into a rent-a-bed facility'. "I found the house full of other people's stuff!" he exclaims. "And a lock on my bedroom door – I never use locks." His own belongings had been used, including a 24ct gold toothbrush, part of a vanity set from Neiman Marcus.

He noted that household items, liquor (including 30 bottles of his favourite wine), condoms, china and glasses were missing, interior locks had been picked and – horrors! – his beds that had been dressed in Ralph Lauren's khaki Safari line from New York, now had only plain white linen. Volumes from bound sets, monogrammed towels, glasses and plates were missing: "I haven't a complete dinner service of the two that were there," he said. "The garbage disposal in the kitchen sink and the tumble dryer were burnt out."

"Those people abusing my home must have had a f...ing good time at my expense," said a furious Mahoney.

While a locksmith he summoned was installing a pick-proof lock, the police arrived – in response to Melvill's

reporting a burglary in progress. They left murmuring about wasted time. But clearly war had been declared.

Having secured his house, Gerald left for the Kruger Park. On his return from safari, a few weeks later, he found an ablation block being built little more than a metre from his front door, its sewage run connected to his. He called his lawyer, Godfrey Norman of Norman, Wink & Stephens of Cape

'Those people abusing my home must have had a f*ing good time at my expense'**

Gerald Mahoney

Town, who discovered that this and other extensions to Melvill's house were being built without submission of plans or building permits. A Cease and Desist order from the Johannesburg City Council was ignored by Melvill; a demolition order is now in process.

Meanwhile, Mahoney has himself contracted to let his house to a film

company as a location for a film about the scourge of Aids, and is painting it to their specifications (he says): African Dawn up to waist height with a Hunter Green stripe separating that from Hot Lime up to as far as the painter could reach. The top part, culminating in Dutch gables, is still white, resulting in a Neapolitan ice cream look. Melvill has responded with a summons: she is suing him for painting the house obnoxious colours and interfering with her enjoyment of the amenities of her home. Melvill wants the high court to order him to repaint it the original white. And she is petitioning to have Mahoney banned from the property – the sheriff served summons on him in Cape Town on Christmas Eve.

"Her actions ignore the fact that she illegally converted another person's property to her own use and financial benefit, removed property, and caused other people to be squatters in her neighbour's cottage," claims a furious Mahoney.

We called Lorraine Melvill several times. "I am not interested in commenting," she said on our fourth attempt. "This is a private matter not for the public domain. I have two children whom I will protect at all cost." ▀

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What did squealer Thatcher tune the Scorps?

A full confession and detailed statement secured Sir Mark's plea bargain and release. But who holds the copies?

In the acres of coverage devoted to Mark Thatcher and the coup that never happened, a few details have been missed. What exactly did the baronet say in his statement to the Scorpions that led to his successful plea bargain? The intelligence bush telegraph has been humming over recent weeks with fresh names that the arms dealer and latterly micro-lender gave up to the state. Rumours abound of large amounts of money changing hands to buy the silence of anyone who has seen the statement.

Desperate times call for desperate measures, but it should be clear to even the most powerful plotter that a document of this sort will not stay buried forever. What proof do they have that Sir Mark will not give an interview to, say, *Vanity Fair* or the London tabloid newspapers for which he would undoubtedly be richly rewarded.

Ironically, publicity will soon become Thatcher's best form of security. By repeating the names publicly, he would reveal to the world who his potential enemies are and therefore reduce the risk of the proverbial "strange accident" silencing him forever. In terms of personal dignity and honour, he has little left after abandoning his mercenary chums and grasping the demanding claw of the South African state.

The plea bargain agreement secured by Thatcher's advocate, F Van Zyl SC, is an extraordinary document. Thatch-

er's confession appears in section 6.10 and 6.11: "At this stage, late December 2003 to early January 2004, the accused began to doubt Mann's true intentions and suspected that Mann might be planning to become involved in mercenary activity in the West African region. The accused began to suspect that the helicopter might in fact be intended for use in mercenary activity. Despite his misgivings the accused decided to invest money in the charter of the helicopter."

Let's go over the key words one more time: "doubt", "might", "suspect", "might in fact", "misgivings". Nobody would believe this stuff. Of course, it could happen to anybody. A friend suggests you enter into a business venture with him – you have a feeling it might be dodgy – but what the heck, give it a go. After a first investment of \$20,000, the entry at section 6.15 of the Thatcher agreement intensifies the surrealism: "At the request of Mann the accused made a further payment of \$255,000." As you would.

It is utterly unbelievable that the prosecution would have agreed to settle unless Thatcher had already provided substantial information relating to the aborted coup. You don't need to have been trained by the FBI to figure out the questions the Scorpions investigators would have asked: who else financed the operation? Which members of the South African establishment approved ("blessed") the operation? Which for-

The accused began to suspect that the helicopter might in fact be intended for use in mercenary activity

eign governments were cognisant of the operation? The key to the plea bargain is point 9 on page 6: "The accused undertakes to *continue* to cooperate fully with the National Prosecuting Authority in their investigation of this matter." [*nose emphasis*] If the above statements are an example of cooperating fully, then the South African judicial system is beyond redemption.

On Wednesday 16 February, a number of South African journalists received anonymous telephone calls informing them of two of the names included in Thatcher's statement. It is only a matter of time before the contents of the statement become a dinner party topic of conversation: end-



lessly talked about but never printed. Look out for clues in the newspapers: articles on Thatcher positioned next to unrelated photographs; strange hints without the punchline; speakers on television and radio who go a little too far. A similar conspiracy of (partial) silence occurred in Britain last year concerning a story about Tony Blair's family. By now, tens of thousands of people around the world undoubtedly know the secret.

Eventually, the Thatcher statement will surface because it has a huge political value. The number of people leaving the Scorpions has become a flood as the likelihood increases that South Africa's FBI will be subsumed within the police. It has been understood for many years within the intelligence community that power no longer emanates from the barrel of a gun but from access to decisive and compromising documents. Many members of the former and current intelligence agencies have hoarded incriminating reports, but few possess the analytical skill and balanced temperament to employ their papers effectively.

The former ANC politician, now businessman, and the senior security official named by the anonymous caller should be in no doubt that a document such as Mark Thatcher's statement will not rest undisturbed in the filing cabinet, it will have a frightening ability to breed. Photocopy will beget photocopy. People will use the statement as leverage, as a calling card, as a form of currency and most particularly as a symbol of spooky machismo. No wonder people don't want to be informers. ■

A plague on horrid Mr Porritt

The many victims of conmen Jack Milne and Gary Porritt are unlikely to recover their losses any time soon – if at all. The authorities responsible for sorting out the mess left by their financial shenanigans appear to lack either the will or the competence to deal with such slick operators. Porritt's latest scam is to employ bizarre excuses to explain his inability to appear in court. An example of this extraordinary ruse was when Frank Cohen, Porritt's attorney managed to get a postponement because he had a sore knee. But that came later. First, the story of the con.

In 2000, Milne established PSC Guaranteed Growth, an investment fund that according to its prospectus planned to invest in a wide range of financial opportunities. Milne had long been known as something of a financial guru and was an outspoken critic of the local investment industry. Within no time, 4000 investors had been persuaded by the words "guaranteed growth" to hand over R250m to the PSCGG fund. But instead of depositing the money in a portfolio of investments, Milne, paid the money to entities controlled by Porritt, who was then chief executive of a JSE-listed company called Tigon.

Porritt transferred much of the money he received from Milne to two entities he controlled – EBN Trading (Pty) Ltd and the Awethu Trust. In April last year the liquidators of PSCGG were able to prove claims of R105m and R52m against EBN and Awethu respectively. EBN and Awethu then made massive transfers to trusts and other entities controlled by and benefiting Porritt and his family. In early 2003, PSCGG collapsed and was placed in liquidation. Shortly after, EBN was placed in provisional liquidation, and Awethu was provisionally sequestered. In February 2004 the liquidation and sequestration of EBN and Awethu was finalised – and the Master of the Pietermaritzburg High Court

A sore knee,
the mysterious
disappearance of his
wife (who was later
found in a ditch
having swallowed
a substance),
opportunistic
pancreatic cancer,
and the sudden
onset of diarrhoea,
are just some of the
ailments to have
afflicted the Porritt
family on the way to
court

announced an enquiry in terms of section 415 of the Companies Act into the affairs of EBN and Awethu.

In the same month Milne pleaded guilty and was convicted of fraud. At his trial he named Porritt as the driving force behind the PSCGG scam. Milne was sentenced to eight years in jail (three suspended) but was released after serving only eight months of his sentence. Milne's early release was conditional on his agreement to co-operate fully in the criminal case against Porritt. But more than two years after Porritt's arrest in December 2002 the charge sheet against him has yet to be issued.

The central purpose of the Pietermaritzburg enquiry is to investigate the assets of EBN and Awethu and establish a legal basis on which to recover amounts owing from the Porritt trusts, and, hopefully, to repay them to the pensioners and working folk who have lost their savings. Among the known assets of the Porritt trusts are farms that are believed to cover wide swathes of southern Natal – land in the Mount Currie area with thousands of hectares of valuable timber, and prime cattle to the value of R15m. The farms are understood to be worth close to R100m. It is likely that there are other assets too in the Porritt trusts that the EBN and Awethu liquidators will be able to sell.

But Porritt is fighting the process every step of the way and has so far succeeded in preventing progress at the enquiry. To achieve this, he has had to employ strange and peculiar tactics. In October 2004, Porritt's wife, Bernice, was unable to give evidence at the enquiry because she was anxious and depressed. The following month Mrs Porritt was again scheduled to give evidence to the enquiry, along with her father, Doug Knight, a trustee of Awethu. But on the morning when the enquiry convened, Frank Cohen, Porritt's attorney, informed Alec Brooks – the attorney representing the liquida-

tors and trustees – that Mrs Porritt had disappeared.

While Mr Porritt searched for his wife, Cohen further informed the enquiry that Mr Knight would not be able to give evidence as he was suffering from pancreatic cancer. He produced a medical certificate to that effect. The Master, Alex Potgieter, refused to accept the certificate and ordered Knight's attendance. Cohen claimed to be unable to locate Knight, who was later found to be at home. (Cohen said that he had repeatedly telephoned Knight's home but that no one had answered.) In spite of being

Porritt's wife, Bernice, was unable to give evidence at the enquiry because she was anxious and depressed

ordered to attend the enquiry by the Master, Mr Knight did not do so, saying that he was upset by his daughter's disappearance. According to informed sources Mrs Porritt was later discovered "in a ditch" having taken "a substance".

In January, when the enquiry reconvened, Mr Knight's pancreatic cancer appeared to be less troublesome – but he was nevertheless still unable to give

evidence because of a sudden onset of diarrhoea. Mrs Porritt was also unable to attend in January. Cohen produced a note from a psychiatrist to say that she was undergoing treatment, and that her mental state was such that she would not be able to give evidence to the enquiry that day.

If it is Porritt's intention to stymie the progress of the enquiry he clearly has no shortage of tricks up his sleeve. Porritt's latest legal manoeuvre was unveiled at the 24 January meeting when his wife and father-in-law were again unable to give evidence. Porritt's scam is to challenge Brooks' standing as a representative of the liquidators of PSCGG, ABN and Awethu. This has been rejected by the liquidators and the matter has been referred to the Masters of the Pretoria High Court for a ruling.

In the meantime, the PSCGG investors group has run out of money. Each day of the enquiry costs the investors R1800 per hour, from the time Brooks leaves for Johannesburg airport to fly to Pietermaritzburg, until the time he returns in the evening. Porritt on the other hand can afford to pay Cohen indefinitely because he has the shareholders' funds at his disposal.

The Master of the Pietermaritzburg High Court has so far proved unable to conduct the enquiries. The PSCGG investors are hoping that the Master will eventually take action to compel Porritt and his associates to answer questions. Or has the time come for the Asset Forfeiture Unit to step in? **W**

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TOUGH LOVE: (left to right) St Stithians' deputy head Dave Ryan, and head Ian McLachlan with Bobby Skinstad and Thomas Hagspihl at Hilton College

A school divided

St Stithians Boys College, the famous Methodist church school that provides an expensive private education (fees R46,600 a year, plus R34,560 for boarders) for the sons of Johannesburg's elite, has been shaken by a secret report which castigates long-standing headmaster, Ian McLachlan. The scandal has caused a deep rift between the head and the supremo of the five schools that make up the St Stithians empire, rector Stephen Lowry.

The 155-page report, of which *noseweek* holds a copy, is the product of a Pastoral Commission established at the request of Bishop Paul Verryn, Methodist Bishop of Johannesburg, after six matric boys were expelled for drinking on school premises.

The drama started on the eve of Valentine's Day last year when a dozen students, aged 17 and 18, were given permission to sleep over in a classroom so they could prepare gifts of roses for Valentine's Day. Bizarre though this activity sounds, it's apparently a tradition at the school. At around 2am, a housemaster based on the college's 90-hectare estate

Intrigued by an anonymous letter, we decided to investigate a 'scandal' at St Stithians. A number of questions arose: Is the headmaster an authoritarian who overstepped the mark in expelling six students? Or have 'human rights' invaded the private school system? Either way, it's clearly a case of 'Goodbye, Mr Chips' forever. And why has it taken a *noseweek* investigation to uncover the truth?

in Randburg heard a disturbance from the classroom. He discovered evidence that pupils had been consuming alcohol.

The master summoned a deputy head of the college, Dave Ryan. Ryan found eight boys in the classroom, three of whom admitted drinking. Ryan mounted a security guard at the classroom and, as he left, noticed a car about to depart. He stopped it to discover four more of the sleepover boys inside, one in "an advanced state of intoxication". Two of the others admitted consuming alcohol.

The next day, McLachlan and his two deputy heads, Ryan and Dave Knowles conducted a three-hour grilling of the students. According to notes made by Knowles, the boy who had been "very drunk" had consumed four Black Labels in a shebeen before coming to the sleepover. McLachlan told the six they were being asked to leave the school and they should inform their parents accordingly.

Some of the boys had been at "Saints", as the college is known, since their early education and all were in their final year. The parents were shocked that

they had not been immediately informed by the school and that their sons had not received representation when they were interrogated by McLachlan. For five months there was a flow of correspondence between the parents and the college administrators. Most of the letters were directed to McLachlan, rector Lowry and Nick Dennis, chairman of the college's governing council – Dennis is CEO of the listed foods group Tiger Brands.

The parents claimed there had been no proper inquiry and that the outcome was pre-judged; that there had been a failure to involve them at the first opportunity; that the "investigation" had been conducted in their absence; that the punishment imposed was particularly severe since all concerned were matric pupils; that the sanction was inconsistent with previous cases concerning alcohol; and that there were threats that no help would be provided to get the boys into other schools if the parents insisted on a formal disciplinary hearing, or proceeded to litigation.

Getting no satisfaction on these issues, the parents finally wrote to Bishop Verryn, who sits on the college council. Verryn established a Bishop's Pastoral Commission of inquiry into the matter. Its chairman was the Rev Okkie van Niekerk, a former attorney who is Methodist minister at Bedfordview and other key members were advocate Gilbert Marcus SC and Colin Northmore, head of Johannesburg's Sacred Heart College.

Lowry, who had just completed his first year as rector when the boys were expelled, declared: "The way in which the matter was dealt with, and the severity of the sanctions, raises questions about the kind of ethos and human rights culture to which this school aspires and of which it is justifiably proud ... The college recognizes the pain and suffering caused to the boys in their matric year."

It was agreed that McLachlan would write a letter of apology to each boy. This brief note ended: "It is important that you understand that, throughout the time that I was dealing with the issue, it was never my intention to cause you any harm and that if that was the case I hope you will accept my apology."

By this stage it was clear that an appalling rift had emerged between the authoritarian headmaster and a liberal faction of the governing council. The parents were apparently equally split on the subject. McLachlan himself told the commission: "The rector's statement has in fact caused a severe division between the office of the rector and the boys' college executive and members of staff because it is perceived as a direct attack on their professionalism, competence and their ability to handle matters of this nature."

McLachlan's discontent expedited the commission's next step – to investigate allegations that the boys' human rights had been violated. At the first hearing McLachlan was accompanied by his two deputies, plus the "entire senior executive of the Boys College", and the college's attorney, Eric Truebody, of the top law firm Bowman Gilfillan (Truebody's fee to the college for his services in the affair totted up to around R300,000).

The commission directly criticised the "investigation" conducted by McLachlan and his deputies: "The boys had no representation at all ... the process was inappropriate and intimidating ... Moreover, we are by no means satisfied that the investigation was as thorough as Mr McLachlan would have us believe. It is clear, for example, that not all the boys present at the classroom were interviewed ... We were constantly told that the school did not discover the whole truth ... We are left with the overwhelming impression the investigation was both over-hasty and inappropriately conducted."

a person wielding power and authority." The report emphasises: "The errors and breaches we have found are, in some cases, serious. Mr McLachlan is at the centre of these adverse findings."

The commission's recommendation on school discipline is that "neither Mr McLachlan nor any other College principal or deputy should unilaterally be permitted to exercise disciplinary powers which may result in a learner being asked to leave the college."

In effect, the commission found that McLachlan could not be trusted to administer discipline in the school: "We have endeavoured to determine whether the incident in question was merely an aberration on Mr McLachlan's part or whether he regards his own conduct as beyond reproach. We have concluded that it is largely the latter." In the light of this it is staggering that McLachlan has neither been dismissed nor resigned.

The Pastoral Commission submitted its report to Bishop Verryn last September, and he passed its findings and recom-

When interrogated, the boy who had been found 'very drunk' told McLachlan: 'I'm really worried about myself. I think I need help with alcohol'

When interrogated, the boy who had been found "very drunk" told McLachlan: "I'm really worried about myself. I think I need help with alcohol." The report comments: "This admission by a 17-year-old boy is startling in itself. It demanded a far more nuanced response than a blunt request to leave the school. This revelation ought to have been regarded as a cry for help and the first significant step to rehabilitation. Yet it was ignored. We regard this in the gravest light possible."

The Pastoral Commission found that the human rights of the six banished boys had been severely violated. It ruled that the failure by McLachlan to respond to the 17-year-old's admission that he believed he had a problem with alcohol was an extremely serious omission and a failure to fulfil the duties required of a person in authority; and that McLachlan became "personally involved" in the issue when he threatened to resign should the disciplinary hearing of the one boy who requested it go against the college: "This is considered to be an extremely serious breach of the duties required of

mendations to the St Stithians governing council. For the five parents, it took an attorney's letter of demand to the commissioners under the Promotion of Access to Information Act before they got copies.

The five do not want their sons reinstated at St Stithians – all have now passed matric at their new schools. The parents accept that the eve of Valentine's Day booze-up was a serious matter. However, they want safeguards to ensure that the arbitrary way in which their sons were treated never happens to other boys. To this end they want the report detailing McLachlan's actions to be made public.

The message to parents who might be considering St Stithians for their children is stark: Discipline at St Stith's is a very elastic concept and only a few on the governing council are prepared to do anything about it. The desperate attempts to suppress the story demonstrate that the school is far more concerned to avoid publicity and protect its brand than it is to consider and address the issues raised by the Pastoral Commission. ■

THE DAVISON CASE & WELZ'S CELLPHONE

Last year, Anglo-Platinum chairman Barry Davison claimed in the Pretoria high court that his ex-wife Sally had instigated the story about their marriage and divorce that appeared in *noseweek*, and that she had done so in a bid to force him to increase his R7-million divorce settlement offer. (Mr Davison admitted in court to being worth R65 million but refused to divulge details of his offshore bank accounts or his secret application for amnesty with regard to his illegal offshore holdings. *noseweek* described his settlement offer to Sally as "cheapskate".

He wanted the court to penalise her for talking to *noseweek* (as he claimed) by reducing the amount he might be ordered to pay her. Sally Davison denied being *noseweek*'s source for the story or that she had instigated it. *noseweek*, too, denied that she had been the source of the story. It attributed the story to "various people in the Davison circle".

On 29 September last year *noseweek* editor, Martin Welz, was in the Pretoria high court, having been summoned to appear as a witness in the Davison divorce case later that day – when Mrs Petronella Heynecke stepped up to the witness stand to testify for Barry Davison.

Mrs Heynecke started by describing herself as a "fraud specialist employed by Vodacom".

She then handed into court a bundle of documents relating to a particular cell phone number - which rang a bell for Mr Welz. She started with a document giving the cell phone owner's home and work address, his landline numbers, credit references and details of his bank account.

But there was no time to ponder those curious tidbits of information: Ms Heynecke moved straight to the miracle of modern telecommunications technology that is Vodacom's fraud management system. She produced a computer-gener-

ated record – untouched by human hand or mind, and therefore 100% accurate, she assured the court – that, column by column, identified every single call that had been made and received, over a five-week period, by the cell phone whose number appeared on her file.

Presumably only to make it more tantalising, the document was headlined: "CALL DATA IS CONFIDENTIAL AND CANNOT BE DIVULGED TO ANY OTHER PARTY."

"The customer is M S Welz, is that correct?" asked Mr Davison's counsel. "That is correct," confirmed Ms Heynecke.

Mrs Heynecke explained: "This is live data that contains all the activity on the particular cell phone number from 1 February until 5 March 2004: the date and the time of each call; whether it was an outgoing call or an incoming call; the duration measured in seconds; and [here's the punchline] the number that was dialled or the number that the incoming call was received from."

As a bonus, in the last column, the tower that received the call was identified, effectively indicating where the caller was when he made the call.

At this stage of proceedings Welz strode down the isle of the court. The official transcript takes up the story:

PERSON: Excuse me, my lord.

COURT [JUDGE BOTHA]: Yes?

PERSON: My name is Martin Welz.

COURT: Yes?

MR WELZ: These are my telephone records that are being discussed here. I have received no notice that a subpoena was issued for the records of my private telephone records. I regard this as a very serious invasion, both of my personal privacy and of my professional privacy. This is a telephone that is used for the gathering of information for the Press and the Press frequently has to function on the basis of keeping the identity of its sources confidential.

This witness's evidence here is, in any

case, a contravention of the Post Office Act. It is in contravention of several clauses of the Constitution. I am not qualified as counsel to address you on the finer details of the matter. But on what authority has she produced my records here without notice to me?

There are many provisions, my lord, in the law to protect the privacy of communications and even the mere existence of a private communication. This is a gross infringement of my rights.

COURT: Yes?

MR WELZ: I would ask that this material not be admitted into evidence until such time as I have had proper opportunity to study it and to brief counsel to argue the matter further. I actually find it outrageous that I have to go to this expense to protect rights that should be obvious to any legal practitioner. I find it outrageous that the plaintiff's lawyers have seen fit to serve such a subpoena without notice to me, when they are subject to the Constitution; my lord, not only are all laws subject to the Constitution, but practice is also subject to it.

The only reason why I am not rushing in and asking for this case to stand down, is that I am not in a position to tender the costs of a postponement. I am in the unfortunate position of a citizen who cannot compete with the other players in this court when it comes to finance.

At the same time I am not prepared to let it go by. It is far too important for me in the long run. I have a life to lead, and a living to earn, and a reputation.

COURT: Mr Welz, you appreciate that we are in the midst of a long case and both parties, I would imagine, are keen to get going. We are right at the end of the evidence.

MR WELZ: Then, my lord, they must not introduce this sort of evidence.

COURT: Yes, no, well I do not want to prejudice your right to object to the evidence and to obtain legal representation.

I want to suggest that we excuse this witness at this stage. [This case] is not going to be completed this week. When it resumes you can argue that point of yours and it will have to be decided and the evidence will be either admitted or rejected according to what I will find on that issue.

[At this stage of proceedings, Mrs Davison's senior counsel, Gerald Farber, told the court that she would not be opposing the admission of Welz's telephone records – and her own MTN records – as evidence by Mr Davison. We can only surmise that she feared that any objection that she made could be interpreted as fear of exposure – or an implied admission of guilt.]

MR WELZ: I am a little perturbed by defendant's counsel's suggestion of some sort of agreement to admit this evidence into the record in one form or another.

COURT: It would probably be in a very reduced form because I mean obviously nobody in this court has an interest in all the calls that you made. I mean ... (intervenes)

MR WELZ: Well I do not know, my lord. I do not know which calls might interest the plaintiff in particular, who I gather is particularly angered ... and he would not necessarily react here, in this court, my lord.

The rules of court [which provide for the issuing of subpoenas such as the one which required Mrs Heynecke to produce Vodacom's confidential records for Mr Davison to see and for his possible use in court] are there to facilitate procedure, not to facilitate the invasion of Constitutional rights.

COURT: I do not deny your right to raise your objection - in principle, I would say that anybody whose private information is going to be disclosed, even if it is held by a semi public body like Vodacom and Telkom, or whatever, that such a person may have the right to object; we must just arrange that it can be dealt with at a convenient stage without holding up the trial at this stage.

It is at about this stage that Mr Michael Kuper, senior counsel for Mr Davison, rose to address the court on a new point:

MR KUPER: My lord, I was instructed that today of all days there have suddenly been a number of press reporters present in court. I wish to ask your lordship to draw the attention of those who may be present to the provisions of the Divorce Act which would in terms of Section 12 prohibit the publication of the proceedings in this matter ... and since, my lord, when Mr Welz gives evidence, I will certainly be raising with him aspects that deal with this prohibition, may I ask that your lordship do draw attention to

those provisions, so that there can be no talk of ignorance or misunderstanding in regard to other members of the press who may be present.

COURT: Yes, I have been asked by counsel for the plaintiff to draw the attention of any press reporters who may be present in court, that the provisions of section 12 of the Divorce Act, Act 70 of 1979, do apply. This case remains the second leg of a divorce action, even though the divorce has been granted [two years previously]. Section 12 therefore still applies.

Next morning, having considered the matter overnight, the *noseweek* editor - still on the witness stand under cross-examination by Mr Davison's senior counsel, Michael Kuper - once again raised his concerns about his telephone records:

MR WELZ: My lord, if I may just take three minutes to give you some idea of what the issue is. A publication like *noseweek*, in fact most news publications are largely dependent on members of the public for information and [in turn] if they are going to have a free press as guaranteed by the Constitution, members of the public must feel free to approach the media. In a publication like *noseweek* it is even more critical, because we specialise in the sort of information that comes from whistle blowers who feel at risk. They frequently make tentative phone calls to us to discuss the problem and to establish what sort of undertakings of confidentiality we can give them. Only subsequently may a decision be made to tell their story or to give their permission for publication. A publication like ours could not exist if confidentiality was not guaranteed - in the end a free press could not exist if everybody lived with the fear that merely by serving a subpoena *duces tecum* on a medium of communication such as Telkom or Vodacom, it will be revealed that they have made a call to *noseweek*; their identity, the time of their call, and the duration of the call can be determined. Therefore, not only is this a gross infringement of my and the caller's privacy, it endangers a free press. At the moment I have no idea whether the plaintiff in this case may not have issued other subpoenas on other parties and may not in the meantime be perusing other lists of information that I do not know about and that your lordship does not know about. I do not know, as we speak, whether Mr Davison or anybody else who has had access to those lists is not, as we speak, telephoning all those numbers, identifying all the persons who may have called *noseweek* in the period that they speak of. That has to be stopped at once, my lord. I cannot be exposed to that risk



until this court reconvenes for a further hearing in December or whenever. I wanted to put this on record under oath.

I have secured counsel, who I trust and who I believe understands the media particularly well. He is in Cape Town and could be here tomorrow morning; he will be ready to argue all the legal points of the law in terms of the constitution and any other laws and case law which might be relevant because, my lord, I will be seeking an order ... (intervenes)

COURT: Yes, but the fact is that this matter is not proceeding tomorrow. It will be postponed [till December]. If you wish to take action in the meantime, you will have to use other procedures, which are available to you.

MR WELZ: My lord the other point I wanted to raise was in terms of the Constitution it is the duty of the person who wishes to infringe on another citizen's fundamental rights, to bring an application to be allowed to infringe on those rights.

COURT: I think in order of chronology, we should adhere to what we are doing. At this stage you are a witness of the defendant and I think she would dearly love to have your evidence done with. Then we can revert to this issue. It may even be that some of your fears are not realistic in the sense that there may be efforts to phone people or there may even be an undertaking not to do that.

MR WELZ: My lord, I would prefer an order on that.

COURT: There are other things as well. If you come with an application one has to consider the form in which that is made and how the plaintiff is to respond; whether by way of argument, or by way of affidavit. I would just suggest we get your evidence over and done with and then we can look at your application.

MR KUPER (for Mr Davison): Mr Welz, perhaps it would calm your nerves, if I tell you - and I would not debate it with you, but I will tell you - that my instructions are that there are no other subpoenas; that just as soon as we can confirm through you what the telephone number is of your cellphone, we can agree with his lordship that the Vodacom schedules produced by Mrs Heynecke can be put aside in some secure way or in fact surrender it from the court file. It is of no consequence. You can think it over and decide whether, in the circumstances, you want to press for any of the applications or relief that you wish. But

can I now ask you to come back to the evidence.

And so the cross-examination of Mr Welz about the contents of the *noseweek* article continued. Inevitably, after a time, it returned to the subject of telephone calls.

MR KUPER: What is your cellphone number?

MR WELZ: I do not understand why I am asked the question, barring that it might have reference to the list of telephone calls that has been submitted in this court.

ADV. KUPER: Quite so. Quite so.

So much for Kuper's earlier assurance that if the number was provided, he would no longer have any need for the schedules produced by Vodacom. Of course he intended cross-examining Welz on the calls to and from Mrs Sally Davison and her attorney Mr Gundelfinger listed in the Vodacom schedule. And so the point was reached where the hearing of Welz's objection to the production of his telephone records could no longer be postponed. Judge Botha determined that the hearing would take place when the Davison trial reopened in early December.

By the time the court reconvened on December 1, affidavits had been exchanged between the parties about the issue. In his affidavit Mr Davison contended that if Welz wished to challenge the constitutionality of the Supreme Court rule that authorises the issuing of a subpoena such as the one served on Vodacom, he had to do so by way of formal written application, citing the Minister of Justice in addition to all the parties in the case. Judge Botha would, in the course of argument, suggest that Telkom and the cellphone companies should probably be added to the list of parties to be cited in such an application.

Appearing for Welz, Advocate Steve

Kirk-Cohen submitted that this could not be so: "Mr Welz says in his affidavit that it is beyond his means to bring such an application." [In bringing such an application, Welz would have run the risks of incurring the legal costs in the high court of at least five different parties, all of whom would probably have come to court with senior and junior counsel. Total cost R500 000.] The Bill of Rights applies to all law and binds all organs of state, including the judiciary, said Kirk-Cohen. "If in the course of normal proceedings such as in this trial, an infringement of a constitutional right arises, it must be addressed. We submit that the jurisprudence must develop for all courts to, of their own volition, raise and address constitutional issues in order to acquit themselves of the role given them by the Constitution," Kirk-Cohen argued.

Against him, Advocate Matthew Chaskalson (son of the Chief Justice) argued for Mr Davison that the rules of court did not allow for a law to be challenged as invalid in terms of the Constitution without joining the appropriate minister of state in a formal application to court. The Constitutional Court has on a number of occasions so determined, he said.

Referring to Welz's statement that he could not afford to bring such an application, Chaskalson declared: "M'Lord, why it would be unduly expensive to serve a notice of motion on the minister of justice is not clear to me."

[Why it should not have been clear to advocate Chaskalson became clear to us when his bill for appearing in the application arrived: he charged R17,500 per day for each of two days at court, plus just short of R15,000 for taking the brief. Total R50,000 for two-and-a-half days work.]

Judge Botha agreed with Mr Chaskalson. Rule 10(A) of the high court rules

require that the national executive authority – in this case the minister of justice and constitutional affairs – must be joined if the constitutionality of Rule 38 – the rule in terms of which subpoenas are issued – is to be challenged.

"Assuming that the particulars relating to cell phone calls ... amounted to an invasion of Mr Welz's privacy, the fact remains that the particulars are relevant to issues in a trial between other parties. Then infringement is of a minimal nature," said the judge. Production of the evidence was, in his view, a justifiable limitation of Mr Welz's Constitutional rights.

The judge made two further, curious observations: the production of Welz's private telephone records were not so serious an infringement, he thought: since a trial under the Divorce Act was secret, no-one outside the court need hear about it! The second was equally thought-provoking: "It is debatable," said Judge Botha in dismissing Welz's objection, "whether there can be privacy when one uses a public telecommunications system that, for various reasons, records all data relating to its usage."

Put that in your pipe and smoke it.

Judge Botha ordered Welz to pay Mr Davison's costs in opposing the objection. As a concession he ruled that Welz need only pay the costs of one of the three advocates representing Mr Davison in court.

Add Mr Davison's attorney's charges of R30,000 to Mr Chaskalson's fees, and you have the bill: R80,000 for daring to claim your rights under the Constitution in a court of law.

Put that in your pipe and smoke it again.

■ *noseweek* plans to apply to the Constitutional Court for a Declaratory Order if sufficient funds can be raised. If you wish to help, call the editor.

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Readers will recall the saga of Sir Laurens van der Post, detailed in *nose35*. The Colonel, as he was often known before his knighthood in 1981, was an exceptional fellow: writer, farmer, soldier, "explorer", conservationist and lover. But perhaps his greatest and longest lasting achievement was to become the finest confidence trickster in South African history.

You won't find much reference to the fantasies, lies and deceit of Sir Laurens in the 2004 edition of *The Oxford Dictionary of National Biography*. The new *DNB* is a huge compendium of biographical entries gathered in 60 volumes and retailing for £7,500. It is also available on the internet for a fee of £195 per annum. The entry on van der Post was composed by Christopher Booker, a British writer who was for some years a lodger in Sir Laurens's Chelsea penthouse apartment.

The *DNB* entry for Post, Sir Laurens Jan van der (1906-1996) is fascinating for its evasions, errors, sources and allegations. The evasions are intensely amusing. Booker notes, for example, that "Ingaret [van der Post's wife] was now entering a twilight of dementia, and he [LvdP] valued the time he was able to spend with a long-standing friend, Frances Baruch." Baruch was, as any reader of JDF Jones's *Storyteller: The Many Lives of Laurens van der Post*, John Mur-

ray, London, 2001, would know, Laurens's mistress. "Long-standing friend" must rank with "tired and emotional" (paralytically drunk) or "confirmed bachelor" (rampant homosexual) in its euphemistic majesty.

The errors in Booker's essay usually reflect a preference for van der Post's creative interpretation of reality over JDF Jones's rigorously researched factual accuracy. But there can be no excuse for the inaccurate spelling of Philippolis (here rendered as Philipolis throughout). Even the great charmer didn't attempt to reinvent the spelling of his place of birth. Booker's sources are also strangely revealing: the vast bulk of the biographical detail in the *DNB* portrait is drawn, barely credited, from *Storyteller*.

Finally, the allegations. In an extraordinary pair of sentences towards the end of the van der Post entry, Booker claims that *Storyteller* was "... perhaps the first 'authorised' biography whose chief purpose was to demolish its subject's reputation ... But even this remorselessly negative and often inaccurate account could not conceal ...". An incredible pair of statements that are surely not worthy of either a serious writer or an important publication. Any reader of *Storyteller* should have recognised the degree to which JDF Jones wrestled with the intractable problem of discovering that his subject was a pathological liar. What was Jones supposed to do? Collude with the deceased van der Post and cover up his multiple dishonesties? To describe the book as "often inaccurate" is quite simply mind boggling at the end of a biographical entry that has literally looted *Storyteller* for accurate facts.

Thankfully, JDF Jones is not a litigious man because our learned friends could have had a lot of fun with Booker's allegations. Nevertheless, the *DNB* should act swiftly and remove the above slurs from their website. Christopher Booker notes in the biographical entry that "... in writing about his life, [LvdP] had sometimes blurred fact with fiction." It seems to be infectious.

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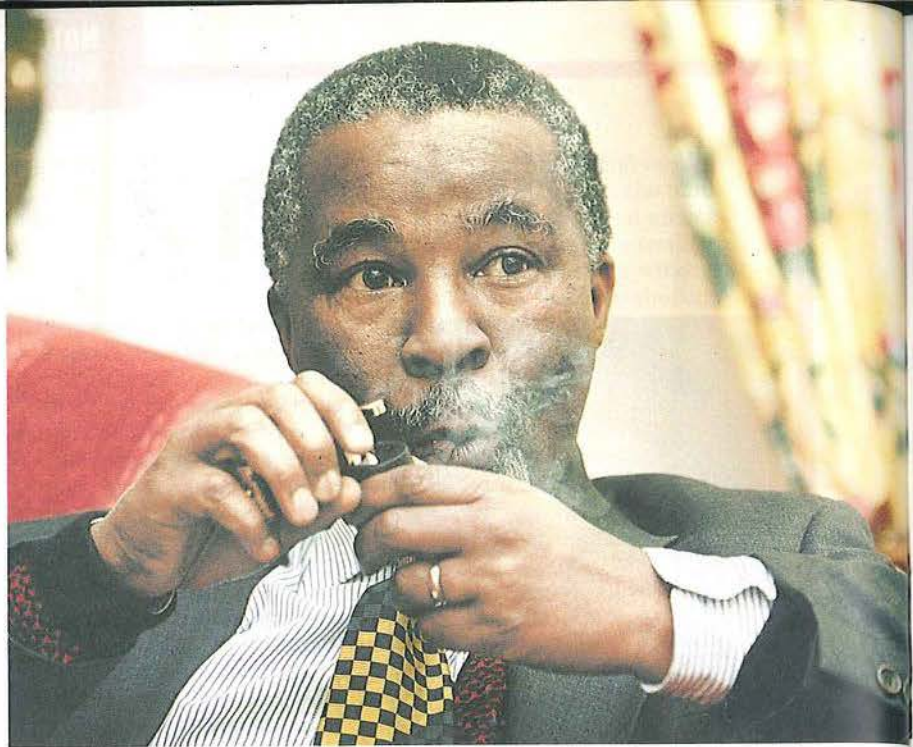
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Should he stay or should he go?



An intense debate is bubbling in the ANC regarding President Mbeki's future. Would it be so awful if he decided to stay on for a third term?

In one of the Mail & Guardian's more hysterical periods during the stewardship of (Dr) Howard Barrell, an extraordinary front-page and editorial were published that screamed the headline: "Fit to Rule?" Legend has it that the editorial was composed during an extended telephone conversation between the good doctor and a certain leader of the political opposition. Of course, the editorial made no impact at all and within twelve months, Howard had departed for the rainier climes of South-West England and an academic post teaching media studies.

At the time of the M&G outburst, Thabo Mbeki had been President of South Africa for two years. This year,

he will celebrate six years at the helm. Is there any reason to believe that he will either want to stand down in 2009 or that the ANC will be prepared to let him?

Most *noseweek* readers will cite the Constitution as the reason that Mbeki will retire gracefully to a comfortable sinecure at the UN or a senior position within the AU. But what if the ANC decides that it would rather keep the politician who in 2004 delivered the biggest election victory in South African history. There is little doubt that if the party was minded to retain the "great helmsman", the small matter of constitutional change could be addressed.

Changing a Constitution that was composed only nine years ago would create a stir but the ANC would be able to cite multiple justifications. In Britain, for example, Tony Blair, who is not subject to term limits, has recently announced that he intends to serve 'a full third term' but not seek election for a fourth. Would the United States of America have engaged in the 'war on terror' with quite such imperial abandon if Bill Clinton had been permitted to serve a third term as President? (Clinton's poll ratings in 2000 suggested that he would have trounced George Bush II).

African precedents are even more dramatic: Robert Mugabe is about to complete a quarter of a century as President of Zimbabwe. No balanced commentator would suggest that Mbeki

is a Mugabe in-the-making. In fact, as we now know the South African Secret Service is labouring under the guise of 'quiet diplomacy' to lever Mugabe into retirement. Is there not something distinctly patronising in the suggestion that ANC leaders are not trusted to serve more than ten years in charge of the country?

Leaders of the National Party, for example, faced no such stricture. Balthazar John Vorster served 12 years from 1966 to 1978 and PW Botha led the country for 11 years. Both were eventually removed by their own party. Who is to say the ANC is not equally capable of removing Mbeki when he outlives his usefulness? Tony Leon, despite two election defeats and multiple attempts to construct electoral alliances, is now serving *his* third term as leader of the DA. To complicate matters even more, Mbeki is permitted to stand for the presidency of the ANC in 2007 and he shows every intention of doing so.

The idea of Mbeki retaining control of the party while positioning his own candidate for presidency of the country is known in ANC circles as the 'dual centres of power' thesis. The strategy is that as president of the ANC, Mbeki will be able to reduce the burgeoning power of the state presidency and retain the entirely legal option of standing for re-election as President in 2014, when he will be 72 (three years younger than Mandela was in 1994). But it is surely an inherently unstable scheme. As Mrs Thatcher discovered after she backed John Major as her successor, the puppet with access to the muscle of state power can recover control of

its own limbs. It is far more likely that Mbeki having gone through the fire of re-election to the presidency of the ANC will be unable to resist plucking the final apple from the tree.

What are the pros and cons of an Mbeki third term? The international and domestic money markets would be in favour because a good business environment depends on stability and continuity. The media, both internationally and within South Africa, would be negative because instability, change and uncertainty attracts readers and viewers. As a master of the ANC machine, it is likely that Mbeki will be able to avoid a disintegration of the alliance with Cosatu and the SACP. Whereas, there can be no guarantee that his successor, whether from within the cabinet or from amongst the business faction, will be able to hold the 'broad church' of the party together.

Internationally, Mbeki's writ will run wide by 2009. He already plays an important brokering role on the global stage: between Africa and the West, within the Afro-Arab-Asian world and amongst the great powers. But his influence derives not from his undoubted skill as an international diplomat (a talent that was first demonstrated during the dying days of apartheid) but from his status as President of South Africa. He will discover, if he does not already know, that the talking shops of the international community are meaningless without the backing of state power.

Justice Malala recently claimed in a *Financial Mail* essay (echoing the tone of Adam Roberts' valedictory Mbeki profile in *The Economist* one week earlier) that "The result [of the Mbeki presidency] ... is hardly the stuff democracies are made of - deep division, sycophancy, false consensus, a culture of fear, obsequiousness and patronage based on adherence to the party line." Which sounds like a pretty fair description of the Thatcher or Blair premierships in Britain, and a perfect representation of the Bush administration in the USA. What does Malala imagine democracy to be? And why does he feel that Mbeki and the ANC should symbolise his imaginary virtues when no one else in the world manages to?

Thabo Mbeki has not been a perfect president but then no politician ever is perfect. The government's response to the HIV-AIDS pandemic has been

damaging both domestically and internationally. Nevertheless, there is no firm evidence that any other ANC politician would have handled the crisis dramatically differently. It is very telling that South African politicians speak out most forcefully on the issue when they are no longer in office and by extension incapable of doing anything substantial about it.

The Achilles heel of term-limited presidencies is the lust for historical validation. No American presidency has ever achieved more in its second term than in its first. The pattern is normally clear, a quixotic hunt for a political holy grail followed by a slump into lame duck status during the campaign over succession. In South Africa's case, the succession battle has been waged at sporadic intervals since the early years of Mbeki's first term. It will only intensify during

The international and domestic money markets would be in favour because a good business environment depends on stability and continuity

the next two years. By 2007, the potential presidential candidates will resemble faded xeroxes, stained by history, intrigue and exposure to the light. Already, observers grimace at the thought of most of the potential successors.

As Howard Barrell discovered four years ago, Mbeki and the ANC will not be bullied, shamed or disciplined by media coverage. And the party will almost certainly ignore *noseweek's* attempt to keep you informed of the "news you're not supposed to know". Nevertheless, it would be politically astute to permit an open argument over the third term question in the spirit of Mao's call to "let a hundred flowers bloom: let a hundred schools of thought contend." ■



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SABC



Rough justice: a big giggle for the SABC

We've all heard the old saying: when the elephants fight it is the grass that suffers. And the elephants have definitely been at it, to and fro, over the verdant Auckland Park patch known as the South African Broadcasting Corporation. The unceremonious departure of Peter Matlare from the Chief Executive's seat definitely got the jumbos jumping. The government claimed there was no political interference while the Democratic Alliance swore there was. Much trumpeting was heard on both sides, with Matlare alternately blamed for being too pro-government or else not pro-government enough.

And yet the true story was probably that of a man who was so confident of his newfound political connections that he felt that nobody, not even the Board to whom he reported, could or should tell him what to do. In all the locking of tusks over alleged political bias at the SABC, what has remained unnoticed is the impact on the grass. What did Matlare do for the values of public broadcasting and the important ideals that are supposed to underpin the way the national broadcaster treats the public it serves?

It might appear cruel to single out the chief executive and hold him responsible for the clumsy inadequacies of individual

We've all felt, from time to time, that the national broadcaster misrepresents reality but what options are open to you if you are a humble member of the public and you are personally maligned on television. Jane Rothman found out that justice SABC style is more than a little one-sided

television programmes but the chief executives of broadcasting companies establish and influence the creative culture in which programmes are made. They control the finance for programmes and enjoy the plaudits that occasionally follow. They should also accept the blame when television programmes, whether through incompetence, arrogance or malice, abuse the standards of balanced broadcasting.

Enter Jane Rothman. We are prohibited from using her real name because of laws that protect her identity and the identity of others involved, including children. One fine day, Mr Matlare's SABC decided to set up a panel discussion on family law. Without informing Rothman, they contacted her former husband, Chris Underwood who told them that he really wanted to see his children and that the nefarious Rothman was preventing this. Without further ado, Underwood was given an SABC platform to voice his attack on Jane Rothman. Even as he made his star appearance on Matlare's family law panel, Chris Underwood was in fact in the middle of a trial for non-payment of maintenance for his children for an amount of more than R60,000. He was subsequently found guilty and received a criminal conviction.

But is that all? No, the SABC's family law panelist was at the time (as he still is today) subject to a domestic violence interdict that protects Rothman from his brutality. Again, the existence of this domestic violence interdict did not apparently disqualify the ex-husband from being presented to the world as a fit and proper panelist on the national broadcaster, which is supposed to promote the values of our Constitution.

Why did Mr Matlare's SABC not know this dangerous cocktail of facts about their family law panelist before they popped him on the airwaves? The woman's view simply didn't matter to the SABC. They insist they had no obligation to check out the man's facts.

After the broadcast all hell broke loose. The case was repeatedly reported in the press, which protected the anonymity of the victims and pointed the finger at the old SABC board and management: "Gender Commission tackles SABC" was one headline. "Anti-child-abuse groups want SABC board members to go" was another. Rape Crisis issued a statement saying that "the processes leading to the show and the show as a whole clearly lacked integrity" and that the SABC had "not implemented the SABC value system." The Cape Town children's rights group, Rapcan, accused the SABC of treating the complainant dismissively and of failing to rectify the situation. The case came up during parliamentary hearings in 2003.

If anything, Rapcan understated the facts. Not only did Matlare's SABC refuse to rectify the situation, they even harassed the complainant when she decided to fight her case. Under the headline "SABC threatens uppity viewer", the *Mail & Guardian* reported that the SABC actually threatened to take legal action against the woman because she was complaining to various public bodies including the Broadcasting Com-

was specifically found to be "grossly negligent". The producer, Alan Ford, was personally found guilty of "gross error" and "blatant overstepping of limits". Yet both remained blissfully free of accountability. If Matlare took any steps against them, he certainly did not indicate any such action to Rothman.

The attitude of the SABC's legal representatives adds another layer of scandal to a story of official indifference and gross violation of rights by the broadcaster under Matlare. In the course of an expensive and ultimately fruitless legal defence, the SABC legal team, of Sandton advocate Piet Meyer instructed by Pierre Smit of the Parktown legal outfit, Smit, Jones and Pratt, made the most extraordinary submissions.

During the hearing in this matter the good advocate Meyer made the following submission on behalf of the national broadcaster, funded by the taxpayer and accountable to parliament. Meyer said: "May I just ask the rhetorical question, a man that did not pay maintenance or that failed to pay maintenance on two occasions [sic] that can be his business could have collapsed, there could be all sorts of reasons why you have not paid

Not only did the SABC refuse to rectify the situation, they even harassed the complainant when she decided to fight her case


plaints Commission: "Where the *M&G* asked [SABC spokesman, Paul] Setsetse, should the public go if there was a complaint against the SABC? He said the question was "not applicable".

Matlare chose to put the full SABC artillery in the direction of Rothman and her young children. If you decide to fight a mother and her two children with your full-on legal team, the least the taxpayers can expect is that the lady must be crazy and could never win her case? Think again, because Matlare lost and lost big time. Again the headlines tell the story: "SABC fined R20,000 for negligence"; and "SABC fined for repeat of sex abuse talk show".

The Broadcasting Complaints Commission of South Africa (BCCSA) found the SABC guilty of "gross error"; "gross violation of privacy"; "negligent error"; "invasion of reputation and dignity"; "gross error of judgment"; "blatant error"; and "blatant overstepping of limits". The presenter, none other than Noleen Maholwana of "Great South Africans" fame,

your maintenance. It does not make you a bad custodian." The only problem is that the man was convicted as charged. So what the learned SABC counsel was saying was that a convicted father could be a good parent. Does parliament agree with that?

But what of domestic violence? The learned Meyer said the following: "The fact that there were interdicts against [Chris Underwood] not to act in a certain way towards his ex-wife, does not reflect on his ability as a father ..." Does parliament agree that a perpetrator of domestic violence is a fit person to be a parent – more so to appear on a family law panel sponsored by the national broadcaster?

Did Matlare distance himself from these outrageous suggestions after he lost the case and was asked by Rothman for an apology? No. Even after getting a comprehensive klap at the Broadcasting Complaints Commission, the SABC boss wouldn't apologise. When approached in person by the complainant, he simply (literally) laughed in her face! 

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UNCLE BOBSIE LOVES YOU

Zanu-PF is trying to kiss and make up with the Zimbabwean people, writes *noseweek's* man in Harare

It is a somewhat trite prediction that Zanu-PF will win the March 31st parliamentary elections, but the multiple realities on the ground point inescapably to that conclusion. Any hope that these elections could provide an opportunity for a new beginning in Zimbabwe have rapidly faded and the optimism that characterized the 2000 elections is completely absent.

In 2000, Zanu-PF was shocked by the twin blows of the constitutional referendum and subsequent parliamentary elections that almost saw the end of the ruling party's monopoly on the levers of the state. It retaliated harshly, often brutally – a reaction that could be characterised as “cruel to be kind”.

Now it is time to woo the electorate again and, at the launch of Zanu-PF's election campaign in February, Robert Mugabe described the ruling party's relationship with the people as a love affair that had been through a rocky period. For the first time, he

acknowledged that Zimbabweans had been unhappy with the ruling party: “In 2000, the vote was by and large ‘NO’. But if a man is rejected by a woman, if he is still in love with her, as we believe we are still in love with you, he will come back again. Is she going to say ‘NO’, again?”

The answer to that question depends on whether Zanu-PF is seriously interested in allowing its people to have a choice. The evidence of its past conduct in previous elections suggests otherwise – and that the “choice” will be forced on them and will not be consensual.

A combination of partisan election machinery, gerrymandering, a dubious and untested voter's roll, the disenfranchisement of millions of Zimbabweans living abroad, and severe constraints on information dissemination have all contributed to a general state of despair and disillusionment with the election processes. Compounding all this has been an economic meltdown that has left up to 80% of the workforce unemployed, in the fastest contracting

economy in the world. Zimbabwe is not a happy place to live.

Nevertheless, Zanu-PF craves legitimacy, or at least the pretence of it, and is going through the democratic motions, keen to demonstrate that it still commands the support of the people, and keen to demonstrate to the people that it is still in control. Undoubtedly, large swathes of the electorate remain under the party's direction, although maintaining the people's allegiance has become violent and expensive preoccupation, and options for securing patronage are increasingly complex and constrained.

Of the manifold internal dynamics within the ruling party, the relationship between the dominant Zezeru clan, the Manyika and Karanga remains fraught. A number of politicians from these areas have been purged in the recent primaries process and there is a sense in some quarters that this alienation, along with ruptures in the Matabeleland structures fundamentally threaten the unity of Zanu-PF. If all things were equal, in

terms of a constituency majority, the battle for Zimbabwe would be decided in the Midlands and Masvingo provinces. It is no coincidence that this is where the MDC launched their campaign. Despite their self-imposed suspension from elections, they have been quietly busy in targeted constituencies across the country, campaigning on a door-to-door basis. Whether this translates into votes remains to be seen. Whether or not they win over disaffected Zanu-PF elements and supporters is more debatable. Those who are out of favour with the ruling party have a tendency to prefer waiting for some form of rehabilitation rather than tie themselves to the political opposition. They know how opposition parties and their leadership have been treated in the past, and are fully aware of what has happened to those who are perceived to have betrayed the government.

Civil society groupings, especially those that have been vocal against the violations, remain under siege. The recently adopted NGO Act still awaits Mugabe's assent, but considerable damage has already been done. NGOs have had to divert limited resources to raise awareness and lobby against the legislation. Efforts to develop a united front have been thwarted by humanitarian NGOs that have failed to raise their voices in opposition, effectively leaving a dozen or so human rights organizations that have documented the violations, and lobbied loudly and vociferously against them. Several have had trouble securing funding, as some donors wait to see what will happen before committing to further support. Although they are not yet silenced, human rights activities have been severely constrained. If

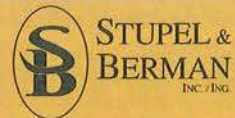
Meet the Dons

Zimbabwe's Central Intelligence Organisation, now renamed the Department of National Security (ironically, the same acronym given to the successor of South Africa's infamous Boss) is run from the President's office. It coordinates security-related intelligence and investigations, and has been identified as the point organization in the repression. Little is known about the organization, its structure and personnel capacity, although its budget, which is exempted from parliamentary scrutiny, was recently tripled and is relatively extensive in Zimbabwean terms. They are also believed to have access to high level technical competencies from allies such as the People's Republic of China.

With the President's seal of approval the Dons has developed an extensive network of informers, creating the illusion that it is omnipotent and ubiquitous. Fear of the Dons is contagious and pervasive, from the high-density suburbs of every Zimbabwean city and town, to the exile communities of Johannesburg and London. Its notorious past involvement in Rhodesian counter-insurgency and the post-independence Matabeleland massacres, have

resulted in an impression of capacity and competency that has taken on mythical proportions. But, there is clear evidence that the Don's capacity is not omnipresent, as evidenced by the absence of an integrated computerised immigration system for overseeing immigration and emigration. Just fly into Bulawayo airport for a quiet and unnoticed entry into Zimbabwe. Although Dons men are probably stationed at the airport, their knowledge and control of what comes in or out is limited.

There is, however, good reason to be fearful of the Dons, as evidenced by their frontline involvement in physical abuse, harassment, surveillance and other forms of intimidation across the country. For five years the MDC leadership, its members, supporters and fellow travellers in civil society have been intimidated, harassed, assaulted and killed in a systematic campaign sanctioned and sponsored by the Zimbabwean state. The evidence is overwhelming, with thousands of violations carefully documented and hundreds of perpetrators identified. This sustained assault has seen support for the MDC haemorrhage, both physically and



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repression deepens in Zimbabwe, it is expected that these groups will be targeted first under the new Act.

The MDC and organized civil society groups have sought domestic and international legal remedies to these multiple crises, but have been largely unsuccessful. Supporters and apologists for the Zanu-PF regime have simply refused to engage in an open and honest debate about what has happened, dismissing such claims as propaganda intended to promote "regime change". A refusal to engage rationally and deliberately is compounded by manipulation of racial injustices and antipathies that tap into deep-seated residual animosities that resonate across the region. This enmity is not without genuine cause, and there remains considerable unfinished business in terms of justice and accountability.

South Africa has not managed to mediate an agreement amongst the parties, and although they will not

Zanu-PF's 'love affair' with the people of Zimbabwe looks set to continue, even though the relationship has become increasingly abusive

apportion responsibility, it is widely known that Zanu-PF have essentially refused to engage. Although relations with the MDC have improved since Morgan Tsvangirai's travel restrictions were lifted, many in the ANC remain apprehensive of the MDC's capacity to govern. Suspicions also remain about the MDC's origins, its relationship to white capital and opposition parties in the region.

Some present the ANC's partiality as a form of liberation movement solidarity, although neither the ANC or Zanu were particularly close during that period. This situation has not altered appreciably during the post 1994 era. Indeed, the recent spy fiasco involving a SASS agent and senior Zanu-PF members, exposed just how little cooperation there is between the two parties.

The South Africans are no fans of Zanu-PF, but recognise it is a central part of the solution to the current crisis, and that it cannot just be wished away. They have managed to corral the

Zimbabwean government to make some concessions. Electoral reform, however insipid, is a tacit acknowledgment that what was already in place was unsatisfactory. Although there is not yet clarity or consensus on the substantive nature of the core content or parameters of the SADC principles and guidelines, they remain an inescapable set of criteria against which to measure the Zimbabwean government's performance. Legitimising the elections this time round will be much more difficult, and many of those who might be inclined to give Zanu-PF the benefit of the doubt, will be more constrained in their endorsements of the ruling party's bona fides.

Zanu-PF's "love affair" with the people of Zimbabwe looks set to continue, even though the relationship has become increasingly abusive and the romance disappeared long ago. Like a battered woman, the *povo* will be told what is good for them, and if they disagree will get slapped around a little, just to remind them of where their interests lie. It's hardly a recipe for a healthy relationship, but in the absence of intervention, it is one that could drag on interminably. The people's ability to extricate themselves from this situation in a context of such distorted power relations is acutely restricted.

If, as expected, the MDC's representation in parliament is cut back, perhaps severely, would they continue to attend parliament, and participate in local government, as they have done over the last five years? At what stage would they officially disengage from participation in governance in protest against the illegitimacy of the state? Some have predicted that a serious collapse at the polls could spell the end of the MDC as a serious contender, and that something else could emerge that would return to a more inclusive challenge to the current Zanu-PF's hegemony.

An extension of the political status quo is likely to deepen the crisis in Zimbabwe and possibly result in more violent repression, and even violent resistance. South Africa, SADC and the AU may all have to be more proactive to ensure that the economic and political stability they want is secured. Although South Africa and others have declared that they will not undermine Zimbabwean sovereignty and intervene directly, the rectitude of this position looks increasingly unconvincing, and it remains to be seen for how long they can allow their complicity in this calamity to continue. **W**

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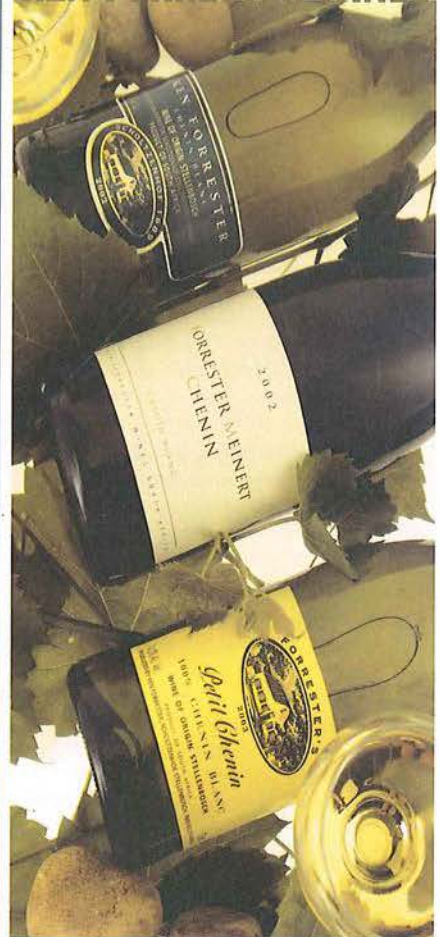
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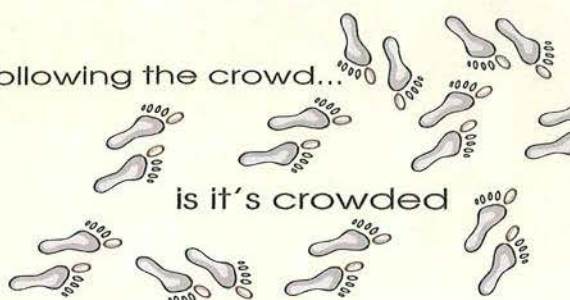


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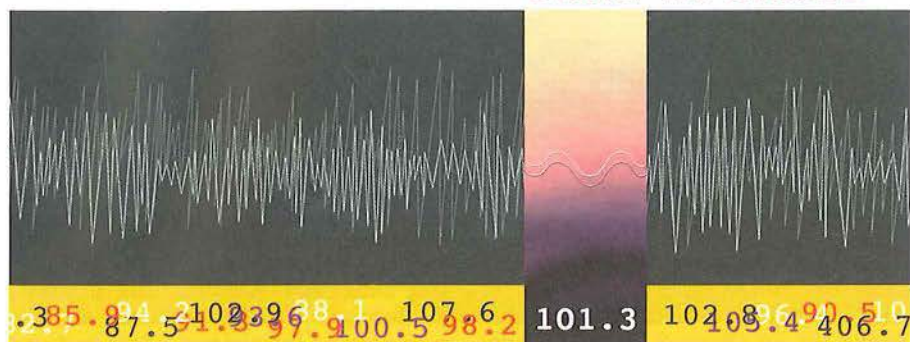
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noseweek MARCH 2005

Nothing ventured, Nothing gained

In October 2003 we reported that Durban-based polygrapher Malcolm Nothling had lied in an affidavit in which he had claimed to have been a member of the SADF Special Forces. As a result his name had been posted on a "wall of shame" on the website of the Special Forces League – an organisation that "serves as a reference point for all members of the South African Special Forces". (Confused readers please note that there is a social milieu in which the "wall of shame" refers to people who were *not* part of the apartheid special forces.)

During a case in the Durban High Court in December last year, Nothling produced a certificate to prove that he had indeed served in the First Reconnaissance Commando of the SADF. His claim to have served in the Special Forces was "entirely true" said Judge PC Combrinck.

That conflicts directly with Nothling's own acknowledgement – in a letter of apology to Andre Heidtman, attorney for the Special Forces League – that his claim to have served in the special forces was false. Now Nothling tells *noseweek* he was getting a lot of grief from having his name on the wall of shame, and he only apologised because that was the quickest way to get his name taken off the wall while he tried to find the certificate of service that he later produced in court.

Ja well, no fine.

This strange turn of events can perhaps be best explained by the fact that at the time he apologised to Heidtman, Nothling was under severe attack by various members of his profession. He had in the course of his career developed reservations about the way the polygraph test was being used in SA. He now believes it is flawed and suitable only for cautious use as an investigative tool.

As a result various members of the SA polygraph industry launched a campaign to discredit and ostracise Nothling. The SA Professional Polygraph Association and a Durban polygraphy company, Lietech, published statements on their websites attacking Nothling's competence and integrity. None of those allegations were reported by *noseweek*.

Nothling sued the Polygraph Association, Lietech and Lietech's liaison officer, Ben Lombard, for defamation and, in January this year, was awarded R50,000 in damages plus legal costs. Judge Combrinck ruled that the attacks on Nothling constituted "a virulent attack on the plaintiff's character motivated by malice ... gratuitous insults devoid of almost any truth."

Obiang's relationship with Riggs Bank began in 1995, and by 2003 his regime had become the bank's single largest customer. In all, Riggs held more than 60 accounts belonging to Obiang, his government, and his ruling circle. The primary Equatoguinean bank account, known as the "oil account" was where energy companies would deposit their royalty payments, and it often contained tens of millions of dollars at a time. There is no suggestion that those payments themselves were tainted, but Obiang's handling of the account raised eyebrows. Among other suspicious activity identified in the report, the regime wired - without objection or scrutiny from Riggs - \$35 million from the oil account "to two unknown companies" with accounts in nations with strict bank-secrecy laws.

Then there were the "investment accounts." In 2003, the value of these accounts fluctuated between \$300 million and \$500 million. It is unusual for funds tantamount to a country's treasury to be held in a private bank, especially a relatively minor one like Riggs, and even more unusual for transfers from such accounts to require only one signature - the president's. That's just one of the reasons Obiang is believed to have treated the public treasury as his own.

The handling of the accounts might have been comical if a nation's wealth hadn't been at stake. The Riggs official who managed the accounts, Simon Kareri, twice went to the Equatoguinean Embassy a short distance away and picked up suitcases that, as detailed in the Senate report, weighed 25kg and contained \$3 million in plastic-wrapped stacks of \$100 bills. He ferried them back to Riggs and deposited them into one of Obiang's accounts. The bank also received cash deposits of more than

Obiang is believed to have treated the public treasury as his own

\$1.4 million into accounts belonging to Constanca Nsue, one of Obiang's wives. In those cases - as with other cash deposits that larded accounts controlled by Obiang and Nsue - Riggs did not file "Suspicious Activity Reports" to the Office of the Comptroller of the Currency (OCC) as required whenever a bank suspects, or should suspect, that a transaction might involve illicit funds or

CRUDE

PART TWO

Does the US really want democratic reforms in Equatorial Guinea? Or is profit the America's central motivation? Peter Maass concludes his account of the links between US business interests and Teodoro Obiang Nguema, 'El Libertador'

the laundering of illicit funds.

(The oil account, as well as the others, was closed after the Senate investigation began, and Obiang's government says the funds are currently deposited at the Bank of Central African States, a regional institution based in Cameroon that holds treasury accounts.)

The committee reported a litany of other unorthodox activity. Riggs helped Obiang set up Otong S.A., an offshore shell corporation in the Bahamas into which he deposited \$11.5 million in cash. Reporting these transactions to US officials, Riggs "repeatedly mischaracterized" Otong as a "timber

to "transfer more than \$1 million in E.G. oil revenues to an account he controlled at another bank."

As the Senate report concluded, "Riggs Bank serviced the E.G. accounts with little or no attention to the bank's anti-money-laundering obligations, turned a blind eye to evidence suggesting the bank was handling the proceeds of foreign corruption, and allowed numerous suspicious transactions to take place without notifying law enforcement." Riggs officials declined to comment for this story.

The committee's rebuke did not end with Riggs. "Oil companies operating in Equatorial Guinea," Senate investigators wrote, "may have contributed to corrupt practices in that country by making substantial payments to, or entering into business ventures with, individual E.G. officials, their family members, or entities they control, with minimal public disclosure of their actions."

The Senate report also describes payments the oil companies made to Obiang and his inner circle. About half of the 60 Equatoguinean accounts at Riggs belonged to members of Obiang's family or government (who were often the same, as in the case of Armengol Ondo Nguema, Obiang's brother and the director of national security). Between 1995 and 2004, millions of dollars from US oil firms were deposited into these

export company." Riggs also issued a \$3.75 million loan to Obiang's eldest son, Teodoro Nguema Obiang, to purchase a penthouse apartment in California. (Teodoro, owner of a fleet of Ferraris, Lamborghinis, and Bentleys, started a rap label in Beverly Hills.) But not all of the transactions were to Obiang's benefit: The bank "exercised such lax oversight" over Kareri that he was able

DAILY GRINS: Equatorial Guinea's dictator Teodoro Obiang Nguema with French President Jacques Chirac at the Elysee Palace in Paris



Picture: Bernie Wunne/Reuters/Corbis

accounts – for what appeared to be real estate or business deals – and some of these funds were transferred to offshore accounts. Such payments were made to, among others, the president's wife, the interior and agricultural ministers, and at least one well-placed general.

In 2001 Exxon paid \$175,000 to Constanca Nsue – as a representative of Obiang's personal company, Abayak S.A. – to rent a compound that houses Exxon workers and offices. Exxon also rented a house from the nation's minister of agriculture and paid \$236,160 to a firm owned by the interior minister. The prize for the most unusual lease goes to Amerada Hess, which rented property for \$445,800 from a 14-year-old relative of Obiang. Overall, Hess paid nearly \$1 million in rent to Equatoguinean officials and their relatives, though the company told the Senate committee it planned to cancel those leases in 2004.

How much is too much to pay in rent to a teenager, to a general, to the president's wife? There's no easy answer. Equatorial Guinea is not a normal country: One resident remarked of the ruling elite, "Everything you see that attracts your attention is owned by them."

As the Senate report notes, this type of "economic dominance" means that almost any business deal is likely to enrich a member of the president's clan. "How oil companies can and should respond to this situation," the report notes, "raises a number of difficult policy issues."

Unfortunately, the Bush administration is setting an abysmal example. The building it settled on to house the reopened embassy is owned by Manuel Nguema Mba, who is the minister of national security, a relative

of Obiang's, and an accused torturer. The State Department and the United Nations Commission on Human Rights have both documented cases in which Nguema supervised the torture of political opponents. In one case the victim was beaten to death. Now Nguema collects rent from the US government.

After issuing its report, the Senate committee held a hearing in which the head of Riggs Bank, as well as senior executives of ExxonMobil, Marathon Oil, and Amerada Hess, testified under oath.

Kareri, the Riggs official who oversaw the accounts, took the Fifth. But the bank's president and chief executive officer, Lawrence Hebert, did speak, voicing regret that Riggs did not "fully meet the expectations of our regulators." He blamed the absence of suspicious activity reports on a sub-par computer system.

Senator Carl Levin (D-Mich.), the ranking minority member, was amazed. "Mr. Hebert," he said, "you don't need a computer system to realize suspicious activity when you've got 25kg of cash there being walked into the door with a suitcase."

Next were the oil executives. Andrew Swiger, then an executive vice president at ExxonMobil, was first to testify. "The business arrangements we've entered into have been entirely commercial," Swiger said. "They are a function of completing the work that we are there to do, which is to develop the country's petroleum resources and, through that and our work in the community, make Equatorial Guinea a better place."

"I know you're all in a competitive business," Levin said in closing. "But I've got to tell you, I don't see any fundamental difference between dealing with an Obiang and dealing with a Saddam Hussein."

Obiang's personal investment vehicle is Abayak S.A., and it was to Abayak that the oil companies made a number of their questionable payments. The company is mysterious – nobody seems

What did Abayak offer its American partners other than the name and blessing of the president? I thought the answer could be found in Bata. The recently completed seven-story Abayak building is the biggest building in Bata – indeed, the largest one in the country. I asked a Ministry of Information official to take me to see Abayak's headquarters so that I could talk with an executive or two.

At the ground-floor reception area, we were told the firm's offices were on the top floor. When we went there, we found four of the six offices empty and not furnished. The other two were locked. If these were Abayak's headquarters, they seemed unfathomably modest for a firm that had been selected as a partner by the largest oil companies in the world. Even the Ministry of Information official who accompanied me was flummoxed. Where was Abayak? And more to the point, what was Abayak?

There were answers back in Malabo. I talked with two people who follow the nation's financial affairs closely (and

a Swiss account or a Bahamas account where nobody will know what happens." He claimed his government used Riggs because the US State Department had recommended the bank: "We wanted to make sure that American companies feel comfortable."

When I asked Nguema about Abayak, he described it as an industrial concern with experience in the cement and cocoa businesses. I told him that I had been trying to locate the company's headquarters.

He scratched his head.

"Uhm, headquarters of Abayak, that's a good question," he said, pausing uncomfortably. "I don't think they have a headquarters here. I know they work from here, but they don't have a headquarters here. The headquarters would be" – he paused again and looked at his feet – "maybe my father's house."

Unless something changes, Equatorial Guinea is cursed; it is ruled by an elite that has shown little conscience or judgment in the realms of economic and political development. It is a safe bet that much of the oil money will be stolen or squandered by Obiang's regime, even if the American

'You don't need a computer to realize suspicious activity when you've got 25kg of cash being walked in'

to know how big it is, or exactly what it does. But an internal Riggs memo unearthed by the Senate describes it as "a significant earner of income for the President." So I decided to make inquiries once I arrived in Equatorial Guinea.

According to the Senate report, Marathon Oil has negotiated a deal to purchase land from Abayak for more than \$2 million; although much of the sale, as of June 2004, was pending, the oil company had already delivered a cheque to Abayak for \$611,000, made out to Obiang. Marathon is also involved in a joint venture to operate two gas plants with GEOGAM, a quasi-state firm in which Abayak controls a 75 percent stake.

ExxonMobil operates an oil-distribution joint venture, called Mobile Oil Guinea Ecuatorial, in which Abayak owns 15 percent, based on a mere \$2,300 investment. ExxonMobil has not disclosed the company's revenues or current valuation.

who asked not to be identified because they would face retribution from the government). One told me that, as far as he knew, Abayak conducted some legitimate business but functioned mainly as a vehicle through which payments were made in exchange for the president's approval of business projects. The other person called Abayak a "holding company" and said it had no administrative offices that he knew of. Indeed, there is no Abayak building or administrative offices in Malabo that I could locate. It was not possible to ask the president about this or any other matter – my requests for an interview were declined. So I went to the next-best source, his son Gabriel Nguema Lima, who, in high Equatoguinean tradition, is also the vice minister of mines and energy.

Nguema has become a spokesman for his father on financial affairs, so I asked about the Riggs controversy. "If Equatorial Guinea wanted to do something illegal," he said, "the easy thing would be to do

government and oil companies do what is within their power to do. Yet that margin of difference – reducing the curse from total to partial – is well within reach.

The Senate recommendations are more aggressive. "To further reduce opportunities for corruption, US oil companies should not participate in future business ventures in which individual E.G. officials or their family members have a direct or beneficial interest," the report concludes. "Congress should also amend the Foreign Corrupt Practices Act to require US companies to disclose substantial payments to, and business ventures entered into with a country's officials, their family members, or entities they control."

The bottom line is that Equatorial Guinea is a country in which the Bush administration – which proclaims a vast interest in promoting democracy around the globe – could make a difference, if it wished. ■

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Immortal longings

We don't often hear of superstar golfers spending money to associate their names with, say, pig-farming. Or pop-singers and IT billionaires buying into the broccoli industry for the sake of the life-style. Spare cash is no doubt funnelled into such unglamorous enterprises – but that's just more and mere money-making. Wine is quite different.

Internationally, the celebrity flutter into the wine business is noticeable: recent years have seen the path which Francis Coppola opened up a few decades back in California trodden by the likes of film stars (Gérard Depardieu in France, Sam Neill in New Zealand), sportsmen (Greg Norman in Australia, Mario Andretti in California), and a whole troupe of alleged singers (Cliff Richard, Sting, Olivia Newton-John, etc).

Locally, the best known celebrity newly involved in wine is undoubtedly golfer Ernie Els. For a couple of vintages now, his signature has been splashed across the label of an extraordinarily pricy bottle of red (R500-ish). Another local golfer, David Frost has been around longer, much less noticeably, but his winery is rumoured to be deeply troubled.

Prestige (shading into ego), a nice view, a ready supply of expensively personalised wine, and a modicum of genuine interest are probably more compelling motives than prospects of profit, if the old saying is right, that the way to make a small fortune out of wine is to spend a large one. Yet the tycoons flock to vineyarded Cape Dutch houses, or build their Tuscan palazzi on the slopes of the Helderberg, more readily even than the celebrities.

Some of the tycoons prompt recollections of a related adage – Balzac's suggestion that "behind every great fortune lies a great crime". Excluding golf, of course, which is more a series of petty misdemeanours. Excluding politics too, unless its a crime to apparently swap one set of

Tim James hits the bottle



principles for another. I suppose champagne communist Tokyo Sexwale must count as a celebrity, not just the tycoon he became after abandoning high government office to take up a position of real power in the country. He bought a wine farm in Franschoek a little while back, but is being very reticent about it.

More obvious is celebrity Brit chef Ainsley Harriott, who last year brought out two Cape wines simply to cash in on his cachet (no real involvement in this case): the white's just OK; the red, a shiraz-merlot blend, is good value at around R35 (only from Spar outlets).

There's perhaps a striving for modest immortality behind getting your name associated with a fine wine. In a century or two (unless global warming makes Scotland more suitable for vines than Stellenbosch), perhaps a name forgotten as that of someone prodigiously good at hitting a little white ball will be up there with some of the world's great estates monumentalising former owners: Lafite-Rothschild, Louis Roederer, Marquès de Riscal, etc. (Only cultural cringe could prompt the idea that "Ernie" doesn't have quite the same ring to it.)

The name business can, unfortunately, descend to twee and/or pretentious levels, when it comes to bestowing the names of the fruit of one's loins on the fruit of one's vines. This dubious practice seems to be gaining popularity in the Cape. Saxenburg even has a whole 'Selection Famille' named after the children of the owners – including (would you believe?) Appollonia. Graham Beck has honoured a grandchild with an opulent red blend called The William. I suspect that 'The' is a Beck family name (possibly a diminutive of Theo), as a recent addition to the portfolio is called The Joshua.

The oddest bit of sentimental familial nomenclature surely involves a new wood-matured sauvignon blanc from Cape Point Vineyards – the property best known for its fine whites and the rapid turnover of senior staff under the reign of reputedly fiery-tempered owner Sybrand van der Spuy. Calling a defenceless child (his granddaughter) Isliedh seems cruel enough; but is it wise to give a wine a name most people would be too aghast or shy to attempt pronouncing in shop or restaurant?

One name we'll never see fondly put on a label is Brett. Not because people with a dubious relationship with the Department of Inland Revenue are excluded – after all, Dave King already owns Quoin Rock (though a joint venture was scuttled last year, when his prospective partner from one of the grand estates of Bordeaux learned of his troubled reputation). 'Brett' is a no-no because it is the common shorthand for an increasingly troublesome wine spoilage yeast called *Brettanomyces*. Wine critics debate, in fact, whether Brett is always a bad thing in small doses – at which level it can disguise itself as a beguiling complexity. Ernie Els (wine not golfer) is apparently affected by it, which hasn't always precluded acclaim.

But what an alarming thought it is, that Kebble Cabernet might yet happen. Maybe VAT wouldn't be charged on it, though. ■

HIV

BY HAROLD STRACHAN

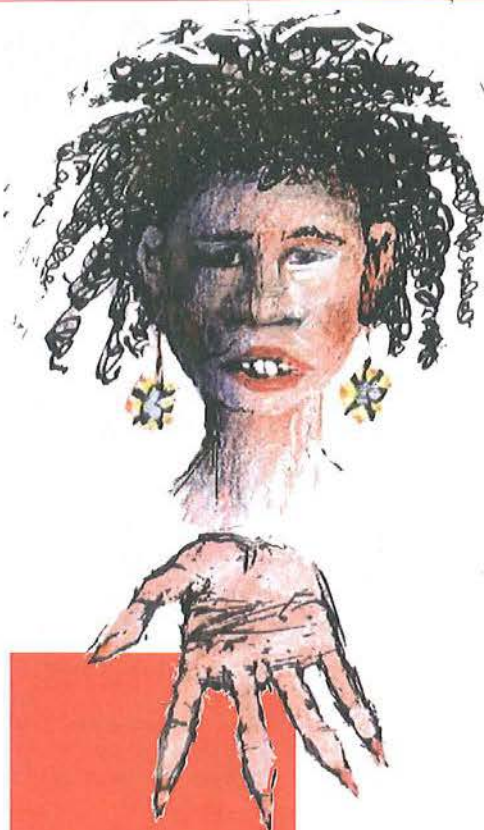
The Indian Ocean heaves a

complacent sigh. The holiday mob has left. The Durbs beachfront returns to its true metabolic rate, pulse about 40 to the minute, summer hibernation, slow breathing, sweaty, soporific. Somnolent senior citizens in cricket hats stand about, yawn a bit, admire the great black Frisian beasts of the mounted police, so on, all things gradual. Indolent anglers are back on the piers without fear of hooking some bloody brat in the ear, easy surfers are back without fear of slicing up some bloody brat with their skegs.

I have a shady spot at the great circular children's paddling pool, dead quiet, not a child in sight, no ice-cream, no music. Calm. I read Alexandra Fuller and chew sandwiches. I wonder what right-thinking P.C. people will say about her. I mean her not declaring abomination for this bosbevokte former Rhodesian troopie she's doing a Mozambique memory-trip with. I recall a few bosbevokte South Africans I've known in my time, from The Border, Angola, wherebloodyever, who in their time killed a lot of human beings, and how, if I didn't exactly love them, I liked them a hell of a lot more than the people of power who put them there, or their oppos who put their lot there to get zeroed when some bush-fucked madman in a chopper caught sight of a glint of desperate sweat on a forehead behind the leaves of a meagre bush just ten metres down below.

Also I remember a flak-happy flying instructor from the Lancaster bomber streams in 1944, who would go and sit at the door of the aircraft in his parachute whenever we caught sight of a lit-up SA city at night because this could only be a firestorm and the Fliegerabwehrkanone were going to blast him out of the sky for sure. Him I'd have positively embraced, also in Stuttgart some tank men from Kursk and Stalingrad. Now they were really really BUGGERED; I don't know the Kraut word for shell-shock.

And as I contemplate this lot a young tart from the whorehouses back of the Golden Mile approaches. Neither smile nor good morning. Will you hold my plastic and shoes? says she,



**She feels no
gratitude
towards
any man.
She owes
mankind
nothing**

I'm going to swim. Okay, and she puts her P'nP bag on the bench and a pair of horrible high-heeled things and she's off into the paddling-pool, knee-deep, in her minimal raiment, T-shirt and a skirt not long enough to cover the pink panties on her big Zulu bum. She wallows about like a small hippo. You could swim in the deep part of the pool, it's a metre or so there, but she doesn't know how to, nor even how to float.

I read on. After a bit I look up. Of course she isn't swimming, she's come for her bath. No soap or anything, just a good rub under the broeks and armpits and massaging the clothes on her body, they're all she's got. The sun will do the rest. Bloody hell! think I, I hope they've got a good dollop of chlorine in there. I mean twenty minutes on a couch of

love with this lady and it's Henry the Fourth for you, my boy.

But it's clear this is also her daily pleasure, and it's free. The water is sparkling clear and blue, the day is wondrous, there's many a European would pay a bag of Es for a week around here, a yearsworth of UV in one whack. Evolution has provided her with a good dark skin so the sunshine is not going to give her the Big C. So you see she's one of the lucky ones of this Earth. Lucky lucky me, Bing Crosby used to sing, I've got a pocketful of dreams.

When she's dried out a bit she comes for her things. Give me R2, says she. No please, no smile. I haul out my smug little purse for coins. No, says she, better give me that five there, so I can buy a pie. Where are you going to get a pie for R5, you'd better have seven, say I, and give her ten. She turns and strolls off, no smile, no thank you. She feels no gratitude towards any man. She owes mankind nothing.

Okay.

I realise if I don't actually love her I like her a hell of a lot more than the people of power who have abandoned her here, and their oppos who fill the æther with sententious cries about their hearts breaking over her piteous condition

Just wait till we become the government of this unhappy land. We'll show you.

Ja. **■**

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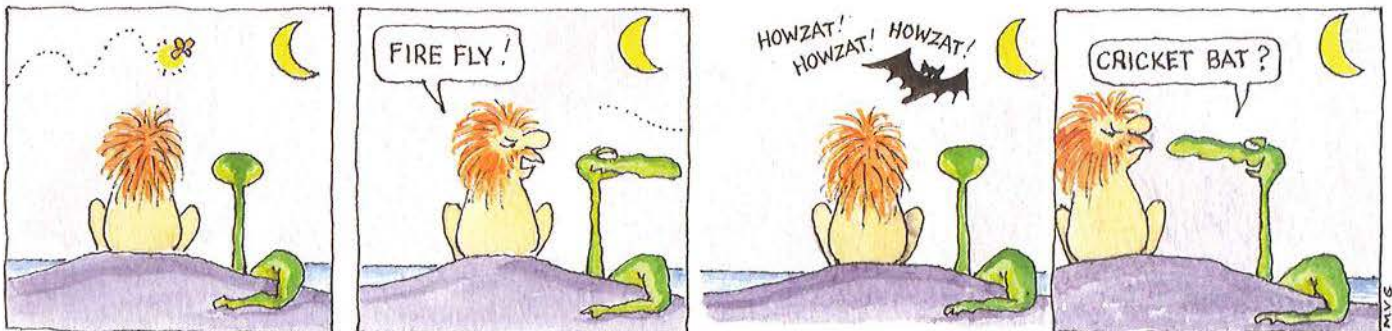
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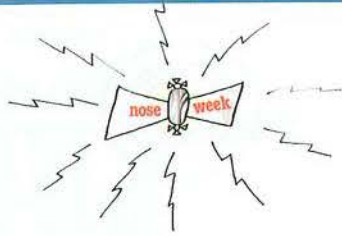
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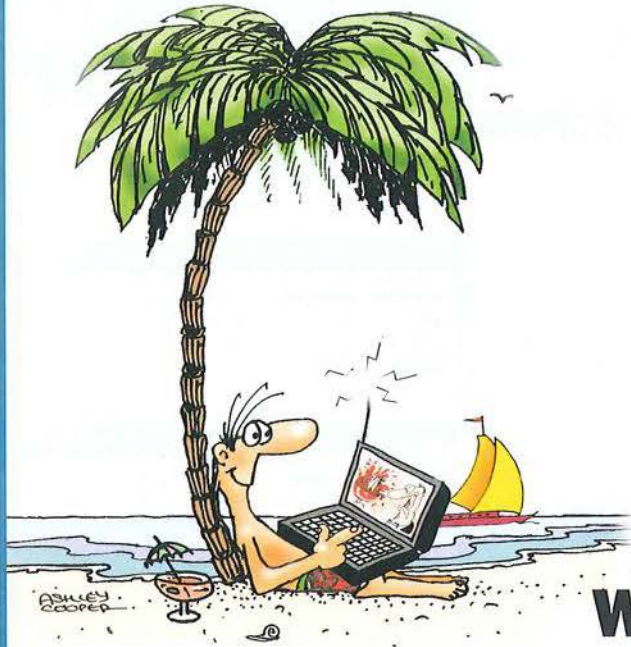
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