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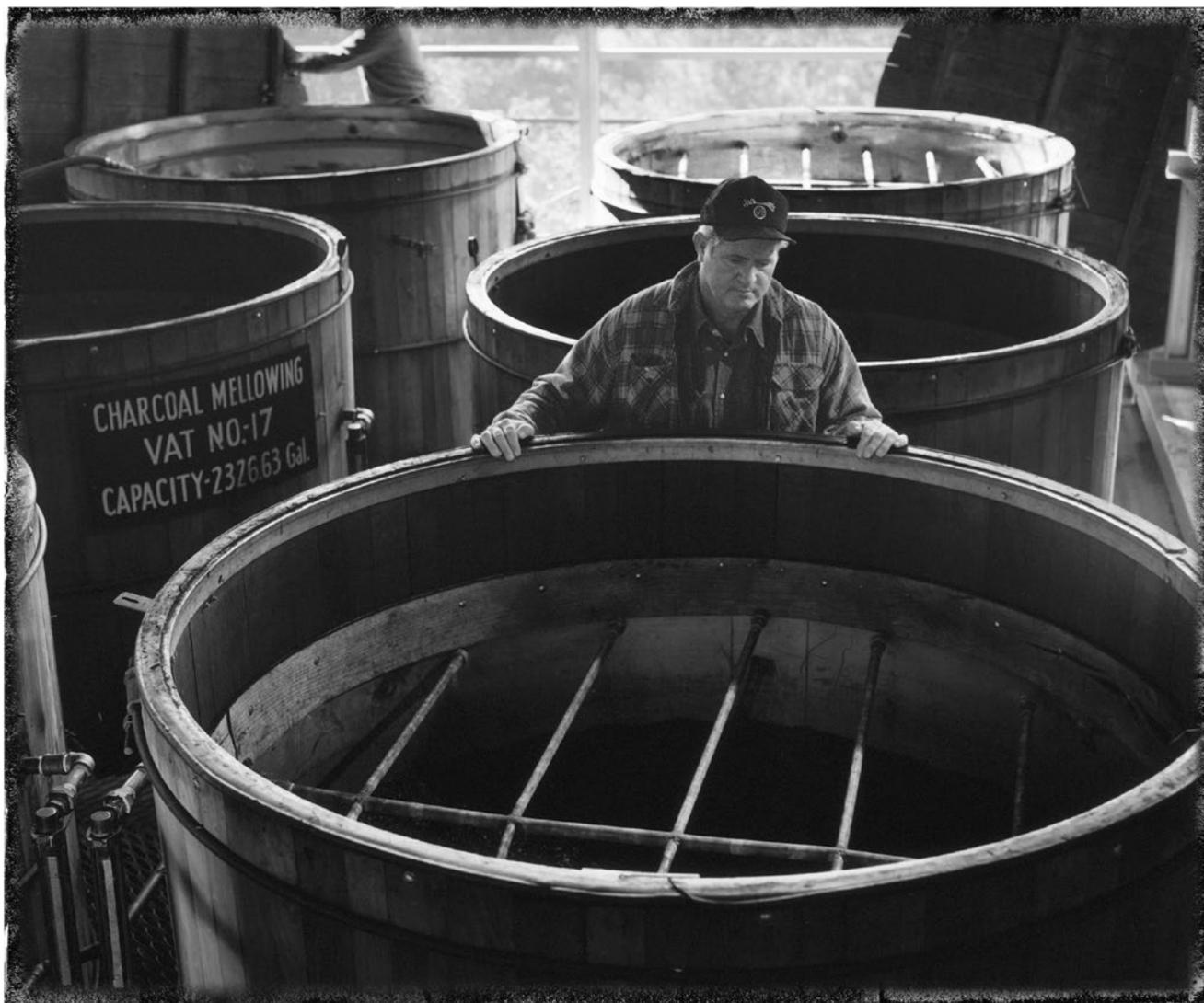
noseweek

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OCTOBER 2006

SA Rugby plays dirty



Arms deal special: that tender touch ANC's big fat Greek Lotto
The drunk and disorderly prosecutor **My doctor paralysed me**



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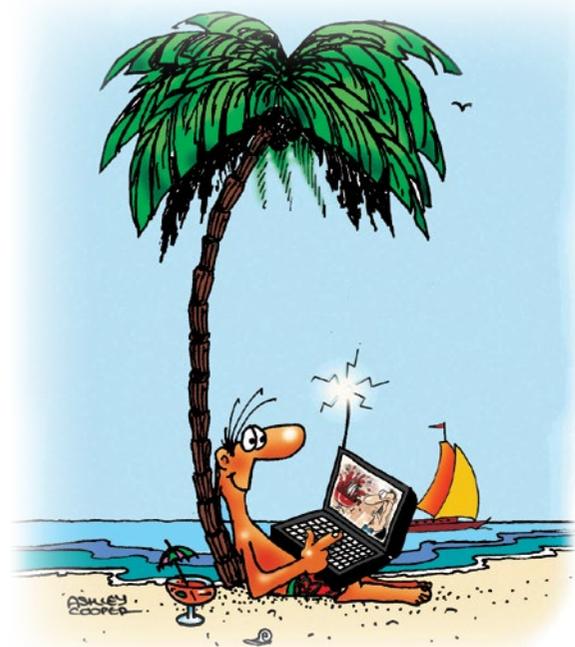
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Lessons in corruption

HAVE JUST read (from cover to cover) *nose82* and, as usual, was delighted to find out about the goings-on in my homeland. No doubt in the course of time you will reveal more about the granddaddy of corruption concerning Zuma and the Arms Scandal.

However, let me assure South Africans who think their country is going to the dogs that corruption in SA is peanuts compared to the Philippines. South African politicians could

lawsuit. Long may it last!

Mike van Reenen

The Philippines

Indeed. Re arms scandal, see pages 12-15. – Ed.

IFAW bashing unfair

I'm a huge fan, but your seal-cull article (*nose82*), seems unfair to me. Perhaps you do not know that IFAW has been the target of a nasty and unjustified campaign by Francois Hugo who, it would appear, is your main source.

I understand his hysterical defence of the seals. (Those

my knowledge of Claw (Community Lead Animal Welfare), a Gauteng initiative that is largely funded by IFAW. I was a volunteer last year when Claw ran a spay-a-thon in Soweto, which sterilised a couple of hundred dogs for free; I've also seen how Claw has provided vegetable-gardening skills and equipment to impoverished communities.

You imply that IFAW saved oiled penguins as a PR exercise while ignoring a [massive] seal die-off

partners at Cape Cross Lodge (the only privately owned land on this coast with a beachfront whose main attraction is the world's biggest mainland seal breeding colony) is Namibia's Fisheries & Marine Resource director, Dr Burger Oelofsen.

Dr Oelofsen said in 2000: "We know they are going to die, so why not harvest them?" At the lodge seals are killed from 5am to 10am, then it's open to the public from 10am to 5pm, July to November. They make money from the people killing seals and then from the seal-loving tourists (who have no idea what's gone before). If you're a trophy hunter, you can even pay to go in and kill seals with bows and arrows.

Besides the obvious conflict of interest, what kind of marine wildlife management is this?

Menkit Prince

Australia

Wank you, Harold!

I write in support and in praise of your Last Word column by Harold Strachan. Michael Webb (*Letters, nose81*) describes it as a "mental wank." Once into it, I think it is imaginative and hilarious.

Mr Webb should remember that wanking remains one of mankind's most popular and pleasureable pastimes.

Ron McGregor

Mowbray

A Harold for all

There is frequent debate about "old Harold" and his column My question is: who is Harold Strachan? I recently read a biography of Bram Fischer and a Harold Strachan is mentioned there. Is that our Harold? Could you perhaps give us a brief background to the man? And, by the way, you can add my vote to the "keep Harold" fraternity.

Greg King

Bryanston

Our Harold is the man you meet each month at the back of noseweek. And, yes, he's the

Let me assure South Africans who think their country is going to the dogs that corruption here is peanuts compared to that in the Philippines

learn a thing or two on using their term of office to enrich themselves and their families, entrenching political control of their constituencies and fiddling elections.

What the Philippines needs is a *noseweek* to reveal all. However, the statistics of the number of journalists who have been assassinated here in the last two years would not make a job with *noseweek* (Philippines) an attractive proposition. At least all you need fear in South Africa is a

poor baby seals die in a horrible way, just like the less photogenic piggy you ate at breakfast.) But I am disappointed that he tries to damage an organisation that, with a mere R650 million a year, manages to achieve an amazing amount. (This amount must be stretched to cover campaigns in 13 countries, a peanut-total of R50 million or so per country.)

I am not an IFAW member or donor, but I know about their organisation through

elsewhere along the coast. I don't know the rights and wrongs of this – and for all we can see, neither do you, with no comment from IFAW – but possibly IFAW decided to allocate funds to the victims of a man-made disaster rather than to those of what was likely a natural disease? IFAW does not have unlimited resources to deal with each and every disaster. What about WWF? What about the WSPCA?

It's counterproductive to bash a perfectly useful organisation simply because it does not have the resources to espouse the one cause that Mr Hugo happens to care so deeply about.

Mandi Smallhorne

Wilropark

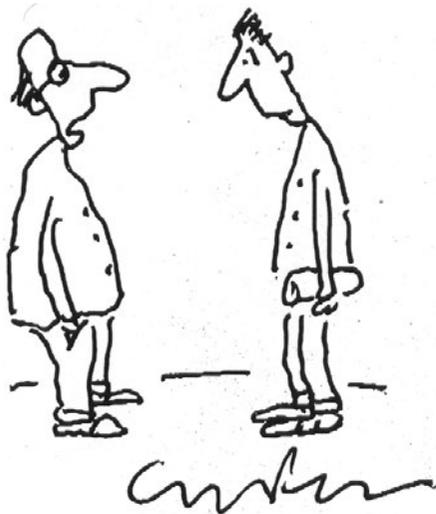
We research our own stories. Seal culling was IFAW South Africa's thing – and then, suddenly, it wasn't any more. Now see NoseArk on page 34. – Ed.

Double harvest

Thanks for NoseArk's excellent article on DeBeers and the Namibian seal cull. DeBeers need to be exposed for the corporate environmental rapists they are.

Your readers also ought to be told that one of the

GUS



"If we were living in a better world, I'm sure we wouldn't know it."

one that features in Fischer's biography – and a fair number of other places, too. Could there be another? Your vote has been recorded. – Ed.

Down with junk

"Food and crime" by George Monbiot (*nose80*) made for fascinating reading.

With all the junk in our food supply chain, all of us, not only delinquents, run the risk of being deficient in certain nutrients.

As much as I dislike supermarkets I feel credit should be given where due when it comes to truly natural foods and drinks: Woolworths now have on offer organic vegetables and vegetable juices.

A ban on junk food advertising to young children should be implemented without delay.

A Macdonald

Knysna

Motor parts rip-off

Recently an acquaintance in the industry was sufficiently shocked to show me an invoice from a components manufacturer for a large quantity of units supplied to one of our local motor manufacturers. The manufacturer's price per unit calculates out to R287.50 per unit. We phoned four motor dealers around the country for prices on this item.

Prices quoted were more or less uniform at R1300.00, excluding VAT, per unit. That is a markup of over 350%. Makes one wonder how effective (ineffective?) the state is when looking into monopolies and price fixing.

In-the-know

Port Elizabeth

Gant to the defence

THE UNTRUE AND defamatory allegations against me in "Let Us Prey" (*nose83*) are founded on the premise that, in terms of an arrangement made between myself and Mr Gilmour, he was entitled to 15% of the issued share capital in Brackenridge Property Pty Ltd (which he received) and a loan account of R3,6m in the company (which he did not receive). You elaborate on this by way of a host of factually incorrect statements and assumptions.

Perhaps the most malicious and untrue of these is the proposition that Absa would have nothing to do with the company if I was involved. In fact, Absa were the financiers of the project whilst I was involved and happily accepted my suretyships.

Inter alia, the contention is that I deliberately concealed the existence of the loan account to induce the Power Group to take up shares in the company and to defraud Mr Gilmour. In the arbitration on Gilmour's claim, the arbitrator, Advocate Willie Burger SC, found on direct evidence and on the balance of probabilities that no such loan account was ever offered to Gilmour.

My evidence in the matter was described as "convincing" and the terms of the deal I had arranged with Gilmour, and which he countersigned, were described as "clear and unambiguous".

Gilmour's evidence was

described as "indecisive and at best inconclusive" and "unconvincing". The arbitrator found Mr Gilmour had "undermined his own reliability" in his own documents where he referred to the transaction only as a "15% shareholding".

The arbitrator came to the "inevitable conclusion that no loan account was created", which is not surprising. The property, under Gilmour's Trust for nearly 10 years, was moribund. In 1998 we were prepared to pay the vendors R10.8m. When Gilmour got his shares over two years later, we had, with no contribution from him, redesigned the township, re-established zoning rights, completed environmental impact studies, built access roads, eradicated much of the alien vegetation, completed service agreements with the Plett municipality, established architectural guidelines and environmental management plans, pegged out and priced erven, opened a sales office with all necessary promotional material and concluded a number of sales.

Consequently we valued the project at R24m, and hence gave Mr Gilmour his 15%. He received R3.6m in value and only personal greed could make him believe he was entitled to a R3,6m loan account on top of that!

Gilmour has caused a defamatory and malicious article to be published in *noseweek* and I will be pursuing my legal rights. At no time was I asked by *noseweek* to comment.

The article omits both my evidence and the arbitrator's rulings. Printing only Gilmour's side was negligent.

I do not think it is inappropriate to ask you to offer an apology and to retract the allegations against me.

Dave Gant

Somerset West

Our story clearly records the arbitrator's acceptance that there was never intended to be a loan account. We, however, maintain that it is highly unlikely that a successful businessman would have agreed to exchange property worth R3.6 million for shares worth R975, especially as everyone else was being treated differently.

Gilmour was quite adamant that Absa would have nothing to do with the project if Gant was involved – and that Gant had tried to dismiss this as "Absa being difficult." We are happy to record your contrary account.

The development was not moribund. It had been placed on hold after an unsuccessful test market in 1995. The conditions were not favourable so soon after the 1994 election.

Gant does not deal with the fact that Gilmour, who contributed land worth R3.6 million in 1999, was set to recover only R3.8 million some 7 years later, despite the property being in one of the most fashionable areas of South Africa, then experiencing an unprecedented property boom. – Ed.



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Faxes and facts

DESPITE THE GOVERNMENT'S best efforts, there are few South Africans today who do not believe there was corruption involved in the arms deals that were concluded in 1998 and 1999. Even some of the ANC's most senior allies think it. Speaking in support of former deputy president Jacob Zuma at the 85th anniversary rally of the SA Communist Party in July, Cosatu general secretary Zwelinzima Vavi called for an investigation into who "really" benefited from the controversial arms deal.

"Some people have been put under the spotlight while the real culprits have been hidden," he declared, suggesting that Zuma, who faces corruption charges related to the arms deal, was not one of the culprits, or only a lesser culprit - and that he (Vavi) knows who the real culprits are.

The notorious arms deal continues to unravel on all fronts, and at an increasing pace, so we may get to know who they are sooner rather than later.

As we went to press we learnt from reliable sources in Germany that prosecutors there have uncovered further documentary evidence of bribes that may have been paid by German contractors in connection with the South African arms deal. This time the documents were found amongst those seized in a raid on the offices of MAN-Ferrostal in Dusseldorf. Ferrostal is one of the main contractors on the South African submarine contract. More details are expected to appear in the German press shortly.

This follows on the recent report by news magazine *Der Spiegel*, that evidence of "an initial" R133-million that may have been paid in bribes related to the South African contracts, was found in the records of Thyssen-Krupp in Essen. Thyssen is one of the main contractors for the frigate contract and has, in addition, acquired a major shareholding in one of the frigate-builders: Blom&Voss.

All of which makes the latest career move of a senior SA Navy officer reported on page 14 of great public concern.

In the accumulation of new evidence on the local front (that increasingly suggests impropriety at the highest level), we have found a third encrypted fax message sent to the head-office of notoriously corrupt French arms supplier Thomson CSF (since renamed Thales International), by its representative in Johannesburg Pierre Moynot.

Today Moynot represents Thales' local subsidiaries (Thint Holdings and Thint (Pty) Ltd) in the dock of the Durban high court, where they are Jacob Zuma's co-accused in a

corruption trial.

Former transport minister Mac Maharaj, who features in the fax, is also still the subject of a Scorpions' investigation. (Also see page 14 for the latest developments in the story about the Department of Transport's questionable deals and relationships with Prodira - Pro Madiba perhaps? - a company with links to the ANC's fundraising operations, the same French arms company, and to Jacob Zuma's favourite financial adviser, Schabir Shaik.)

Dated 14 November 1996, the fax - here translated from the French by us - speaks for itself:

You will find herewith a request for assistance via the office of the President and Vice-President, that was transmitted to me by the minister of transport Mac Maharaj - who is possibly about to become successor to Joe Modise in the post of minister of defence.

I believe that this request - perhaps a little overplayed - nevertheless merits that we see what we can do. The political impact, for us as well as for minister Mac Maharaj, can only play in our favour in the future.

If you are in agreement, I can contact the school in question and try to evaluate more precisely the cost of this operation. In addition I can talk to the ambassador about it and see in what measure he would be able to participate.

Pierre Moynot

This suggests that already at an early stage of the tendering process, top-level politicians were not adverse to soliciting favours from foreign contenders for the arms contracts - who responded favourably in the hope of gaining an advantage unrelated to the actual merits of their bids.

More news to stop the presses: Phillip Dexter, CEO of the Mpumalanga Economic Growth Agency (Mega) has issued summons out of the Cape high court against *noseweek*, its editor, and reporter Mzilikazi Wa Afrika, in which he demands a retraction of, and apology for, both the editorial and the report that appeared in *nose82* relating to complaints about his management of Mega. In the alternative he is asking for R500,000 in damages. We had planned to deal further with Mr Dexter's complaints in this issue, but in view of the risks and costs involved in high court litigation (particularly where Mr Peter Hodes SC appears for the Plaintiff), we have thought it prudent to first seek legal advice before proceeding or making any decision relating to his demands. Watch this space.

The Editor



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Stay sharp: Tony McKeever, CEO of Southern Spears, with Nelson Mandela metro Mayor Nondumiso Maphazi

SA Rugby shafts Spears

JUDGE DENNIS DAVIS, speaking from the Cape High Court bench in August, held that South African rugby authorities must honour their commitment to rugby in the predominantly black South and Eastern Cape, by ensuring that Southern Spears play in both the Super 14 and Currie Cup competitions. In his judgment, Judge Davis spoke refreshingly of integrity and fairness in contracts. Have the rugby authorities responded honourably? Puleeez! Rugby, once described as a game for hooligans that is played by gentlemen, is certainly not run by gentlemen. Rugby is huge business, and considerations of honour and fairness barely get a look-in. Even the much-vaunted transformation counts

Although the people of the Eastern Cape have been running the country for the past 12 years, they're no match for the old guard when it comes to rugby – and hanging on to the dosh

for little.

Money, as always, is the heart of the problem. At issue is not only who gets to play in the Super 14 and who not. Only after the deal with SEC was struck did it apparently dawn on the rugby bosses that also at stake is who gets to gain, and who gets to lose anything from R30m to R60m in annual sponsorships! What the Spears desperately need, the existing (white) Super 14 teams don't want to lose. Getting the South African Rugby Union (Saru) and its commercial arm SA Rugby (Pty) Ltd. to live up to the deal with Southern Spears, might take more than reminders of honourable commitment.

So, for *noseweek* readers for whom

rugby is simply a game played by men with odd-shaped balls, some back-ground:

In 2006, the international Vodacom Super 12, the much-watched and very lucrative rugby season between Australia, New Zealand and South Africa, added two team franchises to become the Super 14 – one to Australia and one to us. In anticipation, SA Rugby invited local unions to submit bids for the new franchise, the leading contenders being the Free State union and the three unions comprising the South & Eastern Cape (SEC) region – Eastern Province, Border and South Western Districts.

What sets the Eastern Cape aside from the rest of the country, if not the entire continent, is that it's the only

Spears would then be entrenched in the Super 14 for 2007 and 2008.

This would work as follows – the team finishing bottom in 2006 would make way for the Spears, and the team finishing bottom in 2007, excluding the Spears, would play a promotion/relegation decider against whichever team dropped out in 2006, to determine who would play the following year. These minutes were approved, subject to an additional clause that the agreement which Van Gaalen had drafted would be sent to all Saru provisional presidents in due course.

The first sentence of Van Gaalen's agreement reads:



On 2 December 2005, the board of SA Rugby (Pty) Ltd accepted the President's Council decision regarding the Super 14. On 10 March 2006, Johan Prinsloo, until recently CEO of Saru and MD of SA Rugby, but now only MD of SA Rugby, wrote to Southern Spears' attorney that "the decisions of the board of 2 December 2005 have not been amended ... unless the board decides otherwise it is obvious that the decision will be implemented in 2007". Five days later,

For some coaches SA Rugby's commitment to development means putting two blacks on the wing where they won't get too much of the ball

region where rugby is more popular with black people than is soccer. As the home of 45% of registered rugby players, and of the majority of the country's black players, the SEC had a strong case. That, and SA Rugby's avowed commitment and constitutional obligation to development and transformation (which for some coaches, of course, means putting two blacks on the wing where they won't get too much of the ball, or, in the case of Hanyani Shimange, keeping him on the bench where he'll get absolutely nothing of it), explains why the deal was done.

On 5 June 2005 the worthies on the President's Council of Saru "reached agreement" regarding the Super 14 structure. South Africa would have six Super 14 franchises – the five already in play – plus one for the SEC, to be known as Southern Spears. The minutes recorded that "a formal agreement be drafted immediately, confirming what was agreed regarding the Super 14 franchise system". Attorney Johan van Gaalen was called in to make sure things were done properly. The (Free State) Cheetahs would play in the 2006 Super 14, during which time SA Rugby would financially support the Southern Spears' development. The

"The Parties present at the President's Council meeting held on 8 June 2005 agreed the following: 1. That a formal legal agreement should be drafted immediately confirming what was agreed regarding the Super 14 Franchise system in South Africa..."

Thirteen days after the President's Council meeting, the SA Rugby Finance Committee met, and the minutes record that the financial director of SA Rugby, Basil Haddad (now also acting MD), following the decision of the President's Council, had arranged a meeting with the SEC franchise to discuss funding. Minutes of Saru's management committee meetings of 19 and 26 September 2005 record that Haddad was mandated to set up a meeting with the SEC franchise to discuss financing as per the agreement of the President's Council of 8 June 2005. On 3 November 2005, Haddad recorded that there was a verbal commitment to the SEC Super 14 franchise for start-up funding for R3 million and that further funding would depend on sponsorship forthcoming from Vodacom, or others. (It was eventually agreed that some R12m would be made available by sponsors.)



Short shrift: Judge Dennis Davis

Chris Ferreira of SA Rugby's legal department wrote that "the board of SA Rugby (Pty) Ltd at a meeting held on 2 December 2005 ratified the decision of the President's Council, Saru, to entrench the team of Southern Spears for 2007/2008".

Meanwhile, an agreement had also been made on the Currie Cup. At a President's Council meeting on 9 September 2005, it was agreed that Southern Spears would play in the Premier Division of the Currie Cup for the 2007 Super 14 season. This would be for one year, as after that Southern Spears would play in the Super 14. Spears' constituent teams, South Western Districts, Eastern Province and Border would, in any event, play in the Currie Cup.

The SEC franchise enthusiastically began preparing. A company, Southern Spears (Pty) Ltd, was established

to run the franchise, player contracts were negotiated and sponsorships discussed. Pieter de Villiers was appointed as coach and his salary was paid by SA Rugby. In November 2005, Tony McKeever, a dynamic, somewhat maverick marketing consultant employed by SA Rugby, moved to Port Elizabeth to become CEO of Southern Spears.

But all was not well. The Super 14, as a collaboration between Australia, New Zealand and South Africa, is controlled by a body called Sanzar, and Sanzar requires that Saru sign participation agreements with its franchises. The big five – the Sharks, Cheetahs, Lions, Bulls and Western Province – were refusing to accept the promotion/relegation clause.

Then in February, Sharks' boss, (coloured) attorney Oregan Hoskins, was appointed president of Saru, replacing the controversial Brian van Rooyen. Hoskins' victory was comprehensive – 27 votes to 17, with the big five supporting him, and the smaller unions like Boland, South Western Districts, Eastern Province, Falcons and Leopards siding with Van Rooyen. Brian van Rooyen's hobbyhorse had been transformation, and inclusion of Southern Spears in the top flight. Hoskins made it clear that he was opposed to any team being relegated from the Super 14.

Things were about to change. In the *Sunday Times* of 5 March 2006, Hoskins said that Saru would not go down the

road of Brian van Rooyen's regime. Most particularly, in his view, the solution to the Eastern Cape's problem "was not necessarily Super 14 rugby". On 24 March 2006 the President's Council met. After the meeting, Johan Prinsloo, the very man who had written the reassuring letter to Southern Spears' attorney two weeks earlier, issued a statement saying that the council would recommend that a commission be sent to the SEC to examine the validity of the Southern Spears' engagement in the Super 14 and ascertain their state of readiness. It would also recommend that there be no relegation of any existing franchise at the end of the 2006 season. He went on to say that "either way, we are committed to helping Southern Spears make it into the big league – whether they take part in the Sanzar tournament now or later".

On 29 March, the Saru board met and approved the President's Council recommendation. On 31 March it sent the commission to look at the SEC franchise. On 19 April, the board announced that Southern Spears were not ready for participation in the Super 14. They referred to a report compiled by a team headed by Hoskins, that included an examination, prepared by board member Ali Bacher (now a rugby expert along with everything else!), on the likely impact on the relegated team (pretty disastrous, we would imagine), player capacity of the SEC, and an analysis of "sentiments of rugby sup-

porters" (now there's the crunch).

Southern Spears were given no chance to respond, nor shown the relevant documents. SA Rugby's legal head, Koos Basson, declared: "We (SA Rugby) realise the previous board dealt with the issue on 2 December 2005 and took the wrong decision". Meanwhile SA Rugby had stopped making payments to the players and officials of Southern Spears, although, after adverse publicity, some payments were made for a short period. All in all, only R6m of the promised R12m was paid.

To cap it all, on 25 May the board decided to exclude Southern Spears from the 2006 Currie Cup, a mere six weeks before the start of the season. Why the dramatic change of direction? Had certain teams looked over the precipice and not liked what they saw? What were the chances that Johannesburg's Cats (who finished bottom among South African teams) would happily make way for a "piddly" little (black) team from PE. What to do? Well what about a new Saru president willing to kill off the deal?

And the sudden exclusion from the Currie Cup? Could this have been related to Griquas suing Saru to have a decision set aside not to assure Griquas a place in the Currie Cup, but require them instead to qualify through the Vodacom Cup? Did Saru not have the stomach to fight, so got rid of the SEC teams?

Southern Spears took SA Rugby and Saru to court, to get the agreements enforced. Some might see a certain irony in a dispute between a predominantly black wannabe rugby franchise led by a white man, and the predominantly white rugby establishment led by a man of colour.

What defence could SA Rugby and Saru raise? Wasn't there a clear agreement between the parties, and hadn't this agreement been breached? No, said the facile men of rugby. There simply never was an agreement! One is left thinking that Saru and SA Rugby's lawyers extracted whatever they could find from a contract law textbook. An agreement requires an offer and an acceptance: well no offer was made because the President's Council had no authority to make an offer; besides, Southern Spears had made no formal acceptance. And, if there was an offer, it was conditional on Van Gaalen's document being accepted by the presidents of the provincial unions, which it wasn't. And if that's bollocks, the offer was conditional on Southern Spears showing their participation to be via-



"The little pig with the portfolio of steers and the little pig with the portfolio of sticks were swallowed up, but the little pig with the portfolio of bricks withstood the dip in the market."

ble, financially and otherwise – which they were allegedly unable to do. (We well know, of course, that participation and financial viability were inextricably linked – the one depending on the other.) On top of that there was a common mistake, blah blah, my lord, blah blah ...

Judge Davis gave Saru and SA Rugby short shrift: there was a clear agreement and it had been breached. The problem was what relief to give. The courts don't run rugby and one couldn't require Saru to have Southern Spears play in the 2006 Currie Cup competition, already underway. Davis declared that the board of SA Rugby had, at the meeting of 2 December 2005, ratified the decision of the Saru President's Council to entrench Southern Spears in the Super 14, and that the decision was binding. He also held that the Spears be entrenched in the Currie Cup for the



Quietly spoken: Saru chief Oregan Hoskins

Picture: MAGES/Kezo/Wolfshead/Mandel Photo

dying in much of the country.

McKeever points out that attendances at Absa Currie Cup matches are way down. Saru he says, is ignoring the stark warning given by Professor Willie Basson, who prepared Saru's own transformation charter. In it Basson says that if player profiles don't match population demographics, the sport will be in big trouble, and only in the Boland and the Eastern Cape is there such a match. The

Eastern Cape, says McKeever, is being sidelined - which SA Rugby denies, claiming that much work is being done behind the scenes.

The case has not gone unnoticed by government. The minister and deputy minister of sport have requested a meeting with SA Rugby and Saru to discuss the franchise issue. Watch this space. SA Rugby were asked to comment but declined to do so.

As we went to press we learned

Some might see a certain irony in a dispute between a predominantly black wannabe rugby franchise led by a white man and the predominantly white rugby establishment led by a man of colour

2006 season. Davis left it to the parties to sort it out, but said Spears could approach the court for further relief if necessary.

We would love to report that discussions have ensued on bringing Southern Spears into the top flight, but Saru and SA Rugby refuse to talk and they're doing what big boys do when they don't have a case – they've applied for leave to appeal. This is no doubt to wear Southern Spears down financially, and ensure that by the time the matter's resolved, presumably well into the 2007 Super 14, it will all be academic.

While Saru and SA Rugby throw vast sums of money at defending court cases (according to McKeever, small beer compared to damages claims they may face for Southern Spears losses as a result of the exclusions), rugby is

that SA Rugby has made secret offers to the three Eastern cape unions, to buy control of their shares in Southern Spears. SA Rugby also proposes buying the stake in Spears owned by Sail, the sponsorship management company headed by Johan Rupert and Bulelani Ngcuka. If it succeeds with this back-door strategy SA Rugby will itself control Spears. The offer stipulates that each union must "do its best to persuade Southern Spears to settle its court case with Saru and SA Rugby by abandoning the court order of 4 August".

To add insult to injury, according to well-informed sources SA Rugby have attempted to persuade Pieter de Villiers, the man contracted to coach Spears, to sign an undertaking never to coach the team. **W**

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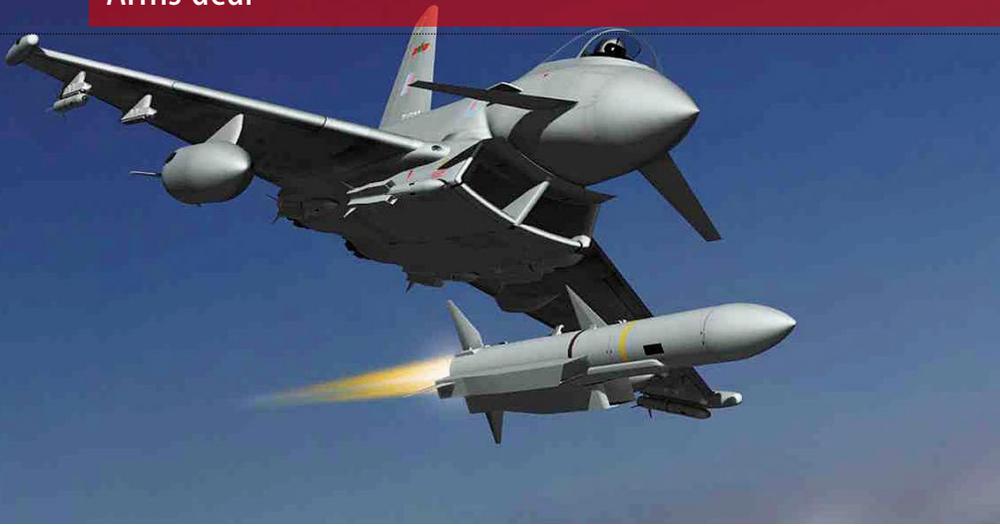
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Fighting shit: The Eurofighter, described by a British defence official as a 'dead duck'

Tony Blair: BAe's errand boy?

IT'S DESCRIBED BY a senior official at the British Ministry of Defence as "a dead duck ... expensive and obsolete". The editor of *World Defence Systems* calls it "10 years out of date". A former defence minister remarked that it is "essentially flawed and out of date". So how on earth did BAe Systems manage to sell 72 Eurofighters to Saudi Arabia in August?

One answer is that it had some eminent salesman. On July 2nd 2005, Tony Blair secretly landed in Riyadh to persuade the Saudi princes that this flying scrapheap was the must-have accessory every fashionable young despot would be buying. Three weeks later the defence secretary John Reid turned up to deploy his subtle charms. Somehow the deal survived, and last week his successor, Des Browne, signed the agreement. All of which raises a second question. Why are government ministers, even Blair himself, prepared to reduce themselves to hawkers on behalf of our arms merchants?

Readers of this column will know that British governments are not averse to helping big business, even when this conflicts with their stated policies. But the support they offer the defence industry goes far beyond the

The support given by the UK authorities to peddlers of weapons far surpasses the assistance given to any other business, writes George Monbiot

assistance they provide to anyone else.

Take the Defence Export Services Organisation (DESO), for example, a government agency founded 40 years ago to smooth out foreign deals for British arms companies. From its inception, this smoothing involved baksheesh. It was established as a channel for "financial aids and incentives" to corrupt officials in foreign governments.

In 2003, after bribery of this kind became illegal in the United Kingdom, *The Guardian* found an internal DESO document explaining its guidelines for arms sales. "In certain parts of the world," it said, "it has become commonplace for special commissions to be required. This is a matter for DESO, to whom all requests for special commission should be referred. If DESO confirm that such payments can be made, contracts staff may need to provide the means for payment".

A "special commission" is civil service code for a bribe. The document suggests, in other words, that the British government is overseeing the payment of bribes to foreign officials.

BAE's previous deals with Saudi Arabia are surrounded by allegations of corruption. It is alleged to have run a £60 million (around R840 million) "slush fund" to oil the Al Yamamah contracts brokered by Margaret Thatcher. The fund is said to have been used to provide cash, cars, yachts, hotel rooms and prostitutes to Saudi officials. One of the alleged beneficiaries was Prince Turki bin Nasser, the Saudi minister for arms procurement. The Serious Fraud Office was bounced by *The Guardian's* revelations into opening an investigation. But among the conditions the Saudi government laid down for the new deal is that the investigation is dropped. Let's see what happens.

With this exception, the big arms companies appear to have been granted immunity from inquiry or prosecution. Letters from the permanent secretary at Britain's Ministry of Defence, Sir Kevin Tebbit, show that he prevented the ministry's fraud squad from investigating the allegations against BAe; that he failed to tell his minister about the investigation by the Serious Fraud Office; and that he tipped off the chairman of BAe about the contents of a confidential letter the fraud office had sent him. When the US government told him that BAe had allegedly engaged in corrupt practice in the Czech Republic, Sir Kevin failed to inform the police.



And in South Africa...

IN 1998, WHEN the arms deals were negotiated, the SAAF had no need for a new fighter aircraft, having taken delivery in 1997 of 38 top-of-the-range Cheetah C fighters. These had a 15-year lifespan, planned life extension until 2020, and had been equipped at great expense with over-the-horizon target detection and missile engagement capability, without par south of the Sahara. Neither the SAAF nor the Department of Defence were ready for a new jet fighter. These are the facts.

A few hundred million Rand spent on upgrading the Cheetah Cs in 2012 would have kept them operational until at least 2017 or 2022. Having spent R2,5 billion in 1990 on the Cheetah Cs (probably equivalent to R10 billion in 2006), no wonder the Chief of the SAAF concluded that the SAAF would be severely financially strained by acquiring the Gripen and its Siamese twin, the Hawk.

The South African government nevertheless insisted on buying Gripen fighters from Sweden's Saab (in which BAe has a major shareholding), and Hawk trainers from BAe itself.

The Gripen is not only very expensive to acquire and maintain, it has a very modest combat range, unsuitable for the long distances across Southern Africa. It will require in-flight refuelling, a capability the SAAF has almost lost.

For 14 years, the UK government has suppressed a report by the National Audit Office into the Al Yamamah deals. Earlier this summer the auditor general refused even to hand it over to the Serious Fraud Office. A parliamentary committee on arms exports published a report this month which expresses its repeated frustration over the government's reluctance to assist its inquiries.

It also shows that Mark Thomas, the stand-up comedian, has done more to expose illegal arms deals than the Ministry of Defence, the Export Control Organisation and HM Revenue and Customs put together, simply by searching the internet and the trade press and attending the arms fairs the British government hosts. In response, the government has investigated not the companies, but the comedian. A

And when forced to choose a trainer aircraft, the SAAF preferred the Italian Aermacchi above BAe's Hawk trainer, but its political masters chose to buy the vastly more expensive – and less suitable – Hawk.

The South African Government had an offer from Aermacchi for 24 MB339FDs at a total cost of around US\$518 million. At the same time British Aerospace were offering 24 Hawks at a total cost of US\$1.169 billion. The Ministry of Defence's unchallenged technical and price evaluation showed that the Aermacchi MD339FD scored 100,0 points and the BAe Hawk scored 90,2 points.

A British government minister finally admitted in the British parliament last year that bribes had been paid to secure the BAe contracts with South Africa, but pleaded that they were "within acceptable limits". British researchers estimate these bribes amounted to £160 million (R1.750 billion), but don't yet know how they were split between the British Labour Party, the ANC and their middlemen.

With the tacit approval of the British government, BAe maintains a spider's web of front companies in the Cayman Islands, Virgin Islands, Switzerland and other banking centres to launder bribes to politicians and political parties.

confidential email from a civil servant suggested that the trade minister, Richard Caborn, was seeking to gather "background/dirt on him in order to rubbish him." Caborn claims he was misrepresented.

The only arms dealers to have been prosecuted since 2000 are five very small fish. All of them escaped with a small fine or a suspended sentence, including a man who made repeated attempts to export military parts to Iran. Compare this to the treatment of those who upset the arms industry. Nine anti-war campaigners in Derry who occupied the offices of the arms company Raytheon have just been charged with aggravated burglary and unlawful assembly. If convicted, they could be imprisoned for years.

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world peace is torn up at the arms companies' request. They are not supposed to sell to dodgy regimes or countries in the midst of conflict. So let them first export their arms to the Channel Islands, from which they can be re-sold. Weapons may not be exported to any country unless it shows "respect for human rights". So get the foreign office to note "a small but significant improvement" in the Saudi government's performance and use that as your excuse.

Should we be surprised to find, as *The Times* has revealed, that Israeli soldiers have found night-vision equipment made by a British company in Hizbullah bunkers? Should we be surprised to discover that despite a government commitment to sell Israel "no weapons, equipment or components which could be deployed aggressively in the Occupied Territories", British

companies have been supplying parts for its Apache helicopters and F-16 bombers? The government seems to see the escalating dangers in the Middle East as nothing but an opportunity for business.

Perhaps most damning is this. Blair claims that Britain's security comes first. Yet one of the means by which his government managed to secure this deal was to speed it up. How? The *Sunday Times* reports that "the first 24 planes for the Saudis will be those at present allotted to the Royal Air Force, with the RAF postponing its deliveries until later in the production run." In other words, the Saudis' perceived need for fighter planes takes precedence over our own.

So why does Her Majesty's Government behave like a subsidiary of BAe? A report by the Campaign Against the Arms Trade (CAAT)

shows that 39% of all the senior public servants who go to work for the private sector are employees of the ministry of defence, moving into arms firms. In return, scores of arms dealers are seconded to the ministry. The man who runs DESO, for example, previously worked for BAe, selling arms in the Middle East.

CAAT lists the government committees stuffed with arms executives, the donations, the lobbyists, the Labour peers taking the corporate shilling, and I am sure all this plays an important role. But it seems to me that there is also something else at work. There appears to be a sense among some of those at the core of government that peace, human rights and democracy are for wimps, while the serious business, for real players, is war and the means by which it is enacted. ▣

Gainful employment

The appointment of two former public servants to private-sector jobs would be regarded as corrupt in many countries

NEW OF TWO interesting new appointments reached *noseweek* as we went to press. First off, retired Rear Admiral (Junior Grade) Jonathan Kamerman of the SA navy – and the department of defence's point man for the corvette deal – has joined German ship-building conglomerate Thyssen-Krupp as vice president of their sales department, based in Hamburg.

Thyssen is one of the companies currently under investigation in Germany for allegedly paying bribes to secure its share of the deal.

Secondly, Mr Lisa Manchu has joined Prodira – the company that makes the South African driver's licence.

We thought the public should know about these appointments, because you can bet your retirement home in Houghton and your Cayman Island bank accounts, that neither companies nor individuals concerned will be announcing their new jobs.

In many countries such appointments would be regarded as corruption, leading to criminal charges being brought against both them and their employers.

Jonathan Kamerman was in charge of the acquisition of the South African navy frigates, and signed the acceptance documents for the first two frigates as they arrived. Kamerman also gave some rather creative evidence at the hearings into the arms deal that were conducted by the Public Protector.

Despite what the Department of Defence and the Navy may tell the public, the Frigates are not a great success. They have severe problems with their radar and the guns don't work properly. There are also problems with at least one ship's drive shafts.

noseweek's source in Simonstown says the worst of the ships are frigates numbers one (*Anatole*) and three (*Spioenkop*), where there are serious wiring and electrical problems. These frigates were built in Hamburg by Blohm and



Hello sailor (and goodbye): Admiral Kamerman (right) at the arms-deal hearings in 2001

Voss – now part of the Thyssen-Krupp group. Although frigate number three has not yet been accepted, it will be impossible for the navy not to accept her, as *Anatole*, with similar problems



and defects, has already been accepted by Kamerman.

Apparently the major problem is that all manner of electrical cables are laid out next to each other and their electro-magnetic fields interfere with each other, largely due to the vessel's combat suite. Kamerman gave evidence to the Public Protector that the combat suite developed by Cape Town businessman Dr Richard Young was merely a "technology demonstrator" and that it was thus perfectly understandable for the navy to go with the alternative Thomson CSF (now Thint) combat suite. But Young's suite used fibre-optic cables rather than copper wires, because fibre optics do not have electro magnetic fields...

Young sued Kamerman for defamation for alleging in his testimony that Young compromised national security by exposing official documents. When the Rear Admiral failed to appear in

court to defend himself, Young won. Kamerman then begged the court for a "recission" – another hearing where he could actually defend himself. Young tells *noseweek* the new hearing is still pending. As both he and Kamerman are on the witness list against Schabir Shaik, it was decided to wait until after Shaik's appeal.

Kamerman, currently based in Hamburg, failed to respond to *noseweek's* questions sent to his new email address.

Readers may remember that Kamerman received cash gifts from Schabir Shaik's ADS before he signed the contract giving Shaik's company the contract to supply electronic components and the combat suite. The draft reports into the Auditor General revealed this – and also observed that Kamerman's story to the Public Protector about Young's products differed to the yarn he told investigators. In short Kamerman committed perjury.

Asked what he thought about Kamerman's new appointment, Young said he was "sickened." At least the public may be spared the spectacle of Kamerman defending himself in court against Young's defamation suit. Our money is on him staying in Germany where South African civil courts have no jurisdiction.

And then we have Lisa Manchu, who was, before joining the private sector, a Department of Transport boss. In 1997 Prodira (a consortium of which Schabir Shaik's Kobitech and French defence supplier Thomson CSF, now Thales, are members) won the contract to supply new drivers' licences to the department of transport. Almost immediately a mysterious pattern of selfless generosity began to emerge: Shaik paid for the former Transport Minister Mac Maharaj and family to visit Disneyland. A criminal investigation was launched into this and other bribes given to Maharaj. Scorpions spokesman Makhosini Nkosi told *noseweek* it was not policy to comment on investigations.

The Department of Transport claimed that the supplied driver's licence card met international design standards. Evidence during the Shaik trial showed this was not the case – for one thing the bar code on the licence was around a third too small to be read with the handheld card readers – special readers had to be custom built and bought at extra expense to the public. When the contract to print and supply the licences came up for renewal all bets should have been against Prodira having its licence renewed. It was.

The official who renewed the contract – without putting it out for tender or consulting with the Treasury – was, you guessed it, Lisa Manchu...

Collen Msibi, spokesman for the department of transport says: "There was a disciplinary hearing. But I wasn't around at that time. I have to check up to find out what happened."

We nose what happened. Manchu resigned – before his disciplinary inquiry could be concluded – and joined Prodira. Leaving a job in the public service to take up a post with a private company with which you have had official dealings is commonly known as "revolving door employment." In many countries such dealings are illegal. The reason being that such deals allow officials to negotiate employment contracts with companies in return for giving them massive contracts. The cost of the employment is built into the contract – and is to all intents and purposes a bribe. **W**

That tender touch

SA NAVY CHIEF, Vice Admiral Johannes Mudimu, claimed in a recent interview about the country's controversial arms deal that the Navy had merely "stated its requirements", and from there the matter had been taken forward by other government agencies. "Who gets a tender from which country, the Navy is not involved," he said – the implication being that the navy could not have had anything to do with any possible corruption in the arms deal.

But that, of course, is nonsense.

In the case of the corvettes, the bidding phase of the acquisition was managed by a high-level Project Control Board and lower-level Joint Project Team that included no less than 30 SA Navy men – ranging in rank from Lt Commander to Vice Admiral – including the former Chief of the Navy and Chief Director of Naval Warfare.

For the more modest corvettes originally requested by the SA Navy, the politicians insisted on buying from Germany bigger, much more expensive MEKO 200SA frigates – five of them – but which met only 50% of the Navy's

military requirements – at about 200% of the price at which it could have got Bazan 590B frigates from Spain that did meet the requirements.

If one does the arithmetic that's a bum deal by a factor of four.

Our new Navy chief claimed in the same interview: "We said we needed surface combatants, we needed anti-surface ability. We got all those things ...". That's not true either.

In the case of the corvette combat suite (the ship's computerised weapons control system), the SA Navy stipulated anti-surface and anti-submarine capabilities – but allowed the latter to be scrapped in the course of final contract negotiations to hide the inflated cost of the inferior combat suite offered by the politically favoured French defence supplier Thomson-CSF (now Thales International) and its South African subsidiary ADS – hullo Shabir. All of this clearly with top-level cover from Chippy Shaik, Jacob Zuma, Defence Minister at the time Joe Modise and Thabo Mbeki, then Deputy President. **W**



Pictures: KAMERAZ

Something blue at Something Fishy

When cops shrugged and said there was nothing they could do about a bunch of con artists selling worthless pieces of glass, as tanzanite – for a few hundred thousand bucks apiece – a pair of amateur sleuths arranged their own counter-sting

SAFETY AND SECURITY minister Charles Nqakula recently declared that South Africans are far too tolerant of criminals – and urged all law-abiding citizens to take a stand. So when two such citizens were targeted in a tanzanite scam and the cops said there was nothing they could do, John and Bev decided to take on the crooks themselves.

The drama unfolds over four fast-moving days in August, and begins with a call to Bev's cellphone as she sits reading in the lounge of her Bryanston home.

"Is that Bev?" enquires a friendly, well-spoken voice. The caller announces himself as Charles Malacsi, from Francistown in Botswana, presently on a visit to Johannesburg. He says he was given Bev's business card by a "Mr Johan" who worked with her at a well-known company in Johannesburg. Charles has this "unique business opportunity" that he'd like Bev to get involved with.

"There were two Johans where I used to work, so it sounded quite believable," says Bev. She thus agreed to meet Charles the following morning at the

Bedford Centre in Bedfordview.

Smart casual in fawn slacks and a jersey, Charles arrives late for their 11am coffee shop rendezvous. He tells Bev that he represents a co-op in Zambia that manufactures ostrich and crocodile skin goods – golf bags, handbags and belts. Based in Botswana, he wants someone in Johannesburg to act as middleman; if he allows the co-op to deal directly with customers he, Charles, would get cut out of the picture.

Bev will pose as the buyer, he explains. She will then sell the goods on. Charles will take 80% of the profits, Bev will receive 20%.

"You're like a smokescreen," explains Charles. "Our previous middleman, an Australian named Dr Kevin Brown, made a lot of money during the three years of our association."

Almost as an afterthought, Charles tells Bev that he also imports precious stones such as tanzanite, tourmalines and sapphires, from the same co-op in Zambia.

The co-op's representative is arriving in Johannesburg the following day and Charles suggests they meet him in the morning. The supplier is "a member of President Kaunda's family" and Charles reminds Bev to "dress the part".

From her car, Bev phones her partner John, who is anxious to hear all about this "unique business opportunity". "I was a little uncomfortable and told John it was all very strange." She calls Charles to say she is bringing John along for the next day's meeting.

The following morning Charles arrives at the coffee shop with a leather-jacketed man named Colin, who has "just arrived from Botswana". They have no car, so set off in John's BMW for Isando, where Charles says they are to meet the Zambian supplier, Mr Amos Mumba, at (you guessed it) the



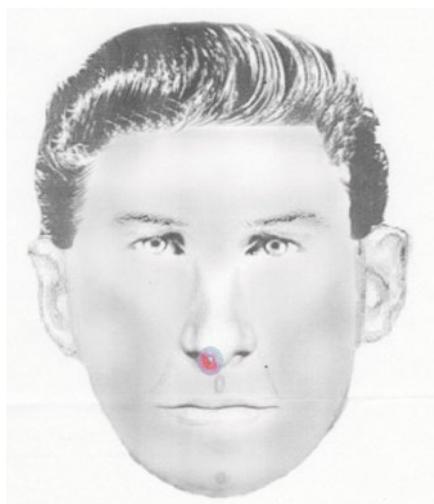
Something Fishy fast food restaurant.

On the way, Charles reminds Bev to pose as the customer and not reveal she is acting as middleman. He also tells the couple that Amos supplies tanzanite “as big as golf balls”, which, on average, fetch R320,000 for two uncut pieces. Tanzanite, prized for its exquisite violet-blue hues, is a rare gemstone found only in the foothills of Mount Kilimanjaro in northern Tanzania. The untrained eye has difficulty telling the real thing, uncut, from a lump of blue glass.

At Something Fishy they find Amos, tall, balding and smart in a grey suit. Bev, whose main interest is in the ostrich products, is disappointed when Amos explains they are held up in a bonded warehouse at the airport. However, he adds: “I do have some tanzanite that is supplied to our co-op by partners in Tanzania”. Quick as a flash, Amos passes a plastic bank bag containing two lumps of something to Colin, who thrusts it into his pocket before John and Bev can examine it.

Charles tells Amos that John and Bev want to take the tanzanite to their office in Kempton Park and have it analysed. “No problem,” says Amos. “It’s my gesture of faith, letting you take the product for valuation without paying for it.”

“We didn’t know what the hell was going on,” recalls John. “We were



THE WARTHOG: Police identikit specially created for noseweek of Ashley Williams, a member of the fake-tanzanite syndicate

goes off with the tanzanite “to have it valued by Mr Ashley”. And 20 minutes later Ashley Williams arrives at Mugg & Bean.

Walking with a limp, a large dewdrop wart hanging off the end of his nose, Ashley Williams is well-groomed in cream shirt and brown slacks. But to Bev and John he seems “a bit

“Only R480,000?” says Charles.

“Well, seeing it’s our first transaction I’ll offer you R500,000 as a gesture of goodwill,” is the response. Williams says it will take him a couple of hours to arrange for his Sandton office to get the money together. In the meantime he has to return to his jewellery shop.

“When he said R500,000 I nearly fell off my chair,” recalls Bev.

Back in the car, Charles announces: “Now we have to see Amos and offer him a price for the stones. Offer him no more than R240,000 and tell him the stones have some flaws in them.” He adds generously: “Since John has been so helpful, we’ll split the profit 50:50 this time.”

“I’m not prepared to lie to Amos,” says John, “but I will negotiate a price of about R220,000 with him.”

Before they know it, they’re back with

CAST LIST

(in order of appearance)

The syndicate:

Charles Malacsi Mid 30s, medium build, fairish skin, friendly, well-spoken. Supposed import/export trader from Francistown, Botswana.

Colin Mid/late 30s, chubby cheeks, very dark complexion. Charles’s business partner, also supposedly from Francistown.

Amos Mumba 40s, tall, good-looking, confident and polished. Supposedly from a Zambian co-op manufacturing ostrich and crocodile skin products.

Ashley Williams aka The Warthog 30-35, black slicked-back hair, large dewdrop wart on end of hook nose, jug-handle left ear, walks with limp. Supposedly of Williams & Associates of Sandton City, maintainers of Queen Elizabeth’s crown.

Sipho Large, bit of a beer belly, supposedly from Francistown. Amos’s luckless gofer.

The good guys

Bev Attractive blonde marketing consultant.

John Mid-50s, ex army captain, tai kwondo black belt and CEO/co-owner of diamond-cutting factory. Bev’s partner of 11 years.

Malemela Former police inspector and John’s head of security.

Khaya A serving police sergeant and friend of Malemela.

They are better than Afgem’s tanzanite. If I were to grade them on a scale of 100, they would be 105

— Ashley Williams

interested in the ostrich and crocodile products – and I don’t have an office in Kempton Park!”

“Don’t worry about it,” Charles assures them as they leave Amos behind in Something Fishy. “We’re going to meet the buyer, Mr Ashley Williams, who has a jewellery shop in the Festival Mall at Kempton Park. Mr Ashley is going to give us a price on the two pieces of tanzanite; then we’ll go back to Amos and tell him how much we’re prepared to pay him for them.” Charles adds that Mr Ashley has been buying tanzanite for many years, spending around R320,000 for each transaction, on behalf of a customer in Toronto, Canada.

At Kempton Park, Charles announces they aren’t going to Mr Ashley’s jewellery shop; they’re meeting him at the Mugg & Bean coffee shop. Charles

nervous”. He’s “left his business cards in the office”, but tells them his family business of Williams & Associates has been in the tanzanite and diamond business for generations. The company holds the sole mandate to “service Queen Elizabeth’s crown” and supplied the tanzanite for Princess Diana’s engagement ring.

“Sorry to take so long valuing the two tanzanite pieces, but I needed to be very careful checking the uniformity of the colour in each of the stones,” he says.

“How do they compare to the tanzanite sold by [JSE-listed] Afgem?” asks John. “Well, to be honest they are better than Afgem’s tanzanite,” replies Williams. “If I were to grade them on a scale of 100, they would be 105.”

Then to business. “I propose a price of R480,000 for the two pieces,” says Williams.

Amos, who happens to be in the area visiting a sick friend at the Kempton medical centre. In a nearby coffee shop Amos agrees to sell them the tanzanite for R250,000.

And finally – the sting.

“We wanted to take the stones, sell them to Ashley Williams for R500,000 and bring R250,000 back to Amos,” says John. “But Amos said no – he wanted a deposit.”

John suggests R1000. Amos wants R60,000.

Warning bells ring for John. As Bev offers to write a cash cheque, John sits drumming his fingers on the table. “Just hold on,” he tells Bev. And to Amos, abruptly: “I’m late for a meeting. I’ll think about it and phone you later.”

In the car he tells Bev: “I think this is a scam. There’s something wrong here, but I don’t know what it is.”

Hardly are the words out of John’s mouth than his cellphone rings. It’s Ashley Williams. “I’ve got the R500,000. It’s ready now, in Sandton,” says The Warthog.



THE REAL THING: Cut and uncut genuine tanzanite (left) and the fakes

the superintendent. “We arrest these guys, they go out on bail and disappear. It’s a waste of police time.”

“Well, there’s something we can do. My head of security and I are going to sort these guys out ourselves!” replies John. “Good luck to you” says Van Rensburg.

John then sets his own sting. He phones Amos and Charles and tells them he has the R60,000. They arrange to meet at Mugg & Bean in Kempton Park the following afternoon at 2.30pm.

John arrives and settles at an inside table. Security chief Malemela, accompanied by a friend, a serving police sergeant in plain clothes, who we’ll call Khaya, sits at a table outside. While John waits for Charles and Amos to arrive, a large, well-dressed man approaches John, says his name is Siphso and he’s working for Amos. “I believe you’ve got something for me?” asks Siphso.

Malemela joins them and fires questions at Siphso. Siphso’s nerve goes. starts shaking and decides to make



stones”. “No, no, we can see what’s happening, we don’t want a hiding,” is the reply. Meanwhile Malemela has spotted a silver Mercedes SL 600 cruising in the car park, observing the goings-on.

John phones Ashley to come on over, but The Warthog’s been tipped that the sting is blown – his phone’s on voicemail.

Malemela and Khaya drag Siphso off to a police station, where the hapless gofer is vigorously interrogated until midnight, when he is released, in damaged condition. “Malemela was very annoyed, because it was me who had been targeted,” says John. “He wanted to protect me and make sure that there would be no more problems from this syndicate.”

While Siphso is being worked over at the police station, John makes his last calls to Charles and Amos. Both admit the “tanzanite” is worthless glass and the intention was “to rob Bev; we were told she’s very rich”. They confirm that the gang members are South Africans. John finally reaches Ashley Williams, who admits he is part of the syndicate “and has been doing this for years”.

John’s message to Charles and Amos is short and to the point. “If you ever contact Bev again I’ll kill you.”

Looking back, John says: “It’s so slick when it’s happening and it’s happening at such speed. If you say: ‘why didn’t you examine the stones?’ there’s no time; they’re moving you all the time.”

Superintendent Henk van Rensburg, of the police’s diamond and precious metal group, tells *noseweek* that the syndicate operates in ever-changing groups of five or six. “They don’t want their faces to be well-known in a certain area, especially if they knock somebody for R50,000 or whatever.

“They’re offering emeralds, rubies or tanzanite and there’s nothing we can do. There’s no law in South Africa regarding the sale of these stones. We’ve only got legislation regarding diamonds, with the Diamond Act.”

Surely, selling blue glass as tanzanite is fraud? “Yes,” agrees Van Rensburg. “But if we arrest people like Ashley Williams – or whatever name he’s using next – they just say: ‘I did try to sell the tanzanite, but I believed it was genuine’.”

The syndicate is expected to be particularly active this November. “With people wanting to go on holiday and keen to make a few bucks, the syndicate guys are on a roll,” says Van Rensburg. “During November they’ll pitch up a lot.” **W**

“I was barely talking to John at this stage,” says Bev. “He’d blown my deal! Amos didn’t want a cash cheque, he wanted me to go and draw the cash from the bank. If John hadn’t been with me I would probably have done something really stupid.”

“She was furious with me for bugging up the deal and losing R125,000 commission,” says John.

John’s suspicions increase when he checks out the supposed address of Ashley Williams’ Sandton City office – 207 Sandton Towers. There’s no such place, and there’s no listing in the phone book for Williams & Associates.

John brings in Malemela, a former police inspector who is head of security at his diamond-cutting factory, and tells him the story. John also calls Superintendent Henk van Rensburg, head of the police’s diamond and precious metal group in the Organised Crime Unit. “Not a lot we can do,” says

a run for it. Malemela, fit and strong, goes after him, grabs him by the belt, lifts Siphso off the ground and slams him against the wall. Outside he hurls Siphso into a chair next to Khaya.

Khaya lifts his shirt to display a police issue pistol tucked in his waistband. Malemela grabs the tanzanite from Siphso and flings it to the ground. The rough coating breaks to reveal that the “tanzanite” is in fact blue glass. Khaya lands a series of rapid slaps to Siphso’s face, nearly pitching him off his chair.

It’s a Friday afternoon and Mugg & Bean is packed. A middle-aged lady at the next table cries: “Oh, I can’t stand violence! I’m an educator trying to teach my kids about non-violence. He shouldn’t be beaten up in a public place. Can’t you take him around the corner and work him over there?”

John now wants to pull in the others, and calls Amos: “Come and fetch your

Drunk and disorderly

A Johannesburg businesswoman says that friends in high places helped Free State director of public prosecutions – and heavy drinker – Brink Ferreira, to have her evicted from their Bloemfontein home

WHEN JOHANNESBURG ENTREPRENEUR Elsje Groenewald met Advocate Brink Ferreira, then Witwatersrand deputy attorney general, at a cocktail party eight years ago, it was love at first sight. She'd finally found her soulmate, after a nasty divorce, and a father figure for her young son, Reinhardt. Little did she know. Ferreira, Groenewald now alleges, "drinks like a fish and is always drunk".

Ferreira first assaulted her, she tells *noseweek*, at Sun City. Invited as a VIP guest to the Miss South Africa pageant she took Ferreira along, but with free liquor abounding, he got drunk and embarrassed her. When she later complained, back in their room, he tried to strangle her.

After an assault in August 2003, neurosurgeon Dr WJ van Jaarsveld noted in his medical report that Groenewald's severe cervical spondylosis - damage to the neck vertebrae - was of a kind especially found in women who have suffered "repeated assaults". He observes that she reported to him a history of such assaults, consistent with the unusual level of the spondylosis. She would, he thought, at some point need extensive surgery.

In July this year Ferreira



Soulmates: Elsje Groenewald with suspended Free State director of public prosecutions Brink Ferreira

was suspended, on full pay, from his position as director of public prosecutions for the Free State. According to Kalyano Pillay, special advisor to National Prosecutions Authority (NPA) director Vusi Pikoli: "Advocate Ferreira was suspended after the NPA received several serious allegations against him." We could get no further explanation from the NPA.

Groenewald's story to *noseweek* indicates that an investigation into Ferreira began last year, after she wrote to Advocate Pikoli detailing her experience with Ferreira and claiming he had used his senior position and network of friends to manipulate the justice system in his favour. She was visited last December by an officer of the unit dealing with domestic violence, and in February by police officers from Kimberley, who questioned her in detail about Ferreira. Says Pillay: "An NPA internal investigation is currently taking place. We are not in a position to provide any further information as we do not want to jeopardise this investigation."

Groenewald finally laid a charge of assault against Ferreira on 8 August 2003. She alleges that he arrived home drunk, and in an ensuing altercation struck her with such force that "I hit

the floor with the back of my head. He tried to strangle me several times and when I realised that he might kill me, I called the police and pressed charges of domestic violence against him”.

The officers answering Groenewald’s call found Ferreira drunk and covered in blood. She told them he’d arrived home like that, having drunkenly damaged himself elsewhere. Ferreira later claimed he had cut his hand in a fall at home, after taking a double dose of a prescribed medication, of the three beers and two glasses of wine he’d drunk at the office.

In the following week, Groenewald was called by several of Ferreira’s friends and colleagues, asking her to withdraw the charge she’d laid at Parkweg police station. Advocate Meiring and the notorious Charlie Landman, ex head of Brixton Murder and Robbery, advised her to drop the case, saying she had no leg to stand on and would find herself thrown into the street. “They threatened me and my son when I refused to drop the case.”

Groenewald did indeed withdraw, falsely stating that it had been the first time Ferreira had abused her, and that they intended going for counselling together. She withdrew, she told *noseweek*, because Ferreira and his lawyer, Nico Naude, pleaded that Ferreira would lose his job, and he promised to make amends. The case file, carrying statements by the arresting officers and various doctors, is now with the NPA.



High friends: (front left to right) Judge E KW Lichtenberg (ex-judge president of the Free State); Advocate Amanda Bester; and Judge President of the Free State High Court J P Malherbe at the cocktail party held by Brink Ferreira (rear) last year

There is in fact an earlier police record of his drunken abusiveness. Groenewald called the police in May 2003, when Ferreira began assaulting her after they returned home from a gathering in the presidential suite of the Free State rugby union. Ferreira’s drunken behaviour had become so outrageous that union president Harold Verster had quietly asked Groenewald to take him away, saying he was “a disgrace to the legal profession”. When she asked Ferreira to accompany her, he swore at her in front of the gathering, which included several judges and other VIPs. At home the violence began. Superintendent Hardy Otto and a woman officer, arriving in response to Groenewald’s distress call, found Ferreira heavily under the influence and gave him a warning.

When Groenewald wrote to Pikoli, in August 2005, she was facing a case brought against her by Ferreira to have her and her young son evicted from the Bloemfontein home the couple had shared – Ferreira had moved out in late 2004. Groenewald claimed she joined Ferreira, from Johannesburg, after he had promised

before witnesses to marry her. When he bought them a house he promised to put it in both their names. Ferreira himself denies making any such promises and claims it was Groenewald who wanted to get married.

She alleges in her letter that when Ferreira applied to have her evicted from the house, he refused to use the Magistrate’s Court, which recognises “a live-in relationship on similar terms to that of a marriage in community of property”. Instead he ensured the case was heard in the High Court. The provisional application was heard by Judge Faan Hanke, whom Groenewald says should have withdrawn, as he knew both of them well. The final case was heard by Judge Olivier, at the request of Judge President Malherbe, both of whom are close colleagues of Ferreira. During the trial, Judge Olivier described Groenewald’s evidence against Ferreira as irrelevant to the matter, and “intentionally slanderous”, designed to portray the applicant in a “bad light”. Ferreira won the case.

Groenewald claims that Bloemfontein Judge S Ebrahim told her she’d overheard the judges involved discussing the case, saying that Ferreira should win. A week after the trial, Malherbe and Ferreira were photographed together by *Die Volksblad*, at a cocktail party thrown by Ferreira.

Groenewald tells *noseweek* that back in March 2000 Ferreira’s drinking nearly cost him his life when thugs shot him in her driveway in Lonehill, Johannesburg. Apparently he had



Double trouble: Advocate Brink Ferreira

arrived to visit, pleasantly inebriated after a long day at the office, and went on drinking with Groenewald's lodger. At 8pm a raving Ferreira grabbed her house keys and went out to his car, opening the security gate to leave but refusing to give back her keys. He seized her by the throat. Struggling to free herself she saw two men with guns coming up the drive – Ferreira broke off to accost them and was promptly shot in the face. The men ran off as another car arrived. Groenewald and her son Reinhard, then six, were severely traumatised, needing months of professional counselling. Ferreira paid for Groenewald's therapy but refused to pay for the child's.

When Ferreira was discharged from hospital after several operations, including three brain surgeries, Groenewald welcomed him to her posh house in Lonehill, south of

was involved. Ferreira seems to have repaid Jammie in odd ways. In October 2003, with Ferreira getting drunk and beginning to threaten her, Groenewald drove him to Advocate Jammie's house, where he outdid himself, breaking a glass and a chair, and stripping naked in front of children and guests. He also stamped on, and broke, Jammie's foot. We have a copy of Ferreira's cheque that paid her medical bill.

Ferreira also lied, she says, about the theft in 2001 of his licensed firearm. "Ferreira carelessly left his pistol in his government-subsidised vehicle. The vehicle was broken into and the pistol that was partially visible from under the driver's seat was stolen." She alleges that after getting the broken window fixed, Ferreira made a sworn affidavit to his head office, claiming the pistol was stolen from the car's boot.

"I don't know anything about my client being alcoholic – does he drink?"

– Brink Ferreira's attorney

Johannesburg. There she became his full-time nurse, neglecting her successful national slimming business, Elsje Health Club. Groenewald claims she spent more than R200,000 on Ferreira, "during and after his hospitalisation." He promised, she claims, "to reimburse me for my financial losses when he got better, but it never happened".

In 2001, when Ferreira was back on his feet, former national director of Public Prosecutions Bulelani Ngcuka transferred him to Bloemfontein. Ferreira repeatedly called her for hours, she says, from his office, and pleaded with her to join him. When she had arranged her affairs she and son Reinhardt moved. "The first step to hell" she calls it.

In her letter to Pikoli, Groenewald also makes other allegations. She writes that Ferreira once drove his luxury sports car into a tree, but instead of reporting the matter to his insurance company, he had his friend senior prosecutor Rika Jammie get the car fixed. Jammie apparently told the panel beater that her under-age son had caused the damage, to explain why no insurance company

Groenewald says the NPA have given her a raw deal for not prosecuting Ferreira, or charging him. "The NPA has sent thousands of men who abused their wives or women to jail but here is one of their own doing the same thing and they are not doing anything about it. I have sent them my medical reports, I have eyewitnesses and hardcore evidence but not much has been done so far.

"The man is earning around R60,000 per month and has been suspended on full pay. Ferreira is a free man and enjoying his life, while I am nursing a permanently dislocated arm and four damaged vertebrae and have medical bills of over R500,000."

When *noseweek* phoned Ferreira he refused to talk. His attorney, Mr R Britz, says Groenewald's accusations against his client make "absolutely no sense." Which allegations, we ask? "Listen my friend, the matter is *sub judice* as it is still pending in the high court and therefore I cannot explain anything to you." And which matter exactly, is *sub judice*? Sorry, no explanation. Adds Britz: "I don't know anything about my client being alcoholic; does he drink?" ■

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Plumbing



The unkindest cut

Pretoria woman left paralysed after surgeon botches routine operation

AFTER A LIFE packed with travel and intrepid adventure, author Vierentia Beukes, 75, is today trapped in a wheelchair, paralysed from the waist down and embroiled in litigation with the orthopaedic surgeon she claims has destroyed her life.

Mrs Beukes is seeking R1.4m damages against Dr Jakes Van der Westhuizen, claiming he acted negligently after a back operation left her a paraplegic. Van der Westhuizen, a well known Pretoria orthopaedic surgeon who has professional indemnity insurance through the London-based Medical Protection Society, denies liability.

Vierentia Beukes, it seems, has a lot in common with the pioneering feminist Irish aviatrix Lady Sophie Heath, who with bible, shotgun, tennis rackets, six tea gowns and a fur coat aboard, was in 1928 the first woman to fly solo from Cape Town to England. Or with Gertrude Bell, famous for her exploratory rambles into the Hejaz.

In her 20s Vierentia embarked, with her best friend, on a Vespa scooter safari through Mozambique and Zimbabwe. With her twin children still in nappies she roamed the Kalahari and Namib on her own, and later in the Drakensberg climbed Cathedral Peak and the Horns carrying only sandwiches and a water bottle. At 60 she took up swimming and clinched seven Northern Transvaal swimming records for her age group.

Beukes has published several books, including *The Killer Foods of the 20th Century* and *How to Avoid Them* (1974) and *The Complete Pet Bird Owner's Handbook* (1993).

But in 2004 that Mrs Beukes found that her legs “wobbled” after she had been sitting for a while. She consulted Pretoria neurosurgeon, Dr Pieter Slabbert, and tests revealed that spurs of bone known as osteophytes were causing pressure on her spinal column. There were two choices: do nothing



After the knife: Once active Vierentia Beukes is confined to a wheelchair after a botched medical procedure

and slowly become paralysed; or have an operation to remove the pressure – a fairly routine procedure, usually having a successful outcome.

The operation duly took place on 5 March 2005 at Pretoria East Hospital. Dr Slabbert removed the osteophytes and orthopaedic surgeon

Dr Jakes van der Westhuizen administered a fusion from vertebrae T9 to L1. In this procedure a titanium bar is attached to the exposed spinal column, and sections of bone culled from the patient’s pelvis – called matchsticks – are laid on both sides of the exposed area, to fuse and further strengthen the back.

When Mrs Beukes came out of the anaesthetic she discovered she had no feeling from the waist down. Hospital staff contacted Dr Slabbert, who was on his way home. He thought that Mrs Beukes might have developed a haematoma (bleeding) and ordered that she be prepared for immediate surgery to prevent damage to her spinal column. Efforts to contact Dr Van der Westhuizen were unsuccessful.

Dr Slabbert later told Mrs Beukes he found no haematoma, but he did discover that too many matchsticks had been implanted at the site of the fusion and were causing pressure on the spinal column. He removed the excess bone.

During the night after this second operation the feeling in her legs returned and Mrs Beukes was able to move her toes. But when Dr Slabbert visited her in hospital he was angry, upset and tense. Mrs Beukes recounted to a family member how Slabbert had told her: “I’m used to make people who can’t walk, walk again. I’m not used to turning people who can walk into people who can’t.”

Dr Van der Westhuizen visited Mrs Beukes the day after the operations. She told her family: “He could not look me in the eye; he seemed to be highly uncomfortable and had lost his usual demeanour of brisk self-confidence. All he said was that Dr Slabbert “fiddled with my fusion and moved the bone, now I don’t know if the fusion will take and grow on.”

On subsequent visits Dr Van der Westhuizen observed it was a pity she had developed a haematoma – imply-



Happier times: Vierentia Beukes (right) and her best friend, both in their twenties, about to set off on safari through Mozambique

ing that this had caused the paralysis.

Dr Slabbert subsequently told physiotherapist Elaine Erasmus: "The whole operation was a fuck-up."

Mrs Beukes returned to her home in Pretoria's Lynnwood Glen to discover the harsh reality of life as a paraplegic: until the operations, she had worked part-time as a receptionist and book-keeper for her 76-year-old dentist husband Teddy, who has a surgery at home. Continuing to help him was impossible.

Now wheelchair-bound, she and Teddy abandoned the top storey of their home. Physiotherapist Elaine Erasmus came twice a week and six months later some feeling was restored. But when Mrs Beukes saw Dr Slabbert on 13 July last year he told her: "You have improved, but you will never walk again."

Mrs Beukes continued with a grueling exercise regime, often in tears. "I can't sleep at night because of the pain; I can never escape pain during the day," she told her family. "It destroys my fighting spirit and flings me into despair and exhaustion."

"My life consists of saying: 'Please can you?...Thank you...I'm so sorry to bother you again, but can you please do this or that for me?' I hate it! I hate it!"

Despite the odds stacked against her, you can't keep a gal like Vierentia Beukes down. With her wheelchair in the boot, she and her husband set off on yet another adventure – visiting the guesthouses and holiday destinations of South Africa to discover how friendly they were for the disabled. The result: another book, *Happy Holidays with a Wheelchair*, which is being considered for publication by the Department of Environmental Affairs and Tourism.

Court papers in her damages claim include a report by orthopaedic surgeon Tony Birrell. "It is standard

routine with doctors performing back surgery that the patients have to show normal sensation and motor movement in the lower limbs before they are sent out of the recovery room," writes Birrell.

"If there is any abnormality, for example abnormal pressure or a misplaced internal fixative, the patient can immediately be taken back to theatre and any such mishap corrected as soon as possible, which theoretically minimizes the damage to the spinal cord or nerves.

"As far as I can judge from the patient's history, it does not appear that this was done, or if it was done, the spinal cord damage was not noted. Based on the history that I have been given, what occurred was that too much bone, ie matchsticks and spongostan, was packed over the decompressed spinal cord area underneath the cross rod. This problem should not have occurred, in my opinion, had due care been taken...I am satisfied that this patient has a claim of negligence against Dr Van der Westhuizen."

Mrs Beukes has also filed a complaint against the orthopaedic surgeon with the Health Professions Council of South Africa. This has placed in jeopardy Van der Westhuizen's planned emigration to Australia – before a doctor can take employment abroad he has to obtain a Certificate of Good Standing from the council. One will not be issued to Dr Van der Westhuizen while there's a complaint pending against him.

If a doctor's penalty is disqualification from practice, no certificate will be issued. If he is only fined, a certificate will be issued but when he applies for a job overseas he will be asked: "Have you ever been convicted of any unprofessional conduct for which a penalty of erasure was not imposed?"

The HPCSA held a preliminary inquiry into Mrs Beukes' complaint on May 24.

In the meantime Dr Van der Westhuizen continues to operate at Pretoria East hospital. He's just back from a two-week trip to Australia, says his secretary at his Faerie Glen consulting rooms. "We don't know when he'll be leaving for good."

The surgeon did not respond to our request to give his side of the story. From her wheelchair, Mrs Beukes, mother-of-four, with four grandchildren, declines an interview with *noseweek*, saying: "I'm not a vindictive person, I'm just following the proper legal route." **W**

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Beware Greeks bearing graft

ANC bigwigs involved in the consortium that will run the national lottery deny knowledge of the tainted history of their 'technical' partner, Intralot, or its owner, tycoon and former Stasi agent Socrates Kokkalis



S O ANC BIGWIGS have done it again, this time hitting a R40-million-a-year per year Lotto jackpot. Trade and Industry Minister Mandisi Mphahlela has announced that Gidani Consortium, whose shareholders include ANC heavyweights, is to take over as the new national lottery operator from April next year. Gidani's "technical" partner is Intralot, a company owned by Greek tycoon Socrates Kokkalis, 67.

No doubt Gidani Consortium is happy to associate itself with a man who has donated \$5-million to Harvard University, and who is ranked among the world's top 500 billionaires by *Forbes Magazine*. But we reckon Kokkalis' tainted past will be back to haunt Gidani soon enough.

Intralot's business profile boasts that the company operates lotteries in Turkey, Peru, Cyprus, Romania, Chile, Poland and Bulgaria. Did Kokkalis forget to mention his Russian "business"? In 1993 he got \$15-million (R110-million) from the Russian National Sports Foundation [NSF], to set up a lottery – which never saw the light of day. The NFS entered into an agreement with Kokkalis' Swiss company Sectro SA in June 1993, but the company failed to fulfil its contractual obligations and the

Russians wanted the money back they had paid to Sectro SA.

In July 1995 NSF President Boris Fyodorov wrote to Kokkalis: "Your fax of 20 July 1995 upset and saddened me. I do not want to believe that ... people I have been connected with for years, can deny what we agreed upon this year in Athens during that weekend we spent together. I demand that you comply with the procedure in force, or I shall resort to law ... and ... also declare Olympic Lottery bankrupt and propose the end of its operation to the Russian finance ministry. I think you will agree and make amends."

When the NSF eventually realised – in July 2000 – that it was going to get no joy from Kokkalis, it wrote to the Geneva prosecutor-general, Bernard Bertossa, asking him to investigate Kokkalis and Sectro SA for fraud. In this letter Kokkalis is described as "a citizen of Greece and former DDR [the German Democratic Republic], known for his hidden activities and his multiple implications in numerous political and commercial transactions."

The ensuing investigation allegedly established that Kokkalis channeled the money to secret bank accounts belonging to companies whose owners or shareholders were unknown, the

Business philosophy: Socrates Kokkalis (right) with Intralot's CEO K Antonopoulos

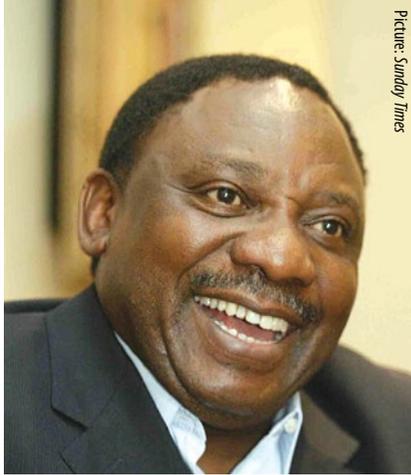
money being "laundered" through these accounts, and some of it then being used to pay bribes. It also emerged that Kokkalis had been an agent for the Stasi, East Germany's feared secret police, using the Mafioso code name Rocco.

A German Bundestag Report published in 1998, in which all former Stasi agents were "named and shamed", led to Kokkalis becoming the first Greek to be charged with espionage. It was alleged that he had continued spying for Stasi even after he returned to Greece – and that he used funds from Stasi to start his multi-billion empire.

In consequence of the investigation, the NSF opened a criminal case against Kokkalis in Russia, and in February 2002, the Greek prosecuting authority slapped Kokkalis with criminal charges ranging from espionage to fraud and money laundering. After several postponements the issue remains unresolved.

Kokkalis is the son of a renowned Greek heart surgeon, Petros Kokkalis, who was a leading member of the com-

munist-dominated National Liberation Front (EAM). At the age of five, Kokkalis enjoyed the privilege of having his own bodyguard when, in 1945, his father became health minister in the



Money machine: Cyril Ramaphosa set up Mabindu Development Trust, a non-profit organisation with a 26% share in Intralot in South Africa

EAM revolutionary government. When the government collapsed in 1949, the Kokkalis family went to live in East Berlin. Dr Petros Kokkalis is still regarded as a struggle hero by the left in Greece.

The young Kokkalis studied in the Soviet Union and the DDR. On his return to Greece he emerged “from nowhere” to become one of the most influential and prominent businessmen in the country. He teamed up with businessman Constantine Dimitriadis in 1974 to start his first company, Integra, which was an agent for the East Germany technology company, Elektrotechnik.

Three years later Integra gave birth to Intercom Holdings and Kokkalis was on a roll. His ultimate breakthrough came on October 13, 1993 when his close political associate, Andreas Papandreou, was re-elected as Greek Prime Minister. Kokkalis allegedly bankrolled and funded Papandreou’s comeback campaign, and was rewarded with a lucrative contract, a monopoly in procurement for the state-run Hellenic Telecommunications Organisation. (Kokkalis’ generosity to Prime Minister Papandreou included lending his yacht to the prime minister and his mistress, Dimitra Liani, an Olympic Airways air hostess. Papandreou later divorced his wife, Margaret, to marry Liani.)

Kokkalis became a lotto kingpin when Intralot became the first private company to supply the Greek national lottery with software to run their gambling machines. Kokkalis’s lotto operations went well until in October last year, when it was alleged that the results of the lottery were rigged and that the betting games were used for money laundering, paying bribes and fixing soccer matches. The financial crimes squad launched an investigation when it appeared that there was a pool of specific winners, who won million of euros between 2002 and 2004.

The Greek newspaper *Kathimerini* reported that the investigation established that the same bunch of celebrities, journalists, football officials and referees – and their families and friends – were each week winning the lottery. One of those lucky winners is Stamatina Marmara, a high flyer and gambler who won around 11 million euros in two years through Pame Stihima (“Let’s Bet”) lottery which is operated by Intralot. Marmara is the wife of Kokkalis’ close business associate, Giorgos Salonikis, who used to be a board member of Intralot.

Readers might also note that Kokkalis is the owner of Greece’s most popular soccer team, Olympiakos Piraeus

– where his friend Salonikis served as a board member. The soccer team has won a number of championships amid allegations that some of the games were fixed.

Now Intralot has arrived in South Africa, thanks to its business partners in the ruling party. Mabindu Development Trust, a non-profit organisation set up by Cyril Ramaphosa, ANC national executive committee member and well-known businessman, has a 26% stake in Intralot in South Africa. Maureen Mphatsoe, a spokesperson for Ramaphosa’s Shanduka Group, said she was not aware of any allegations made against Kokkalis, or Intralot. She confirmed that the group’s link to Gidani Consortium was through Mabindu Development Trust.

Says Mphatsoe: “It must be made clear that Ramaphosa is just a trustee of Mabindu Development Trust and not a beneficiary. Shanduka Group is not involved at the Gidani Consortium level.” Mphatsoe referred all other questions to Bongani Khumalo, the chairman of Gidani – who confirmed that they had not researched the background of Kokkalis or his company, Intralot. “They came to us highly recommended,” he said. “We were not aware of their tainted history.”



“Katia, I know that with the right combination of therapy and medication I could have a committed relationship with you.”

Legal gloves off in gym dispute



IN AUGUST, AFTER months of delay, trial was due to start in fitness trainer Jenny Reichlin's R1.2m damages claim against Legacy Group's multi-millionaire head Bart Dorrestein. But deputy judge president of Johannesburg High Court, Phineas Mojapelo (see box on opposite page), handed down an unusual order, in fact one that advocates consider unprecedented.

Readers will recall (*nose75*) that Reichlin took over the gym at Dorrestein's five-star Michelangelo Hotel in Sandton City. Three months later Reichlin was turfed out so Dorrestein's daughter Nicky could include the facility in her new gyms division, Legacy Fitness.

Earlier, in accordance with procedure, Reichlin's attorney Leslie Cohen had written to Judge Mojapelo informing him that the matter could run for seven days. Mojapelo replied, however, that he could offer no more than five.

At the high court roll call, Reichlin's

Glove you: Jenny Reichlin and Justin Egling, who are involved in a joint court action against Bart Dorrestein

advocate, Richard Solomon SC, told Mojapelo that he thought the case could, after all, be confined to five days. Dorrestein's advocate, Duncan Turner, opined in turn that it could run for six.

Normally, if a case runs for more than five days, it is postponed for completion at a future date. Instead, Mojapelo ruled that if the trial was not concluded by the end of the fifth day, he would strike the matter out and the whole case would have to be re-tried at some other date. Furthermore, Reichlin would have to bear the costs of the abandoned trial (which with three advocates and two firms of expensive attorneys, would be enormous).

"Such a ruling is completely unheard of," comments an advocate. "I don't think the judge president has the authority to strike the matter out like that. It would be eminently appealable."

In the event, Reichlin's advocate Solomon decided not to take the risk of the tight time-frame and withdrew the action. Mojapelo ordered Reichlin to bear the costs of the day and her attorneys now have to seek a six- or seven-day single slot for the trial – for which they could wait for months.

Was Solomon's decision in withdrawing correct? "Yes," says a legal expert. "Dorrestein's advocate could have cross-examined a witness for three days, just to make sure they ran over."

Reichlin, who is bringing up three teenage boys on her own, is furious at the delay, as she believes she has a strong case. Its outcome will hang on the judge's view of who is telling the truth over a verbal contract Reichlin claims was entered into between herself and Michelangelo Hotel general manager Hans Prenner in October 2004.

Crucial to Dorrestein's case is his single expert witness, fitness trainer Mornay Butlion, who once worked with Reichlin at the Michelangelo gym when its lease was held by well-known personal trainer Esly Lombard. Butlion now runs the Legacy Fitness gyms for Nicky Dorrestein. Among court papers is Butlion's "expert summary" of the Dorrestein gyms. His assessment of the one at the Michelangelo: "an inferior facility". His expert evidence will include a scathing assessment of Reichlin's damages claim.

To support his status as expert witness, Butlion has filed an impressive CV, which starts off listing his qualifications: MSc Medicine, Wits BPhys Ed(Hons).

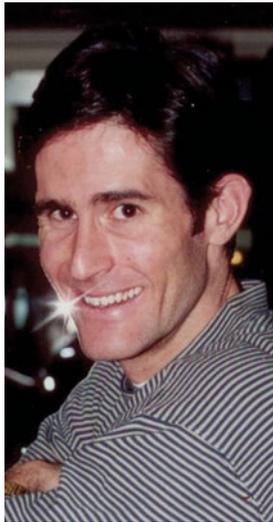
However, at the University of the Witwatersrand, administration manager Bronwyn Russell tells *noseweek* that there is no such thing as an honours degree in the BPhys Ed. "Butlion was a student in our department and did the four-year bachelor of physical education degree," says Russell. "MSc Medicine is a master's degree. Butlion is registered for it, but hasn't had his graduation yet."

Among his current activities, Butlion states: "I lecture part-time at Wits." This comes as news to the university. "To my knowledge, Mr Mornay Butlion has not been a lecturer in

the Physical Education/ Human Movement Studies division at the University of the Witwatersrand over the past four years,” says Bronwyn Russell.

Another current activity: “I instruct for the Virgin Active Group of gyms.” At Virgin Active, Darren Jacobson, technical specialist for personal training, tells *noseweek*: “Mornay has an independent group training agreement with us for aerobics. He isn’t and has never been an employee personal trainer or a franchised personal trainer.

“I have a note here from the club manager at Old Eds requesting Mornay to stop his illegal personal training there and one from Melrose Arch warning him not to use the studio for private training. He’s been accessing our facilities and doing personal training, on the sly.”



Grin reaper: Bart Dorrestein’s ‘expert witness’ Mornay Butlion

Among prestigious clients of his “holistic Healthwise approach to lifestyle change within the corporate environment”, Butlion lists law firm Webber Wentzel BOWENS. A crisp note from Webber’s, however, states: “We confirm that Webber Wentzel BOWENS has never employed the services of Mr Butlion.”

As for Jenny Reichlin, she says her pre-trial legal costs in her battle with Bart Dorrestein are presently running at more than R120,000. Dorrestein has made two offers to settle her claim – for R60,000 and R75,000. Reichlin considers these laughable and declares she’ll accept nothing under R800,000.

Reichlin, backed by her socialite mother Dalene Sofer, is now co-owner of a new Rosebank slimming clinic, The Firm. **W**

Go to cell!

JUDGE PHINEAS MOJAPELO, deputy judge president of Johannesburg High Court, is fast emerging as eccentric, as eccentric, in fact as the UK’s legendary Lord Denning when it comes to issuing controversial orders from the bench.

Mojapelo was one of the judges who recused themselves from sitting in Jacob Zuma’s rape trial, in Mojapelo’s case on the grounds that he considered it “highly unethical” for him to try “his former comrade” in the liberation struggle.

The legal fraternity is abuzz about eccentric

orders made recently by His Lordship.

In the first, Mojapelo was sitting in court when the cellphone of a member of the public sitting at the back rang. The man hurried outside to take the call. On his return Mojapelo fined him R5000 or 20 days’ imprisonment, for contempt.

Just the other day, according to the lawyers’ gossip machine, the same thing happened to another luckless member of the public. On the offender’s return from answering a call Mojapelo sentenced the poor wretch to 30



Judge Phineas Mojapelo

days in prison – with no option of a fine! [We’d love to know the identity of this man – Ed].

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Prophet and loss



Picture: Justin Reddin

CHARISMATIC PASTOR HENNIE Hancke, guest speaker at the Sunday evening meeting in Centurion, holds his adoring audience spellbound. Frenzied clapping and Praise-the-Lords erupt as the much-trumpeted “prophet” shows a video bearing tidings of great joy: he’s raised US\$4000 for their new church roof – though they may have to wait a while until the money transfer comes through.

In joyful thanks, the 100-strong worshippers press banknotes into the pastor’s collection box. Before the evening’s done, the box is sent round again, the Pastor urging just another R5 more from each and everyone.

It makes for a handy little top-up for Pastor Hancke, evangelist preacher and on-the-side director of Incredible Jewellery cc. For, unknown to adoring acolytes, the pastor is a disgraced insolvent, his estate sequestered after he took three whopping diamonds on approval from a fellow worshipper and failed to return or pay for them.

Despite his depressing – and carefully concealed – status as an insolvent, the pastor is flourishing in a new life

Unknown
to adoring
acolytes in
Centurion,
diamond-
dealing Pastor
Hennie Hancke
(above) is a
disgraced
insolvent

as leader of Hennie Hancke Ministries International. Besides local proselytising, Hancke conducts crusades in the UK, Europe and Scandinavia.

The 36-year-old pastor, however, has scored best in the US, hailed there for his “strong prophetic gift” and cross-denominational revival crusades. When we catch up with him at the Shalom Worship Centre he is scheduled to leave for the US to galvanise the masses at meetings in Alabama, Mississippi, Louisiana, Kansas and Oklahoma.

This fine Sunday evening Pastor Hancke is in smart casual rig, with expensive leather jacket and highly polished shoes. What at first glimpse resembles the Cullinan diamond, on a ring on his left hand, is in fact a whole cluster of smaller sparklers. Accompanied by his blonde wife, Amanda, he arrives in a Pajero.

Besides the video and those all-important cash collections, there’s a rousing sing-along, led by the pastor in booming pseudo-American voice. He singles out worshippers to receive his famed prophesies.

Two days later Pastor Hancke was off on his US tour, due to return to South Africa

in November – when he'll be met by a subpoena ordering him to appear before the Master of the Pretoria High Court to answer some unwelcome questions about his present earnings and assets.

Apart from whip-rounds at every meeting he graces, these earnings include the kitty at the pastor's own Financial Support Group at Hennie Hancke Ministries International. The Support Group points out that spreading the Gospel requires resources, and issues a sign-up form on the Internet, inviting monthly, quarterly, annual or once-off contributions. And in the US, Marcus A Hobbs, pastor of the Living Word Church in Citronelle, Alabama, says the Lord has prompted him to propose a \$100 monthly contribution to "Brother Hennie" from every American state where he establishes a home church.

His worshippers wouldn't like the saga of their revered pastor's fall from

another of 2.02 carats (R104,745) and a third of 1.81 carats (R85,081). Total price tag: R369,043.

When Aucamp asked for his money, the pastor promised: "At the end of the week".

Nothing. After two more weeks Aucamp asked again: "He promised me and promised me," says the dealer. "He said the customer was paying him with a credit card and it would take some time for the money to come through."

Aucamp started to get worried, for they weren't his diamonds. He in turn had them on appro from two other dealers who wanted their money.

Finally, with Aucamp about to leave on a family holiday, Pastor Hancke had the cash. But meeting Aucamp at the last minute at the Diamond Centre in Parktown, Hancke claimed only Nedbank's main branch had enough cash on hand – and there was a three-hour time lock on the bank's safe. They

to any American – he had sold them himself for cash!

Aucamp works closely with his father-in-law, diamond merchant Charles Malan of Malan Diamond Cutting Works. To save the firm's reputation, Aucamp paid the R369,043 owing to Sher and Chalmers out of his own pocket.

Pastor Hancke finally agreed to pay Aucamp at R10,000 a month, plus 15.5% interest. He made two payments. Then... nothing.

Aucamp went to the cops, who opened a docket alleging fraud and theft. When the case came up in the Pretoria regional court in August 2004 magistrate Johnson threw it out. "When a person pays an existing debt with a worthless cheque it cannot be fraud, because there is no prejudice," said the beak, adding that the dispute was a civil matter.

Before a civil summons could be

Aucamp started to get worried, for they weren't his diamonds. He in turn had them on appro from two other dealers who wanted their money

the straight and narrow, which began three years ago, with Pastor Hancke calling on Willem Aucamp, diamond dealer and fellow worshipper at the Lewende Woord Pentecostal church in Pretoria. Hancke had, he claimed, an American customer wanting "three big stones".

Diamond business operates on the basis of mutual trust. Stones worth millions are passed around on the shake of a hand. For several years Aucamp had given the pastor diamonds on appro for the Hancke family's jewellery shop in Pretoria's Magalieskruin shopping centre. Given Hancke's then clean record, Aucamp readily handed over ten diamonds worth R850,000 – cut, polished and ready to fit in rings – on the usual appro.

On the following day Pastor Hancke phoned with news that his American customer was taking three, and soon returned the rest.

The three were the pick of the bunch: a 2.86 carat beauty (price R179,217);

couldn't get the money before Aucamp left town.

So the dealer reluctantly accepted three cash cheques from Pastor Hancke, one for each stone. Their owners on the other hand, fellow dealers Bernie Sher of Unity Diamond Distributors and Paul Chalmers of Diakses Diamonds, weren't having any of it. They wanted cash.

Aucamp and family departed for the coast. Then came the call that ruined his good time: Sher had just spotted one of his stones in the possession of yet another dealer. How was this possible? demanded Sher. And said diamond, it transpired, was on offer for less than Aucamp had let it go to the pastor.

Aucamp raced to the nearest Nedbank and presented the cash cheques for payment. No good, declared bank staff; the pastor's account was bare.

Back in Pretoria, a penitent Pastor Hancke arrived at Aucamp's house. "The Lord has told me to confess," said the pastor. He hadn't given the stones

served, Pastor Hancke put himself into voluntary liquidation. His Wonderboom home was mortgaged to Standard Bank for R804,435 and in December 2004, the liquidator sold it at public auction for R1.2m.

Total claims on the pastor's estate totalled R1.7m. As preferential creditor, Standard Bank got R853,363. Others, including Nedbank (claiming R457,844) and Diners Club (R57,467) received reduced payouts.

Willem Aucamp was awarded just R74,118 of his R369,043 claim, which after the pastor's two monthly payments, leaves him still singing for the R274,925 balance. At the end of the day there was a deficiency of R706,743 on the pastor's estate.

Joint trustee Corné van Staden revealed in his report to creditors that Pastor Hancke had been declared insolvent before. He was rehabilitated in April 2002 – just a year before he took his American customer diamond story to Willem Aucamp.

Of the deal with Willem Aucamp,

Pastor Hancke tells *noseweek*: "It was a really, really tragic event. I was involved in a transaction that just did not work out.

"Mr Aucamp pressed charges and took whatever steps he felt were necessary. The criminal case was thrown out – there was nothing criminal to it. The magistrate obviously threw the case out because there was no criminal intent.

"I gave Mr Aucamp three cheques, one for each stone. I clearly told him not to deposit them, they were just for security until such time as the funds would be available. He then presented them to the bank.

"When these cheques arrived at the Nedbank cashier to be cashed, their business centre in Johannesburg made a call to me as to why I'm issuing

cheques of that size without the funds being available. My explanation was it was purely for security reasons. Then Nedbank started questioning the security for the facilities that I had, so it became one huge snowball.

"Mr Aucamp's civil case against me obviously became null and void due to my liquidation, but before that all the credit card companies pulled in my facilities. The whole connotation to this obviously lifted the eyebrows of the entire jewellery industry towards us. People would not supply stones any more, would not give credit any more, would not give consignment stock any more. We're in the process of shutting down the jewellery business completely."

In his account to *noseweek*, Pastor Hancke resurrects the story of the

mysterious American customer. The pastor has no name to offer, but describes him as "a commodities dealer from Los Angeles". They are no longer in touch, he adds.

So he's a full-time evangelist now, with his Hennie Hancke Ministries International? "Yes, after all this, that is the direction I took," says the pastor. "I have an obligation to do what I'm doing right now, trying to correct what has gone wrong."

Is he making good money? "If you think you're going to get rich out of God you're going to get a rude awakening," he replies. "But people have really opened up their hearts. If it wasn't for friends who have helped me out financially with gifts and contributions, we would have been out on the street." ■

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Accounting software's bottom line

OF ALL THE UNDERHAND marketing ploys, software upgrades and agreements might well take the cake.

Some years back we were happily doing our books using Brilliant software, until, suddenly, Brilliant began demanding an annual fee, although the package had been purchased outright. With the public dissatisfaction that arose, Pastel saw their opportunity and began marketing a product for outright purchase without further licence fees. I should think half the country jumped at the offer and disposed of Brilliant. We purchased a five-user pack, for five individual computers.

Naturally this didn't last long: soon enough, Softline, creators of Pastel, were asking an annual "support" fee, in return for which they supplied "free" updates. This arrangement continued well enough for four or five years.

Then, early this year, we received another "free" update, which, the call of technology being what it is, we installed. Except – suddenly, only one user could use the thing. We phoned Softline to ask how to fix the problem, only to have the "consultant" ask: "But my dear did you read the licence agreement?" Famous agreement was couched in the legalese of all software packages, which I doubt anyone ever reads completely. You know – yes, yes you say, clicking your way along, agreeing to who knows what.

In this case we'd changed our five-user licence to a one-user version, which, through a file server, could be accessed by five users. No longer could we take it around on a laptop, or work from home. To work from another location we had to buy another pack for around R9,000 – or two locations for R18,000.

So we told Softline we didn't want the upgrade and please could we go back to the previous version. No no! Once upgraded you cannot downgrade. That is the law. I wrote asking if this was really the case, but got no reply. Fortunately, our computer geek was up on these things and told them it was a lot of bullshit. They meekly gave him the downgrade code and we were back

with version 6, having avoided being scammed out of R18,000.

Wanting to distance ourselves from Pastel, we went looking at packages at Incredible Connection, only to have our attention drawn to Pastel Express – "one to three users" – for little more than R4,000. Since this was a display box, the salesman fetched us a package from the storeroom, and knowing a thing or two, we read the small print.

The real box said "One to three users" but a sticker advised one to contact Pastel if one wanted to put in another user. With our experience, we phoned Pastel from the shop, only to find that yes, it was a three-user licence, but for two more users we would pay an extra R2,750. The salesman was surprised, but we were not.

We bought QuickBooks!

Softly-softly

Taken for a ride by the court?

IN AUGUST 2005 my friend sold her low-mileage, very well looked-after Toyota Conquest, via another friend of mine in the motor trade. In exchange he found her a 1993 Isuzu bakkie for R15,000 – from a friend of his in the building trade. Voetstoets, of course. The car, we were assured, "had a little rust, is mechanically sound but the seller doesn't want the hassle of getting the roadworthy certificate". From this distance one has to trust one's friends!

Turned out it was a 1991 model, used four litres of oil in 400km, and needed a complete engine overhaul (at a cost of R6000) to stop leaks; the brakes were shot, the exhaust as bad, and the clutch on its last legs. The "little rust" was R6000-worth of reconstruction just to allow the windscreen to fit ... all this just to pass the roadworthy.

Feeling it was unethical of the seller not to have disclosed these obvious "latent and patent defects" my partner asked for a reduction in the price of the bakkie. My friend the dealer felt that, in the circumstances, the price should have been about R8000. His friend the seller offered R2000 off the price, which my

friend felt was an insult.

Enter the small claims court. After putting together a full report, and two trips to Cape Town, she appeared before a "commissioner" in Wynberg Magistrate's Court who, she was unnerved to observe, was rude and dismissive to people in preceding cases. When it came to hers, the last of the day, he appeared to side openly and joke with the defendant, allowed evidence regarding me (not permitted in small claims unless the person is present), and finally dismissed the case. It appears he did not even read (let alone "apply his mind to") the documented submission provided by my partner.

So, be warned: Don't believe for one moment this hitherto accessible branch of the law will give you a fair hearing if you are a woman buying a car, or even take the time to examine your case.

And don't ever buy a car from a friend of a friend, even if you are all good sailing buddies from the local Yacht Club.

Nick Taylor

Last, but not least, don't buy a vehicle that does not come with a roadworthy certificate – unless you own a motor repair workshop and like spending time there. – Ed.



The ugly ex-South Africans

HAVE A THEORY about the leanings of new South African emigrants: liberals flock to Canada and New Zealand, non-politicals to Australia and England, and those who cry when they hear *Die Stem* sneak off to the United States. Thanks to now living in close proximity in the US, and to the internet, I speak with some authority on the matter.

I have, you see, been checking into the RSA-Overseas.com message board where South African ex-pats share feelings, frustrations and koeksister recipes, in a never-ending debate concerning our beloved homeland, its aspirations, crime rate – its future in a highly competitive and vibrant world economy...

Oh, who am I kidding? It's outright war, baby, where nothing is sacred: a fascinating study in the perverse psychology of the South African expat. Unlike the lawsuit-conscious *Mail & Guardian* bulletin board, RSA-Overseas is not moderated for "offensive, unlawful breaches of codes of conduct". The site is In Your Face: no political correctness, no polite social discourse.

On a thread about SA urging retired professionals to return to help tackle a skills shortage, Lynne says: "Forget it. Let them beg." G says: "They have been begging since humans discovered them on their continent hundreds of years ago. It will always be like that."

Booo says, "Fuck all those useless kaffirs in africa. I hope they all vrek soon, fucking fifth day creations, along with all the other animals. Pity it is a protected specy (sic) and you are not allowed to hunt it like it hunts humans in return for their money and belongings."

AAA: "I remember how Koevoet used to sling the carcasses (sic) of those marxist heathen over the rear step of the Kaspir after they chased them down. How I long to see one more great hunt of the murdering heathen. Give me that FN rifle and give that murdering bastard of a godless human jackal a 3 hour start in the crisp morning."

You couldn't say that at the office nowadays, could you now?

A beguiling thing about the internet is its brutal honesty. Stripped of social inhibitions by pseudonymity, we surfers of the net may reveal to complete strangers what we'd hide from friends and lovers. In all kinds of ways, the "virtual reality" of the internet is more real than anything you'll find in Real Life.

Village Idiot: "What the whiteys did in Afroland most definitely was not nice but what Afroland did was sweet fuck all. The euros saw a bunch of fools and took them to the wire! Now you guys bitch about it and will continue to bitch

The bunch of expats who have gone Bush pore over every morsel of bad news from home are like the guy dumped by the only girl he ever loved: he's so over her that he drives past her house every night

about colonialists for centuries to come, even after Columbians (sic) are walking on the moon and selling cocaine there."

G: "I don't like africans and so what. I have no problems with other people like Chinese, Japanese, Malaysian, Indian etc etc etc. Just africans are useless. So in my opinion, I am not racist just because I don't like africans. I don't even see them to be human after all, so why should I be labelled a racist. A racist is someone who only believes in the existance and survival of his own kind. I don't dream that kind of existance (sic) for white people only, I give the Chinese, Japanese, Malaysian, Indian etc people all a place in society."

As a South African living in America, I'm constantly reminded of the typical Yank's charmingly naïve love of country. It's a bit syrupy, a bit childish, sometimes rather comical. It's also a little creepy. But the love is real. South African expats have equally strong feelings for their country of birth. These feelings are as heartfelt as those of the "ugly" American – but twice as entertaining.

AAA: "I once exclaimed brightly to an American that we have no natural disasters where I come from, no hurricanes, tornadoes, tsunamis, earthquakes, mudslides etc. The words were barely out of my mouth though and the realisation hit me like a bolt of lightning, we do! They're called kaffirs."

Strider: "I call a spade a shovel and I choose to be factual with my postings. Embezzlemunts, gravymunts, thievemunts, rapemunts, travelgatemunts, no powermunts, Armsgatemunts and fucking ineffectualmunts are my target as they are fucking SA up."

RSA-overseas has racial insults by the boatload. Sexual insults and innuendo? Ditto. Personal insults? Need I say it? Hate speech? Name the target: an expat South African out there hates it and will be glad to say so.

In response to a thread about the Muslim outrage at the Danish cartoonist depicting Mohammed with a bomb for a turban, RIP-01 says: "I am offended by the way you rule women – exploit children – run your lives – the way you pray – the wailing of the Muezzin – the loudspeakers on your Mosques; I am offended by your very existence!"

Not even Nelson Mandela is spared. Don, responding to an article in the *Sunday Times* where Nelson Mandela told of his exploits as a pig thief, says: "Why they fawn over this trash is beyond me. What a violent piece of filth he is too. They say it starts with animals, and then 'progresses' to humans. He got blood on his hands early, the thieving scum."

So there we have it: expats who revel in every scrap of bad news about South Africa. Stories of government corruption, rampant crime, another rolling blackout, all bring choruses of "I told you so!" and grunts of satisfaction from those who have so cleverly chosen a life Overseas.

Mal Haas says: "In the western world the scientific paradigm is predominant. In Africa, primitive superstition is predominant ... This is one of the reasons why Africa wallows in backwardness."

Tackler says: "Africa for the Africans." (He says this a lot).

AAA says: "They can't make it without

ideology of George W Bush. Like those Americans whose love of country borders on arrogance, they hide their insecurities with macho militarism and blind obedience to the man in charge. I see why the US is so attractive to those who loved the heady days when South Africa was good and clean and white. I call this breed of South African "Joe Koekemoer". He's the Ugly South African.

You might notice an underlying theme: the justification of an emigration made years, or even decades ago. The move was difficult, wrenching and painful for Joe Koekemoer, who left in a for

ricans constantly need bad news to justify their decision to emigrate? Why do they fervently hunt down and publically post every negative morsel they can find? And feast on it to delirium?

A love denied is perhaps the strongest of all.

Internet servers in South Africa can't access the RSA-Overseas site.

■

"So in my opinion, I am not racist just because I don't like Africans"

— posting on RSA-Overseas.com

whitey, tst tsk tsk. So much for black power! Now all they need is many more whiteys as dumb as those presently playing footsie to come join in the game. When hell freezes over I'll be there."

Stags2: "I do not secretly long for home. I make it very public that it would be nice having a braai right now, then I wake up and forget it quickly."

Many have embraced the right wing

of bravado and optimism regarding his newly chosen land of milk and honey.

Now there he sits, Joe Koekemoer, in his big city apartment, crying into his beer because there's no braaivleis, rugby, sunny skies or Chevrolet, and he's pissed off! He's the guy dumped by the only girl he ever really loved, but he's so "over her" that he drives past her house every night.

Why else would these Ugly South Af-



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Namibian seals hung out to dry

AVID READERS WILL remember our asking questions (*nose82*) about IFAW, the International Fund for Animal Welfare, and the true nature of their commitment (or lack of it) to ending the annual Namibian seal cull. (This year's quota is 85,000 young seals, the entire pup population of the Namibia's big mainland colonies.)

IFAW was formed in Canada in 1969 to stop the annual hunt of harp and hooded seal in that country. Since then, it has gathered over a billion – yes, that's a "b", not an "m" – US dollars to fund its animal welfare work. Even though seals are no longer IFAW's sole focus, it still uses them in its logo and to raise money from its hordes of faithful followers. Having failed to stop the Canadian seal hunt in almost four decades of campaigning (it has only been scaled back), IFAW's annual trips to the ice-sheets of the frozen north to protest the bashing to death of hundreds of thousands of the critters have become a media ritual. Decades-long opposition to the hunt has made one of IFAW's founders, Brian Davies,

Does the International Fund for Animal Welfare have a vested interest in the continuation of culling?



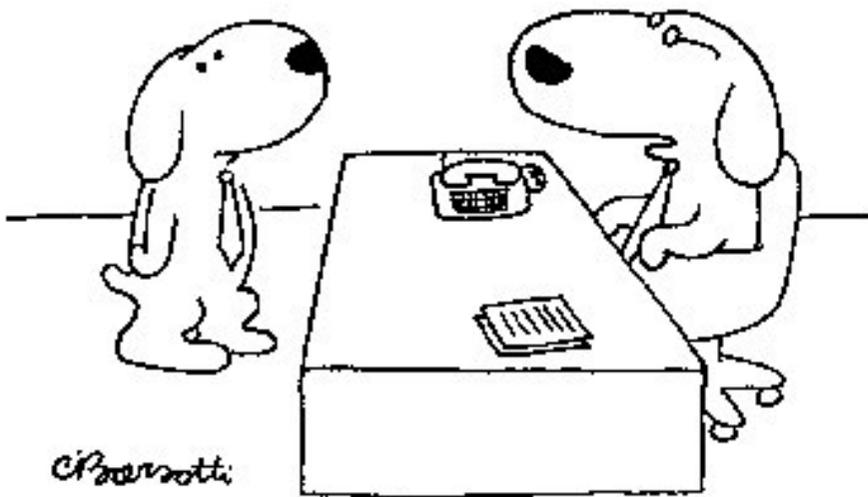
Ag shame: IFAW's Cuddly Seal® logo

a celebrity. To many North Americans his name is synonymous with saving seals.

As IFAW grew in the 1980s and 90s, its scope became more international. Brian Davies began to use Namibian seals as well as Canadian ones in fundraising letters (besides a host of other animals). In 1993 he told potential donors that he would "not rest" until the "heartless killing" of Namibian and Canadian seals had ended. In 1994, when it became PC to do so, IFAW officially launched a southern African branch with David Barritt, later to become Brett Kebble's spinmeister, as spokesperson and co-director. It's not clear what animal welfare experience or qualifications Barritt had, but he picked up on Davies' deft use of cute baby seals as a marketing tool.

Barritt cleverly branded the Namibian seal hunt "the cruellest in the world", a quote that has resonated across the Internet ever since. Offers and counter-offers to end sealing were made between IFAW and the Namibian authorities, but, mysteriously, nothing came of them. By 1997 the seals were left to their fate and Barritt turned his, and IFAW SA's attention to the "more newsy" [and more lucrative?] elephant campaigns.

Despite his gallant words, Brian Davies did decide to rest before the "heartless killing" of seals had ended. He retired from IFAW in 1997 and was paid around US\$2 million so they could continue using his name and image in their fundraising materials. He further swelled his bank account by investing considerable sums in



"And when the time comes the company will put you to sleep at its own expense."

companies that used cruel animal testing. Davies now lives on a Florida island and likes to travel by private jet.

The current president of IFAW international is Fred O'Regan, an ex-US Peace Corps director who joined the organisation with little experience of animals, bar his childhood pet cocker

and told us curtly that "IFAW has no further comment for *noseweek*" – that's PR-speak for "go to hell for asking".

Since the EU is the major market for Namibian sealskin, an EU ban would surely go a long way to shutting down the Namibian cull. And, according to Dr Lucas, all IFAW needed to do was

really interested in ending all seal culls around the world. Without their major marketing tool, their income would drop. (In a world without the injured and the sick, doctors go unemployed.) Unfortunately, IFAW's actions with respect to the Namibian seal hunt only support this view. **W**



Prior to joining IFAW, its current president had little experience of animals apart from a childhood pet 'which I hated'

spaniel ("which I hated", he told a recent interviewer). O'Regan earns US\$225,000 (about R1.7 million) a year. Despite being based in the US, he has known about the Namibian seal cull for some years now, having been personally engaged on the issue by South African seal activists.

O'Regan is currently busy with what he calls a "fight for baby seals", and has just sent his supporters a letter crowing about IFAW's successful lobbying for a resolution by more than half of the Members of the European Parliament (MEPs) asking for a full European Union ban on seal products. Initially pleased by the news, southern African seal activists' joy soon turned to dismay when they realised that the proposal was only to ban Canadian seal products – not Namibian ones.

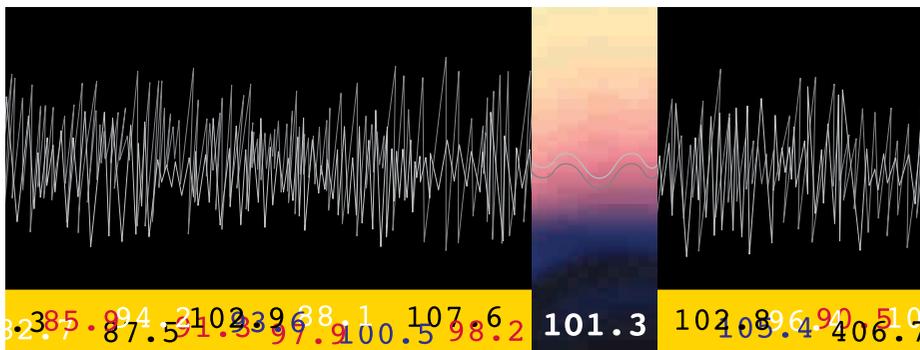
In an effort to find out why Cape Fur Seals had been left out of the MEPs' declaration to support a ban, Francois Hugo of SealAlert-SA (a Hout Bay-based seal action group) emailed British Green Party MEP Dr Caroline Lucas, who had been a driving force behind it. Lucas responded that she was "horrified that the Namibian authorities are culling 85,000 seal pups this year – an act of unjustified cruelty", and that "until this week" she had been "unaware of the plight of the Cape Fur Seals". She agreed with Hugo that any European ban *must* include all seal products. "We will do all that we can to help bring about an end to the unnecessary and inhumane slaughter of seal pups in Namibia," she assured Hugo.

If IFAW has long been lobbying for the ban in their "fight for baby seals", why did they not mention the massive Namibian cull to Dr Lucas and her colleagues? When we asked IFAW-SA about the non-inclusion of Cape Fur Seal in the declaration they gave us the press release we already had

tell MEPs about Namibia's cull for Cape Fur Seal to be included in the declaration.

Some cynics say that IFAW is not

calm in chaos



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Rising sap

SPRING IS NOT a time to be curmudgeonly. Let others do their bleakly useful business of finding fault – but here, in an established springtime tradition going back at least a year, we look on the brighter side.

The days have lengthened in the Cape winelands, even if daily sunshine and warmth can't yet be guaranteed. All the vineyards are at least waving brave leafy flags, and most are already marching forward to summer in serried ranks under massed green banners. True, not quite all of nature rejoices: seeing the merry, underpaid labourers spraying herbicides and insecticides to bring the landscape to a proper state of monocultural sterility, a wandering ladybird makes an about-turn and flies off disconsolately. Dozens of farm children also get organophosphate poisoning each year, but we're not to think of them now.

For everything in the vineyard is lovely. Including, we trust, the one which Stellenbosch University's Institute for Biotechnology is planting with genetically modified vines: the country's first such, with more to follow – aren't we making great strides?

Offshoots of the wine industry also feel the sap rising, as nature performs her annual miracle, with the kindly help of the agrochemical industry and the people in white coats. Publicity managers finalise marketing plans for the end-of-year rush and the tourist invasion; winewriters note all the invitations to lunch-launches of various superb products, and put off dieting for a little longer. Accountants examine spreadsheets with renewed pleasure or dismay, depending on the winery's relationship to the worldwide glut.

Winemakers might be particularly cheerful this spring (unless they're among those wondering what the hell to do with the tankfuls of unsold wine from last year that will soon have to make way for the next harvest). Their scope for manipulating nature's frequently inconvenient equations has recently been expanded, with new regulations allowing for various high-tech ways of reducing alcohol levels. They can get the ultra-ripe flavours and thick textures that are currently fashionable, and not have to worry about the results of all that sugar converting into alcohol.

Spring it is, and everything in the vineyard is lovely – especially when nature can be put firmly in her place: cajoled or gently bullied or brutally corrected.

But that sounds a little sour, and it is not

It's possible to think of young wine as a creature loved and cared for in its youth, and then let go (nicely dressed, and with a dose of sulphur dioxide as the equivalent of a handful of condoms and some useless parental advice)

the occasion for churlishness. Let me tell you instead of a poignant aspect of this time of year that hadn't occurred to me till Chris Williams mentioned it in an article he wrote for the *Grape* website. Chris is winemaker for Meerlust and The Foundry, with a pleasanter relationship to nature than many, and one of the more literate and thoughtful of our winemakers – and charmingly sentimental on occasion. A good deal of bottling gets done around this time, and he wrote of taking his Rubicon red blend from their barrels, sharing his sadness at having to “let it go” following years of tender care. After the “trauma of bottling”, will it ever, he wonders, “re-emerge as a thing of beauty and eloquence?”

It's possible, then, to anthropomorphise, to think of young wine as a creature loved and cared for in its youth, and then, as Chris says, let go (nicely dressed, and with a dose of sulphur dioxide as the equivalent, I suppose, of a handful of condoms and some useless parental advice). The French use the verb *élever* for raising both a child and a wine, and *élevage* is also used in English for the careful processes between fermentation and that tragic-happy moment of bottling.

Continuing the analogy, one imagines some later scenes between offspring and inadequate parent: “Why didn't you warn me about wine judges?” “If you'd used only new oak for me, I'd be able to get into America!” (“We did what we thought best, and even sacrificed the merlot so that you could have some new barrels!”) “People treat me funny – if I had a screwcap instead of cork I'm sure I'd be much fresher!” (“We didn't properly understand in those days....”)

Eternal, youthful ingratitude. But it is spring, and all in the vineyard is lovely. Wine is simply a benign, joy-bringing thing. No scandal, greed, exploitation. The very worst that can be imagined is that Bruce Jack brings out another Flagstone wine with a bizarre name, or the *Wine* mag panel makes some preposterous ratings, or the new Platter guide offers some particularly pretentious descriptions. We can live with all that; there's no room (this month) for grumpy commentators. **W**

Floys, monkeys etc

IF YOU GO about two blocks straight down this street, says Merv, architect, Inspector of Things in Newcastle, New South Wales, you will come upon a nice old Victorian pub. There you can sit and drink beer, says he, whilst I inspect plans for something or other in an office upstairs here. Points heav'nwards at a nasty big highrise, says See you in an hour or so.

So I haul in at this unmistakable place, quaintly called something about coal and Newcastle, The King of Coal, I think, something dinkum sophisticated like that, in a street full of carefully conserved unremarkable old trading premises, all spick and span and sentimental about the days of steam and innocence when there was plenty of room in the atmosphere for a few atoms of carbon and molecules of sulphur dioxide. It has a big hanging sign outside, English pub style, portraying the King of Spades, and there's a lump of coal in the shovel in the king's hand. There's nobody in here but the bartender and a droopy-eyed man of indeterminate age at the bar hanging over a mug of lager at 10am.

Woddle yew hev, mite? says the barman. Surprise me, say I. I'm a visitor here and I've heard a lot about your beer. He gives me a bottle with an artistic label and sure enough it comes up to expectations and I wipe my moustache with the back of my hand and ask for more. Howdyew loik it then? says barman. Man, say I, it lives up to everything I've heard about Australian beer, it's lovely. It's fucking ahful, says Droopy Eyes. Oi'll be gled when Oi've hed enough. He never knuws when he's hed enough, says the barman to me. Only Oi knuw. When the fucking floys are walking all over his fucking fice end he doesn't knuw it, that's when Oi knuw he's hed enough.

I seek to change the topic. I see you have a problem with flies, say I. Yeh, says he, they used to settle on the Abboes yew knuw but they're going extinct. The flies? No the Abboes. I seek to change that one too but can't think fast enough. Yew hev floy prawblems beck hum? says he. No, monkeys, say I. Problem is they've disappeared. They used to roam the city of Durban when I was a kid and nick pets' food and bread and stuff from peoples' kitchens, but they've all been shot out.



He stands amongst my hydrangeas until after 45 minutes no less he gets a clear line on the monkey up in the leaves there and blasts him clean out of the treetop in a graceful arc

Yeh, the Abboes, now... says he, and I quickly butt in: We had only one monkey this year, he was cleaning up our avocados when they were size of grapes, so I enticed him down every morning with bread at the kitchen door. He'd perch on the gutter up top and I'd toss up slices frisbee style. He didn't try for inside the house, we have this sausage dog called Jesus because he is so meek, you see, and he would lie upside-down in the doorway and smile with his canines exposed. Afterwards he'd bark berserk up the avo tree where the monkey was eating his bread, all bravado and chutzpah, macho bullshit.

But one morning, I tell this barman, a man with a smallbore shotgun appeared in the garden, and another bloke from the SPCA in a white dust coat. They're gazing up in the avo tree and I know they've come for my monkey. May I make so bold as to ask what the bloody hell you're doing on my premises with an unholstered firearm? say I with the utmost sarcasm. Sorry, sir, I've got to do it, says the shooter, it's my job, Mrs Meintjies in the corner house has officially complained that her grandson name of Clunt gets hysterical when he sees wild animals. Well why don't you go and shoot Clunt then fer Chrissake? say I, he's a horrible little shit with black teeth from eating chocolate for his school lunch and he's not doing anything useful upon this earth. Ja, wouldn't mind, says shooter, pity it's unlawful, I prefer the monkey. And what if I refuse to let you fire from my premises for fear of frightening my children? say I. Then I'd wait and fire from the street, says the shooter. I never miss. Ask this guy. The SPCA man nods. So he stands amongst my hydrangeas until after 45 minutes no less he gets a clear line on the monkey up in the leaves there and blasts him clean out of the treetop in a graceful arc and he lands stone dead on his back on the concrete pathway with his jaws still reflexively chewing his bread.

Yeh, the Abboes, now... says the barman. Well, say I rather loudly, Jesus got up off his bum and waddled over to the monkey and picked it up and dropped it on the kitchen step for some reason only dogs know about. A dog is a creature of ritual. Yeh, says he, it's an illegitimate blonde. What, the dog? say I. Nuh, Loife, says he. It's a feh bastard. **■**

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