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# noseweek

110

DECEMBER 2008

**Netcare** to face  
racketeering and  
homicide charges

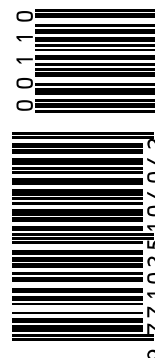
**Hard labour** for  
Teazers **strippers**

**Checkers** bullies town  
into submission

**MTN** gives comfort  
to criminals



## Who got the arms deal gold?



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# noseweek

DECEMBER 2008

ISSUE 110

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arms deal  
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## Contingency needs oversight

I agree with those who castigate lawyers for charging excessive contingency fees. But I must also agree with Jeremy Manton (*nose109*) when he argues that some people simply wouldn't be able to get representation were it not for the contingency fee system.

Where's the happy medium? Manton says that "parties are free to contract". What he means is that they are free to bargain. Indeed. But when

From the tone of his letter, Manton is the kind of lawyer who could work within such a system. Only the sharks need to be nobbled.

**Ron McGregor**  
Mowbray, Cape Town

■ Jeremy Manton appears not to be familiar with the provisions of the Contingency Fees Act No 66 of 1997. It does *not* permit an attorney to charge a contingency fee of up to 25% of the amount

recovered. Thus, in a matter resulting in a small recovery, the attorney may be limited to less than twice his normal fee. Clients of attorneys who conclude improper fee deals should note that the Act makes contingency fee agreements subject to review.

**D R Mitchell SC**  
Cape Town

## Ireland stew

Now and then I treat myself to a copy of *noseweek* and find it full of Good Stuff.

*ANC Youth League – if not the state of the nation. The execution of Marie Antoinette was undoubtedly also not a pretty sight but, be warned, by then millions and millions of Frenchmen were agreed that the bitch had it coming.*

*As for your friend Dr Berard: we were not describing a mildly indiscreet love affair; we were presenting the evidence of a psychiatrist having screwed his patient. We did not destroy his reputation and dignity. He did, by committing the cardinal sin of psychiatric practice. The facts are just that: read. All we destroyed – and not a minute too soon – was any pretence that remained.* – Ed.

## It's all too easy for an unscrupulous lawyer to bully hapless clients into accepting unreasonable deals

a smart lawyer sits down to bargain with a poor and uneducated litigant, it's all too easy to bully the hapless client into accepting an unreasonable deal.

I think that contingency fees should be allowed, but they should be acknowledged upfront, and perhaps reviewed by an independent panel. The judge should know how much he is awarding to the victim, and how much to the lawyers.

recovered in successful litigation.

An attorney may enter into a (written) agreement with his client to act on contingency of success and to charge his ordinary fee plus a surcharge of up to 100% of that fee. He may therefore not be paid more than double his normal fee, no matter what sum he recovers for his client. The Act further provides that the fees charged by the attorney may not exceed 25% of the sum

This month I was disappointed to find four pages practically salivating at the divorce revelations of a totally unimportant shopaholic, and her titillating trysts with a man who had far too much time on his hands.

Please stick to politics and finance!

**Ginny Swart**  
Cape Town

■ You stooped to base levels of malicious gutter journalism in your hatchet job on Dr Berard (*nose109*). In seeking to destroy a professional man's reputation and dignity, you manifested a gloating, heavy-handed sarcasm which reflects badly on you.

There are proper processes to be followed to test the alleged facts which you would have your readers take as read. The dignified silence of Dr Berard is appropriate.

As they ought to have said in the classics: your plot sickens.

**JMJ MacRobert**  
Newlands

*You are clearly the sort who takes care not to notice that the emperor is on parade stark naked – and that it's not a pretty sight. The extraordinary, often vacuous excesses of the wealthy "elite" of our country are now so often so offensive that they cannot be treated as "private". It's time we noticed what they are up to, and how relevant they are to the mores of the*

## Democracy needs democrats

Perhaps we expect too much of democracy as a system. Speaking of General Charles Lee, who fought in the American War of Independence, his biographer said: "He had not realised that the republican institutions of Rome worked well, not because of their merit but because of the virtues of their citizens who used them. Such virtues did not exist in his time, as he had discovered to his own sorrow."

Similarly, our problem is not in our constitution, but in the quality of our citizens. Your *nose109* editorial notes that "our greatest gifts lie in our people", but it seems to me we're fast running out of people who can make a democracy work – just as we are running out of other trained and experienced resources. Those in authority have strangled the efforts of the few who are dedicated to education as a discipline, and not as a laboratory for social science experiments. Consequently, our children's education is imperilled.

How refreshing it would be if *noseweek* exposed those in the Education Department who are conspirators in the criminal neglect of the education system. If it shamed just a few into ditching pontificating for a bit of honest hard work, it would have been worthwhile.

**B Clayton**  
Sedgefield

Gus



## Greater civility from civil war?

Max du Preez wonders why we suffer from violent crime and the Balkans don't. I often wonder if violence isn't a finite commodity, something that accumulates up to a point – say a civil war – and once spent leaves a country purged and safer. Having never experienced full scale civil war, perhaps we are gradually leaking our quota of violence through a slow and steady stream of violent crime?

**Pam Booth**  
Sedgefield

## No baby bashing, please

As an avid *noseweek* reader I am disappointed to find that, of late, articles have been appearing which are better suited to those cheap sensational magazines normally found lying around hairdressing salons. I refer to coverage of baby bashing and the like. While the perpetrators of such crimes need to be exposed, I don't believe *noseweek* is the place to do so. I would rather buy a *noseweek* with fewer quality articles than one filled with cheap reporting.

Other than this, I salute you and your staff on a great publication.

**Mark A Linley**  
Hillcrest, KZN

■ My compliments on "The baby and the prosecutor" (*nose108*). The story has prompted a positive response in our company and we honour what you have done in highlighting this issue.

**Gary Flax**  
Jeep Baby, Sandton

## Clutching at Strachan

There is much about *noseweek* I don't greatly care for.

Some of the organ's obsessions are uninspiring, and indeed there is one "biting" columnist whose pieces I cannot read. But I buy every new number without fail because life would be less without Harold Strachan.

One of your readers, meaning to be rude, has called his work juvenile. Yes, Strachan is childlike – because, despite all that he's experienced, he still believes in goodness and truth.

The man is brave and frank. Would that we were all as juvenile as Harold Strachan.

**William de Villiers**  
Simon's Town

## National Library tip of iceberg

Your exposé of the goings-on at our National Library and SETA (*nose108*) made interesting but unsurprising reading. Are only a handful of government departments or parastatals not riddled with corruption and inefficiency? And all the while the dolts in charge are paying themselves multi millions in bonuses.

It is high time that a team of dedicated investigators started from the top and worked its way down. It would be a never-ending task, but if the culprits are named and shamed and our leaders harassed until the thieves are behind bars it would be a worthwhile exercise.

**D Wolpert**  
Rivonia

■ Horrifying as it was, thank you for your article on the National Library. Another horror story is the demise of the CSIR Library, once the scientific library in the country. Today only a bit of it remains. The Reference Library is gone. They even went so far as to pulp major

chemical reference works such as the Beilstein, for which any university would have given their eye teeth. How about an article on this?

**Ria de Vries**  
By email

## That which we call Blue Rose...

In *nose107* you mention the devious doings of GDACE and the Eye of Africa estate.

Well, recently Walkerville residents attended a meeting held in Meyerton by Seaton Thomson and Associates, regarding the "vision" and development of "Blue Rose City" ([www.blurosegroupp.co.za](http://www.blurosegroupp.co.za)). This gigantic project includes the Eye of Africa and a number of other large residential estates, two commercial areas that include schools and a Netcare hospital. Heineken is also building a new brewery.

Suddenly the Deep South is lekker to live in, and the Klip river – so polluted that thirsty cattle won't drink from it – is to become "the playground of Gauteng"!

We asked about EIAs and got guarded answers. It seems that EIAs are simply window dressing: touted as being in the interests of residents and the environment, but without any real relevance – as can be seen if you visit the Ferrero Roche chocolate factory on the Randvaal Road. Promises were made to retain flora and fauna – but what we have is a huge pile of sand. And this is a Catholic Church-backed project (so much for ethics).

Blue Rose City is just another money-making project hell-bent on overloading an already shaky infrastructure.

When the presenters were asked to explain their involvement in the Eye of

Africa debacle as detailed in *noseweek*, they refused to reply as "it would lend credibility to the uninformed allegations by that publication".

The folks of Walkerville live here to get away from developments such as this, and deserve proper consideration. To be called "stakeholders" is a joke. The only stake is the one being driven into our backs by the developers and the Midvaal municipality.

**Lynn Finlay**  
Walkerville

*No Ferrero Roche chocolates this Christmas!* – Ed

## Bloodthirsty Voda-con

Recently a very persistent Vodacom agent pestered me to accept extra charges on my phone bill, for itemizing my monthly account, and for caller line identity.

I refused to have more charges. Besides, when any salesman talks about "only so much per month", it alerts me to a strategy designed to prevent me realising how much I'll be paying per year.

Reflecting on why a megacompany like Vodacom would hire a salesman to pester me into paying R318 more a year, I realised that if Vodacom cons its million of SA users to each pay R318 extra, it reaps billions extra annually. No wonder the financial journalists heap praise on Alan Knott-Craig.

Vodacom has tasted blood. It will load customers' bills with increasing charges until they total more than phone calls.

Will Vodacom's rivals hold back?

**Keith Gottschalk**  
Claremont



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# New party, same old crooks?

**WE TRIED VERY HARD** to bring you positive stories, good news and uplifting tales in this festive edition. Instead we can only offer you more corruption, thievery and scandal. We're sorry. Please don't shoot the messenger.

Who would have thought that more than ten years after the first allegations that there were fingers in the till during the massive arms procurement transactions, new revelations of dishonesty and theft would still be surfacing?

Terror Lekota and Sam Shilowa are about to launch their new party, the Congress of the People (Cope). Both men have been ANC insiders from the time the movement was unbanned in 1990. Lekota was right in the heart of the whore – he was Defence Minister from 1999 until recently. His sidekick in Cope, Mululeki George, was his deputy minister.

Surely these men know more about the arms deal and who got what kind of kick-backs than is known publicly? Why aren't they telling us? Dare we hope that they are going to come clean before they ask us to vote for them early next year?

In fact, that so many trusted ANC figures took arms deal bribes and kick-backs must surely be one of Cope's strongest arguments as to why the ANC faithful should abandon the party and join them. The Cope leaders must have all the inside information proving that the ANC has become a party rotten to the leadership core.

The ANC councillors' behaviour in Arniston (page 20) is yet another example of how the movement has completely lost its moral compass. And just this morning I heard a news report concerning a policeman who testified in court that his commander had ordered him to lie and cheat to prevent former ANC chief whip Tony Yengeni from being convicted on drunk driving charges.

Now that the ANC has killed off the Scorpions, who is going to catch them? Was the outrageous undermining of the constitutional and high court judges

by the new ANC leadership part of the scheme? Are we going the way of Angola, where the ruling MPLA leadership has stolen billions and billions of dollars of oil money? Are Zuma and his cronies aiming to become the poor man's Mobutu Sese Seko of the former Zaire?

If Lekota, Shilowa and company don't talk, and remain *tjoepstil* about the arms deal, they shouldn't blame us if we wonder whether some of the arms deal crumbs didn't also fall into their laps.

(Then again, I did start worrying on reading that Smuts "I didn't struggle to be poor" Ngonyama has also resigned from the ANC to join Cope in a leadership position. Perhaps both parties should get new names: Thabo's Crooks and Zuma's Crooks.)

**MY TIME AS ACTING EDITOR** of this august publication has come to an end. *Noseweek* is not exactly your run-of-the-mill magazine and my time here has been interesting and rewarding.

My one regret is that in my stint of three months I never had the chance to meet Harold Strachan, artist, writer and activist, who writes the most delightful and clever column for *noseweek*. In fact, I'm making plans to meet him the next time I'm in his home town of Durban.

Though we have never met, Harold has long been a part of my consciousness. Even as a young man I admired his activism and integrity.

To discover that he is such a fine observer of human behaviour, and such a brilliant columnist, was a bonus.

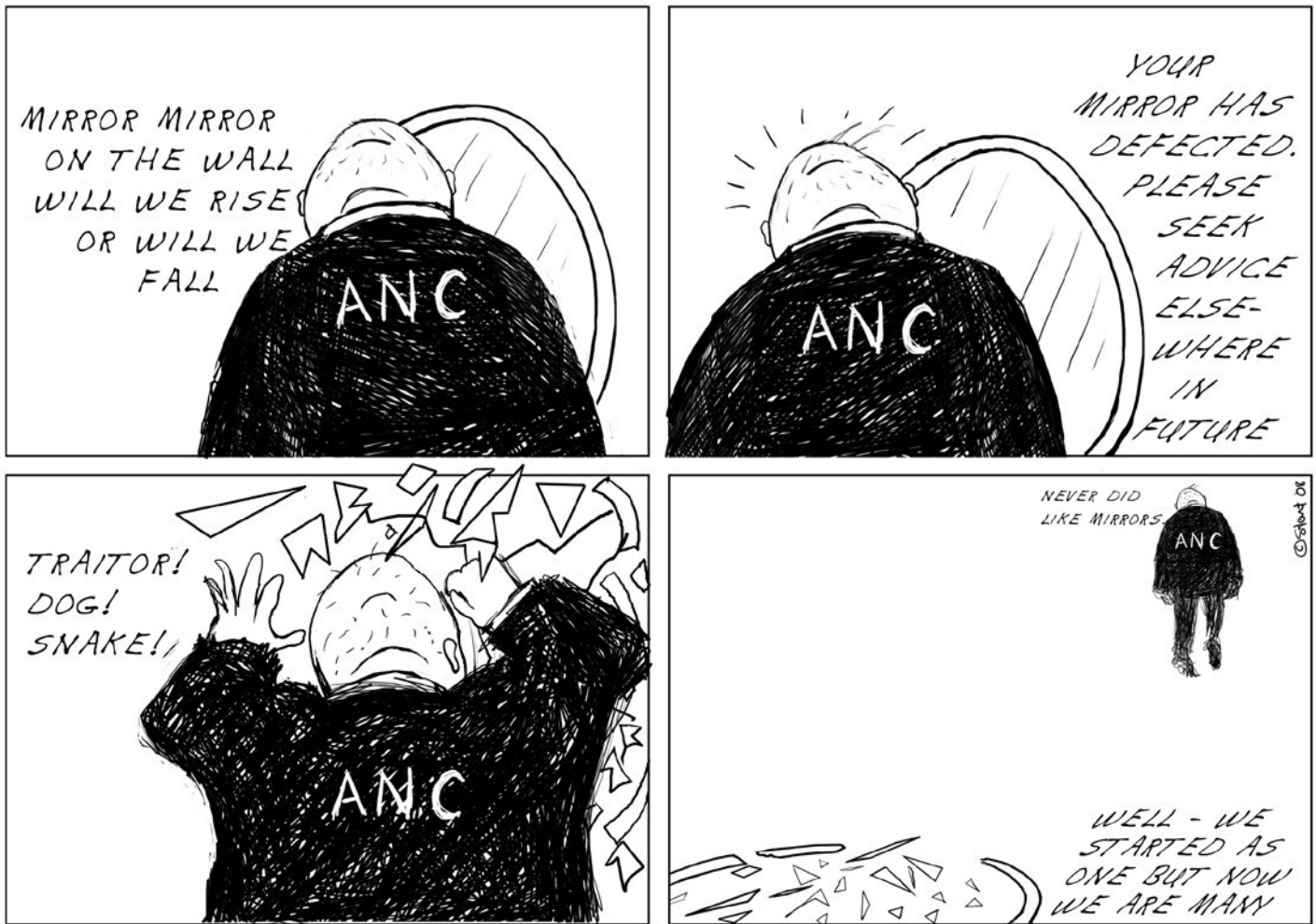
Find yourself a comfortable place to sit down and read Harold's piece on his trip to the Drakensberg with his son.

I hope *noseweek* will bloom in the months and years to come – and that advertisers will wake up and realise that there is no better vehicle for targeted marketing than this quirky publication with its loyal readers and serious credibility.

Have a joyous and peaceful holiday.

**The Acting Editor**

# Stent



## Mr Nose

### South African Air farce

**O**UR MOERSE EXPENSIVE Gripen jet fighters may not be seeing much action, but you may be pleased to hear that that old workhorse the Hercules C130 is still busy – *noseweek* received this little tip-off a while back in an anonymous email:

“You might be interested to find out how an Australian called Ralph Ridge is able to obtain aircraft from the SA Air Force. He gets the use of a Hercules C-130 each year at Christmas. As the SAAF are not allowed to rent out aircraft, how is this possible? This aircraft is then hired out to various skydivers – who pay Mr Ridge! Look on [www.africanfreefall.com](http://www.africanfreefall.com) to see this advertised.”

So Mr Nose had a look, and there it was. The site offers a range of skydives, the ultimate one being described as: “Herc C130 – skydivers’ heaven. The Herc can take 100+ skydivers. Tailgate exit. Excellent for large formation skydiving. Supplied by South African Air Force.”

The site also boasts that its director, Ralph Ridge, “has done over 800 skydives and has jumped all around the world. This is the fourth year which Ralph has run the African Freefall Convention. Ralph also owns and runs his own drop zone in the Northwest”.

Another website, [www.adventureskydives.com](http://www.adventureskydives.com), advertises what appears to be a Ralph Ridge business out in the

Muldersdrift area.

Time to phone Ralph, who could fairly be described as a cocky little shit, Aussie style. No way I’m answering questions over the phone mate! How do I know you are who you say you are? I’ll meet you face to face – that’s how I do things.

Except that Ralph hangs out in the Rustenburg area; and though he volunteered to contact *noseweek* when he visited Cape Town for the Ysterplaat air show in September, he didn’t.

Mr Ridge also didn’t answer emails asking whether he hires the Hercules from the SAAF, and what that might cost him.

As for the SAAF – when next you



## Air farce

spot a suspicious aircraft overhead, please don't call the air force. Call ADT, call Ghostbusters, or just call a friend, but don't bother with the SAAF because you'll find yourself on hold for a *long* time.

On the other hand Mr Nose is nothing if not persistent, and eventually he was put through to a Colonel van der Westhuizen, who wasn't anything one might expect. Bright, charming and efficient, the colonel sounded extraordinarily young – they say you know you're getting old when policemen and teachers start to look young, but make no mistake it's pretty disconcerting to talk to a high-ranking colonel who sounds like he's hardly out of his teens.

The good colonel laughed on hearing Mr Nose's enquiry. I'll have no difficulty dealing with this, he chuckled, just send it to me in an email.

A week or two later a call came from a Captain Mantshongo, who said he worked for the colonel. We're having a bit of difficulty getting to the bottom of this says the captain, can you give us a bit of time?

Sure thing, no problem – it's a big organisation.

A week or two passed before Mr Nose heard from one Tertia Jacobs, who sounded like she came straight out of the world of big business. This matter's been moved up to me says Tertia, and I'm going to need a bit more time. OK fine – but when you say it's been moved up, that would make you ...? I'm General Jacobs.

No, they don't make them like they used too.

Many weeks have passed since that call and Mr Nose has heard no more. Which is a bit disappointing, because he wanted to ask some nose questions, like: What else can you borrow, or lease, from the air force? Do you also have to "borrow" an air force pilot or can you fly the plane yourself? Will Outsurance pay up if you have a little accident?

Mr Nose concludes two things from the prevailing silence. Firstly that the SAAF is worried; and secondly that there actually seems to be something to the story. So if either Ridge or the SAAF gives a substantive response, you'll be the first to know.

In the meantime perhaps this solves the dilemma of what to do for little Johnny's birthday – how about a flip in a Gripen?

## Moving the deckchairs

**A**S DEFENCE FORCE contracts go, furniture removal falls somewhat short of the glamorous opportunities for self-enrichment associated with the supply of planes, ships and submarines.

But that doesn't mean it can't be a nice little earner for people with the right connections. The Chief of the Navy, for example.

It appears that when Vice Admiral Johannes Refiloe Mudimu is not at his post, he can be found in the boardroom of Sifikile Removals in Stikland, one of the preferred bidders for the job of transporting the furniture and effects of military personnel. Last year the defence force spent more than R26m "resettling" staff, so business is clearly brisk.

Mudimu is not the only member

of the navy brass to have a seat on the Sifikile board. His comrade-in-arms Rear Admiral John George Barker is a director, as is the lesser-braided Warrant Officer Georg Willi Kukulies of Simonstown.

Apart from powerful naval connections, an interesting fact about the favoured removal companies is their tendency towards cross-directorships, contrary to the Competitions Act.

Johannes Hendrick Retief, for example, is listed as director of two SANDF contractors, JH Retief Transport and Cape Express Removals, as is Helene Steenkamp. Jan-Albert Steenkamp (relationship to Helene unknown) is on the board of Cape Express, Sifikile Transport and Patrick Procurement Services. WO Kukulies is

## Mr Memela's ethical adventures

**T**HE CIVIL SERVANT who delivered *Noseweek* a lecture on journalistic ethics instead of getting the minister he works for to respond to our questions, Sandile Memela of the Department of Arts and Culture, is an angry man. Who can blame him? In an open letter addressed to his minister, Palo Jordan, *noseweek's* acting editor called Memela a "fool" and demanded that he be relieved of his duties.

Now Memela has written to *noseweek* on his department's gold-embossed letterhead, expressing his outrage. But he is not fighting for his own honour; he is not demanding an apology for the nasty things said about him. No, he is more concerned about his minister's reputation.

This is what Memela wrote:

1. We refer to the article published in your magazine on page 10 of the *Noseweek* October 2008.

2. The article, a copy of which is attached hereto, makes untrue and defamatory allegations

concerning the Minister of Arts & Culture, Dr Z Palo Jordan.

3. We regard the allegations, in the context of the article as a whole, to be unlawful and defamatory of the minister and his integrity. Particularly the allegations set out in paragraph 2 which reads as follows:

"Well with the evidence before me I have to say I was wrong. I have to say you have become just another arrogant politician who rewards his cronies with jobs – to the detriment of the people of the country. I'm sorry to say it, but you have been a lousy guardian of our arts and culture."

4. We hereby demand that you immediately retract the allegations contained in the article and, in your next edition, publicly apologise for the statement.

5. The Ministry rights are reserved, including its right to institute proceedings for an apology and damages, should you not comply with the demands in paragraph 4 above.



# Mr Nose

also listed as an “inactive” member of Patrick Procurement Services.

So how did the defence forces’ household removal business end up in the hands of such a tight and incestuous group? From what Mr Nose has managed to glean from contacts in the transport industry, the trouble lies with the human resources department.

Apparently the relocation of defence force staff and their chattels is traditionally an HR function. But a few years ago it became clear that the tender process was being abused. Costs were going up and contractors excluded from the charmed circle of approved movers were starting to ask awkward questions.

So furniture removal was taken away from HR and delivered to the door of the Defence Central Procurement Service.

Now Central Procurement is not the best model when it comes to awarding tenders: three of its top

officials were put “on leave” last April pending an investigation into irregularities involving air transport and asset tracking contracts.

But perhaps no-one in Procurement had friends in the furniture removal business, because it was credited with doing a reasonable job – a wider range of firms was given a piece of the action, and the Department of Defence was reportedly saved a tidy sum.

HR, however, wasn’t giving up that easily. It complained to the Defence Secretary that its approved list was being ignored, and that allowing all and sundry to tender was slowing down the movement of vital furniture.

The Defence Secretary seems to have been swayed by the argument because he handed furniture removals back to HR.

So things have gone straight back to the way they were. Except that now we all know.

6. We require you to meet its demands by close of business, fourteen days after the date of this letter. We will wait to hear from you as a matter of urgency.

Yours sincerely  
**Sandile Memela**

Spokesperson for the Ministry of Arts and Culture

*Noseweek* has responded to Mr Memela, seeking clarity on the contents of his letter.

When he writes “we regard the allegations ... to be unlawful and defamatory”, who are the “we” he is talking about – is he using the royal we? Is it he and his minister, or could it be he and his colleagues in the Ministry?

Did he write the letter on behalf of Pallo Jordan? Did Jordan ask him to write it?

Does Jordan even know about the letter? What are the “Ministry rights” he mentions in paragraph 5?

*Noseweek* also asked him to specify which part of the quoted paragraph he objected to – the “arrogant politician” bit, the “who rewards his cronies with jobs” bit, the “lousy guardian of our arts and culture” bit, or all of the above?

*Noseweek* awaits Mr Memela’s response.

## Moroccan Bomber

**A** FRIEND OF MR NOSE heard a strange lesson the other day at the 7.45 morning service at St Stephen’s Church in Pinelands. After a very long sermon – on NEED versus GREED – Father Anthony Gregorowski turned to the subject of unnecessary spending in the US elections. Said he: “One of the presidential candidates spent \$650m and the other one spent \$350m, and the winner by \$300m was – THE MOROCCAN BOMBER.” Obama’s no Moroccan, leave alone a bomber – but, the friend tells Mr Nose, no-one even seemed to notice what had been said. Was the good father simply testing whether anyone was awake?



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# There's gold in them thar arms

A glittering offset scheme aimed at teaching poor women jewellery making – but somehow millions went missing

**INTERNATIONAL AUDITING** firm KPMG is in possession of a potentially explosive top secret list said to include the names of government ministers who allegedly stood to profit from a gold “offset” project linked

to the arms deal.

Only a handful of people at KPMG and the Scorpions have seen The List. But it is said to have greatly excited the then national director of public prosecutions Vusi Pikoli. This has led to speculation that his interest in the matter provided ex-President Thabo Mbeki with additional motivation for suspending Pikoli in September last year – after which KPMG’s forensic investigation into the gold scam was terminated and a long-running probe by the Scorpions ground to a halt.

The offset project which produced The List came about thanks to BAE Systems-Saab being awarded a \$2.2bn tender to supply aircraft to the SAAF – they were required in return to pledge \$8.7bn in investment and credits for export sales on “offset” projects that would uplift the previously disadvantaged and boost the country’s export sales.

One of the projects that BAE Systems helped get off the ground was a small company called South African Royal Manufacturers. SA-registered



SARM, as it was known, planned to provide hundreds of jobs for women in the depressed Free State town of Virginia by making gold rope necklace chains for export. BAE Systems provided a \$5m loan to fund capital equipment and finance export sales; the Industrial Development Corporation put in R10m; and Harmony Gold, the world’s fifth biggest gold producer (chairman: Patrice Motsepe) provided premises and agreed to lend raw gold, and receive payment for it when the chains were sold.

The project was the brainchild of two businessmen hailing from Miami, Florida – Luis Perez and Valentino

Diaz. Perez, 59, originates from Peru; Diaz, 43, from Cuba.

When the SARM factory was officially inaugurated in March 2003 it boasted the creation of 700 new jobs. By then it had been in operation since mid-2002 and managing director Perez announced it had already exported \$3m in finished and semi-finished product to North America. Projected sales for 2003, the first full year of production, were estimated at \$15m and the plan was to develop a business generating \$100m in annual export sales within five years.

Initially the chains were exported to Royal Chain Canada (whose vice president sales, according to a DTI press release, was none other than Valentino Diaz). But after a mysterious dispute involving \$4.5m the SARM chains went to Miami, Florida, to a company called Mega Gold (president – the afore-

mentioned

Valentino Diaz).

It didn’t last

long. In June 2003,

only three months after

the triumphant inauguration, SARM’s auditors, Waterford Financial Management, issued a material irregularity warning to (sole) director Perez that the company was trading in insolvent circumstances. Sarm continued to trade until December 2004, when BAE Systems called in the liquidators, who discovered an initial shortfall of R98m.

July 2004 had seen the arrival at Harmony Gold of a new financial director, Nomfundo Qangule, who

very quickly became alarmed at the massive exposure the company had assumed in lending gold to SARM.

Within months Qangule called in KPMG to do a forensic audit. But very soon the Scorpions took over and had KPMG reporting direct to them. In February 2005 Perez and Diaz, lured back from Miami by Harmony, were arrested on charges of fraud and contravention of the Companies Act. They were bailed for R500,000 each. When they were brought for trial in June 2006, Scorpions prosecutor advocate Elize le Roux declared that she was not ready to proceed with final charges. The defence objected and the case was removed from the court roll, leaving Perez and Diaz to return to Miami.

And there the whole thing may quietly have died away, but for an odd tale recounted by a well-placed employee at KPMG. It went as follows: documents and information had been submitted to the firm stating that, once in Miami, the gold chains were melted down and sold as ingots. And that the beneficiaries of this scam were a number of shell CCs linked to prominent government ministers. Vusi Pikoli, so the story went, was determined to get to the bottom of this, but was suspended as director of national prosecutions before he could do so.

At KPMG, the probe into SARM was conducted by forensic auditor Lynette van der Merwe. She reported to her director, Tasha Rossouw, whose boss in turn was the firm's forensics supremo, Herman de Beer.

Van der Merwe confirms that her investigation started in 2004. How did the list of ministers and the CCs come into the gold chain picture? "Well, I can't really say anything to you," replies Van der Merwe. "I'm in a very difficult situation; I can lose my job. It was supposed to be discreet [...]. It's just we and the Scorpions that knows about the investigation.

"We're bound by the NPA Act not to speak to anyone. I don't know who to trust. Harmony have got their own agenda. They would do anything to discredit us because they are cross with me."

*Noseweek*: "As I understand it, ministers were involved in these shell companies, the gold chains were exported and then melted down at the other end and the gold sold. That's basically the story, isn't it?" "Yes," replies Van der Merwe. "You know a lot."

**Ministers were involved in these shell companies, the gold chains were exported and then melted down at the other end and the gold sold**

A top source at KPMG elaborates: "Everything you describe is factually correct on a high level, except to prove that last bit, where the monies ended up, or in backhanders. That had to be done offshore, and that part we never got to. The proof that the proceeds went to these high fliers, or the ministers, we didn't get that far.

"I'm not sure the Scorpions have the appetite for what it's going to cost to really tie this case up. The cost of going to all these locations, get all those documents, prove the cashflows. I just got the impression that there was not an appetite to pursue this matter any further, based on the financial considerations. We're not actively working on it at the moment.

"There were constant stories about benefits that were going to flow to ministers, and all these CCs. [...] there's a lot of names and a lot of CCs so-called linked to this deal. But where they fit in, that we could never crack.

"SARM wasn't administered the way it was supposed to be. The monies never came back. There were clear

indications that people at Harmony didn't do their work. Harmony lost millions – in my view they lost R200m over a period of time. Somebody stole the gold, that's the bottom line. The question is: after they stole it what did they do with the money?"

Was it Perez and Diaz doing the stealing? "I think that's firm," says our source. "However, who was going to be in with the deal? Who helped them to structure this deal? Who made the calls to the IDC and all the other places to be the funders of this thing? In retrospect the IDC should have asked significantly more questions. Did somebody speak to them so they didn't ask questions and just put in the money? The IDC's unresponsiveness when we wanted them to become a complainant was amazing. Why wouldn't a public company that's lost money – the venture was clearly fraudulent – want to pursue it?"

"So there were enough issues to say there's a lot wrong here. But the factual determination, to get to the point where you say there were these entities and they were going to play a certain role and for that they got benefit, that has never been established purely because the case fizzled out."

On 6 August last year Bernard Swanepoel shocked the market when he resigned without explanation as Harmony's chief executive. It was later stated that a new accountability system had failed to capture R250m in costs in quarterly reports to March.

Sixteen days later, on 22 August, Nomfundo Qangule resigned her position of financial director, again without explanation.

NPA director Vusi Pikoli was suspended a month later.

Swanepoel, 47, who now runs his own mining investment company To the Point, says that he "vaguely remembers" the Sarm debacle: "That's the deal where we got shafted."

He still feels sore about the attitude of the Scorpions and KPMG. "Nomfundo [Qangule] brought in KPMG, then the Scorpions took over. In their normal flashy style they arrested two people [Perez and Diaz] but they hadn't done enough homework and had to let them go. That was quite frustrating."

Swanepoel says he saw KPMG's reports, but they did not mention The List and he had never heard of it. "I certainly wasn't privy to that rumour or allegation. It's always difficult when

you deal with these cloak and dagger guys – they don't tell you. They started investigating [Harmony] instead of the people who defrauded it."

Swanepoel says that his departure from Harmony, and that of Qangule, had nothing to do with the KPMG investigation.

Qangule, 41, who joined Harmony just five months before SARM went into liquidation, says: "I was at the tail end of it, I actually killed it," she says. "I just tried to establish exactly what happened."

She says she never heard about gold being melted down, or the existence of The List. "The problem is, I don't think I'll be at liberty to speak on behalf of Harmony, because I'm out now. It's very difficult for me to comment."

According to share certificates held by liquidator Theo van den Heever, SARM's capital was 1000 authorised shares, with just 100 issued – all to Luis Perez. This is odd,

for back in March 2003 the DTI stated that SARM's shares were held by Royal Chain Canada and US-based

investors (60%) and the IDC with the remaining 40%.

The IDC has, astonishingly, told Van den Heever that its records are in storage and it cannot recall what stake it held in SARM. However, if the latter is the correct version, could those mysterious CCs be lurking among those vaguely-described "US-based investors"?

Vusi Pikoli did not respond to *noseweek's* request for clarification over The List. But Scorpions investigator on the SARM case, adv Elize le Roux, claimed not to know about a list of CCs linked to prominent names. "I'm not aware of that," she says.

So it wasn't included in the material you received from KPMG? "I cannot comment on that. But in any way that's not the focus of our investigation."

*Noseweek* asks again: Are you aware of such a list? "No comment on that at this stage."

Le Roux insists the case against Perez and Diaz has not been closed. "Of course we are in a period of transition. What KPMG is, I think, trying to convey to you is that from their side the case has been shelved because we are still awaiting certain information and we haven't given them any task to do at this stage. That doesn't mean the

case has been closed."

At D&T Trust, liquidator Theo van den Heever says he's planning to launch a reckless and negligent trading claim against Perez and Diaz. The loss at present, he says, is around R115m – R70m due to Harmony Gold; R35m to BAE Systems and R10m to the IDC. Harmony's total exposure was R120m but they recovered R50m worth of gold, leaving a shortfall of R70m.

The liquidator's take on the scam? "Perez and Diaz (SARM) sold the gold chain to themselves (Mega Gold in Miami). When the music stopped there was a R25m hole in chain supplied by Sarm to Mega Gold, which was never paid for.

"SARM always sold to Mega Gold at a loss, so they were getting gold out of the country at 80% of its value. The Scorpions came and got documents from us, but we never got any definitive feedback from them. What they did confirm was what our investigations revealed – the gold was always sold at a loss."

Van den Heever says he never heard about The List. He had heard, though, about the gold chains being melted down in Miami. "Apparently Diaz was having an affair with one of the SARM staff members. He told her in the last days, just before they closed down." ▮



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# Taking a cut

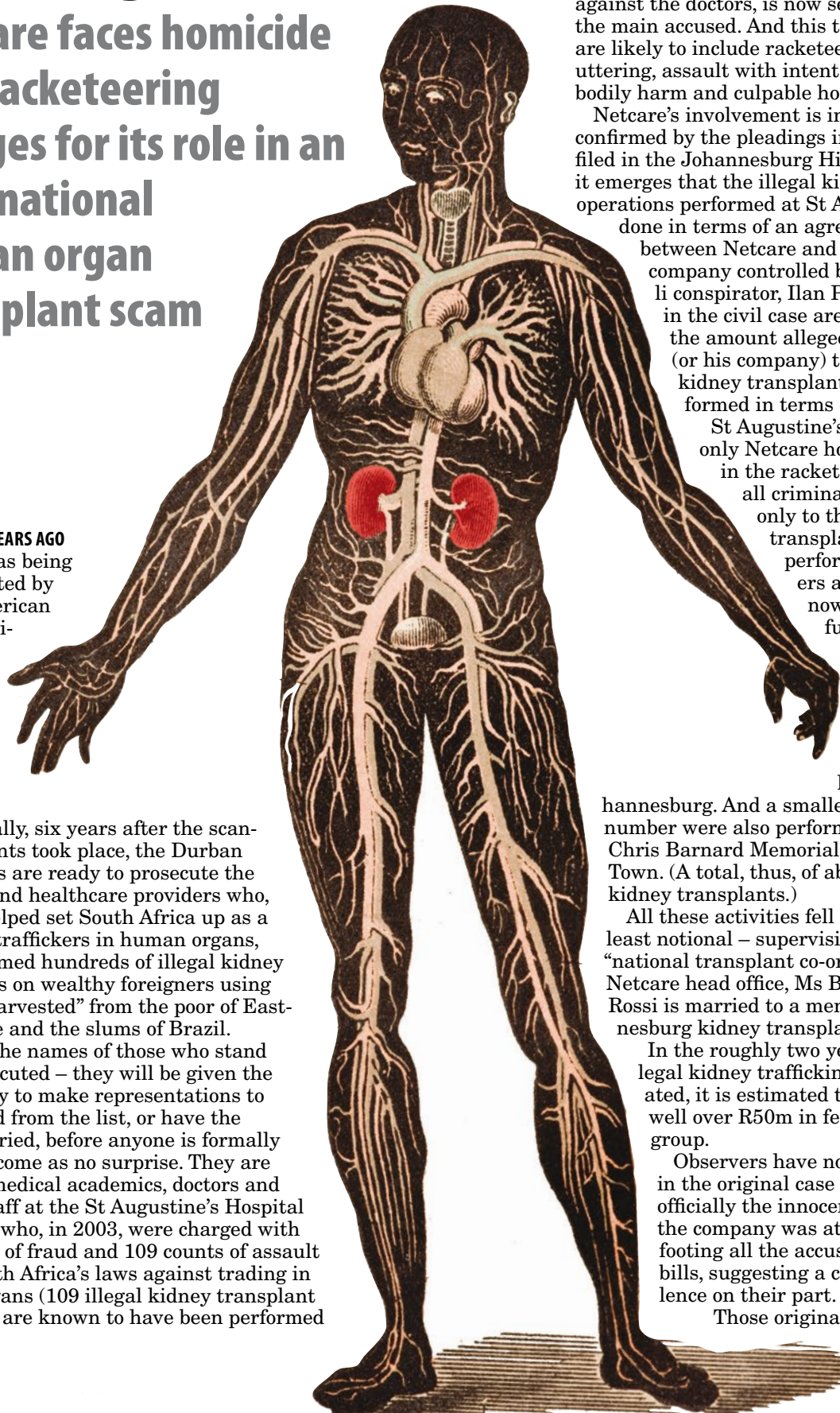
## Netcare faces homicide and racketeering charges for its role in an international human organ transplant scam

**T**WO YEARS AGO it was being

punished by American medical ethics campaigners as likely to be “the medical trial of the century”.

Now, finally, six years after the scandalous events took place, the Durban prosecutors are ready to prosecute the surgeons and healthcare providers who, in 2001, helped set South Africa up as a Mecca for traffickers in human organs, and performed hundreds of illegal kidney transplants on wealthy foreigners using kidneys “harvested” from the poor of Eastern Europe and the slums of Brazil.

Most of the names of those who stand to be prosecuted – they will be given the opportunity to make representations to be removed from the list, or have the charges varied, before anyone is formally charged – come as no surprise. They are the same medical academics, doctors and medical staff at the St Augustine’s Hospital in Durban who, in 2003, were charged with 109 counts of fraud and 109 counts of assault under South Africa’s laws against trading in human organs (109 illegal kidney transplant operations are known to have been performed



in that hospital at the time).

But this time there is one huge difference: the JSE-listed hospital group Netcare, which previously featured as the main complainant against the doctors, is now set to feature as the main accused. And this time the charges are likely to include racketeering, forgery and uttering, assault with intent to do grievous bodily harm and culpable homicide.

Netcare’s involvement is independently confirmed by the pleadings in a civil case filed in the Johannesburg High Court. There it emerges that the illegal kidney transplant operations performed at St Augustine’s were done in terms of an agreement concluded between Netcare and a Cyprus-based company controlled by the main Israeli conspirator, Ilan Perry. The parties in the civil case are only disputing the amount allegedly owed by Perry (or his company) to Netcare for 89 kidney transplant operations performed in terms of the agreement.

St Augustine’s was also not the only Netcare hospital involved in the racket. While to date all criminal charges related only to the 109 kidney transplant operations performed on foreigners at that hospital, it now emerges that a further 100 or more such illegal kidney transplants were performed at Netcare’s Milpark and Garden City hospitals in Johannesburg. And a smaller, but significant, number were also performed at Netcare’s Chris Barnard Memorial Hospital in Cape Town. (A total, thus, of about 250 illegal kidney transplants.)

All these activities fell under the – at least notional – supervision of Netcare’s “national transplant co-ordinator” based at Netcare head office, Ms Belinda Rossi. (Ms Rossi is married to a member of the Johannesburg kidney transplant team.)

In the roughly two years that the illegal kidney trafficking scheme operated, it is estimated to have generated well over R50m in fees for the Netcare group.

Observers have noted that, while in the original case Netcare was officially the innocent complainant, the company was at the same time footing all the accused’s legal defence bills, suggesting a certain ambivalence on their part.

Those originally charged were

the head of surgery at Durban's Nelson R Mandela School of Medicine, Prof John Robbs, his deputy, Prof Ariff Haffeejee, St Augustine's-based doctor Mahadev Naidoo, St Aidan's Hospital-based Dr Neil Christopher, kidney specialist Jeff Kallmeyer, and surgeon Kapil Satyapal. The Netcare transplant unit staff charged were Lindy Dickson and Melanie Azor.

The charges against them were provisionally withdrawn by the prosecution in July 2006 – within days of the arrest in Germany of the alleged chief conspirator in an international kidney trafficking racket, Ilan Perry, an Israeli citizen. The South African prosecuting authorities were obviously doing a radical reassessment of their case once Perry became a potential accused – or witness for the prosecution.

But the legal process for Perry's extradition from Germany to South Africa was bungled and, after spending six months in detention in Germany, he was released and returned to Israel a free man.

Police interest in the case revived last year when "certain developments" took place in Israel. (While *noseweek* doesn't know what those developments were, see **China Syndrome box** for a story about developments in China that might hold some clues.) Professor Robin Palmer of the UKZN law faculty was seconded to head the team for a fresh assessment of the case. Prof Palmer, SAPS Captain Louis Helberg (the project manager for the case), and Detective Inspector "Sups" Chetty, the investigating officer, have over the past year made several trips to Israel.

Recently Prof Palmer has confirmed that the prosecuting authorities plan to reinstitute the prosecution – subject to any representations which those previously accused might wish to make. Potential accused have all been invited to make such represen-



Professor John Robbs

## A hundred or more illegal kidney transplants were performed at Netcare hospitals in Johannesburg

tations in accordance with the ruling made earlier this year by Judge Nicholas in the Zuma case.

In the meantime, a quick recap of the evidence produced earlier in the saga gives some idea of what we might expect, should the case proceed as planned.

Evidence presented in related court cases here and in Brazil reveals how the syndicate recruited kidney donors, initially from Israel, by offering to pay \$20,000 for a kidney, but soon discovered they could recruit kidney donors for much less – as little as \$3000 – from the slums of Brazil (see **Boys from Brazil box**).

It also emerges that senior members of the SA Blood Transfusion Service must have played a critical role in the scheme: the Service earned hefty fees for analysing blood samples from potential Brazilian donors and, by matching them with tissue samples from potential transplant recipients, identifying the most suitable donor for the next wealthy transplant patient from Israel, lined up by the scheme operators.

By sheer dint of repetition – on each occasion scanning scores of samples from Brazilian donors to find a match with a random Israeli recipient – the pathologists at the blood transfusion service could hardly have remained ignorant for more than a day or two of what was up. Yet they carried on providing their essential service to the scheme for more than two years without murmur or complaint.

## China syndrome

**I**N AUGUST LAST YEAR it was reported from Israel that four men accused of pocketing millions of dollars that patients had paid for organ transplants in Asia had been arrested.

Yaron Izhak Yodukin, CEO of Medikt Ltd, was arrested for not reporting millions of dollars in income earned by mediating organ transplants for Israelis in China and the Philippines.

According to *Yediot Achronot*, Israel's largest newspaper, the country's authorities began investigating Yodukin's activities after he said in an undercover interview that the organs his company was helping to provide in China came from Chinese political prisoners, death row inmates and people arrested for practicing Falun Gong.

During the investigation, the

authorities reportedly discovered that Yodukin's company had been turning in fraudulent receipts to a national healthcare provider and thereby avoiding tax payments on millions of dollars in earnings.

According to *Yediot*, by charging Israelis more than necessary, Yodukin and his colleagues were thought to have pocketed an extra \$6m.

Suspected of aiding Yodukin in his tax fraud scheme were his assistant, Peleg Matan, Medikt manager Ilan Perry, and a company lawyer. All three had been arrested.

Adding to the seriousness of the episode were reports that senior administrators in one of the Israel's main healthcare providers – Kupat Cholim Klalit – were somehow involved or aware of what Yodukin and his associates had been doing.

Once a suitable match had been identified by the blood transfusion service, both donor and recipient would be flown to Durban (or Johannesburg, or Cape Town) only days before the scheduled transplant operation, where a local “co-ordinator” attached to whichever Netcare hospital would prepare false documentation in which the donor was required to declare that he was a close relative of the intended kidney recipient and was donating his kidney voluntarily and without payment.

Rachel Cohen, meet your cousin from Brazil – Maria de Jesus dos Santos.

The only problem is these “close relatives”, so close that the one was going to sacrifice a precious kidney and risk his own long-term health to save the other’s life, never bothered to meet or speak to each other.

(The few Netcare employees who noticed and did comment were

## It is illegal in South Africa – as it is in most countries around the world – to pay for human organs

promptly threatened with disciplinary action by head office.)

While the wealthy recipient was appropriately pampered in five-star facilities, the donor was left with a minder at a cheap B&B, and flown

tourist class back to Brazil within a day or two of his kidney having been “harvested” – without aftercare or counselling.

(Netcare staff members recount how a “harvesting” team allegedly opened up a Brazilian donor, only to discover that one of his kidneys was malformed. They harvested his healthy kidney for their waiting, paying client, leaving the donor with a single, malformed kidney. This case is said to be the subject of a charge of assault with intent to do grievous bodily harm.)

In most, if not all, cases in Durban, both donor and recipient were seen by the head of the St Augustine’s kidney unit, Dr Jeffrey Kallmeyer, the day before the operation, making it nigh impossible to imagine, given the stream of Brazilian donors sent to match the stream of Israeli recipients, that by day three he did not know that something was not as the law required it to be.

Dr Kallmeyer has since emigrated to Canada, but has, we understand, given the SA police various undertakings to ensure his return, should new charges be preferred against him.

The lid came off the international scandal with the arrest in Brazil in December 2003 of 11 men – allegedly the runners hired by the syndicate to find suitable donors – and in South Africa of three suspects: two in Durban, one in Johannesburg.

One of those arrested in Durban was Agania Robel, an Israeli who had just received a kidney in a transplant operation.

The surgeon who had performed the operation was Professor Ariff Haffejee; the supervising kidney specialist was Dr JC Kallmeyer.

Robel pleaded guilty to charges under the Human Tissues Act, saying he had paid \$45,000 (about R289,404) for his new kidney. It had been donated by Brazilian Rogerio Bozzera da Silva, who had been paid \$6,000 (about R38,587) for it. It is illegal in South Africa – as it is in most countries around the world – to pay for human organs. Robel was fined R5,000 and received a five-year suspended sentence.

Donor “handler” Roderick Kimberley, arrested in Durban at the same time, pleaded guilty to his role in 38 of the “about 80” illegal transplant operations that he knew had been

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performed on foreigners by the kidney unit at Netcare's Durban hospital in the previous two years. All the kidney recipients had been Israelis, most of the donors Brazilian.

In a sworn statement tendered in terms of plea bargaining legislation, Kimberley named Netcare organ transplant clinic staff Lindy Dickson and Melanie Azor and Dr Jeff Kallmeyer and Professor AA Haffeejee. As the number of kidney transplants at the hospital increased over the two years, he said, these people "must have known, alternatively suspected, that the donor/recipient transaction was motivated by money".

Kimberley was given a six-year suspended sentence and fined R250,000.

Also arrested at the time was Israeli-born Johannesburg resident Meir Shushan. Like Kimberley, he

had been recruited by Israeli organ brokers to look after donors during their short stay in South Africa.

According to a *Sunday Tribune* report in August 2005, Shushan told the court that he had facilitated more than 56 illegal kidney transplants and had personally received R1.4m for his role in the deals. He said the costs of the transplants had been negotiated in advance with Netcare, and the money paid by cash transfer or direct deposit into St Augustine's Hospital's bank account.

Besides the alleged illegal operations at St Augustine's, Shushan said he had also negotiated a discount with Netcare's Garden City Hospital management in Johannesburg. For every 10 transplants brought in, 25% of the total cost of the hospital account would be refunded to him.

The hospital denied any knowledge of illegal activity and said it and the

transplant unit would assist the police in their investigation.

Some months later a retired Israeli army officer, Galdaya "Gaddy" Tauber, was among 12 people arrested and put on trial in Brazil for their part in the kidney trafficking scheme. Gaddy, too, identified "Ilan" as the man who had put him in touch with an intermediary in Brazil. (See box.)

According to a Sapa report, he told the court: "The Israeli government is aware of the traffic in organs for patients in its country and pays for all the transactions through four health plans. I never thought the government was financing anything illegal. I was only helping people in need."

That bit of evidence appears to find independent support in the more recent and curious report from China (see **China box on previous page**). ▮

## Boys from Brazil

**T**HIS WAS A PYRAMID structure with Ilan Perry at the top. Everyone got a cut. Galdaya "Gaddy" Tauber, approaching 70 and a former officer in the Israeli defence force, who was in charge of financial operations in Brazil, made \$10,000 on each successful transplant. Captain Ivan Bonifacio da Silva, a retired Brazilian military police officer, and Gaddy's friend and former partner in the arms trade, recruited donors though local "kidney hunters" and received \$5,000 for each kidney procured. Silvio Bourdoux, a military police doctor and colonel, who handled medical screening and blood matching, was paid \$500 for every donor screened. Captain da Silva's wife travelled with the donors to South Africa, where they were taken to a safe house to await their operations.

Together, Gaddy and his team rounded up more than 50 donors to send to South Africa, where 38 of them were relieved of a "spare" kidney. The *meninos* (or "boys" as the



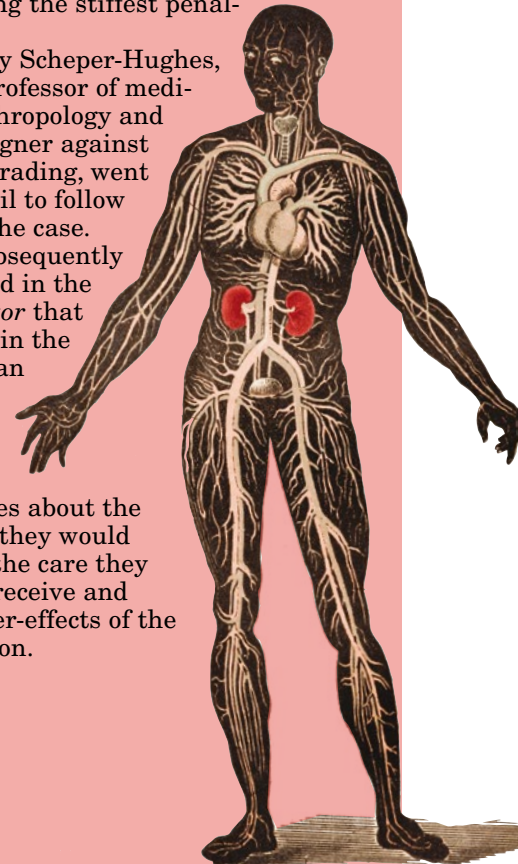
Gaddy Tauber in prison in Brazil

kidney sellers were called) were easy prey. As soon as the first two or three returned safely from Durban and began flashing wads of hundred dollar bills, the word was out, and the kidney hunters didn't have to do anything but take down names — more than a hundred of them. The *meninos* had spent their lives in Recife's rundown, working-class neighbourhoods, wanting to see the world and to come back with their pockets bulging. It was a buyers' market, and the price for a "fresh" kidney fell almost immediately from \$10,000 to \$6000, and then down to \$3000. Even so, there was no lack of enthusiasm among the unemployed and indebted.

Eventually the conspirators thought: why travel all the way to South Africa? Why not organise "transplant tours" to Brazil itself? But, in August 2003, just a few weeks before the first of such "tours" were to arrive in Recife, Brazil's federal police arrested 11 members of the organs traffick-

ing ring. Several of the principal figures were convicted and given jail sentences, ranging from one to 11 years, with Gaddy and Da Silva receiving the stiffest penalties.

Nancy Scheper-Hughes, a US professor of medical anthropology and campaigner against organ trading, went to Brazil to follow up on the case. She subsequently reported in the *Spectator* that donors in the Brazilian slums were given false promises about the money they would make, the care they would receive and the after-effects of the operation.





Teazers boss Lolly Jackson with friends

# Hard labour

For some women, working at Teazers strip joint is more than a job – it's a prison stint in a rather sleazy slammer

**"T**EAZE WITHOUT THE SLEAZE" is the claim of Teazers strip club king Lolly Jackson. But for many women Jackson imports as "exotic dancers" from Europe, life at Teazers clubs in Gauteng is more like a sleazy spell in the slammer. Once here, their passports are seized and they are held virtual prisoners in two Bedfordview houses owned by the flamboyantly controversial 52-year-old.

Ukrainian Iryna Firsova (28) arrived on a 90-day visa to "attend orientation interviews and auditions, including real time performances" at Teazers. She was internet recruited by a Los Angeles talent agency and Jackson assured the South African embassy in Prague that if found satisfactory, Iryna would be offered employment in an "inter-company transfer".

Jackson undertook to provide return air tickets for Iryna and two other women, food and accommodation "for the whole period of their stay in the Republic", plus R10,000 a month each.

Iryna touched down at OR Tambo in March 2007 and a Teazers driver took her straight to the Rivonia club. "I met Lolly Jackson there," she says in an affidavit. "He explained the work to me and the rules of the club. He told me I must pay a levy for certain services, including accommodation, travel to and from work and for the privilege of working in the clubs. I was told by Lolly to hand in my passport for the future work visa and for safekeeping."

In June charges of fraud and contravening the Immigration Act against Jackson and one of his managers were struck off the roll at Edenvale magistrate's court when the prosecutor asked for a postponement for the

police to continue their investigations. But now an astonishing dossier containing 15 affidavits from strippers and former employees has been passed to police, that could see fresh charges brought against Jackson.

Continuing her story, Iryna Firsova recounts life at a Bedfordview property known as the Russian House. "We will be locked in the house if we are not at work," reads her affidavit. "If we wanted to go shopping, a driver will escort us and return us to the house. I was not allowed to go anywhere without Jackson's permission."

Ludmila Nikolaevna Bohdanovych, 34, also from the Ukraine, started her spell with Teazers in the Cresta club. She says: "I had to pay off R10,000 for the extension of my visa and work permit. I also had to pay R4800 a week for accommodation, travel to and from work and for the right to work at the club."

Patrick Kona, 26, worked for Teazers as a driver for three years, until June 2007. He stayed at the Russian House, and testifies that on Jackson's orders the women were kept under lock and key. "They were not allowed to socialise outside the club and no visitors were allowed at the houses [a second house, 'the Bulgarian House', is also in Bedfordview]. The girls residing in these houses are kept, for all practical purposes, as prisoners," declares Kona.

Kona was instructed by Jackson to take new arrivals' passports and hand them to him. "Although the girls were told this was for their safety, it was in fact to make sure that they do not abscond. If they wanted to go home for a visit they had to deposit cash [R10,000 to R30,000 says a stripper] as guarantee they would return."

On 25 April police raided the Bulgarian house and arrested its occupants when they were unable to produce their passports. On their release, the women were required to sign documents, backdated to their arrival date in the country, giving Teazers permission to hold their passports.

The most devastating account of life at Teazers comes in a 17-page affidavit by its former general manager, Richard Bester. "The foreign girls are under the impression that they would do exotic dancing and in many instances, on their arrival, girls would refuse to strip and perform as required," he states. "They would be sent back to

their country of origin immediately.

"Two girls, both nurses, arrived from Russia. When they refused to strip they were forced to work one eight-hour shift. All the money they made was taken by Jackson, who sent them packing. I dropped them at the airport and told them, on Jackson's instructions, to find their own way home."

Of life at the Russian and Bulgarian houses, Bester says: "Due to the number of girls Jackson crams into them, conditions are not good. There are about six bunk beds per room and cupboard space is shared. No food is supplied; the girls live on takeaways or they buy food at work."

When a foreign dancer falls out of favour, Jackson stamps "cancelled" on her passport visa and boots her out. "Numerous girls are simply left at the airport without money and told to find their own way home," testifies Bester. "Monies due to them for services rendered would simply be kept by Jackson. Girls who are ill are forced to work; only if literally too ill to stand may they remain at the residence."

For the strippers there's only one consolation for working at Teazers – the money they can earn; as much as R40,000/month, even after deductions of levies, fines and tax, says an insider.

"Many of the girls generate large amounts of cash for themselves," says Bester. "Due to their status they are excluded from having bank accounts, but most had accounts at the Sandton Standard Bank. If a girl is deported by Jackson she would not be allowed to withdraw said monies. In one incident a foreign girl had approximately R130,000 in such an account and was deported without the opportunity to withdraw this cash."

Jackson's fines system provides him with handy petty cash. "He would fine a girl for literally anything he felt like," says Bester. "He would be in a foul mood, see a girl doing something, whatever, and fine her anything from R100 to R10,000 – or even more."

"There was the Fat Butt List, the Nail List, Tan Line List and Hair List. If Jackson was dissatisfied with a girl's appearance, her name would be added to the relevant list. The girls are fined every week for the period that their names appear on it.

"Tax was deducted at a flat rate of R250 per week per girl. There would be, on average, about 100 to 120 girls per week from which this amount was taken. The list total [R25,000 to

There is no freedom and we will be locked in the house if we are not at work

Teazers stripper

R30,000/week] is paid over to Jackson. In the period I was employed I never saw any payment done to the SA Revenue Service relevant to these tax deductions."

Allegedly, cosy relationships with officials at Home Affairs ease the problem of work permits. Women come into the country on a permit for interview or a holiday permit, says Bester: "If a girl was suitable her passport was handed over by myself at the Rivonia Teazers to one Freddy Smith of the Department of Home Affairs, Pretoria. I would hand him R15,000 to R20,000, as payment [for arranging] permits."

Well lubricated relations with police officers ensure that Jackson knows well in advance about raids says Bester. When one woman absconded, he paid three off-duty policemen from Pretoria R10,000, on Jackson's orders,

to arrest and deport her. Their search was unsuccessful.

When Jackson's rival, Andrew Phillips, erected sign boards on Rivonia road advertising his strip club, The Grand, a police inspector and his colleague were summoned to Teazers Rivonia. "They were there for about an hour, had two dances, ordered off the menu, had drinks and I gave them (on Jackson's instruction) an amount of R5000," says Bester. "Jackson informed me they were going to prevent Andrew Phillips from putting boards out on the road."

Bester also recalls three men from the fire department arriving at the Rivonia club to check compliance with fire regulations: "Jackson told me to give them each a bottle of Jack Daniels and R1000. The next day a fire compliancy certificate was issued."

Comments Lolly Jackson: "I believe that this crap comes from Andrew Phillips. The girls are most definitely not kept under lock and key. The adult entertainment industry is a cut-throat business that is often confused with the sex-trade industry. I have put certain rules and regulations in place to make sure that my business stays clean. I have nothing to hide. I do not have a single criminal conviction [see box]."

Next year Jackson is due for trial on charges of assault with intent to commit grievous bodily harm. He is accused of shooting a black chef with 18 rubber bullets at Teazers Rivonia. Last year his brother Michael, who ran Teazers Cape Town, was jailed for 15 years for the murder of a street child. ▣

## Fast and loose: Lolly's rap list



Koenigsegg CXX kugel schlepper

**2005** (Edenvale): Reckless driving/speeding. Guilty. Fined R20,000.

**1994** (Primrose): Selling liquor without necessary licence. Admission of guilt. Fined R300.

**1994** (Bedfordview): Viewing M-Net without necessary decoder. Guilty. Fined R400.

**1991** (Edenvale): Displaying wrong licence plates on vehicle. Guilty. Fined R100.

In **2000** a Teazers kitchen worker,

Elvis Qambela, opened a case of assault with intent to commit grievous bodily harm against Jackson. Qambela claimed that Jackson stabbed him with a butcher's knife and beat him after finding mince meat in his bag at the end of his shift. "He (Jackson) then took me into the back room where he said he is going to shoot me," read Qambela's statement. The worker managed to escape and opened a case at Bedfordview. Qambela subsequently disappeared, so the matter never came to court. ▣



# Storm-clouds over Arniston

The quaint old Southern Cape village is riven by strife over developmental profits and principles

**T**HIS IS THE CURIOUS TALE of a quaint coastal town with two names; of an ANC mayor who prefers helping rich white capitalists to supporting her own struggling community; of an hotel boss and his town manager pal who run the town like a private fiefdom; and of a piece of land that increased in value from R400,000 to R4m in one week – an increase that got one lucky businessman a sports car worth almost R1m.

The town is Waenhuiskrans/Arniston, the only town in South Africa

with two formally registered names. But the story is more important than the shady deals of a few politicians, officials and business people in a southern Cape village. It is a case study of how transformation gets undermined in so many local councils, of how democracy is disregarded at local level, and of how rich men do what they want when they have pliant politicians on their side.

The local Ratepayers' Association had to go to the high court to force its own council and a property developer

to stop the building of an unauthorised structure. The local council officials behaved in a manner patently serving the interests of wealthy business people – to the detriment of the local fishing community – in the process flaunting local and national policy directives.

The story starts when the Cape Agulhas Municipality, which controls Arniston, Bredasdorp, Struisbaai and Napier, put out a tender for a valuable commercial property with a view of the bay – erf 599.

According to papers before court, Stellenbosch philanthropist Hannes van Zyl, who had just bought a house in the village, and two other businessmen, Bob Harman and Allan Smith, put in a proposal that erf 599 be developed as an empowerment project for the struggling fishing community of Kassiesbaai, the town's picturesque, mostly coloured, suburb. The new building would house a restaurant, a supermarket, a laundromat and several smaller shops. Most of the profits from the undertaking would go directly to the community.

Their tender stated that they would negotiate the price with the council, but it wouldn't be less than R500,000. They submitted architectural plans, which, they said, could be adjusted after proper consultations with the municipality and the community to establish what the town really needed.

The three men's tender really annoyed some influential people in town, specifically one Christo Swanepoel, who openly

declared that the local municipality had promised that his would be the only tender to be considered.

The initial tender for erf 599 put forward by Swanepoel and an associate, Ethel Botha, had only offered R426,000 and naturally didn't mention an empowerment initiative.

Enter stage left the ANC councillor representing Arniston at the Cape Agulhas local council, Eve Marthinus. As could be expected from an ANC leader from the struggling coloured community, Marthinus initially

expressed keen interest in the empowerment tender. But the men with an eye on the money quickly got to her and persuaded her that Swanepoel's proposed plans for erf 599 was actually the most deserving.

Marthinus's support for the Swanepoel tender – the one offering the smallest amount, the one that would not benefit the community of Kassiesbaai – perhaps clinched the deal, and the Cape Agulhas Council decided to sell erf 599 to Swanepoel and Botha's Arniston Bay Consortium (later mysteriously renamed Verreweide (Pty) Ltd), for R426,000. Marthinus rushed from the council meeting to tell them that they had clinched the deal.

Harman, Smith and Van Zyl quickly made an official protest to the council. They wrote to the municipal manager, Keith Jordaan, declaring that the price of R426,000 was too low, not market-related and indeed lower than their own empowerment proposal.

They also informed Jordaan that the decision to sell to Verreweide was against government policies and regulations that insist that the empowerment of historically disadvantaged communities must be a criterion when deciding on the disposal of municipal assets.

The decision to sell to Verreweide also went against the central government's Black Economic Empowerment requirements, which bind all levels of government.

The council's response was simple: the sale was above-board and the council wasn't obliged to award the tender to the highest bidder.

But everything was not as it seemed with that Verreweide tender – Swanepoel and Botha didn't have the money to develop the property. Apparently they never had the money, and perhaps always bargained that the precondition of completed development – that the land can't be resold without the tender proposal being carried out – wouldn't be enforced.

So during late 2006, the municipal manager and the Verreweide owners negotiated fundamental changes in the original tender conditions for the sale of erf 599. This happened without any public participation or notice to other applicants, and Van Zyl protested the highly irregular action – which Jordaan ignored completely.

Two months later Van Zyl reminded Jordaan of his objection and again requested that the matter be put before a council meeting. Jordaan eventually responded five months later, in January 2007, stating that "Council had no other choice" but to change the preconditions.

But here's the snag: Jordaan wrote his letter to Van Zyl the day after the ownership of erf 599 had been transferred to Verreweide (Pty) Ltd.

The story gets really interesting from here. The new owners of erf 599, Christo Swanepoel and Ethel Botha, now not bound by the previous preconditions, immediately offered the property for sale – for R5.5m.

The first to bite was the principal shareholder in the Arniston Hotel, Robert Haarburger – he and his business partners initially offered R5.5m. A few days later, on 30 January 2007, the pair bought the famous Bob's Shop and Waenhuis Restaurant. It is not known what then transpired, but next thing Haarburger and his partners had lowered their offer of R5.5m to R4m. And as they weren't allowed to buy the (undeveloped) land they were now buying the holding company, Verreweide (Pty) Ltd.

Haarburger and his pals thus came to own erf 599 – and, without lifting a finger, Swanepoel and Botha



The Arniston Hotel

pocketed a R3.5m profit. Shortly afterwards Swanepoel, a partner in Botha's B+B, bought himself a Mercedes sports worth close to R1m. Go Christo!

Robert Haarburger sees himself as Mr Arniston, say those who know him well. (Please note, he doesn't see himself as Mr Waenhuiskrans – in fact, he's on a mission to have that part of the town's name scrapped.) As the biggest shareholder in the hotel, he often claims to be the largest employer of Arniston's people. He also owns several up-market holiday cottages in the village.

Those who mess with Robert usually come off second best – as you soon discover if you're a town planner, or if you or your family in the fishing community depend for a living on any of his businesses.

Haarburger promptly doubled the size of the proposed centre to a three-storey building with above-ground basement. And he started building the monster without getting the council's approval. Not only that, he disregarded the original tender and planned to turn the building into mainly shareblock residential units. This implies serious profits – all from public land sold for only R426,000.

Swanepoel reckoned a completed development on erf 599 would be worth R16m. By ignoring the conditions imposed after a public process, Haarburger was pushing for a sweetheart deal that would be worth many, many millions more.

Haarburger himself has made it clear that he is rich and powerful enough to do as he likes in Arniston. Nobody stopped him when he transgressed the building codes while

The profit monster stopped in its tracks



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erecting his cottages, or a generator building outside his hotel. Nobody could force him to comply with parking regulations and sewage disposal when he put another storey on top of his hotel. In fact, one of Haarburger's partners, Drew Danford of Cape Town property developers Bellandia, told a local architect that anyone opposing Haarburger's plans for erf 599 "had better have fucking deep pockets".

Objections were growing against the suspect sale and subsequent building of an unauthorised structure, but Haarburger and friends, apparently enjoying the support of municipal manager Keith Jordaan and ANC mayor Eve Marthinus, clearly felt they were untouchable.

Until, that is, the local Ratepayers Association decided to do something more than just moaning. They took Haarburger and Co to court and were joined by Heritage Western Cape, a body established in accordance with the National Heritage Resources Act.

Haarburger, suddenly in trouble, briefly stopped building. But within a week municipal manager Keith Jordaan heard an appeal from Haarburger and upheld all his objections, against the ruling by the council's own planning officials. *Voilà*, suddenly Haarburger's building plans were approved and the rezoning conditions reaffirmed.

Haarburger's confidence in Jordaan's support is reflected in his statements in the appeal hearing. Referring to the planning officials, housed in a single-storey office across the road from Jordaan's top floor office, he states that he, Haarburger, submitted plans that would bring the development that Jordaan wanted – "yet your *moegoes* down there find fault".

In April 2008 Judge Willem Louw of the Cape High Court ordered Haarburger to stop all building work on erf 599. He concluded that Haarburger had begun the development without approved building plans, and ordered that the alienation of the property by the Cape Agulhas Municipality had to be taken under review.

But not even a judge of the high court can stop Robert Haarburger on a roll. Aply assisted by town manager Jordaan and councillor Marthinus, he launched a campaign to discredit the Ratepayers' Association, and especially chairman Colin Bird and committee member advocate Murray van Heerden, who is also chairman of the local

Conservation Association.

Then came the attempted *coup d'état*. Haarburger and his lieutenants approached the men and women working at Haarburger's hotel and other businesses, and began walking the streets of Kassiesbaai to recruit people to apply for membership of the Arniston/Waenuiskrans Ratepayers' Association. If you can't beat them, outnumber them.

With his 116 new recruits, Haarburger demanded a special general meeting, with the intention of removing the existing committee, in order to stop the litigation against the development of erf 599, and to hold Bird and Van Heerden personally responsible for the legal costs incurred during the court case. (One only needs to prove that one pays for some form of municipal service to qualify as a member of the Ratepayers' Association.)

The Association met in October 2008 to consider the new applications, of which 86 were accepted. (There were about 112 members of the Association, most of them owners of expensive holiday houses living scattered all over South Africa, before the new members joined.) It is understood that more than half of the 86 new members are in Haarburger's employ; while almost all of the rest are related to his employees.

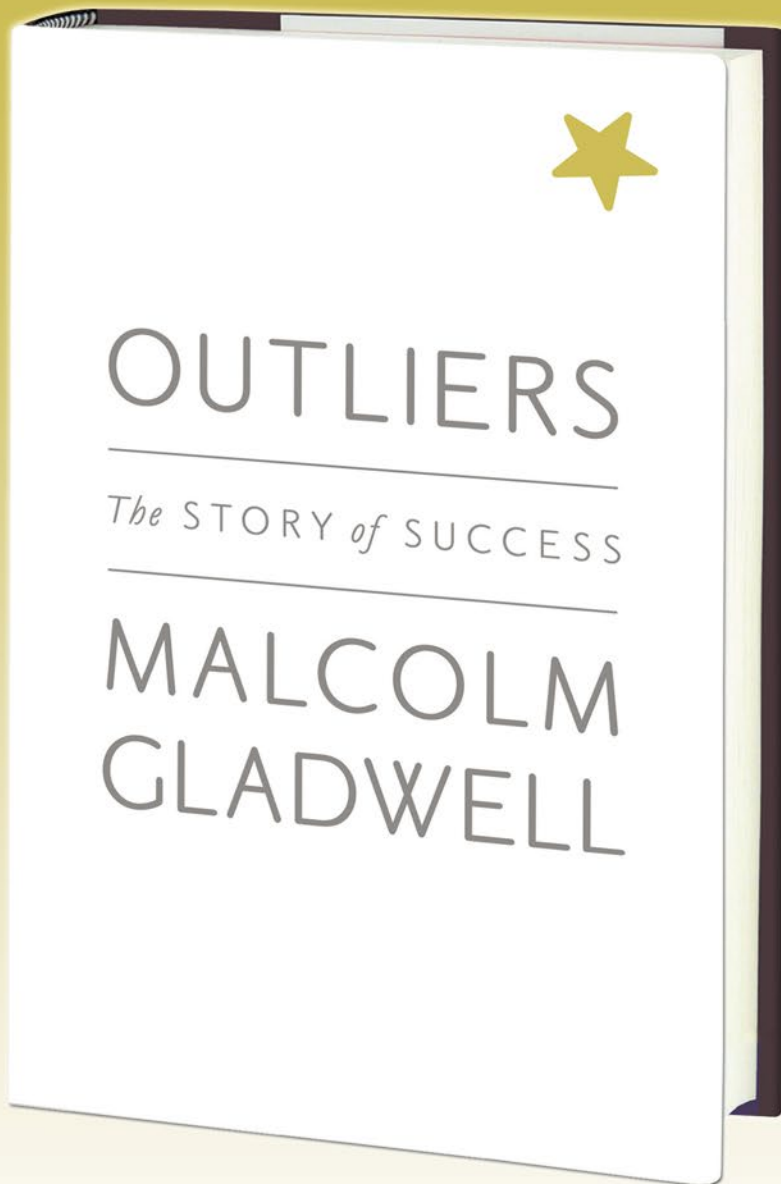
People in the fishing community now feel caught up in the crossfire between Haarburger and his pals and the other homeowners. They would like more jobs and opportunities for the community. And as facts from the court case become known, unhappiness with Eve Marthinus's role in the whole affair is growing (no longer mayor of the Cape Agulhas Municipality, she now serves as its Speaker).

The town would also like a new shop. The old Bob's Shop and the iconic Waenuis restaurant are gone. One morning, when staff arrived for work, they found the shop and restaurant locked, without prior warning or explanation. The shop was bulldozed soon after, by Haarburger and his partners. Most of the staff are still without work.

The next annual general meeting of the Arniston/Waenuiskrans Ratepayers' Association is scheduled for late December 2008. Fireworks are expected.

If Haarburger isn't successful in stopping the legal proceedings the case will be back in court in May 2009. ■

# MALCOLM GLADWELL



## OUTLIERS

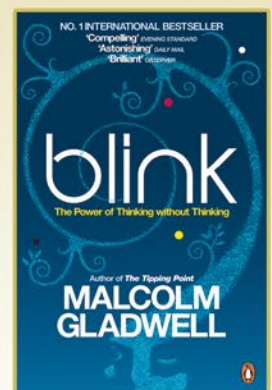
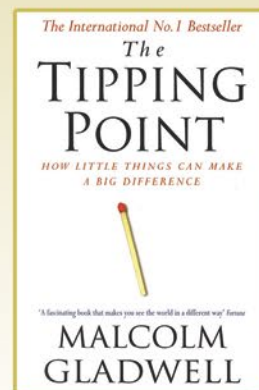
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# Bullied into submission

## As Hermanus surrenders to Checkers, the battle lines shift to the picturesque village of Stanford

**T**HE BATTLE'S OVER BUT the war goes on. The Greater Hermanus Environmental Action Group's (Gheag) court challenge, aimed at stopping the Overstrand council selling some prime land to Shoprite Checkers, has failed.

As ever it's the deeper pockets that win in court, and the respondents simply forced Gheag to court on side issues until they ran out of money. Certain embarrassing claims were thus not heard in open court – for example that the council is under the thumb of Leslie Viljoen and Rabcav consortium, or that a flawed tendering process handed the site on a plate to Viljoen's buddy Whitey Basson of Shoprite Checkers.

The respondents also challenged Gheag's legal standing, making it clear that should the objection fail they would seek costs against Gheag's 50 or so members personally. Thus was a settlement signed – more like a capitulation under the circumstances. The objection to the sale has been withdrawn, each side pays its own costs, and the objectors agree not to “pursue further objections in respect of the Shoprite Checkers development” nor “to make any other communications with regards to the settlement of this dispute”. Two basic freedoms – of association and expression – taken away in a few lines.

The battleground has now moved to the nearby trendy village of Stanford, with the Overberg council forces being led by a *bona fide* (ex-) general, Theo Beyleveldt, a man who very much fits the stereotype: dour, boorish and slow.

Bully Beyleveldt recently cowed the Hermanus Ratepayers' Association chairman into resigning, accusing him of involvement in the dissemination of “false and malicious information [...] about municipal matters”.

Facing up to the council is, once again, a motley crew of conservation and residents' groups. And at issue – surprise, surprise – is a golf course.



Clockwise from top left: Overstrand mayor Theo Beyleveldt; Shoprite Checkers kingpin Whitey Basson; and Fernkloof, one of the many thirsty golf estates in Overstrand

The 200km Overstrand coastal strip has a quite disproportionate number of golf developments: at Fernkloof in Hermanus and Arabella at Bot River; on the cards are another course at Arabella and extension of the municipal courses at Kleinmond and Gansbaai. Apparently a very up-market golf estate is being planned for Hawston/Vermont – one linked with someone whose name is not dissimilar to Rupert the Bear. Locals say tracts of Hawston are being bought up, but Overstrand municipal manager Werner Zybrands says that “no formal application has been submitted”.

Stanford is a charming little place, roughly halfway between Hermanus and Gansbaai, that attracts artists, opters-out and the like, giving it a vaguely bohemian feel. Apart from some 900 homes, the village consists

of a couple of restaurants, shops selling “collectibles” and a brewery. The last thing Stanford needs is a golf estate, but to ensure that it gets one, the Overstrand council is likely to employ their tried and tested formula, which goes something like this:

Persuade sceptical residents that a development is desirable by threatening *swart gevaar* – if we don't put a golf development/shopping mall/some other tasteless piece of crap (tick as applicable) on this land, the darkies will move in. Then claim to local black and coloured communities, and *dof* government officials, that it will create jobs etc for the previously disadvantaged.

The man behind the scheme is Dave Abbot, whose farm Middelberg lies just outside Stanford, and which he wants to transform into a golf estate, including 549 houses and a commercial centre. But Abbot's plan hit some obstacles – the provincial guidelines say horribly inconvenient stuff, like “urban related developments outside of the urban edge should be assessed as a special case”; and “the establishment of

gated villages and golf resorts causes this category to be of special concern”. Developments should also allow “unrestricted public access to the newly established urban area as opposed to access controlled gated villages”. Oops!

However, for reasons of its own, the Overstrand municipal council appears keen to help Abbot overcome these “challenges”. Would this have to do with Abbot's intention (according to a source until recently very close to the farmer) to sell the farm as soon as the golf estate is approved?

With developments beyond the “urban edge” being closely scrutinised, the council had to get creative. So why not simply widen the village boundary to incorporate the farm? This would entail a five-fold increase in the urban edge, but who will notice?

The intelligentsia of Stanford for



one: the Overstrand Conservation Foundation sent a six-page letter to the Overstrand senior town planner in February, objecting on various grounds – town-planning, community needs and inadequate local infrastructure. The council dealt with the letter in the best possible way – it simply ignored it (seven months later, in September, municipal manager Zybrands told *noseweek* it was “being considered”).

Other opposed bodies include the Stanford Conservation Trust, Stanford Ratepayers’ Association and the Hermanus Lagoon Property Owners’ Association, which says the town should rather focus on tourism, as it offers unique flora and fauna (already shrinking because of climate change). They also dispute that the development has significant job creation, as the planned holiday homes will stand vacant for much of the year.

*O fok*, they’ve seen through that one – what now? Hey, why don’t we create a separate urban node for Middelberg farm, with its own urban edge drawn around the property?

Unfortunately the natives saw through that one too, with local attorney Allan Berry pulling no punches in his letter to the council: “We perceive a determined attempt to steamroller this resolution over the people of Stanford, and we will not allow the required consultation to be performed in a perfunctory and abridged manner to appease those whose investment and profit motives might yet again be allowed to outweigh our interests.

“Your unseemly haste to have the council resolve in favour of the extension of Stanford’s urban edge [...] amounts to a patent breach of the letter and spirit of the Promotion of Administrative Justice Act.”

It particularly infuriates locals that service delivery is already poor – many roads are in bad condition, and raw sewage sometimes pours into the Klein River. Stanford certainly doesn’t need more pressure on its infrastructure.

It remains to be seen if the matter ends up in court. Last heard, Zybrands was planning a public meeting, to be presided over by retired Judge Marius de Klerk (of Delmas Four fame), for residents to have their say. The latter aren’t comforted, and they’re hoping that new Western Cape Premier Lynne Brown, herself from the equally quirky Overstrand village of Napier, will put a stop to the whole thing. ▣

## Out with the old – in with the new barbarians

**T**HE GOOD PEOPLE of the Overstrand might be less sceptical about golf developments if the first one, the flagship Fernkloof Golf Estate, hadn’t been so controversial.

This was the first major Overstrand development involving Rabcav: the consortium transformed a quiet municipal golf course into a 27-hole estate with 300 new homes. Here swart gevaar tactics were used to great effect – develop the surrounding land or you’ll soon be encircled by squatters.

To placate sceptical golfers Rabcav’s Leslie Viljoen got the club chairman, one Hannes Kleynhans, to persuade them that the development wouldn’t cost them a cent (false – membership fees have since then risen dramatically).

Rabcav as “facilitator” undertook no risk, which all fell to the municipality as the developer. Yet Rabcav seems to have made most of the money, being entitled to 7% commission on the R260m raised in plot sales (R18.2m if our maths is right), plus 16% commission on the difference between the so-called “raw land value” (R18m) and the sale price – 16% of some R242m, which comes to R38.72m. Rabcav also got a handling fee (6% of cost) on all development work (amount unknown).

The municipality, as the developer, paid all costs – the water pipeline (apparently R42m), the development of the golf course, (apparently R27m), the roads, defending court proceedings by a disgruntled resident (maybe R2m). This is all guesswork because audited figures are as yet unavailable.

Initial predictions were that the municipality would earn some R53m, but no one knows if it did and, if so, where the money has gone.

And the *manne* are clearly pissed off with questions. Local councillor Francois Marais, a man whose shrill style suggests he’s very much in touch with his chihuahua side, had this to say to a constituent who asked awkward questions, including whether the DA leadership knew what was going on: “Your minders are putting you up to all kinds of nonsense. I have given you ALL the information on the golf

course development you are going to get until the audited figures are available towards the end of the year. As it happens the Overstrand is the pride of the DA in the Western Cape and it is no fluke that Helen – an extremely busy lady – is coming to address no less than four meetings here next month. So please choose your words very carefully when you try to sound authoritative.”

Municipal manager Zybrands recently told *noseweek* that “The Fernkloof golf development financials should, barring any unforeseen circumstances, be ready by the end of the year”.

And while everyone waits with bated breath, the council is jumping right back into bed with Rabcav, this time in the establishment of a retirement home in Voëlklip – where, once again, Rabcav is the “facilitator”.

While it’s easy these days to talk of a “new barbarism” taking hold in this country – people with no interest in matters intellectual, aesthetic or constitutional – let’s not forget the old barbarians. Small in number and influence, these are the bitter men who have fled the *Vrystaat* and the *ou Transvaal* in a desperate reversal of the Great Trek, and in little pockets of the country are now manoeuvring to call the shots and enrich themselves at the expense of both the environment and community development.

Racist to the core, these barbarians would love nothing more than to create little white homelands at the foot of Africa, where, if the natural barriers of mountain and sea can’t keep out the hordes, gated estates will have to do. Without any political home they join the DA, and the DA, desperate for support, accepts them.

In their hearts they know that their head-in-the-mud attempts to create an *Orania op See* are doomed, and the game is over. Eventually they’ll join their children in Australia and New Zealand, but until then they’ll screw this country for every cent they can.

The good news is that these people will soon be dead or gone. The bad news is that they’ll simply be replaced by the new barbarians. ▣

**W**HEN DOES THE AWARDING of contracts by public officers to their kin begin to look suspicious? No-one's likely to complain where the normal tender process is carried through and the kin are accepted by independent adjudicators as the most qualified bidders – but sometimes it's a little more complicated, as revealed by goings-on at the Insurance Seta (Inseta).

*Nose108* previously raised the alarm over the way that CEO Mike Abel appears to have engineered his own appointment, with the help of senior manager in charge of quality assurance and learnership Shirley Steenekamp.

Now questions are being raised about how Inseta awards its contracts. As the official body charged with overseeing skills training in the insurance sector, Inseta contracts out educational materials development. It's a potentially lucrative source of income to education bodies. So when a company which employs the sons of two high-ranking staff of Inseta starts getting regular attention at the expense of many other bidders for contracts, questions get asked.

Gregory Abel and Piers Steenekamp are both in the education business, though neither appear to have any experience with skills training in the insurance field. Furthermore, a cloud of confusion hangs over the status of the business entities with which Abel jnr and Steenekamp jnr are associated.

In 2005 Gregory Abel (35) was awarded a R325,000 contract to develop training manuals for pension fund training. Abel jnr, with no experience in the field, then sub-contracted the PSG Academy to do the work. Thereafter numerous contracts under R500,000 went his way – the half million mark was crucial, since it allowed Inseta management to award contracts without passing them through their financial committee.

In July 2007, Inseta called for bids to provide prior learning assessment tools, to finalise curricula leading to qualifications, to develop learning material for unit standards and provide logistical support for the writing of national assessments. The R1.5m contract was awarded, via Advtech, to an entity called Imfundo,

# All in the family

## Kith and kin are raking in profitable tenders at the Insurance Seta



Above: Shirley Steenekamp and Mike Abel; left: Leon Liedeman

which lists Piers Steenekamp as its operational director (he is also Advtech's director for operations and learnerships). Advtech/Imfundo then sub-contracted the work to Jakobus Serfontein of PSG Konsult Academy and a Brian Pritchard. Ironically, PSG Konsult had applied for the same contract, but Inseta had deemed their application unsuitable.

In May 2007 the National Skills Fund critical skills training tender went to Corporate College International (CCI) – an entity linked to both Gregory Abel and Piers Steenekamp.

This in itself raises suspicions of impropriety – which is further indicated by the fact that CCI is not a le-

gally registered entity.

When *noseweek* called the phone number listed on the CCI website, it was answered at Advtech Ltd, a JSE-listed company.

Tania Folley, an executive of Advtech, says CCI is an Advtech "trading division", and as such doesn't have to be formally registered. But according to regulations this would make CCI simply a department within Advtech, which implies that Advtech itself should be the registered contractor with Inseta.

Advtech legal officer Sandy May tells *noseweek* that CCI is a trading name for Advtech – again there is no acknowledgement of this anywhere in the submission of tender or in the contract signed between Inseta and CCI. Tania Folley says that Inseta has awarded numerous contracts to CCI, and to Imfundo, which has the same status as CCI. "Had there been any problem, the bid adjudicators may have picked it up. So everything was above board," she says.

During the adjudication for the first contract awarded to CCI, in April 2007, for training of learners in Wealth Management Qualification, CCI declared that one of their subsidiaries, FIN-IQ, was under the directorship of Gregory Abel. So FIN-IQ is yet another "trading department" of Advtech.

But Folley explained that FIN-IQ is not an Advtech division: "It is not related to us, we only sub-contract them to do some work for us."

It appears that Advtech's "subsidiaries" are winning bids, then subcontracting them directly to FIN-IQ and Imfundo – and both entities have Gregory Abel and Piers Steenekamp as directors.

When *noseweek* requested, via the Promotion of Access to Information Act, records of all contracts awarded to providers over the last three fi-

“What do you expect when evaluators are dudes in their twenties. It’s like sending a Grade 10 drop-out to assess a university curriculum”

Sector Skills Plan, and I can smell rot from miles away. Mike and Shirley have no experience and knowledge in the sector – that’s why they shamelessly award evaluation and teaching contracts to their friends and relatives similarly without knowledge in the sector.”

However, apparently anticipating public interest in the matter, Shirley Steenekamp had already drawn the battle lines. In an email to financial journalist Bruce Cameron, she accused a string of potential service providers of impropriety, among them Santam Academy, Absa Brokers, Avbob, Liberty, PSG Konsult, Damelin School of Banking Insurance, Leon Liedeman & Associates and Masi-funde Training Centre. Cameron then published a front page article in *Personal Finance*, giving Steenekamp’s side of the story.

Her email to Cameron says: “The Inseta, through ETQA division which I manage, has uncovered the cheating, plagiarism, non-compliant and sleazy way the providers are assessing learners, and allowed themselves to be bribed by the companies. We have called a halt to the unscrupulous activities, with the resultant personal attacks.”

Oddly, the email was sent on 14 October 2008, two days before the PAIA-requested Inseta records were dispatched to *noseweek*. Steenekamp ends her diatribe against other contract bidders thus: “The facts are that these statements about Imfundo, my son, Mike’s son etc, have no substance, are incorrect, and constitute a good case of *crimen injuria*.” Clearly, she was responding to questions raised about the awarding of contracts to companies associated with her son.

Says Leon Liedeman, who was not aware that his company was mentioned in Steenekamp’s accusations: “There is no doubt that there could be cheating. But what do you expect when assessors and evaluators sent out by Inseta to institutions are dudes in their twenties whose first jobs are at Inseta? It’s like sending a grade ten drop-out to assess a university curriculum.”

Avbob’s Mr Du Plessis writes to *noseweek*: “We have demanded proof of her claims, but neither Inseta nor Steenekamp is willing to provide it.”

Mike Abel and Shirley Steenekamp both declined to speak to *noseweek*. ■

nancial years, it emerged that crucial records are missing, or need time to be retrieved, or would not be released as they involved third parties.

Asked how she could sit on a committee adjudicating bids from her son’s company, Shirley Steenekamp tells *noseweek*: “My son graduated top of his class at the University of Pretoria and is employed by a JSE listed company [Advtech]. The bid by this company was transparently adjudicated and the Inseta council was satisfied with it.”

She added that Pricewaterhouse-Coopers had supervised the adjudication and found no irregularities. But it turns out that the audit firm itself was appointed under dubious circumstances – Mike Abel ruled out an open bid, instead contracting auditing services directly to Pricewaterhouse-Coopers.

Various education bodies that have been bidding (unsuccessfully) for Inseta contracts have now petitioned the Inseta council. One of them, Leon Liedeman, tells *noseweek*: “I’ve been an educator for seventeen years and another eleven in the insurance sector; I developed several training manuals for Inseta, including the

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## MTN drags its feet in fight against crime

**C**ONSTANTIA VALLEY *noseweek* reader Pam Gorre is a very angry MTN subscriber – the mobile network provider may have lessened chances that police will find the men who broke into her home on 31 October and beat and robbed her family, taking with them her cellphone.

Gorre's anger is in response to MTN's refusal to disclose the numbers called from her cellphone over the weekend following the robbery.

"The numbers called by the thugs would have assisted the cops in identifying the burglars and their associates, but MTN told us to wait for a month till we receive our next itemised bill," she explains. "The moment detectives at Kirstenhof police station heard it was MTN, they advised us to try and retrieve the records as the account owner. They told us that MTN has a very bad response time to police requests."

When she contacted MTN again, to explain once more why her request was urgent, she hit the same wall. "They said if it were that urgent, we have to get a court order that would be processed by the head office." And how long would that take? It would depend, she was told.

*Noseweek* called a few police crime divisions in the Western Cape and got the same picture: MTN, with or without a court order, complies at their own pace. Some stations have requests that have been pending for at least six months.

Trying to contact MTN after losing a phone comes at no small cost – the listed numbers are cellphone numbers and unless one has another MTN line, it could cost a small fortune. As Pam could only call them on her land line, it cost her plenty.

Contacted for comment, Bridget Bhengu of MTN's communication and public relations department did her best to educate *noseweek*: "There is a business rule that states that we do not issue unbilled statement information before an invoice is billed, due to the fact that if there are any billing errors during that particular

## Sins of commission

**T**HEY WAIT AT EVERY CORNER to hound you into submission; they intrude on your every moment; their voices are on all your phones. They are... the unapologetic commissions-driven salespersons who always have something new to sell.

And if you're not careful you can end up buying something without even knowing it, as Shadrack Ntoyanto discovered – three years after the event – when he found he had been paying for a NetCare911 policy that he insists he never signed for with Premium Growth Group (PGG).

When *noseweek* looked into the matter it transpired that in February 2006 a PGG salesperson had allegedly sold Ntoyanto a R69.99-a-month policy that would provide "emergency assistance", R5000 in death benefits and a R50,000 hospital plan.

When Ntoyanto, through his employer Mark Shearer, initially requested a copy of the contract and debit-order authorisation, PGG declined, claiming that these were confidential. Only when *noseweek* contacted PGG did a copy of the alleged contract appear.

Allegedly filled in and signed by Ntoyanto, the contract carries several strange anomalies: Ntoyanto's first name is misspelt (Shedrack instead of Shadrack); the residential address is not his; and the three people listed as his dependents/children are unknown to him, as is the name of the person entered as his wife. Furthermore, the signatures on the policy and the debit order are not his – which didn't stop the bank from allowing money to be siphoned from Ntoyanto's account.

bill cycle these are amended when the bill is QA'd before it is finalised."

Uh.. what was that?

Fortunately, an MTN employee at the Tokai MTN outlet, on hearing Pam's predicament, disregarded the head office "rule" and extracted the log. This showed that between the Friday night of the break-in and midday of the following Monday, the criminals had made 405 calls.

In September, unable to explain how this had been allowed, the bank hurriedly cancelled the debit order. In early October PGG reimbursed R2189.71 to the same account from which they had drawn that amount over the past three years – they're not paying interest.

This left the question of who would pay bank charges of R191 on the PGG transactions, which included charges incurred on an occasion when there had been insufficient funds to pay the debit order. Absa isn't interested in taking responsibility for these charges, and PGG don't seem to be either.

In case you're wondering why Mr Ntoyanto never noticed the debit transactions on his monthly statement – this is a so called "Flexi" account, one of those "special" accounts that banks advertise to low-income clients, and which do not supply monthly statements.

The statements of account supplied on request to *noseweek* also showed that Mr Ntoyanto was paying Absa around R107 per month in ATM charges – so much for a bank that advertises itself as going out of their way to provide economical services to low earners.

■ Among endless sales calls to *noseweek* recently was one from a charming lady asking to speak to "Mrs Noseweek".

Ah! And what might you want with the dear woman? she was asked – and the friendly agent explained that she was marketing an insurance policy for housewives.

In that case you'll have to talk to Mrs Noseweek's broker, she was told. "OK – can you give me her broker's number?" We could not. ■

As *noseweek* went to press Kirstenhof detectives were in the process of questioning the owners of the called numbers. They hope to identify those responsible for causing mayhem in Constantia Valley and the Tokai/Swaanswyk areas.

■ MTN's "business rule" is purely their own – Vodacom, Cell-C and Virgin promptly provide call logs to their subscribers. ■

## The Law's delays

**T**HE WHEELS OF JUSTICE are at last turning for 55-year-old Iman Dharsey, who suffered multiple injuries in a bus accident in October 2002. Iman's cries have gone unheard for six years, but the Cape Town High Court has finally set her matter for hearing on 12 May 2009. What cat might Glenrand MIB now pull out of their magic bag?

Iman, whose health has further deteriorated since her story appeared in *nose103*, so that she can now barely walk, is scheduled to be examined by Glenrand's orthopaedic surgeon, Dr Jason Sagor of Christian Barnard Hospital, in February next year.

On the morning of 7 October 2002 Iman boarded a Sibanye bus (operated by Golden Arrow) for her usual journey to work in Cape Town. Shortly thereafter the bus stopped unexpectedly and Iman was thrown about violently.

The first matter was against the Road Accident Fund, which



awarded her R25,000 plus cost. Of this award, her then attorneys, Balsillies Inc (now Balsillies Strauss Daly), took nearly everything, leaving her with a mere R6000.

The attorneys abandoned her soon after and she had to retain new ones, Michalowsky Geldenhuys & Humphries, who have been patiently waiting for the court dates to argue her matter.

The count-down has begun and *noseweek* shall be there. ▣

## Wheels within motorbike wheels

**S**OME BIG CORPORATIONS have found it easy to defame *noseweek*. First, it was Investec who defamed us in a confidential letter to its clients (*nose103*). Now it's Etana Insurance (formerly Hollard Commercial & General). In a similarly confidential email being circulated within various brokerages, Etana's Charl Swarts and Risk Benefit Solutions' Michael Dorrington have joined hands to dispute *noseweek's* exposé of their failure to settle a dispute involving damages to a month-old Street Triple 675 motorbike.

The motorbike had been crashed at the V&A Waterfront underground parking by an employee of Washworks after being taken there for cleaning. At the time, it was alleged that the cover sold to Washworks wouldn't cover the damages caused to the bike while in their custody. Mutual & Federal, the insurers of the bike, undertook to repair it and later successfully claimed from Etana.

The dispute is now over the cost of car hire that owner Dan Fox incurred during the time he was without his bike. He is claiming a mere R10,000, which Etana has officially repudiated. In a September email to Alasdair Farquharson of Hout Bay Insurance Brokers, Dorrington, while calling *noseweek's* revelations "bogus" wrote: "Etana (nee Hollard) have now settled with Mutual & Federal in terms of the Knock-for-Knock agreement. If Mr. Fox would like to run another story in *noseweek*, that will be at his peril."

Two days later, Swart dispatched another email to Farquharson where he wrote: "We did not pay claim owing to *noseweek's* involvement. We weren't, and won't be intimidated by *noseweek*, by you or anybody else, but will do what is morally and legally correct – and where genuine mistakes are made, they are corrected. Being intimidated by indirect and implied threats from anyone is not the way we conduct business."

*Noseweek* sought clarification from Etana Insurance's People & Brand manager, Carel Nolte, who scheduled a meeting for December to discuss all that pertains to this matter.

Meanwhile Dan Fox awaits reimbursement of the car hire cost. ▣



## Get your facts straight

Max du Preez dips into some of this summer's best non-fiction reads

**Playing the Enemy – Nelson Mandela and the Game that Made a Nation**  
John Carlin (Atlantic)

South Africa is blessed to have John Carlin. Well at least his heart, because he lives and works in Spain. But he worked here as the *Independent's* correspondent during the crucial years of 1989 to 1995, and can't get South Africa out of his system. He keeps coming back and he keeps on writing about this country.

And write he can. Not only write, though. He is a genius at noticing an event, an incident, sometimes a person, that tells something about the bigger story. He's an astute political analyst, but his writing is always dominated by the stories of people.

*Playing the Enemy*, the story of South Africa's dramatic victory in the 1995 Rugby World Cup, is such an obvious book (and an obvious film, in the process of being shot: directed by Clint Eastwood and starring Morgan Freeman and Matt Damon).

Many books, some very good, have been written on South Africa's transition to democracy. Carlin saw the gap: "But what was missing, to my mind, was a book about the human factor, about the miraculousness of the miracle," he says.

*Playing the Enemy* is unapologetically hero-worshipping of Nelson Mandela and his extraordinary role in selling a

non-racial democracy to white South Africans. Carlin asked Mandela for his blessing before he started writing the book, and interviewed him at length. The book covers the period 1985 to 1995 and includes rare insights into Mandela's thinking and events around his release.

But Carlin also interviewed a whole range of other actors in the transition and in the World Cup; people like national intelligence boss Niel Barnard, rugby boss Louis Luyt, Springboks Francois Pienaar, Hennie le Roux and Joel Stransky, conservative political figures such as Constand Viljoen and Eddie von Maltitz, and once very angry ANC activist Justice Bekebeke.

It is a magical, highly readable book and a strong antidote to the pessimism and political negativism of recent times.

**Shane Warne's Century – My Top 100 Test Cricketers**

Shane Warne (Mainstream Publishing)

Few modern cricketers were resented by South African cricket fans as much as Shane Warne. But well before he stopped playing test cricket, most serious cricket lovers knew that he was a rare talent who had almost single-handedly redesigned the modern game. Many wouldn't hesitate to put him at the top of a list of the best cricketers of the last twenty years.

It's a fun game played by all sports fanatics: compiling and comparing lists of the best golfers/rugby players/boxers/soccer players of all times, or of the last decade or so. But when a list of top 100 cricketers is compiled by the man whom even his enemies would include in the Top 10, then you have a carnival.

Warne's Top 10 cricketers who influenced his career: Sachin Tendulkar, Brian Lara, Curtly Ambrose, Allan Border, Glenn McGrath, Wasim Akram, Muttiah Muralitharan, Ricky Ponting, Mark Waugh and Ian Healy. The first South African is Jacques Kallis at 17. Shaun Pollock comes in at 28, Allan Donald at 36, Graeme Smith at 44, Brian Macmillan at 52, Hansie Cronjé at 66, Jonty Rhodes at 68, Mark Boucher at 79 and Gary Kirsten at 87.

I was surprised that Warne rated players like Andy Flower (25), Bruce Reid (37) and Stuart MacGill

## PLAYING THE ENEMY

NELSON MANDELA AND THE GAME THAT MADE A NATION

John Carlin





Cartoon reprinted from Zapiro's new collection, *Pirates of Polokwane* (Jacana)

M&G 19.6.08 ZAPIRO

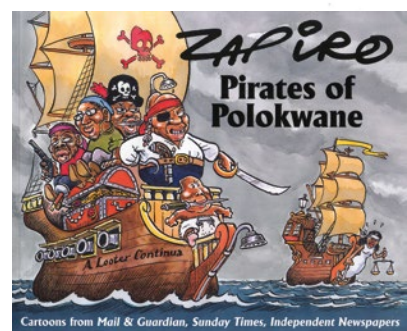
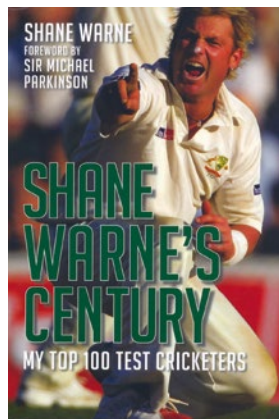
(42) higher than Graeme Smith – and that Tim May (57), Mike Atherton (62) and Daniel Vettori (63) came in before Hansie Cronjé. I would also have put Inzamam-ul-Haq much higher than 90 and Sourav Ganguly higher than 96. And perhaps Kevin Pietersen will deserve a slot at number 33 in five years' time. I would have put him somewhat lower down in such august company. And I would have included Lance Klusener in the top 100 of Warne's time.

Isn't it fun? Warne says of Hansie: "As a batsman, I would say he played me better than any other South African. In fact, he was one of the best

cover drivers against me from any country." He agrees with "most South Africans" that Hansie was "a victim rather than a crook".

And no, Warne has no nasty comments about his old nemesis, Graeme Smith – the two made up when they played for the Rajasthan Royals during the Indian Premier League. "At test level, I reckon Smith could now be on the verge of something pretty special. South Africa have the makings of a side that can really start to challenge Australia, with a mix of experience and promise in the batting and real penetration in their pace bowlers."

*Shane Warne's Century* is the kind of book you take with you when you visit your mates for a braai.



**Hot Flat and Crowded: Why the World needs a Green Revolution – and How We can Renew our Global Future**  
Thomas L. Friedman. (Allan Lane)

Thomas Friedman is no fringe figure, no fashionable revolutionary, no conspiracy theorist. He has won the Pulitzer Prize three times and is the foreign affairs columnist of the *New York Times*. If you're a cynical capitalist or a macho conservative, it is essential to know this before you

start reading the book. Because Friedman says some radical things in this book; things that would make most Americans very uneasy.

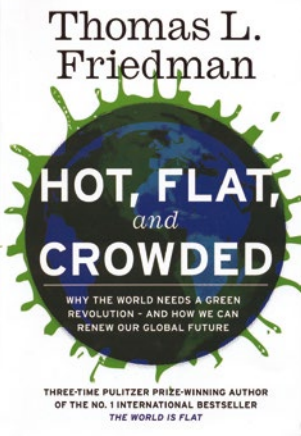
He focuses on five problems (and proposes radical solutions to all of them): the growing demand for ever scarcer energy and natural re-

sources; a massive transfer of wealth to oil-rich countries and their “petrodictators”; disruptive climate change; energy poverty dividing the world into “electricity haves and have-nots”; and rapidly accelerating biodiversity loss.

The book was written before it became clear that the world was heading for a recession and before the Obama revolution. Still, Friedman saw it all coming. He sees the subprime mortgage disaster as a metaphor for what the US had become: “We’ve become a subprime nation that thinks it can just borrow its way to prosperity,” he says.

The Cold War had one upside: it kept the US focused and disciplined. After that there was no competition and US society was gradually eroded.

Friedman argues for the biggest innovation project in human history that will save the planet and unleash our untapped intelligence and creativity as humans.



sources; a massive transfer of wealth to oil-rich countries and their “petrodictators”; disruptive climate change; energy poverty dividing the world into “electricity haves and have-nots”; and rapidly accelerating biodiversity loss.

united force commanding more than two thirds of the vote, but now that it could be challenged at the polls in a very real way, that commitment will be sorely tested.

Shubin, a Russian intellectual, historian and senior man at the African Institute in Moscow, knows the ANC like very few others: he was a senior Soviet official intimately involved with Moscow’s support for and influencing of the ANC.

This book was first published by Mayibuye Books in 1999 but was

soon out of print, and has just been republished by Jacana with a bit of an update.

Shubin is clearly still at heart a loyal supporter of the ANC, but his inside stories and anecdotes and the wealth of information given here about the ANC and the Communist Party make this crucial reading for anyone who wants to understand what is going to happen in the next six months to a year.

### Zuma – A biography

Jeremy Gordin. (Jonathan Ball)

Jacob Zuma’s Zulu name is Gedley-ihlekisa. It comes from the phrase *Ngeke ngithule umuntu engigedla engihlekisa*, which means: I can’t keep quiet when someone pretends to love me with a deceitful smile. Enough said.

Jeremy Gordin is one of the few senior journalists still writing rather than sitting behind a desk. During the last two or three years his pieces in the *Sunday Independent* became essential reading for anyone following the movements and fortunes of the man who is set to become our new president next year. No wonder the new bright star in local publishing, Jeremy Boraine, asked Gordin to do the first Zuma biography.

Gordin says he likes Zuma “a great deal”. It shows, but that doesn’t mean he is a sycophant in any sense. Gordin’s reluctance to join in the fashionable chorus of Zuma baiters helped him to get better access to the man himself and to the advisers around him.

Gordin’s biography of Zuma is, thankfully, only 300 pages long. I say “only”, because the recent trend in

South African political biography is to write books the size of bricks – who has time to read them? I read the Zuma biography in a weekend, not least because it’s so well written.

The bulk of the book is about the last five dramatic years in Zuma’s life, although there is enough information on his childhood, the years in exile and his role in the 1990/94 negotiations. The inside stories of his firing by Thabo Mbeki, his rape trial, the Shaik trial and the drama at Polokwane are all there.

The last chapter is especially fascinating in giving Gordin’s own views and analysis of the man.

(Pippa Green’s biography of Trevor Manuel,

*Choice, not Fate*, will also be on the shelves before Christmas, but we could not get hold of a copy before going to press.)

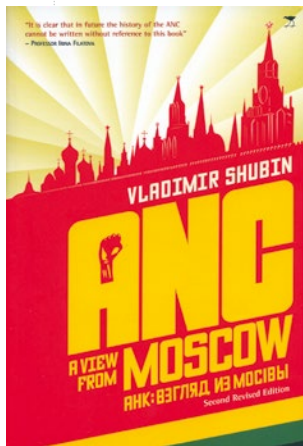
### Business Stripped Bare – Adventures of a Global Entrepreneur

Richard Branson (Virgin Books)

“In business, as in life, all that matters is that you do something positive.” The Virgin boss’s new book is certainly a testimony that he believes what he says.

The legendary Branson’s latest book is part inside story of how he built the mega-brand Virgin (eight billion-dollar companies) and part advice on how to be successful, have fun and make a difference at the same time.

Notwithstanding serious over-exposure, Branson remains a fascinating, larger-than-life character, and his book is interesting and insightful, despite bordering in places on being almost evangelical. **W**

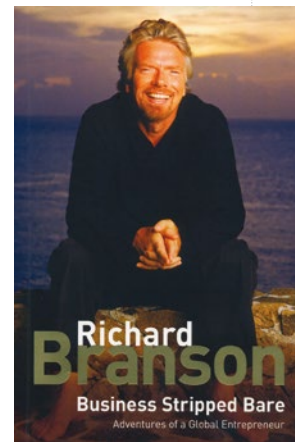


### The ANC – A View from Moscow

Vladimir Shubin (Jacana)

If we ever needed to really understand the ANC, its history and its political culture, it is right now while it is being threatened. It is perhaps a cliché, but nevertheless

very true and relevant: it was easy for the ANC to be the champions of a liberal democracy when they were a







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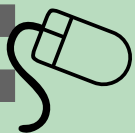
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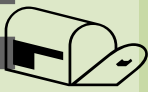
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Issue 110



The green hills of Wakkerstroom

# Coal discomfort

## The government has given the go ahead for prospecting around Wakkerstroom – one of SA's most sensitive biodiversity hotspots

**E**VEN IF YOU'VE NEVER HEARD of Wakkerstroom, it will take less than a minute on Google to discover that it's a highly sensitive biodiversity hotspot, internationally-renowned birding destination and the headwaters of four major river systems. So just about the worst place for a coal mine, you would think.

And yet the Department of Minerals and Energy has handed a coal mining company prospecting rights over 20,000 hectares of the district's pristine grasslands and wetlands.

This on the basis of some very dodgy paperwork and without the knowledge or approval of any of the interested and affected parties, including the farmers whose properties the mining company intended invading with drill rigs and lorries.

Those intentions have so far come to naught. Firstly, because, when the Delta Mining Consolidated's rigs and lorries rocked up unannounced, the

farmers barricaded their roads. And secondly because the farmers and local community have been joined by a triumvirate of the country's most influential environmental organisations in two high court applications to have the prospecting rights revoked.

WWF-SA, the Botanical Society and Birdlife SA are mobilising their members for what is expected to be the most concerted challenge yet to the supremacy of mining over natural systems.

But it is also a challenge to the *bona fides* of the DME.

The objectors argue that the entire process by which the department granted Delta prospecting rights was "fatally flawed". And that's putting it politely.

One glance at the environmental management plans (EMPs) which accompanied Delta's successful application and it's clear the mining company was either ignorant of Wakkerstroom's

ecological status (perhaps they don't know about Google) or deliberately concealed it.

To start with, one EMP claims there are no nature reserves in the prospecting area. Actually there are two: Pongola Bush and Paardeplaats. It is strictly illegal to prospect or mine in nature reserves.

On the question of wildlife, the mining company's considered answer is: "No rare or endangered species were observed".

This is an extraordinary conclusion to reach about a designated important bird area. Even if they'd missed the globally threatened wattled cranes, Rudd's larks and Botha's larks, or the hundreds of other rare birds and animals for which the area is famous, you'd think they would at least have noticed the flocks of binocular-draped tourists and clip-board-carrying environmentalists.

Other features of the landscape that escaped their attention were the many wetlands and the large tracts of indigenous forest. Neither were they impressed with the area's species-rich grasslands vegetation.

Delta reported that "no endangered or rare (plant) species were observed and due to the grazing pressure ... it is not likely to provide the habitat for such species".

If they'd asked any of the botanists working in the area, they would have been told that grasslands need to be grazed, and that cattle and sheep do the job as well as wildebeest and antelope. The natural vegetation has been nurtured by local farming families for up to five generations and is regarded as "undisturbed". It is home to over 100 endemic plants, seven of which are on the World Conservation Union red list.

But no one was asked.

No one was even told.

The names and addresses of the affected property owners are not even listed on the EMPs. One document says this information is "not established". The other claims the farmers were contacted by letter and refers the reader to Annexure A. But the farmers deny this – and the document doesn't include any Annexure A.

The only other interested and affected parties mentioned are the departments of Water and Forestry (DWAF) and Environmental Affairs and Tourism (DEAT). Their responses, according to one EMP, are still awaited. But DWAF told us it has "not yet received"



any such application. DEAT promised to get back to *noseweek*.

Oddly, none of the mining company's claims rang alarm bells with the regional manager of the DME in Witbank, who merrily stamped every page of each application and told the mining company it could go ahead and drill 200 boreholes to a depth of up to 50m each, straight into the delicate Wakkerstroom aquifer.

This, says attorney and environmental scientist Angus Burns, was not only a breach of environmental law but also of the Constitution and of the Promotion of Administrative Justice Act.

Burns, whose day job is project manager of the Ekangala Grasslands Project, a joint WWF/BotSoc initiative, is putting together the case for the various objectors.

"The decision is outrageous," he says. "The application is riddled with substantial omissions and errors.

"There was no transparency, no consultation, and no attempt to establish the environmental, social or economic impact of prospecting on the area.

"We have a constitutional right to a clean and healthy environment. And we have the right to procedural fairness and openness and good governance. These rights have been ignored."

Burns says both the mining company and the department have been "extremely resistant" to providing all the documents relating to the application, including any evidence of public participation – in defiance of a court order.

"If we don't get the full record, or an acknowledgement that the record is incomplete, we will be forced to bring charges of contempt."

*Noseweek* couldn't get anything out of Minerals and Energy either.

We also made a number of attempts to speak to the CEO of DMC Coal, Peter Wiese, but he failed to return our calls.

The company recently gave notice that it was going to oppose the court application.

We're curious to know the grounds, especially considering the findings of an alternative investigation subsequently commissioned by the mining company.

The so-called "screening study" which Delta must have hoped would bolster its case (although it has no legal standing), appears to have done just the opposite.

In direct contradiction of the earlier

## One Environmental Management Plan claims there are no nature reserves in the prospecting area. Actually there are two

EMPs, consultants Marsh Environmental Services report that "it is evident that the entire study area is regarded as significant in terms of environmental sensitivities ... it is estimated that the entire area will be regarded as 'Irreplaceable Areas' or 'Highly Significant Areas'."

While the EMPs insisted that "no significant impacts have been

identified applicable to the prospecting operations", the Marsh report found that "Prospecting and mining activities will impact on site specific ecosystems. The potential alterations to base flow of perennial and non-perennial surface water courses could significantly affect the ecosystems dependent on these habitats".

To say nothing of the effects on farmers, the thriving local tourism industry and all the water users downstream (see box).

Burns and the other objectors point out there are plenty of other places to mine coal that are far less sensitive than Wakkerstroom.

"This is the last possible place that anyone should even think of mining," Burns says.

"After 20 years, the company will close the mine and take the profits. They will have destroyed the environment and the local economy, and the damage can never be undone." ▣

## Poisoning our wells

**S**OUTH AFRICA IS ONLY NOW beginning to feel the effects on its water supplies of 100 years of mining. Highly acidic effluent from the flooded shafts of long-defunct mines has begun seeping into the rivers and dams on which agriculture, industry and millions of lives depend.

The authorities are fighting a losing battle against so-called acid mine drainage, and the problem is getting steadily worse as more old mines begin decanting their toxic load. Government is promising massive investment in skills and technology to avert disaster, but, even then, it would take a decade before our water treatment systems were up to speed to deal with the ever-more-toxic waste stream.

The only reason we have been able to cope so far is because we have had enough clean water sources to dilute the effluent. But CSIR researcher Dr Anthony Turton has warned that the country's dilution capacity is at an end, meaning it is going to get progressively more difficult to purify polluted water.

Just two months ago, the director

general of DWAF, Pam Yako, warned of water shortages in Gauteng by 2013 unless new sources were found.

The old government faced a similar problem back in the eighties. Its solution was to pump water all the way to the Witwatersrand from the other side of the escarpment – from Wakkerstroom, in fact.

Now, when the need for fresh water is more urgent than ever, one government department seems determined to poison the few remaining clean wells.

It doesn't seem to have registered that the very power stations for which the DME is prepared to sacrifice Wakkerstroom's ancient ecological systems and unsullied aquifer need huge amounts of clean water as badly as they need coal.

And so do the industries they power.

Then there is the whole question of whether we should be digging more coal out of the ground when the need to cut greenhouse gas emissions is so urgent. After all, even the president-to-be of the United States is talking carbon taxes these days. ▣



## A bird in the hand

**M**ANY YEARS AGO, I was walking to my junior school when a cat crossed my path. I noticed that it had some kind of prey in its mouth, so I grabbed it, pried its jaws open, and pulled out a bird.

But this was no ordinary bird; it was one I had never seen before, with a yellow beak and iridescent blue feathers, and tail feathers three times the length of its body. As it lay in my hand with its eyes closed, I stood thinking what a terrible shame it was that such a beautiful creature had died. Then, suddenly, in the blink of an eye, the bird stirred and I watched in amazement and joy as it flew off. I wished I had a witness, someone to verify the moment, but there was no-one about.

I have no idea how long the bird's reprieve from the inevitable lasted. Perhaps its ordeal had rendered it incapable of continuing the struggle with nature, in which all creatures compete. But being a child – and subject to the optimism too often attributable only to the naiveté of youth – I entertained only the most optimistic of outcomes.

As I grow older, I find myself trying to recapture that youthful optimism... I find myself trying very, very hard.

When I immigrated to America from South Africa, I was amazed at the number of similarities between the two cultures. Even our histories of colonisation and conquest were practically identical. New York was originally New Amsterdam, named by Dutch colonists – before that conquest was usurped by the English. Sound familiar? Jan van Riebeeck founded the Cape Colony 27 years after Willem Verhulst established New Amsterdam. And I recall once hearing that the system of apartheid was based on the “separate but equal” charade established by the US Supreme Court.

There are many other similarities – but yes, it was the relationship between white and black that I found the most disturbingly familiar.

The United States officially ended its system of “separate but equal” in 1954. In 1991 South Africa followed suit, holding its last “whites only” referendum the

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following year. So the racist attitudes I encountered in the US were usually more subtle than those of post-apartheid South Africa. But they were still there. I have heard the word “nigger” more than once in America, but it is still less commonly heard than is the word “kaffir” in my native land. Until very recently I suspected that this was only because Americans have had more time to learn how to hide their prejudices.

Historically the United States has often been a world leader in social innovation and egalitarianism, but in recent decades it has seemed to march to a more nationalistic drum.

Soon after arriving here I watched the election of Dick Cheney to the office of vice president – and this was a man who had openly opposed Nelson Mandela's release from imprisonment. So when the Democrats nominated Barack Obama as their candidate, the outcome of the presidential election, was, I felt absolutely sure, a foregone conclusion. The Republicans would once again claim the presidency.

But here we are, six months on, and the US has its first black president, and stands on the verge of leading the world into an era of post-racial politics. It may just be the greatest contribution the US has yet made to a world still shackled by bigotry of all stripes.

It's my hope that some day South

Africa will follow suit, so that colour falls away as a factor in elections, to be superseded by the desire to elect those most capable of dealing with the realities of the day.

Perhaps this optimism is nothing more than a return to the naiveté of childhood.

But, right now, I'm trying hard to be that little girl who imagined a beautiful bird escaping a predator's jaws to live

ing happily ever after. ■



Illustration: Meg Jordi



# Sub-species

**ONE OF THE DAFTER MYSTIQUES** of malehood is that when a male child has grown about three-quarters the size of his father such father should take him to a special shop where they sell suitable grotesqueries and buy him a frontiersman's huge hat and bloody big beetlecrusher boots for stomping on snakes and thorns and things, also a deadly sheath knife for skinning the creatures he and father are going to roast on a thick stick, green so it won't catch alight over a big stink fire on the ground. Plus a length of thin foam plastic to chuck down on igneous rocks and ants' nests *et cetera* for manly sleeping, and a bag to kip in but no pillow. You put the boots under your head at night so later on when you've been employed twenty years in a sanitised office you can hold your own against all true men in the gym and quite truthfully say what a rugged male upbringing you had.

So my boy hits fourteen and he comes home from school one day where another *laaitie* is just back from canoeing in a North American First Nation type birch bark canoe 'mongst the hippos of St Lucia, that beast well known to every frontiersman as the #1 killer of human beings in all of Africa, and Joe now reckons it's time for him to get out into primæval Gondwanaland somewhere for such a bushwhacker's bar mitzvah, as it were. So we buy the boots and slosh them all over with hot beeswax and turpentine to make them waterproof for wading 'mongst the Vuzimanzi river rinkhales and bloodsucking leeches and he stomps off to school in them for a couple of weeks so they're nice and soft; meanwhile we pore over certain contour maps of the Drakensberg for a good tough haul to the top, how about up Gray's Pass to Champagne Castle, hey? Ten and a half thousand feet should tighten up his musculature and character. Gray's is a daunting experience, I describe my shock and awe at first seeing it; he lifts his chin and breathes deeply. I am ready, says he. But why do you have no records of it? No photographs, no sketches? True, true, say I, a lapse indeed, but let us not make such a mistake this time; so we're



Up there is  
a bird we  
have never  
seen. It circles  
about, ridge-  
soaring. It is a  
hadeda, say I

off to the CNA for small sketch-pads to fit the pouches of our safari clothing, plus good 6B soft pencils and a nice soft eraser, then at an outdoorsman's emporium where we buy the small strong tent we find also a pocket-size birdwatching book and one called *Flora of the Drakensberg*, all v. scientific, also a dinky little camera for recording the whole trip in every detail.

We load our expedition gear in the Beetle the evening before, with photoflash pics. The ladies of the family smile and wave farewell in a posed shot. The next day we depart when neither the sun nor the ladies are yet up and about. We plan to breakfast halfway to the contour path that runs below the krantzies, at a big flat rock called Arthur's Seat; we're off at about four and we're at the Berg at dawn. There's that old thrill again, the pulse quickens, the nostrils dilate! I note young Joe falling easily into the rhythm of yomping a heavy rucksack uphill. We have everything light, including the

food: powdered potato, sun-dried tomatoes, milk powder, Marmite in a plastic bag, that sort of thing. But our first breakfast is heavy, boerewors,

it's the departing treat before the combat rations. We make a nice braai at Arthur's Seat and put on the boeries and wander about with the flora book and the camera and follow certain baboons for a couple of first-class shots, but we get so engrossed we forget the breakfast and when we get back to it, dammit, man, the boeries is burnt! I mean black, twisted up, ashes. We settle for matzos with Marmite and laugh it off. Life is about more important things, we leave the boeries to the baboons.

We push on. Excelsior, ever onwards, ever upwards! At the contour path Joe says Hang on! and grips my sleeve. He points. Up there is a bird we have never seen. It circles about, ridge-soaring. It is a hadeda, say I. But hadedas don't soar, says he, they flap. We grab the bird-book. It is not there. I think we have here a sub-species, say I, a Mountain-Hadeda, it can only be a hadeda with a long curved beak like that! True true! he cries, perhaps we can get it named after us: *Ibis strachanensis*. Make a quick sketch while I get out the camera! say I, and why didn't we remember to bring binoculars too, the first instrument of every birdwatcher? The local game ranger comes by. He has his binocs, of course; we rush up to him and point. He puts the binocs to his eyes. It is a pied crow with a piece of boerewors in its beak, says he. ▣

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